

**MINUTES OF THE
TREASURE COAST REGIONAL PLANNING COUNCIL
APRIL 18, 2008**

Chairman Hershey called the meeting to order at 9:30 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 Adams
 Vice Mayor Neglia (Alternate)

St. Lucie County: Commissioner Coward
 Commissioner Grande
 Mayor Christensen
 Commissioner Becht

Martin County: Commissioner Valliere
 Commissioner Smith
 Commissioner Caspersen
 Vice Mayor Christie (Alternate)

Palm Beach County: Commissioner Marcus
 Commissioner Koons
 Commissioner Kanjian (Alternate)
 Mayor Pro Tem Brinkman
 Mayor Ferreri
 Commissioner Brown (Alternate)
 Mayor Jacobson
 Councilor Gottlieb (Alternate)

Gubernatorial Appointees: Herman Baine
 Susan Caron
 Laurence Davenport
 Kevin Foley
 Susan Hershey
 Richard Hurley
 Ramon Trias

Ex-Officios: Karen Smith, SFWMD

Council Staff: Kathryn Boer
 Marlene Brunot
 Michael Busha
 Zach Davis
 Kim Delaney
 Sandy Gippert
 Liz Gulick

Wynsum Hatton
Stephanie Heidt
Terry Hess
Trayce Jones
Dana Little
Peter Merritt
Greg Vaday

Council Attorney: Roger Saberson

The Director announced a quorum was present.

AGENDA AND CONSENT AGENDA

Chairman Hershey indicated that staff was recommending an item be added to the Agenda. Item 5B is consideration of an Amendment to a Joint Participation Agreement with the Florida Department of Transportation for Professional Services Relating to Land Use, Concurrency, and Technical Assistance.

Commissioner Smith moved approval of the Agenda and Consent Agenda with the addition of Item 5B. Commissioner O'Bryan seconded the motion, which carried unanimously.

Motion

Items on the Consent Agenda were: 4A, Financial Report – February 29, 2008; 4B, Minutes – March 21, 2008; 4C, Greenacres Comprehensive Plan Amendments DCA Ref# 08-1ER; 4D, Indian River Shores Comprehensive Plan Amendments DCA Ref# 08-PEFE1; and 4E, Intergovernmental Coordination and Review Log.

ANNOUNCEMENTS

Staff gave Council an update on proposed Growth Management legislation.

Chairman Hershey asked for an update on the aggregate mining bill that was defeated in the House and Senate. Commissioner Koons stated that the bill did not pass as there was concern of preemption.

Staff distributed flyers detailing the upcoming Intracoastal Waterway Charrette which will begin on May 9. It was noted this charrette is being funded by the Palm Beach Metropolitan Planning Organization with interagency participation from the South Florida Water Management District, the Corps of Engineers, the Florida Navigational District, and the Department of Transportation as well as the counties and municipalities. The charrette will result in a master plan looking at the Intracoastal as a series of economic, marine, natural, recreation, and public access systems.

CONSTRUCTION LOAN REFINANCING

Commissioner O'Bryan gave an overview to Council of the efforts to obtain the additional funds needed to complete Council's office building. He noted staff negotiations with both Mercantile Bank and SunTrust. He stated the latest offer from Mercantile Bank is a 3.86% interest rate, the maximum loan fee has been reduced to \$2,000 and there is still no prepayment penalty. He stated

he felt this was an advantageous loan proposal. He noted Roger Saberson, Council's attorney, wished to propose a motion for Council's consideration.

Mr. Saberson stated that if Council wished to proceed with the transaction he would ask that Council adopt a motion to authorize the executive director to sign a loan commitment with Mercantile Bank dated April 16, 2008 reflecting an interest rate of 3.86%; authorize the executive director, Chairman and other officers of the Council, in consultation with Council attorney and bond counsel, to approve and execute on behalf of Council all loan documents, including but not limited to loan closing documents; and authorize the executive director to terminate the loan commitment and void the loan if, for any reason, the executive director believes it is not in the best interests of Council to proceed.

Commissioner O'Bryan moved approval of the motion proposed by Mr. Saberson. Mayor Ferreri seconded the motion, which carried unanimously.

Motion

Chairman Hershey commended staff on the progress of the building and encouraged Council to visit the building site.

**AMENDMENT TO JOINT PARTICIPATION AGREEMENT WITH THE
FLORIDA DEPARTMENT OF TRANSPORTATION FOR PROFESSIONAL
SERVICES RELATING TO LAND USE, CONCURRENCY,
AND TECHNICAL ASSISTANCE**

Staff noted this is an amendment to an existing agreement with the Florida Department of Transportation to provide land use planning services. This amendment will increase the agreement by \$154,000 to allow for very detailed land use planning along the Florida East Coast Corridor in Palm Beach County. Activities will include working with the individual municipalities, helping identify future station areas, analyzing local comprehensive plans, and drafting comprehensive plan language that would make local governments more transit supportive. If approved, the amendment will extend the timeframe of the agreement through 2010.

Commissioner Smith moved approval of staff recommendation. Councilmember Foley seconded the motion.

Motion

Commissioner Smith noted that at a recent Martin Metropolitan Planning Organization meeting there was a presentation on SR 710 with respect to a rail transit study for the State of Florida. It was presented that the State is divided into regions, one region being that of Indian River, St. Lucie, Okeechobee, Martin, Palm Beach, Broward, Miami-Dade, and Monroe Counties. He stated he would like to see this presentation made to Council to provide information that would allow more comprehensive and collaborative planning throughout the region. Commissioner Koons concurred with the request. Staff will coordinate with the Florida Department of Transportation to have the presentation put on the May or June agenda.

Chairman Hershey called for a vote on the motion, which carried unanimously.

**LOCAL GOVERNMENT COMPREHENSIVE PLAN REVIEWS
FORT PIERCE DCA REF# 08-1**

Staff made a presentation to Council on the proposed amendment to a 28 acre property located in the extreme western portion of the City. The property was annexed by City in 2004 and given a Future Land Use Map designation of Low Density Residential. The proposed amendment would redesignate the entire property to Commercial General, which would allow a broad variety of uses including multi-family residential. Staff noted the importance of a well-conceived plan for areas undergoing a transition from rural/agricultural to development; noted a number of policies in the Strategic Regional Policy Plan that suggest a need for a balanced, well-located compatible mix of uses in the area; and the importance of considering an evolving street system and making accommodations for traffic, including bicycles and pedestrians, and transit. Staff noted that the City has no apparent plan for this area, and the argument that more commercial land is needed lacks data and analysis.

Staff recommendations included:

- The City conducting an assessment of the need for commercial land use in the area.
- The City's analysis of the impacts of development on the property should be based on the maximum development potential.
- That the entire site need not be used for commercial development. A mix with residential development might allow buffering/transition for the residential to the south and provide affordable units for the area workforce.
- The City develop a better plan for the area. The Plan should be prepared in cooperation with the County and should not only look at land use, but at the need for a network of streets and the need to accommodate different types of traffic and the need for transit.

In conclusion, staff indicated that the proposed amendment was not considered consistent with the Strategic Regional Policy Plan. It was noted that some commercial use may be appropriate if a careful assessment so determines. Staff recommended that Council approve staff recommendation that the City not adopt this or any other amendments until a better, more fine-grained plan be prepared for the area. This should be done in cooperation with the County.

Councilmember Foley expressed concern that this project could possibly be built at five times the standard. He stated that the ghost trips created by an analysis of 1.5 million square feet of commercial that would not likely occur would encumber the other properties in the area. Staff noted that this is what the City plan allows.

Mr. Trias asked if the County staff had commented on the proposed amendment. Staff indicated there were no comments received from County Planning staff, only correspondence with the County Engineering staff regarding Jenkins Road.

Peter Buchwald, Assistant Director, Planning Department for the City of Fort Pierce, noted that this is the first amendment done by the City since their comprehensive plan was found compliant by the Department of Community Affairs. In response to staff concerns, Mr. Buchwald stated the City does have a plan for the area, noting all of the Commercial General currently located in the area. He noted that redevelopment is being concentrated in the downtown infill area, and the vision for the subject area is to have larger retail segments.

Commissioner Coward asked if the City had a commercial designation of lesser intensity that might be more compatible with the low density residential on the parcel adjacent to the south. Mr. Buchwald responded there is a Neighborhood Commercial designation, but this does not fit with the City's vision of bigger box retail in the area. He did note that whatever development does occur on the site would have some type of buffer to mitigate the impacts to neighboring properties.

Councilmember Trias asked Mr. Buchwald if the City had any objections to staff comments or had any alternative suggestions to address issues raised in the report. Mr. Buchwald indicated that the City did not agree with the comments with respect to the best use for the property and the lack of planning for the area.

Councilmember Foley reiterated his concern with the unrealistic potential for 1.5 million square feet of commercial. Mr. Buchwald indicated that City staff did not believe this project would be built out to 1.5 million square feet. He stated that currently the lot coverage that is allowed under the City plan will be addressed as the City is in the process of rewriting their land development regulations. These regulations will use floor area ratio or other mechanisms to arrive at more realistic numbers than currently allowed.

Commissioner Smith asked if an overlay study of that whole area had been done. He suggested long range planning needs to be done to avoid potential issues currently being experienced elsewhere.

Commissioner Grande asked if there was anything in the land development regulations that defines a transition or buffering requirement between residential and commercial uses. He referenced the conceptual plan contained in the amendment materials, noting that it was understood that this was only preliminary, but created a sense that the planning does not consider adjacent uses. Mr. Buchwald indicated that in the current land development regulations all that is required is a six foot skirting wall with landscaping. He reiterated that these regulations are being rewritten, but noted that the recently adopted comprehensive plan does require additional buffering. Councilmember Trias stated that he would not be in support of a land use change without a proposed project for the site.

Mayor Ferreri stated the staff comments addressing the road network are important if the City is to consider this a major commercial node. He concurred with Commissioner Smith's recommendation to comprehensively plan development in this area, noting this should be done in collaboration with the County. He also stated that bad planning can occur if land development regulations and design criteria are driven by a single planned project and not a comprehensive plan by the City. Mr. Buchwald noted that cooperation between the County and the City has never been better.

Poorna Bhattacharya of Kimley-Horn, consultants to the City, noted that floor area ratios are not provided for this land use category, so the calculations were done on the maximum lot coverage and building height, which resulted in the 1.5 million square feet. She stated that the applicant is willing to adopt a proposed text amendment limiting the sites maximum potential to 250,000 square feet to satisfy the statutory requirement for analysis at maximum development potential. She noted other commercial properties in the area are consistent with the intensity being

proposed for this site. She referenced a traffic concurrency analysis which shows all roadways are operating at or above the adopted level of service except for Jenkins Road and Edwards between Selvitz and 25th Street. Jenkins is proposed to be widened to four lanes.

Commissioner Koons noted the City should ensure that very valuable industrial lands are not converted to residential uses. Additionally, he offered the City should look for flex space opportunities.

Commissioner O'Bryan expressed his concern that the City has admitted their land development regulations are outdated. He stated it is very difficult to update these regulations when there is an active application as this could possibly develop into a lawsuit, or the applicant may dictate what those regulations are to satisfy their project. Commissioner O'Bryan stated he would approve staff's recommendation that this not move forward until the City updates their land development regulations, in conjunction with the County, and determines exactly what the applicant is planning for the site. Commissioner Marcus seconded the motion.

Motion

Councilmember Foley noted that the City and County should work together on a vision that will make the City less fractionalized. He noted that provision of services such as police and fire can be incredibly expensive and virtually impossible without proper planning.

Councilmember Trias thanked staff for their comments. He noted Council is the appropriate forum to deal with these issues in a constructive way and offered his support of the motion.

Chairman Hershey asked for clarification of the motion.

Commissioner O'Bryan noted the staff recommendation contained in the report that Council strongly recommends that the City not adopt this or other amendments until a fine grained plan for the area is prepared in cooperation with the County. He stated that he would include language that would recommend the City update the land development regulations. Commissioner Marcus indicated she would second this motion.

Commissioner Becht noted the good working relationship and cooperation between the County and the City. He stated the City has contracted to have the land development regulations rewritten and has adopted design review guidelines in the interim. He expressed his appreciation for the Councilmembers' comments and recommendations.

Commissioner Coward concurred with Commissioner Becht's comments that the City and County are working together, citing a plan to move forward with a charrette to address the whole area. He noted that his specific concern with this proposed amendment is that of compatibility. He stated he does not believe that a low density residential use, that is actually in the unincorporated County and not under the control of the City, immediately adjacent to the most intensive commercial use is not compatible. He said he would be much more supportive of a transitional land use.

Councilmember Caron concurred with staff recommendations and believes the key to success for the entire region is planning and visioning as the starting point. She stated planning should address the bigger picture and not be site specific.

Chairman Hershey called for a vote on the motion, which carried with only Commissioner Becht dissenting.

Staff noted that if all local governments would commit to build proper buildings at proper scale of a proper architecture that are connected with a good system of streets and blocks, then buffering will not be an issue. The land development regulations can be written to ensure there are not walls and fences everywhere and normal cities and towns are built.

**MODIFICATION TO CONTRACT WITH FLORIDA
DEPARTMENT OF COMMUNITY AFFAIRS**

Commissioner Marcus moved approval of staff recommendation. Commissioner O'Bryan seconded the motion, which carried unanimously.

Motion

**RESOLUTION TO REQUEST AMTRAK CONDUCT PRELIMINARY
ANALYSIS FOR EAST COAST RAIL SERVICE**

Staff noted this is an opportunity for Council to request assistance from Governor Crist's office, the Secretary of the Department of Transportation, and the congressional delegation to request Amtrak, at its expense, to begin the process of conducting a preliminary ridership analysis and ridership forecast for Amtrak service being reintroduced on the Florida East Coast Corridor between Jacksonville and Palm Beach County. It was noted that this request would incur no expense to any local government, metropolitan planning organization, or the Department of Transportation.

Councilmember Trias moved approval of staff recommendation. Commissioner Smith seconded the motion, which carried unanimously.

Motion

Commissioner Smith expressed appreciation for staff's efforts on this important issue.

**FLORIDA POWER AND LIGHT COMPANY
ST. LUCIE UPRATE PROJECT**

Staff reported that Florida Power and Light Company submitted a site certification application for the St. Lucie Uprate Project, which is a proposal to upgrade the existing nuclear power plant located in St. Lucie County. The Florida Department of Environmental Protection, the lead coordinating agency for this project, requested that Council review the application and submit a report. Staff outlined the report which details Florida Power and Light Company's proposal to modify or uprate their two existing power generating units. Planned activities include refurbishing the steam turbine electric generators, electric systems, and cooling systems. The project will allow each unit to increase power by about 11 percent. The modifications to the facility are planned to begin in 2010, during times of normally scheduled outages for refueling the facility. There are no changes proposed to the footprint of the existing plant nor new buildings proposed to be constructed on the project site. Also there are no changes proposed to the fuel handling facilities, no changes in transmission lines connecting to the project, and no changes to the cooling water intake and discharge systems. Staff and the Energy Committee have reviewed the proposed project and identified significant issues associated with the project that are not already dealt with in existing permits. Staff noted that the report concludes that the

St. Lucie Uprate Project is not in conflict or inconsistent with the Strategic Regional Policy Plan, provided that the project is constructed and operated in compliance with the conditions of certification approved by the State of Florida. The report recommends approval of the project.

Mr. Saberson requested guidance from Council on whether or not to file Notice of Intent to be a party in the certification proceedings. He noted that in the past Council did not file Notice of Intent on a previous project because no issues were raised that would merit Council participation. Subsequently, issues were identified but in failing to file the Notice of Intent Council was not allowed a full level of participation in the proceedings. Mr. Saberson noted that filing the Notice of Intent does not obligate Council to participation through the entire process. It only allows the opportunity to participate should the need arise.

Councilmember Foley moved approval of staff recommendation and authorization for Council's attorney to file the Notice of Intent. Commissioner Grande seconded the motion.

Motion

Commissioner Coward went on record as being strongly in support of this project. He noted that this project is an excellent green power opportunity as it makes an existing facility that is not producing any fossil fuels more efficient, as opposed to expanding and building another facility.

Chairman Hershey called for a vote on the motion, which carried unanimously.

BROWNFIELDS REDEVELOPMENT PROJECT CORAL SQUARE SHOPPES

Staff made a presentation of a loan application under consideration for funding under Council's EPA-funded Assessment Grant. An application has been submitted by Coral Square Shoppes FLA LLC for a \$100,000 loan to be used for continuing assessment activities to a subject Brownfields site. The subject property is a 15.3 acre property located in Fort Pierce. The property is to be developed with a new 180,000 square foot retail center. In 2007, the City of Fort Pierce took official action to designate the property as a Brownfield Area. In January 2008, the developers submitted a Voluntary Cleanup Tax Credit application to Florida Department of Environmental Protection to help offset some of the remediation costs expended to date. The total projected assessment/remediation costs are approximately \$1.2 million.

Commissioner O'Bryan asked for the balance of Council's \$400,000 grant. Staff replied there is a balance of approximately \$150,000.

Mr. Saberson noted that if this loan transaction were to be approved, Council would hold a second mortgage position on the property. He stated that if Council decided to proceed with the loan he would ask that Council adopt a motion to authorize the executive director, in consultation with the Council attorney, to prepare, modify, and execute loan closing documents and other loan related documents in such form and substance to be determined by the executive director in order to effectuate the loan. The foregoing is an authorization only to the Executive Director, not a requirement to proceed with the loan if for any reason the Executive Director determines that it is not in the best interests of Council to proceed.

Commissioner Marcus moved approval of the motion proposed by Mr. Saberson. Commissioner O'Bryan seconded the motion.

Motion

Councilmember Davenport noted that since the loan is only for \$100,000 the developer will most likely not use these loan proceeds for construction. He offered it might lessen concerns of the lien holder position if the loan maturity date was prior to the start of construction. Mr. Saberson stated that the current maturity date is September 30, 2009. Staff noted that the applicants have expressed an interest in having a prepayment provision in the loan documents.

Chairman Hershey called for a vote on the motion, which carried unanimously.

COUNCIL MEMBER INFORMATION EXCHANGE

None

PUBLIC COMMENT

None

STAFF COMMENT

None

CHAIRMAN'S COMMENT

None

ADJOURNMENT

There being no further business, Chairman Hershey adjourned the meeting at 11:10 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 April 18, 2008 meeting of the Treasure Coast Regional Planning Council.

Date

Signature