

**MINUTES OF THE REGULAR MEETING OF THE CITY OF LOCAL PLANNING AGENCY/PLANNING ADVISORY BOARD HELD IN CITY HALL, 123 SOUTHWEST FLAGLER AVENUE, STUART, FLORIDA ON THURSDAY, JANUARY 17, 2008.**

**Those present:** Dr. Edward Geary, Chairman  
Li Roberts  
Xavier Blatch  
Michael Herbach  
William Mathers  
Ryan Strom  
Teresa Lamar-Sarno

**Those absent:**

**Also present:** Terry O'Neil, City Consultant  
Tom Reetz, Senior Planner

**I. CALL TO ORDER: Chairman**

Chairman Geary called the meeting to order at 6:34PM

**II. ROLL CALL: Secretary**

Those answering roll call and others present are referenced above.

Request to move the Gables Residential to the next Local Planning Agency meeting scheduled for February 21, 2008.

**MOTION:** Bill Mathers

**SECOND:** Li Roberts

Motion carried

**III. APPROVAL OF MINUTES: November 20, 2007**

**MOTION:** Xavier Blatch

**SECOND:** Li Roberts

Motion carried

**Public Comments:**

**Board Comments:**

1. PUBLIC HEARING: REQUEST TO REZONE AN 8.88-ACRE PARCEL OF LAND FROM PUBLIC (P) AND B-1 (BUSINESS) TO

RESIDENTIAL PLANNED UNIT DEVELOPMENT (R-PUD), SAID PROPERTY BEING LOCATED APPROXIMATELY AT SOUTH DIXIE HIGHWAY AND EAST 14<sup>TH</sup> STREET; PROVIDING FOR APPROVAL OF A MASTER DEVELOPMENT PLAN ENTITLED "EL DORADO PARK PUD"; AMENDING THE CITY'S COMPREHENSIVE PLAN TO CHANGE THE LAND USE OF A 3.33-ACRE PORTION OF THE SITE FROM PUBLIC (P) TO LOW DENSITY RESIDENTIAL (LDR), A .82-ACRE PORTION OF THE SITE FROM PUBLIC (P) TO MULTI-FAMILY RESIDENTIAL (MFR), A .14-ACRE PORTION OF THE SITE FROM PUBLIC INSTITUTIONAL (PI) TO MULTI-FAMILY RESIDENTIAL (MFR), A .12-ACRE PORTION OF THE SITE FROM PUBLIC INSTITUTIONAL (PI) TO LOW DENSITY RESIDENTIAL (LDR), AND A .35-ACRE PORTION OF THE SITE FROM COMMERCIAL (COM) TO PUBLIC (P); APPROVING CERTAIN DEVELOPMENT DOCUMENTS; APPROVING CERTAIN CONDITIONS OF DEVELOPMENT; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; PROVIDING FOR ACCEPTANCE BY THE APPLICANT; AND PROVIDING FOR DIRECTIONS TO THE CITY CLERK.

**Presentation:** Terry O'Neil who also noted that a revised ordinance was included for a land use change from public to recreational.

**Public Comments:**

Paul Grosso said there was a lot of dissention because there had been a lack of satisfaction with other projects the City had gotten involved in. They brought these concerns to the City Manager and Commission and had a good dialog with them but the fact remains they still need a response on some items like law enforcement in that area, and they haven't heard about a plan for the rest of the neighborhood and how it would fit in and were worried about the City's resources to follow through on this. He said it seems to be too much too fast.

Teresa Lamar-Sarno asked for specifics on what they wanted the City to do.

Paul Grosso said they have a real problem with crime and they met with Chief Morley about some situations they had in that area and they provided him with a study they had done and he increased patrols in that area which helped, but if you add this housing it will increase the problems even more. Other issues were Code Enforcement issues and they stepped up on that but what it is down to is some of the things that happened are they saw some activity from the City but haven't gotten any real dialog with anybody that works at the City that is communicating with them. He said he met with the City Manager and sent correspondence to each of the City Commissioners and this was over a six month period of time and they hoped for a little more of a response on some things, some kind of answer. He said if you look at the mechanics of this project they would rather at this point the City not try to be so much in the housing business until they focus a little more on the City business because he is afraid they are spent on resources, which is the message they keep hearing from the City.

Jan Courtney DiCarlo said this neighborhood needs a Comprehensive Plan. The City has put in other low income housing without consideration of drainage issues, density etc... There are five different pieces in a six block area and now the City wants to build on the only green space left. They want a plan for the whole neighborhood not just a piece of it.

Eula Clark asked the LPA to look at what is in the best interest of the neighborhood. Sustainability and compatibility need to be a large part of it. This neighborhood is crying out for a Comprehensive Plan that deals effectively to maintain a sustainable environment. She said the dust from the cement and other industrial developments are an issue They have to maintain this small area that they live in and wants the LPA to not look at this like "do they meet the development regulations" but what are we doing to affect and impact the lives of the community as well as the future of the City of Stuart.

Frank Pittman agreed with everything that has been said. He thought the assimilation of housing into the neighborhood has worked so far. He said here you are putting in the equivalent of three city blocks into this neighborhood all at once. This is going to be an immediate overnight change and very substantial. He said the City is getting rid of open space that exists.

**Board Comments:**

Teresa Lamar-Sarno asked if the project is going to be phased in. She asked if Staff has looked at density in Eldorado Heights.

Terry O'Neil replied it would be in two phases.

Marcella Cambior said they did a study of lots and density and could give them the information but did not have it with her.

Teresa Lamar-Sarno asked about the eleven homes that were built prior to this and asked how the units will retain their affordability and stated that on the site plan the lot layout for the townhomes needs to be reconfigured.

Terry O'Neil replied that on earlier projects there were second mortgages established on those lots which were forgiven over a period of seven years and this project takes a much stricter view towards the subsidies that are created for it whether it's the lot, down payment assistance, infrastructure component or deferral of impact fees. There is no waiver of any of these fees, they are due at sale so in essence their value will come back to the City at any point when they are sold along with the other subsidy dollars and they are recycled back into the home so the next buyer who meets the same income category can move into that home and it will retain its affordable characteristics.

Mike Herbach thought there are not enough parks and mentioned buffering. He said that it is workforce housing and people are going to take care of the properties.

Li Roberts asked if there is a percentage allocated to the potential of an un-working handicapped social security recipient living in the City of Stuart moving into this housing.

Terry O'Neil replied that in the previous project they had two handicapped individuals, but they worked in their home and had supplementary income that allowed them to qualify and that was not a workforce housing project and this one is and it is for working people. There may be a special circumstance that would trump that, but didn't think so.

Chairman Geary asked about someone buying the property for speculation.

Terry O'Neil said that is not a possibility.

Ryan Strom said the Pro-Forma on construction infrastructure shows \$924,800 and TCRPC and Captec each did their breakdown and he said he saw two different numbers than are on the Pro-Forma.

Terry O'Neil said that is an illustration of the budget and they will have to work with whomever is selected as the project developer to work within the budget and those numbers have been changing over the course of the project and said that with interest rates coming down that might reduce the construction costs.

Ryan Strom asked about the timetable of development which said January is the month you should be choosing the builder and obviously that is not going to happen.

Terry O'Neil said this was done in October and all timetables will change.

Li Roberts said she thought you should specify that this is Workforce Housing and make sure people know they have to have a job to qualify. You don't specify anything about a background check, you have a credit check but not background.

Terry O'Neil said the credit check is part of the mortgage application so the City would have to decide about background checks.

Li Roberts said she used five different internet programs using \$30,000 per year in income and taking into account taxes, etc...they should not qualify for a \$100,000 mortgage.

Terry O'Neil said the likelihood is it will be more around low to moderate income and it is well within the City's authority to say no to someone who they don't think will meet the criteria.

Li Roberts thought that the deed restrictions should be included and wants to know exactly what the basis for approval is.

Terry O'Neil said that they have a basic set of deed restrictions, but thought that they would need to be expanded and when they had them all they would present them to the City Commission. He also said that they would be looking at criminal background and other issues and the City Attorney and Commission will have to be comfortable with what they propose to do.

Li Roberts said it needs to be specific that no rooms will be rented in the homes, not just renting of the homes and asked what TCT is and about establishing a monthly irrigation credit.

Terry O'Neil said Turbo Combustor Technologies and they were involved with the spill that occurred 15 or so years ago that caused contamination so the irrigation wells in the area are no longer in use and the City is remediating the flume by using stripping towers at it's water treatment plant so no new irrigation wells can be put in place and he believes TCT should be responsible for crediting this on a monthly basis.

Xavier Blatch asked about when the stage is removed, adding a portable stage that can be rented out and who would get the money from that.

Li Roberts said in the ordinance you say the City is the owner, applicant and developer and so the City is asking the City to comply with what the City wants them to do and thinks is should say City/applicant, City/developer. She agrees with the residents that there should be a mini Comprehensive Plan.

Xavier Blatch said that there is really nothing the residents of the area can do, this is going to go through and said that they should try to get this done their way. He said there are just too many questions for him before it goes forth. It does have merit in that they are providing housing but they should know how it is going to affect the community and should also have deed restrictions. He doesn't think the drawings are attractive in any sense.

Terry O'Neil said they have been at this for a year and have spent a great deal of time meeting with people to try to make this work.

Mike Herbach noted that there are still a lot of parks in the area and when you have a City that is developed, what you are talking about is infill.

Terry O'Neil asked what deed restrictions they would like. He said they could be very restrictive or not.

Chairman Geary thought that the deed restrictions should say that a convicted felon or sex offender cannot reside there. He also asked what the timetable between the single family homes and the two story homes are.

Terry O'Neil replied that single family deadline is June 2009 and the PUD calls for prior to 2009 the City Commission will be asked to establish a time frame of development for the second phase.

Paul Grosso apologized that this has gotten way off track and was deeply concerned about some of the comments that have been made because it is not their opinion as the residents. He said they have gone over the deed restrictions and the selection process and thought it was very inaccurate to say they were afraid of the unknown as far as who is going to be there. Felons and drug dealers have plenty of money and could buy a house

next door to him and no one could tell them they couldn't and he hates to hear all of these microscopic details that you are discussing. They are not worried about who is moving in, they want to see the City engage in their neighborhood and they don't see that now. The City does what it wants in the City and doesn't follow through on things for example the concrete plant, Dixie Hwy issues and a big one is a lack of a plan. They gave a list of five things and have only heard from Chief Morley. He said he has met with the City Manager and there are a number of unresolved issues. He asked if the City has the resources to follow up on all of the issues that have been mentioned tonight.

Marcella Cambior said they have met many times with the neighborhood and their impression was that there has been lost faith in the City in prior years One of the things the community is looking for is a commitment from the City where these items would be addressed.

Bill Mathers said that this is a recommendation board and they try to pull as much as possible from the people who show up.

**MOTION:** Mike Herbach moved to approve the request contingent upon having a meeting with the neighborhood committee, Terry and whoever else is involved with the City to specifically come up with two lists. One is recommended and agreed upon deed restrictions and recommended and agreed upon criteria for selecting applicants and that those two lists be presented to the City Commission and if not then the meeting will be postponed or continued to the next meeting.

**SECOND:** Li Roberts

**Motion carried 7/0**

2. PUBLIC HEARING: REQUEST A MAJOR AMENDMENT TO THE  
KINGSPORT RESIDENTIAL PLANNED UNIT DEVELOPMENT  
(RPUD) FOR KINGSPORT ESTATES TO AMEND THE TIMETABLE  
FOR DEVELOPMENT.

**Presentation:** Tom Reetz

**Presentation:** Linda Hake

**Public Comments:** None

**Board Comments:**

Dr. Geary questioned whether they had gotten all of their permits.

Linda Hake said she believed so.

Ryan Strom said Exhibit E says 2008 and 2010 and Item 18 shows 2009 and 2010.

Tom Reetz said it should be 2008 and 2010.

Li Roberts said several items in Exhibit F refer to dollar amounts and asked if they wouldn't change in two years?

Tom Reetz said that is something to consider and asked that they be looked at again.

Bill Mathers suggested changing it to current fees.

Dr. Geary said one year would be preferable to him

Linda Hake replied that there isn't going to be a big demand for residential projects within the next year so she doesn't think it will make much difference as far as one year to two years.

**MOTION:** Michael Herbach moved to approve the request for a major amendment to the Kingsport Residential Planned Unit Development (RPUD) for Kingsport Estates to amend the timetable for development for two years.

**SECOND:** Xavier Blatch

**Motion carried 6/1 with Chairman Geary dissenting.**

**IV: COMMENTS FROM THE PUBLIC:**

**V. NEXT LPA MEETING:**

**February 21, 2008**

**VI. ADJOURN:**

**MOTION:** Bill Mathers

**SECOND:** Li Roberts

**Motion carried**

Chairman Geary, there being no further business before the Board the meeting is adjourned at 9:17PM.

**APPROVED**

**RESPECTFULLY SUBMITTED**

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Dr. Edward Geary, Chairman

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Michelle Vicat, Board Secretary