

8. SECOND READING, PUBLIC HEARING OF ORDINANCES

a) ORDINANCE 06-71, AMENDING THE COMPREHENSIVE PLAN OF THE CITY OF PORT ST. LUCIE TO INCLUDE A SMALL SCALE AMENDMENT TO THE FUTURE LAND USE MAP FOR AVA V. REINSTEIN (P06-099) TO CHANGE THE FUTURE LAND USE DESIGNATION FROM CL (LIMITED COMMERCIAL) TO CG (GENERAL COMMERCIAL) FOR A PARCEL LEGALLY DESCRIBED AS PORT ST. LUCIE SECTION 34, TRACT N, AND IS LOCATED ON BECKER ROAD, BETWEEN LASSITER TERRACE AND JUNIETTA TERRACE; PROVIDING THE INVALIDITY OF ANY PORTION SHALL NOT EFFECT THE REMAINING PORTION OF THIS ORDINANCE; AND PROVIDING FOR AN EFFECTIVE DATE

The City Clerk read Ordinance 06-71 aloud by title only. Mayor Minsky opened the Public Hearing.

William Bristol, resident, said, "It's a very hard thing to speak against someone's proposal for a land use change, since it's their property. I firmly believe the local government, which is this esteemed body, is to protect the citizens' quality of life. I believe that the land use law is clear. When a City or County Commission votes on a proposed land use change, the City or County Commission is standing in the shoes of the electorate, and they should not approve that land use change unless you determine that it will improve the community. From what I've heard on the discussions last month on this proposed land use change, I didn't hear any information that would actually improve the community. I believe that if this City Council actually believes in the vision of the Treasure Coast Regional Planning Council, you should think hard as to whether or not the land use changes that people are proposing now are because they believe they can turn an economic profit, which certainly is their right to do. On the other hand, I don't believe we should approve land use changes on Becker Road or anywhere else in this City unless applicants can demonstrate that they're going to improve the quality of life for the community. I do not believe that this land use change meets that criteria."

Mayor Minsky stated, "It already has the designation of Limited Commercial, and it's going to General Commercial. I haven't seen anything that says this would be detrimental to the community. The value of what's going to be put on there won't be determined until they come in for zoning. I have no idea what he's going to be putting in there." Mr. Bristol noted, "I agree with that point. But you also don't know what he is going to put in there." Mayor Minsky commented, "If that were the case, we couldn't approve anything." Mr. Bristol pointed out, "That could be true."

Steve Ball, Land Planning Systems, representing the applicant, remarked, "We're here to look at the land use change. This was a minor inconsistency from our perspective, between one commercial designation and another. It's already a Commercial land use. It's just making the zoning and land use match each other consistently where the zoning was inconsistent with the land use. The Planning

and Zoning Board recommended approval, and we support their recommendation." There being no further comments, Mayor Minsky closed the Public Hearing. Councilman Kelly said, "I staunchly oppose the land use change, and staff did recommend against it. It was a split vote. We did vote unanimously as a City Council to accept the Treasure Coast Regional Plan to be used as a guideline and concept, and this does not fall into that concept. If we change this, it's going to set a precedent. You might as well throw everything out, and let Becker Road be another Port St. Lucie Boulevard. I'm asking Assistant City Manager Bentrrott to give his input. We're not taking anything away from his property leaving it the way it is. I don't see a benefit for the City to do it, and that's what I look for."

Assistant City Manager Bentrrott stated, "This property, if it goes to CG for both land use and zoning, will not meet the Treasure Coast Plan. It would be a different use than what the Treasure Coast Plan has called for. I believe they called for multi-family residential on the southern portion of the properties. If the zoning and land use are both changed to CG, that does not preclude the owner from coming in and asking for another change of land use and zoning. It would also open it up to development as Commercial property. The Planning and Zoning Board approved this. To override that would require a super majority of the Board, which would be a 4-to-1 vote or better. If you remember last time, there was a motion to not approve it, which passed on a 3-to-2 vote. But, because of the super majority, it did pass." Mayor Minsky asked, "Didn't you also say that he still couldn't do the project that he was intending to do?" Ms. Friend replied, "We don't have a proposed project. I believe at one point there was discussion that the applicants would be interested in doing something that would conform to the Becker Road plan. The Becker Road plan has a residential component. Neither the proposed land use zoning combination, nor the existing land use zoning combination would allow for that. They have not applied for anything that would allow them to do land use that conforms to the Becker Road plan." Mayor Minsky questioned, "Under the CL land use that he has, couldn't he put in residential?" Ms. Friend answered, "No, he could not." Councilman Kelly pointed out, "If we give him this new designation, he can put in a carwash, a gas station, or just about anything." Ms. Friend said, "The CG would allow a lot more intensive development than the CL allows."

Mayor Minsky remarked, "He's not being denied the utilization of his property. It's not to the extent that he wants to, but it keeps us out of an inverse condemnation situation." Councilman Kelly **moved** to deny Ordinance 06-71. Councilman Cooper **seconded** the motion. The City Clerk restated the motion as follows: to deny Ordinance 06-71. The **motion passed** by roll call vote, with Councilman Kelly, Vice Mayor Christensen, Mayor Minsky, and Councilman Cooper voting in favor, and Councilwoman Berger voting

against.

b) ORDINANCE 06-74, AMENDING THE COMPREHENSIVE PLAN OF THE CITY OF PORT ST. LUCIE TO INCLUDE AN AMENDMENT TO THE FUTURE LAND USE MAP FOR THE CORRECTION OF A SCRIVENER'S ERROR FOR A PARCEL OF LAND LEGALLY DESCRIBED AS A PORTION OF TRACT "F" OF 1ST REPLAT IN PORT ST. LUCIE SECTION 46, PB 25, PG 32, 32A-32K; TO CORRECT THE FUTURE LAND USE DESIGNATION FROM OSR (OPEN SPACE RECREATIONAL) TO RM (RESIDENTIAL MEDIUM DENSITY); FOR A PROJECT KNOWN AS CITY OF PORT ST. LUCIE CORRECTIVE ORDINANCE TO FUTURE LAND USE MAP (P06-238); PROVIDING AN EFFECTIVE DATE, TORINO PINES

The City Clerk read Ordinance 06-74 aloud by title only. Mayor Minsky opened the Public Hearing. There being no comments, Mayor Minsky closed the Public Hearing. Vice Mayor Christensen **moved** to approve Ordinance 06-74. Councilman Cooper **seconded** the motion. The City Clerk restated the motion as follows: for approval of Ordinance 06-74. The **motion passed unanimously** by roll call vote.

c) ORDINANCE 06-79, PROVIDING FOR THE THIRD AMENDMENT OF THE PLANNED UNIT DEVELOPMENT DOCUMENT AND CONCEPTUAL DEVELOPMENT PLAN FOR GATLIN COMMONS LOCATED IN A PLANNED UNIT DEVELOPMENT DISTRICT; PROVIDING AN EFFECTIVE DATE, P06-104, GATLIN GROUP HOLDINGS II, LLC

The City Clerk read Ordinance 08-79 aloud by title only. Mayor Minsky opened the Public Hearing. There being no comments, Mayor Minsky closed the Public Hearing. Councilman Cooper **moved** to approve Ordinance 06-79. Vice Mayor Christensen **seconded** the motion. The City Clerk restated the motion as follows: for approval of Ordinance 06-79. The **motion passed unanimously** by roll call vote.

d) ORDINANCE 06-80, REZONING 0.78 ACRES OF PROPERTY LOCATED AT THE SOUTHWEST CORNER OF GATLIN BLVD. AND DINNER ST. FROM RS-2 (SINGLE FAMILY RESIDENTIAL) TO P (PROFESSIONAL) FOR A PROJECT KNOWN AS AMERITREND HOMES (P06-170); PROVIDING FOR AN EFFECTIVE DATE

The City Clerk read Ordinance 06-80 aloud by title only. Mayor Minsky opened the Public Hearing.

Paula Beaut, resident, said, "I live at 1057 SW Adventure Lane. My concern is what they're going to be building right out my front living room window. I know that we're in for change, and the building plans have already been laid out from what I hear. My concern is that I take care of my 84-year-old mom, who rides a scooter up and down the street, and we have children who ride their bikes on the street. All of the kids come on our street. In the beginning they were supposed to close our road. Our road is shaped like a J. I went to the Engineering Department, and begged the City to close the end of our street. They made it a right turn only. What are we going to be looking at? Are we going to have a big wall