City of Stuart

MINUTES

LOCAL PLANNING AGENCY/PLANNING ADVISORY BOARD
TO BE HELD OCTOBER 17, 2019 AT 5:30PM
COMMISSION CHAMBERS
121 SW FLAGLER AVE.
STUART, FL 34994

LOCAL PLANNING AGENCY

Chair – Michael Herbach
Vice Chair – Ryan Strom
Board Member – Li Roberts
Board Member – Larry Massing
Board Member – Campbell Rich
Board Member – Bill Mathers
Board Member – Christina de la Vega
Ex Officio – Garrett Grabowski

ADMINISTRATIVE

Development Director – Kev Freeman
Board Secretary – Jordan Pinkston

CALL TO ORDER

ROLL CALL
Present: Michael Herbach, Li Roberts, Larry Massing, Campbell Rich, Christina de la Vega
Absent: Ryan Strom, Bill Mathers

APPROVAL OF MINUTES:
Motion: Action: Approve.
Moved by: Larry Massing
Seconded by: Cristina de la Vega
Motion passed unanimously.

COMMENTS FROM THE PUBLIC ON NON-AGENDA ITEMS: None.

COMMENTS FROM THE BOARD MEMBERS:

Li Roberts arrived.

Campbell Rich said that it is difficult to review the agendas in the short amount of time that they are given. He would like to receive all the materials earlier.

Mike Mortell said that there is a Florida Statute that was passed last year that mandates the timing for a municipality must process an application. He used an example of what would happen if we pushed meetings back to give more review time to the agenda. He said the answer is not that we are trying to make it difficult.

Li Roberts suggested contacting staff a week before and they could get you the materials they have.

Kev Freeman said that they always have submittals, but they might not be approved and are still being reviewed.

Campbell Rich said that will be helpful.

Kev Freeman will send a project list to all LPA board members so members can see if anything grabs their attention and can ask staff regarding those questions.

ACTION ITEMS: 5:36 PM

1. AMENDMENT TO THE NEW AVONLEA PLANNED UNIT DEVELOPMENT (PUD) (QUASIJUDICIAL)(RC) ORDINANCE No. 2420-2019: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, BEING THE SECOND AMENDMENT OF ORDINANCE NO. 2307-2015, ALSO KNOW N AS THE "NEW AVONLEA PLANNED UNIT DEVELOPMENT (PUD)" CONSISTING OF 12.40 ACRES ZONED RESIDENTIAL PLANNED UNIT DEVELOPMENT (RPUD), 16.24 ACRES ZONED COMMERCIAL PLANNED UNIT DEVELOPMENT (CPUD), AND 20.4 ACRES OF W ETLAND/UPLAND PRESERVE ZONED RPUD, FOR A TOTAL OF 49.04 ACRES; SAID PUD BEING GENERALLY LOCATED BETW EEN N DIXIE HIGHWAY TO THE SOUTH, LAND ON BOTH SIDES OF GREEN RIVE PARKWAY ON THE W EST, LAND ON BOTH SIDES OF CARDINAL AVENUE ON THE EAST AND THE CITY BOUNDARY TO THE NORTH, BEING MORE FULLY DESCRIBED BY EXHIBIT "A" ATTACHED; AMENDING SAID PUD TO PROVIDE FOR THE APPROVAL OF THE MASTER PARCEL SITE PLAN FOR THE AVONLEA CROSSING A (PARCEL 1), TO BE KNOW N AS KINDIG PROFESSIONAL OFFICES; PROVIDING FOR A MASTER OFF-SITE INFRASTRUCTURE PLAN FOR THE ENTIRE PUD; PROVIDING FOR REVISED AND ADDITIONAL DEVELOPMENT CONDITIONS OF APPROVAL; PROVIDING FOR AMENDED AND NEW TIMETABLES FOR DEVELOPMENT, DECLARING THE PLAN TO

BE CONSISTENT W ITH THE CITY'S COMPREHENSIVE PLAN; PROVIDING DIRECTIONS TO THE CITY CLERK; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

PRESENTATION: Bob Kuoppala, West Palm Beach 5:41 PM
Stephen Mayer, Senior Planner 5:42 PM

BOARD COMMENT:

Stephen Mayer said staff recommends approval of the ordinance with one additional recommendation. Provide us with an updated master infrastructure plan or provide a written detailed plan of what off-site infrastructure is going to be conditioned with this project.

Bob Kuoppala said that he discussed these details with staff prior to the meeting and he doesn't feel like they need to do anything more.

Stephen Mayer said that we would have to amend this plan, so it would need to remove the projected parking spaces off Baker and he assumed the crosswalks would still be relevant. That sidewalk is part of phase one that the developer for the two projects across the street will be doing.

Larry Massing said that he doesn't feel like they are on the same page. This is a master PUD and what we are trying to achieve is that this is not amended there would be a huge responsibility for them to complete this infrastructure.

Kev Freeman said the applicant was made aware, but he does not think they understand what they are recommending.

Bob Kuoppala asked for confirmation on what staff is looking for.

Kev Freeman letter outlining what they are doing for off-site infrastructure and what they are looking to push on to another phase.

Stephen Mayer confirmed that staff is in support with the ordinance if the applicant can provide in writing what they will be responsible for in the off-site infrastructure plan.

Larry Massing asked for confirmation of the property and what is being planned.

Campbell Rich said that he is looking at page 17, item 4. He asked if they could urge City Commission to take them up on their proposal.

Li Roberts said as far as updating the offsite master site plan, the first issue is the numbering issue for phase one of phase two. She described why the phases were listed incorrectly. She said there is a conflict and the piece that we are looking at tonight has a preserve that is off to the side and it is unclear to her if that is included in phase one of parcel one. She said initially in the overall site plan that whole piece was phase one, but now we are dealing with things that are not

there and creates an issue as we are numbering each phase. If LPA wants to say that we have the right to assign conservation to preserve areas, that will be part of the bigger master plan piece. She said it is unclear of what we are looking at.

Stephen Mayer said that he does not disagree. What we are asking is for is a new offsite infrastructure plan that will demonstrate what will be built with this project.

Frank Wacha said that we have already given conservation easements for the upland and wetland preserves to SFWMD and it is owned by a separate entity that the Avonlea Master Property Association owns. They only own the portion of lot one.

Stephen Mayer said that at any time staff can be ordered to change the land use by City Commission to conservation. He does not know if it would apply to this project because it does not impact the wetlands.

Campbell Rich asked about who we monitor their compliance.

Stephen Mayer said that the City of Stuart receives the annual plan and we periodically make checks. He said that we do not have someone on staff to continually maintain landscaping for every development.

Campbell Rich asked how they know if they are in compliance or not.

Li Roberts said that it is monitored, and the owner and residents need to submit paperwork to show that it is being maintained on a regular basis.

Campbell Rich asked about item #7 on page #38.

Larry Massing confirmed what he was looking at.

Li Roberts said that she had questions about the same thing. She questioned how the date reads and was concerned about how it reads.

Campbell Rich asked how many historic trees are on the site currently.

Bob Kuoppala said that he did not believe there were currently any. He said there is a tree disposition chart from a tree survey.

Stephen confirmed there 20 trees that are being removed that have been qualified as significant.

Campbell Rich referred to page #44 item #41 and asked what the applicant's intension was for the Community Redevelopment Agency's art requirement.

Bob Kuoppala said that they have not decided on that aspect yet.

Campbell Rich asked if they had an estimate of what they would spend on vertical construction.

Mike Mortell said that decision is not up to the LPA board to decide the CRB is the board that regulates this. He said they will not be able to get a permit or a certificate of occupancy, unless they comply with the code. He confirmed it is the value of the project.

Bob Kuoppala said the building maybe $800,000 to $700,000 but we haven't even started construction yet.

Cristina de la Vega wanted confirmation that the only changes are at their site and we only want them to make their sidewalk and not the whole sidewalk.

Li Roberts asked about site plan #1. She said there are only 48 parking spaces and the setback requirement calculation needs to be corrected. She wants the phasing numbers to be cleared up on the plan, because she does not know what is involved in which phase.

Bob Kuoppala clarified where each phase was going to occur.

Li Roberts asked about the landscape plan and the live oak causing site problems for drivers in phase two.

Bob Kuoppala said that the zoning requires a tree in every terminal island.

Li Roberts asked staff about the date issue on documents.

Stephen Mayer confirmed that is was the new Avonlea PUD in 2015 and it was amended in 2017, which developed the site plan for parcel two and twelve.

Li Roberts recommended changing how dates are listed when creating the agenda and documents.

Campbell Rich asked if we could require the applicant to make two of the parking spaces charging stations.

Bob Kuoppala said that they would agree to one.

Michael Herbach recommended putting a conduit in the ground in because it is only a matter of time before they will be required.

Campbell Rich said that he would like to require two.

Bob Kuoppala agreed.

PUBLIC COMMENT: None.

MOTION:
Action: Approve with following additions:

1. Addition for conduit for charging stations
2. Correction regarding infrastructure plan which would include correcting phasing issue

3. Site plan corrections for parking and setback
4. Date corrections in the ordinance

Moved by: Li Roberts
Second by: Larry Massing
Motion passed unanimously.

2. THE HOPE CENTER FOR AUTISM CPUD - FIRST READING (QUASI-JUDICIAL) (RC): ORDINANCE No. 2418-2019: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, AMENDING THE CITY'S OFFICIAL ZONING MAP, THEREBY APPLYING A LAND DEVELOPMENT ZONING DESIGNATION OF CPUD 'COMMERCIAL PLANNED UNIT DEVELOPMENT' TO A PARCEL OF LAND TOTALING 1.22 ACRES, OWNED BY KPL HOLDINGS LLC, LOCATED AT 2580 SE WILLOUGHBY BLVD., BEING MORE FULLY DESCRIBED IN EXHIBIT 'A' ATTACHED; ESTABLISHING 'THE HOPE CENTER FOR AUTISM' COMMERCIAL PLANNED UNIT DEVELOPMENT (CPUD) CONSISTING OF AN EXISTING LIGHT INDUSTRIAL/OFFICE BUILDING IN THE B-4 LIMITED BUSINESS/MANUFACTURING ZONING DISTRICT; ALLOWING FOR THE RELOCATION OF A CHARTER ELEMENTARY SCHOOL TO SAID LOCATION; PROVIDING FOR APPROVAL OF A MASTER SITE PLAN; PROVIDING FOR DEVELOPMENT CONDITIONS, DECLARING THE PROJECT TO BE CONSISTENT WITH THE CITY'S COMPREHENSIVE PLAN; PROVIDING DIRECTIONS TO THE CITY CLERK; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE, PROVIDING FOR ACCEPTANCE BY THE APPLICANT AND FOR OTHER PURPOSES.

PRESENTATION: Joann Sweazey, Hope Center for Autism 6:14 PM
Doug Fitzwater, Lucido & Associates 6:19 PM
Tom Reetz, Senior Planner 6:22 PM

BOARD COMMENT:

Michael Mortell clarified why the order has been changed in the agenda to allow the applicant to present before staff does.

Cristina del la Vega asked if the students needed to go outside.

Joann Sweazey said that the indoor facility is where they will be getting their physical activity and that there is a small area in the back that they can utilize.

Li Roberts said that she likes the format of the spreadsheet staff presented, but it made her have some additional questions. She asked about where trash was mentioned on the master site plan.

Doug Fitzwater said there was an existing dumpster on site.

Li Roberts said signage, lighting, trash and stop signs need to be marked on the master site plan.

Doug Fitzwater said they will check on that.

Li Roberts asked who owned the wall behind the building and the owner needs to be clarified.

Tom Reetz said it backs up to Leisure Village property.

Doug Fitzwater said that he walked back there and could not see if it was a wall or fence because there is a lot of vegetation.

Li Roberts said that she assumed the proposed parking spaces have a door near them coming out of the building and if the applicant intends to fence the area in the future, she would approve that in order to allow more flexibility to do something outside. She asked for confirmation on the amount of plants being replaced.

Doug Fitzwater confirmed the plants.

Campbell Rich told the applicant that he is impressed by the work they do.

Larry Massing likes the fact that it will not have a big impact on traffic.

Joann Sweazey said that they are on the same schedule as the elementary schools.

Larry Massing asked how many students they had.

Joann Sweazey said that they currently have 48 and we will be able to have up to 80, not including adults and teens.

Campbell Rich asked what the staff to student ratio is.

Joann Sweazey said 1 to 3.

MOTION: 6:34 PM
Action: Approve with the following conditions:

1. Landscape requirement
2. Providing flexibility for fence on Southwest piece of property
3. Correcting site plan to mark stop signs, lighting, signage, trash and fence

Moved by: Larry Massing
Second by: Li Roberts

Motion passed unanimously.

PUBLIC COMMENTS: None.

ORDINANCES: **6:35 PM**

3. TRILLIUM RPUD - FIRST READING (QUASI-JUDICIAL)(RC): ORDINANCE No. 2419-2019: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, AMENDING THE FUTURE LAND US MAP OF THE CITY'S COMPREHENSIVE PLAN THEREBY CHANGING THE FUTURE LAND USE DESIGNATION FROM "COMMERCIAL" TO "MULTI-FAMILY RESIDENTIAL" FOR A 9.45 ACRE PORTION OF A 49.43 ACRE PARCEL ANNEXED BY ORDINANCE NO. 1527-97, OW NED BY TED GLASRUD ASSOCIATES FL LLC, LOCATED ON THE SOUTH OF SE MIAMI STREET ABUTTING THE NORTH SIDE OF WALMART AND EAST OF STUART LANDINGS, SAID LAND BEING MORE FULLY DESCRIBED IN EXHIBIT "A" ATTACHED; AND FURTHER PROVIDING THAT SAID LANDS SHALL CONCURRENTLY BE REZONED FROM COMMERCIAL PLANNED UNIT DEVELOPMENT "CPUD" TO RESIDENTIAL PLANNED UNIT DEVELOPMENT "RPUD" ON THE CITY'S OFFICIAL ZONING MAP; ESTABLISHING THE TRILLIUM RPUD CONSISTING OF SEVENTY SIX (76) ATTACHED HOMES; APPROVING A MASTER SITE PLAN; PROVIDING FOR DEVELOPMENT CONDITIONS AND A TIMETABLE FOR DEVELOPMENT, DECLARING THE PLAN TO BE CONSISTENT W ITH THE CITY'S COMPREHENSIVE PLAN; PROVIDING DIRECTIONS TO THE CITY CLERK; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

PRESENTATION: Doug Fitzwater, Lucido & Associates
Donte Fegary, Meritage Homes 6:43 PM
Tom Reetz, Senior Planner 6:54 PM

BOARD COMMENT: **6:57 PM**

Cristina de la Vega would like to know how much commercial land we have available in the City of Stuart that we are so willing to let commercial land turn into commercial. This request is taking commercial property that brings in tax dollars into multifamily residential.

Kev Freeman said that there is a transition happening across the country in terms of land use. The city has a housing deficit. Staff have attended workshops and have been instructed by city commission to recognize that we need to supply more housing in town for people that are working in town. The market is transitioning, and we are seeing applications that are looking to transfer from commercial to residential FLU are in locations that lend

themselves to this transition, to be more of a mixed-use city that has more of a balanced revenue.

Cristina de la Vega said that she agreed, but that there are a lot of high intense commercial things in this area and it is not a fuzzy location where people want to live. She said that the applicant is going with industrial chic to blend in with the other companies around. She said that this is the center for commercial industry in Stuart. She is concerned about the weather and environment not being suited for the design of housing.

Li Roberts said she noticed on page 123 of 128, number7 said she does not think the average price point that they are suggesting is going to support young professionals. She asked about the calculations of the parking indicated in the specific site plan.

Doug Fitzwater discussed how the parking calculation was done.

Li Roberts said that the way parking is distributed needs to be revisited. She is concerned about how much property will be in the back of each property only being 8 feet and thinks that is way too tight with a privacy fence, plants and air conditioning. She said she is assuming staff is satisfied with the firetruck turn and auto turn calculation, but the plan is missing a gate and fence diagram, lighting and mail kiosk.

Donte Fegary said that in regards to lighting, FPL will not look at any site plan until it is approved. They will meet all of their standards in the meantime.

Li Roberts said the pieces of lighting that are attached to the building need to be shown.

Donte Fegary said that they will have that reviewed during the building permit process.

Li Roberts asked about mail pickup.

Donte Fegary said that the mail kiosk will be similar to the Seaside project and will be where the cabana and pool are located. There will be plenty of parking spaces available for people to pick up their mail and there will be a specified parking sign for the mail carrier.

Li Roberts recommended that staff require a few parking spaces be designated for mail pickup only. She is concerned because she has observed what has happened in our area and people are stopping as close as they can on the streets to get their mail.

Donte Fegary said that there will be a sign posted in these spots.

Li Roberts reiterated that if the project moves forward than there will need to be designated parking spots.

Tom Reetz asked for an exact number.

Li Roberts said she does not know, but that is something that needs to be worked out. She said she would bet money that people will park in the road if there are no spaces. She said that the site plan needs to indicate where you have stop signs. She asked if there is anyone living there right now.

Donte Fegary said that there are no homes located on the site, but there are some folks currently living there. He said they are working with code enforcement and the property owner. He said it is a concern for Meritage Homes and displacing those folks but the seller will be managing that.

Kev Freeman said we make them aware that services are available, and we will notify and advise the property owner that those are available.

Li Roberts said on page 210 of 228 at the bottom there is a note and she wanted to make sure that was correct and requested where to find it.

Tom Reetz said that he included all review comments in process, and it came to individual pickup. It will be in the final Public Works review and brought up Dave Peters to clarify.

Dave Peters said that as long as the property owner's association agrees to pay for trash pickup and not individuals, we are ok with it. Since water and sewer services are provided by Martin County, we have no control.

Tom Reetz said that was included in the condition.

Li Roberts asked how wide the single car garage is.

Donte Fegary said that he did not recall, but the containers will be stored in garages.

Li Roberts said that she appreciates the need for housing and the price point, but the justification for work force housing is not at the right price point. She thinks the number of units is way too high.

Donte said that the base units will start at $250, and that is attainable. He said it is the same pricing as Seaside project.

Li Roberts said that she understood, but Seaside is different because it wasn't being built as workforce housing.

Tom Reetz clarified how many units per acre and what our code allows.

Li Roberts said that in doing the 15 by acre by right, which is multi-family, has setback requirements.

Tom Reetz confirmed that was correct and we do have some flexibility because it is a PUD. Some of those would be the upland preserve and open space.

Li Roberts asked for confirmation about the by-right code for the development. She suggested that is they are trying to get 76 units then maybe they should go up with the parcel.

Kev Freeman said that the market is showing that people want to buy this type of unit. The preference is small homes, limited yard space, home ownership, proximity to amenities and that is why this parcel is attractive. This is where are shortfall is in the City of Stuart. He does not believe that the price point is too far off from what the SHIP housing table would show.

Larry Massing said that no one is arguing with that, but the location of where this is trying to be squeezed into will cause people to complain.

Donte Fegary said that they spent a lot of time on looking at data and researching on what we should do and how we need to do it for highest and best use. All data pointed to this buyer profile. He said in Palm Beach County they have a work force housing ordinance, which is completely different and explained the buyer profile he has witnessed.

Cristina de la Vega said that he is choosing the most commercial hub in the city to build this and it is a high industrial site.

Donte Fegary said that he lives in a place that is similar in Boynton Beach and he likes the convenience of being close to everything.

Cristina de la Vega confirmed that he is asking for a zoning change.

Campbell Rich asked Li Roberts what she would consider a reasonable house pricing.

Li Roberts said less than $200,000.

Campbell Rich said that maybe the City has to make more of an effort to provide affordable housing.

Larry Massing said he would not believe the controversy the Flamingo affordable housing project created.

Discussion about past affordable housing projects occurred.

Campbell Rich said that if they are going to build then they should go up.

Donte Fegary said they are not able to do that because they do not have a three-story product. He said the buyer profile is different, so it is a completely different type of living than a condo. He described why they made the design plan they did for the community.

Campbell Rich asked about the Blue Field Ranch memorandum regarding the Industrial Development Corporation.

Donte Fegary said there was a previous property owner before Glassrud and they must have purchased it from them.

Campbell Rich asked about the means of mitigating the water basin.

Kev agreed the order of criteria.

Campbell Rich asked if we try to find a more desirable means of mitigating it.

Kev Freeman explained that is why they bring it to the board.

Campbell Rich asked about the letter on August 28, 2019 that references the 2012 letter.

Ed Weinberg, environmental consultant on the project said that the letter was dated back to 2012 when industrial corporation paid for the mitigation related to Aldi all the way to Walmart. At the time, it was required to be mitigated since it was a much larger property. He said the City had mitigation in place for seven years without having impact the wetland. He discussed the watersheds and the benefits and locations of them.

Cristina de la Vega asked about changing the runoff.

Ed Weinberg explained why that could not be changed.

Doug Fitzwater said regarding open space, the Walmart pond is part of the Trillium project and is being purchased.

Cristina de le Vega confirmed that they are purchasing the Walmart pond which is already existing.

Doug Fitzwater explained the open space that they are claiming.

Campbell Rich asked if Walmart was required to have something that large.

Melissa Corbett from the Milcor Group and the civil engineer for the project said that storm water system was a master system which its retention pond serves Aldi, Walmart, Aspen Dental. She said the South Florida Water Management District permit states that any additional parcel within the center must provide their own on-site stormwater management system that is why we built it this way.

Campbell Rich asked about the dates in a letter regarding wetlands.

Ed Weinberg said that when Ted Glassrud purchased the properties there was a different consultant who secured an informal wetland determination from SFWMD, that did not

reflect the wetland line that was already approved. It is only a matter of how the line was shifted to reflect a previous approved line. He said as of today it is 1.38 acres.

Campbell Rich questioned the timeline and laws of the boundaries.

Kev Freeman said this is a legal matter and he does not have research at hand to speak on the matter.

Ed Weinberg clarified the order of process to secure a wetland line at the South Florida Water Management District.

Michael Herbach said that this happens a lot and went on to explain the process.

Cristina de la Vega asked if they have found any golfer tortoises on the property.

Ed Weinberg said not yet, but they have not completed a full survey. He said the surveys only last 90 days and we are still far out in the planning process.

Campbell Rich asked what a standard practice is to see what animals are on the premises.

Ed Weinberg said the standard practice is to spend a day or two each of the months given. We updated the report in July and went back to the site to update our observations to reflect that date.

Campbell Rich asked about gofer tortoises being mentioned in the report.

Ed Weinberg said that just because they did not see them, there is still potential of occurrence due to the habitat on the land. There is a survey methodology that requires parallel transects that are less than 10 meters apart that is a 100% habitat survey and will happen much closer to development and requires a City of Stuart authorization. They have done 25-30% of the survey.

Campbell Rich asked if the City of Stuart hired him to do this.

Ed Weinberg said that Meritage Homes did.

Campbell Rich asked about the process of doing the environmental surveys and their timeline.

Ed Weinberg confirmed the process of how the surveys have been conducted.

Campbell Rich asked why parcel 6A, the preserve is superior habitat according to Ed's report.

Ed described why the parcel was considered superior.

Cristina de la Vega added that it was adjacent to the Walmart preserve.

Campbell Rich asked about an attachment to the ordinance regarding the Preserve Area Management Plan.

Tom Reetz said explained why the 12 months passed and the City did not notify the owner of that condition that required the PAMP since then the parcel has been deeded to the City. At this point it is the City's responsibility to create a PAMP plan and we still need to do it.

Campbell Rich confirmed that we do own the property and asked for the value of the piece that was given.

Tom Reetz said that he was not sure, but probably 10 million plus.

Michael Herbach shared his thoughts about waste receptacle placement.

Donte Fegary explained the reasoning behind why they designed it that way and that those conditions will be in HOA documents.

Michael Herbach asked if they were going to restrict having satellite dishes on the buildings.

Donte Fegary said that as developers they hire out a management company and they sit on the Homeowners Association board. It helps them enforce and navigate through the deed restrictions.

Michael Herbach said that he does not mind the development as it is on paper, he only minds the area. He is concerned about Walmart unloading trucks at night and does not think it is the proper site for this type of development.

Donte Fegary said the burden will be left on us if the public does not want it.

Donte Fegary gave an example of where he lives and thinks that some people won't mind that in a surrounding area based on the studies they have done.

Michael Herbach asked where the school bus stop would be.

Donte Fegary said that it would stop on the street next to the sidewalk like other areas.

Cristina de la Vega asked if the road behind Aldi was public.

Donte Fegary said they are doing some road work for that road and are still in working discussion for improvements.

Campbell Rich asked what the minimum number of parking spaces required.

Tom said it would be in the site plan.

Doug Fitzwater said that it would be two parking spaces for the size of the units that we have. It requires 152 spaces; we are providing 177 spaces and parking does not include the driveway parking for two-bedroom units.

Li Roberts confirmed they are 16% above the minimum. She asked staff what happens if she did not approve this project in a motion what would happen to the project.

Tom Reetz confirmed that the boards role is to make a recommendation of approval or not, but if you happen to not approve the project the applicant can still go to the City Commission with non-approval.

Li Roberts asked if at that point if the City Commission doesn't approve them, they would have to come back with a new project. She said on the other hand, if the applicant withdrew in order to fix something there is the possibility they would get it.

Kev Freeman said there are options, from what he has observed the question is, is this land use change acceptable and supported by the LPA. He said he doesn't think there is anything the applicant/hoe builder could do to propose a commercial development at this location.

Li Roberts said that there are some conditions under which she thinks this land use change would be acceptable.

Kev Freeman said that if she has an idea of what would be acceptable he would recommend putting that in the motion.

Li Roberts said she thought the applicant was more qualified to make that decision. She said for example, it would be acceptable to have greater setbacks and not be as dense. She said for me to be specific that puts me in a role that is not appropriate and is for an applicant to decide.

Kev Freeman said it would be to ask the applicant if they would come back and address the boards concerns and continue with a new site plan.

Li Roberts asked the applicant to come forward and say that they will address some of these concerns and come back.

Kev said right now there are three options. One, recommend approval. Two, recommend denial. Three, speak with applicant to see if they would agree to a continuous.

Campbell Rich said regardless of what we decide they could still say they will take their chances at City Commission.

Li Roberts confirmed that this would have to happen before the vote.

Donte Fegary said that they have exceeded the parking requirement and they are below the density so he would like to know how many units are acceptable.

Li Roberts said that it is more about the setbacks and density. She would like to know how they plan to mitigate that.

Donte Fegary went on to explain how the setbacks will be designed and asked for a number from Li Roberts of how many units would be acceptable. He said at the end of the day it is a financial matter, although he wants to work through it with the board because it is a good project.

Michael Herbach said the board recommends the applicant to say that they are going to redo the site plan to have bigger setbacks and lower density footprint.

Li Roberts said that she is about to vote and if they want the board's approval then they need to jump in and work with the board.

Donte Fegary said that he is trying to understand and find the happy medium. He asked if staff would reduce the front setback.

Kev Freeman said that they can rotate where the townhomes are located.

Donte Fegary said that will create other problems and that they have looked into it before.

Kev Freeman said the front of the homes would act like a wall or fence, behind the homes would be the gated community.

Michael Herbach said that they need to have a bigger back patio, move the pool and 10 ft brick wall to block Walmart noise and replace with townhomes. The board is agreeing to that, he said he was not saying the applicant needs to do that, but it seems to be what the board wants.

Cristina de la Vega suggested that the board make a motion because they can't reconstruct the plan in five minutes.

Donte Fegary addressed some of the boards concerns. He said the plan was well planned out and they took staff recommendations and he is willing to continue to take suggestions. If the center pond on our site was not required it would not be as confined of a site. In the end, we thought we were considerate when putting the plan together and is the best use of the site. He said that he still needs a magic number for density concerns.

Kev Freeman asked the applicant what he meant by front setback.

Cristina de la Vega made her motion.

Donte Fugary asked if she was denying it because of strictly land use.

Michael Herbach said that it is tightness outside the townhomes that do not allow for Florida amenities, such as a place to BBQ. There are multiple concerns more than land use change it is the location of the site with surrounding commercial buildings.

Donte Fegary said that he respected the opinions of the board, but there are projects and developments that are within this same predicament. He said that when residents purchase a home they are aware of what is going on around them. As an example, the homes that were built across the street is doing well.

Cristina de la Vega said that it is not in an industrial park and explained the issues she had with it.

Donte Fegary confirmed the motion.

PUBLIC COMMENTS: None.

MOTION:
Action: Deny because to change from commercial to residential it is not a compatible land use for the surrounding area.
Moved by: Cristina de la Vega
Second by: Larry Massing
Motion passed with Li Roberts opposing.

STAFF UPDATE:

Michael Herbach asked about hearing procedures and by-laws update.

Kev Freeman said they were with the City Attorney.

Michael Herbach asked about Garrett Lobrowski being listed on our agenda as Ex Officio.

Kev Freeman said he is allowed to be.

BOARD COMMENT: None.

ADJOURNMENT:
Motion: Action: Adjourn
Moved by: Li Roberts
Seconded by: Larry Massing

Michael Herbach, Chair

Jordan Pinkston, Board Secretary