

**MINUTES OF THE  
TREASURE COAST REGIONAL PLANNING COUNCIL  
APRIL 21, 2006**

Chairman Koons called the meeting to order at 9:40 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:	Councilmember Abell Councilmember Neglia
St. Lucie County:	Commissioner Coward Commissioner Craft Mayor Minsky
Martin County:	Commissioner Valliere Commissioner Smith Commissioner Bausch Councilmember Caspersen, Alternate
Palm Beach County:	Commissioner Koons Commissioner Marcus Councilmember Brinkman Mayor Golonka Commissioner Levinson, Alternate Commissioner Exline Mayor Jacobson, Alternate
Gubernatorial Appointees:	Susan Haynie Susan Hershey Kevin Foley Ramon Trias Eugene Gibbins Daniel Miteff Herman Baine
Council Staff:	Kathryn Boer Michael J. Busha Marcela Cambor Kim DeLaney Sandy Gippert Elizabeth Gulick Wynsum Hatton Stephanie Heidt Peter G. Merritt Gregory Vaday Joan Young

Council Attorney: Roger Saberson

The Executive Director announced a quorum was present.

### **AGENDA**

Commissioner Valliere moved approval of the Agenda. Commissioner Craft seconded the motion which carried unanimously. **Motion**

### **CONSENT AGENDA**

Councilmember Haynie moved for adoption of the Consent Agenda. Commissioner Levinson seconded the motion which carried unanimously. Items on the Consent Agenda were: 4A, Financial Report – February 28, 2006; 4B, Minutes – March 17, 2006; 4C, City of Greenacres Comprehensive Plan Amendment; and 4D, Intergovernmental Coordination and Review Log. **Motion**

### **ANNOUNCEMENTS**

Staff announced that Council closed on the new office building located at 421 Camden Avenue. It should take approximately one year to do the remodeling.

An announcement was handed out to Council regarding the workshops being conducted by the Department of Community Affairs to explain how local governments can move forward with implementing the new SB 360 requirements related to transportation proportionate fair share, concurrency, and financial feasibility requirements.

Chairman Koons acknowledged that Martin, Indian River, and St. Lucie Counties have joined together to look at Transportation Regional Incentive Program (TRIP) funds and plan regional transportation improvements. Miami-Dade, Broward and Palm Beach are already coordinating activities in Southeast Florida. He noted that Palm Beach and Martin County will be forming a partnership as well. He added that South Florida is allocating another \$500,000 a year for TOD strategic and tactical planning in addition to the funds the Metropolitan Planning Organization is providing the regional planning council to assist with the Regional Transportation Authority and Transit Oriented Development planning.

### **WESTERN GROVE ASSESSMENT REPORT**

Staff made a presentation describing the Draft Assessment Report for the Western Grove Development of Regional Impact. The draft report contains 77 recommended conditions of approval that address urban form issues, minimize project-related impacts, and improve the ability of the project to address regional issues. If the City of Port St. Lucie chooses to approve the Western Grove DRI, the report recommends that the conditions of approval be included in the development order issued by the City. Staff recommended that Council authorize transmittal of the assessment report and recommendations to the City of Port St. Lucie.

Commissioner Bausch asked if, on the revised layout, the density was maintained. Staff noted that the report provides a diagram, not an alternate plan. The diagram is designed to strengthen the structure of the community and provide more detail.

Councilmember Miteff noted that the staff report is questioning the amount of detail in the developer's plan. He expressed concern that more detail could require the developer to undergo many substantial deviation reviews in the future. Staff explained that it is very difficult in the DRI process for developers to actually provide the level of detail that is required, at least to evaluate some of the issues such as the impacts on regional resources and facilities in the way the SRPP suggests. The statute that governs the DRI process requires any changes to the master plan to go through a proposed change process which can take from 45 to 120 days. The report asks for additional detail and provides examples of additional plans that have gone further. Additionally, the report suggests the City ask for more detail such as a diagram of streets, blocks, parks and changes to the preserve to assist them through their final approval process.

Councilmember Miteff questioned if the road networks would allow for all of the planned development in the area. He noted his concern that capacity may not be there for the later developments. Commissioner Marcus pointed out that this is part of the western annexation area wherein a regional transportation study was conducted to address all of the proposed DRIs in the area.

Council's attorney stated that not all changes require review. He noted that Chapter 380 specifically sets forth certain changes that are not considered substantial deviations such as changing set backs, lot sizes, configurations to internal roads that do not effect external access points, and building design or orientation. Additionally, the statute provides a number of presumptions for other kinds of changes that are not substantial deviations. By requiring some level of detail, the developer is not put in the position that every change needs to go back through the process. Alternately, the plan cannot be so overly vague that it does not provide a level of detail sufficient for a change to be judged a substantial deviation or not.

Councilmember Neglia questioned the very low income level used in the report. Staff explained the number is calculated based on the threshold that the U.S. Department of Housing and Urban Development sets yearly. The 2006 area medium income for the Port St. Lucie metropolitan statistical area is \$54,600. Therefore, very low income would be defined as fifty percent of that number, or \$27,300. Councilmember Neglia asked if this was for a two-income family. Staff responded it is defined as a four person household.

Councilmember Trias suggested that some of the detail may be provided through land development regulations as was done in the Towns, Villages and the Countryside in the northern part of the County.

Commissioner Levinson inquired if the St. Lucie County school district had been consulted on the need for another K-8 school. Staff explained that the condition in the report was requested by the school district.

Commissioner Levinson recommended putting the affordable housing units into a community land trust. He also offered to share the City of Delray Beach's experiences and knowledge in

dealing with this issue. Chairman Koons suggested that there needs to be a template created to administer and maintain the policies, procedures, and implementation of the affordable units. Staff noted that the City and developer need to work together on a program, the outline of which is laid out in the conditions. Mayor Minsky added that every community is unique, therefore the affordable housing needs to be tailored to the individual community.

Councilmember Hershey inquired as to the level of discussion and resolution between the school district and the developer. She expressed concern at not seeing a dedicated school site in the plan. Staff explained there is a commitment to dedicate a site. The residential area in the plan includes civic and school sites.

The Developer, Mr. Pete Hegener, President of Core Communities, Inc. and Wes McCurry, Vice President of Planning, gave a brief presentation to Council. The presentation illustrated how the proposed DRI will be an extension of the Tradition development and address similar issues such as community facilities, affordable housing, transportation, and fiscal impacts.

Commissioner Valliere commented on the idea that Martin County initiate user fees for the boat ramps and beach access. She indicated that Martin County has looked into this and there are legal concerns because they cannot differentiate between charging Martin County and St. Lucie County residents for these user fees and Martin County taxpayers have already paid this fee through their taxes. Mr. McCurry responded that he could not answer the legal consideration that may impact Martin County, but as far as legal considerations that impact the DRI process, the DRI statutes state that the City cannot impose obligations on a DRI it does not impose on other developments in the City. Council's attorney noted that this statement is correct, but the statutory section then goes on to indicate that local government should not approve a DRI that does not make adequate provision for public facilities. It states that local government cannot impose a fee on a DRI that is not imposed on non-DRI developers, but then states further there cannot be approval of the development order unless the impacts on public facilities are resolved either by the local government making a commitment to do so or by the developer agreeing to do so. Mayor Minsky asked if the statute differentiates when the impacts are local impacts based on the county where the regional impact is being considered or impacts that spill over to somewhere else. Council's attorney stated that the DRI process is to primarily look at whether the development will have an unfavorable impact on state or regional resources identified in the plan. He noted that there is no question that beaches are regional resources, therefore, it is a legitimate issue to raise in the DRI review. If the City's hands are tied in terms of levying an impact fee, then the alternatives are to not approve the project or, if the developer wants to go forward, they must make a commitment. Mayor Minsky stated that there is nothing in the statute that mandates the existence of boat ramps and nothing in the Strategic Regional Policy Plan that addresses boat ramps. Council's attorney replied that there is nothing in the statutes that mandates the existence of wetlands, parks or other regional resources, but the process is to assess the impacts on those if they exist. He added that a regional impact is defined in the statute to include impacts that go beyond the boundaries of a single county.

Councilmember Hershey commended Mr. Hegener on being outstanding in his school responsibilities in the past. However, she expressed her concern to have more of assurance that Western Grove will provide the school facilities needed. Mr. Hegener stated that the school sites have already been pre-planned and worked out with the school district. He further said that they will be working with the City and School district on ensuring that school concurrency is

met. Chairman Koons stated that school concurrency is a financially feasible program. It should state the number of units being proposed, the ratio of students, the cost and how much the developer is responsible to pay. Mr. Hegener assured the Council that he is willing to work in partnership with the City and School District to address school concurrency needs.

Marty Sanders, Growth Management Director of the St. Lucie County School District, confirmed that the school district has been working with Core Communities on the needs and locations of schools in all of their developments in western Port St. Lucie. He noted that, in general, there is agreement on the locations and number of schools in Tradition, Western, and Southern Groves. He added that the district is also working with the other developers of the DRIs south of Tradition and Western Grove to look comprehensively at all of the school siting necessary. Because the high school will be at another location, the K-8 school was requested for Western Grove. He noted that last year the legislature approved Senate Bill (SB) 360 that requires local governments and the school district to adopt concurrency development standards for schools. It is not the responsibility of the local government or the school district alone, they must work together. He stated that the school district has been in discussions with the cities and the county to ensure the April 2008 deadlines for school concurrency are met. He noted that SB360 now defines schools as part of the public facilities.

Councilmember Brinkman noted that monitoring of the housing affordability needs to be taken into account.

Councilmember Miteff asked if the roadway improvements that are identified in the traffic study are going to be addressed and funded by the developers, or the City and/or County. Mr. McCurry stated that what was committed to as a result of annexation agreements with the City of Port St. Lucie is that all the roads west of I-95, as well as interchanges along I-95 and Becker Road, and a future proposed interchange between Becker Road and Gatlin Boulevard, will be built solely by the developers.

Jack Kelly, Councilman from the City of Port St. Lucie, noted his support of the school concurrency and affordable housing conditions of the draft assessment report. He expressed his concerns with respect to the recreation element conditions contained within the report.

Clyde Dulin with the Martin County Growth Management Department stated that Martin County staff has no objections to any of the comments, and the way they are formulated regarding beaches, boat ramps and roads, contained within the report. He expressed Martin County's support of Port St. Lucie and their efforts to work with the developers in extracting a fair compensation for the impacts by developers on the regional resources that serve all of the citizens in Port St. Lucie, Martin, and St. Lucie County.

Cheryl Friend, Planning and Zoning Director of the City of Port St. Lucie, thanked Council staff for working with the City on this report. She noted the biggest issues that still need to be addressed in a formal review by the City are housing and traffic. She noted that City staff has a serious disagreement with respect to the beach and boat ramps provisions within the report. She also noted that the only available sites for schools is in the western portion of the City.

Bob Bailey stated that he has been a resident of Port St. Lucie for 14 years. He noted that he does not expect a developer or his neighbors to pay for him to use boat ramps or beaches.

Chairman Koons inquired if there is an interlocal agreement on the road network or a regional road network in place. Larry Hymowitz from Florida Department of Transportation confirmed that a TRIP funding agreement is in place.

Commissioner Marcus moved for adoption of the staff report. Commissioner Valliere seconded the motion. Chairman Koons noted that the issue was still under discussion.

**Motion**

Councilmember Baine stated that as a regional planning council, we should be encouraging the cities and counties to think and operate regionally.

Mayor Golonka noted that she agrees with the staff recommendation, but would like some clarifications. She expressed the need to locate additional collector roads adding both external and internal connections. She stated that if more roads are initially identified, it will be easier to put those in as the development progresses. Also, defining institutional and civic uses will prevent future problems. She also asked for more specific language defining the affordable housing units.

Commissioner Smith expressed the need to regionally recognize and discuss commuting habits. He stated that there needs to be an understanding that as fuel costs rise, we are going to have to move around the state in a much different fashion. As people move north and south, east and west, how are we going to affordably move people up and down the corridor? Staff stated that the diagram provided will ensure that whatever program the developer chooses that the network of streets and blocks are laid out so it is accessible and can easily be redeveloped and converted for transit. Chairman Koons noted that the next thing coming out of DOT is what they call green growth corridors.

Commissioner Smith stated that the County spent \$3 million two years ago on a piece of water front property because that is all there was to acquire without a house or a building in Martin County for a boat ramp. He noted his wish to continue an agreeable relationship with Port St. Lucie and St. Lucie County and to continue to work together to address regional impacts.

Mayor Minsky noted his concern that the only way for Port St. Lucie to become a viable community that is able to compete with surrounding areas is to develop the western corridors. He noted that the City is comprised of 70,000 acres and this DRI will be very insignificant as it is only 1,056 acres. He stated that he is not questioning whether or not the rest of the report should go forward, but expressed disagreement with the recreation element. He stated he wished to have it removed and discussed locally, giving the City a chance to respond to the report. Commissioner Marcus stated that Council should be looking at this on a regional basis to determine the impacts.

Chairman Koons stated that Palm Beach County has spent a lot of time the last couple of years on waterfront issues. They put the issue to the voters who overwhelmingly passed a bond issue that would preserve and enhance waterfront. He suggested that this could all be analyzed on a regional basis, and provided an agency, the Florida Inland Navigation District (FIND), which could possibly assist with this.

Councilmember Foley agreed that this needs to be approached regionally, and not be isolated to this particular report. He asked Mayor Minsky if he could suggest an alternative or possible variation to the motion that would be acceptable to the City. Mayor Minsky stated that he believes the element should be removed. He also stated that he would prefer the fees collected be used within his County.

Commissioner Smith stated that Martin County would be agreeable to working with St. Lucie County and the City of Port St. Lucie to implement any plan they may have for resolving this issue. He added that he would support talking to FIND about having a comprehensive regional study done. He noted that the study should address jobs, parks, environmental issues, and transportation.

Commissioner Valliere concurred with Commissioner Smith. She stated that a regional study is needed, but urged Council to leave the recreation element in the motion at this time. She stated that if the level of service is lowered for the current facilities all of the users, from Martin and St. Lucie County, will be unhappy.

Commissioner Craft indicated that this DRI, and the others proposed, would not be an insignificant impact to the area. He also noted that the City is not responsible for the fees, the developer is. If the developer is creating impacts on our community, he should be responsible for addressing those impacts either through finance, up front contributions, or going in and doing the improvements.

Michelle Berger, Councilwoman from the City of Port St. Lucie, noted that a boat ramp study had been conducted in the City of Port St. Lucie. She asked the Council to remove the recreation portion to allow the City to move forward with creating these boat ramps with the county and their neighbors.

Commissioner Levinson offered that, as an amendment to the motion, Conditions 72 and 73 could be removed and Condition 74 reworded to state that an implementation methodology for mitigating the impacts be put into an interlocal agreement between the City and the Counties. Commissioner Marcus responded that Condition 74 could be revised, but if there cannot be an agreement, then Conditions 72 and 73 will apply.

Commissioner Coward noted that the discussion has not been whether there is an impact, but whether or not it is fair to pay another County for those impacts. He stated that he believed the Conditions should be amended to state that if there is an opportunity to build boat ramp facilities in Port St. Lucie or in St. Lucie County, then that should be the first choice. If that is not achievable, then the funds would go to Martin County.

Commissioner Marcus stated that she would include in the motion that the language should state the funds will go to the City of Port St. Lucie first, then St. Lucie County, then Martin County. Commissioner Marcus added that she did not want to take out the ability to generate the money.

Commissioner Levinson noted that it may be more convenient and less expensive to add capacity to Martin County than to build in St. Lucie County. He stated that he thought this

should be worked out through a joint effort between the City and the Counties by an interlocal agreement.

Commissioner Bausch noted that he wished for the conditions to stay in the report as it has been determined there will be an impact making a big difference to the quality of life of the people in Martin County.

Commissioner Smith stated that the recommendations should include the hierarchy of where the funds are distributed, as directed by a regional study or interlocal agreement, that would define the most suitable locations for expanded access.

Commissioner Marcus amended her motion to state that the staff should revise Conditions 72 73 and 74 to state the monies will still be generated with the priority being the City of Port St Lucie, then St. Lucie County then Martin County. Commissioner Valliere seconded the amended motion.

**Amended  
Motion**

Councilmember Hershey questioned if there were any revisions to be made to the school component. Commissioner Marcus indicated it was acceptable as is.

Mayor Golonka asked that the motion include amending the conditions to include a reference to diversity in the number of bedrooms in the housing element. Chairman Koons noted that was too specific. He stated that templates would be drafted going forward to give developers guidelines.

Commissioner Marcus made a motion to call the question. Chairman Smith seconded the motion, which carried unanimously.

**Motion**

Commissioner Marcus moved approval of the amended motion. Commissioner Valliere seconded the amended motion, which carried unanimously.

**Motion**

There were additional comments by several board members with respect to school sites, affordable housing, and the boat ramp and beach access issues.

### **EMPLOYER ASSISTED HOUSING INITIATIVE**

Staff made a presentation with respect to a statewide Employer Assisted Housing Program and Trust Fund. The Florida Regional Councils Association is seeking support from the Governor and Legislature for this program. Several regional councils have held workshops or symposiums for the purpose of identifying potential solutions to workforce and affordable housing shortages.

Commissioner Marcus moved approval of staff recommendations. Chairman Koons seconded the motion, which carried unanimously.

**Motion**

## **COUNCIL MEMBER INFORMATION EXCHANGE**

Chairman Koons thanked Kim Delaney from Council staff for her hard work on the West Palm Beach TOD. He also noted that Palm Beach County is ready to hire the regional planning council to do an urban infill corridor transportation study.

Staff noted that there was a short course on Transportation sponsored by the Florida Chapter of the Congress for the New Urbanism, the City of Port St. Lucie and Core Communities on Thursday, April 20th. The course featured nationally recognized speakers and was very well attended. It was noted that the Florida Chapter of the Congress for New Urbanism can provide this service to any community addressing topics that are related to development.

It was also noted that the National Congress for New Urbanism will be having its annual event on June 1<sup>st</sup> through the 4<sup>th</sup> in Providence, Rhode Island. This year's session will address implementation and development. Please contact Council staff for more details.

### **PUBLIC COMMENT**

None.

### **STAFF COMMENT**

None.

### **CHAIRMAN'S COMMENT**

Chairman Koons noted that Jose Sosa, the Executive Director of the Westgate CRA, was killed Thursday evening in an automobile accident. The CRA had just announced a new plan to the development community on Wednesday. The Chairman noted that he will be approaching Treasure Coast Regional Planning Council to do a continuing services contract to implement the plan.

The Chairman also made comments regarding Widening of Florida's Turnpike Mainline.

### **ADJOURNMENT**

There being no further business, Chairman Koons adjourned the meeting at 12:40 p.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 April 21, 2006, meeting of the Treasure Coast Regional Planning Council.

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Date

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Signature