



AGENDA

**LOCAL PLANNING AGENCY
FEBRUARY 8, 2024
AT 5:30 PM
COMMISSION CHAMBERS
121 SW FLAGLER AVE.
STUART, FLORIDA 34994**

LOCAL PLANNING AGENCY

**Chair - Kelly Laurine
Vice Chair - Margaret Bromfield
Board Member - Sean Forbes
Board Member - Laura Giobbi
Board Member - William Mathers
Board Member - Ryan Strom
Board Member - VACANT
Ex Officio Board Member - Mark Sechrist**

ADMINISTRATIVE

**Development Director - Jodi Nentwick-Kugler
Board Secretary - Susej T. Meleqi**

Agenda items are available on our website at <http://www.cityofstuart.us>
Phone: (772) 288-5306. Fax: (772) 288-5305. E-mail: mkindel@ci.stuart.fl.us

In compliance with the Americans with Disabilities Act (ADA), anyone who needs a special accommodation to attend this meeting should contact the City's ADA coordinator at 772-288-5306 at least 48 hours in advance of the meeting, excluding Saturday and Sunday.

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, he will need a record of the proceeding, and that for such purpose he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

(RC) next to an item denotes there is a City Code requirement for a Roll Call vote.
(QJ) next to an item denotes that it is a quasi-judicial matter or public hearing.

CALL TO ORDER

ROLL CALL

PLEDGE OF ALLEGIANCE

1. ADVISORY BOARD MEMBER OATH
2. ANNUAL BOARD REORGANIZATION - SELECTION OF CHAIR AND VICE CHAIR

APPROVAL OF AGENDA

APPROVAL OF MINUTES

3. APPROVAL OF 12/14/2023 LPA MINUTES

COMMENTS FROM THE PUBLIC (Non-Agenda Related) (3 Minutes Max.)

COMMENTS BY BOARD MEMBERS (Non-Agenda Items)

ACTION ITEMS

4. **APPLICANT REQUESTED A CONTINUANCE TO A DATE CERTAIN OF MARCH 14, 2024 LPA:**
EDEN MULTI-FAMILY - SMALL-SCALE COMPREHENSIVE PLAN FUTURE LAND USE MAP AMENDMENT (QJ):

ORDINANCE No. 2527-2024; AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, FOR A SMALL-SCALE COMPREHENSIVE PLAN FUTURE LAND USE MAP AMENDMENT AS DEFINED IN F.S. §163.3187; AMENDING THE COMPREHENSIVE PLAN FUTURE LAND USE MAP FOR AN APPROXIMATE 22.76-ACRE PARCEL FROM COMMERCIAL TO THE NEIGHBORHOOD SPECIAL DISTRICT FUTURE LAND USE DESIGNATION, FOR A MAXIMUM RESIDENTIAL DENSITY OF 7.64 DWELLING UNITS PER ACRE; AMENDING THE FUTURE LAND USE MAP; PROVIDING DIRECTIONS TO THE CITY CLERK; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

5. **APPLICANT REQUESTED A CONTINUANCE TO A DATE CERTAIN OF MARCH 14, 2024 LPA:**
EDEN MULTI-FAMILY - MAJOR COMMERCIAL PLANNED UNIT DEVELOPMENT (CPUD) AMENDMENT (QJ):

ORDINANCE No. 2528-2024; AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, FOR A MAJOR CPUD AMENDMENT TO THE 12.31-ACRE MAR-STUART (MARKET PLACE) COMMERCIAL PLANNED UNIT DEVELOPMENT (CPUD) LOCATED ON THE WEST SIDE OF SE FEDERAL HIGHWAY, TO INCORPORATE A 22.76-ACRE PARCEL WITHIN THE OVERALL MAR-STUART CPUD FOR A TOTAL LAND AREA OF 35.07-ACRES; AND ALLOWING FOR A FIVE (5) PHASE DEVELOPMENT FOR THREE (3) ADDITIONAL AUTOMOBILE DEALERSHIPS, ONE (1) DEALERSHIP CARWASH, A TWO-STORY PARKING DECK, TWO (2) 8,800 SQUARE FOOT ONE-STORY COMMERCIAL BUILDINGS, A 2,500

SQUARE FOOT ONE-STORY RESTAURANT/DRIVE THROUGH, AND THREE (3) FOUR-STORY BUILDINGS TO ACCOMMODATE 268-UNIT MULTI-FAMILY UNITS, FOR A MAXIMUM RESIDENTIAL DENSITY OF 7.64 DWELLING UNITS PER ACRE; PROVIDING FOR MASTER SITE PLAN APPROVAL; PROVIDING FOR A PHASED DEVELOPMENT SCHEDULE; PROVIDING FOR CONDITIONS OF APPROVAL; PROVIDING FOR SPECIFIED COMMERCIAL USES; PROVIDING FOR SIGNAGE REQUIREMENTS; PROVIDING DIRECTIONS TO THE CITY CLERK; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

6. REVIEW OF PROPOSED AMENDMENTS TO THE TEXT OF THE CITY LAND DEVELOPMENT CODE

STAFF UPDATE

ADJOURNMENT

WHAT IS CIVILITY? Civility is caring about one's identity, needs and beliefs without degrading someone else's in the process. Civility is more than merely being polite. Civility requires staying "present" even with those persons with whom we have deep-rooted and perhaps strong disagreements. It is about constantly being open to hear, learn, teach and change. It seeks common ground as a beginning point for dialogue. It is patience, grace, and strength of character. Civility is practiced in our City Hall.

PUBLIC COMMENT: If a member of the public wishes to comment upon ANY subject matter, including quasi-judicial matters, please submit a Request to Speak form. These forms are available in the back of the Commission Chambers, and should be given to the City Clerk prior to introduction of the item number you would like to address.

CONSENT CALENDAR: Those matters included under the Consent Calendar are self-explanatory, non-controversial, and are not expected to require review or discussion. All items will be enacted by one motion. If discussion on an item is desired by any City Commissioner that item may be removed by a City Commissioner from the Consent Calendar and considered separately. If an item is quasi-judicial it may be removed by a Commissioner or any member of the public from the Consent Calendar and considered separately.

QUASI-JUDICIAL HEARINGS: Some of the matters on the Agenda may be "quasi-judicial" in nature. City Commissioners will disclose all ex-parte communications, and may be subject to voir dire by any interested party regarding those communications. All witnesses testifying will be "sworn" prior to their testimony. However, the public is permitted to comment without being sworn. Unsworn testimony will be given appropriate weight and credibility by the City Commission.

**CITY OF STUART, FLORIDA
AGENDA ITEM REQUEST
Local Planning Agency**

Meeting Date: 2/8/2024

Prepared by: Susej Meleqi

Title of Item:

ADVISORY BOARD MEMBER OATH

Summary Explanation/Background Information on Agenda Request:

Advisory Board Members serving the City of Stuart will take an Oath before the City Clerk/City Attorney for public record.

Funding Source:

N/A

Recommended Action:

Board members take an Oath.

ATTACHMENTS:

1. Board Member Oath_ LPA



CITY OF STUART

Oath of Office

I, _____, am qualified under the Constitution, Laws of Florida, and the Code of Ordinances for the City of Stuart, Florida to serve as a member of the LOCAL PLANNING AGENCY and that I will well and faithfully perform the duties of an advisory board member on which I am about to enter, so help me God.

Name

STATE OF FLORIDA
COUNTY OF MARTIN

The foregoing instrument was acknowledged before me by means of physical presence ____ or online notarization ____, this 8th day of February 2024, _____, who is personally known to me or who has produced Florida driver license as identification.

Deputy City Clerk

(Notary Seal)

**CITY OF STUART, FLORIDA
AGENDA ITEM REQUEST
Local Planning Agency**

Meeting Date: 2/8/2024

Prepared by: Susej Meleqi

Title of Item:

ANNUAL BOARD REORGANIZATION - SELECTION OF CHAIR AND VICE CHAIR

Summary Explanation/Background Information on Agenda Request:

Per the LPA By-laws (attached) adopted by the Stuart City Commission in 2020, a Chair and Vice Chair shall be appointed according to Article 3, Election of Officers.

Funding Source:

N/A

Recommended Action:

Board elects a Chair and Vice Chair.

ATTACHMENTS:

1. LPA By-Laws 2020



BY-LAWS LOCAL PLANNING AGENCY (LPA)

These By-Laws constitute the rules adopted by the City Commission and shall apply to the Local Planning Agency Advisory Board (hereinafter the "Board" or "LPA") for the regulation and management of its affairs.

ARTICLE 1 GENERAL

- 1.1 **Establishment and Name.** The Board is established as provided in Chapter VIII, Sec. 8.00.01 of the Land Development Code of the City of Stuart. The name shall be designated as the City Planning Advisory Board. Because it also functions as the local planning agency, it may also be cited as the Local Planning Agency (LPA).
- 1.2 **Purpose and Objectives.** The Board shall be an advisory Board to the City Commission and to the City administration in performing the duties and responsibilities described in this code.
- 1.3 The Local Planning Agency shall constitute a legal entity, separate, distinct, and independent from the City Commission.

ARTICLE 2 MEMBERSHIP

- 2.1 **Qualifications.** Members shall be over the age of 18 years of age. Members must also be current residents of the City of Stuart or be property owners of real estate within the geographic limits of the City.
- 2.2 **Number.** The Board shall consist of seven (7) members. Each City Commissioner shall appoint a single member to the Board. The City Manager shall appoint two (2) members to the Board, which shall be ratified by the City Commission.
- 2.3 **Term.** The Board members shall serve annual terms. The Commissioners shall ratify the membership of the Board at the annual reorganization meeting of the City Commission.

- 2.4 **Staff Liaison.** The Development Director shall serve as the senior staff person to the Board.
- 2.5 **Secretary.** The Development Director shall appoint a Secretary of the Board and as such shall prepare Board agendas, be the custodian of all books and records of the Board, keep the minutes and a recording of all votes of all Board meetings, and send out all notices of meetings and shall perform such other duties as may be requested by the Board. In the absence of the Secretary at a meeting, the Development Director shall designate an employee to act as Secretary.
- 2.6 **City Attorney.** The City Attorney shall serve as the legal advisor to the Board and attend meetings when necessary.

ARTICLE 3 ELECTION OF OFFICERS

- 3.1 Nomination and election of officers shall occur at the annual organizational meeting of the Board. The organizational meeting shall occur at the first LPA meeting after the annual reorganizational meeting of the City Commission.
- 3.2 **Officers.** Regular officers of the Board shall be a Chair and a Vice-Chair who shall be appointed by the Board at its annual reorganizational meeting.
- 3.3 **Chair.** The Chair shall preside at all meetings of the Board and shall execute instruments in the name of the Board as may be required.
- 3.4 **Vice-Chair.** The Vice-Chair shall, in the absence, disqualification, resignation or death or disability of the Chair or at the Chair's direction, shall exercise the functions of the Chair.
- 3.5 **Vacancy.** Upon a vacancy in the office of Chair or Vice-Chair, the Board members shall select one of them to fill the position at the next regular meeting following the creation of the vacancy.

ARTICLE 4 DUTIES AND RESPONSIBILITIES

- 4.1 The Board shall constitute the Local Planning Agency as that term is defined and construed in F.S. § 163.3164;
- 4.2 The recommendations to the City Commission shall apply to those issues that fall outside of the Community Redevelopment Agency;
- 4.3 The Board shall make recommendations to the City Commission regarding proposed amendments to the text of the Stuart Comprehensive Plan;

- 4.4 The Board shall make recommendations to the City Commission regarding proposed amendments to the text of the Stuart Land Development Code;
- 4.5 The Board shall make recommendations to the City Commission regarding proposed amendments to the future land use map component of the future land use element of the Stuart Comprehensive Plan;
- 4.6 The Board shall make recommendations to the City Commission regarding proposed amendments to the zoning map of the City in the form of zoning and rezoning;
- 4.7 The Board shall make recommendations to the City Commission regarding proposed annexations to the City;
- 4.8 Consider and make recommendations regarding the consistency of proposed developments with the various elements of the City Comprehensive Plan;
- 4.9 Conduct such public hearings as may be required to gather information necessary for the preparation, establishment, and maintenance of the Comprehensive Plan, as well as all other public hearings required by the regulations or by the City Commission; and
- 4.10 Make other recommendations to the City Commission and the City administrative staff upon the request of either regarding land use in the City and the regulation thereof by the City.

ARTICLE 5 MEETINGS

- 5.1 **Regular Meetings.** Regular meetings shall be held on the second Thursday of each month at 5:30 p.m. in the City Commission Chambers at the Stuart City Hall. No meeting will be convened in the event there is no matter to be considered by the Board.
- 5.2 **Special Meetings.** Special meetings may be held at the discretion of the Local Planning Board as necessary. Special meetings may be called by the Chairperson; any two (2) members of the Board or by the Development Director by requesting the Development Director to arrange for and give notice of such special meeting.
- 5.3 **Notice.** The Secretary shall give notice of all meetings, both regular and special to all Board members at least twenty-four (24) hours in advance of the meeting, when possible. The Secretary shall determine if a quorum will be present.
- 5.4 **Attendance.** A member who misses three (3) consecutive meetings of the Board shall be deemed to have resigned and the vacancy shall be filled.
- 5.5 **Quorum.** A quorum of the Board shall be four (4) members and an affirmative vote of a majority of those present shall be necessary to conduct business. If any meeting cannot be

conducted because a quorum is not present, the Members who are present may receive information only, and take no action other than to adjourn the meeting to a time certain and notice of such adjourned meeting shall be given to each Member.

- 5.6 **Adjourned and Continued Meetings.** Where a meeting having been set and noticed under the provisions of these By-Laws and during the course of said meeting is adjourned to a future time and place certain, there shall be no requirements for giving of notice of the time and place of continuation of said meeting other than the announcement thereof at said meeting.
- 5.7 **Rules of Order.** All meetings shall be conducted informally. If a dispute arises regarding the proper procedure to be followed, Robert's Rules of Order shall take precedence.
- 5.8 **Ethics, Public Meetings and Public Records.** Board Members shall conduct themselves in accordance with the provisions of Chapter 112, Florida Statutes regarding ethics for public officials. Board meetings shall be held in accordance with the requirements of Section 286.011, Florida Statutes (Government in the Sunshine). All Board records shall be maintained in accordance with Chapter 119, Florida Statutes (Public Records Law).

ARTICLE 6 VOTING

- 6.1 Voting shall be by voice vote and shall be recorded by individual "aye" or "nay".
- 6.2 Each member present must cast a vote on each question before the Board. Any member who has a personal interest in a matter may abstain from participating as a member of the Board in that matter. A member who abstains in any matter in which the member has a personal interest must file a Memorandum of Voting Conflict with the Secretary of the Board within fifteen (15) days after such vote.
- 6.3 No member of the Board shall represent a client before the Board in any matter that will be considered by the Board. This prohibition does not preclude Board members from representing clients before other City Boards or City Administrative Staff.
- 6.4 **Order of Business.** The Board shall follow the Order of Business as set forth in the agenda prepared by the Secretary for each meeting. The order of business may be suspended by a vote of the majority of the members present.

ARTICLE 7 AMENDMENTS

- 7.1 **Amendments.** The By-Laws of the Board may be amended at any regular or special City Commission meeting by three (3) affirmative votes.
- 7.2 The LPA Board shall make recommendations to the City Commission at any time that the By-Laws need amending.

ARTICLE 8
MISCELLANEOUS

- 8.1 In addition to those public hearings required by law, the LPA Board may, at its discretion, hold such public hearings or conferences as it decides will be in the public interest.
- 8.2 The following procedures will be observed in meetings of the LPA Board for the hearing of cases:
- 8.2.1 The Secretary or Planner shall provide the Board with proof of publication of the case.
- 8.2.2 The City Planner shall present a brief report. Any correspondence in favor of or against the project shall be read into the record or summarized by the Planner during the presentation.
- 8.2.3 The applicant shall make such presentation or comments as deemed necessary.
- 8.2.4 Upon completion of all testimony, the Chairperson shall announce that no further evidence may be offered.
- 8.2.5 Discussion shall be conducted by the Board regarding the issue presented.
- 8.2.6 Final Action shall be taken by the Board after an appropriate motion and public hearing.

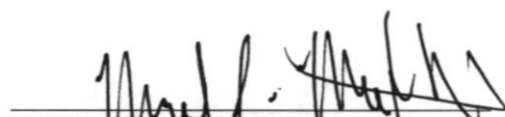
CITY OF STUART:


MICHAEL J. MEIER
MAYOR




MARY R. KINDEL
CITY CLERK

APPROVED AS TO FORM
AND CORRECTNESS:


MICHAEL J. MORTELL, ESQ.
CITY ATTORNEY

**CITY OF STUART, FLORIDA
AGENDA ITEM REQUEST
Local Planning Agency**

Meeting Date: 2/8/2024

Prepared by: Susej Meleqi

Title of Item:

APPROVAL OF 12/14/2023 LPA MINUTES

Summary Explanation/Background Information on Agenda Request:

APPROVAL OF 12/14/2023 LPA MINUTES

Funding Source:

N/A

Recommended Action:

Approve Minutes.

ATTACHMENTS:

1. 12142023 LPA Minutes

**MINUTES
LOCAL PLANNING AGENCY OF THE CITY OF STUART
DECEMBER 14, 2023
AT 5:30 PM
COMMISSION CHAMBERS
121 SW FLAGLER AVE.
STUART, FLORIDA 34994**

LOCAL PLANNING AGENCY

**Chair - Kelly Laurine
Vice Chair - Margaret Bromfield
Board Member - Donald Cuozzo
Board Member - Sean Forbes
Board Member - Laura Giobbi
Board Member - William Mathers
Board Member - Ryan Strom
Ex Officio Board Member - Mark Sechrist**

ADMINISTRATIVE

**Development Director - Jodi Nentwick-Kugler
Board Secretary - Susej T. Meleqi**

CALL TO ORDER

5:41 PM

ROLL CALL

PRESENT: Chair Laurine, Vice Chair Bromfield, Board Member Forbes, Board Member Giobbi,
Board Member Mathers

ABSENT: Board Member Cuozzo, Board Member Strom

PLEDGE OF ALLEGIANCE

1. OATH OF OFFICE FOR ADVISORY BOARD MEMBER

Lee Baggett, City Attorney, swore into office Mr. Sean Forbes.

APPROVAL OF AGENDA

5:43 PM MOTION: Approve.

MOVED BY: Margaret Bromfield

SECONDED BY: Laura Giobbi

Motion approved unanimously.

APPROVAL OF MINUTES

2. APPROVAL OF 08/10/2023 LPA MINUTES

5:45 PM MOTION: Approve.

MOVED BY: Sean Forbes

SECONDED BY: William Mathers

Motion approved unanimously.

COMMENTS FROM THE PUBLIC (Non-Agenda Related) (3 Minutes Max.)

None.

COMMENTS BY BOARD MEMBERS (Non-Agenda Items)

None.

ACTION ITEMS

3. HCA FREESTANDING EMERGENCY ROOM - MAJOR AMENDMENT TO THE PLANNED UNIT DEVELOPMENT & SITE PLAN (RC):

ORDINANCE NO. XXXX-2024; GRANTING A THIRD MAJOR AMENDMENT TO ORDINANCE NO. 2297-2014, AKA THE 7.24-ACRE, 4-LOT WAWA GAS STATION & CONVENIENCE STORE MASTER COMMERCIAL PLANNED UNIT DEVELOPMENT ("CPUD"), THEREBY APPROVING A MASTER DEVELOPMENT PLAN FOR LOT 3 CONSISTING OF AN 11,570 SQUARE FOOT FREE STANDING EMERGENCY ROOM AND PROVIDING FOR NEW, RESTATED, AND AMENDED DEVELOPMENT CONDITIONS, INCLUDING A TIMETABLE FOR DEVELOPMENT; SAID PROPERTY BEING GENERALLY LOCATED AT THE SOUTH EAST CORNER OF SR 76 & S.E. MONTEREY ROAD, BEING MORE FULLY DESCRIBED BY EXHIBIT "A" ATTACHED; DECLARING THE PROPOSED DEVELOPMENT TO BE CONSISTENT WITH THE CITY'S COMPREHENSIVE PLAN; REPEALING ORDINANCES IN CONFLICT; PROVIDING FOR A SEVERABILITY CLAUSE; ACCEPTABLE BY THE APPLICANT; AN EFFECTIVE DATE AND FOR OTHER PURPOSES.

Jodi Nentwick Kugler, Development Director, presented on the public notice, project location, land use map, zoning map, purposes of the major PUD, master site plan, proposed lot 3 site plan, elevation set, no public was in favor or opposed, and staff recommended the approval to further the PUD to Commission.

Audra Creech, representative to the applicant, presented the location map, proof of notice and sign posting, neighborhood informational meeting, city of Stuart boundaries, surrounding land use, current land use, current city zoning, summary of county and city land uses and zoning adjacent to property, and the history of the CPUD.

Corey Lovelace, CEO of HCA Port St Lucie, presented what the Freestanding Emergency Room is and the benefits to the City of Stuart.

Ross Lucas, Civil Engineer from Fulmer Lucas Engineering, presented a rendering, explained the site plan and important features, landscaping plan, drainage plan, and important features of exterior lighting on-site.

Ms. Creech requested a recommendation of approval.

PUBLIC COMMENT:

1. Mary Alice Rowley - Kanner Hwy; Is not in favor of the project due to its location.
2. Robert Sallustio - Kanner Hwy; Is not in favor of this project due to traffic concerns on Kanner Hwy.
3. Mary Otulakowski - Kanner Hwy; States the project is a great project but not in the right location.
4. Maria Sallustio - Kanner Hwy; Is not in favor of the project and stated that Cleveland clinic is only .7 miles away from the proposed location.

Bob Raynes, representative, clarified that statistically the ambulance run is .9 per day.

Chair Laurine asked how old the traffic study that is being used is from.

Mr. Lucas stated it was from a recent study 2022.

Board Members continued questions and answer with the applicant and it's representatives.

7:06 PM

PUBLIC COMMENT:

5. Cathy Hudson - Kanner Hwy; Is not in favor of the project due to its location.

7:10 PM MOTION: Approve.

MOVED BY: William Mathers

SECONDED BY: Sean Forbes

VOTE: Motion passes 4/1.

YES: Kelly Laurine, Margaret Bromfield, William Mathers, Sean Forbes

NO: Laura Giobbi

STAFF UPDATE

ADJOURNMENT

7:10 PM

Susej T. Meleqi, Board Secretary

, Chair

**Minutes to be approved at the LPA
Meeting this 8th day of February, 2024.**

CITY OF STUART, FLORIDA AGENDA ITEM REQUEST Local Planning Agency

Meeting Date: 2/8/2024

Prepared by: Kristopher McCrain

Title of Item:

APPLICANT REQUESTED A CONTINUANCE TO A DATE CERTAIN OF MARCH 14, 2024 LPA:
EDEN MULTI-FAMILY - SMALL-SCALE COMPREHENSIVE PLAN FUTURE LAND USE MAP
AMENDMENT (QJ):

ORDINANCE No. 2527-2024; AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, FOR A SMALL-SCALE COMPREHENSIVE PLAN FUTURE LAND USE MAP AMENDMENT AS DEFINED IN F.S. §163.3187; AMENDING THE COMPREHENSIVE PLAN FUTURE LAND USE MAP FOR AN APPROXIMATE 22.76-ACRE PARCEL FROM COMMERCIAL TO THE NEIGHBORHOOD SPECIAL DISTRICT FUTURE LAND USE DESIGNATION, FOR A MAXIMUM RESIDENTIAL DENSITY OF 7.64 DWELLING UNITS PER ACRE; AMENDING THE FUTURE LAND USE MAP; PROVIDING DIRECTIONS TO THE CITY CLERK; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

Summary Explanation/Background Information on Agenda Request:

This is a request for a Small-Scale Comprehensive Plan Future Land Use Map Amendment for a 22.76-acre parcel from Commercial to the Neighborhood/Special District Future Land Use designation, providing a maximum residential density of 7.64-dwelling units per acre for the MAR-Stuart CPUD.

This application is being reviewed in conjunction with a concurrently submitted request for a Major Amendment to the existing 12.31-acre Mar-Stuart CPUD, to incorporate the remaining +/-22.76-acre Marketplace CPUD parcel, for a combined total land area of 35.07 acres. The existing 12.31-acre Mar-Stuart CPUD development encompasses three (3) car dealerships (Infiniti, Audi, Maserati) and one (1) shared car wash.

Additionally, the Major CPUD Amendment request proposes three (3) additional car dealerships (6-total) and one (1) additional car wash, approximately 21,100 square feet of commercial uses adjacent to SE Federal Highway, and 268 multi-family-units within three (3) four-story buildings. The residential component includes a clubhouse, a pool/deck area, one (1) community pocket park, and pedestrian walking trails.

Funding Source:

N/A

Recommended Action:

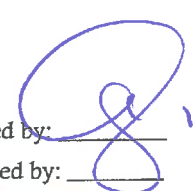
Staff is requesting a continuance of the Small-Scale Comprehensive Plan Future Land Use Map Amendment petition to a date-certain of Thursday, March 14, 2024, to allow staff time to prepare the public hearing agenda item.

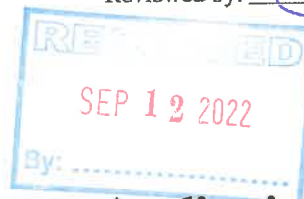
ATTACHMENTS:

1. Application
2. Project Description
3. Email Request for Continuance



City of Stuart
121 SW Flagler Ave.
Stuart, FL 34994
development@ci.stuart.fl.us
(772) 288-5326

Received by: 
Reviewed by: _____



Small
~~Large~~

Scale Comprehensive Plan Amendment Application

Project ID# 222095006
(Staff Entry)

Pre-App Conference Date: 09/08/2022	Application Date:
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SITE INFORMATION

Project Name: Eden Multifamily / MAR-Stuart	Parcel ID#: 38-38-41-025-000-00010-0
Site Address: SE FEDERAL HWY STUART FL	
Subdivision:	Lot(s):
Site Acreage: 35.07	Flood Zone/Base Flood Elevation:
Existing Zoning District / CRA Subdistrict (if applicable): CPUD	
Proposed Zoning District / CRA Subdistrict (if applicable):	
Current Comprehensive Plan Future Land Use Designation: General Commercial	
Proposed Comprehensive Plan Future Land Use Designation: Neighborhood / Special District	
Existing Land Use: Commercial	Proposed Land Use: Neighborhood / Special District
Proposed Square Footage (if applicable):	Proposed Density (if applicable): 10.9

PETITIONER INFORMATION

Property Owner: Mar-Stuart Retail II LLC	Phone Number / Email Address: 786-525-9623 / jose@jmadvisors.co
Property Owner's Mailing Address: 665 SW 8th St., Miami, FL 33180	
Applicant (if not Owner): Jose Martinez	Phone Number / Email Address: 786-525-9623 / jose@jmadvisors.co
Applicant's Mailing Address:	
Agent/Contact Person: HJA Design Studio - Michael Houston	Phone Number / Email Address: 772-678-7200 mhouston@hjadstudio.com
Agent's Mailing Address: 50 SE Ocean Blvd., Suite 101, Stuart, FL 34994	
Architect: MSA Architects	Engineer:
Planner:	Landscape Architect: HJA Design Studio

Statement of Ownership and Designation of Authorized Agent

(Please Print or Type)

Before me, the undersigned authority, personally appeared _____

Who, being by me first duly sworn, on oath deposed and says:

1. That he/she is the fee simple title owner of the property described in the attached Legal Description.
2. That he/she is requesting approval of a _____ in the City of Stuart, FL.
3. That he/she has appointed _____ to act as an authorized agent on his/her behalf to accomplish the above project.

Name of Owner: Mario Murgado

Signature of Owner: _____

Street Address

665 SW 8th Street

P.O. Box

305-777-2990

Telephone Number

Mario@Murgado.com

Email Address:

Mario Murgado, President & CEO

By: Name/Title

City, State, Zip Code

Miami, FL 33130

City, State, Zip Code

Fax Number

STATE OF FLORIDA, COUNTY OF Miami Dade

Sworn and subscribed before me by means of ☒ physical presence or ☐ online notarization, this

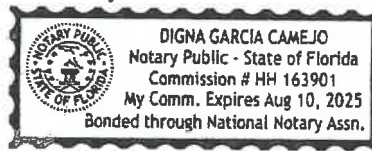
12 day of September, 2022 By MARIO MURGADO

✓ Personally Known OR Produced Identification
Type of Identification Produced:

My Commission expires:

Aug 10, 2025

[Signature]
Notary Public



Financial Responsibility Form

(Please Print or Type)

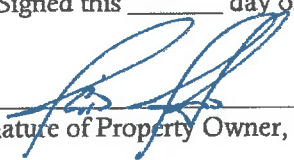
The Undersigned, as the Property Owner, Lessee, Contract Purchaser, or Applicant (circle one), acknowledges responsibility for all City expenses associated with the referenced application (s) including time spent by the City's consultants and further acknowledges that payment of consultant fees will be made prior to the receipt of the consultant comments.

Name: Mario Murgado
Title: President & CEO
Company: Stuart Marketplace
Company Address: 665 SW 8th Street

City/State/Zip Code: Miami, FL 33130
Telephone Number: 305-777-2990
Facsimile Number:
Email Address (optional):

I hereby certify that all information contained herein is true and correct.

1. Signed this 12 day of September, 2022.



Signature of Property Owner, Lessee, Contract Purchaser or Applicant (circle one)

Application Requirements

\$1864.00

Fee: ~~\$2,130.00~~ (this does not include fees that may be charged as a result of application review by the City's consultants or any required recording fees)

Submittal Requirements: A completed application form, the payment of fees, and a justification for the proposed change and any other information required by the City Development Director.

➤ (The data requirements for a site plan are available at the Development Department)

Approving Authority: The Development Director is required to prepare a staff report and recommendation concerning this application. The Local Planning Agency (LPA) is required to hold an advertised public hearing and formulate a recommendation to the City Commission. The City Commission is also required to hold an advertised public hearing after which it may approve, approve with conditions, or deny the application.

Justification: Please explain the need and justification of the change and the relationship of the proposed change to the goals, objectives and policies of the City of Stuart Comprehensive Plan and Land Development Code (include additional pages if needed).

Please see attached

(over)

Legal Description

Parcel 1:

Lot 5, of PLAT OF SUNBELT CENTER, A CPUD, according to the plat thereof, recorded in Plat Book 15, Page 5, Public Records of Martin County, Florida. LESS the South 120' thereof.

Parcel 2:

The South 120 feet of Lot 5 of PLAT OF SUNBELT CENTER, A CPUD, according to the plat thereof, recorded in Plat Book 15, Page 5, Public Records of Martin County, Florida.

Parcel 3:

Being a portion of Tracts 160, 161, 162, 163, 164, 193, 194, 195 and 196, according to the plat of PORT SEWALL (Sewall's Point Land Company Subdivision) as recorded in Plat Book 3, Page 7, Public Records of Palm Beach (now

Martin) County, Florida and being more particularly described as follows:

Commence at the intersection of the South line of said Plat of Port Sewall and the Westerly right-of-way line of U.S. Highway No. 1, thence North 29°01'32" West along said Westerly right-of-way line a distance of 852.95 feet to the

Northerly right-of-way line of S.E. Market Place according to the plat of S.E. Willoughby Boulevard as recorded in Plat Book 11, Page 57, of the Public Records of Martin County, Florida; thence continue North 29°01'32" West along

said Westerly right-of-way line of said U.S. Highway No. 1, a distance of 452.02 feet to the Point of Beginning; thence continue North 29°01'32" West, a distance of 1020.54 feet; thence departing said Westerly right-of-way line of U.S.

Highway No. 1, and along the South line of the plat of Sunbelt Center, as recorded in Plat Book 15, Page 5, Public Records of Martin County, Florida; South 66°47'01" West, a distance of 808.94 feet; thence South 29°01'32" East,

parallel to the Westerly right-of-way line of said U.S. Highway No. 1, a distance of 1020.54 feet; thence North 66°47'01" East, a distance of 810.11 feet to the Point of Beginning.

Parcel 4:

Parcel B of Advantage Ford of Stuart, A PUD, according to the plat thereof, recorded in Plat Book 15, Page 86, Public Records of Martin County, Florida.

Parcel 5:

Parcel B of Plat of Sunbelt Center, A CPUD, according to the plat thereof, recorded in Plat Book 15, Page 5, Public Records of Martin County, Florida.

LESS AND EXCEPT

Being a portion of Tracts 160, 161, 162, 163, 193, 194, 195, and 196, according to the plat of Port Sewall (Sewall's Point land Company Subdivision) as recorded in Plat book 3, Page 7, public Records of Palm Beach (now Martin)

County, Florida and being more particularly described as follows:

Commence at the intersection of the South line of said Plat of Port Sewall and the Westerly Right-of-Way line of U.S. Highway No. 1 (being a 200 foot wide Right-of-Way) Thence North 29°28'59" West along said Right-of-Way line a

distance of 1304.97 feet to the intersection of said Westerly Right-of-Way line and the North line of Parcel "A" as shown on the Plat of Advantage Ford of Stuart, a P.U.D. as recorded in Plat Book 15, Page 86, Public records of Martin

County, Florida, and the Point of Beginning of the following described Parcel; Thence departing said Westerly Right-of-Way line, South 66°18'31" West along the North line of said Parcel "A", a distance of 810.14 feet; Thence

departing said North line of Parcel "A" and running along the East line of Parcel "B" of said Plat of Advantage Ford of Stuart, a P.U.D., North 29°28'59" West, a distance of 665.37 feet; Thence departing said East line of Parcel "B",

North 66°18'31" East, a distance of 810.14 feet to the Westerly Right-of-Way line of said U.S. Highway No. 1; Thence South 29°28'59" East along said Westerly Right-of-Way line a distance of 665.37 feet to the Point of Beginning.

Containing 12.31 acres, more or less



Recorded in Martin County, FL 8/5/2021 3:50 PM
 Carolyn Timmann, Clerk of the Circuit Court & Comptroller
 Rec Fees: \$35.50 Deed Tax: \$73,500.00
 CFN#2906543 BK 3246 PG 2837 PAGE 1 of 4

Prepared by:
 Phillip S. Sosnow
 Bilzin Sumberg Baena Price & Axelrod LLP
 1450 Brickell Avenue, 23rd Floor
 Miami, Florida 33131

After recording return to:
 Melissa Munchick
 Kurkin Forehand Brandes LLP
 18851 NE 29th Avenue, Suite 303
 Aventura, Florida 33180

Property Identification Number 38-38-41-025-000-00010-0

SPECIAL WARRANTY DEED

THIS INDENTURE is made this 3rd day of August, 2021, by **MARKET PLACE STUART LLC**, a Florida limited liability company (hereinafter called "**Grantor**"), whose address is 525 Okeechobee Blvd., Suite 1650, West Palm Beach, Florida 33401, to and in favor of **MAR-STUART RETAIL II, LLC**, a Florida limited liability company (hereinafter called "**Grantee**"), whose address is 665 SW 8th Street, Miami, Florida 33180.

WITNESSETH

The Grantor, for and in consideration of the sum of Ten Dollars (\$10.00), to it in hand paid by the Grantee, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, has granted, bargained and sold and does hereby grant, bargain and sell to Grantee the following described real estate, situated, lying and being in the County of Martin, State of Florida, more particularly described on Exhibit A attached hereto and made a part hereof, together with all right, title and interest, if any, that Grantor may have in and to all rights, privileges and appurtenances pertaining thereto including all of Grantor's right, title and interest, if any, in and to all rights-of-way, open or proposed streets, alleys, easements, strips or gores of land adjacent thereto (herein collectively called the "**Real Property**").

SUBJECT TO covenants, conditions, terms, restrictions, rights of way and easements of record, all laws, ordinances, regulations, restrictions, prohibitions and other requirements imposed by governmental authority, including, but not limited to, all applicable building, zoning, land use and environmental ordinances and regulations and taxes and assessments for the year 2021 and subsequent years, but this reference shall not operate to reimpose same.

TO HAVE AND TO HOLD the aforesaid Real Property, together with all the improvements, licenses, tenements, hereditaments, easements and appurtenances thereto belonging or in anywise appertaining unto Grantee, its successors and assigns in fee simple forever.

And Grantor hereby covenants with Grantee that Grantor is lawfully seized in fee simple of the aforesaid Real Property; that Grantor has good right to sell and convey the same; that the same is unencumbered except for the Permitted Exceptions, to all of which this conveyance is

MIAMI 6048926.2 83586/86272

expressly made. Grantor hereby warrants the title to the aforesaid real estate and will defend same against the lawful claims of all persons claiming by, through or under Grantor, but no others.

(When used herein the terms "Grantor" and "Grantee" shall be construed to include, masculine, feminine, singular or plural as the context permits or requires, and shall include heirs, personal representatives, successors or assigns.)

[the remainder of the page is intentionally left blank]

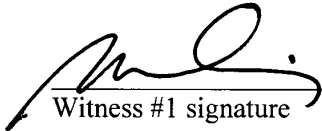
MIAMI 8431187.1 79481/46434

IN WITNESS WHEREOF, the Grantor has caused this Indenture to be executed in its name and caused its seal to be affixed as of the day and year first above written.

Signed, sealed and delivered
in the presence of:

GRANTOR:

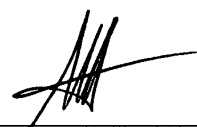
MARKET PLACE STUART LLC, a Florida
limited liability company


Witness #1 signature

NICOLE BERLIN
Witness #1 print name


Witness #2 signature

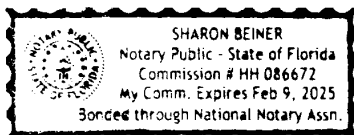
Cody Shue
Witness #2 print name

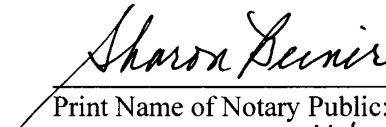
By: 
Name: George W. Banks II
Title: Authorized Signatory

STATE OF FLORIDA
COUNTY OF PALM BEACH

The foregoing instrument was acknowledged to and before me on this 28 day of JUNE, 2021, by means of (select one): ☐ physical presence or ☐ online notarization, by George W. Banks II, as Authorized Signatory of **MARKET PLACE STUART LLC**, a Florida limited liability company on behalf of the company. Said person is either (select one): ☒ personally known to me, or ☐ who has produced a _____ as identification.

[Affix Notary Seal Below]




Print Name of Notary Public: Sharon Beiner
Commission No.: HH086672
Commission Expires: 2/9/25

MIAMI 8431187.1 79481/46434

EXHIBIT A TO SPECIAL WARRANTY DEED

The Land referred to herein below is situated in the County of Martin, State of Florida, and is described as follows:

Lot 1 of the PLAT OF MARKETPLACE OF STUART, a CPUD, according to the plat thereof recorded in Plat Book 17, Page 18, of the Public Records of Martin County, Florida.

Copy Copy Copy

MIAMI 8431187.1 79481/46434



July 29, 2020

City of Stuart
121 SW Flagler Avenue
Stuart, FL 34994

MAR-Stuart Retail II, LLC
Mario Murgado, Manager
525 Okeechobee Blvd., Suite 1650
West Palm Beach, FL 33401

RE: MAR Stuart –Major CPUD Amendment Application – PCN: 38-38-41-025-000-00010-0

Please be advised that MAR-Stuart Retail II, LLC, the contract purchaser of those certain parcels of real property as more particularly described in the abovementioned application, hereby authorizes HJA Design Studio, LLC and McCarthy, Summers, PA to act as its agent relative to the above referenced project and approval process.

Sincerely,

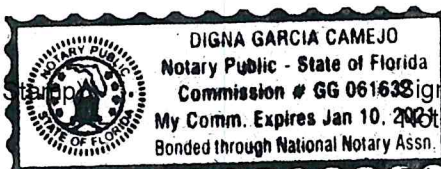
Mario Murgado
MAR-Stuart Retail II, LLC

By:  Signature Mario Murgado Print Name President & CEO Title 8/3/2020 Date

STATE OF FLORIDA
COUNTY OF MIAMI-DADE

The foregoing instrument was acknowledged before me this 3 day of AUGUST

2020 by _____, as _____, a _____ Limited Liability Company, on behalf of the company who is personally known to me.

(Notary Seal or  Signature  Signature _____
Notary Public - State of FLORIDA
Commission # GG 061633
My Comm. Expires Jan 10, 2021
Bonded through National Notary Assn.
Print Name DIGNA GARCIA CAMEJO
My Commission Expires 1-10-2021

Eden / Mar-Stuart CPUD Major Amendment

Project Narrative Revised October 11, 2023

Description:

This is a request for a major amendment to the existing 12.31-acre Mar-Stuart CPUD, to add the remaining +/-22.76-acre Marketplace CPUD which is an undeveloped parcel to the north. The two parcels will be combined to create one site totaling 35.07 acres.

The existing Mar-Stuart CPUD parcel is developed and contains three car dealerships, including Infiniti, Audi, Maserati, and one shared car wash. There was a recent approved administrative Variance to the Mar-Stuart CPUD to expand the rear of the existing Audi building to add up to a 9,400 sf, 1-story workshop / service area which includes up to an additional 17 repair bays. Even though this expansion to the Audi building has not yet been constructed, it is shown on our Major development Site plan and has been included / accounted for within our site and parking data.

The Proposal:

This is a request for a major amendment to the existing Mar-Stuart CPUD (12.31 Ac.) to add the remaining undeveloped Marketplace CPUD parcel to the north (+/-22.76Ac.). These two parcels will be combined to create one site totaling 35.07 acres.

This application is in conjunction with a separate request to amend the land use designation for just the undeveloped +/-22.76-acre parcel on from General Commercial to Neighborhood / Special District.

This CPUD application will include the expansion of the Murgado luxury dealership by adding three new future car dealerships with one additional car wash as well as approximately 21,100 square feet of commercial uses along U.S. 1. The commercial area will include a lakeside plaza which will be a nice amenity for the public. A residential element will make up the remainder of the site with a 268-unit luxury apartment complex in four-story buildings for a gross site density of 7.64 units per acre. The residential area also contains amenities such as a clubhouse with pool area, a lake trail with benches and a community pocket park.

A common main entry drive is proposed off U.S. 1 providing connections to all three uses through a large traffic circle. There are two proposed connections to the existing Lowes to the north which include an emergency access drive and a driveway connection from the proposed commercial area along U.S.1. Six-foot sidewalks and crosswalks are provided along the front of the dealerships, around the perimeter of the commercial and residential development to provide positive pedestrian circulation and to provide convenient connections from parking areas to building entrances. Bike racks are provided throughout the development per the City of Stuart land development regulations, Sec. 6.01.20. An innovative stormwater system will also be a shared element of all three major uses. The stormwater system will consist of several native planted dry / bioretention areas and two large lakes creating a treatment train to provide water quality treatment, nutrient reduction, and peak discharge attenuation as required by City of Stuart and SFWMD regulatory requirements.

This mixed- use project will be an economic driver for this part of the City and County, based on the expansion of related high paying jobs in the luxury car industry as well as the added national brand restaurants and shops which will all be in walking distance from an attractive contemporary apartment community. The connectivity of these uses to the existing commercial uses to the north including a near- by Publix grocery store, as well as employers across U.S. 1 in the many light industrial businesses make this mixed-use application a model for in- fill development. In addition, the new project will generate substantial ad- valorum revenue for the City and County.

The proposed site is located within the City's prime in- fill area and the County's urban service boundary where infrastructure is readily available and access to stores and businesses lie close to the property. As an urban infill site, the property is located within a well-established employment hub with utilities and existing roadways to be utilized to accommodate the project all readily available. Utilizing the subject property offers an opportunity to add multi-family housing to the existing City population, strengthening support of the existing schools, commercial and community infrastructure within the City limits and achieves a sustainable and complimentary form of development.

Ordinance 2244-2012

Upland Preservation:

The SK II CPUD, the Marketplace of Stuart CPUD, the Sunbelt Partners CPUD and the Mar-Stuart Retail, LLC CPUD. have been considered together for the purpose of meeting the City's upland preservation requirements. Prior to development there were 49.09 acres of native upland habitat on the four CPUDs, with a preservation requirement of 12.27 acres. A total of 23.91 acres of native upland habitat will be preserved for the three projects, a portion of which shall be off-site upland preservation in accordance with Sec. 5.05.02.C.5.a (formerly Sec. 5.04.02.C.5.a) of Land Development Code.

The credit for upland preservation is calculated as follows:

2.17 acres	Marketplace of Stuart CPUD
1.14 acres	Sunbelt Partners CPUD
<u>10.30 acres</u>	Preservation - ½ of 20.6 upland acres on the "Vista" parcel
13.61 acres	TOTAL CREDIT

The proposed combined 35.07 acre site consisting of the Marketplace of Stuart CPUD parcel (+/-22.76 Ac.) and the Mar-Stuart CPUD parcel (12.31 Ac.) is required to provide 2.17 Ac. of native upland preserve on-site.

- 2.18 Acres of native upland preservation on-site is being provided.

Ordinance 2244-2012, Condition #11

Tree Mitigation:

- 1) Install 119 (2.5") slash pines within the preserve area on the west side of the property within 180 days of adoption of ordinance No. 2244-2012
- 2) Deposit \$85,000 into the City of Stuarts Tree Mitigation fund within 60 days of adoption of Ordinance No. 2244-2012
- 3) Pay \$275,000 (\$190,000 for installation of landscaping on the Willoughby berm adjoining the Marketplace property and \$85,000 for additional plantings at the Willoughby Gold Course) at closing of Mar-Stuart site or prior to any development activity occurring on any portion of the 35.07 acres.

It is our understanding that 2,215 slash pines or 5,537.5 inches of pine tree mitigation for the entire 35.07 acre site has been previously paid for under Ordinance 2244-2012, condition #11. Also, it is our understanding that at the time of Ordinance 2392-2018, documentation was provided to the City of Stuart demonstrating that items above under Ordinance 2244-2012, Condition # 11 were satisfied.

We acknowledge that the previous payments made applied strictly to the Pine tree removal / Mitigation and that the removal of protected hardwood trees would require additional tree replacement / mitigation. Our proposed landscape plan provides required hardwood mitigation on-site through the use of 4.5" DBH replacement trees and by using the City's new Ordinance # 2432-2020, Chapter V, Sec.5.05.02, C, Table 4, "Additional Understory Native Plantings".

History:

1990's The properties were annexed into the City of Stuart and approved as two separate CPUD's.

2000 Lowes site plan was approved (15.28 acres)

2005 Advantage Ford site plan was approved (10 acres)

2009 Marketplace of Stuart CPUD, a combination of the two CPUD's consisting of 270,067 square feet of retail space, two restaurants and two banks, was approved but not constructed due to an economic downturn.

2012 The Mar-Stuart CPUD (12.31 Ac.) was carved out of the Marketplace CPUD and approved to accommodate Audi and Infiniti car dealerships along with a future phase II car dealership.

2018 Proposed Major Amendment to the Marketplace CPUD to include four outparcels instead of five along US1 and within the western half or back of the CPUD remaining undeveloped except to accommodate easements to construct retention/detention with a bioswale connection. This proposal was approved at

the LPA but later withdrawn from being considered for approval before the City Commission.

- 2019** Administrative Variance was approved to the Mar-Stuart CPUD which added the phase II Maserati dealership to the existing site.
- 2019** Administrative Variance was approved to the Mar-Stuart CPUD which added a 90-space temporary parking lot (80 car storage + 10 display spaces) to the existing site.
- 2023** There was a recent approved administrative Variance to the Mar-Stuart CPUD to expand the rear of the existing Audi building to add up to a 9,400 sf, 1-story workshop / service area which includes up to an additional 17 repair bays.

McCrain, Kristopher

From: Nentwick, Jodi
Sent: Monday, January 29, 2024 3:27 PM
To: McCrain, Kristopher
Subject: FW: Eden Mar- Stuart LPA Table Request

FYI..

Sincerely,

Jodi

Jodi Nentwick-Kugler

Director of Development | City of Stuart

121 SW Flagler Ave. Stuart Fl. 34994

772-288-5328



From: Nentwick, Jodi <jnentwick@ci.stuart.fl.us>
Sent: Friday, January 26, 2024 3:16 PM
To: Michael Houston <mhouston@hjadstudio.com>
Cc: Jose Martinez <Jose@jmadvisors.co>; Santiago Vidal <santiago@edenmultifamily.com>; Todd Troxell <ttroxell@hjadstudio.com>; Terence McCarthy <TPM@mccarthysummers.com>
Subject: RE: Eden Mar- Stuart LPA Table Request

Thank you

Sincerely,

Jodi

Jodi Nentwick-Kugler

Director of Development | City of Stuart

121 SW Flagler Ave. Stuart Fl. 34994

772-288-5328



From: Michael Houston <mhouston@hjadstudio.com>
Sent: Friday, January 26, 2024 12:29 PM
To: Nentwick, Jodi <jnentwick@ci.stuart.fl.us>

Cc: Jose Martinez <Jose@jmadvisors.co>; Santiago Vidal <santiago@edenmultifamily.com>; Todd Troxell <ttroxell@hjadstudio.com>; Terence McCarthy <TPM@mccarthysummers.com>
Subject: RE: Eden Mar- Stuart LPA Table Request

This message has originated from an [EXTERNAL EMAIL ADDRESS]. Please use proper judgment and caution when opening attachments, clicking links, or responding to this email. If it shows as being from someone within the City, please contact the City's Technology Services personnel.

Good afternoon, Jodi,
We will have the signed updated shortly. The Willoughby community meeting is being rescheduled to a later date to allow all of our team to attend. Michele and I are looking at dates this afternoon and I'll get them to you pronto. Have a nice weekend,
Michael

From: Nentwick, Jodi <jnentwick@ci.stuart.fl.us>
Sent: Friday, January 26, 2024 11:43 AM
To: Michael Houston <mhouston@hjadstudio.com>
Cc: Jose Martinez <Jose@jmadvisors.co>; Santiago Vidal <santiago@edenmultifamily.com>; Todd Troxell <ttroxell@hjadstudio.com>
Subject: RE: Eden Mar- Stuart LPA Table Request

Good morning Michael,

Happy Friday!

Thank you and appreciate the additional time for our team to prepare the necessary staff reports and ordinances. I will have Kris reach out to schedule a meeting. Kris and I will be attending the Willoughby meeting next Tuesday. Also, please update the Public Notice signs reflecting the new date for the LPA meeting and provide updated photos.

Have a great weekend 😊

Sincerely,

Jodi

Jodi Nentwick-Kugler
Director of Development | City of Stuart
121 SW Flagler Ave. Stuart Fl. 34994
772-288-5328



From: Michael Houston <mhouston@hjadstudio.com>
Sent: Friday, January 26, 2024 10:22 AM
To: Nentwick, Jodi <jnentwick@ci.stuart.fl.us>
Cc: Jose Martinez <Jose@jmadvisors.co>; Santiago Vidal <santiago@edenmultifamily.com>; Todd Troxell

This message has originated from an **[EXTERNAL EMAIL ADDRESS]**. Please use proper judgment and caution when opening attachments, clicking links, or responding to this email. If it shows as being from someone within the City, please contact the City's Technology Services personnel.

Morning Jodi,

After our phone call yesterday we spoke with our clients about tabling from the Feb. 8 hearing until March 14 to allow time for your staff report and draft ordinances to be internally reviewed and approved. We would also like to meet with you to go through those as well before they are distributed. Not surprisingly they are disappointed based on the progress we seemed to have made over the last month but understand the project is complex and your work- load issues are challenging. They want to get everything right just as you do. With that in mind I think it would be helpful if we can schedule a review meeting with you and Kris as soon as you have drafts that we can review first.

As we discussed we are also meeting with our Willoughby neighbors next Tuesday, January 30 from 5-6:30 at their clubhouse and you and Kris are invited.

Thank you and please let us know your internal schedule so we can be assured of making the March meeting with everything fully reviewed.

Best Regards,
Michael

**CITY OF STUART, FLORIDA
AGENDA ITEM REQUEST
Local Planning Agency**

Meeting Date: 2/8/2024

Prepared by: Kristopher McCrain

Title of Item:

APPLICANT REQUESTED A CONTINUANCE TO A DATE CERTAIN OF MARCH 14, 2024 LPA:
EDEN MULTI-FAMILY - MAJOR COMMERCIAL PLANNED UNIT DEVELOPMENT (CPUD)
AMENDMENT (QJ):

ORDINANCE No. 2528-2024; AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, FOR A MAJOR CPUD AMENDMENT TO THE 12.31-ACRE MAR-STUART (MARKET PLACE) COMMERCIAL PLANNED UNIT DEVELOPMENT (CPUD) LOCATED ON THE WEST SIDE OF SE FEDERAL HIGHWAY, TO INCORPORATE A 22.76-ACRE PARCEL WITHIN THE OVERALL MAR-STUART CPUD FOR A TOTAL LAND AREA OF 35.07-ACRES; AND ALLOWING FOR A FIVE (5) PHASE DEVELOPMENT FOR THREE (3) ADDITIONAL AUTOMOBILE DEALERSHIPS, ONE (1) DEALERSHIP CARWASH, A TWO-STORY PARKING DECK, TWO (2) 8,800 SQUARE FOOT ONE-STORY COMMERCIAL BUILDINGS, A 2,500 SQUARE FOOT ONE-STORY RESTAURANT/DRIVE THROUGH, AND THREE (3) FOUR-STORY BUILDINGS TO ACCOMMODATE 268-UNIT MULTI-FAMILY UNITS, FOR A MAXIMUM RESIDENTIAL DENSITY OF 7.64 DWELLING UNITS PER ACRE; PROVIDING FOR MASTER SITE PLAN APPROVAL; PROVIDING FOR A PHASED DEVELOPMENT SCHEDULE; PROVIDING FOR CONDITIONS OF APPROVAL; PROVIDING FOR SPECIFIED COMMERCIAL USES; PROVIDING FOR SIGNAGE REQUIREMENTS; PROVIDING DIRECTIONS TO THE CITY CLERK; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

Summary Explanation/Background Information on Agenda Request:

This is a request for a major amendment to the existing 12.31-acre Mar-Stuart CPUD, to add the remaining +/-22.76-acre Marketplace CPUD which is an undeveloped parcel to the north. The two parcels will be combined to create one site totaling 35.07 acres. The existing 12.31-acre Mar-Stuart CPUD development encompasses three (3) car dealerships (Infiniti, Audi, Maserati) and one (1) shared car wash.

This request for a Major Amendment to the existing MAR-Stuart CPUD seeks to incorporate the 22.76-acre parcel to the north (former Marketplace CPUD), providing a total land area of 35.07-acres for the MAR-Stuart CPUD. In addition, the Major CPUD Adjustment proposes three (3) additional car dealerships (6-total) and one (1) additional car wash, approximately 21,100 square feet of commercial uses adjacent to SE Federal Highway, and 268 Multi-family units within three (3) four-story buildings. The residential component includes a clubhouse, a pool/deck area, one (1) community pocket park, and pedestrian walking trails.

This application is being reviewed in conjunction with a concurrently submitted request for a Small-Scale Comprehensive Plan Future Land Use Map Amendment for the northern 22.76-acre subject parcel, from the Commercial Future Land Use to the Neighborhood/Special District Future Land Use, providing a maximum residential density of 7.64-dwelling units per acre for the MAR-Stuart CPUD.

Funding Source:

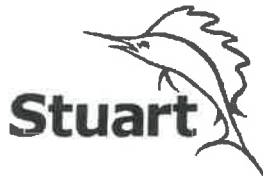
N/A

Recommended Action:

Staff is requesting a continuance of the Major Planned Unit Development Amendment petition to a date certain of Thursday, March 14, 2024, to allow staff time to prepare the public hearing agenda item.

ATTACHMENTS:

1. Application
2. Project Description
3. Email Request for Continuance



City of Stuart
121 SW Flagler Ave.
Stuart, FL 34994
development@ci.stuart.fl.us
(772) 288-5326

Received by: _____
Reviewed by: _____

Planned Unit Development (PUD) Amendment Application

Project ID# 222090007
(Staff Entry)

Pre-App Conference Date: 09/08/2022	Application Date: 09/12/2022
-------------------------------------	------------------------------

SITE INFORMATION

Project Name: Eden Multifamily / MAR-Stuart	Parcel ID#: 38-38-41-025-000-00010-0
Site Address: SE Federal Hwy, Stuart, FL	
Subdivision:	Lot(s):
Site Acreage: 35.07	Flood Zone/Base Flood Elevation:
Existing Zoning District / CRA Subdistrict (if applicable):	CUPD
Proposed Zoning District / CRA Subdistrict (if applicable):	
Current Comprehensive Plan Future Land Use Designation:	General Commercial
Proposed Comprehensive Plan Future Land Use Designation:	Neighborhood / Special District
Existing Land Use: General Commerical	Proposed Land Use: Neighborhood / Special District
Proposed Square Footage (if applicable):	Proposed Density (if applicable): 10.9

PETITIONER INFORMATION

Property Owner: Mar-Stuart Retail II LLC	Phone Number / Email Address: 786-525-9623 / jose@jmadvisors.co
Property Owner's Mailing Address: 665 SW 8th St., Miami, FL 33180	
Applicant (if not Owner): Jose Martinez	Phone Number / Email Address: 786-525-9623 / jose@jmadvisors.co
Applicant's Mailing Address:	
Agent/Contact Person: HJA Design Studio - Michael Houston	Phone Number / Email Address: 772-678-7200 / mhouston@hjadstudio.com
Agent's Mailing Address: 50 SE Ocean Blvd., Suite 101, Stuart, FL 34994	
Architect: MSA Architects	Engineer:
Planner:	Landscape Architect: HJA Design Studio

Statement of Ownership and Designation of Authorized Agent

(Please Print or Type)

Before me, the undersigned authority, personally appeared _____

Who, being by me first duly sworn, on oath deposed and says:

1. That he/she is the fee simple title owner of the property described in the attached Legal Description.
2. That he/she is requesting approval of a _____ in the City of Stuart, FL.
3. That he/she has appointed _____ to act as an authorized agent on his/her behalf to accomplish the above project.

Name of Owner: Mario Murgado

[Signature]
Signature of Owner:

Street Address

665 SW 8th Street

P.O. Box

Telephone Number

305-777-2993

Email Address:

By: Name/Title

Mario Murgado, President & CEO

City, State, Zip Code

Miami, FL 33130

City, State, Zip Code

Fax Number

STATE OF FLORIDA, COUNTY OF Miami Dade

Sworn and subscribed before me by means of ☒ physical presence or ☐ online notarization, this

12 day of September, 2022 By _____

/ Personally Known OR Produced Identification
Type of Identification Produced:

[Signature]
Notary Public

My Commission expires:

Aug 10, 2025



Financial Responsibility Form

(Please Print or Type)

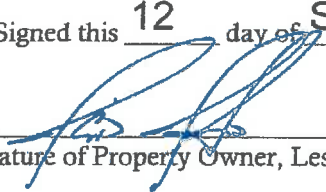
The Undersigned, as the Property Owner, Lessee, Contract Purchaser, or Applicant (circle one), acknowledges responsibility for all City expenses associated with the referenced application (s) including time spent by the City's consultants and further acknowledges that payment of consultant fees will be made prior to the receipt of the consultant comments.

Name: Mario Murgado
Title: President & CEO
Company: Stuart Marketplace
Company Address: 665 SW 8th Street

City/State/Zip Code: Miami, FL 33130
Telephone Number: 305-777-2993
Facsimile Number:
Email Address (optional): Mario@Murgado.com

I hereby certify that all information contained herein is true and correct.

1. Signed this 12 day of September, 2022.



Signature of Property Owner, Lessee, Contract Purchaser or Applicant (circle one)

Application Requirements

Fees:

- ☒ Major PUD Amendment - \$3,195.00; or
- ☐ Minor PUD Amendment: \$2,130.00; or
- ☐ PUD Agreement Amendment (text change only): \$1,065.00

(This does not include fees that may be charged as a result of application review by the City's consultants or any required recording fees)

A Major Planned Unit Development Amendment is one which shall include any one of the following;

- A change of two (2) percent or more in the area of any land use designations shown on the site plan;
- Any change in the list of proposed uses;
- An increase in residential density of five (5) percent or more;
- An increase in nonresidential Building square footage of ten (10) percent or more;
- A change in the boundary of the PUD district;
- A change in the site plan or approval regarding any area(s) set aside and designated for future development;
- Any other change determined by the City Development Director to have a potentially significant impact on City services or the surrounding neighborhood;
- An amendment of greater than twelve (12) months to an originally approved timetable of development. Such an amendment may only be approved upon good cause shown to the City Commission. Any contributions conditioned as part of the original PUD agreement shall be revisited upon application for timetable extension. A timetable extension greater than twelve (12) months will require a full concurrency review.

(A Minor Planned Unit Development Amendment is any amendment that is not a Major Amendment.)

Submittal Requirements: A completed application form, the payment of fees, a site plan, one (1) copy of all documents on a PDF formatted disc electronically signed and sealed, and any other information as may be required by the City Development Director in order to do a thorough review of the request. (Note: A concept plan may, at the discretion of the applicant, be submitted instead of a site plan if a site plan has not previously been approved. However, in doing so the applicant acknowledges that a site plan will need to be submitted for City Commission approval prior to making application for a development permit.) *(The data requirements for a site plan and a concept plan are available at the Development Department)*

Approving Authority: The Development Director is required to prepare a staff report and recommendation concerning this application. For a Major PUD amendment, the Local Planning Agency (LPA) is required to hold an advertised public hearing and formulate a recommendation to the City Commission. For both types of applications, the City Commission is required to hold an advertised public hearing after which it may approve, approve with conditions, or deny the application.

Justification: Written justification supporting the application and demonstrating how the application remains:

- (a) consistent with the relevant components of the City of Stuart Comprehensive Plan including concurrency with adopted levels-of-service for utilities/facilities and compatibility with existing/planned uses; and
- (b) complies with the relevant development standards of the City of Stuart Land Development Code.

(over)

Legal Description

Parcel 1:

Lot 5, of PLAT OF SUNBELT CENTER, A CPUD, according to the plat thereof, recorded in Plat Book 15, Page 5, Public Records of Martin County, Florida. LESS the South 120' thereof.

Parcel 2:

The South 120 feet of Lot 5 of PLAT OF SUNBELT CENTER, A CPUD, according to the plat thereof, recorded in Plat Book 15, Page 5, Public Records of Martin County, Florida.

Parcel 3:

Being a portion of Tracts 160, 161, 162, 163, 164, 193, 194, 195 and 196, according to the plat of PORT SEWALL (Sewall's Point Land Company Subdivision) as recorded in Plat Book 3, Page 7, Public Records of Palm Beach (now

Martin) County, Florida and being more particularly described as follows:

Commence at the intersection of the South line of said Plat of Port Sewall and the Westerly right-of-way line of U.S. Highway No. 1, thence North 29°01'32" West along said Westerly right-of-way line a distance of 852.95 feet to the

Northerly right-of-way line of S.E. Market Place according to the plat of S.E. Willoughby Boulevard as recorded in Plat Book 11, Page 57, of the Public Records of Martin County, Florida; thence continue North 29°01'32" West along

said Westerly right-of-way line of said U.S. Highway No. 1, a distance of 452.02 feet to the Point of Beginning; thence continue North 29°01'32" West, a distance of 1020.54 feet; thence departing said Westerly right-of-way line of U.S.

Highway No. 1, and along the South line of the plat of Sunbelt Center, as recorded in Plat Book 15, Page 5, Public Records of Martin County, Florida; South 66°47'01" West, a distance of 808.94 feet; thence South 29°01'32" East,

parallel to the Westerly right-of-way line of said U.S. Highway No. 1, a distance of 1020.54 feet; thence North 66°47'01" East, a distance of 810.11 feet to the Point of Beginning.

Parcel 4:

Parcel B of Advantage Ford of Stuart, A PUD, according to the plat thereof, recorded in Plat Book 15, Page 86, Public Records of Martin County, Florida.

Parcel 5:

Parcel B of Plat of Sunbelt Center, A CPUD, according to the plat thereof, recorded in Plat Book 15, Page 5, Public Records of Martin County, Florida.

LESS AND EXCEPT

Being a portion of Tracts 160, 161, 162, 163, 193, 194, 195, and 196, according to the plat of Port Sewall (Sewall's Point land Company Subdivision) as recorded in Plat book 3, Page 7, public Records of Palm Beach (now Martin)

County, Florida and being more particularly described as follows:

Commence at the intersection of the South line of said Plat of Port Sewall and the Westerly Right-of-Way line of U.S. Highway No. 1 (being a 200 foot wide Right-of-Way) Thence North 29°28'59" West along said Right-of-Way line a

distance of 1304.97 feet to the intersection of said Westerly Right-of-Way line and the North line of Parcel "A" as shown on the Plat of Advantage Ford of Stuart, a P.U.D. as recorded in Plat Book 15, Page 86, Public records of Martin

County, Florida, and the Point of Beginning of the following described Parcel; Thence departing said Westerly Right-of-Way line, South 66°18'31" West along the North line of said Parcel "A", a distance of 810.14 feet; Thence

departing said North line of Parcel "A" and running along the East line of Parcel "B" of said Plat of Advantage Ford of Stuart, a P.U.D., North 29°28'59" West, a distance of 665.37 feet; Thence departing said East line of Parcel "B",

North 66°18'31" East, a distance of 810.14 feet to the Westerly Right-of-Way line of said U.S. Highway No. 1; Thence South 29°28'59" East along said Westerly Right-of-Way line a distance of 665.37 feet to the Point of Beginning.

Containing 12.31 acres, more or less



Recorded in Martin County, FL 8/5/2021 3:50 PM
 Carolyn Timmann, Clerk of the Circuit Court & Comptroller
 Rec Fees: \$35.50 Deed Tax: \$73,500.00
 CFN#2906543 BK 3246 PG 2837 PAGE 1 of 4

Prepared by:
 Phillip S. Sosnow
 Bilzin Sumberg Baena Price & Axelrod LLP
 1450 Brickell Avenue, 23rd Floor
 Miami, Florida 33131

After recording return to:
 Melissa Munchick
 Kurkin Forehand Brandes LLP
 18851 NE 29th Avenue, Suite 303
 Aventura, Florida 33180

Property Identification Number 38-38-41-025-000-00010-0

SPECIAL WARRANTY DEED

THIS INDENTURE is made this 3rd day of August, 2021, by **MARKET PLACE STUART LLC**, a Florida limited liability company (hereinafter called "**Grantor**"), whose address is 525 Okeechobee Blvd., Suite 1650, West Palm Beach, Florida 33401, to and in favor of **MAR-STUART RETAIL II, LLC**, a Florida limited liability company (hereinafter called "**Grantee**"), whose address is 665 SW 8th Street, Miami, Florida 33180.

WITNESSETH

The Grantor, for and in consideration of the sum of Ten Dollars (\$10.00), to it in hand paid by the Grantee, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, has granted, bargained and sold and does hereby grant, bargain and sell to Grantee the following described real estate, situated, lying and being in the County of Martin, State of Florida, more particularly described on Exhibit A attached hereto and made a part hereof, together with all right, title and interest, if any, that Grantor may have in and to all rights, privileges and appurtenances pertaining thereto including all of Grantor's right, title and interest, if any, in and to all rights-of-way, open or proposed streets, alleys, easements, strips or gores of land adjacent thereto (herein collectively called the "**Real Property**").

SUBJECT TO covenants, conditions, terms, restrictions, rights of way and easements of record, all laws, ordinances, regulations, restrictions, prohibitions and other requirements imposed by governmental authority, including, but not limited to, all applicable building, zoning, land use and environmental ordinances and regulations and taxes and assessments for the year 2021 and subsequent years, but this reference shall not operate to reimpose same.

TO HAVE AND TO HOLD the aforesaid Real Property, together with all the improvements, licenses, tenements, hereditaments, easements and appurtenances thereto belonging or in anywise appertaining unto Grantee, its successors and assigns in fee simple forever.

And Grantor hereby covenants with Grantee that Grantor is lawfully seized in fee simple of the aforesaid Real Property; that Grantor has good right to sell and convey the same; that the same is unencumbered except for the Permitted Exceptions, to all of which this conveyance is

MIAMI 6048926.2 83586/86272

expressly made. Grantor hereby warrants the title to the aforesaid real estate and will defend same against the lawful claims of all persons claiming by, through or under Grantor, but no others.

(When used herein the terms "Grantor" and "Grantee" shall be construed to include, masculine, feminine, singular or plural as the context permits or requires, and shall include heirs, personal representatives, successors or assigns.)

[the remainder of the page is intentionally left blank]

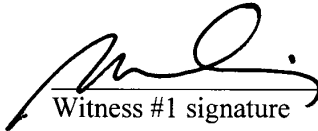
MIAMI 8431187.1 79481/46434

IN WITNESS WHEREOF, the Grantor has caused this Indenture to be executed in its name and caused its seal to be affixed as of the day and year first above written.

Signed, sealed and delivered
in the presence of:

GRANTOR:

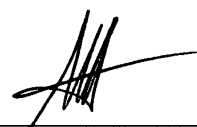
MARKET PLACE STUART LLC, a Florida
limited liability company


Witness #1 signature

NICOLE BERLIN
Witness #1 print name


Witness #2 signature

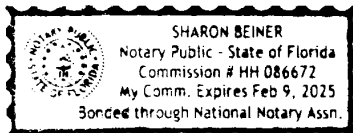
Cody Shue
Witness #2 print name

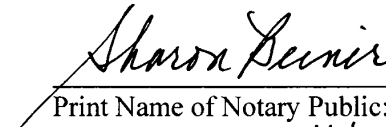
By: 
Name: George W. Banks II
Title: Authorized Signatory

STATE OF FLORIDA
COUNTY OF PALM BEACH

The foregoing instrument was acknowledged to and before me on this 28 day of JUNE, 2021, by means of (select one): ☐ physical presence or ☐ online notarization, by George W. Banks II, as Authorized Signatory of **MARKET PLACE STUART LLC**, a Florida limited liability company on behalf of the company. Said person is either (select one): ☒ personally known to me, or ☐ who has produced a _____ as identification.

[Affix Notary Seal Below]




Print Name of Notary Public: Sharon Beiner
Commission No.: HH086672
Commission Expires: 2/9/25

MIAMI 8431187.1 79481/46434

EXHIBIT A TO SPECIAL WARRANTY DEED

The Land referred to herein below is situated in the County of Martin, State of Florida, and is described as follows:

Lot 1 of the PLAT OF MARKETPLACE OF STUART, a CPUD, according to the plat thereof recorded in Plat Book 17, Page 18, of the Public Records of Martin County, Florida.

Copy Copy Copy

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July 29, 2020

City of Stuart
121 SW Flagler Avenue
Stuart, FL 34994

MAR-Stuart Retail II, LLC
Mario Murgado, Manager
525 Okeechobee Blvd., Suite 1650
West Palm Beach, FL 33401

RE: MAR Stuart –Major CPUD Amendment Application – PCN: 38-38-41-025-000-00010-0

Please be advised that MAR-Stuart Retail II, LLC, the contract purchaser of those certain parcels of real property as more particularly described in the abovementioned application, hereby authorizes HJA Design Studio, LLC and McCarthy, Summers, PA to act as its agent relative to the above referenced project and approval process.

Sincerely,

Mario Murgado
MAR-Stuart Retail II, LLC

By: [Signature] Mario Murgado President & CEO 8/3/2020
Signature Print Name Title Date

STATE OF FLORIDA
COUNTY OF MIAMI-DADE

The foregoing instrument was acknowledged before me this 3 day of AUGUST

2020 by _____, as _____, a _____ Limited Liability Company, on behalf of the company who is personally known to me.

(Notary Seal or Signature) [Signature]
Notary Public - State of FLORIDA
Commission # GG 061633
My Comm. Expires Jan 10, 2021
Bonded through National Notary Assn.
Print Name DIGNA GARCIA CAMEJO
My Commission Expires 1-10-2021

Eden / Mar-Stuart CPUD Major Amendment

Project Narrative Revised October 11, 2023

Description:

This is a request for a major amendment to the existing 12.31-acre Mar-Stuart CPUD, to add the remaining +/-22.76-acre Marketplace CPUD which is an undeveloped parcel to the north. The two parcels will be combined to create one site totaling 35.07 acres.

The existing Mar-Stuart CPUD parcel is developed and contains three car dealerships, including Infiniti, Audi, Maserati, and one shared car wash. There was a recent approved administrative Variance to the Mar-Stuart CPUD to expand the rear of the existing Audi building to add up to a 9,400 sf, 1-story workshop / service area which includes up to an additional 17 repair bays. Even though this expansion to the Audi building has not yet been constructed, it is shown on our Major development Site plan and has been included / accounted for within our site and parking data.

The Proposal:

This is a request for a major amendment to the existing Mar-Stuart CPUD (12.31 Ac.) to add the remaining undeveloped Marketplace CPUD parcel to the north (+/-22.76Ac.). These two parcels will be combined to create one site totaling 35.07 acres.

This application is in conjunction with a separate request to amend the land use designation for just the undeveloped +/-22.76-acre parcel on from General Commercial to Neighborhood / Special District.

This CPUD application will include the expansion of the Murgado luxury dealership by adding three new future car dealerships with one additional car wash as well as approximately 21,100 square feet of commercial uses along U.S. 1. The commercial area will include a lakeside plaza which will be a nice amenity for the public. A residential element will make up the remainder of the site with a 268-unit luxury apartment complex in four-story buildings for a gross site density of 7.64 units per acre. The residential area also contains amenities such as a clubhouse with pool area, a lake trail with benches and a community pocket park.

A common main entry drive is proposed off U.S. 1 providing connections to all three uses through a large traffic circle. There are two proposed connections to the existing Lowes to the north which include an emergency access drive and a driveway connection from the proposed commercial area along U.S.1. Six-foot sidewalks and crosswalks are provided along the front of the dealerships, around the perimeter of the commercial and residential development to provide positive pedestrian circulation and to provide convenient connections from parking areas to building entrances. Bike racks are provided throughout the development per the City of Stuart land development regulations, Sec. 6.01.20. An innovative stormwater system will also be a shared element of all three major uses. The stormwater system will consist of several native planted dry / bioretention areas and two large lakes creating a treatment train to provide water quality treatment, nutrient reduction, and peak discharge attenuation as required by City of Stuart and SFWMD regulatory requirements.

This mixed- use project will be an economic driver for this part of the City and County, based on the expansion of related high paying jobs in the luxury car industry as well as the added national brand restaurants and shops which will all be in walking distance from an attractive contemporary apartment community. The connectivity of these uses to the existing commercial uses to the north including a near- by Publix grocery store, as well as employers across U.S. 1 in the many light industrial businesses make this mixed-use application a model for in- fill development. In addition, the new project will generate substantial ad- valorem revenue for the City and County.

The proposed site is located within the City's prime in- fill area and the County's urban service boundary where infrastructure is readily available and access to stores and businesses lie close to the property. As an urban infill site, the property is located within a well-established employment hub with utilities and existing roadways to be utilized to accommodate the project all readily available. Utilizing the subject property offers an opportunity to add multi-family housing to the existing City population, strengthening support of the existing schools, commercial and community infrastructure within the City limits and achieves a sustainable and complimentary form of development.

Ordinance 2244-2012

Upland Preservation:

The SK II CPUD, the Marketplace of Stuart CPUD, the Sunbelt Partners CPUD and the Mar-Stuart Retail, LLC CPUD. have been considered together for the purpose of meeting the City's upland preservation requirements. Prior to development there were 49.09 acres of native upland habitat on the four CPUDs, with a preservation requirement of 12.27 acres. A total of 23.91 acres of native upland habitat will be preserved for the three projects, a portion of which shall be off-site upland preservation in accordance with Sec. 5.05.02.C.5.a (formerly Sec. 5.04.02.C.5.a) of Land Development Code.

The credit for upland preservation is calculated as follows:

2.17 acres	Marketplace of Stuart CPUD
1.14 acres	Sunbelt Partners CPUD
<u>10.30 acres</u>	Preservation - ½ of 20.6 upland acres on the "Vista" parcel
13.61 acres	TOTAL CREDIT

The proposed combined 35.07 acre site consisting of the Marketplace of Stuart CPUD parcel (+/-22.76 Ac.) and the Mar-Stuart CPUD parcel (12.31 Ac.) is required to provide 2.17 Ac. of native upland preserve on-site.

- 2.18 Acres of native upland preservation on-site is being provided.

Ordinance 2244-2012, Condition #11

Tree Mitigation:

- 1) Install 119 (2.5") slash pines within the preserve area on the west side of the property within 180 days of adoption of ordinance No. 2244-2012
- 2) Deposit \$85,000 into the City of Stuarts Tree Mitigation fund within 60 days of adoption of Ordinance No. 2244-2012
- 3) Pay \$275,000 (\$190,000 for installation of landscaping on the Willoughby berm adjoining the Marketplace property and \$85,000 for additional plantings at the Willoughby Gold Course) at closing of Mar-Stuart site or prior to any development activity occurring on any portion of the 35.07 acres.

It is our understanding that 2,215 slash pines or 5,537.5 inches of pine tree mitigation for the entire 35.07 acre site has been previously paid for under Ordinance 2244-2012, condition #11. Also, it is our understanding that at the time of Ordinance 2392-2018, documentation was provided to the City of Stuart demonstrating that items above under Ordinance 2244-2012, Condition # 11 were satisfied.

We acknowledge that the previous payments made applied strictly to the Pine tree removal / Mitigation and that the removal of protected hardwood trees would require additional tree replacement / mitigation. Our proposed landscape plan provides required hardwood mitigation on-site through the use of 4.5" DBH replacement trees and by using the City's new Ordinance # 2432-2020, Chapter V, Sec.5.05.02, C, Table 4, "Additional Understory Native Plantings".

History:

1990's The properties were annexed into the City of Stuart and approved as two separate CPUD's.

2000 Lowes site plan was approved (15.28 acres)

2005 Advantage Ford site plan was approved (10 acres)

2009 Marketplace of Stuart CPUD, a combination of the two CPUD's consisting of 270,067 square feet of retail space, two restaurants and two banks, was approved but not constructed due to an economic downturn.

2012 The Mar-Stuart CPUD (12.31 Ac.) was carved out of the Marketplace CPUD and approved to accommodate Audi and Infiniti car dealerships along with a future phase II car dealership.

2018 Proposed Major Amendment to the Marketplace CPUD to include four outparcels instead of five along US1 and within the western half or back of the CPUD remaining undeveloped except to accommodate easements to construct retention/detention with a bioswale connection. This proposal was approved at

the LPA but later withdrawn from being considered for approval before the City Commission.

- 2019** Administrative Variance was approved to the Mar-Stuart CPUD which added the phase II Maserati dealership to the existing site.
- 2019** Administrative Variance was approved to the Mar-Stuart CPUD which added a 90-space temporary parking lot (80 car storage + 10 display spaces) to the existing site.
- 2023** There was a recent approved administrative Variance to the Mar-Stuart CPUD to expand the rear of the existing Audi building to add up to a 9,400 sf, 1-story workshop / service area which includes up to an additional 17 repair bays.

McCrain, Kristopher

From: Nentwick, Jodi
Sent: Monday, January 29, 2024 3:27 PM
To: McCrain, Kristopher
Subject: FW: Eden Mar- Stuart LPA Table Request

FYI..

Sincerely,

Jodi

Jodi Nentwick-Kugler

Director of Development | City of Stuart

121 SW Flagler Ave. Stuart Fl. 34994

772-288-5328



From: Nentwick, Jodi <jnentwick@ci.stuart.fl.us>
Sent: Friday, January 26, 2024 3:16 PM
To: Michael Houston <mhouston@hjadstudio.com>
Cc: Jose Martinez <Jose@jmadvisors.co>; Santiago Vidal <santiago@edenmultifamily.com>; Todd Troxell <ttroxell@hjadstudio.com>; Terence McCarthy <TPM@mccarthysummers.com>
Subject: RE: Eden Mar- Stuart LPA Table Request

Thank you

Sincerely,

Jodi

Jodi Nentwick-Kugler

Director of Development | City of Stuart

121 SW Flagler Ave. Stuart Fl. 34994

772-288-5328



From: Michael Houston <mhouston@hjadstudio.com>
Sent: Friday, January 26, 2024 12:29 PM
To: Nentwick, Jodi <jnentwick@ci.stuart.fl.us>

Cc: Jose Martinez <Jose@jmadvisors.co>; Santiago Vidal <santiago@edenmultifamily.com>; Todd Troxell <ttroxell@hjadstudio.com>; Terence McCarthy <TPM@mccarthysummers.com>
Subject: RE: Eden Mar- Stuart LPA Table Request

This message has originated from an [EXTERNAL EMAIL ADDRESS]. Please use proper judgment and caution when opening attachments, clicking links, or responding to this email. If it shows as being from someone within the City, please contact the City's Technology Services personnel.

Good afternoon, Jodi,
We will have the signed updated shortly. The Willoughby community meeting is being rescheduled to a later date to allow all of our team to attend. Michele and I are looking at dates this afternoon and I'll get them to you pronto. Have a nice weekend,
Michael

From: Nentwick, Jodi <jnentwick@ci.stuart.fl.us>
Sent: Friday, January 26, 2024 11:43 AM
To: Michael Houston <mhouston@hjadstudio.com>
Cc: Jose Martinez <Jose@jmadvisors.co>; Santiago Vidal <santiago@edenmultifamily.com>; Todd Troxell <ttroxell@hjadstudio.com>
Subject: RE: Eden Mar- Stuart LPA Table Request

Good morning Michael,

Happy Friday!

Thank you and appreciate the additional time for our team to prepare the necessary staff reports and ordinances. I will have Kris reach out to schedule a meeting. Kris and I will be attending the Willoughby meeting next Tuesday. Also, please update the Public Notice signs reflecting the new date for the LPA meeting and provide updated photos.

Have a great weekend 😊

Sincerely,

Jodi

Jodi Nentwick-Kugler
Director of Development | City of Stuart
121 SW Flagler Ave. Stuart Fl. 34994
772-288-5328



From: Michael Houston <mhouston@hjadstudio.com>
Sent: Friday, January 26, 2024 10:22 AM
To: Nentwick, Jodi <jnentwick@ci.stuart.fl.us>
Cc: Jose Martinez <Jose@jmadvisors.co>; Santiago Vidal <santiago@edenmultifamily.com>; Todd Troxell

This message has originated from an **[EXTERNAL EMAIL ADDRESS]**. Please use proper judgment and caution when opening attachments, clicking links, or responding to this email. If it shows as being from someone within the City, please contact the City's Technology Services personnel.

Morning Jodi,

After our phone call yesterday we spoke with our clients about tabling from the Feb. 8 hearing until March 14 to allow time for your staff report and draft ordinances to be internally reviewed and approved. We would also like to meet with you to go through those as well before they are distributed. Not surprisingly they are disappointed based on the progress we seemed to have made over the last month but understand the project is complex and your work- load issues are challenging. They want to get everything right just as you do. With that in mind I think it would be helpful if we can schedule a review meeting with you and Kris as soon as you have drafts that we can review first.

As we discussed we are also meeting with our Willoughby neighbors next Tuesday, January 30 from 5-6:30 at their clubhouse and you and Kris are invited.

Thank you and please let us know your internal schedule so we can be assured of making the March meeting with everything fully reviewed.

Best Regards,

Michael

**CITY OF STUART, FLORIDA
AGENDA ITEM REQUEST
Local Planning Agency**

Meeting Date: 2/8/2024

Prepared by: Mary Kindel

Title of Item:

REVIEW OF PROPOSED AMENDMENTS TO THE TEXT OF THE CITY LAND DEVELOPMENT CODE

Summary Explanation/Background Information on Agenda Request:

Land Development Code Sec. 11.01.08 refers to the LPA Board Members to make an advisory recommendation to the City Commission as to the need and justification of the text amendments.

Funding Source:

N/A

Recommended Action:

Approve.

ATTACHMENTS:

1. Chapter_VIII___ADMINISTRATION_AND_ENFORCEMENT- LJB Legal Rev 2
2. ARTICLE_III.____BOARDS__COMMITTEES_AND_COMMISSIONS- LB Legal Rev.3

Chapter VIII ADMINISTRATION AND ENFORCEMENT

8.00.00. POWERS AND DUTIES

Sec. 8.00.01. City planning advisory board (local planning agency).

- A. *Membership.* Pursuant to sections 2-82 through 2-87, Stuart Code of Ordinances, the city planning advisory board is a "standing board" of the city, and shall consist of seven members. Members shall be residents or property owners within the city. Because it also functions as the local planning agency, it may also be cited as the "LPA."
- B. *Authority.* The city planning advisory board shall be an advisory board to the city commission and to the city administration in performing the duties and responsibilities described in this code.
- C. *Duties and responsibilities.* The planning advisory board shall:
1. *Constitute the local planning agency as that term is defined and construed in F.S. § 163.3164;*
 2. *Make recommendations to the city commission regarding proposed amendments to the text of the Stuart Comprehensive Plan;*
 3. *Make recommendations to the city commission regarding proposed amendments to the text of the Stuart Land Development Code;*
 4. *Make recommendations to the city commission regarding proposed amendments to the future land use map component of the future land use element of the Stuart Comprehensive Plan;*
 5. *Make recommendations to the city commission regarding proposed amendments to the zoning map of the city in the form of zoning and rezoning;*
 6. *Make recommendations to the city commission regarding proposed annexations to the city;*
 7. *Consider and make recommendations regarding the consistency of proposed developments with the various elements of the city comprehensive plan;*
 8. *Conduct such public hearings as may be required to gather information necessary for the preparation, establishment, and maintenance of the comprehensive plan, as well as all other public hearings required by these regulations or by the city commission; and*
 9. *Make other recommendations to the city commission and the city administrative staff upon the request of either regarding land use in the city and the regulation thereof by the city.*

Sec. 8.00.02. City board of adjustment.

- A. *Membership.* The city board of adjustment shall consist of five members. Members shall have been continuous residents or property owners within the city for not less than six months prior to appointment.
- B. *Authority.* The city board of adjustment shall be a quasi-judicial board of the city and shall accordingly perform the duties and responsibilities described in subsection C. of this section.

C. ~~Duties and responsibilities.~~ The board of adjustment shall:

1. ~~Hear and consider applications for variances as provided at section 8.04.00 of this Code;~~
2. ~~Hear and decide appeals of an alleged error in a decision of the city development director made in the enforcement of the provisions of subsection 8.04.01 A.;~~
3. ~~Interpret the provisions of this Code so as to accomplish the intent and purpose of the city comprehensive plan; and~~
4. ~~Conduct such hearings as may be necessary to perform the foregoing duties and responsibilities.~~

Sec. 8.00.03. Stuart Beautification Committee.

A. ~~Membership.~~ The Stuart Beautification Committee shall consist of seven members. Members shall have been continuous residents or property owners within the city for not less than six months prior to appointment.

(Ord. No. 1673-99, 4-26-99)

B. ~~Authority.~~ The Stuart Beautification Committee shall be an advisory board of the city and shall accordingly perform the duties and responsibilities described in subsection C. of this section.

C. ~~Duties and responsibilities.~~ The Stuart Beautification Committee shall:

1. ~~Review and make recommendations to the city commission as requested regarding city projects which include design and landscape considerations;~~
2. ~~Review and make recommendations to the city commission as requested regarding changes to the city landscape code, the city Urban Code and the city comprehensive plan as the same may be amended from time to time;~~
3. ~~Assist the city as requested in the identification and design of facade and median landscape improvements for business and residential developments;~~
4. ~~Assist the city in the application for grants related to landscaping and city beautification;~~
5. ~~Assist the city in developing a public awareness of the benefits of landscaping, xeriscaping and the elements of building design; and~~
6. ~~Conduct such meetings as may be necessary to perform the foregoing duties and responsibilities.~~

(Ord. 1444-96, 1-22-96)

Sec. 8.00.04. Stuart Community Redevelopment Board.

A. ~~Membership.~~ The Stuart Community Redevelopment Board (CRB) shall consist of seven members. Members shall be residents of the city or the owners of a business within the city.

B. ~~Powers and duties.~~ For properties within the community redevelopment area, the CRB shall:

1. ~~Hear, consider, and recommend applications for Urban Code conditional use as provided at section 3.01.06 and section 11.01.10 of this Code;~~
2. ~~Review development applications which pertain to historic buildings and recommend approval, approval with conditions, or denial of an application for such development;~~
3. ~~Review all proposed amendments to section 3.01.00, Urban Code, and the community redevelopment plan and recommend approval, approval with conditions, or denial;~~

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(Supp. No. 15)

4. Review and recommend programs, projects, plans and grant applications to implement the community redevelopment plan;
5. Conduct such hearings and workshops as may be necessary to perform the foregoing duties and responsibilities;
6. Review, hear and approve, approve with conditions, or deny applications for texture architectural materials and public art, as provided in section 3.01.06.

C. Conduct of business:

1. A chairperson and vice chairperson of the Stuart Community Redevelopment Board shall be elected from time to time, but at least annually, by the board. The chairperson shall preside over all meetings of the CRB and shall have the same rights as other members. The vice chairperson shall act in the absence of the chairperson.
2. Meetings of the CRB shall be held in the city commission meeting room at Stuart city hall and shall be open to the public.
3. The city development director shall provide the personnel, equipment and materials necessary to enable the CRB to conduct its business.
4. The city attorney shall be the legal advisor to the board.
5. A quorum of the board shall be four members. A majority of a quorum shall be necessary to take action.
6. The CRB may adopt rules for the conduct of its meetings, so long as such rules do not conflict with the ordinances and resolutions of the city commission and the resolutions of the community redevelopment board.
7. Decisions of the CRB in matters that are quasi-judicial in nature shall be based upon the evidence presented to the board at a quasi-judicial hearing. The board shall make findings of fact and conclusions of law in making its advisory decision. The decisions or orders of the board shall be promptly reduced to writing and signed by the chairperson and secretary.
8. The CRB shall consider all proposed amendments to the Urban Code and make a recommendation thereon to the city commission. The board may of its own volition propose to the city commission that certain amendments be made to the Urban Code.
9. The CRB shall perform any duty described herein, and any other duty specifically assigned to it by the city commission or the community redevelopment agency.

Sec. 8.00.05. Community redevelopment agency (CRA).

- A. The city commission, plus two members of the community redevelopment board, shall be the community redevelopment agency for the city, in accordance with F.S. § 163.357. The city commission shall appoint the two members of the community redevelopment board to serve as members of the community redevelopment agency for a term of four (4) years.
- B. The community redevelopment agency shall constitute a legal entity, separate, distinct, and independent from the city commission.
- C. The agency shall appoint, from time to time, a chair and vice chair, who shall serve as the officers of the agency, at the direction of the entire agency.
- D. In no event shall any member serve beyond the length of their city commission or community redevelopment board term.

Commented [LB1]: This is currently duplicative of Part II Code of Ordinances Chapter 32 Article VI Division 1

~~E. Powers and duties.~~

~~1. Authorized actions.~~

~~a. The community redevelopment agency is authorized to carry out all community redevelopment and related activities specified in F.S. §§ 163.358 and 163.370; with the exception of:~~

~~(1) The power to authorize the issuance of revenue bonds as set forth in F.S. § 163.385; and~~

~~(2) The power to approve the acquisition, demolition, removal, or disposal of property as provided in F.S. § 163.370(4)(a) and the power to assume the responsibility to bear loss as provided in F.S. § 163.370(4)(b).~~

~~b. The foregoing specifically enumerated powers shall be retained by the city commission.~~

8.01.00. GUARANTEES AND SURETIES

A. *Applicability.*

1. The provisions of this section apply to all proposed LCD and major development in Stuart.
2. Nothing in this section shall be construed as relieving a developer of any requirement relating to concurrency in chapter IV of this Code.

B. *Improvements required.* The approval of any LCD or major development plan document shall be subject to the developer providing assurance that all required improvements, including, but not limited to, storm drainage facilities, streets and highways, water and sewer lines, shall be satisfactorily constructed according to the approved plan. The following information and agreements shall be provided:

1. Agreement that all improvements, whether required by this Code or constructed at the developer's option, shall be constructed in accordance with the standards and provisions of this Code.
2. The term of the agreement indicating that all required improvements shall be satisfactorily constructed within the period stipulated. In no event shall the term exceed five years from the approval of the plan document or 30 percent occupancy of the development, whichever comes first.
3. The projected total cost for each improvement, and the contingent removal of the same. Cost for construction shall be determined by either of the following:
 - a. A certified estimate prepared and provided by the applicant's engineer, subject to review by the city engineer prior to final acceptance; or
 - b. A copy of the executed construction contract.
4. Specification of the public improvements to be made and dedicated together with the timetable for making improvements.
5. Agreement that upon failure of the applicant to make required improvements (or to cause them to be made) according to the schedule for making those improvements, the city shall utilize the security provided in connection with the agreement.
6. Provision of the amount and type of security provided to ensure performance.
7. Provision that the amount of the security may be reduced, in part or in whole, at the reasonable discretion of the city development director anytime, subsequent to the completion, inspection and acceptance of improvements by the city.

C. *Amount and type of security.*

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(Supp. No. 15)

Chapter VIII - ADMINISTRATION AND ENFORCEMENT
8.01.00. GUARANTEES AND SURETIES

1. The amount of the security listed in the improvement agreement shall be approved as adequate by the public works director.
 2. Security requirements may be met by, but are not limited to, the following:
 - a. Cashier's check.
 - b. Certified check.
 - c. Developer/lender/city agreement.
 - d. Interest bearing certificate of deposit.
 - e. Irrevocable letter of credit.
 - f. Surety bond.
 3. The amount of security shall be 110 percent of the total construction costs and total removal and restoration costs for the required developer installed improvements. The amount of security may be reduced commensurate with the completion and final acceptance of required improvements. In no case, however, shall the amount of the bond be less than 110 percent of the cost of completing the remaining required improvements.
- D. *Completion of improvements.*
1. When improvements are completed, final inspection shall be conducted and corrections, if any, shall be completed before final acceptance is made by the public works director. Final acceptance shall be made prior to the issuance of a certificate of completion.
- E. *Maintenance of improvements; public and private.*
1. A maintenance agreement and security shall be provided to assure the city that all required improvements shall be maintained by the developer according to the following requirements:
 - a. For any improvements which are not dedicated, the maintenance period shall be until the condominium or owners' association takes over the responsibility for maintenance.
 - b. For any improvements which are dedicated to the public or the city, the maintenance period shall be for a period of three years, beginning with the written acceptance by city of the improvements.
 - c. The security during the maintenance period shall be in the amount of 100 percent of the estimated maintenance costs.
 - d. The original agreement shall be maintained by the public works director.
 2. Whenever a proposed development provides for the construction of facilities or improvements which are not proposed for dedication to the city a legal entity shall be created to be responsible for the ownership and maintenance of such facilities and/or improvements.
 - a. When the proposed development is to be organized as a condominium under the provisions of F.S. ch. 718, common facilities and property shall be conveyed to the condominium's association pursuant to that law.
 - b. When no condominium is to be organized, an owners' association shall be created, and all common facilities and property shall be conveyed to and maintained by that association.

Chapter VIII - ADMINISTRATION AND ENFORCEMENT
8.01.00. GUARANTEES AND SURETIES

- c. No certificate of occupancy shall be issued for a development for which an owners' association is required until the documents establishing such association have been reviewed and approved by the city attorney.

An organization established for the purpose of owning and maintaining common facilities not proposed for dedication to the city shall be created by covenants running with the land. Such covenants shall be included with the final plat. Such organization shall not be dissolved nor shall it dispose of any common facilities or open space by sale or otherwise without first offering to dedicate the same to the City of Stuart.

8.02.00. HARDSHIP

Sec. 8.02.01. Purpose

The purpose of this section is to provide mechanisms for obtaining relief from the provisions of this Code where hardship would otherwise occur. Two forms of hardship are addressed:

- (1) Part 8.03.00 addresses hardship that would be caused if nonconforming development were required to immediately come into compliance with this Code; and
- (2) Part 8.04.00 addresses the hardship that may be caused in particular cases by the imposition of the Code's development design standards.

8.03.00. EXISTING NONCONFORMING DEVELOPMENT AND LOTS

- A. Existing land uses, structures or lots which are inconsistent with the character, natural resources, and Stuart comprehensive plan shall be eliminated upon redevelopment. Historic and archaeological resources as identified in the housing element of the comprehensive plan are deemed to be consistent with the character of the city, its natural resources, and the comprehensive plan and are therefore considered to be conforming development.
- B. An exception to the elimination of non-conforming uses, structures and lots, may be granted by the city commission, for good cause shown, if all three of the following conditions are met:
1. An existing non-conforming structure, or conforming structure with non-conforming use, is destroyed by accident or act of God; and
 2. The majority of landowners within a 300-foot radius support the rebuilding of the structure to its prior state; and
 3. The rebuilding or reuse does not pose a detriment to the public health, safety or welfare.

Sec. 8.03.01. Non-conforming uses and lots.

As used in this section, a use shall be deemed "discontinued" if all activities related to such use have ceased for a continuous period of 365 days or more regardless of the intent of the property owner, lessee or other person in charge of the property on which the use was located. The determination that a use has ceased shall be made by the city development director who shall consider, among other things, the consumption of utility services at the property, payment of the local business tax, and advertising to the public of any activities on the property. The intent of the owner, or occupant of the property regarding the cessation of the use by the user, as required by law

for "abandonment" of a nonconforming use, is not relevant to the determination of whether or not a use has been discontinued.

A. Nonconforming uses shall be permitted to continue, subject to the following:

1. The lawful use of a structure existing on July 23, 1990, may be continued although such use within the structure does not conform to the provisions of the chapter; and such use may be extended throughout the building; provided no structural alterations, except those required by law or ordinance, or ordered by an authorized officer to assure the safety of the structure, are made therein. No such use shall be extended to occupy any land outside the existing structure.
2. If a lawful use of a nonconforming use is discontinued for a continuous period of 365 days or more, every future use of the real property upon which such structure of use existed shall be in conformity with the provisions of this chapter. If a lawful use of a nonconforming use is discontinued for a continuous period of 180 days, safety inspections to determine compliance with applicable building and fire codes are required for any future lawful use.
3. In those instances when structural additions or modifications are proposed to one and two-family residential non-conforming structures, no variance shall be required to construct additions or modifications, which, by virtue of the proposed structural addition or modification, would otherwise be rendered illegal. This exemption from the variance requirement shall be available only to those proposed structural additions or modifications which meet all current code requirements.
4. The lawful use of land existing on July 23, 1990, although such use does not conform to the provisions of this chapter, may be continued; provided, however, that no such nonconforming use shall be enlarged or increased, nor shall any nonconforming use be extended to occupy a greater area of land than that occupied by such use at the time of the passage of this chapter. If such nonconforming use is discontinued for a continuous period of not less than 365 days, any future use of said land shall be in conformity with the provisions of this chapter. Provided, however, that where land is located and such use is not an accessory to the use of the main building located on the same lot or grounds, such nonconforming use of land shall be discontinued and all material completely removed by its owner not later than three years from July 23, 1990.
5. If no structural alterations are made, a nonconforming use may be changed to a use of the same or higher classification according to the provisions of this chapter. When a district shall hereafter be changed, any then existing nonconforming use in such changed district may be continued or changed to a use of a similar or higher classification, provided all other regulations governing the new use are complied with. Whenever a nonconforming use of a building has been discontinued or changed to a higher classification or to a conforming use, such use shall not thereafter be changed to a nonconforming use of a lower classification.
6. A nonconforming building destroyed to more than 50 percent of its assessed value shall not be reconstructed except in accordance with the provisions of this Code. Notwithstanding the foregoing, a multi-family building so destroyed containing four or more dwelling units that is nonconforming because of density may be reconstructed to contain the same number of dwelling units as originally constructed. A nonconforming building destroyed by a declared natural disaster to less than 50 percent of its assessed value may be reconstructed as originally constructed.

(Ord. No. 1318-93, 10-11-93)

B. Nonconforming lots of record shall be permitted to continue, subject to the following:

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(Supp. No. 15)

1. Where a lot has an area or width or both, less than the minimum set out in section 2.04.00, and was a lot of record on March 25, 1968 (Ord. No. 425), said lot may be occupied by a single-family dwelling and its accessory buildings; provided the lot conforms with the minimum lot area and width requirements of the next lower residential district. Such lots shall conform to all other design requirements of the zoning district in which the property is physically located. In the case of an R-3 district, with regard to lots which have an area or width less than the minimum set out in section 2.04.00, and which were lots of record on April 18, 1980 (Ord. No. 880), said lots may be occupied by a single-family dwelling and its accessory buildings; provided the lots conform to the following minimum yard requirements:

Front	Side	Rear
25 feet	5 feet	20 feet

This provision shall only apply to single vacant lots of record and not to adjoining lots of record under single ownership.

(Ord. No. 1781-01, § 1, 5-21-01)

Sec. 8.03.02. Termination of non-conforming uses of land.

All nonconforming uses of land shall be discontinued, and all nonconforming vacant structures shall be torn down, altered, or otherwise made to conform with the use provisions of this chapter within the following periods of time from July 23, 1990.

- A. *Time periods.*
 1. Vacant structures: One year (by July 24, 1991).
 2. A nonconforming use only within an accessory building: Three years (by July 24, 1993).
 3. A nonconforming use within an existing conforming structure: Six months from the discontinuance of the nonconforming use.
- B. *Exceptions.* The strict application of the above provision is to be tempered in the case of historic, archaeological or architectural resources deemed by the city development director to be eligible for designation pursuant to the local historic preservation ordinance. Such resources shall include those identified in the housing element of the comprehensive plan.

8.04.00. NONCONFORMING LOTS CAUSED BY EMINENT DOMAIN PROCEEDINGS

Sec. 8.04.01. Procedure for obtaining a certificate of conformity.

The condemnor or condemnee in an eminent domain proceeding may apply to the city development director for a certificate of conformity relative to a remainder parcel which has or will be created as a result of the eminent domain proceedings. The application shall include the following:

- A. An application fee as established by resolution of the city commission from time to time.
- B. The name and address of the owner of the remainder parcel.
- C. The name and address of the condemnor including the name and address of the condemnor's representative.

Created: 2023-12-22 11:21:14 [EST]

(Supp. No. 15)

- D. Evidence of the institution of eminent domain proceedings.
- E. A diagram of the property subject to the eminent domain proceeding at a scale of not less than one inch = 30 feet, showing the location of all structures and improvements on the property and the extent of the condemnor's acquisition.
- F. The legal description of the remainder parcel which has or will become a nonconforming lot.
- G. A proposed site plan for the redevelopment of the remainder parcel.

Sec. 8.04.02. Standards.

The city manager shall cause a certificate of conformity to be issued, if the following standards are met:

- A. The application filed is complete, all fees have been paid, and all facts contained in the application have been independently verified or confirmed.
- B. Severance or business damages relative to the remainder parcel will be reduced by the issuance of the certificate of conformity.
- C. A development plan for the remainder parcel has been prepared, and approved by the city development director which minimizes the nonconformities caused by the eminent domain proceedings, and which is otherwise consistent with all requirements of the land development regulations of the city.
- D. The remainder parcel can reasonably and economically function if developed in accordance with the development plan described herein.
- E. In the event that the city manager determines that the remainder parcel cannot reasonably and economically function if developed, the applicant may appeal the decision as provided for appeals from administrative departments in section 8.07.00.

Sec. 8.04.03. Duration.

A certificate of conformity issued pursuant to this section shall automatically expire 60 months from the date of issuance unless development of the remainder parcel in accordance with the approved development plan has commenced within said 60-month period.

8.05.00. VARIANCES

Sec. 8.05.01. Generally.

A. ~~A.~~ *Board of Adjustment.* The Board of Adjustment's bylaws and administration for the board can be found in Chapter 2 of the city Code of Ordinances.

B. *Granted by Board of Adjustment.* The Board of Adjustment may grant a variance from the strict application of the following dimensional requirements of the city Land Development Coderegulations and the city Code of Ordinances: subsection 2.04.00 regarding lot area requirements and minimum yard setbacks; section 6.09.00 regarding setbacks, building separation and heights for accessory structures; section 6.03.02 regarding finished floor elevation; section 6.09.05, regarding fences, walls, hedges and enclosures; and section 6.09.04 regarding setback requirements for location of swimming pools.

(Ord. No. 1831-02, § 1, 3-18-02; Ord. No. 1860-02 § 2, 5-20-02; Ord. No. 1841-02, § 6, 6-10-02)

BC. *Variances to be considered as part of the plan document review.* Any person desiring to undertake a development activity not in conformance with this Code may apply for a variance in conjunction with the application for plan document review. A development activity pursuant to the provisions set forth in subsection A. above that might otherwise be approved by the director must be approved by the board of adjustment if a variance is sought. The variance shall be granted or denied in conjunction with the application for plan document review. In granting a variance, the **bB**oard of **aA**djustment may prescribe appropriate conditions and safeguards.

DC. *Administrative variances by development director.* The city development director may grant minor variances from this code pursuant to [this](#) section **8.04.08**.

Sec. 8.05.02. Limitations on granting variances.

- A. *Initial determination.* The **B**oard of **aA**djustment shall have the power to authorize in specific cases such variances from the provisions set forth ~~herein-subsection 8.04.01.A.~~, which will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of certain parts of this code will, in an individual case, result in unnecessary hardship, so that the spirit of the code shall be observed, public safety and welfare secured, and substantial justice done. Such variance may be granted in such case of unnecessary hardship upon the following findings by the **bB**oard of **aA**djustment.
- B. *Required findings.* The need for the proposed variance is attributable to unique characteristics of the property either as to the land or as to any improvements thereon, or both, and the proposed variance, if granted, will not:
1. Authorize any use of the property that is not allowed as a permitted use or a use allowed by conditional use in the district in which the property is located; and
 2. Allow a density or intensity of use that exceeds the maximum density or intensity that is permitted in the district in which the property is located; and
 3. Result in a verifiable reduction of the property values of any adjacent or nearby properties; and
 4. Cause a detrimental effect in the supply of light and air to adjacent properties; and
 5. Cause a detrimental effect with respect to drainage of the subject property as well as adjacent properties; and
 6. Cause an increase of traffic on adjacent or nearby roads to levels that are not usual for the types of uses in the neighborhood; and
 7. Cause any threat to public safety in any manner whatsoever; and
 8. Cause any threat to the health or general welfare of the inhabitants of the city.
- C. A variance shall not be granted that exceeds the minimum variance to the strict application of the provisions of this Code necessary to alleviate the unnecessary hardship.

Sec. 8.05.03. Notice of variance hearings.

- A. *Manner of notice.* A variance hearing scheduled before the **B**oard of **aA**djustment shall be preceded by notice mailed by regular U.S. mail to the owners of all real property any portion of which is located within 300 lineal feet of the boundary of the subject property. The identity of the owners of such properties and their addresses shall be determined by reference to the latest tax rolls of Martin County, Florida, maintained for purposes of ad valorem taxation. Notice shall also be posted on the subject property.

B. *Time of notice.* Notice shall be placed in the regular U.S. mail and posted on the subject property by the applicant not less than 15 days prior to the date of the public hearing to be held by the **bB**oard of **aA**djustment at which the matter will be considered.

C. *Content of mailed notice.* The content of a mailed notice shall include the following information:

1. The substance of the variance application generally describing the nature of the proposed use;
2. The time, date and place of the meeting of the board of adjustment at which the matter will be considered;
3. The right of the public to be heard by the **bB**oard of **aA**djustment regarding the proposed variance;
4. The times and places for public inspection of the application for the variance; and
5. A map depicting the real property for which the variance is sought.

D. *Content of posted notice.* Posted notice shall be in substantially the following form:

NOTICE

VARIANCE HEARING

ON _____, 20__

AT ____:____ P.M.

STUART CITY HALL

121 S.W. FLAGLER AVE.

QUESTIONS?

CALL CITY DEVELOPMENT DEPARTMENT

(772) 288-5326

E. *Affidavit of mailing and posting.* An affidavit of the applicant shall be filed with the city development department or submitted to the board at the hearing that the required notice has been provided.

F. The rules for any hearing before the Board of Adjustment are set forth in Chapter 2 of the city Code of Ordinances and Chapter 11 of the city Land Development Code.

Secs. 8.05.04—8.05.07. Reserved.

Sec. 8.05.08. Administrative variance

A. *Authority.* The city development director is hereby granted the power and authority to vary the Land Development Code of the city, only as provided herein. Generally, this procedure is to provide for an efficient and effective review and approval process for certain minor aspects of development in the city. Pursuant to the following, the city development director may review and approve, approve with conditions, or deny:

1. *Yard setbacks.* Any yard setback variance request which does not exceed 110 percent of the code requirement. (For example: where a rear yard setback is 15 feet, and the variance request doesn't exceed 1.5 feet of relief, or conversely stated, a reduction to a 13.5-foot setback.)
2. *Fences, walls and hedges.* Any variance request for a fence, wall or hedge height or location, or other buffer screening matter.
3. *Green development.*

Created: 2023-12-22 11:21:14 [EST]

(Supp. No. 15)

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- a. In the context of this section a building or development that meets the criteria set out in section 6.06.00, "Green development" of this Code qualifies for any or all of the following additional administrative variances:

- (1) *Yard setback area.* A variance to position the principal building within a yard setback area to an extent no greater than ten percent of the square footage of the principal building footprint to a maximum of 500 square feet.
- (2) *Stormwater.* Subject to the design approval of the city engineer, up to 100 percent of stormwater runoff may be stored in underground storage structures for irrigation, cooling, or other appropriate reuse.
- (3) *Driveway width.* Subject to the design approval of the fire chief, the minimum width for a two-way residential driveway may be reduced to 18 feet provided any parking is restricted to one side of the driveway only.
- (4) *Architectural design.* Subject to the design approval of the city development director, a variance may be granted to depart from the strict architectural and building materials, design and location standards as contained in sections 3.01.04, 3.03.00 and 6.05.00 in order to utilize architectural and design features that are consistent with green building principles and are required in order to facilitate compliance with green development criteria.

4. *Other minor land development code variances.*

- a. Any other minor land development code variance which is minor in nature affecting the type, location, size, or area, including, but not limited to, drainage structures, easements, slab or foundation footers, marine construction, flood elevation, curbing and curb-cuts, road medians, solid waste or recycle containers, principal or accessory structures or lots, signage, landscape, lighting, parking, driveways, or utilities.
- b. A minor land development code variance is one in which the requested change:
- (1) Does not increase or enlarge the density, intensity of use; or
 - (2) Does not increase or enlarge the building footprint by more than five percent; or
 - (3) Does not violate the scope and intent of a previous approval for the property by the city commission.

5. *Time extensions.* A one-time extension of 180 days or less to an originally approved timetable of development may be granted upon good cause shown.

B. *Further approval authority.* When authority to do so is conferred by the city commission as a condition of zoning approval, plat approval, or development plan approval, the city development director may approve, approve with conditions or deny any plan document modification.

C. *City commission intent.* By adopting this section, the city commission intends that the city development director shall use the provisions of ~~this section~~subsection 8.04.02.B. of ~~the~~is Code as a guide. Because the nature of the variances permitted herein is minor, strict adherence to the hardship requirements for a code variance granted by the board of adjustment shall not pertain, and the city development director shall be free to use reasonableness, as well as an awareness of community needs and aesthetics, in addition to the criteria expressed ~~herein in subsection 8.04.02.B.~~, as a basis for all decisions.

D. *Nonexclusivity.* It is intended that this section shall be non-exclusive in nature.

1. The city development director may defer any application for administrative variance which would otherwise qualify for consideration by the board of adjustment, or city commission, as applicable, if

such deferral is based upon a reasonable determination that the variance sought does not meet the criteria for an administrative variance. Any application so deferred shall be processed as a new application, and shall meet all land development code requirements for such application, including applicable fees, public notice, and all other submittal requirements.

- E. *Appeal of an administrative variance.* An applicant may appeal a denial of an administrative variance-, as provided in this chapter.

8.06.00. ENFORCEMENT OF CODE PROVISIONS

Sec. 8.06.01. Generally.

Except as provided in the Land Development Code, enforcement of the provisions of the Land Development Code shall be as described in chapters 1 and 2 of the City Code of Ordinances.

Sec. 8.06.02. Other penalties and remedies.

- A. *Penalties for violation of the Florida Building Code.* Any person or entity, including any licensed or unlicensed contractor, who knowingly and willfully performs, or causes to be performed, any construction or development activity, without a permit as required by the city building code shall be subject to the following penalties:

1. A fine of \$500.00 for any first violation of the Florida Building Code.
2. A fine of \$1,000.00 for any second violation of the Florida Building Code.
3. Upon the commission of three or more violations of the Florida Building Code by the same person or entity, the building official may deny the issuance of any further building permits, and forward the matter to the appropriate county and state agencies for disciplinary action.

Notwithstanding the above, all other remedies available to the city shall be preserved, including referral to the code enforcement magistrate, and the filing of appropriate legal actions in the county and circuit courts of the state.

8.07.00. APPEALS AND HEARINGS

Sec. 8.07.01. Appeals from decisions of administrative departments.

A property owner, developer or adversely affected person may appeal a final decision of any administrative department, including the city manager, by requesting a hearing on the matter. The hearing shall be before the city commission by filing a "notice of appeal and request for hearing" with the city clerk within 30 days of the written rendering of the administrative decision.

Sec. 8.07.02. Contents of notice of appeal and request for hearing.

The notice of appeal shall contain:

1. A statement of the decision to be reviewed, and the date of the decision.
2. A statement of the interest of the person seeking review.
3. The specific error alleged as the grounds of the appeal.

4. The facts of the case to be proven.
5. The conclusion of law sought to be upheld.

Sec. 8.07.03. General rules and procedures for hearings.

1. All appeals shall be in writing on forms prescribed by the city and accompanied by fees prescribed by the city commission.
2. The appealing party assumes the responsibility of all required notification procedures. A public hearing shall be set by the city commission within 20 days of the date of receipt of notice unless otherwise agreed to by the parties to a later date.
3. The city commission shall hear the matter, and shall have ten days from the date of the hearing to render a decision.
4. The city commission may affirm, reverse or modify in whole or in part a determination or requirement of the decision that is under review.
5. The written order of the commission shall be submitted to the appellant and to the city development director and/or other administrative department involved in the appeal.
6. All decisions rendered by the city commission shall be final and binding on all parties.

Sec. 8.07.04. ~~Reserved for future use~~Administrative review by the board of adjustment.

~~A. Administrative review.~~

- ~~1. The board of adjustment shall have the power to hear and decide appeals of alleged error in a decision of the city development director made in the enforcement of the provisions set forth in subsection 8.04.01 A.~~

- ~~(a) *Hearings; appeals; notice.* Appeals to the board of adjustment may be taken by a person aggrieved or by an officer or bureau of the city affected by a written decision of the development director in the interpretation of the city regulations governing the categories in subsection 8.04.01 A.~~

~~Any such appeals shall be filed not more than 30 days from the date of mailing or hand delivery of the written decision of the development director by filing a written notice of appeal with the development director and the secretary to the board of adjustment. Every written notice of appeal shall refer specifically to the provision of the city's regulation and the interpretation claimed by the appellant which contradicts that of the development director. Upon receipt of the notice of appeal, the development director shall forthwith transmit to the secretary of the board of adjustment any and all papers constituting the record upon which the appeal is taken. A public hearing shall be set within 20 days of the date of receipt of notice unless otherwise agreed to by the parties to a later date.~~

- ~~(b) *Stay of proceedings on appeal to board of adjustment.* An appeal stays on all proceedings and acts by all parties in furtherance of the action appealed from, unless the building official certifies to the board of adjustment after the notice of appeal shall have been filed with him that, by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life and property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the board of adjustment or by a court of record on application, on due notice to the development director from whom the appeal is taken and on due cause shown.~~

~~(c) — Constitutionality, vested right, or estoppel appeals. Notwithstanding the appellate powers conferred upon the board of adjustment in this section, appeals from a decision of the development director based in whole or in part upon the constitutionality of a city regulation, a claim of vested rights, or estoppel may only be prosecuted pursuant to the provisions of chapter XI, section 11.01.08 of this Code.~~

Sec. 8.07.05. Appeals from decisions of the ~~B~~board of ~~a~~Adjustment.

Appeal by certiorari to the circuit court. Any person who appeared before the ~~B~~board of ~~a~~Adjustment who is aggrieved by any decision of the board, may present to a circuit court a petition for issuance of a writ of certiorari, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of the illegality. A petition for a writ of certiorari shall be filed in the manner and within the time provided by the Florida Appellate Rules. The filing of a petition for rehearing, as provided below, shall toll the time for the filing of a petition for writ of certiorari herein.

Sec. 8.07.06. Appeals from decisions of the city commission.

An appeal of a final determination of the city commission shall be pursuant to the provisions of Section 11.03.14.

Sec. 8.07.07. Reasonable accommodation.

A. *Purpose.* It is the policy of the City of Stuart, to provide individuals with disabilities reasonable accommodation in rules, policies, practices and procedures to ensure equal access to housing and facilitate the development of housing for individuals with disabilities. This ordinance establishes a procedure for making requests for reasonable accommodation in land use, zoning and building regulations, policies, practices and procedures of the jurisdiction to comply fully with the intent and purpose of fair housing laws.

B. *Applicability.*

Reasonable accommodation in the land use and zoning context means providing individuals with disabilities or developers of housing for people with disabilities, an opportunity to seek an exception in the application of land use and zoning and building regulations, policies, practices and procedures, or even waiving certain requirements, when it is necessary to eliminate barriers to housing opportunities to accommodate a disability recognized by the Fair Housing Act or ADA.

A request for reasonable accommodation may be made by any individual with a disability, his or her representative, or a developer or provider of housing for individuals with disabilities, when the application of a land use, zoning or building regulation, policy, practice or procedure acts as a barrier to fair housing opportunities.

C. *Requesting reasonable accommodation.*

1. Any eligible person as defined in section 2 may request a reasonable accommodation in land use, zoning and building regulations, policies, practices and procedures.
2. Requests for reasonable accommodation shall be in writing and provide the following information:
 - (a) Name and address of the individual(s) requesting reasonable accommodation;
 - (b) Name and address of the property owner(s):
 - (i) If the property is not owned by the applicant, a copy of the lease as well as written authorization from the owner to seek the accommodation;

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- (c) Address of the property for which accommodation is requested;
 - (d) Description of the requested accommodation with reference to the regulation(s), policy or procedure for which accommodation is sought; and
 - (e) Reason that the requested accommodation may be necessary for the individual(s) with the disability to use and enjoy the dwelling.
- 3. Any information identified by an applicant as confidential shall be retained in a manner so as to respect the privacy rights of the applicant and shall not be made available for public inspection.
 - 4. A request for reasonable accommodation in regulations, policies, practices and procedures may be filed at any time that the accommodation may be necessary to ensure equal access to housing. A reasonable accommodation does not affect an individual's obligations to comply with other applicable regulations not at issue in the requested accommodation.
- D. *Reviewing authority.*
- 1. Requests for reasonable accommodation shall be reviewed using the criteria set forth in section 5.
 - 2. A written response to the request for reasonable accommodation shall be provided within 30 days of the date of receipt of the fully completed application and may either seek additional information, grant, grant with modifications, or deny a request for reasonable accommodation in accordance with the required findings. Note: Incomplete applications shall not be deemed submitted and will not be reviewed until complete.
 - 3. If necessary to reach a determination on the request for reasonable accommodation, the city may request further information from the applicant specifying in detail the information that is required. In the event that a request for additional information is made, a new response to the request shall be made within a reasonable time after receiving the requested information.
- E. *Required findings.* The written decision to grant, grant with modifications, or deny a request for reasonable accommodation shall be consistent with fair housing laws and based on the following factors:
- 1. Whether the housing, which is the subject of the request for reasonable accommodation, will be used by an individual with disabilities protected under fair housing laws;
 - 2. Whether the requested accommodation is necessary to make housing available to an individual with disabilities protected under the fair housing laws;
 - 3. Whether the requested accommodation would impose an undue financial or administrative burden on the jurisdiction or would otherwise grant an undue benefit to the applicant that is not enjoyed by other landowners and;
 - 4. Whether the requested accommodation would require a fundamental alteration in the nature of the jurisdiction's land use and zoning or building program.
- F. *Written decision on the request for reasonable accommodation.*
- 1. The written decision on the request for reasonable accommodation shall address the criteria set forth in section 5 and provide a response to each item.
 - 2. The written decision may be provided to the applicant via email to the email address provided on the application.
 - 3. While a request for reasonable accommodation is pending, all laws and regulations otherwise applicable to the property that is the subject of the request shall remain in full force and effect.
- G. *Appeals.*

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(Supp. No. 15)

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1. An appeal of the decision must be filed within 30 days of the written decision and the applicant must follow the procedure as set forth in section 8.07.01; Appeals from decisions of administrative departments.
 2. If an individual needs assistance in filing an appeal on an adverse decision, the jurisdiction will provide assistance to ensure that the appeals process is accessible.
 3. All appeals shall contain a statement of the grounds for the appeal.

ARTICLE III. BOARDS, COMMITTEES AND COMMISSIONS

DIVISION 1. GENERALLY

Sec. 2-82. Standing boards; applicability of regulations.

- (a) The standing boards which are established by the city commission ~~are include~~ the ~~zoning B~~board of ~~A~~adjustment (hereinafter "BOA"), ~~nuisance-abatement board, L~~ocal ~~P~~lanning Agency (hereinafter "LPA") ~~advisory board, Community Redevelopment Board (hereinafter "CRB"), East Stuart Historical Advisory Committee (hereinafter "ESHAC") and Stuart I~~ndependent ~~R~~eview ~~B~~oard (hereinafter "SIRB"). The Stuart ~~C~~ommunity ~~R~~edevelopment ~~A~~gency (hereinafter "CRA") and the Stuart ~~H~~ousing ~~A~~uthority (hereinafter "SHA") are standing boards which have been created by the city commission and exist pursuant to Florida law.
- (b) The regulations set forth in this article shall apply to all standing boards unless superseded by applicable ordinance or statute. Additional regulations set forth herein may apply to a particular board.

(Ord. No. 2450-2020 , § 1(Att. A), 9-28-2020)

Sec. 2-83. Location of board meetings; clerical and legal support; compensation of members; expenses.

- (a) ~~Meetings of the standing boards shall be open to the public. Except for the city housing authority, b~~Board meetings shall be open to the public and held in the city commission chambers at city hall, except for the SHA which should be set in accordance with Florida's Housing Authorities Law, Florida Statutes §§ 421.01 et. seq.
- (b) The city manager shall provide the clerical support necessary to enable each board to perform its duties and responsibilities. The secretary shall attend all board meetings, record the proceedings, and prepare minutes of meetings promptly thereafter. The secretary shall maintain all records of the board as public records of the city. This section does not apply to the housing authority board.
- (c) The legal advisor to a standing board shall be the city attorney, or his/her designee. The city attorney, or his/her designee, shall attend board meetings when necessary or as requested by the board. Any designee of the city attorney shall also be an attorney licensed to practice law in the state of Florida.
- (d) Board members shall serve without compensation.
- (e) ~~All board expenses shall be paid by the city. Expenses incurred personally by board members in the performance of board duties or responsibilities may be reimbursed by the city in the discretion of the city manager.~~

(Ord. No. 2450-2020 , § 1(Att. A), 9-28-2020)

Sec. 2-84. Minimum Membership Requirements.

- ~~(a) Appointment by city commission.~~ Except for the city housing authority, appointments to membership on standing city boards shall be made by the city commission. Each commissioner shall select an appointment for each board, which will be ratified by the entire board. At large board members shall be selected by the entire commission via staff recommendation.
- ~~(ba) Qualifications; membership on more than one standing board prohibited.~~ To be qualified for appointment, a prospective appointee shall be over the age of 18 years of age, have maintained permanent residency within the City of Stuart for at least twelve (12) consecutive months immediately preceding the appointment, or be property owners of real estate within the geographic limits of the City of Stuart for at least twelve (12) consecutive months immediately preceding the appointment. ~~will have to meet the requirements of each board's bylaws.~~ No elected official, other than sitting city commissioners on the CRA, may serve on any board.
- ~~(be) Members to maintain qualifications throughout terms.~~ A board member shall maintain all applicable appointment qualifications during the term of membership.

(Ord. No. 2450-2020 , § 1(Att. A), 9-28-2020)

Sec. 2-85. Certificate of appointment; orientation.

- (a) Upon appointment by the city commission, the city clerk shall notify the appointee.
- (b) The city clerk shall also provide to the appointee information regarding the then current provisions of the Florida Government-in-the-Sunshine and the Code of Ethics for Public Officers and Employees statute laws. The city attorney shall be available to appointees in order to explain and/or answer questions for such laws.
- (c) The secretary of the board to which an appointment has been made shall provide to an appointee such information as is appropriate to adequately advise the member of the duties and responsibilities of board membership.

(Ord. No. 2450-2020 , § 1(Att. A), 9-28-2020)

Sec. 2-86. Rules of procedure; ~~quorum~~; voting; Attendance; Decorum.

- ~~(a) The city commission shall adopt bylaws for the conduct of the business of the standing boards. In accordance with the bylaws, the boards shall annually select officers to preside over board meetings.~~
- ~~(b) A quorum of a standing board shall be a majority of the total number of board members. Board action shall be taken by a majority vote of a quorum~~
- ~~(ae) Board m~~Members shall faithfully attend and participate at meetings of the board. Any member who fails to attend three successive board meetings shall be deemed to have resigned from the board and a vacancy shall be deemed to exist.
- ~~(b) All meetings shall be conducted informally. If a dispute arises regarding the proper procedure to be followed, Robert's Rules of Order shall take precedence. The Chair of the board shall be the arbiter of the application of Robert's Rules of Order.~~
- ~~(c) Voting shall be by voice vote and shall be recorded by individual "aye," "yes," "nay" or "no."~~

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- (d) Board members shall conduct themselves in accordance with the provisions of Chapter 112, Florida Statutes regarding ethics for public officials. Board meetings shall be held in accordance with the requirements of Section 286.011, Florida Statutes (i.e. Government in the Sunshine). All board records shall be maintained in accordance with Chapter 119, Florida Statutes (Public Records Law).
 - (e) Each member present must cast a vote on each question before the board. Any member who has a personal interest in a matter may abstain from participating as a member of the board in that matter. A member who abstains in any matter in which the member has a personal interest must file a Memorandum of Voting Conflict with the secretary of the board within fifteen (15) days after such vote.
 - (F) Each board shall follow the Order of Business as set forth in the agenda prepared by the secretary for each meeting. The Order of Business may be suspended by a majority of members present.
 - (g) No member of any board shall represent a client(s) before such board in any matter that will be considered by that board. This prohibition does not preclude board members from representing a client(s) before any other board in the City.
 - (h) The presiding officer shall be responsible for maintaining the order and decorum of meetings. It shall be the duty and responsibility of the presiding officer to ensure that the rules of operation and decorum contained herein are observed. The presiding officer shall maintain control of communication between the board members with each other, and with city staff and the public.
 - (i) All members of the boards shall accord the utmost courtesy to each other, to city employees, and to public members appearing before the board and shall refrain at all times from interruptions, rudeness, derogatory remarks, reflections as to integrity, and abusive comments. Board members shall confine their remarks to the issues before their respective board.
 - (j) All members of the boards should request the floor from the presiding officer before speaking. When one member of the board has the floor and is speaking, other board members shall not interrupt or otherwise disturb the speaker.
 - (k) In all quasi-judicial hearings, the rules set forth in Chapter 11, City of Stuart Land Development Code shall apply.

(Ord. No. 2450-2020 , § 1(Att. A), 9-28-2020)

Sec. 2-87. Removal of board members without cause; vacancies; holding over.

- (a) Members on standing city boards shall serve at the pleasure of their respective appointing city commissionerer. A board member may be removed from membership by their respective appointing city commissionerer without cause and without notice and hearing.
- (b) A vacancy shall be deemed to exist upon the resignation, death, or removal of a member. Vacancies however created shall be promptly reported to the city manager by the board secretary. Vacancies shall be filled by the city commission in the same manner as original appointments as soon as is practicable.
- (c) With the exception of the city commissioners on the CRA, bBoard members shall be appointed to fill specific one-year terms of board membership. The city commission shall ratify~~appoint~~ the members of each board during its annual reorganization meeting. The term shall begin at the first annual meeting of the Board and shall expire at the end of December in the same year.
- (d) ~~Term limit for at large members. No at large appointee shall serve longer than eight consecutive years on any one board. Current at large members may serve a full eight-year term upon adoption date of the ordinance from which this section is derived. At large members shall be selected by the city commission from qualified~~

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(Supp. No. 39)

~~applications which have been submitted to the city clerk. The at large positions shall serve two-year terms which shall be staggered.~~

(Ord. No. 2450-2020 , § 1(Att. A), 9-28-2020)

Secs. 2-88—2-95. Reserved.

DIVISION 2. STUART INDEPENDENT REVIEW BOARD

Sec. 2-96. ~~Definitions.~~

~~The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:~~

~~*Affected department* means the department of city government in which the employee whose conduct is being reviewed is employed.~~

~~*Board* means the Stuart Independent Review Board.~~

~~*Citizen complaint* means a written and signed allegation of improper conduct of an employee of the city made by any person who is not an officer or employee of the city.~~

~~*Employee* means any person employed by the city except a member of the city commission, the city manager, the city attorney.~~

~~*Suspension* means a temporary cessation of work of an employee mandated by the city manager for disciplinary reasons either with or without pay.~~

~~*Written reprimand* means a written criticism by the city manager or department director of the conduct of an employee.~~

~~(Ord. No. 2450-2020 , § 1(Att. A), 9-28-2020)~~

Sec. 2-967. ~~Created~~General.

The Stuart Independent Review Board's ("SIRB") ~~is hereby created for the purpose of~~ is for providing independent public review of the conduct of employees of the city. For purposes of this Division 2, the term employees shall not include the members of the City Commission, the city manager or the city attorney.

(Ord. No. 2450-2020 , § 1(Att. A), 9-28-2020)

Sec. 2-987. Membership and Term.

- (a) The ~~independent review board~~ SIRB shall consist of five (5) members each of whom shall be individually appointed and ratified by the city commission who shall serve without compensation.
 - (b) ~~In making its appointments to the board the city commission shall consider the racial, ethnic and cultural characteristics of the residents of the city.~~ A prospective member of the SIRB shall:
 - (1) Be not less than 18 years of age;
 - (2) Be a current resident of Stuart;
 - (3) Never have been convicted of a crime;
 - (4) Not be an employee of the city;
 - (5) Not be a candidate for elective office; and
 - (6) Not be a party in any pending litigation against the city ~~or any employee of the city.~~
 - (c) ~~A board member may be removed by majority vote of the city commission for failing to maintain the qualifications for membership or for failing to attend three consecutive meetings of the board or four such meetings in a calendar year.~~
 - (d) ~~A vacancy on the board shall be filled by the city commission within 60 days.~~
- (c) The SIRB members shall serve annual terms. The City Commissioners shall ratify the membership of the SIRB at the annual reorganization meeting of the City Commission.

(Ord. No. 2450-2020 , § 1(Att. A), 9-28-2020)

Sec. 2-998. Meetings.

- (a) ~~All meetings of the independent review board shall be held at the city hall at the call of the chairperson or at such times as the board elects. The board shall meet as needed but not less frequently than every three months.~~
- (~~ba~~) At its first annual meeting, the ~~SIRB~~board shall elect a chairperson and a vice-chairperson to serve for a term of one year. The vice-chairperson shall, in the absence, disqualification, resignation, death, severe disability of the chair-person or at the direction of the chair-person, shall exercise the functions of the chair-person. Upon vacancy in the office of the chair-person or vice-chairperson , the SIRB shall select from one of them to fill the position at the next regular meeting following the creation of the vacancy.
- (~~be~~) A quorum of the ~~SIRB~~board is three members. All action of the board shall be taken by ~~three or more affirmative votes~~a majority of those present.
- (c) The meetings shall be scheduled on an as-needed basis by City administration. The members of the SIRB will be given ample notice and notice of any hearing shall comply with the Florida Sunshine Law.
- (d) ~~The city manager shall provide all necessary clerical assistance to the board. Board meetings shall be tape recorded and minutes summarizing each meeting shall be promptly prepared. An agenda for each meeting of the board shall be prepared not less than 48 hours in advance of the meeting.~~
- (e) ~~The city attorney shall be legal advisor to the board.~~

(Ord. No. 2450-2020 , § 1(Att. A), 9-28-2020)

Sec. 2-~~99~~100. Powers and ~~d~~Duties and Responsibilities.

- (a) The ~~independent review board~~SIRB shall review all completed investigations conducted by the city manager or designee of citizen's written complaints including disciplinary action, if any.
- (b) Completed investigations shall be submitted to the ~~board~~SIRB in the form of a written report prepared by the city manager. ~~The report shall include the complaint, if any, any evidence received by the city manager in the form of written documents and audio or video recordings, the proposed disciplinary action, if any, and the factual basis for the proposal.~~
- (c) The SIRB~~board~~ shall either approve or reject the recommendation of the city manager. If the SIRB~~board~~ rejects the recommendation, it shall provide written findings for its decision which shall be provided to the city commission for review. ~~The board may also recommend a modification of policies, procedures, rules and regulations pertaining to the subject matter of a review.~~
- ~~(d) The recommendation shall be signed by the chairperson as approved by three or more affirmative votes of the entire board membership.~~

(Ord. No. 2450-2020 , § 1(Att. A), 9-28-2020)

Sec. 2-10~~0~~1. BoardSIRB review procedure.

- (a) Upon completion of a report by the city manager, a meeting of the SIRB ~~independent review board~~ shall be scheduled to consider and review the report as set forth herein. The meeting shall be held within a reasonable time.
- (b) To assist the SIRB~~board~~ in its review, the city manager may appoint an advisor to the SIRB~~board~~ who is familiar with the policies and operations of the affected department. The advisor shall factually respond to questions of SIRB~~board~~ members but shall not render opinions nor comment upon the content of the report. The SIRB~~board~~ may request additional information from the city manager, who will respond promptly.
- (c) The decision of the SIRB~~board~~ shall be based exclusively upon the report of the city manager, and any other material provided to the board by the city manager during the hearing. The review hearing is not intended to be an opportunity to introduce new evidence or testimony and therefore no public comment shall be heard by the SIRB~~board~~ until after all hearings have concluded. Because this is an advisory board and the review is limited to the record of events, the SIRB~~board~~ is not required to take any public comment.
- ~~(d) The written recommendation of the board shall be advisory to the city manager and shall be filed with the city manager within ten days of the meeting.~~

(Ord. No. 2450-2020 , § 1(Att. A), 9-28-2020)

~~Secs. 2-102 — 2-138. Reserved.~~

DIVISION 3. BOARD OF ADJUSTMENT

Sec. 2-101. General.

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- (a) Name, Purpose, Objectives and Authority. The Board of Adjustment (“BOA”) shall be a quasi-judicial board of the city and shall accordingly perform the duties and responsibilities described herein.

Sec. 2-102. Membership; Officers and Staff.

- (a) Qualifications. Members shall be over the age of 18 years of age. Members must also have maintained permanent residency for twelve (12) consecutive months, immediately preceding membership, in the City of Stuart or be a property owner within the geographic limits of the City.
- (b) Number. The BOA shall consist of five (5) members. Each city commissioner shall appoint a single member to the BOA.
- (c) Terms. The members of the BOA shall serve annual terms. The City Commission shall ratify the membership of the BOA at the annual reorganization meeting of the City Commission.
- (d) Staff Liaison. The City’s Development Director, or his/her designee, shall serve as the staff person to the BOA.
- (e) Secretary. The City Clerk, or his/her designee, shall be the Secretary for the BOA, and as such, shall prepare BOA agendas, be the custodian of all books and records of the BOA, keep the minutes and a recording of all votes in all BOA meetings, and send out all notices of meetings and shall perform such other duties as may be requested by the BOA.
- (f) Legal Counsel. The City Attorney, or his/her designee, shall serve as the legal counsel to the BOA and attend meetings when necessary.
- (g) Officers. Regular officers of the BOA shall include a chair and a vice-chair who shall be appointed by the BOA at its annual reorganization meeting. The Chair shall preside at all BOA meetings and shall execute instruments in the name of the BOA as may be required. The vice-chair, in the absence, disqualification, resignation or death or disability of the chair or at the chair’s discretion, shall exercise the functions of the chair. Upon vacancy in the office of chair and/or vice-chair, the BOA members shall select one of them to fill the position at the next regular meeting following the creation of vacancy.

Sec. 2-103. Meetings.

- (a) Regular Meetings. Regular meetings shall be held on the fourth (4) Thursday of each month in the City of Stuart’s Commission Chambers at City Hall.
- (b) Special Meetings. Special meetings may be held at the discretion of the BOA as necessary. Special meetings for the BOA may be called by the Chair, any two (2) members of the BOA, and/or the City’s Development Director, or his/her designee, by requesting the Development Director to arrange for and give notice of the special meeting.

Sec. 2-104. Duties and Responsibilities.

- (a) The BOA shall have the following duties and responsibilities:
1. Hear and consider applications for variances as provided in the City of Stuart Land Development Code;
 2. Interpret the provisions of the City of Stuart Code of Ordinances and Land Development Code so as to accomplish the intent and purpose of the city comprehensive plan; and
 3. Conduct such hearings as may be necessary to perform the foregoing duties and responsibilities.

DIVISION 4. COMMUNITY REDEVELOPMENT BOARD

Sec. 2-105. General.

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- (a) Name and Purpose. The Community Redevelopment Board (“CRB”) shall be an advisory board to the City Commission and the City administration in performing the duties and responsibilities described herein. In addition, the CRB shall provide quasi-judicial proceedings as set forth in the City of Stuart Land Development Code.

Sec. 2-106. Membership; Officer and Staff

- (a) Qualifications. Members shall be over the age of 18 years of age. Members must also have maintained permanent residency for twelve (12) consecutive months, immediately preceding membership, in the City of Stuart or be a property owner within the geographic limits of the City.
- (b) Number. The CRB shall consist of seven (7) members. Each city commissioner shall appoint a single member to the CRB. The two (2) remaining CRB members shall be selected by the majority vote of the City Commission.
- (c) Terms. The members of the CRB shall serve annual terms. The City Commission shall ratify the membership of the CRB at the annual reorganization meeting of the City Commission.
- (d) Staff Liaison. The City’s CRA Director, or his/her designee, shall serve as the staff person to the CRB.
- (e) Secretary. The City Clerk, or his/her designee, shall be the Secretary for the CRB, and as such, shall prepare CRB agendas, be the custodian of all books and records of the CRB, keep the minutes and a recording of all votes in all CRB meetings, and send out all notices of meetings and shall perform such other duties as may be requested by the CRB.
- (f) Legal Counsel. The City Attorney, or his/her designee, shall serve as the legal counsel to the CRB and attend meetings when necessary.
- (g) Officers. Regular officers of the CRB shall include a chair and a vice-chair who shall be appointed by the CRB at its annual reorganization meeting. The Chair shall preside at all CRB meetings and shall execute instruments in the name of the CRB as may be required. The vice-chair, in the absence, disqualification, resignation or death or disability of the chair or at the chair’s discretion, shall exercise the functions of the chair. Upon vacancy in the office of chair and/or vice-chair, the CRB members shall select one of them to fill the position at the next regular meeting following the creation of vacancy.

Sec. 2-107. Duties and Responsibilities.

- (a) For properties within the Community Redevelopment Area as proscribed in Section 3.00.00, Stuart Land Development Code, the CRB shall:
1. Hear, consider, and recommend applications for Urban Code conditional use as provided in the City of Stuart Land Development Code;
 2. Review development applications which pertain to historic buildings and recommend approval, approval with conditions, or denial of an application for such development;
 3. Review all proposed amendments to the Urban Code, and the Community Redevelopment Plan and recommend approval, approval with conditions, or denial;
 4. Review and recommend programs, projects, plans and grant applications to implement the Community Redevelopment Plan;
 5. Conduct such hearings and workshops as may be necessary to perform the foregoing duties and responsibilities;
 6. Review, hear and approve, approve with conditions, or deny applications for public art, as provided in the City of Stuart Land Development Code.

Sec. 2-108. Conduct of Business.

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- (a) A chairperson and vice chairperson of the CRB shall be elected from time to time, but at least annually, by the board. The chairperson shall preside over all meetings of the CRB and shall have the same rights as other members. The vice chairperson shall act in the absence of the chairperson.
 - (b) Meetings of the CRB shall be held in the city commission meeting room at Stuart city hall and shall be open to the public.
 - (c) The CRA director shall provide the personnel, equipment and materials necessary to enable the CRB to conduct its business.
 - (d) Decisions of the CRB in matters that are quasi-judicial in nature shall be based upon the evidence presented to the board at a quasi-judicial hearing. The board shall make findings of fact and conclusions of law in making its advisory decision. The decisions or orders of the board shall be promptly reduced to writing and signed by the chairperson and secretary.
 - (e) The CRB shall consider all proposed amendments to the Urban Code and make a recommendation thereon to the city commission. The board may of its own volition propose to the city commission that certain amendments be made to the Urban Code.
 - (f) The CRB shall perform any duty described herein, and any other duty specifically assigned to it by the city commission or the CRA.
 - (g) In all quasi-judicial hearings, the rules set forth in Chapter 11 of the City of Stuart's Land Development Code shall apply.

DIVISION 5. COMMUNITY REDEVELOPMENT AGENCY

Sec. 2-109. General.

- (a) The Stuart Community Redevelopment Agency ("CRA") is established as provided by Part II, Chapter 32, Article VI, Division 1 of the City of Stuart's Code of Ordinances, and the Florida Community Redevelopment Act of 1969, Florida Statutes § 163.330 et. seq. The CRA shall constitute a legal entity, separate, distinct, and independent from the City Commission.
- (b) The purpose of the CRA is to formulate a workable program for utilizing appropriate private and public resources to eliminate and prevent the development or spread of slum and blighted areas within designated areas of the City, as proscribed in Section 3.00.00 Stuart Land Development Code, consistent with the City of Stuart Community Redevelopment Plan adopted by the City Commission in Resolution No. 16-02, dated August 12, 2002, as such plan may from time to time be amended.
- (c) Unless otherwise noted in this section of Stuart Code of Ordinances, the terms used herein shall have the same meaning as defined in Florida Statutes § 163.340, as may be amended from time to time.

Sec. 2-110. Membership and Officers.

- (a) The CRA shall be made up of the currently elected city commissioners and two (2) current members of the City's Community Redevelopment Board ("CRB"). On an annual basis, the CRB shall recommend two current CRB board members to serve on the CRA for the City Commission's approval.
- (b) Members of the CRA shall serve annual terms. In no event shall any member serve beyond the length of their city commission or CRB term.
- (c) Nomination and election of officers shall occur at the annual reorganizations meeting of the CRA. The reorganizational meeting shall occur after the annual reorganization meeting of the City Commission.

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- (d) Regular officers of the CRA shall be a Chair and a Vice-Chair who shall be appointed by the CRA at its annual reorganization meeting.
 - (e) The Chair shall preside at all meetings of the CRA and shall execute instruments in the name of the CRA as may be required. The Vice-Chair shall preside at any meeting wherein the absence, disqualification, resignation or death or disability of the Chair or at the Chair's direction.
 - (f) Upon a vacancy in the office of Chair and/or Vice-Chair, the CRA members shall select one of them to fill the position at the next scheduled meeting following the creation of the vacancy.
 - (g) The City of Stuart's CRA Director shall serve as the senior staff person and liaison to the CRA.
 - (h) The City Clerk, or his/her designee, shall act as a Secretary of the CRA and as such shall prepare CRA agendas, be the custodian of all books and records of the CRA, keep the minutes and a recording of all votes of the CRA's meetings, and send out all notices of meetings and shall perform such other duties as may be requested by the CRA.
 - (i) The City of Stuart's Director of Finance shall serve as the Treasurer of the CRA to keep financial records of the CRA and administer the CRA's budget; shall keep full and accurate accounts and receipts and disbursements of the CRA; shall have custody of all funds of the CRA in the preparation of a proposed annual budget; and shall make and file all financial reports and statements necessary to be made and filed by the CRA.

Sec. 2-111. Duties and Responsibilities

- (a) Authorized actions.
 - 1. The CRA is authorized to carry out all community redevelopment and related activities specified in F.S. §§ 163.358 and 163.370; with the exception of:
 - a. The power to authorize the issuance of revenue bonds as set forth in F.S. § 163.385; and
 - b. The power to approve the acquisition, demolition, removal, or disposal of property as provided in F.S. § 163.370(4)(a) and the power to assume the responsibility to bear loss as provided in F.S. § 163.370(4)(b).
 - 2. The foregoing specifically enumerated powers shall be retained by the city commission.

Sec. 2-112. Conduct of Business.

- (a) Regular meetings shall be held as necessary in the City Commission Chambers at the City Hall of Stuart. No meeting will be convened in the event there is no matter to be considered by the CRA.
- (b) Special meetings may be held at the discretion of the CRA as necessary. Special meetings may be called by the CRA Director, by any two members of the CRA, or by the Chair by requesting the CRA Director give notice of such special meetings in compliance with the City of Stuart's Code of Ordinances.
- (c) The CRA shall follow the Order of Business as set forth in the noticed agenda for the respective meeting. The Order of Business may be suspended by a majority vote of the present members.
- (d) A quorum of the CRA shall be four (4) members. Four affirmative votes shall be necessary to conduct business. If any meeting cannot be conducted because a quorum is not present, the members who are present may receive information only, and take no action other than to adjourn the meeting to a time certain and notice of such adjourned meeting shall be given to each member.
- (e) In all quasi-judicial hearings, the rules set forth in Chapter 11 of the City of Stuart's Land Development Code shall apply.

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- (f) No member of the CRA shall represent a client before the CRA in any matter that will be considered by the CRA.

DIVISION 6. LOCAL PLANNING AGENCY

Sec. 2-113. General.

- (a) The Local Planning Agency ("LPA") is established as provided by the City of Stuart Code of Ordinances and Florida Statutes § 163.3174.
- (b) The LPA shall be an advisory board to the city commission and to the city administration in performing the duties and responsibilities described herein.

Sec. 2-114. Membership.

- (a) The LPA shall consist of seven (7) members. Each city commissioner shall appoint a single member to the LPA. The two (2) remaining members shall be selected by the entire city commission.
- (b) Members of the LPA shall be over the age of 18 years of age. Members must also have maintained permanent residency for twelve (12) consecutive months, immediately preceding the membership, within the City of Stuart or be an owner of real property located within the geographic limits of the City.
- (c) Members of the LPA shall serve annual terms.
- (d) Nomination and election of officers shall occur at the annual organizations meeting of the LPA. The organizational meeting shall occur after the annual reorganization meeting of the City Commission.
- (e) Regular officers of the LPA shall be a Chair and a Vice-Chair who shall be appointed by the LPA at its annual reorganization meeting.
- (f) The Chair shall preside at all meetings of the LPA and shall execute instruments in the name of the LPA as may be required. The Vice-Chair shall preside at any meeting wherein the absence, disqualification, resignation or death or disability of the Chair or at the Chair's direction.
- (g) Upon a vacancy in the office of Chair and/or Vice-Chair, the LPA members shall select one of them to fill the position at the next scheduled meeting following the creation of the vacancy.
- (h) The City of Stuart's Development Director shall serve as the senior staff person and liaison to the LPA.
- (i) The City Clerk, or his/her designee, shall act as a Secretary of the LPA and as such shall prepare LPA agendas, be the custodian of all books and records of the LPA, keep the minutes and a recording of all votes of the LPA's meetings, and publish all notices of meetings in the newspaper and shall perform such other duties as may be requested by the LPA.

Sec. 2-115. Duties and Responsibilities.

B. Duties and responsibilities. The LPA shall:

1. Constitute the local planning agency as that term is defined and construed in F.S. § 163.3164;
2. Make recommendations to the city commission regarding proposed amendments to the text of the Stuart Comprehensive Plan;
3. Make recommendations to the city commission regarding proposed amendments to the text of the Stuart Land Development Code;
4. Make recommendations to the city commission regarding proposed amendments to the future land use map component of the future land use element of the Stuart Comprehensive Plan;

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5. Make recommendations to the city commission regarding proposed amendments to the zoning map of the city in the form of zoning and rezoning;
 6. Make recommendations to the city commission regarding proposed annexations to the city;
 7. Consider and make recommendations regarding the consistency of proposed developments with the various elements of the city comprehensive plan;
 8. Conduct such public hearings as may be required to gather information necessary for the preparation, establishment, and maintenance of the comprehensive plan, as well as all other public hearings required by these regulations or by the city commission; and
 9. Make other recommendations to the city commission and the city administrative staff upon the request of either regarding land use in the city and the regulation thereof by the city.

Sec. 2-116. Conduct of Business.

- (a) Regular meetings shall be held on the second Thursday of each month in the city commission chambers at City Hall of the City of Stuart. No meeting will be convened in the event that there is no matter to be considered by the LPA.
- (b) Special meetings may be held at the discretion of the LPA as necessary.
- (c) The LPA shall follow the Order of Business as set forth in the noticed agenda for the respective meeting. The Order of Business may be suspended by a majority vote of the present members.
- (d) A quorum of the LPA shall be four (4) members and an affirmative vote of a majority of those present shall be necessary to conduct business. If any meeting cannot be conducted because a quorum is not present, the members who are present may receive information only, and take no action other than to adjourn the meeting to a time certain and notice of such adjourned meeting shall be given to each member.
- (e) Prior to any quasi-judicial hearing, each CRA member shall disclose any ex-parte communications with the applicant.
- (f) In all quasi-judicial hearings, the rules set forth in Section 11.03.00 of the City of Stuart's Land Development Code shall apply.
- (g) No member of the CRA shall represent a client before the CRA in any matter that will be considered by the CRA.

DIVISION 7. EAST STUART HISTORICAL ADVISORY COMMITTEE

Sec. 2-117. General

- (a) The East Stuart Historical Advisory Committee ("ESHAC") shall be an advisory board to the city commission and to the city administration in performing the duties and responsibilities described herein.

Sec. 2-118. Membership.

- (a) The ESHAC shall consist of seven (7) members. Each city commissioner shall appoint a single member to the ESHAC. The two (2) remaining members shall be selected by the city commission.
- (b) Members of the ESHAC shall be over the age of 18 years of age. Members must also have maintained permanent residency for twelve (12) consecutive months, immediately preceding the membership, within the City of Stuart or be an owner of real property located within the geographic limits of the City.

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- (c) Members of the ESHAC shall serve annual terms.
 - (d) Nomination and election of officers shall occur at the annual organizations meeting of the ESHAC. The organizational meeting shall occur after the annual reorganization meeting of the City Commission.
 - (e) Regular officers of the ESHAC shall be a Chair and a Vice-Chair who shall be appointed by the ESHAC at its annual reorganization meeting.
 - (f) The Chair shall preside at all meetings of the ESHAC and shall execute instruments in the name of the ESHAC as may be required. The Vice-Chair shall preside at any meeting wherein the absence, disqualification, resignation or death or disability of the Chair or at the Chair's direction.
 - (g) Upon a vacancy in the office of Chair and/or Vice-Chair, the ESHAC members shall select one of them to fill the position at the next scheduled meeting following the creation of the vacancy.
 - (h) The Community Redevelopment Executive Director shall serve as the senior staff person and liaison to the ESHAC.
 - (i) The City Clerk, or his/her designee, shall act as a Secretary of the ESHAC and as such shall prepare ESHAC agendas, be the custodian of all books and records of the ESHAC, keep the minutes and a recording of all votes of the ESHAC's meetings, and send out all notices of meetings and shall perform such other duties as may be requested by the ESHAC.

Sec. 2-119. Duties and Responsibilities

- (a) The ESHAC shall provide recommendations to the CRA Director which celebrate and commemorate the history of the East Stuart Community.

Sec. 2-120. Conduct of Business.

- (a) Regular meetings shall be held on a quarterly basis in the city commission chambers at City Hall of the City of Stuart. No meeting will be convened in the event that there is no matter to be considered by the ESHAC.
- (b) Special meetings may be held at the discretion of the ESHAC as necessary.
- (c) The ESHAC shall follow the Order of Business as set forth in the noticed agenda for the respective meeting. The Order of Business may be suspended by a majority vote of the present members.
- (d) A quorum of the ESHAC shall be three (3) members and an affirmative vote of a majority of those present shall be necessary to pass any motion or adopt any order. Three (3) members is only needed for a quorum and should not be interpreted to mean that only three votes necessary to pass a matter if all seven (7) members of the ESHAC are present. If any meeting cannot be conducted because a quorum is not present, the members who are present may receive information only, and take no action other than to adjourn the meeting to a time certain and notice of such adjourned meeting shall be given to each member.

Secs. 2-12102—2-138. Reserved.