

ROCKLEDGE PLANNING COMMISSION MEETING MINUTES

Tuesday, February 4, 2020 - 6:00 p.m.

CALL TO ORDER

The Rockledge Planning Commission met on February 4, 2020, at 6:00 p.m. in the Council Chamber at Rockledge City Hall, 1600 Huntington Lane, Rockledge, Florida.

MEMBERS PRESENT: Bob Theilacker, Chairman
Kevin Jarvis, Vice Chairman
Adam Copenhaver
Karen Kuta
Janet Monaco
Mike Pryor
Susan Schleith
Matthew Whalen

MEMBERS ABSENT: Michelle Doyle, excused
Erin Flynn (School Board Representative), unexcused

STAFF PRESENT: Dr. Brenda Fettrow, City Manager
Joseph Miniclier, City Attorney
Alix Bernard, Planning Director
Trina Gilliam, City Planner
Deanna Pomichter, Recording Secretary

With a quorum present, the meeting was called to order by Chairman Bob Theilacker.

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES & ATTENDANCE RECORD

- Meeting of December 3, 2019

Motion by Karen Kuta to approve the minutes and the attendance record of the December 3, 2019 meeting. Second by Kevin Jarvis. All in favor, motion carries.

PUBLIC HEARINGS - None

SITE PLANS - None

UNFINISHED BUSINESS - None

NEW BUSINESS

- A. Discussion concerning construction of Phase 1 (21 Single-Family Homes) of the Shepard Park Overlay District (Planning Division)

Planning Director Bernard stated what you have before you is a discussion of the Shepard Park Overlay District which is off of Fiske Boulevard. Mr. Baldwin owns several of these lots and presented it before City Council at the last City Council meeting. City Council recommended it come before Planning Commission to be looked at in further detail. Basically what you have in phase one is 21 single family lots and this is in the Shepard Park Overlay, so you can see Rosa L. Jones and Fiske Boulevard so if you know where that intersection is you can see it is all back behind there. Like I said Mr. Baldwin is looking to develop 21 single family homes in phase one with an additional 14 in phase two. I will tell you this is not your standard platted subdivision which is part of the reason it is here the way it is tonight. My understanding, it is an unrecorded plat of record from the 1950s. Meaning it was drawn up and never recorded. The regulations in the book say we can do a few things, so that you can get it platted, it can come before the Planning Commission to recommend to City Council with blessing or we can do a Development Agreement. So here it is before you for blessing tonight. Mr. Baldwin and his representative are both here if you have any questions for them. I am sure they will be more than happy to tell you a little bit about what they are proposing and I know they are very excited to see this move forward. I would be more than happy to invite them up if you would like to hear from them.

Doug Baldwin, 820 Barnes Boulevard, Rockledge, FL, 32955, owner, explained that is a copy of the picture of the duplex we finished back in June of last year. This is the one that came before you in April of last year. Due to the complications in building duplexes, I decided it would be a simpler thing to go ahead and do individual single family dwellings. Especially with the fact that I would probably eventually be selling to the low income families in the future and it is easier for them to get financing on a single family then to try and put two people together for a duplex. So my plans have always been to provide work force housing and this is why I have held onto this property for almost 20 years now. The opening with all the trees does not give you a real good picture. The City did build off Santa Rosa put in Reverend P. L. Jones six or seven years ago and I own 16 lots on that street alone and they are ready for construction. I have five exterior lots that are available and waiting on permitting for construction. It is a single family home, metal roofs, super insulated. Utility bills should run in the neighborhood of \$50.00 to \$75.00 a month, unless the doors are fanned. Energy efficient impact resistant windows with instahot and sealed concrete flooring with polyurethane two part epoxy on them so there is never any heat, any damage or any chance of anything being contaminated with mold. The duplex was wrapped in steal on three sides and the roof with a stucco front. I am here to answer any questions that you may have.

Commissioner Karen Kuta stated she has questions, I understand where this is located and that you are gearing it towards low income families, can you give us an estimate per unit your total cost per square foot to build a house of that type and then what you project the sale price of that house because it doesn't sound like that is low income at all.

Doug Baldwin said this one was not. This particular house due to the complications and everything, cost \$230,000.00 to build. I am projecting it is going to come in the neighborhood \$120,000.00 to \$130,000.00 for a single family and they will be going for various different stages. There are programs that if I sell them for \$150,000.00.

Commissioner Karen Kuta said there are definitely programs.

Doug Baldwin stated they can get them from the county or the state and even the federal government for down payments.

Commissioner Karen Kuta said the funding assistance from the state is \$7,500.00 and that is all that is available for funding assistance for low income. They can get \$15,000.00 and hold a second, the state would be holding on it. But my concern is at \$150,000.00 that is still quite a bit of money for that low income housing area. Is the city going to be assisting with any city funds what so ever?

Doug Baldwin said he is not requesting any funds.

Planning Director Bernard said that the way our code is written that we are allowed to have relief for permit fees and we can defer some fees until the end of the project. But other than that we don't have any mechanisms or vehicles in place to offset anything.

Commissioner Karen Kuta asked is the builder going to be selling the properties to the low income, is that how you are going to do it or is there going to be a third party that is going to have to pay to do that?

Doug Baldwin said no. He is the owner of the property and he is also a licensed contractor and will be building the houses himself.

Commissioner Karen Kuta ok.

Doug Baldwin said the homes are not initially going to be sold because he will have to recoup so much expense, so they are going to be rented to Section 8, Through Section 8 with the Cocoa Housing Authority. As of last year the last time he talked to them they had 167 people waiting on a three bedroom, two bath house as what I got. His homes were leased or rented before they were even completed and there were people in line to get in them. These two people that moved in, they put their applications in one from West Virginia and one from Pennsylvania, I believe it was and they were selected and put in.

Commissioner Karen Kuta said you are building these homes as rentals.

Doug Baldwin said yes initially.

Commissioner Karen Kuta said initially and so they are going to be occupied by person or persons and then you are going to turn around and try to sell

them down the road which now is not new homes anymore or are you going to try and gear to selling to the people that are renting it.

Doug Baldwin exactly. Everybody that comes in are already pre-qualified thru the Cocoa Housing Authority as being someone that falls within the 60 or 70 percent below the normal income. The two people that have been coming out to look at them fall into probably less than 20 percent. One lady her entire payment was paid for and one lady is paying \$180.00 a month.

Commissioner Karen Kuta said her concern is she is extremely familiar with Section 8 and Affordable Housing Initiative and she worked with the Cocoa Housing Authority on that initiative for quite a while. She also works all over Brevard with the different initiatives. This is being presented to us as a community you are going to build and sell homes for low income housing but now she is hearing that you are going to build homes that you are going to rent to Section 8, which she doesn't know of any Section 8 families that can afford buy to by \$150,000.00 homes because if they could afford they would be buying, instead of renting. Her concern is how this is being projected, it is a rental community basically is what you are asking.

Doug Baldwin said yes and in the future he sells them down the road via either to the people that are in them or to investors or somebody that wants to carry on low income housing.

Commissioner Bob Theilacker ask any idea what you anticipate an average monthly rent would be in those.

Doug Baldwin stated \$1,385.00 a month.

Commissioner Karen Kuta said that they are not paying that because Section 8 will probably cover \$600.00 to \$800.00 of it.

Doug Baldwin stated extremely low income people that are finally getting a decent home to move into, some of them are in the spectrum of \$150.00 to \$200.00 a month.

Commissioner Karen Kuta said the Cocoa Housing Authority will be handling all of these.

Doug Baldwin said the Cocoa Housing Authority is pre-qualifying all of these and sending them to me.

Commissioner Karen Kuta said we can look at the past as to how Cocoa Housing Authority has worked with families in the past to get an idea of how this community is going to be?

Doug Baldwin said he would not know how to answer that question.

Commissioner Bob Theilacker said he doesn't think Doug Baldwin can answer that question.

Commissioner Karen Kuta said it was a fictitious statement. We see all the time how that has been handled.

Doug Baldwin said he bought the property 20 years ago to develop it and spending his money to develop it. Rockledge back in 2006 set this aside as an overlay district in an attempt to get it to work and be more affordable for him to build on the 36 lots that he owns. Which is the number of lots that fall into the overlay district. He has owned them and paid taxes on them for the whole time. His goal is to make them for low income, if he is unable to do that for whatever cost, such as increase expenses of his living and everything while he is here trying to get houses permitted. Then that prohibits or increases the cost of everything that he is doing.

Commissioner Karen Kuta asked are you anticipating doing one or two at a time.

Doug Baldwin said he is anticipating turning in a plan and having it as a blanket plan to where it will be a master plan and I can do anywhere for six to twelve at a time. Whatever his money is allowing him to do. He just sold his house in Arkansas, taking the cash out of that and put it in his retirement money. That is already in the duplex to build these houses and go from there.

Commissioner Karen Kuta said she is all about providing homes for low income housing. That area is a much needed, much needed initiative.

Doug Baldwin said that there are other avenues for people to get down payment assistance that he has explored in the past. Community Credit Union had a program for first time home buyers or they used to have.

Commissioner Karen Kuta said not any more.

Commissioner Adam Copenhaver said the photo of the duplex that you have here he has to say looks great, good work. Do you intend the single family homes to look similar, you did describe with the impact windows and the metal roof and this kind of thing?

Doug Baldwin said that is a single family flipped, reverse right there. So there are several reasons he has decided, in addition to the cost to go with single family verse duplex is that is the neighborhood in which it is in. That house turned out to be 16 and a half feet tall. It is much larger than anything in the neighborhood and the only reason why I am happy with it is because it is by the church and the church's office there. That is a pretty good size church and going back to the single family is getting it back to 12 1/2 feet and he is trying to match the esthetics of it to the neighborhood so it doesn't totally stand out. When we get to Revered P.L. Jones everything on there will have a different facade look to it. It is going to have a better pitch, so gables and the same house just a different facades on it.

Commission Karen Kuta said old Florida cracker.

Doug Baldwin said he would love to.

Commissioner Karen Kuta said she loved that look.

Commissioner Kevin Jarvis asked what the target square footage of the house is.

Doug Baldwin said the single family he raised it up, it is going to be 1,200 square feet. The duplex was 1,120 square feet. He was unhappy with it because the hallways were too narrow, the bedrooms were small and nine feet walls.

Commissioner Karen Kuta said nine feet ceiling heights.

Commissioner Bob Theilacker said nine feet ceiling heights.

Commissioner Karen Kuta asked is it all wheel chair accessible.

Commissioner Kevin Jarvis said the reason why he asked is the requirements say from 900 to 1,500 and he wanted to know where he was.

Doug Baldwin said each of the bedrooms on the new design has added a foot to the length of them, all the bathrooms and laundry room and wet areas he has added six inches and increase the width of the hall by four.

Commissioner Karen Kuta asked is there a reason why you are putting on metal roofs and impact windows. It is very expensive to do that and it seems.

Doug Baldwin said not really, he is not arguing with you.

Commissioner Karen Kuta said no more than shingles.

Doug Baldwin no, no. It has been the way people have presented metal. If you take it to look at the way your labor put shingles on, it took my guys one day to put the roof on that duplex. It is simple it is 36 inch coverage.

Commissioner Karen Kuta said it would last forever.

Doug Baldwin said he lives in a metal building at home and it is 20 feet tall side walls, 50 x 60 and we put it up on the market and the first lady that came in bought it. He builds these houses exactly like he builds his personal house. Out of the same insulation material, the same color scheme, the same color cabinets, the same type of cabinets, everything. Everything I put into my house I put in into these homes. He built his dad one of these homes.

Commissioner Kevin Jarvis said the only things you are asking for are.

Doug Baldwin said not even asking for that, hate to cut you off but we changed our mind we don't want anything from the city but a permit.

Commissioner Kevin Jarvis said you are looking into a stream lining permitting process.

Doug Baldwin said no.

Commissioner Karen Kuta said you are only asking for a permit.

Doug Baldwin said he has been waiting for a permit for four or five months already.

Commissioner Kevin Jarvis said the letter says you are looking for streamlined permitting.

Doug Baldwin said he readjusted after the letter was prepared.

Commissioner Kevin Jarvis said you want none of that stuff.

Doug Baldwin said he wants none of that. He just wants to be able to build these houses when he is ready to build them, as fast as he can build them and as fast as his money will allow him.

Commissioner Kevin Jarvis said the other question he has, these are a little details he wants to get sorted out. You mentioned that you are building 37 single family homes, I mean 35 and on the drawing there are 37 lots highlighted so what is the difference?

Doug Baldwin said up in the top right hand corner 21 and 23 is where the duplex is built.

Commissioner Karen Kuta said 21 and 23 is the duplex.

Planning Director Bernard said yes it is.

Commissioner Matthew Whalen asked if they all are going to have the open carport instead of a garage to hide the peoples junk.

Doug Baldwin said on the ones that are going to be out on the perimeter of the heart of it, they are going to be carports lay more into what the neighborhood is. He is trying to work up a new plan that when we go down Reverend P.L. Jones is to put the garage, carport into the house.

Commissioner Karen Kuta said the carports fit that neighborhood, they are all carported over there.

Commissioner Matthew Whalen asked can they build a fence.

Commissioner Karen Kuta said yes.

Commissioner Matthew Whalen said you mentioned how you want to integrate into the existing neighborhood, are you able to save some of the

native palms and replant them so there are some mature trees to blend in with all the other mature trees that the other existing houses have?

Doug Baldwin said with the duplex we were able to save approximately 10 to 12 mature trees, 50 feet tall or better on the back of it. There are some beautiful oaks on this property that he is trying to work around, that he doesn't want to take down. Which brings up a point, if variances were allowed for setbacks here or there to where he would be allowed to move, he could possibly save some trees that otherwise he might have to do away with. If he runs into that he would like the ability to come back to Alix and say there is a tree that I am going to have to take down if I can't get six inches, nine inches or a foot, variance or here.

Planning Director Bernard said she doesn't have the ability to do a variance. A variance comes from the Board of Adjustment and it has to do with the lay of your land.

Doug Baldwin said he will save the trees if he can otherwise he is cutting them down.

Commissioner Karen Kuta said if she is not mistaken most of those lots are clear.

Doug Baldwin said not.

Commissioner Karen Kuta said that must be this part over here. Your part is all woods.

Doug Baldwin said if you look at the top of the picture on the left were Santa Rosa comes in, that is Pastor Shawn Ferguson is church and he has a parking lot and then you got two homes and then it's got five lots across, mine are coming over here, his are the center of it.

Commissioner Kevin Jarvis said he has a general question for you Sir. The Overlay requirements specify that the housing has to be deed restricted, how is that going to work with the rest of the area that he is pretty sure is not deed restricted. Because you are going to be disbursed between non-deed restricted homes.

Doug Baldwin said he believes that deed restriction fall in, if he does an agreement with the City, and so forth, which we are saying we don't want to do that.

Commissioner Kevin Jarvis said he doesn't know, he is just looking at the requirements here and it says the housing levels within the overlay area, it doesn't say anything about agreements, it just says that the units must be deed restricted to ensure resale to moderate low or very low income households.

I am just wondering how you are going to get a deed restriction disbursed with a non-deed restricted area.

Commissioner Bob Theilacker interpreted it as a deed restriction is going to be on the homes and who purchases it.

Commissioner Karen Kuta said you can't restrict on who purchases it. Deed restriction is the neighborhood and how it conforms.

Commissioner Susan Schleith said HOAs.

Commissioner Karen Kuta said yes.

Commissioner Kevin Jarvis said the fact that you are disbursed amongst a lot of non-deed restricted areas, he is wondering how you are going to negotiate that. How is it going to work?

Commissioner Bob Theilacker said I guess I am ignorant because how is that a problem?

Doug Baldwin said his are deed restricted and the others are not.

Commissioner Bob Theilacker said I understand that part, if I am on this piece of property and you are on that piece of property and you are. How does that affect me?

Commissioner Karen Kuta said it affects resale value greatly.

Commissioner Kevin Jarvis said his concern is, how is it going to work because you are going to have a whole slew of homes that are deed restricted with a bunch that are non-deed restricted.

Commissioner Karen Kuta said normally a deed restriction has to be posted. You go into a neighborhood it is post that this is a deed restricted community.

Commissioner Bob Theilacker asked is that a mandatory requirement or just a voluntary.

Commissioner Karen Kuta said it is mandatory on the city in certain areas, so then there are convenience and deed restrictions by the laws, yada, yada, yada.

Commissioner Kevin Jarvis said when you buy in to complying with the deed restrictions.

Commissioner Karen Kuta said that neighborhood is not a deed restricted, it has never been deed restricted, yet this is saying it has to be.

Commissioner Kevin Jarvis asked how is that going to work.

Don Griffin, 6535 Pleasant Avenue, Cocoa, FL 32927, consultant to the owner, again this is not until a potential resale, at that time restrictions will be

put on the properties themselves. Since it is a leased condition at this time, with the properties having to do with the housing authority approving our 30 to 50 percent limited income people. Again as of this time, nothing at this time is being proposed to be sold, when they are there will be restrictions put on as to what they can and cannot be sold for at that time.

Commissioner Karen Kuta ask to hear from the City Attorney on that because I don't think legally, oh he is checking right now. That you can just put a deed restriction on a single property that is not what the intent was.

Don Griffin said the word deed restrictions may be a little bit different than what it actually is. It is more on a restriction on the resale of the property.

Commissioner Karen Kuta said she knows was the definition of what a deed restriction is.

Commissioner Kevin Jarvis said he is going to read right here, the units are to be deed restricted to ensure resale to moderate low or very low income households.

Don Griffin said it has to do with the price of the home.

Commissioner Karen Kuta said no, no it does not.

Don Griffin said it does to, to make sure it meets the criterial for the 30 to 50, the 50 to 70 and the 70 to 120, so.

Commissioner Karen Kuta said that is not the way we interpret it in real estate. I would still like to hear from the City Attorney on that one.

Commissioner Kevin Jarvis said while the City Attorney is looking that up, I would also like to try and find out.

Don Griffin said just to make you aware there is a couple more things I wanted to talk to you before Joe comes up here as City Attorney. These homes are basically meant to be as user friendly as possible, so there is not a lot of maintenance on it. Mr. Baldwin has also and he has done this last time with the duplex people even though there were not there that long. Is that he does an inspection in November, if there is no maintenance on those buildings at the time he does the inspections, he give them \$50.00 a month and that is given to them in December. That is \$25.00, I am sorry. I am giving your money away. Anyway that is \$25.00 and again that is to be used at Christmas time. With three bedroom there is probably children involved, so he has proposed that and so far he hasn't had too many maintenance concerns on the properties that he does have.

Commissioner Karen Kuta said I would be curious, she knows he built the duplex but how many other properties have you built in this area.

Doug Baldwin said he built 1509 and 1511, Rosa L. Jones back in 2007-2008.

Don Griffin said the non-restricted, they are behind the large lake.

Commissioner Karen Kuta asked are those rentals right now or are they.

Doug Baldwin said they were sold, they were about \$280,000 each.

Planning Director Bernard asked Commissioner Kevin Jarvis what section of the code, she is just trying to verify the deed restriction and she is not finding it.

Commissioner Kevin Jarvis said in 60.90b, it was part of the packet you gave us.

Planning Director Bernard said thank you for that.

Commissioner Kevin Jarvis said he had another question for you Alix, the letter that was accompanied in the package, indicated that the Mr. Baldwin does not want to plat his land and he does not want to develop an agreement with the City.

Planning Director Bernard said that is correct.

Commissioner Kevin Jarvis said what exposure does the city have for neither one of those things occurring and why would we want it and why doesn't Mr. Baldwin want to give it to us and if it is not any issue why do you raise it. I don't understand what the implications maybe that we should have a concern with.

Planning Director Bernard said it is not your typical raw piece of land that would go thru your standard subdivision and platting process like we would with everything else. This is a very old piece of land that is on the books that has some things from 70 years ago that we are trying to navigate. I am going to let the City Attorney speak to the liability because I am not an Attorney so, once we have him talk about the other stuff she will have him talk about that as well.

City Attorney Joe Miniclier said 60.90 has no definitions on it so what is a definition of a deed restricted piece of property that is a real good question. Many people may think deed restrictions are one thing or another. It is very nebulous. It is a very old, old, old development that was put in and written long ago. I could say that deed restriction is long as you're trying to make it so that it is going to keep the property affordable when it is sold, that is something that would have to be worked out.

Commissioner Kevin Jarvis said that is my questions because it is so nebulous and it affords itself to a lot of different interpretations, those of us who live in a very regimented deed restricted community understands what that mean and does that mean there is going to some sort of an HOA monitors that, he doesn't know and that is why he is asking the question. How is this going to be managed so that if we are trying to ensure that the

properties stay at a great caliber to get sold? So Mr. Baldwin can make sure we have good people come in. How do we do that?

Commissioner Karen Kuta said you can't use the term good people.

City Attorney Joe Miniclier said what we are going to have to do is look at the homes built in that overlay and find out if there are deed restrictions put on them because if they hadn't required them in the past then that provision is pretty much waived.

Commissioner Karen Kuta said we would just grandfather it in because the intent she is assuming, the intent for that entire area is to sell or rent to people of low income or affordable housing and it is not the same as the area we live in. It always has to have the intent of affordability. When you start to add rules and regulations people get scared.

City Attorney Joe Miniclier said that is what we are going to have to do. There is absolutely no definition in this provision that would give us any guidance. The only thing I can think of that we can do is go and find out if any of the properties that have been built that is in the Overlay District have deed restrictions put on. If they haven't.

Commissioner Karen Kuta said she just sold three house in there and there are no deed restrictions on them.

City Attorney Joe Miniclier said then it is waived if they haven't done it in the past.

Commissioner Kevin Jarvis said he see deed restrictions as helping Mr. Baldwin ensure that those houses stay at an efficient quality so they can be rented and potentially sold at some future date. Deed restricted communities are at least reportedly established so that is in fact the realty. The question is asked to help you as much as it is to help us Sir.

City Attorney Joe Miniclier said this has been around a long time. It has been around longer than he has been the City Attorney. In fact Walter Shepard was the City Attorney when they did it. Given the name. I think it was his son who actually developed this and the only why I can see to get some clarification is to take a look at all the deeds and see if they have anything in them stating the properties have to be A, B C or D to keep it affordable.

Commissioner Bob Theilacker asked is it a requirement to have something written in the deed to make them affordable to get assistance from the other government agencies.

City Attorney Joe Miniclier said he has no idea.

Commissioner Bob Theilacker said no.

City Attorney Joe Miniclier said we will have to find out.

Commissioner Karen Kuta said she believes a lot of the assistance is done by area and location. For example USDA is for specific areas and I would absolutely recommend looking into USDA for that neighborhood, that area it is an outstanding loan program, 100 percent down payment, no closing cost with a credit score of 520. If you can get with USDA that is something to look at but affordable programs are for affordable homes in a particular areas.

Commissioner Bob Theilacker said the question we are stuck with is deed restricted areas.

Commissioner Kevin Jarvis said the question he just asked concerning the fact the letter says Mr. Baldwin is not looking to get a development agreement with the City or the plat and his question is what exposure the City has, if Mr. Baldwin does neither. Is that something we are going to require from him and that is why he is coming here to get relief, he don't understand what the implications would be if we gave him the relief or what that means to the City and I have to be smart to make that decision.

City Attorney Joe Miniclier said it was about a year ago that Mr. Baldwin first came to the city and we went into negotiations, Alix and I put together an agreement that was pretty much kyboshed, after it got reviewed by his attorney. This project just sat there and now it has come back again, there are a lot of bells and whistles on this thing that have never been looked into in any kind of depth by the City and he is going to have to do it.

Commissioner Karen Kuta asked if they can ask for the City Attorney's opinion on this since he was asked to come to the meeting.

City Attorney Joe Miniclier said legal opinion.

Commissioner Karen Kuta said yes.

City Attorney Joe Miniclier said you are not going to get one tonight, I can tell you that right now, if you are looking for an actual official legal opinion because what he is going to have to do is some research on the project. He has no idea, there are buildings built in there that have happened a long time ago and the way they did them was that they would come before City Council and the City Council would determine what they were going to build and how they were going to build it. They approved the building permits so on and so forth, that was a long time ago that they did a lot of these. He has no idea whether those buildings have deed restrictions in them at are called for by this ordinance. So I would have to do the ground work for it. Before I can give you a legal opinion I would have to have the facts.

Commissioner Adam Copenhaver said I would like to say this and deed restricted or not he lives in a non-deed restricted community with beautiful homes and beautiful families. I don't think this has to be something of a tipping point. He would also like to say, it appears to him you are trying to improve our community and improve an area to provide housing for our work

force and I think that is being completely ignored or something that is completely irrelevant.

Commissioner Kevin Jarvis said he is not worried about the deed restriction. Can this body make a decision to basically say a development agreement is not necessary because he doesn't know what that means?

Commissioner Karen Kuta said what she heard is this has come before us before and there were issues and you could not come to an agreement with the attorney that is what I heard. I heard that there are some issues with this plan that is a concern of mine regardless of the deed restrictions, regardless of affordability. She has a concern for the legal implications to the city and this project.

City Attorney Joe Miniclier said what is before you now as an advisory board, you advise the City Council. What you need to do is take a look at this project and you think there are problems you set it up with recommendations that you feel are necessary and then it goes to the City Council. They will act or not act on what you say or do. They really are the ultimate decision in this thing.

Commissioner Bob Theilacker said his one comment about the platting is all the houses in that area that are existing now and there is no plat so how does putting any more houses in there make a difference. He doesn't get it.

City Attorney Joe Miniclier said it is called an unrecorded plat of record because it is sitting in our ordinances and describes what happens, it is a plat and overlay district. Even the language in the ordinance speaks to plats. He really has to go back to the base and find out what the past councils have done in that 20 or 30 years when they did the ones that were developed in there. Before it was just one house at a time. It can be anything the deeds could be anything he has not idea.

Commissioner Adam Copenhaver said he believes it would fall on him and his legal fee more than it affecting the City.

Commissioner Karen Kuta said that is not what he said.

Commissioner Adam Copenhaver said he didn't see any way how the City would be burdened by this project. City Council is not going to approve something that is detrimental to the City.

Planning Director Bernard said in your standard D. R. Horton subdivision that typically comes before you is what the preliminary plat and the subdivision plat and what the final plat looks like. All the infrastructure comes with that and we get maintenance bonds to make sure they complete the project like they said they were going to and it for a period of up to two years from the start of the project to the very end of the project. The idea with that is if they, if the contractor goes belly up the city can collect on those bonds and finish out the infrastructure. So in this case we don't have any of that.

Commissioner Kevin Jarvis said so what exposure does the city have without that. We don't know and that is a big question.

Commissioner Karen Kuta said so we can have a start of a project without the infrastructure in place.

Don Griffin said the homes being proposed in phase one all have sewer, all have water and all have roadway frontage, so that's all taken care of the only thing left is to tap into the sewer and water. The only one we are talking about is the Palm Dale and that is phase two. When the road is constructed then there will be sewer, water and actual road frontage at that time. So, none of that is a concern as far as the property owner goes. Also remember that Shepard Park Overlay was developed for his property. Nothing else in Shepard Park that has not been built upon, which is quite a bit more than what Mr. Baldwin has. There are other properties that have not been built. Over the last 70, 71 years, He can guarantee you that there has not been a development order give to anyone of those projects to build a house, there has not been any other agreement or request for plats on any one of those other lots and for us to plat that subdivision, it would be a total nightmare, it would take 20 to 30 years to do because we would have to get permission from every property owner, from every finance company and any other person who might have interest in all those properties. It is not platting his property, it is platting the entire subdivision, which cannot be done by one individual. It is not fair. Just to make you aware of it he is just trying to provide at time building some affordable housing that has sewer, water and frontage available to it. He plans on renting it out to approved families from the Cocoa Housing Authority, at this point is 30 to 50 percent meeting income and to make sure his project gets going. Down the road if he wants to sell the property he will negotiate with the city to see what is a viable selling point, as far as, meeting the provisions to be there. To see what would be affordable for those particular people but as of this time he just wants to get going, as far as, the building goes.

Commissioner Kevin Jarvis said he doesn't think he is asking necessarily for a plat, he understands the complexity and it might almost be impossible with no good return on investment. He is asking, there is a significant difference with a plat but what is the difference a development agreement, what would the city be asking for, for a development agreement that either can't be produced or we don't want it and that is. Again I want to make sure that the city is not at any risk of a potential anything. What constitutes a development agreement that either can't be produced, doesn't want to be produced or we can't agree on.

Don Griffin said he would let Alix speak in a minute, if you don't mind. But as far as the development agreement, anything that was included in the entire Shepard Park Overlay that had to do with an incentive required an agreement to be done a development agreement is what they typically called it. That is why he doesn't want to despite the permitting and he doesn't want to do anything that involves any kind of dollar amount with the City of Rockledge. So there doesn't have to be a development agreement prepared on this

particular property because we haven't asked for anything and will not ask for anything.

Commissioner Kevin Jarvis said that works perfectly, he is glad you said that because that now makes the development agreement not necessary because the overlay plat says if you are not asking for any allowances or any exemptions or anything else, you don't need an agreement. But the last word we had in this letter said you were asking for things. So if you are not asking for things then maybe a development agreement is not requested but that is not what the cover letter says, so we need to sort that out.

Commissioner Karen Kuta asked what does the city recommend.

Planning Director Bernard said after hearing everything tonight, she feels like it would be in our best interest to table this item and go back and do some more research.

Motion by Karen Kuta to table the discussion of the Shepard Park Overlay District to allow the City to do more research. Seconded by Janet Monaco. All in favor, motion carries.

B. Volunteer of the Year (Breakfast April 18, 2020)

Planning Director Bernard requested each Commissioner nominate 2 people for the volunteer of the year.

C. Non Agenda

Planning Director Bernard informed the Commission of the ongoing projects and events within the City.

Planning Director Bernard recommended to the Planning Commission that with Wednesday Friends Day around the March meeting moving the meeting date to March 10, 2020.

Motion by Karen Kuta to move the next Planning Commission meeting to March 10, 2020. Seconded by Janet Monaco. All in favor, motion carries.

ADJOURN - Meeting adjourned at 6:54 p.m.

Submitted by:

Deanna Pomichter
Recording Secretary

Approved by:

Bob Theilacker
Chairman