

**MINUTES OF THE
TREASURE COAST REGIONAL PLANNING COUNCIL
APRIL 20, 2007**

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

The following members and alternates were present:

Indian River County:	Commissioner O'Bryan Councilmember Abell Councilmember Neglia
St. Lucie County:	Mayor Christensen
Martin County:	Commissioner Smith Commissioner Bausch
Palm Beach County:	Commissioner Marcus Commissioner Koons Commissioner Greene Commissioner Santamaria, Alternate Councilmember Brinkman Mayor Ferreri Mayor Golonka Mayor Jacobson Councilmember Pinto, Alternate Councilor Gottlieb, Alternate
Gubernatorial Appointees:	Herman Baine Donna Brosemer Laurence Davenport Kevin Foley Richard Hurley Reece Parrish
Ex-Officios:	Mary Murphy, FDEP
Council Staff:	Kathryn Boer Marlene Brunot Michael Busha Marcela Cambor Zachary Davis Kim Delaney Anthea Gianniotis Sandy Gippert Elizabeth Gulick Trayce Jones Peter G. Merritt Gregory Vaday

Council Attorney: Roger Saberson

The Executive Director announced a quorum was present.

AGENDA AND CONSENT AGENDA

Staff requested Items 11A, Western Grove Development Order; 11B, Density/Council's DRI Review Authority - Presentation; and 11C, Callery-Judge Grove Discussion of Council's Recommendation at the March 17, 2006 meeting, be moved up in the agenda and addressed after item 6A. The Chairman requested that the Chairman's Comments be addressed after Agenda Item 4, Consent Agenda. Commissioner Smith moved approval of the Agenda and the Consent Agenda with the reordering requests of staff and the Chairman. Mayor Ferreri seconded the motion, which carried unanimously.

Motion

Councilmember Brinkman recused herself from voting on 4E, Palm Beach County Comprehensive Plan Amendments. Commissioner Smith amended his original motion to include removing Agenda Item 4E, Palm Beach County Comprehensive Plan Amendments DCA Ref#07-EDP1 from the Consent Agenda so that the item could be voted on separately. Commissioner Marcus seconded the motion, which carried unanimously.

Motion

Items on the Consent Agenda were: 4A, Financial Report – February 28, 2007; 4B, Minutes – March 16, 2007; 4C, Golf Comprehensive Plan Amendments, DCA Ref# 07-1ER; 4D, Jupiter Comprehensive Plan Amendments, DCA Ref# 07-1; 4F, Royal Palm Beach Comprehensive Plan Amendments, DCA Ref# 07-2; and 4G Intergovernmental Coordination and Review Log.

PALM BEACH COUNTY COMPREHENSIVE PLAN AMENDMENTS

Commissioner Smith moved approval of Consent Agenda Item 4E, Palm Beach County Comprehensive Plan Amendments. Commissioner Marcus seconded the motion, which carried unanimously.

Motion

CHAIRMAN'S COMMENT

Chairman Christensen presented a gift of appreciation to the Executive Director for 25 years of dedicated and loyal service.

ANNOUNCEMENTS

Council staff announced the formation of a \$28 million regional loan program designed to accommodate the unique financing needs of new and expanding businesses in the Treasure Coast Region. The partnership is called the Research Coast Business Financial Consortium.

Candace Walker, Vice President of the St. Lucie County Economic Development Council, noted the consortium will allow risk to be shared throughout the whole membership of the consortium and, in terms of economic development, will provide another tool to be used for recruiting business to the area.

Scott Shulman, Vice President of Newtek Small Business Finance, Inc., provided the names of the lending institutions that will be a part of the consortium. He noted that the lending institutions will take a regional approach by offering unique financial assistance to businesses seeking to locate, relocate, and expand in the region. This will help create high wage paying jobs while maintaining the quality of life in the region.

The Executive Director congratulated staff and the financial institutions on this regional approach that will promote small businesses development.

Commissioner Koons announced that the Florida Department of Transportation approached the Palm Beach County Metropolitan Planning Organization to consider express buses from the Treasure Coast into Palm Beach County. He noted that there are about 12 vans that run van pool programs out of the northern counties into Palm Beach County and the program is very successful. He indicated that he would initiate a letter from the Metropolitan Planning Organization asking Council to coordinate in terms of what can be done to set up the preliminary system for a regional transportation network that would include an express bus system. He suggested that this be discussed at a future Council meeting. Chairman Christensen indicated it would be a good idea for the St. Lucie/Martin Metropolitan Planning Organization to discuss this at their next meeting. Commissioner Koons requested to be involved in this meeting.

Council staff announced that there is a conflict with the June 15 Council meeting date and asked that the meeting be rescheduled to June 22 due to other regional meetings. An email will be sent to all Council members confirming this change.

With the recent revenue stream to Council with respect to emergency preparedness contracts, it became necessary to add an additional staff member to provide services related to homeland security, hurricane preparedness, and emergency management. Council staff introduced Zachary Davis, who was hired as an Emergency Preparedness Planner and is a graduate of University of North Texas Denton, which is the only university with an emergency preparedness specialty.

Council staff announced a week-long charrette for the area north of Taylor Creek and downtown Fort Pierce. The work-in-progress presentation is scheduled for April 20th at 6:00 p.m. at the Dockside hotel in Fort Pierce. This charrette was requested by the City of Fort Pierce, the Town of St. Lucie Village, and St. Lucie County.

A workshop was announced for April 27, 2007, 6:00 p.m. at the Stuart City Hall to discuss hurricane replacement housing. There will be discussion of different housing and building types that will be successful in restoring neighborhoods and providing housing that was lost to the City as a result of hurricanes.

Staff announced that the Congress for New Urbanism conference will be held May 17-20, 2007 in Philadelphia, Pennsylvania. The St. Lucie County Towns, Villages, and Countryside Land Development Regulations will receive a national award, given annually by CNU, called the Driehaus Form Based Code Award. Commissioners Joe Smith and Chris Craft will attend the conference to accept the award. An invitation was extended to all Council Members to attend and learn more about new urbanism and traditional forms of development.

**BUDGET/PERSONNEL COMMITTEE
PROPOSED BUDGET AMENDMENT FOR FISCAL YEAR 2006-2007**

Commissioner O'Bryan announced that the Budget/Personnel Committee met on April 9th to discuss the proposed amendments to the budget for Fiscal Year 2006-2007. He noted that Council picked up an additional \$850,000 in revenue and explained where the revenue would be allocated. It was noted that the committee unanimously approved the proposed budget amendments. Commissioner O'Bryan motioned to approve the proposed budget amendments for Fiscal Year 2006-2007. Commissioner Marcus seconded the motion, which carried unanimously.

Motion

Commissioner Koons noted a recent conference call in which the Florida Association of Counties discussed the revenue caps and roll backs that will be effecting local governments. He requested that staff analyze how the dues structure to Council could be amended to provide some relief. He suggested that the cities could possibly help the counties pay Council dues.

WESTERN GROVE DEVELOPMENT ORDER

Staff made a presentation regarding the Development Order for the Western Grove Development of Regional Impact which was reviewed by Council at its April 2006 meeting. Council's assessment report included a comprehensive evaluation of regional issues and 77 recommended conditions of approval.

It was noted that the Development Order adopted by the City of Port St. Lucie did not adequately address all the regional concerns raised in Council's assessment report in the areas of transportation, housing, hurricane preparedness, and parks and recreation, specifically with respect to the public beach and boat ramp access. The staff report also included several comments about other aspects of the resolution and Development Order, including sections related to the Findings of Fact, Master Development Plan, Town Planning, Transportation, Storm Water Management, and Education. It was concluded that all of Council's concerns related to these regional issues could be adequately addressed by the City by amending the Development Order. Council is recommending that the Department of Community Affairs not appeal the Development Order for the Western Grove DRI if the City agrees to amend the Development Order to address the issues identified by Council. Staff recommended that Council adopt the report and recommendations on the Western Grove Development of Regional Impact Development Order and transmit the report to the Florida Department of Community Affairs.

Commissioner O'Bryan moved approval of staff recommendation. Commissioner Marcus seconded the motion, which carried with one dissenting vote.

Motion

DENSITY/COUNCIL'S DRI REVIEW AUTHORITY – PRESENTATION

Staff made a presentation that addressed four basic questions asked by Council at the March meeting: 1) Are regional planning councils legally allowed to recommend specific densities for DRIs? 2) Should regional planning councils be questioning local land use plans and designations, and can it make recommendations on density and planning contrary to them? 3)

Should regional planning councils take the lead on providing continuing education for local governments on density and planning with the intention of helping them plan better for the future? and, 4) In the end, does home rule prevail? Staff's presentation indicated that all of these questions should be answered in the affirmative. Additionally, staff presented a PowerPoint on Myths, Facts and Council's Review Authority with respect to Density. The presentation included a definition and illustrations of form-based codes.

Mayor Ferreri asked if there was a standard criteria that cities, counties and the Council should be using through this process as an education tool. Staff explained that there are six prerequisites. First, site location and context need to be examined. Then, issues such as interconnectivity of streets, public open space needs, proper building and parking placement, building height and mass, diversity and design need to be addressed. Mayor Ferreri stated he believes currently development is done backwards. That is by defining the density first, then trying to fit in all that is required.

Commissioner Marcus asked how many local governments have a form-based development approval in our region. Staff replied that West Palm Beach has been using it very effectively and St. Lucie County just recently adopted theirs and are in the process of reviewing development by their LDRs, which are form-based. Staff also noted that Delray Beach, although not completely, has the closest to form-based development codes. Commissioner Marcus asked for a recent example of a successful form-based project. Although staff noted that there are no TND projects in the region that follow a form-based code, Abacoa does have components of a form-based code. Staff also noted that there are courses for purchase on form-based codes that are available to local governments.

Commissioner Marcus stated that even form-based development turns into a density issue. She noted that it is not just an educational process for the local governments, but that there needs to be buy in from the development and private communities as well. She stated that, when elected officials announce they have approved form-based development, the first question from the public will be at what density. She noted that she does agree that form should drive development, but it should be based on a certain density.

Council's attorney, Roger Saberson, stated that the question at the last meeting was does Council have the authority to regulate density. He stated that Council does not make a recommendation to the amount of density, but rather if the density has favorable or unfavorable impact upon the regional resources and facilities, whether they adversely impact adjacent local governments, and what effect they may have on affordable housing.

Commissioner Smith stated he believes it is the role of the Regional Planning Council to make whatever recommendations they approve by motion. He said that he believes if a motion is made on a comment or on a proposal, it is the purview of the body of the Regional Planning Council to make that motion however they want. It is then up to the Department of Community Affairs to determine if those recommendations are to be considered.

Mr. Saberson stated that he was only referring to the specific criteria set forth under 380 with respect to Council's capacity in the review process. He said that does not preclude Council from making other recommendations.

Mayor Golonka noted that she believes the main concern of citizens is that too much density will not be aesthetically pleasing. She stated that if the public is educated to form-based codes, there will be a more favorable reaction.

Councilmember Pinto asked staff how to address those individuals who state that they have approval from the Regional Planning Council and are going to move ahead with that approval. Staff stated that it is impossible to police statements made by the public. It becomes the job of the local government to let the individual know that the Regional Planning Council does not approve projects, but reviews projects in order to identify regional impacts and make recommendations to mitigate those impacts. It is then up to the local government to write a development order, and adopt ordinances approving or not approving a project.

Commissioner Smith stated that he believes the general attitude in Martin County is that development will never happen, so there is no need to plan for it. He said that he likes the idea of form-based codes, but Martin County cannot get there because of the lack of acceptance that development will occur.

Commissioner Bausch commented that Mayor Ferreri brought up an excellent point. Open space. This is all we have. We have used up so much of it. Is your form-based code a starting point, the buildings or the land?

Staff indicated planning for a town, city, county or neighborhood starts with a vision created through a public planning process like a charrette. Creating a clear picture of what a community would like for its open space is step one. Once your vision and goals are set for open space and everything else a community might want to address, a comprehensive policy plan is done to institutionalize the vision under state law. Then, form-based coding (i.e. land development regulations/zoning codes) is used to provide the detailed instructions for how to design development consistent with comprehensive plan policies that will deliver and accomplish the goals set forth in the local plan.

Commissioner Bausch commented that governments do impact the value of land so that this type of planning has some feasibility.

Staff stated local governments have been regulating sprawl since the 1960's. We have codes in place, we have land use designations in place that say we are going to sprawl. This form of development is very expensive to serve with infrastructure, unnecessarily disfigures the landscape, consumes excessive amount of open space and has a negative impact on land values. There is nothing in the law that says you can't regulate a different form, pattern and density of development and add to the value of the property. But, you should also add to the value to the community in return for accomplishing the goals and objectives agreed upon by the community.

Commissioner O'Bryan stated his dislike of using population projections when planning for development. He noted the term carrying capacity, which is typically related to animal populations. He stated that using this method in planning could help determine how many people could be supported within a certain area. By looking at what is needed in terms of water, transportation, and other resources, a certain number can be identified and then using form-based codes, land use, and GIS mapping, planning can be done regarding where to locate

the population. He stated that it could be a more regional approach rather than approving project by project.

Councilmember Davenport stated that he liked the idea of carrying capacity, but would like to see the affordability issue addressed. He noted that by looking at the demographics of those relocating here, it would give a better picture of what type of development in terms of affordability needs to occur.

Commissioner Santamaria expressed his concern that while a development may be an excellent stand alone project, there is not enough research done to determine the impacts it will have on the surrounding communities. He stated that he feels the residents in neighboring communities may be resentful because they do not feel that their quality of life is taken into consideration.

Councilmember Baine noted that if the development is not given enough density, it will not be financially feasible for the developer or the local government.

Commissioner Koons expressed that the discussion was very important as there is reason to believe that the next speaker of the house would like to give the regional planning councils more authority for development approval. He noted that Treasure Coast Regional Planning Council has the skills set to work with the local governments and provide assistance in doing the right kinds of development. He noted that financing the infrastructure for development is one of the biggest issues for local governments. He also noted that Palm Beach County had been doing a carrying capacity study, but it was cut due to budgetary restraints.

Commissioner Marcus stated that Council needs to be very clear in its recommended conditions that Council's approach is to look at a more form-based design that will result in a range of densities. This will help the developer understand Council is not making recommendations that are density driven, but rather form driven. She noted that she would support the region applying for some kind of state grant that would do some form of carrying capacity analysis rather than rely on trends when making future development decisions. Staff noted that carrying capacity for human settlement in an open system is a difficult and expensive proposition. Commissioner Marcus asked staff to look at what Palm Beach County had done with their carrying capacity study.

Staff noted that when DRIs are reviewed, there is a basic carrying capacity done in terms of concurrency and what the costs will be for the infrastructure needs created by the development.

Mayor Golonka stated that, in a way, concurrency is a failed attempt at getting at carrying capacity. Concurrency loses sight of what it is truly trying to do and the true idea of capacity. We have concurrency and now we have CRALLS, and everyone gets CRALLS. So instead, let's just take the broader idea of a carrying capacity and then work back from there. Why do we have to just say we have to accommodate this population?

Staff added that in a sense that is going back to what St. Lucie County did in the TVC area. They were tired of having their comprehensive plan as the base for development quantities and then go up from there, just responding to every project as they came in. They created a cap, or carrying capacity, and said for this 60 square mile area, we are going to have 37,500 units, 5 million square feet of commercial, that is it. And we are going to have it in these eight

different locations. There is a strategy for that, it is almost a first come first serve basis, and beyond that, they just cannot build.

Alexandria Larson expressed her concern that there will not be enough water, or water will be a very expensive commodity. She asked Council members to look into SAIC, which is a company that provides codes and zoning programs. She asked Council to send out a random survey asking how residents feel about form-based codes. She also asked that they be called fact-based.

David Farber, Village Manager for Royal Palm Beach, thanked Council for placing the item on the agenda. He thanked the executive director for his work over the past 25 years and noted his valuable assistance to the Village and South Florida. He noted the confusion over the next agenda item. He stated that local governments and the public think in terms of entitlements, and zoning and land use, and they lend great weight to what this Council does. He expressed his concern that the public opinion does need to be policed, and suggested that the regional planning council come to a League of Cities meeting to help educate the local officials about Council's legal responsibilities. He stated that it would be a worthwhile process to educate the elected officials on Council's role and perhaps take the opportunity to talk about issues such as form-based codes. Staff asked if there could be some consideration to giving the regional planning council time at a state-wide meeting so that the whole state can be educated on the regional planning councils' role. Mr. Farber agreed with this but asked if it could also be addressed at the local level. Staff indicated they would contact the Palm Beach County League of Cities to attempt to get on the agenda.

Mayor Ferreri stated that he is on the Florida League of Cities and felt that the annual conference would be an excellent venue to train and educate newly elected officials. He also agreed that there is a current local need.

Mayor Christensen noted that the new member orientation provided by the regional planning council was very helpful and should be pursued further with all newly elected officials.

Commissioner Smith noted that, unfortunately, many elected officials feel this type of presentation is mundane and will not be willing to attend. Staff suggested creating a syllabus of five-minute presentations that can be done at the monthly meetings. It was suggested that Council make a motion to have staff create a series of five minutes installments about the function and value of regional planning councils. Mayor Jacobson so moved. Councilmember Neglia seconded the motion, which carried unanimously.

Motion

CALLERY-JUDGE GROVE – DISCUSSION OF COUNCIL'S RECOMMENDATION AT THE MARCH 17, 2006

In order to facilitate the request of Council at the March 2007 meeting, staff offered the minutes from the March 17, 2006 Council meeting; the March 17, 2006 cover memorandum attached to the Callery Judge Grove DRI Assessment Report; an addendum to the assessment report that included additional correspondence which was subsequently incorporated into the assessment report; and the assessment report Council transmitted to Palm Beach County. Staff noted that the cover memorandum states in bold type, "It is recommended that Palm Beach County approve the Callery Judge Grove DRI subject to the general conditions of approval

contained within Council's DRI assessment report", and includes a staff recommendation which states "It is recommended that Council authorize the transmission of the attached report and recommendations to Palm Beach County". It was noted that at the March 17th, 2006 meeting Councilmember Hershey made a motion to approve and transmit the assessment report and addendum; the motion was seconded by Councilmember Foley; and, after considerable discussion, the motion carried by a vote of 17-5. Staff also presented a letter from Robert Diffenderfer on this issue.

Commissioner Marcus offered that it would be helpful to discuss what was actually approved and have clarification of the condition addressing Phase One and the transportation. Staff noted that when Council transmits a report, it is just that, a report with recommendations. The report does not contain only one condition, but has several conditions that are recommended by the regional planning council that should be considered by the local government if they are to approve the proposed project. Staff noted that in this report, Condition 36 recommended that prior to beginning Phases II and III of the overall project there needs to be an analysis done with respect to traffic, that includes the review agencies, that could possibly result in additional development order conditions. Commissioner Marcus stated that in the minutes there is a statement that Council is recommending approval of only Phase I. Staff noted that further in the minutes there is discussion that clarifies the motion of the board to recommend approval of the entire project subject to several conditions.

Councilmember Gottlieb asked if the board members were clear on the vote. Staff cited discussion within the minutes that clarified the vote and noted that the vote was not unanimous as not everyone felt this was the best approach to take for recommending approval of this project. Commissioner Marcus asked if after Phase I is approved will the developer have to come back to the regional planning council. Staff indicated that if Palm Beach County includes Condition 36 in the development order, then yes, the developer will have to return with a notice of proposed change or a substantial deviation which requires Council review.

Councilmember Gottlieb asked why the project could not be approved one phase at a time. Staff indicated that would be up to the local government. Staff noted seven places in the report that suggest the whole project is a good idea and gives reasons in support of that. Councilmember Gottlieb noted that traffic is already a problem and stated that as the population grows it will only get worse. Staff stated that is why the condition was put into the report. Staff thought the entire development should not be held up because there was ambiguity with the traffic. The conditions in the report call for a formal review of transportation issues once Phase I is complete.

Councilmember Pinto clarified that it was not the intention of the three objecting municipalities to ask Council to reconsider the original recommendations. He asked for confirmation that there is a recommendation in place that will give the local government the opportunity to address traffic before Phases II and III. Staff confirmed that the entire assessment report and recommendations, which includes the condition to reexamine traffic after Phase I, was approved and transmitted to Palm Beach County for their consideration. Commissioner Koons stated that with the phasing recommendation, it allows the local government to have more control than to have each phase brought through under separate DRIs.

Councilmember Foley stated that as the seconder of the motion, he understood the motion voted on at the March 17, 2006 meeting. He noted that Council approves projects as a whole and then transmits to the local government and the Department of Community Affairs a report with recommendations. He stated that he believes the developer knows what was approved and is aware that if it is proven that the infrastructure will not support phases subsequent to the first, they will not receive approval to continue to Phases II and III. He noted that the neighboring communities have had more than two years to analyze this project and have had ample opportunity to address their concerns.

Mayor Ferreri stated that this goes back to educating everyone on the DRI process. He noted that Council's transmission of its report is only the first part of the process. The project will still be reviewed by the Department of Community Affairs and the local government, if they choose to approve the project, will need to issue a development order. He further explained that Council will then have the chance to review the development order and make recommendations if the conditions in the first assessment report are not included in the development order. He stated that he voted in favor of staff's recommendation because he felt there were enough cautions and conditions that this could live through the life of this project.

Councilmember Brosemer expressed her appreciation for this discussion to clarify the action of the Council. She stated that it is a tribute to the credibility of Treasure Coast as an organization that so much weight is given to Council's recommendations. She noted that one of the reasons the Treasure Coast Regional Planning Council has that level of credibility is because it has stayed above the political fray and staff has done a professional job in addressing the issues.

Commissioner Smith commended staff for the excellent work put into the reviews and conditions of assessment report of developments of regional impact. He stated that the recommendations and conditions within this report were well-founded and that Council chose to approve those recommendations.

Chairman Christensen stated that there were several requests for Public Comments. Councilmember Hurley made a motion, in the interest of time and the requirements of a quorum for voting on items, for the public comment to be moved to the end of the agenda. Commissioner O'Bryan seconded the motion, which carried unanimously.

Motion

RESOLUTION REGARDING STATE AND LOCAL HOUSING TRUST FUNDS

Staff presented a resolution related to the Sadowski Act and particularly the state and local housing trust funds. In 2005, the legislature capped the amount of money that would be available to flow into the state and local housing trust funds at \$243 million dollars, which will take effect on July 7, 2007 unless it is overturned by the legislature. Council staff believes that local governments will in fact receive less than half the money they would normally receive if the funding caps are not repealed. Staff presented a resolution requesting the Florida Legislature support state and local housing programs by appropriating 100 percent of the monies available in the State and Local Housing Trust Funds and regarding the legislative cap.

Mayor Ferreri moved approval of staff recommendation. Commissioner Koons seconded the motion, which carried unanimously.

Motion

**RESOLUTION REGARDING THE EXPANSION OF THE
REGIONAL TRANSIT SYSTEM**

Council staff noted that the South Florida Regional Transportation Authority’s mission is to plan, build, and operate a seamless regional transportation system. The South Florida Regional Transportation Authority is seeking a dedicated funding source which will give them the ability to provide for the regional projects that this body, and other bodies collectively across the region, needs to enable transit, commuter, and other systems to take place. Staff presented a resolution requesting the Governor and Florida Legislature support creation of a dedicated funding source for the South Florida Regional Transportation Authority.

Commissioner O’Bryan moved approval of staff recommendation. Commissioner Koons **Motion** seconded the motion, which carried unanimously.

AFFORDABLE HOUSING LEGISLATION – SYNOPSIS OF HOUSE BILL 1375

The Executive Director requested this item be postponed to a future Council meeting. Commissioner O’Bryan moved approval to hear this item at a future Council meeting. Councilor Gottlieb seconded the motion, which carried unanimously. **Motion**

CITY OF FELLSMERE COMPREHENSIVE PLAN AMENDMENT

Staff made a presentation to Council with respect to the proposed comprehensive plan amendments to the City of Fellsmere Comprehensive Plan. Staff recommendation to Council was to find the proposed amendments to be Consistent with the Strategic Regional Policy Plan, with the exception of: 1) the proposed text amendments to the Future Land Use Element regarding the limitation of residential density to 3 dwelling units per acre; 2) the provisions of the LDMXN Future Land Use Map Category that are in conflict with the Strategic Regional Policy Plan; and 3) the assignment of the LDMXN designation to 392 acres of the Carson/Platt Fellsmere 392 FLUM amendment. Additionally, staff suggested that before adopting the proposed amendments to the Carson Platt/Fellsmere 392 property, the City should work with the County to prepare a joint plan for future growth and annexation in the area. Such a plan should address such matters as land use designation and compatibility, services, schools and the designation of conservation lands. It was noted that one approach would be to identify a joint planning area as authorized and encouraged in the Florida Statutes.

Commissioner O’Bryan stated that he did not oppose the overall density of 3 units per acre, as this would apply to the overall project. He stated that he believes the intention of the City with this designation was to address concerns of the overall community by trying to keep an overall lower density designation for future annexations. He noted that the County’s concerns are the overall reduction of the amount of industrial land and the land use capability issue with the neighboring gun range, which will be expanding, and the existing manufacturing on the eastern edge of the property with the proposed residential.

Councilmember Foley asked what type of weapons are used on the gun range. Commissioner O’Bryan responded that there are 30,000 registered users on the gun range as well as the sheriff’s department who utilize semi-automatic weapons. Councilmember Baine asked if

schools would be located near the gun range. Commissioner O'Bryan stated that the County has no plans to locate a school site near the range.

Councilmember Neglia asked staff if the recommendation for a future joint plan would be between the City of Fellsmere and the County or with the surrounding municipalities. Staff replied that with the amount of change in the area, it would be important to include all the municipalities that would be affected by changes in the region, but, certainly Indian River County and City of Fellsmere would be the starting point.

Bob Keating, Community Development Director for Indian River County, concurred with Commissioner O'Bryan's objections to the Carson/Platt Fellsmere 392 FLUM amendment. He summarized a letter that was provided to Council with their backup materials. With respect to this proposed amendment, he noted that the annexations are inappropriate and do not meet the contiguity requirement; the land uses are incompatible with the surrounding properties; there are conflicts with the County's commercial industrial node plan and inconsistent with the County's industrial location criteria; and is in conflict with the County's economic development policies. Additionally, he thanked staff for providing a copy of the letter from TMH Consulting, Inc. and stated that he did not agree with the content of the letter. He encouraged Council to approve staff's recommendations.

Rochelle Lawandales, of Lawandales Planning Affiliates, consultant to the City of Fellsmere, stated that the proposed text amendments do address staff's concerns. She stated the conservation areas will be incorporated into the overall design and development pattern to the extent practicable. She stated the City wants conservation areas to promote multipurpose use of open space and conservation. She stated there is a requirement for the use of conservation easements and there is a very detailed annexation agreement with the Carson Platt owners that would require them to submit a proposed conceptual plan which was provided to Commissioner O'Bryan before the meeting. She noted there is approximately one half mile distance from the gun range to the nearest house because of the designation of a preserve area under the conservation easement which will be dedicated to the City of Fellsmere. Additionally, the City is requesting the dedication of the Railroad right-of-way to provide connectivity to the north county regional park. She also stated there would be buffers along the east side of the property. She noted approximately 450 acres that have been set aside as a Regional Employment Activity Center. She concluded that the plan will be a mix of uses and that within the commercial and industrial complex there needs to be some housing to minimize the trips, but through quality design there will be compatibility with the surrounding properties.

Commissioner Koons questioned why the conservation area does not have a conservation land use embedded on it and is being proposed with the existing land use. Ms. Lawandales responded that is to primarily give it an overlay of land use recognized in the City's policies which mandate a conservation easement. She stated that at this point the jurisdictional boundaries are not set, so the City is allowing the applicant to go through the permitting process and then in concert with the St. John's River Water Management District, the City will require the conservation easement.

Commissioner Koons expressed the importance of commercial and industrial lands to provide a solid tax base. Ms. Lawandales stated that the City agrees with this and to make up for the

proposed loss of industrial the City has a 40 acre annexation pending that would be designated for industrial use.

Jason Nunemaker, Fellsmere City Manager, stated that there needs to be more discussion on density. He stated the reason for the proposed cap of three dwelling units per acre is to illustrate Fellsmere's efforts to address the economic status of the City. He noted the City has implemented a CRA and is willing to work with the County and neighboring municipalities on all issues.

Commissioner Bausch inquired what the City will be able to do for the land owner that the County was unable to do. Mr. Nunemaker responded that the City views itself as a facilitator. He noted the lands to the west are completely out of the urban service area so if they are to be incorporated into the economic development plan an expansion of the urban service area will need to occur. He stated the City is willing to work with the property owners on density so that there can be extractions for open space, industrial property, and economic incentives. Councilmember Brinkman asked if the annexation was complete. Mr. Nunemaker confirmed that the annexation was final.

Commissioner O'Bryan noted the property owner did approach the County prior to annexation requesting the residential designation, but was denied as the County wanted to retain the land as industrial.

Deborah Ecker, on behalf of John Higgs, Chairman of the Board of the Indian River Neighborhood Association, asked Council to disapprove the City's proposed amendments to the Carson/Platt Fellsmere 392 FLUM amendment. She stated her organization of 6,000 county residents was concerned with the City's impacts on the long range policies. She stated that the annexation of the site and its proposed land use change were in conflict with Florida Statute 171 and with Indian River County's 2020 Comp Plan.

David Knight, Knight McGuire and Associates and engineer for this project, stated the City is proposing this to primarily provide flexibility for future design and balance of the layout in the area. With respect to the gun range, he stated that the southern half of the property, away from the gun range is where the residential development will occur with a buffer of conservation to the north of the property. He said that the gun range has done a fantastic job in their site planning to provide for noise abatement and the gun shots can barely be heard on the proposed development site.

Commissioner O'Bryan asked Mr. Keating to address the existing industrial uses and the potential controversy with the proposed residential development. Mr. Keating stated that when Macho Products, a manufacturer of a type of plastic material, came to the area, there was a significant public outcry with respect to air quality issues. He stated the County is now concerned that there will be similar citizens' concerns with respect to the gun range and future industrial in the area. Councilmember Neglia asked if Macho Products was intending to move from the area. Mr. Keating replied there has been communication with Macho Products and they are planning to expand in the area. He stated the County had worked with the former owners of the Carson Platt Property and sent recommendations to St. John's River Water Management District and the U.S. Corp of Engineers supporting their proposed mitigation plan.

He noted the County did inform the former land owners that the County would not support a land use change to make the property residential which he believes prompted the annexation.

Councilmember Baine asked for clarification of a motion that Council could make. Mr. Saberson stated that the motion could be for Council to approve staff recommendation.

Commissioner Koons motioned to support staff recommendation. Commissioner O'Bryan seconded the motion, which carried with one dissenting vote.

Motion

**CALLERY-JUDGE GROVE – DISCUSSION OF COUNCIL'S RECOMMENDATION
AT THE MARCH 17, 2006 – PUBLIC COMMENT**

Nat Roberts, representing Callery Judge Grove, stated that he believes the motion and vote from the March, 2006 meeting was very clear. He noted that the entire assessment report is posted to Callery's website. He thanked Council for the discussion today to clarify Council's recommendations.

Bob Diffenderfer, from Lewis, Longman and Walker, representing Callery Judge Grove, thanked Council for the earlier discussion on density and form and expressed its importance to public officials. He stated that the DRI statutes have been around for 30 years and Council's actions were consistent with the DRI practice as it has existed for 30 years, in that Council reviewed a project and made recommendations. Council did not review just one piece of a project.

Sharon Waite, Palm Beach County resident, stated that she lives two miles from the project. She expressed her concerns that a majority of the current residents want to maintain a rural lifestyle. She stated that she felt it was unfair to accommodate individuals who have recently moved to the area and want a more urban community. She added that the developer did have a right to develop his land, but within reason, common sense and practicality and not more than the comprehensive plan allows.

Trela White requested to have the letter sent from Mayor David Lodwick that was sent to all Council members requesting the item on the agenda, as well as the verbatim minutes be entered into the record. She stated that there was much confusion with respect to Council's recommendation and thanked Council for putting the item on the agenda for discussion and some clarification.

Mr. Saberson noted that staff does not necessarily agree with the statements made by Ms. White. He also noted that there was no longer a quorum, so Council could take no further formal action.

Nancy Stroud stated she felt there might have been some confusion because what came out of the discussion and the recommendations by the regional planning council was very unusual in that traffic conditions for Callery Judge were only for Phase 1, and Phases 2 and 3 are left for another day. She explained that in her experience as a Councilmember for several years, that she had never seen that in another development order. This was very unusual and I think that explains why people thought they were approving only Phase 1. She expressed concern that if the County Commission goes ahead and approves this DRI they are vesting the DRI for all

phases and will have given entitlements to the DRI without the full mitigation, without the full impacts being reviewed. She further stated that she hoped the County Commission does the right thing and makes sure that all the impacts are being mitigated, but if they don't Council has an opportunity to recommend to the State that the development order be appealed.

Mr. Saberson noted that in terms of the idea of us recommending appeal, if the local government enters an order that is consistent with our report and recommendations there would be no basis for us to recommend an appeal.

Alex Larson stated her concern that this project was quickly pushed through the process and stated that board members told her they were "heavily lobbied". She stated that it has also come to light that there have been some "backdoor" issues with this particular project and suggested that everything should be carefully reviewed.

COUNCILMEMBER EXCHANGE

None.

PUBLIC COMMENT

None

STAFF COMMENT

None

ADJOURNMENT

There being no further business, Chairman Christensen adjourned the meeting at 1:45 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 20, 2007, meeting of the Treasure Coast Regional Planning Council.

Date

Signature

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS	
LAST NAME—FIRST NAME—MIDDLE NAME <i>Brinkman Joni Sue</i>	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE <i>TCRPC</i>
MAILING ADDRESS <i>201 Rex Ct</i>	THE BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: <input type="checkbox"/> CITY <input type="checkbox"/> COUNTY <input checked="" type="checkbox"/> OTHER LOCAL AGENCY
CITY <i>Palm Springs Fl</i> COUNTY <i>33461</i>	NAME OF POLITICAL SUBDIVISION:
DATE ON WHICH VOTE OCCURRED <i>4-20-07</i>	MY POSITION IS: <input type="checkbox"/> ELECTIVE <input checked="" type="checkbox"/> APPOINTIVE

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies equally to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes. The requirements of this law are mandatory; although the use of this particular form is not required by law, you are encouraged to use it in making the disclosure required by law.

Your responsibilities under the law when faced with a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing the reverse side and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

ELECTED OFFICERS:

A person holding elective county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which inures to his special private gain. Each local officer also is prohibited from knowingly voting on a measure which inures to the special gain of a principal (other than a government agency) by whom he is retained.

In either case, you should disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

APPOINTED OFFICERS:

A person holding appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which inures to his special private gain. Each local officer also is prohibited from knowingly voting on a measure which inures to the special gain of a principal (other than a government agency) by whom he is retained.

A person holding an appointive local office otherwise may participate in a matter in which he has a conflict of interest, but must disclose the nature of the conflict before making any attempt to influence the decision by oral or written communication, whether made by the officer or at his direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You should complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes.
- A copy of the form should be provided immediately to the other members of the agency.
- The form should be read publicly at the meeting prior to consideration of the matter in which you have a conflict of interest.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You should disclose orally the nature of your conflict in the measure before participating.
- You should complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, Joni Brinkman, hereby disclose that on 4-20, 2007, ~~19~~:

(a) A measure came or will come before my agency which (check one)

inured to my special private gain; or

inured to the special gain of Kilday & Assoc. Inc., by whom I am retained.

(b) The measure before my agency and the nature of my interest in the measure is as follows:

E. PBC DCA Ref. # 07-EDP1

The firm I'm employed with is acting as agent for the ~~PB~~ Health Care District of P.B.C. for their current zoning applications being considered by P.B.C.

4-20-07

Date Filed

Joni Brinkman
Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317 (1985), A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$5,000.