City of Stuart

AGENDA

LOCAL PLANNING AGENCY
MARCH 14, 2024
AT 5:30 PM
COMMISSION CHAMBERS
121 SW FLAGLER AVE.
STUART, FLORIDA 34994

LOCAL PLANNING AGENCY

Chair - Kelly Laurine
Vice Chair - Sean Forbes
Board Member - Margaret Bromfield
Board Member - William Mathers
Board Member - Deana Peterson
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

APPROVAL OF AGENDA

APPROVAL OF MINUTES

1. APPROVAL OF 02/08/2024 LPA MINUTES

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

COMMENTS BY BOARD MEMBERS (Non-Agenda Items)

ACTION ITEMS

2. APPLICANT REQUESTED CONTINUANCE TO A DATE CERTAIN OF APRIL 11, 2024 - THIS MATTER WILL NOT BE HEARD BY THE BOARD ON MARCH 14, 2024
EDEN / MAR-STUART CPUD - SMALL-SCALE COMPREHENSIVE PLAN FUTURE LAND USE MAP AMENDMENT GENERALLY LOCATED AT 3970 SE FEDERAL HIGHWAY (LEGISLATIVE):

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.

3. APPLICANT REQUESTED CONTINUANCE TO A DATE CERTAIN OF APRIL 11, 2024 - THIS MATTER WILL NOT BE HEARD BY THE BOARD ON MARCH 14, 2024
EDEN / MAR-STUART CPUD - MAJOR COMMERCIAL PLANNED UNIT DEVELOPMENT (CPUD) AMENDMENT GENERALLY LOCATED AT 3970 SE FEDERAL HIGHWAY (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.

4. CLARITY POINTE PUD - SMALL-SCALE COMPREHENSIVE PLAN FUTURE LAND USE MAP AMENDMENT LOCATED AT 500 SE INDIAN STREET (LEGISLATIVE)(RC):

ORDINANCE No. 2529-2024; AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, REQUESTS 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 9.46-ACRE PARCELS OF LAND FROM MULTI-FAMILY RESIDENTIAL TO THE COMMERCIAL FUTURE LAND USE DESIGNATION; 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 OTHER PURPOSES

5. CLARITY POINTE PUD - REZONE FROM THE CITY OF STUART OFFICIAL ZONING ATLAS FROM RESIDENTIAL PLANNED DEVELOPMENT (RPUD) TO THE MIXED-USE PLANNED UNIT DEVELOPMENT (MXPUD) ZONING DESIGNATION LOCATED AT 500 SE INDIAN STREET (QJ)(RC):

ORDINANCE No. 2530-2024; AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, REQUESTING TO REZONE FROM THE CITY OF STUART OFFICIAL ZONING ATLAS FROM RESIDENTIAL PLANNED UNIT DEVELOPMENT (RPUD) TO THE MIXED-USE PLANNED UNIT DEVELOPMENT (MXPUD) DESIGNATION FOR APPROXIMATELY 9.46 ACRE PARCELS OF LAND LOCATED ON THE SOUTH SIDE OF SE INDIAN STREET AND APPROXIMATELY 540 FEET EAST OF KANNER HIGHWAY, TO CONVERT THE EXISTING 84-BED ASSISTED LIVING FACILITY (ALF) WITH MEMORY CARE KNOWN AS CLARITY POINTE TO ALLOW FOR AN INPATIENT PRIMARY MENTAL HEALTH AND RESIDENTIAL DRUG AND ALCOHOL FACILITY WITH MEDICAL DETOX; PROVIDING FOR MASTER SITE PLAN APPROVAL; 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 OTHER PURPOSES.

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: 3/14/2024 **Prepared by:**

Title of Item:
APPROVAL OF 02/08/2024 LPA MINUTES

Summary Explanation/Background Information on Agenda Request:
APPROVAL OF 02/08/2024 LPA MINUTES

Funding Source:
N/A

Recommended Action:
Approve Minutes.

ATTACHMENTS:
1. 02082024 LPA Minutes

MINUTES
LOCAL PLANNING AGENCY OF THE CITY OF STUART
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 - William Mathers
Board Member - Ryan Strom
Board Member - VACANT
Board Member - VACANT
Ex Officio Board Member - Mark Sechrist

ADMINISTRATIVE

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

CALL TO ORDER

5:30 PM

ROLL CALL

PRESENT: Chair Laurine, Vice Chair Bromfield (Late - 5:39 PM), Board Member Forbes, Board Member Mathers, Board Member Strom
ABSENT:

PLEDGE OF ALLEGIANCE

1. ADVISORY BOARD MEMBER OATH

Lee Baggett, City Attorney, swore in all present Board Members and reminded the Board Members of the Florida Sunshine Law.

2. ANNUAL BOARD REORGANIZATION - SELECTION OF CHAIR AND VICE CHAIR

5:33 PM MOTION: Kelly Laurine as Chair.
MOVED BY: Sean Forbes
SECONDED BY: Ryan Strom
Motion approved unanimously.

5:34 PM MOTION: Sean Forbes as Vice Chair.
MOVED BY: William Mathers
SECONDED BY: Ryan Strom
Motion approved unanimously.

APPROVAL OF AGENDA

5:34 PM MOTION: Approve.
MOVED BY: Ryan Strom
SECONDED BY: William Mathers
Motion approved unanimously.

APPROVAL OF MINUTES

3. APPROVAL OF 12/14/2023 LPA MINUTES

5:35 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

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.

5:35 PM MOTION: Approve to continue to date certain.
MOVED BY: Ryan Strom
SECONDED BY: William Mathers
Motion approved unanimously.

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.

5:36 PM MOTION: Approve to continue to date certain.
MOVED BY: William Mathers
SECONDED BY: Ryan Strom
Motion approved unanimously.

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

City Attorney Baggett presented the proposed amendments to the code and the by-laws.

Board Members had a brief discussion and asked the City Attorney several questions.

5:46 PM MOTION: Approve proposed amendments.
MOVED BY: Ryan Strom
SECONDED BY: Margaret Bromfield
Motion approved unanimously.

STAFF UPDATE

ADJOURNMENT

5:47 PM

Susej T. Meleqi, Board Secretary	**Kelly Laurine, Chair**

Minutes to be approved at the LPA Meeting this 14th day of March, 2024.

CITY OF STUART, FLORIDA
AGENDA ITEM REQUEST
Local Planning Agency

Meeting Date: 3/14/2024 **Prepared by:** Kristopher McCrain

Title of Item:

APPLICANT REQUESTED CONTINUANCE TO A DATE CERTAIN OF APRIL 11, 2024 - THIS MATTER WILL NOT BE HEARD BY THE BOARD ON MARCH 14, 2024

EDEN / MAR-STUART CPUD - SMALL-SCALE COMPREHENSIVE PLAN FUTURE LAND USE MAP AMENDMENT GENERALLY LOCATED AT 3970 SE FEDERAL HIGHWAY (LEGISLATIVE):

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:

N/A

Funding Source:

N/A

Recommended Action:

The Applicant is requesting the Local Planning Agency allow for a continuance of the public hearing for the Small-Scale Comprehensive Plan Future Land Use Amendment to a date-certain on April 11, 2024.

ATTACHMENTS:

1. LPA Public Notice Packet
2. Applicant Request for LPA Continuance (1st Request)
3. Applicant Request for LPA Continuance (2nd Request)

City of Stuart
Development Department
121 SW Flagler Avenue
Stuart, FL 34994
Ph. 772-288-5300
Fax 772-288-5388

AFFIDAVIT ATTESTING TO NOTIFICATION

Todd Troxell, being first duly sworn, depose(s) and say(s):

That (I am / we are) the owner(s) or petitioner(s) of the following described property which constitutes the location for which notification is required:

Parcle I.D. Numbers: 38-38-41-025-000-00020-0 & 38-38-41-025-000-00010-0

That a copy of the notice was sent by regular U.S. Mail on JANUARY 22, 2024, to the property owners located within 300 feet of the subject property; and

That a list of the property owners and their addresses is on file with the City of Stuart; and

That a photograph showing the placement of the notification signs be made a part of this Affidavit; and

That notice was sent and property was posted fifteen (15) days prior to the scheduled public hearing for these items.

TODD TROXELL
SIGNED (PROPERTY OWNER / AUTHORIZED AGENT)

SIGNED (PROPERTY OWNER / AUTHORIZED AGENT)

STATE OF FLORIDA, COUNTY OF Martin
Sworn and subscribed before me by means of ✓ physical presence or ___ online notarization, this 23 day of January, 2024 By Todd Troxell.
Personally Known OR Produced Identification

Type of Identification Produced:

Notary Public, State of FL
(Notary Seal)

Notary Public State of Florida
Kristina Rose Harkins
My Commission HH 282560
Expires 6/29/2026

My Commission expires:
06/29/26

Prestige title agency, Inc.

736 Colorado avenue, Suite a, Stuart, Florida 34994 ·phone: (772) 283-5590 fax: (772) 283-5699 email: ptatitle@bellsouth.net

January 22th, 2024

Ownership Search

Prepared For: HJA DESIGN STUDIOS

We hereby certify that a search has been made of the Martin County Property Appraiser's records regarding a 300-foot area surrounding the following described parcel of land:

See Exhibit "A" attached hereto & made a part hereof.

TAX ID: See Exhibit "B" attached hereto
OWNER: & made a part hereof.
ADDRESS:

The apparent property owners of land surrounding the above referenced property are as follows: The list does not include any owners who qualify for confidentiality (See attached).

Iris M. Crews

icrews

Prestige title agency, Inc.

736 Colorado avenue, Suite a, Stuart, Florida 34994 ·phone: (772) 283-5590 fax: (772) 283-5699 email: ptatitle@bellsouth.net

OWNERSHIP REPORT
SEARCH NO. P24-11903/IC

THE ATTACHED REPORT IS ISSUED TO HJA DESIGN STUDIOS. THE ATTACHED REPORT MAY NOT BE RELIED ON BY ANY OTHER PARTY. NO LIABILITY IS ASSUMED BY STEWART NATIONAL TITLE INSURANCE COMPANY FOR ANY UNAUTHORIZED USE OR RELIANCE. THIS OWNERSHIP REPORT IS ISSUED PURSUANT TO FLORIDA STATUTE SECTION 627.7843 AND LIABILITY HEREUNDER FOR INCORRECT INFORMATION IS LIMITED TO THE AMOUNT PAID FOR THE REPORT.

The attached Report prepared in accordance with the instructions given by the user named above includes a listing of the owner(s) of a 300-foot area surrounding subject property. It is the responsibility of the party named above to verify receipt of each document listed. If a copy of any document listed is not received, the office issuing this Report must be contacted immediately. This Report does not include easements, restrictions, notices or other documents not listed above.
This Report does not insure or guarantee the validity or sufficiency of any document attached nor is it to be considered a title insurance policy, an opinion of title, a guarantee of title or as any other form of guarantee or warranty of title.
This Report shall not be used for the issuance of any title insurance policy or form.

Use of the term "Report" herein refers to this Ownership Report and the documents attached hereto.
The land referred to herein is described as follows:
See Exhibit "A" attached hereto & made a part hereof.

PRESTIGE TITLE AGENCY, INC.
736 Colorado Ave. Ste. A
Stuart FL 34994

By: *icrews*

Iris M. Crews

Recorded in Martin County, FL 8/5/2021 3:50 PM
Carolyn Timmann, Clerk of the Circuit Court & Comptroller
Rec Fees: $35.50Deed 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

Copy Copy Copy

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

EXHIBIT " A" LOT 1

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]

Copy Copy Copy

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

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

NICOLE BERLIN
Witness #1 print name

Witness #2 signature

Cody Shue
Witness #2 print name

Copy Copy Copy Copy

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]

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

SHARON BEINER
Notary Public - State of Florida
Commission # HH 086672
My Comm. Expires Feb 9, 2025
Bonded through National Notary Assn.

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

MARTIN COUNTY
PROPERTY APPRAISER
Jenny Fields, CFA

Basic Info

PIN	AIN	Situs Address	Website Updated
38-38-41-025-000-00010-0	1109784	SE FEDERAL HWY STUART FL	7/27/23

General Information

Property Owners
MAR-STUART RETAIL II LLC

Mailing Address
665 SW 8TH ST
MIAMI FL 33180

Tax District
STUART

Parcel ID
38-38-41-025-000-00010-0

Account Number
1109784

Property Address
SE FEDERAL HWY STUART FL

Legal Description
LOT 1 MARKETPLACE OF STUART, A CPUD (PB ...

Use Code/Property Class
1000 - 1000 Vacant Commercial

Neighborhood
51600 Kanner 95

Legal Acres
22.77

Ag Use Size (Acre\Sq Ft)
N/A

Current Value

Year	Land Value	Improvement Value	Market Value	Value Not Taxed	Assessed Value	Total County Exemptions	County Taxable Value
2023	$ 8,942,620	$ 0	$ 8,942,620	$ 0	$ 8,942,620	$ 0	$ 8,942,620

Market values shown on the website reflect market conditions as of January 1st, the statutory assessment date. We are prohibited by law from relying on sales that occur after the January 1 assessment date. Therefore, market values shown on the website do not reflect today's market conditions, but rather the market conditions last year. In addition, the statutes require the county Property Appraiser to deduct for typical costs of sale (which include expenses such as commissions, title insurance, appraisals, inspection fees, etc.) when arriving at market value for tax purposes. That is why the market value for tax purposes is different from what a property would sell for today.

Current Sale

Sale Date
8/3/21

Sale Price
$ 10,500,000

Grantor (Seller)
MARKET PLACE STUART LLC

Deed Type
Special Warranty Deed

Doc Num
2906543

Book & Page
3246 2837

Legal Description

LOT 1 MARKETPLACE OF STUART, A CPUD (PB 17 PG 18)

The legal description is intended for general information only. The Property Appraiser assumes no responsibility for the uses or interpretations of the legal description.

EXHIBIT "B" LOT 1

INSTR # 2338730
OR BK 02586 PG 0091
Pgs 0091 - 94; (4pgs)
RECORDED 06/29/2012 12:17:31 PM
MARSHA EWING
CLERK OF MARTIN COUNTY FLORIDA
DEED DOC TAX 52,500.00
RECORDED BY E Mosley

PREPARED BY AND RETURN TO:
Lawrence N. Rosen, Esq.
Rosen & Rosen
21170 N.E. 22nd Court
Miami, Florida 33180

PROPERTY APPRAISERS PARCEL IDENTIFICATION NUMBER: Portions of
38-38-41-002-160-00000-4

Copy Copy Copy

SPECIAL WARRANTY DEED

THIS SPECIAL WARRANTY DEED, made as of the 27th day of June, 2012, between **Market Place Stuart LLC**, a Florida, limited liability company, whose mailing address is 525 Okeechobee Blvd., Suite 1650, West Palm Beach, Florida 33401, and **MAR-Stuart Retail, LLC**, a Florida limited liability company, whose mailing address is 666 S.W. 8th Street, Miami, Florida 33131, hereinafter referred to as GRANTEE.

W I T N E S S E T H:

GRANTOR, for and in consideration of the sum of TEN DOLLARS ($10.00) and other good and valuable consideration paid by GRANTEE, the receipt of which is hereby acknowledged, has granted, bargained and sold to GRANTEE, and GRANTEE's successors and assigns forever, the following described real property (the "**Property**"), which is located in Martin County, Florida:

See **Exhibit "A"** attached hereto and incorporated herein.

SUBJECT ONLY TO those matters set forth on **Exhibit "B"** attached hereto and incorporated herein, without reimposing same (collectively, the "**Permitted Exceptions**").

TOGETHER WITH all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

TO HAVE AND TO HOLD, the same in fee simple forever.

GRANTOR hereby covenants with GRANTEE that it owns the Property in fee simple; that it has good right and lawful authority to sell and convey the Property; and that it warrants the title to the Property and will defend the same against the lawful claims of all persons claiming by, through or under GRANTOR, but against none other.

MIAMI 3148244.3 7948135895

Witness IN WITNESS WHEREOF, GRANTOR has executed and delivered this Deed as of the day and year first above written.

Signed in the presence of:

Sheila D. Boris

Sheila D. Boris
Printed Witness Name

Witness

Lauren Geldmaker
Printed Witness Name

GRANTOR:

MARKET PLACE STUART LLC,
a Florida limited liability company

By: MPSV Manager LLC,
a Florida limited liability company,
its manager

By:
Name: George W. Banks
Title: Manager

Copy Copy Copy

STATE OF Florida

COUNTY OF Palm Beach

The foregoing instrument was acknowledged before me this 25 day of June, 2012, by George W. Banks, as Manager of MPSV Manager LLC, a Florida limited liability company, as the manager of Market Place Stuart LLC, a Florida limited liability company on behalf of said entity. He is ☐personally known to me or ☐he has produced _____ as identification.

SHARON BEINER
MY COMMISSION # DD859275
EXPIRES February 09, 2013
(407) 398-0153 FloridaNotaryService.com

(NOTARY SEAL)

Notary Public, State of Florida

Sharon Beiner
Printed Notary's Name
My Commission Expires: 2/9/13
My Commission No.: DD 859275

MIAMI 3148244.3 7948135895

EXHIBIT "A"
Legal Description

Being a portion of Tracts 160, 161, 162, 163, 193, 194, 195, and 196, according to the plat of Port Sewell (Sewell'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 Sewell 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.

The foregoing is also known as Lot 2 of the Plat of MARKETPLACE OF STUART, a CPUD, according to the Plat thereof, as recorded in Plat Book 17, Page 18, of the Public Records of Martin County, Florida.

Copy Copy

MIAMI 3148244.3 7948135895

EXHIBIT "B"

Permitted Exceptions

1. Real estate taxes and assessments for the year 2012 not yet due and payable and subsequent years.

2. Zoning ordinances and other restrictions imposed by applicable governmental authorities, providing no such ordinance shall prevent the use of the Land for the Intended Use.

3. Matters appearing on the Plat of Marketplace of Stuart, a CPUD, recorded in Plat Book 17, Page 18 of the Public Records of Martin County, Florida.

4. Easement granted to Florida Power and Light Company, recorded in Official Records Book 168, Page 206, and Deed Book 9, Page 566, Public Records of Martin County, Florida.

5. Easement granted to Bell South recorded in Official Records Book 1207, Page 1205, Public Records of Martin County, Florida).

6. Drainage Easement Agreement dated on or about the date hereof by and between Market Place Stuart, LLC and MAR-Stuart Retail, LLC.

7. Unrecorded Water Sewer Agreement, dated September 5, 1986, by and between Intracoastal Utilities and Sunbelt Partners, as evidenced by Amendments to Agreement filed in Official Records Book 745, Page 715, and Official Records Book 924, Page 2398, of the Public Records of Martin County, Florida.

8. Unrecorded Water & Sewer Agreement, dated September 5, 1986, by and between Intracoastal Utilities and S.K. Partners, as evidenced by that certain Amendment to Agreement filed in Official Records Book 924, Page 2400, of the Pubic Records of Martin County, Florida.

9. Terms, provisions, restrictions, limitations regarding the MAR-Stuart CPUD, evidenced by that certain Ordinance Number 2243-2012 of the City, recorded on June 20, 2012, in Official Records Book 2584, Page 883.

Copy Copy Copy

MIAMI 3148244.3 7948135895

MARTIN COUNTY
PROPERTY APPRAISER
Jenny Fields, CFA

Basic Info

PIN	AIN	Situs Address	Website Updated
38-38-41-025-000-00020-0	1109785	3970 SE FEDERAL HWY STUART FL	7/27/23

General Information

Property Owners
MAR-STUART RETAIL LLC

Parcel ID
38-38-41-025-000-00020-0

Use Code/Property Class
2700 - 2700 Auto Sales/Repair

Mailing Address
665 SW 8TH ST
MIAMI FL 33131

Account Number
1109785

Neighborhood
30300 Fed Hwy S of Roosevelt Bridge

Tax District
STUART

Property Address
3970 SE FEDERAL HWY STUART FL

Legal Acres
12.3112

Legal Description
LOT 2 MARKETPLACE OF STUART A CPUD (PB 1...

Ag Use Size (Acre\Sq Ft)
N/A

Current Value

Year	Land Value	Improvement Value	Market Value	Value Not Taxed	Assessed Value	Total County Exemptions	County Taxable Value
2023	$ 5,362,750	$ 11,675,690	$ 17,038,440	$ 930,425	$ 16,108,015	$ 0	$ 16,108,015

Market values shown on the website reflect market conditions as of January 1st, the statutory assessment date. We are prohibited by law from relying on sales that occur after the January 1 assessment date. Therefore, market values shown on the website do not reflect today's market conditions, but rather the market conditions last year. In addition, the statutes require the county Property Appraiser to deduct for typical costs of sale (which include expenses such as commissions, title insurance, appraisals, inspection fees, etc.) when arriving at market value for tax purposes. That is why the market value for tax purposes is different from what a property would sell for today.

Current Sale

Sale Date	Grantor (Seller)	Doc Num
6/27/12	MARKET PLACE STUART LLC	2338730
Sale Price	**Deed Type**	**Book & Page**
$ 7,500,000	Special Warranty Deed	2586 0091

Legal Description

LOT 2 MARKETPLACE OF STUART A CPUD (PB 17 PG 18) - REMOVED FROM SAID CPUD PER 1ST AMD REC IN OR 2584/843 & NOW BEING ALL OF MAR-STUART CPUD RECORDED IN OR 2584/883 ON 06/20/2012 CONTAINING 12.31 ACRES M/L

The legal description is intended for general information only. The Property Appraiser assumes no responsibility for the uses or interpretations of the legal description.

EXHIBIT "B" LOT 2

Notice to Surrounding Property Owners

Public Hearing Before: **Local Planning Agency (LPA)**

Petitioner: **151 NW Flagler, LLC**

Parcel I.D. Numbers: **38-38-41-025-000-00020-0 & 38-38-41-025-000-00010-0**

Address of Property: **3970 SE Federal Highway, Stuart, Florida &**
TBD - SE Federal Highway, Stuart, Florida

Proposed Request: The applicant is seeking a Small-Scale Comprehensive Plan Future Land Use Map Amendment from Commercial to Neighborhood Special District, and a concurrent Major Amendment to the Mar-Stuart CPUD to incorporate a 22.76-acre parcel within the overall Mar-Stuart CPUD, for a total land area of 35.07-acres, and to construct three (3) additional automobile dealerships and supporting 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 development, with a maximum residential density of 7.64 dwelling units per acre.

Dear Property Owner:

Please be advised that the City of Stuart will conduct a public hearing before the Local Planning Agency (LPA) on **Thursday, February 8, 2024, at 5:30PM** to consider the above request.

The public hearing will take place in the Stuart City Hall Commission Chambers, located at 121 S. W. Flagler Avenue in Stuart and via a Zoom link available prior to the meetings.

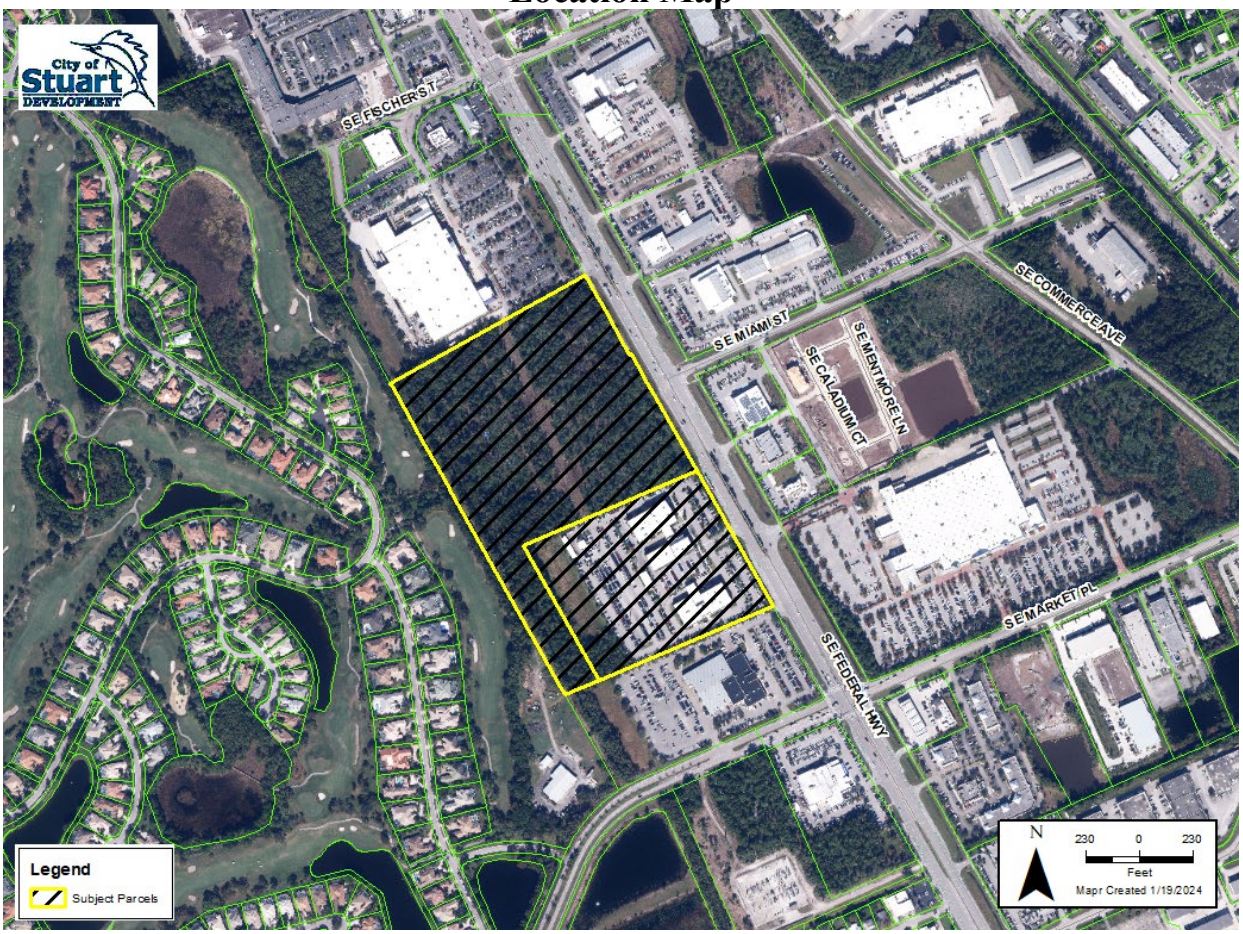
All interested parties and citizens may appear and be heard as to any and all matters pertinent to the request. A copy of the application is available for inspection at the Office of the City Development Department located at 121 S.W. Flagler Avenue in Stuart. If you have any questions regarding this notice, please feel free to call the City's Principal Planner, Kris McCrain at (772) 600-1268 or email at Kmccrain@ci.stuart.fl.us.

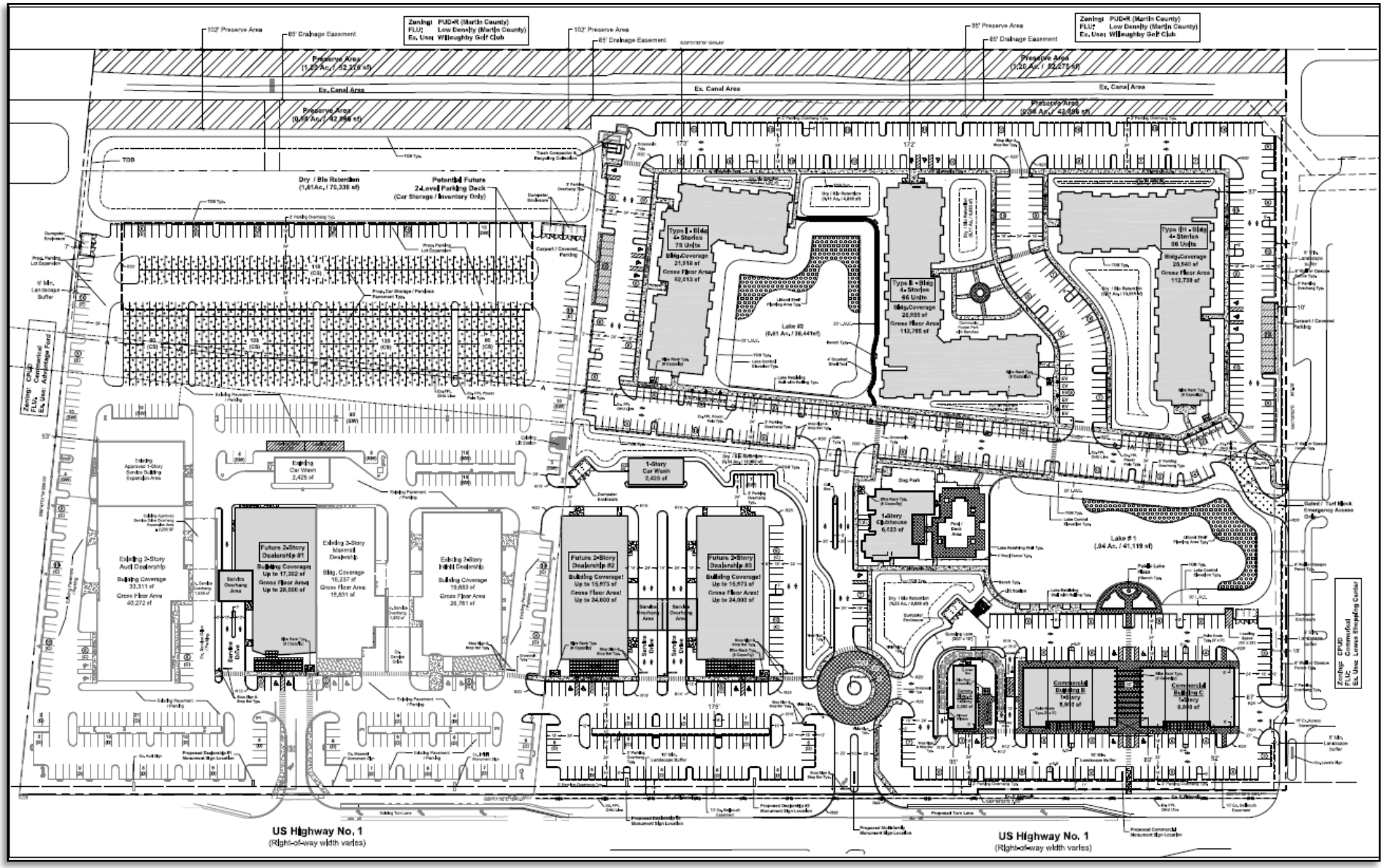
Sincerely,

Kris McCrain

Kris McCrain
Principal Planner

Location Map




Zoning: PUD-R (Martin County)
FLU: Low Density (Martin County)
Ex. Uses: Willoughby Golf Club
102' Preserve Area
85' Drainage Easement
Preserve Area
Ex. Canal Area
Dry / Bio Retention
Potential Future
2-Level Parking Deck
(Car Storage / Inventory Only)
Type I - Bldg
4+ Stories
75 Units
Bldg.Coverage
21,916 sf
Gross Floor Area
92,013 sf
Lake #2
Type II - Bldg
4+ Stories
66 Units
Bldg.Coverage
25,955 sf
Gross Floor Area
112,785 sf
Type III - Bldg
4+ Stories
96 Units
Bldg.Coverage
25,540 sf
Gross Floor Area
112,739 sf
Existing
Car Wash
2,425 sf
1-Story
Car Wash
2,425 sf
Existing 2-Story
Audi Dealership
Building Coverage
33,311 sf
Gross Floor Area
40,272 sf
Future 2-Story
Dealership #1
Building Coverage
Up to 17,362 sf
Gross Floor Area
Up to 28,000 sf
Existing 2-Story
Maserati
Dealership
Bldg. Coverage
16,237 sf
Gross Floor Area
19,651 sf
Existing 2-Story
Infiniti Dealership
Building Coverage
19,653 sf
Gross Floor Area
26,761 sf
Future 2-Story
Dealership #2
Building Coverage:
Up to 15,973 sf
Gross Floor Area:
Up to 24,000 sf
Future 2-Story
Dealership #3
Building Coverage:
Up to 15,973 sf
Gross Floor Area:
Up to 24,000 sf
Dog Park
1-Story
Clubhouse
6,023 sf
Lake #1
(.94 Ac. / 41,119 sf)
Commercial
Building B
1-Story
5,303 sf
Commercial
Building C
1-Story
8,000 sf
US Highway No. 1
(Right-of-way width varies)
US Highway No. 1
(Right-of-way width varies)

Sign Specifications

Pursuant to Ordinance 2266-2013
Sections 11.01.08.6.A.2, 11.01.08.9.A.3, 11.01.09.6.B, 11.01.09.9.B, and 11.02.02

The City of Stuart requires a notification by posting for the public hearing required for your application. The following is a representation of the sign that is required for proper notification.

Please have a sign created and installed to the following specifications:

- The signs shall be installed parallel to, and clearly visible from, the nearest public street in the locations approved by the Development Department in advance of installation (See Attached Aerial Map).
- **The signs shall not be less than 36 by 48 inches in dimension when adjacent to arterial roads**.
- The signs shall have a uniform "City blue" background.
- The signs shall have white lettering of a font size that is legible.
- The sign shall be single-sided and waterproof.

The signs are required to be installed at least fifteen (15) days prior to the public hearing, or before **Wednesday, January 24, 2024**. After installation of the signs, please complete the included Affidavit Attesting to Notification by Posting form and return it to the City of Stuart Development Department. Please include photos of the signs after it has been installed. Please include pictures taken close-up and afar.

Failure to provide posted notice continuously from the time posted notice is to commence until the Public Hearing or the hearing which is the subject of the notice shall not be deemed as failure to give notice required by this code and action taken by the City subsequent to such notice shall not be deemed void for lack of posted notice. Lost signs or signs which become illegible for any reason shall be replaced by the applicant or petitioner as reasonably soon as possible upon notification to do so by the City. Signs shall be removed within five (5) days of the conclusion of the noticed public hearing(s).

Should you have any questions regarding the sign posting, please contact Kris McCrain at (772) 600-1268, or email at kmccrain@ci.stuart.fl.us.

Sign Specifications

48" Arterial Road

NOTICE OF PUBLIC HEARING

REQUEST FOR A SMALL-SCALE COMPREHENSIVE PLAN & MAJOR CPUD AMENDMENT

for Parcel I.D.'S: 38-38-41-025-000-00020-0 & 38-38-41-025-000-00010-0

Comprehensive Plan Amendment from Commercial to Neighborhood Special District to allow for a maximum residential density of 7.64 dwelling units per acre and a concurrent Major Amendment to the Mar-Stuart CPUD for the construction of three (3) auto dealerships, a 2-story parking deck, 20,1000 square feet of commercial space, and three (3) four-story buildings to accommodate 268-multi-family units.

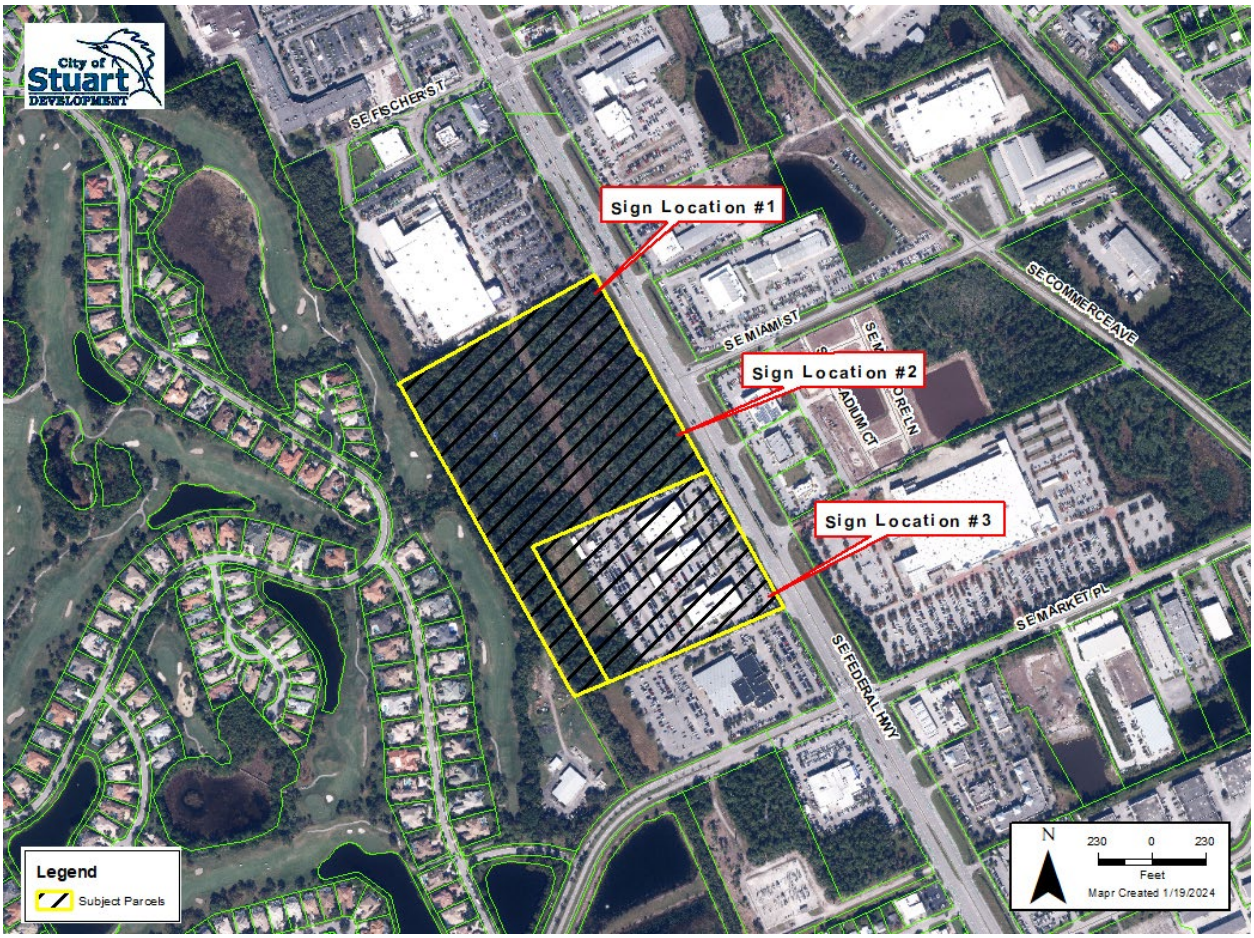
STUART LOCAL PLANNING AGENCY (LPA)
Thursday, February 8, 2024 AT 5:30PM

STUART CITY COMMISSION
1st Reading – To Be Determined , 2024 AT 5:30PM
2nd Reading – To Be Determined , 2024 AT 4:00PM

STUART CITY HALL 121 SW FLAGLER AVE 772-288-5326 8:30 AM-4:00PM
VISIT WWW.CITYOFSTUART.US FOR MORE INFORMATION

36" Arterial Road

Sign Placement Location(s)



The applicant shall be required to erect three (3) posted signs on the subject parcels, in the locations identified on the aerial map above.

D-Signs, LLC
911 S.E. Hillcrest Ave.
Stuart, FL 34994

Jan. 23, 2024

HJA Design Studio
50 East Ocean Blvd.
Stuart, FL 34994

REF: Eden / Mar Stuart 38-38-41-025-000-00020-0
38-38-41-025-000-00010-0

Attn:

This Letter is to Certify that the above referenced sign was installed per City of Stuart requirements. This sign was posted according to and complies with the standards of the notice provisions of Article 10, Section 10:6 Development Review Procedures.
12 Signs Installed at specified Location.

Kurt C. Larsen

Date 1/23/24

State of Florida
County of Martin

Kurt C. Larsen, who is personally known to me, who did not take an oath, acknowledged the foregoing instrument before me on January 23, 2024.

JUANITA SMITH
Notary Public-State of Florida
Commission # HH 466057
My Commission Expires
February 11, 2028

NOTICE OF PUBLIC HEARING
REQUEST FOR A SMALL-SCALE COMPREHENSIVE PLAN
& MAJOR CPUD AMENDMENT
for parcel I.D.'S: 38-38-41-025-000-00020-0
& 38-38-41-025-000-00010 0
Comprehensive Plan Amendment from Commercial to Neighborhood Special District to allow for a maximum residential density of 7.64 dwelling units per acre and a concurrent Major Amendment to the Mar-Stuart CPUD for the construction of three (3) auto dealerships, a 2-story parking deck, 20,100 square feet of commercial space, and three (3) four-story buildings to accommodate 268-multi-family units.
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Thursday, February 8, 2024 AT 5:30PM
STUART CITY COMMISSION
1st Reading - , 2024 AT 5:30PM
2nd reading - , 2024 AT 4:00PM
STUART CITY HALL 121 SW FLAGLER AVE 772-288-5326 8:30AM-4:00 PM
VISIT WWW.CITYOFSTUART.US FOR MORE INFORMATION

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Please advertise the requested ad below. The required advertisements shall be no less than 2 columns wide by 10 inches long in a standard size or a tabloid size newspaper, and the headline in the advertisement shall be in a type no smaller than 18-point. The advertisement shall not be placed in that portion of the newspaper where legal notices and classified advertisements appear.

The Display Advertisement shall be in substantially the following form:

****

NOTICE OF PUBLIC HEARING
CITY OF STUART

REQUEST FOR A SMALL-SCALE COMPREHENSIVE PLAN FUTURE LAND USE MAP AMENDMENT AND A MAJOR CPUD AMENDMENT

The CITY OF STUART LOCAL PLANNING AGENCY (LPA) PLANNING ADVISORY BOARD will meet on Thursday, February 8, 2024, at 5:30 PM in the City Commission Chambers at City Hall, 121 SW Flagler Avenue, Stuart, FL 34994.

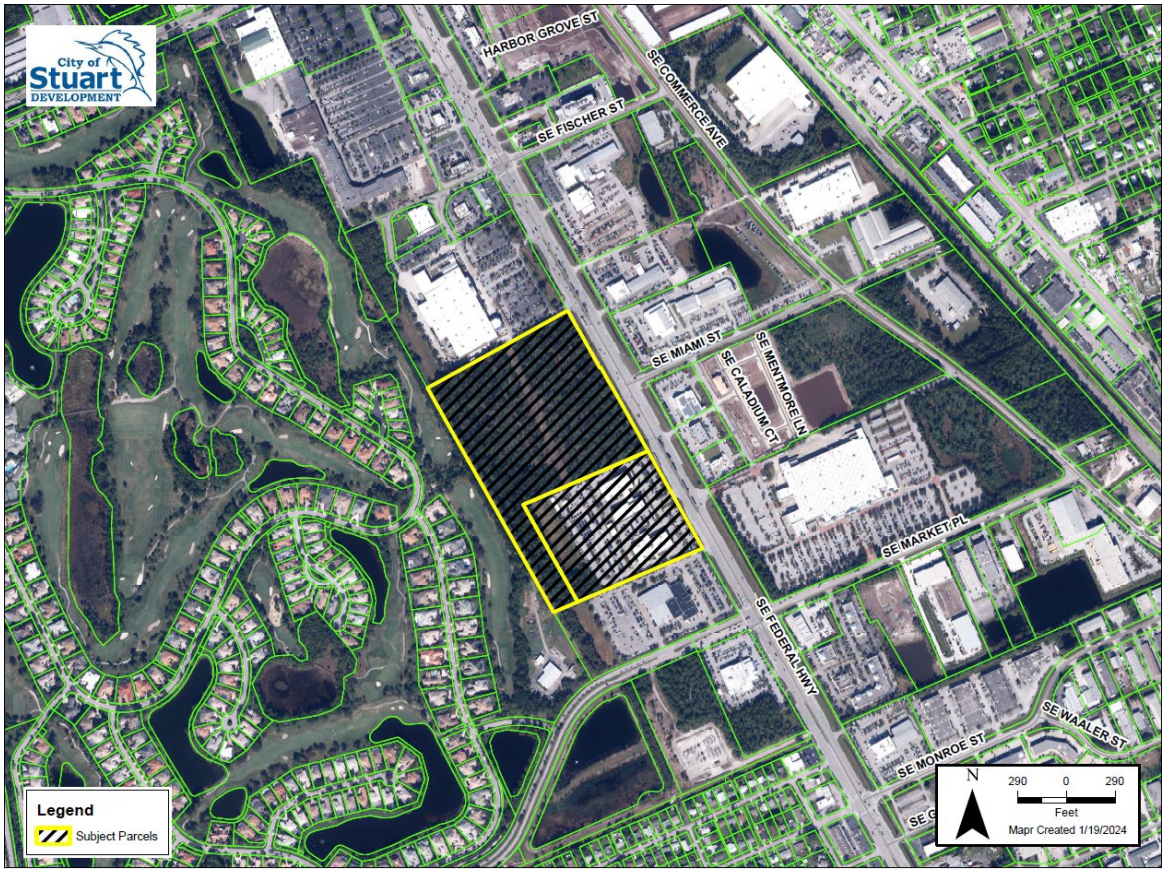
ORDINANCE NO. 2527-2024

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.

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.



All interested parties are invited to attend and be heard. Copies of the items will be available at the Stuart City Hall. Written comments may be directed to the Development Director, City of Stuart, at the following address: 121 SW Flagler Avenue, Stuart, FL 34994, telephone (772) 288-5328.

ANY PERSON SEEKING TO APPEAL THE DECISION OF THE CITY COMMISSION AS TO THE FOREGOING IS ADVISED THAT A RECORD OF PROCEEDINGS IS REQUIRED IN ANY SUCH APPEAL AND THAT SUCH PERSON MAY NEED TO ENSURE THAT A VERBATIM RECORD OF PROCEEDINGS IS MADE INCLUDING THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.

In accordance with the Americans with Disabilities Act (ADA), and Section 286.26, Florida Statues, persons with disabilities needing special accommodation to participate in 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.

Mary Kindel, City Clerk
Publish Wednesday, January 24, 2024 / Local Display Ad /Affidavit Required

Doomsday Clock still points to global disaster

Wars, climate among most pressing threats, group says

Doyle Rice
USA TODAY

The experts who maintain the ominous Doomsday Clock said Tuesday that humanity is still as close as ever to global catastrophe, which could involve nuclear war, climate change or maybe even artificial intelligence.

The time on the symbolic clock is the same as last year, when the Doomsday Clock was first set at 90 seconds to midnight, the closest to midnight, or Doomsday, the clock has ever been.

The Doomsday Clock is a metaphor for how close humanity is to self-annihilation, according to the Bulletin of the Atomic Scientists, which has maintained the clock since 1947. The group was founded in 1945 by University of Chicago scientists who had helped develop the first nuclear weapons in the Manhattan Project. The scientists created the clock using the imagery of apocalypse (midnight) and the contemporary idiom of nuclear explosion (countdown to zero) to convey threats to humanity and the Earth.

Tuesday marks the first update to the clock since the start of the Israel-Hamas war and the second since Russia's invasion of Ukraine renewed fears of global nuclear war.

In keeping the same time as last year, the Bulletin cited continued heightened levels of risk from threats such as ongoing wars and out-of-control climate change, adding that "humanity continues to face an unprecedented level of danger."

"Our decision should not be taken as a sign that the international security situation has eased," the Bulletin continued. "Instead, leaders and citizens around the world should take this statement as a stark warning and respond urgently, as if today were the most dangerous moment in modern history. Because it may well be."

This year, the board considered "multiple global threats, including the proliferation of nuclear weapons, the Russia-Ukraine war, the Israel-Hamas war, bio-threats, the continued climate crisis, and state-sponsored disinformation campaigns," the Bulletin said.

Experts also said they were especially worried about how advances in artificial intelligence could sow chaos, making it harder to prevent global disasters.

"AI has great potential to magnify disinformation and corrupt the information environment on which democracy depends," the Bulletin warned. "AI-enabled disinformation efforts could be a factor that prevents the world from dealing effectively with nuclear risks, pandemics, and climate change."

The time on the Doomsday Clock is the same as last year, when the symbolic clock was first set at 90 seconds to midnight, or Doomsday, the closest it has ever been. HASTINGS GROUP MEDIA/AFP VIA GETTY IMAGES

The Doomsday Clock is set each year by the 22 members of the Bulletin's Science and Security Board in consultation with its Board of Sponsors, which includes 11 Nobel laureates.

Each year, the board members are asked two questions:

- Is humanity safer or at greater risk this year than last year?
- Is humanity safer or at greater risk compared to the 77 years the clock has been set?

Over the years, the clock has been referenced by the White House, the Kremlin and the leadership of many other nations.

Though not everyone agrees with the clock's settings, it is generally respected for the questions it asks and for its science-based stance.

NOTICE OF PUBLIC HEARING
CITY OF STUART

REQUEST FOR A SMALL-SCALE COMPREHENSIVE PLAN FUTURE LAND USE MAP AMENDMENT AND A MAJOR CPUD AMENDMENT

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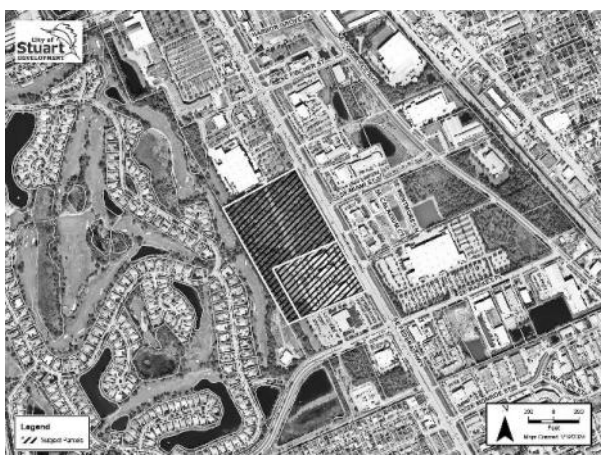
AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, FOR A SMALL-SCALE COMPREHENSIVE PLAN FUTURE LAND USE MAP AMENDMENT AS DEFINED IN F.S.§163.3187; AMENDING THE COMPREHENSIVE PLAN FUTURE LAND USE MAP FOR AN APPROXIMATE 22.76-ACRE PARCEL FROM COMMERCIAL TO THE NEIGHBORHOOD SPECIAL DISTRICT FUTURE LAND USE DESIGNATION, FOR A MAXIMUM RESIDENTIAL DENSITY OF 7.64 DWELLIUNG 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.

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.



All interested parties are invited to attend and be heard. Copies of the items will be available at the Stuart City Hall. Written comments may be directed to the Development Director, City of Stuart, at the following address: 121 SW Flagler Avenue, Stuart, FL 34994, telephone (772) 288-5328.

ANY PERSON SEEKING TO APPEAL THE DECISION OF THE CITY COMMISSION AS TO THE FOREGOING IS ADVISED THAT A RECORD OF PROCEEDINGS IS REQUIRED IN ANY SUCH APPEAL AND THAT SUCH PERSON MAY NEED TO ENSURE THAT A VERBATIM RECORD OF PROCEEDINGS IS MADE INCLUDING THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.

In accordance with the Americans with Disabilities Act (ADA), and Section 286.26, Florida Statues, persons with disabilities needing special accommodation to participate in 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.

Mary Kindel, City Clerk
Publish Wednesday, January 24, 2024 / Local Display Ad /Affidavit Required

TR-38532701

VERO BEACH EXTRAVAGANZA
26TH ANNUAL
Fri., Jan. 26th
12-5pm | Early Buyers Ticket $15
(3 Day Ticket)
Sat., Jan. 27th
9am-5pm | Ticket $10
(Ticket Good on Saturday & Sunday)
Sun., Jan. 28th
10am-4pm | Ticket $8
INDIAN RIVER COUNTY FAIRGROUNDS
7955 58th Ave Vero Beach, FL 32967 • (813) 545-9198
$1 OFF with this ad
Free Parking • Over 70 Dealers • www.floridaantiqueshows.com

DO YOU HAVE AN OLD FUR HANGING IN THE CLOSET NOT BEING WORN?
RESTYLE YOUR FUR
STARTS SATURDAY TWO DAYS ONLY
RESTYLE YOUR OLD FUR HANGING IN YOUR CLOSET TO A BEAUTIFUL VEST, JACKET OR TEDDY BEAR!
COME BY DURING OUR RECYCLE FUR & MINK RESTYLING EVENT
Brought to you by Restyle Your Fur, Restyle Division of LaBelle Furs since 1919, www.restyleyourfur.com and www.labellesince1919.com
January 27th & 29th
Saturday & Monday Only
10:00am-5:00pm
For Additional Information or Questions call (407) 341-4740
La Belle SINCE 1919
Hampton Inn & Suites by HILTON
Vero Beach Downtown:
611 20th Pl, Vero Beach, FL 32960
TR-38450612

AFFORDABLE LIVING TRUSTS
Now there's no excuse for you and your family not to benefit from the advantages of a Revocable Living Trust – especially if you own a home or condo.
Single Person.....$475
Married Couple.....$575
Plus additional incidental costs
ROBERT D. SCHWARTZ
Attorney At Law
Certified Public Accountant
Toll Free 1-866-34-TRUST (348-7878)
W Executive Suites, 1860 SW Fountainview Blvd, Port St. Lucie, FL 34986, Available by appointment
850 NW Federal Hwy., Stuart, FL 34994, Available by appointment
14255 US Hwy. 1, Ste. 270 (Just N. of Donald Ross Rd.), Juno Beach, FL 33408, Available by appointment
Mr. Schwartz's Qualifications include:
Graduate of Univ. of Florida College of Law with honors Graduated Cum Laude from Florida State University National Speaker on Estate & Tax Planning
The hiring of a lawyer is an important decision that should not be based solely upon advertisement. Before you decide, ask me to send you free written information about my qualifications and experience.

CHOICE AUCTION
AB 3822
8930 S US Hwy 1, Port St. Lucie, FL 34952
Auctions Every Friday Night! Starts 6:30 PM
Preview ALL DAY beginning at 10:00am!
Keith Trowbridge, Auctioneer
License: AU4620
Mary Jo Thiboult, Auctioneer
License: AU4629
Buyer's Premium 15%
Cell: 772.486.3439
Email: ktrowbridge@choicesold.com
• Automobiles
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• Tools
• Household Items
• Home Décor
AND Much More!!
Accepting Consignments for Auction
772-359-1400
www.choiceauctionofportstlucie.com
TR-37515756

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

<ttroxell@hjadstudio.com>
Subject: 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.

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

HJA DESIGN STUDIO
LANDSCAPE ARCHITECTURE

March 8, 2024

Kristopher McCrain
Principal Planner
City of Stuart Development Department
121 SW Flagler Ave.
Stuart, FL 34994

<u>Eden / Mar-Stuart CPUD - Continuance Request Letter</u>
Major PUD CPUD Amendment & Small-Scale Comprehensive Plan Amendment
City Project ID # Z22090006 & Z22090007

Dear Kris,

Please use this letter for the record, HJA Design Studio, as agent for the applicant, is formally requesting a continuance to the April 11, 2024 LPA meeting.

Sincerely,

Todd A. Troxell
Vice President
HJA Design Studio, LLC

C.C. Mario Murgado
Jose Martinez
Terry McCarthy
Santiago Vidal
Development Team

HJA Design Studio
50 East Ocean Boulevard, Suite 101 Stuart, Florida USA 34994 T 772-678-7200

CITY OF STUART, FLORIDA
AGENDA ITEM REQUEST
Local Planning Agency

Meeting Date: 3/14/2024 **Prepared by:** Kristopher McCrain

Title of Item:

APPLICANT REQUESTED CONTINUANCE TO A DATE CERTAIN OF APRIL 11, 2024 - THIS MATTER WILL NOT BE HEARD BY THE BOARD ON MARCH 14, 2024

EDEN / MAR-STUART CPUD - MAJOR COMMERCIAL PLANNED UNIT DEVELOPMENT (CPUD) AMENDMENT GENERALLY LOCATED AT 3970 SE FEDERAL HIGHWAY (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:

N/A

Funding Source:

N/A

Recommended Action:

The Applicant is requesting the Local Planning Agency allow for a continuance of the public hearing for the Major CPUD Amendment to a date-certain on April 11, 2024.

ATTACHMENTS:

1. LPA Public Notice Packet
2. Applicant Request for LPA Continuance (1st Request)
3. Applicant Request for LPA Continuance (2nd Request)

City of Stuart
Development Department
121 SW Flagler Avenue
Stuart, FL 34994
Ph. 772-288-5300
Fax 772-288-5388

AFFIDAVIT ATTESTING TO NOTIFICATION

Todd Troxell, being first duly sworn, depose(s) and say(s):

That (I am / we are) the owner(s) or petitioner(s) of the following described property which constitutes the location for which notification is required:

Parcle I.D. Numbers: 38-38-41-025-000-00020-0 & 38-38-41-025-000-00010-0

That a copy of the notice was sent by regular U.S. Mail on JANUARY 22, 2024, to the property owners located within 300 feet of the subject property; and

That a list of the property owners and their addresses is on file with the City of Stuart; and

That a photograph showing the placement of the notification signs be made a part of this Affidavit; and

That notice was sent and property was posted fifteen (15) days prior to the scheduled public hearing for these items.

TODD TROXELL
SIGNED (PROPERTY OWNER / AUTHORIZED AGENT)

SIGNED (PROPERTY OWNER / AUTHORIZED AGENT)

STATE OF FLORIDA, COUNTY OF Martin
Sworn and subscribed before me by means of ✓ physical presence or ___ online notarization, this 23 day of January, 2024 By Todd Troxell.
Personally Known OR Produced Identification

Type of Identification Produced:

Notary Public, State of FL
(Notary Seal)

Notary Public State of Florida
Kristina Rose Harkins
My Commission HH 282560
Expires 6/29/2026

My Commission expires:
06/29/26

Prestige title agency, Inc.

736 Colorado avenue, Suite a, Stuart, Florida 34994 ·phone: (772) 283-5590 fax: (772) 283-5699 email: ptatitle@bellsouth.net

January 22th, 2024

Ownership Search

Prepared For: HJA DESIGN STUDIOS

We hereby certify that a search has been made of the Martin County Property Appraiser's records regarding a 300-foot area surrounding the following described parcel of land:

See Exhibit "A" attached hereto & made a part hereof.

TAX ID: See Exhibit "B" attached hereto
OWNER: & made a part hereof.
ADDRESS:

The apparent property owners of land surrounding the above referenced property are as follows: The list does not include any owners who qualify for confidentiality (See attached).

Iris M. Crews

icrews

Prestige title agency, Inc.

736 Colorado avenue, Suite a, Stuart, Florida 34994 ·phone: (772) 283-5590 fax: (772) 283-5699 email: ptatitle@bellsouth.net

OWNERSHIP REPORT
SEARCH NO. P24-11903/IC

THE ATTACHED REPORT IS ISSUED TO HJA DESIGN STUDIOS. THE ATTACHED REPORT MAY NOT BE RELIED ON BY ANY OTHER PARTY. NO LIABILITY IS ASSUMED BY STEWART NATIONAL TITLE INSURANCE COMPANY FOR ANY UNAUTHORIZED USE OR RELIANCE. THIS OWNERSHIP REPORT IS ISSUED PURSUANT TO FLORIDA STATUTE SECTION 627.7843 AND LIABILITY HEREUNDER FOR INCORRECT INFORMATION IS LIMITED TO THE AMOUNT PAID FOR THE REPORT.

The attached Report prepared in accordance with the instructions given by the user named above includes a listing of the owner(s) of a 300-foot area surrounding subject property. It is the responsibility of the party named above to verify receipt of each document listed. If a copy of any document listed is not received, the office issuing this Report must be contacted immediately. This Report does not include easements, restrictions, notices or other documents not listed above.
This Report does not insure or guarantee the validity or sufficiency of any document attached nor is it to be considered a title insurance policy, an opinion of title, a guarantee of title or as any other form of guarantee or warranty of title.
This Report shall not be used for the issuance of any title insurance policy or form.

Use of the term "Report" herein refers to this Ownership Report and the documents attached hereto.
The land referred to herein is described as follows:
See Exhibit "A" attached hereto & made a part hereof.

PRESTIGE TITLE AGENCY, INC.
736 Colorado Ave. Ste. A
Stuart FL 34994

By: *icrews*

Iris M. Crews

Recorded in Martin County, FL 8/5/2021 3:50 PM
Carolyn Timmann, Clerk of the Circuit Court & Comptroller
Rec Fees: $35.50Deed 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

Copy Copy Copy

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

EXHIBIT " A" LOT 1

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]

Copy Copy Copy

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

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

NICOLE BERLIN
Witness #1 print name

Witness #2 signature

Cody Shue
Witness #2 print name

Copy Copy Copy Copy

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]

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

SHARON BEINER
Notary Public - State of Florida
Commission # HH 086672
My Comm. Expires Feb 9, 2025
Bonded through National Notary Assn.

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

MARTIN COUNTY
PROPERTY APPRAISER
Jenny Fields, CFA

Basic Info

PIN	AIN	Situs Address	Website Updated
38-38-41-025-000-00010-0	1109784	SE FEDERAL HWY STUART FL	7/27/23

General Information

Property Owners
MAR-STUART RETAIL II LLC

Mailing Address
665 SW 8TH ST
MIAMI FL 33180

Tax District
STUART

Parcel ID
38-38-41-025-000-00010-0

Account Number
1109784

Property Address
SE FEDERAL HWY STUART FL

Legal Description
LOT 1 MARKETPLACE OF STUART, A CPUD (PB ...

Use Code/Property Class
1000 - 1000 Vacant Commercial

Neighborhood
51600 Kanner 95

Legal Acres
22.77

Ag Use Size (Acre\Sq Ft)
N/A

Current Value

Year	Land Value	Improvement Value	Market Value	Value Not Taxed	Assessed Value	Total County Exemptions	County Taxable Value
2023	$ 8,942,620	$ 0	$ 8,942,620	$ 0	$ 8,942,620	$ 0	$ 8,942,620

Market values shown on the website reflect market conditions as of January 1st, the statutory assessment date. We are prohibited by law from relying on sales that occur after the January 1 assessment date. Therefore, market values shown on the website do not reflect today's market conditions, but rather the market conditions last year. In addition, the statutes require the county Property Appraiser to deduct for typical costs of sale (which include expenses such as commissions, title insurance, appraisals, inspection fees, etc.) when arriving at market value for tax purposes. That is why the market value for tax purposes is different from what a property would sell for today.

Current Sale

Sale Date
8/3/21

Sale Price
$ 10,500,000

Grantor (Seller)
MARKET PLACE STUART LLC

Deed Type
Special Warranty Deed

Doc Num
2906543

Book & Page
3246 2837

Legal Description

LOT 1 MARKETPLACE OF STUART, A CPUD (PB 17 PG 18)

The legal description is intended for general information only. The Property Appraiser assumes no responsibility for the uses or interpretations of the legal description.

EXHIBIT "B" LOT 1

INSTR # 2338730
OR BK 02586 PG 0091
Pgs 0091 - 94; (4pgs)
RECORDED 06/29/2012 12:17:31 PM
MARSHA EWING
CLERK OF MARTIN COUNTY FLORIDA
DEED DOC TAX 52,500.00
RECORDED BY E Mosley

PREPARED BY AND RETURN TO:
Lawrence N. Rosen, Esq.
Rosen & Rosen
21170 N.E. 22nd Court
Miami, Florida 33180

PROPERTY APPRAISERS PARCEL IDENTIFICATION NUMBER: Portions of
38-38-41-002-160-00000-4

Copy Copy Copy

SPECIAL WARRANTY DEED

THIS SPECIAL WARRANTY DEED, made as of the 27th day of June, 2012, between **Market Place Stuart LLC**, a Florida, limited liability company, whose mailing address is 525 Okeechobee Blvd., Suite 1650, West Palm Beach, Florida 33401, and **MAR-Stuart Retail, LLC**, a Florida limited liability company, whose mailing address is 666 S.W. 8th Street, Miami, Florida 33131, hereinafter referred to as GRANTEE.

W I T N E S S E T H:

GRANTOR, for and in consideration of the sum of TEN DOLLARS ($10.00) and other good and valuable consideration paid by GRANTEE, the receipt of which is hereby acknowledged, has granted, bargained and sold to GRANTEE, and GRANTEE's successors and assigns forever, the following described real property (the "**Property**"), which is located in Martin County, Florida:

See **Exhibit "A"** attached hereto and incorporated herein.

SUBJECT ONLY TO those matters set forth on **Exhibit "B"** attached hereto and incorporated herein, without reimposing same (collectively, the "**Permitted Exceptions**").

TOGETHER WITH all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

TO HAVE AND TO HOLD, the same in fee simple forever.

GRANTOR hereby covenants with GRANTEE that it owns the Property in fee simple; that it has good right and lawful authority to sell and convey the Property; and that it warrants the title to the Property and will defend the same against the lawful claims of all persons claiming by, through or under GRANTOR, but against none other.

MIAMI 3148244.3 7948135895

Witness IN WITNESS WHEREOF, GRANTOR has executed and delivered this Deed as of the day and year first above written.

Signed in the presence of:

Sheila D. Boris

Sheila D. Boris
Printed Witness Name

Witness

Lauren Geldmaker
Printed Witness Name

GRANTOR:

MARKET PLACE STUART LLC,
a Florida limited liability company

By: MPSV Manager LLC,
a Florida limited liability company,
its manager

By:
Name: George W. Banks
Title: Manager

Copy Copy Copy

STATE OF Florida

COUNTY OF Palm Beach

The foregoing instrument was acknowledged before me this 25 day of June, 2012, by George W. Banks, as Manager of MPSV Manager LLC, a Florida limited liability company, as the manager of Market Place Stuart LLC, a Florida limited liability company on behalf of said entity. He is ☐personally known to me or ☐he has produced _____ as identification.

SHARON BEINER
MY COMMISSION # DD859275
EXPIRES February 09, 2013
(407) 398-0153 FloridaNotaryService.com

(NOTARY SEAL)

Notary Public, State of Florida

Sharon Beiner
Printed Notary's Name
My Commission Expires: 2/9/13
My Commission No.: DD 859275

MIAMI 3148244.3 7948135895

EXHIBIT "A"
Legal Description

Being a portion of Tracts 160, 161, 162, 163, 193, 194, 195, and 196, according to the plat of Port Sewell (Sewell'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 Sewell 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.

The foregoing is also known as Lot 2 of the Plat of MARKETPLACE OF STUART, a CPUD, according to the Plat thereof, as recorded in Plat Book 17, Page 18, of the Public Records of Martin County, Florida.

Copy Copy

MIAMI 3148244.3 7948135895

EXHIBIT "B"

Permitted Exceptions

1. Real estate taxes and assessments for the year 2012 not yet due and payable and subsequent years.

2. Zoning ordinances and other restrictions imposed by applicable governmental authorities, providing no such ordinance shall prevent the use of the Land for the Intended Use.

3. Matters appearing on the Plat of Marketplace of Stuart, a CPUD, recorded in Plat Book 17, Page 18 of the Public Records of Martin County, Florida.

4. Easement granted to Florida Power and Light Company, recorded in Official Records Book 168, Page 206, and Deed Book 9, Page 566, Public Records of Martin County, Florida.

5. Easement granted to Bell South recorded in Official Records Book 1207, Page 1205, Public Records of Martin County, Florida).

6. Drainage Easement Agreement dated on or about the date hereof by and between Market Place Stuart, LLC and MAR-Stuart Retail, LLC.

7. Unrecorded Water Sewer Agreement, dated September 5, 1986, by and between Intracoastal Utilities and Sunbelt Partners, as evidenced by Amendments to Agreement filed in Official Records Book 745, Page 715, and Official Records Book 924, Page 2398, of the Public Records of Martin County, Florida.

8. Unrecorded Water & Sewer Agreement, dated September 5, 1986, by and between Intracoastal Utilities and S.K. Partners, as evidenced by that certain Amendment to Agreement filed in Official Records Book 924, Page 2400, of the Pubic Records of Martin County, Florida.

9. Terms, provisions, restrictions, limitations regarding the MAR-Stuart CPUD, evidenced by that certain Ordinance Number 2243-2012 of the City, recorded on June 20, 2012, in Official Records Book 2584, Page 883.

Copy Copy Copy

MIAMI 3148244.3 7948135895

MARTIN COUNTY
PROPERTY APPRAISER
Jenny Fields, CFA

Basic Info

PIN	AIN	Situs Address	Website Updated
38-38-41-025-000-00020-0	1109785	3970 SE FEDERAL HWY STUART FL	7/27/23

General Information

Property Owners
MAR-STUART RETAIL LLC

Parcel ID
38-38-41-025-000-00020-0

Use Code/Property Class
2700 - 2700 Auto Sales/Repair

Mailing Address
665 SW 8TH ST
MIAMI FL 33131

Account Number
1109785

Neighborhood
30300 Fed Hwy S of Roosevelt Bridge

Tax District
STUART

Property Address
3970 SE FEDERAL HWY STUART FL

Legal Acres
12.3112

Legal Description
LOT 2 MARKETPLACE OF STUART A CPUD (PB 1...

Ag Use Size (Acre\Sq Ft)
N/A

Current Value

Year	Land Value	Improvement Value	Market Value	Value Not Taxed	Assessed Value	Total County Exemptions	County Taxable Value
2023	$ 5,362,750	$ 11,675,690	$ 17,038,440	$ 930,425	$ 16,108,015	$ 0	$ 16,108,015

Market values shown on the website reflect market conditions as of January 1st, the statutory assessment date. We are prohibited by law from relying on sales that occur after the January 1 assessment date. Therefore, market values shown on the website do not reflect today's market conditions, but rather the market conditions last year. In addition, the statutes require the county Property Appraiser to deduct for typical costs of sale (which include expenses such as commissions, title insurance, appraisals, inspection fees, etc.) when arriving at market value for tax purposes. That is why the market value for tax purposes is different from what a property would sell for today.

Current Sale

Sale Date	Grantor (Seller)	Doc Num
6/27/12	MARKET PLACE STUART LLC	2338730
Sale Price	**Deed Type**	**Book & Page**
$ 7,500,000	Special Warranty Deed	2586 0091

Legal Description

LOT 2 MARKETPLACE OF STUART A CPUD (PB 17 PG 18) - REMOVED FROM SAID CPUD PER 1ST AMD REC IN OR 2584/843 & NOW BEING ALL OF MAR-STUART CPUD RECORDED IN OR 2584/883 ON 06/20/2012 CONTAINING 12.31 ACRES M/L

The legal description is intended for general information only. The Property Appraiser assumes no responsibility for the uses or interpretations of the legal description.

EXHIBIT "B" LOT 2

Notice to Surrounding Property Owners

Public Hearing Before: **Local Planning Agency (LPA)**

Petitioner: **151 NW Flagler, LLC**

Parcel I.D. Numbers: **38-38-41-025-000-00020-0 & 38-38-41-025-000-00010-0**

Address of Property: **3970 SE Federal Highway, Stuart, Florida &**
TBD - SE Federal Highway, Stuart, Florida

Proposed Request: The applicant is seeking a Small-Scale Comprehensive Plan Future Land Use Map Amendment from Commercial to Neighborhood Special District, and a concurrent Major Amendment to the Mar-Stuart CPUD to incorporate a 22.76-acre parcel within the overall Mar-Stuart CPUD, for a total land area of 35.07-acres, and to construct three (3) additional automobile dealerships and supporting 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 development, with a maximum residential density of 7.64 dwelling units per acre.

Dear Property Owner:

Please be advised that the City of Stuart will conduct a public hearing before the Local Planning Agency (LPA) on **Thursday, February 8, 2024, at 5:30PM** to consider the above request.

The public hearing will take place in the Stuart City Hall Commission Chambers, located at 121 S. W. Flagler Avenue in Stuart and via a Zoom link available prior to the meetings.

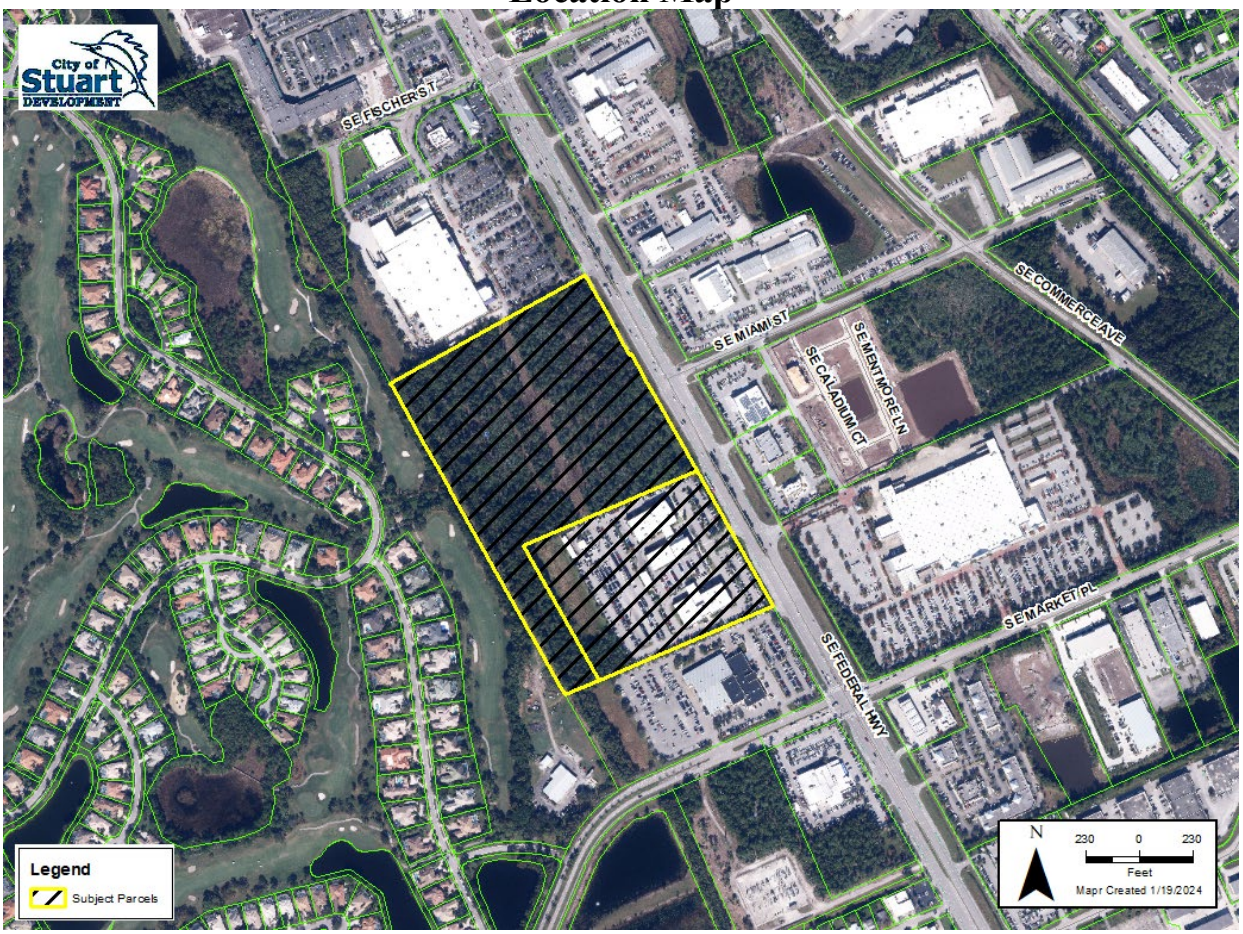
All interested parties and citizens may appear and be heard as to any and all matters pertinent to the request. A copy of the application is available for inspection at the Office of the City Development Department located at 121 S.W. Flagler Avenue in Stuart. If you have any questions regarding this notice, please feel free to call the City's Principal Planner, Kris McCrain at (772) 600-1268 or email at Kmccrain@ci.stuart.fl.us.

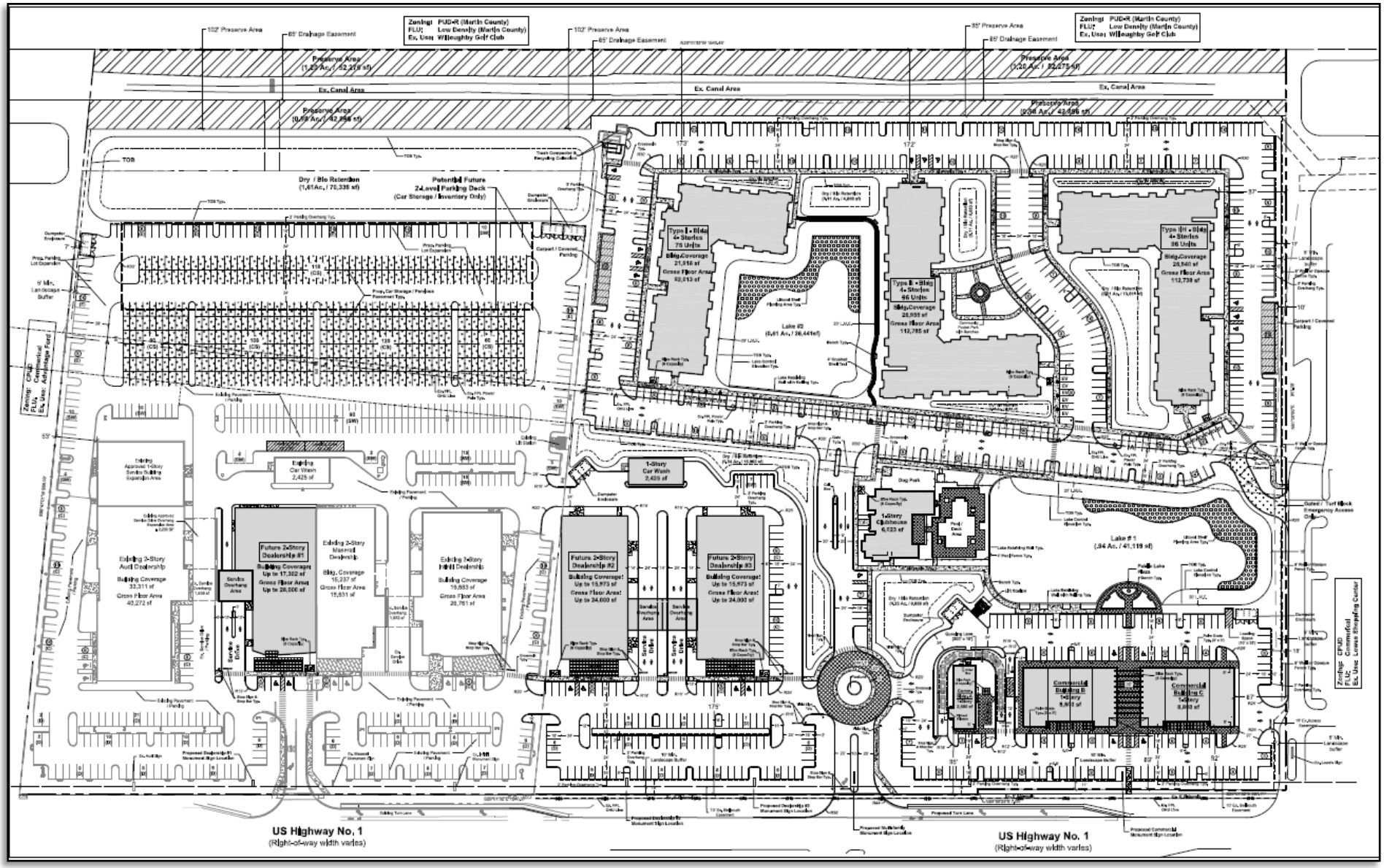
Sincerely,

Kris McCrain

Kris McCrain
Principal Planner

Location Map




Zoning: PUD-R (Martin County)
FLU: Low Density (Martin County)
Ex. Uses: Willoughby Golf Club
102' Preserve Area
85' Drainage Easement
Preserve Area
Ex. Canal Area
Dry / Bio Retention
Potential Future
2-Level Parking Deck
(Car Storage / Inventory Only)
Type I - Bldg
4+ Stories
75 Units
Bldg.Coverage
21,916 sf
Gross Floor Area
92,013 sf
Lake #2
Type II - Bldg
4+ Stories
66 Units
Bldg.Coverage
25,955 sf
Gross Floor Area
112,785 sf
Type III - Bldg
4+ Stories
96 Units
Bldg.Coverage
25,540 sf
Gross Floor Area
112,739 sf
Existing
Car Wash
2,425 sf
1-Story
Car Wash
2,425 sf
Existing 2-Story
Audi Dealership
Building Coverage
33,311 sf
Gross Floor Area
40,272 sf
Future 2-Story
Dealership #1
Building Coverage
Up to 17,362 sf
Gross Floor Area
Up to 28,000 sf
Existing 2-Story
Maserati
Dealership
Bldg. Coverage
16,237 sf
Gross Floor Area
19,651 sf
Existing 2-Story
Infiniti Dealership
Building Coverage
19,663 sf
Gross Floor Area
28,761 sf
Future 2-Story
Dealership #2
Building Coverage:
Up to 15,973 sf
Gross Floor Area:
Up to 24,000 sf
Future 2-Story
Dealership #3
Building Coverage:
Up to 15,973 sf
Gross Floor Area:
Up to 24,000 sf
Dog Park
1-Story
Clubhouse
6,023 sf
Lake #1
(.94 Ac. / 41,119 sf)
Commercial
Building B
1-Story
5,303 sf
Commercial
Building C
1-Story
8,000 sf
Zoning: CPUD
FLU: Commercial
Ex. Use: Adventage Ford
Zoning: CPUD
FLU: Commercial
Ex. Use: Lowes Shopping Center
US Highway No. 1
(Right-of-way width varies)
US Highway No. 1
(Right-of-way width varies)

Sign Specifications

Pursuant to Ordinance 2266-2013
Sections 11.01.08.6.A.2, 11.01.08.9.A.3, 11.01.09.6.B, 11.01.09.9.B, and 11.02.02

The City of Stuart requires a notification by posting for the public hearing required for your application. The following is a representation of the sign that is required for proper notification.

Please have a sign created and installed to the following specifications:

- The signs shall be installed parallel to, and clearly visible from, the nearest public street in the locations approved by the Development Department in advance of installation (See Attached Aerial Map).
- **The signs shall not be less than 36 by 48 inches in dimension when adjacent to arterial roads**.
- The signs shall have a uniform "City blue" background.
- The signs shall have white lettering of a font size that is legible.
- The sign shall be single-sided and waterproof.

The signs are required to be installed at least fifteen (15) days prior to the public hearing, or before **Wednesday, January 24, 2024**. After installation of the signs, please complete the included Affidavit Attesting to Notification by Posting form and return it to the City of Stuart Development Department. Please include photos of the signs after it has been installed. Please include pictures taken close-up and afar.

Failure to provide posted notice continuously from the time posted notice is to commence until the Public Hearing or the hearing which is the subject of the notice shall not be deemed as failure to give notice required by this code and action taken by the City subsequent to such notice shall not be deemed void for lack of posted notice. Lost signs or signs which become illegible for any reason shall be replaced by the applicant or petitioner as reasonably soon as possible upon notification to do so by the City. Signs shall be removed within five (5) days of the conclusion of the noticed public hearing(s).

Should you have any questions regarding the sign posting, please contact Kris McCrain at (772) 600-1268, or email at kmccrain@ci.stuart.fl.us.

Sign Specifications

48" Arterial Road

NOTICE OF PUBLIC HEARING

REQUEST FOR A SMALL-SCALE COMPREHENSIVE PLAN & MAJOR CPUD AMENDMENT

for Parcel I.D.'S: 38-38-41-025-000-00020-0 & 38-38-41-025-000-00010-0

Comprehensive Plan Amendment from Commercial to Neighborhood Special District to allow for a maximum residential density of 7.64 dwelling units per acre and a concurrent Major Amendment to the Mar-Stuart CPUD for the construction of three (3) auto dealerships, a 2-story parking deck, 20,1000 square feet of commercial space, and three (3) four-story buildings to accommodate 268-multi-family units.

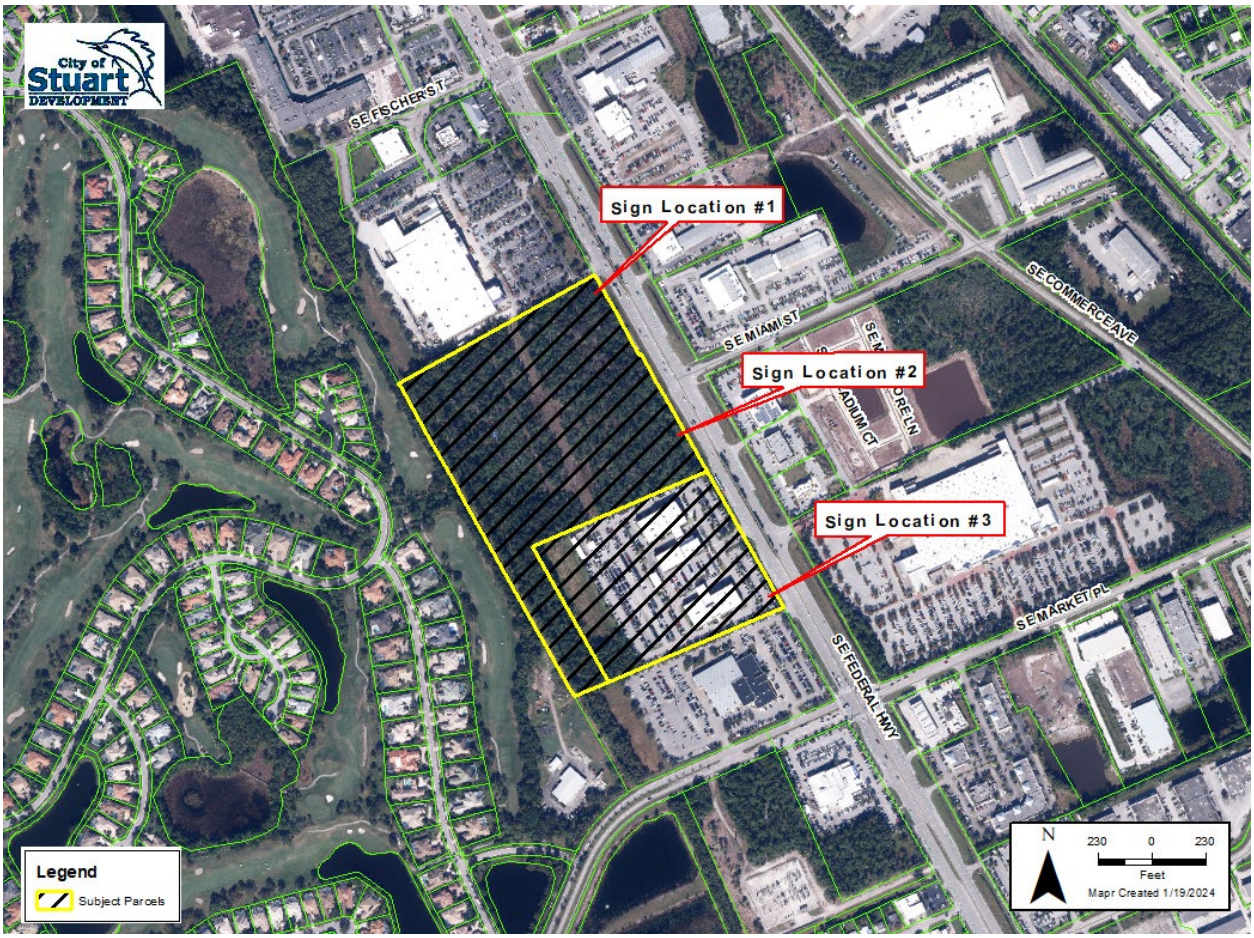
STUART LOCAL PLANNING AGENCY (LPA)
Thursday, February 8, 2024 AT 5:30PM

STUART CITY COMMISSION
1st Reading – To Be Determined , 2024 AT 5:30PM
2nd Reading – To Be Determined , 2024 AT 4:00PM

STUART CITY HALL 121 SW FLAGLER AVE 772-288-5326 8:30 AM-4:00PM
VISIT WWW.CITYOFSTUART.US FOR MORE INFORMATION

36" Arterial Road

Sign Placement Location(s)



The applicant shall be required to erect three (3) posted signs on the subject parcels, in the locations identified on the aerial map above.

D-Signs, LLC
911 S.E. Hillcrest Ave.
Stuart, FL 34994

Jan. 23, 2024

HJA Design Studio
50 East Ocean Blvd.
Stuart, FL 34994

REF: Eden / Mar Stuart 38-38-41-025-000-00020-0
38-38-41-025-000-00010-0

Attn:

This Letter is to Certify that the above referenced sign was installed per City of Stuart requirements. This sign was posted according to and complies with the standards of the notice provisions of Article 10, Section 10:6 Development Review Procedures.
12 Signs Installed at specified Location.

Kurt C. Larsen

Date 1/23/24

State of Florida
County of Martin

Kurt C. Larsen, who is personally known to me, who did not take an oath, acknowledged the foregoing instrument before me on January 23, 2024.

JUANITA SMITH
Notary Public-State of Florida
Commission # HH 466057
My Commission Expires
February 11, 2028

NOTICE OF PUBLIC HEARING
REQUEST FOR A SMALL-SCALE COMPREHENSIVE PLAN
& MAJOR CPUD AMENDMENT
for parcel I.D.'S: 38-38-41-025-000-00020-0
& 38-38-41-025-000-00010 0
Comprehensive Plan Amendment from Commercial to Neighborhood Special District to allow for a maximum residential density of 7.64 dwelling units per acre and a concurrent Major Amendment to the Mar-Stuart CPUD for the construction of three (3) auto dealerships, a 2-story parking deck, 20,100 square feet of commercial space, and three (3) four-story buildings to accommodate 268-multi-family units.
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VISIT WWW.CITYOFSTUART.US FOR MORE INFORMATION

Please advertise the requested ad below. The required advertisements shall be no less than 2 columns wide by 10 inches long in a standard size or a tabloid size newspaper, and the headline in the advertisement shall be in a type no smaller than 18-point. The advertisement shall not be placed in that portion of the newspaper where legal notices and classified advertisements appear.

The Display Advertisement shall be in substantially the following form:

****

NOTICE OF PUBLIC HEARING
CITY OF STUART

REQUEST FOR A SMALL-SCALE COMPREHENSIVE PLAN FUTURE LAND USE MAP AMENDMENT AND A MAJOR CPUD AMENDMENT

The CITY OF STUART LOCAL PLANNING AGENCY (LPA) PLANNING ADVISORY BOARD will meet on Thursday, February 8, 2024, at 5:30 PM in the City Commission Chambers at City Hall, 121 SW Flagler Avenue, Stuart, FL 34994.

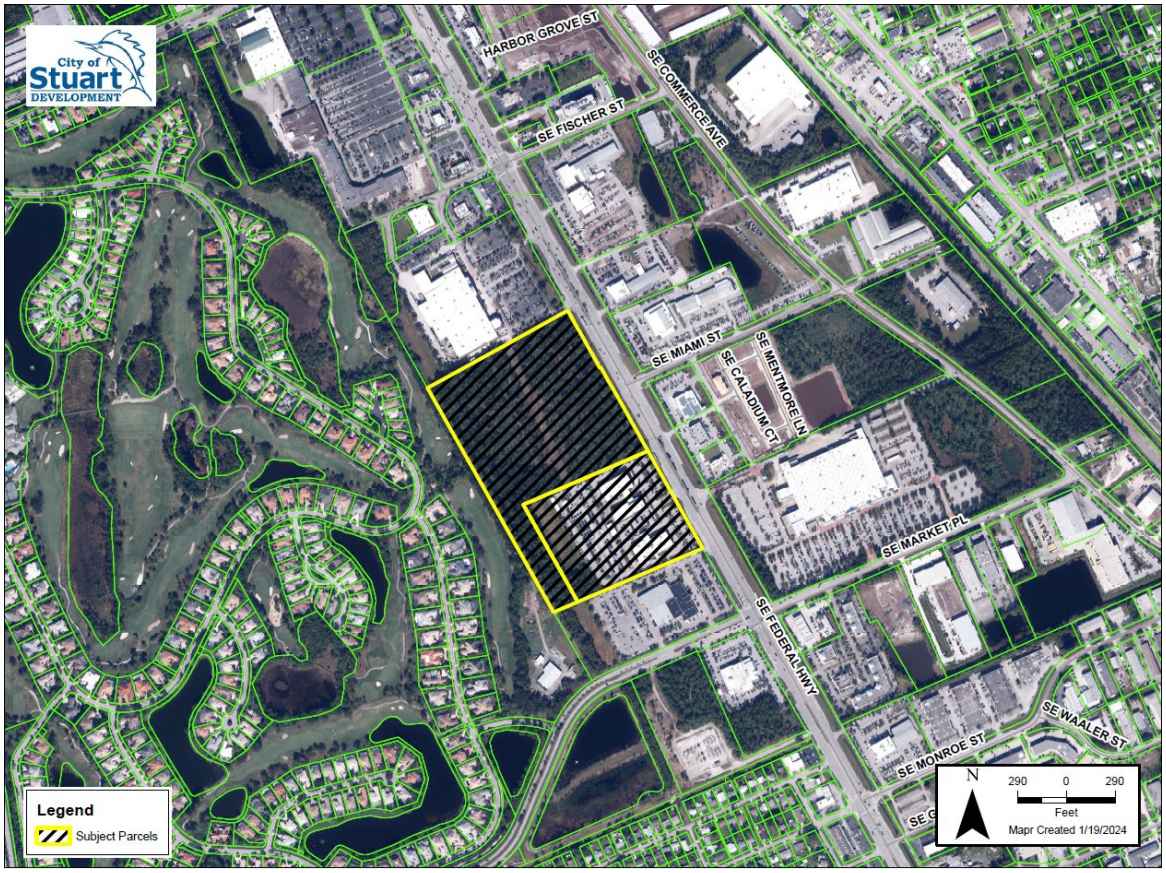
ORDINANCE NO. 2527-2024

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.

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.



All interested parties are invited to attend and be heard. Copies of the items will be available at the Stuart City Hall. Written comments may be directed to the Development Director, City of Stuart, at the following address: 121 SW Flagler Avenue, Stuart, FL 34994, telephone (772) 288-5328.

ANY PERSON SEEKING TO APPEAL THE DECISION OF THE CITY COMMISSION AS TO THE FOREGOING IS ADVISED THAT A RECORD OF PROCEEDINGS IS REQUIRED IN ANY SUCH APPEAL AND THAT SUCH PERSON MAY NEED TO ENSURE THAT A VERBATIM RECORD OF PROCEEDINGS IS MADE INCLUDING THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.

In accordance with the Americans with Disabilities Act (ADA), and Section 286.26, Florida Statues, persons with disabilities needing special accommodation to participate in 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.

Mary Kindel, City Clerk
Publish Wednesday, January 24, 2024 / Local Display Ad /Affidavit Required

Doomsday Clock still points to global disaster

Wars, climate among most pressing threats, group says

Doyle Rice
USA TODAY

The experts who maintain the ominous Doomsday Clock said Tuesday that humanity is still as close as ever to global catastrophe, which could involve nuclear war, climate change or maybe even artificial intelligence.

The time on the symbolic clock is the same as last year, when the Doomsday Clock was first set at 90 seconds to midnight, the closest to midnight, or Doomsday, the clock has ever been.

The Doomsday Clock is a metaphor for how close humanity is to self-annihilation, according to the Bulletin of the Atomic Scientists, which has maintained the clock since 1947. The group was founded in 1945 by University of Chicago scientists who had helped develop the first nuclear weapons in the Manhattan Project. The scientists created the clock using the imagery of apocalypse (midnight) and the contemporary idiom of nuclear explosion (countdown to zero) to convey threats to humanity and the Earth.

Tuesday marks the first update to the clock since the start of the Israel-Hamas war and the second since Russia's invasion of Ukraine renewed fears of global nuclear war.

In keeping the same time as last year, the Bulletin cited continued heightened levels of risk from threats such as ongoing wars and out-of-control climate change, adding that "humanity continues to face an unprecedented level of danger."

"Our decision should not be taken as a sign that the international security situation has eased," the Bulletin continued. "Instead, leaders and citizens around the world should take this statement as a stark warning and respond urgently, as if today were the most dangerous moment in modern history. Because it may well be."

This year, the board considered "multiple global threats, including the proliferation of nuclear weapons, the Russia-Ukraine war, the Israel-Hamas war, bio-threats, the continued climate crisis, and state-sponsored disinformation campaigns," the Bulletin said.

Experts also said they were especially worried about how advances in artificial intelligence could sow chaos, making it harder to prevent global disasters.

"AI has great potential to magnify disinformation and corrupt the information environment on which democracy depends," the Bulletin warned. "AI-enabled disinformation efforts could be a factor that prevents the world from dealing effectively with nuclear risks, pandemics, and climate change."

The time on the Doomsday Clock is the same as last year, when the symbolic clock was first set at 90 seconds to midnight, or Doomsday, the closest it has ever been. HASTINGS GROUP MEDIA/AFP VIA GETTY IMAGES

The Doomsday Clock is set each year by the 22 members of the Bulletin's Science and Security Board in consultation with its Board of Sponsors, which includes 11 Nobel laureates.

Each year, the board members are asked two questions:

- Is humanity safer or at greater risk this year than last year?
- Is humanity safer or at greater risk compared to the 77 years the clock has been set?

Over the years, the clock has been referenced by the White House, the Kremlin and the leadership of many other nations.

Though not everyone agrees with the clock's settings, it is generally respected for the questions it asks and for its science-based stance.

NOTICE OF PUBLIC HEARING
CITY OF STUART

REQUEST FOR A SMALL-SCALE COMPREHENSIVE PLAN FUTURE LAND USE MAP AMENDMENT AND A MAJOR CPUD AMENDMENT

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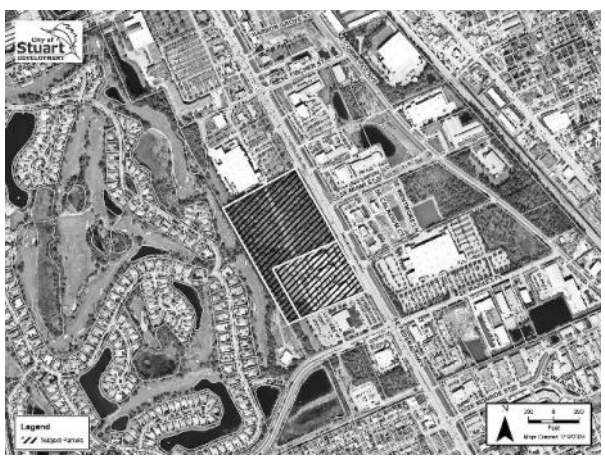

All interested parties are invited to attend and be heard. Copies of the items will be available at the Stuart City Hall. Written comments may be directed to the Development Director, City of Stuart, at the following address: 121 SW Flagler Avenue, Stuart, FL 34994, telephone (772) 288-5328.

ANY PERSON SEEKING TO APPEAL THE DECISION OF THE CITY COMMISSION AS TO THE FOREGOING IS ADVISED THAT A RECORD OF PROCEEDINGS IS REQUIRED IN ANY SUCH APPEAL AND THAT SUCH PERSON MAY NEED TO ENSURE THAT A VERBATIM RECORD OF PROCEEDINGS IS MADE INCLUDING THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.

In accordance with the Americans with Disabilities Act (ADA), and Section 286.26, Florida Statues, persons with disabilities needing special accommodation to participate in 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.

Mary Kindel, City Clerk
Publish Wednesday, January 24, 2024 / Local Display Ad /Affidavit Required

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850 NW Federal Hwy., Stuart, FL 34994, Available by appointment
14255 US Hwy. 1, Ste. 270 (Just N. of Donald Ross Rd.), Juno Beach, FL 33408, Available by appointment
Mr. Schwartz's Qualifications include:
Graduate of Univ. of Florida College of Law with honors Graduated Cum Laude from Florida State University National Speaker on Estate & Tax Planning
The hiring of a lawyer is an important decision that should not be based solely upon advertisement. Before you decide, ask me to send you free written information about my qualifications and experience.

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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

<ttroxell@hjadstudio.com>
Subject: 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.

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

HJA DESIGN STUDIO
LANDSCAPE ARCHITECTURE

March 8, 2024

Kristopher McCrain
Principal Planner
City of Stuart Development Department
121 SW Flagler Ave.
Stuart, FL 34994

<u>Eden / Mar-Stuart CPUD - Continuance Request Letter</u>
Major PUD CPUD Amendment & Small-Scale Comprehensive Plan Amendment
City Project ID # Z22090006 & Z22090007

Dear Kris,

Please use this letter for the record, HJA Design Studio, as agent for the applicant, is formally requesting a continuance to the April 11, 2024 LPA meeting.

Sincerely,

Todd A. Troxell
Vice President
HJA Design Studio, LLC

C.C. Mario Murgado
Jose Martinez
Terry McCarthy
Santiago Vidal
Development Team

HJA Design Studio
50 East Ocean Boulevard, Suite 101 Stuart, Florida USA 34994 T 772-678-7200

CITY OF STUART, FLORIDA
AGENDA ITEM REQUEST
Local Planning Agency

Meeting Date: 3/14/2024 **Prepared by:** Jodi Nentwick

Title of Item:
CLARITY POINTE PUD - SMALL-SCALE COMPREHENSIVE PLAN FUTURE LAND USE MAP AMENDMENT LOCATED AT 500 SE INDIAN STREET (LEGISLATIVE)(RC):

ORDINANCE No. 2529-2024; AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, REQUESTS 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 9.46-ACRE PARCELS OF LAND FROM MULTI-FAMILY RESIDENTIAL TO THE COMMERCIAL FUTURE LAND USE DESIGNATION; 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 OTHER PURPOSES

Summary Explanation/Background Information on Agenda Request:
The petition requesting a Small-Scale Future Land Use Amendment from the Multi-Family Residential (MF/RES) District to a Commercial (COMM) District to align with an impatient rehabilitation facility located at 500 SE Indian Street situated on the south side of SE Indian Street, approximately 580 feet east of the intersection of SE Kanner Highway and SE Indian Street.

A concurrent petition to rezone the existing Residential Planned Unit Development (RPUD) for a Mixed-Use Planned Unit Development (MXPUD) was also submitted to incorporate a 9.46-acre parcel within the existing 11.27-acre Clarity Pointe PUD, as authorized by the City Commission via Ordinance No. 2340-2017, to convert the former 84-bed ALF with memory care into a 140-bed inpatient mental health, drug, and alcohol rehabilitation facility with medical detox.

Funding Source:
N/A

Recommended Action:
Provide guidance and recommendation to staff and the City Commission regarding the City of Stuart Future Land Use Map.

ATTACHMENTS:
1. LPA Staff Report
2. Small Scale Comp Plan Amendment Application
3. Small-Scale Comprehensive Plan Amendment Narrative
4. Traffic Statement
5. Survey

City of Stuart

To: Local Planning Agency *(LPA)*

From: Jodi Nentwick-Kugler

Date: Thursday, March 14, 2024

Project Name: Ackner - 500 SE Indian Street *(aka Clarity Pointe PUD)*

Application Type: Small-Scale Comprehensive Plan Future Land Use Map Amendment

Property Owner:	**Applicant:**
CP Stuart Development I, LLC 4300 Legendary Drive, Suite 234 Destin, FL 32541	Jason Ackner Perseverance Recovery Center, LLC 318 U.S. Highway 1, Suite 200 Jupiter, FL 33477

Agent of Record: Connor Kennedy
Engineering Design & Construction, Inc
10250 SW Village Parkway, Suite 201
Port Saint Lucie, FL 34987

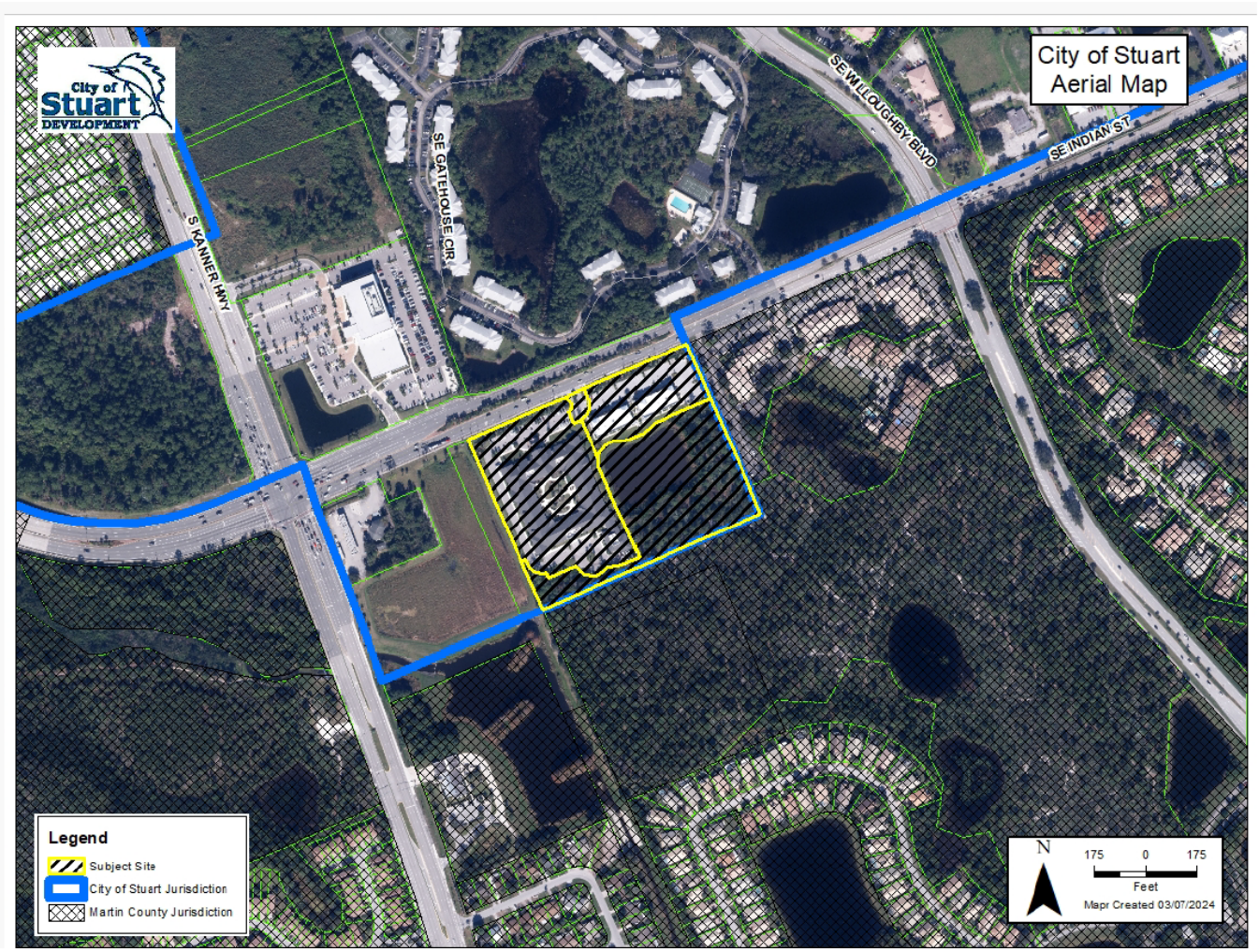
GENERAL INFORMATION	
Location Address:	500 SE Indian Street
Parcel I.D. No.:	40-38-41-010-000-00010-0 *(4.67-acres)* 40-38-41-010-000-00001-0 *(4.79-acres)*
Parcel Size:	9.46-Acres
Existing Zoning:	Residential Planned Unit Development *(RPUD)*
Proposed Zoning:	*Mixed-Use Commercial Planned Unit Development (CPUD)*
Existing Land Use:	Multi-Family Residential (MF/RES) District
Proposed Land Use:	*Commercial (COMM)*
Existing Use:	84-bed Assisted Living Facility (ALF) with memory care
Proposed Use:	*140-bed Inpatient Mental Health, Drug,* *and Alcohol Rehabilitation Facility with Medical Detox*

A. PROJECT DESCRIPTION

The petition requesting a Small-Scale Future Land Use Amendment from the Multi-Family Residential (MF/RES) District to a Commercial (COMM) District to align with an impatient rehabilitation facility located at 500 SE Indian Street situated on the south side of SE Indian Street, approximately 580 feet east of the intersection of SE Kanner Highway and SE Indian Street.

A concurrent petition to rezone from the existing Residential Planned Unit Development (RPUD) for a Mixed-Use Planned Unit Development (MXPUD) was also submitted to incorporate a 9.46-acre parcel within the existing 11.27-acre Clarity Pointe PUD, as authorized by the City Commission via Ordinance No. 2340-2017, to convert the former 84-bed ALF with memory care into a 140-bed inpatient mental health, drug, and alcohol rehabilitation facility with medical detox.

AERIAL LOCATION MAP



B. PROJECT BACKGROUND

In 2017, Clarity Pointe PUD consisting of 11.27-acre was approved by Ordinance Number 2340-2017, to activate and amend the expired Villagio Stuart RPUD with a master site plan to develop a one-story 96,713 square foot 84-bed Assisted Living Facility (ALF) with memory care and create a 1.92-acre commercial out parcel as part of the overall 11.27-acres. Additionally, the 1.92-acre out parcel was assigned a Commercial (COMM) future land use category and rezoned the RPUD to the CPUD. The overall PUD will be known as Clarity Pointe PUD and will consist of a 1.27-acre lake in the center of the property and 2.81 acres of preserved area. The 1.92-acre out parcel will front SE Indian Street and propose retail uses.

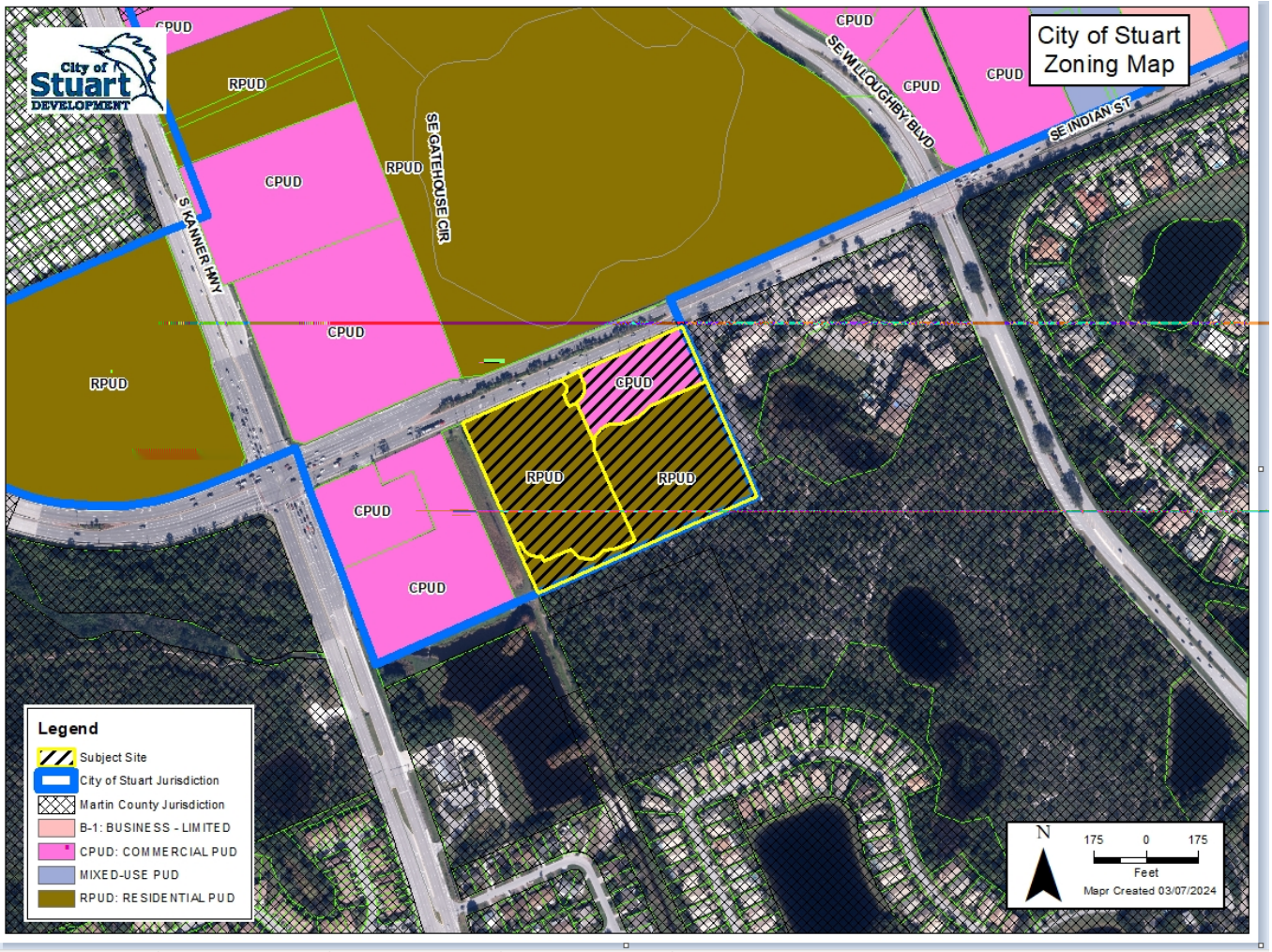
In 2018, Clarity Pointe PUD was approved by Ordinance Number 2369-2018, for a Major Amendment to the CPUD Master Site Plan for the 1.92-acre commercial out parcel to construct two (2) 8,000 square foot buildings of leasable office and general commercial space.

<u>Development History</u>:

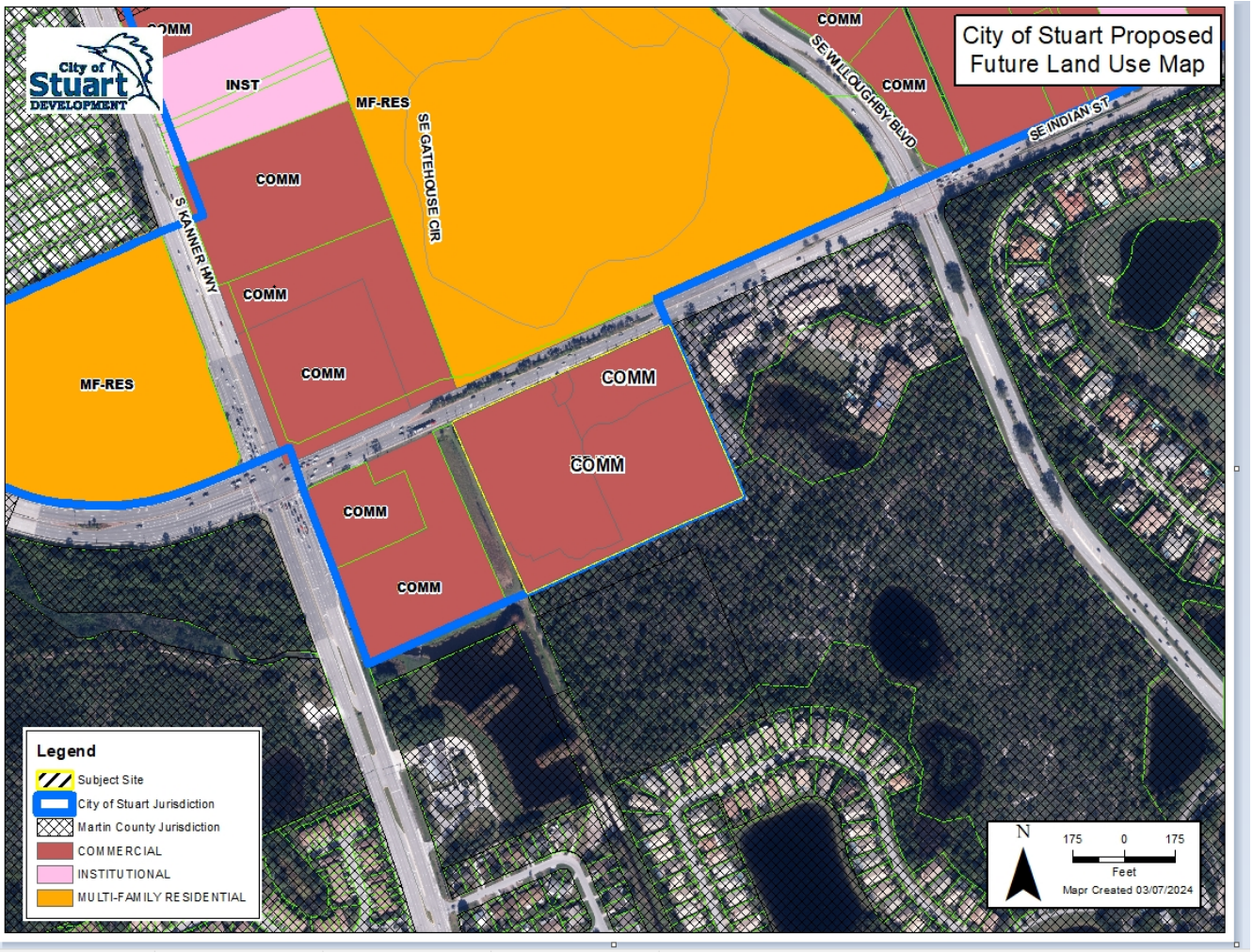
- Annexed into the City of Stuart and assigned to the Commercial *(COMM)* Future Land Use category in 1997.
- *Ordinance No. 1984-04,* the City Commission approved amending the Commercial (COMM) future use designation to Multifamily Residential *(MF/RES)* for an 11.27-acre property.
- *Ordinance 2042-05,* the City Commission establishing the Villagio Residential Planned Unit Development Residential Planned Unit Development (RPUD) to construct a 66 multi-family dwelling unit development.
- *Ordinance No. 2340-2017,* the City Commission repealed Ordinance No. 2042-05, for the development of "Villagio Stuart" RPUD, and established the Clarity Pointe Residential Planned Unit Development *(RPUD)* consisting of an 84-bed Assisted Living Facility with Memory Care, and amending the future land use map of the City's Comprehensive Plan changing the future land use designation from Multi-Family Residential (MF/RES) to Commercial (COMM) for the 1.92-acre site and rezoning from RPUD to CPUD.
- *Ordinance 2344-2017,* the City Commission approved the abandonment of the 40-foot right-of-way within the Clarity Pointe PUD.
- *Resolution No. 06-2018,* the City Commission approved the plat for *Clarity Pointe PUD* and recorded with the Martin County Clerk of Courts, Book 17, Page 1 of 2.

C. ZONING & FUTURE LAND USE MAPS

EXISTING LAND USE



PROPOSED LAND USE



D. LAND DEVELOPMENT CODE COMPLIANCE REVIEW

The Local Planning Agency *(LPA)* is tasked with reviewing the proposed Small-Scale Comprehensive Plan Future Land Use Map Amendment and providing the City Commission with a recommendation of denial, approval, or approval with conditions.

The City of Stuart Development Department has reviewed the submitted petition per the Standards of Review outlined under Section 11.01.07(*G*) of the City of Stuart Land Development Code *(LDC)* and is providing its findings below.

a. The existing land use pattern

Staff Findings: The properties situated to the north, south, and east of the subject parcels are located within the jurisdiction of the City of Stuart and are designated by the Commercial *(COMM)* and Residential Planned Unit *(RPUD)* Future Land Uses; the property situated to the south is located within the jurisdiction of Martin County and designated by the Low-Density-up to 5 units per acre (UPA) Future Land Use designation.

City of Stuart Comprehensive Plan

Objective 1.A7 – Future Land Use Categories:

Commercial: *Land uses and activities predominately connected with the sale, rental, and distribution of products or performance of professional and non-professional services. Includes retail sales, service establishments, businesses, professional and other offices, shopping centers, financial institutions, restaurants, entertainment, hotels, motels, and other temporary lodging. A limited amount of Multi-Family Residential and indoor industrial use is allowed. Mixed-use projects are allowed. Also, public facilities and electric distribution substations are allowed.*

Multi-Family Residential: *One to three or more dwelling units per building. Includes single-family detached, duplex, townhomes, garden homes, foster homes, adult congregate living facilities of four or fewer unrelated residents, and zero-lot-line residences. Also, public facilities, churches, daycare centers, schools, and distribution substations are allowed.*

Martin County Comprehensive Plan

Policy 4.13A.7 – Residential Development:

Density Residential development. *The Low-Density Residential designation is reserved for land in the Primary Urban Service District. Densities shall not exceed five units per gross acre. In reviewing specific densities, the aim shall be to preserve the stability and integrity of established residential development and provide equitable treatment to lands sharing similar characteristics. Landscaping, screening, buffering, and similar design techniques shall ensure a smooth transition between residential structure types and densities.*

ADJACENT LAND USE & ZONING:

Location		Zoning District	Future Land Use	Existing Land Use
Subject Property		***Residential Planned Unit Development (RPUD)***	***Multi-Family Residential (MF/RES)***	***Formal Assisted Living Facility (Clarity Pointe RPUD)***
Adjacent Parcels	**North**	Residential Planned Unit Development *(RPUD)*	Multi-Family Residential *(MF/RES)*	The Crossings Multi-Family Residential Development
	South	PUD-R *(Residential)* ***(Martin County Jurisdiction)***	Low Density-up to 5 UPA ***(Martin County Jurisdiction)***	Undeveloped / Vacant
	East	Commercial Planned Unit Development *(CPUD)*	Commercial *(COMM)*	Palmetto Edge Shopping Center
	West	Commercial Planned Unit Development *(CPUD)*	Commercial *(COMM)*	5-acre Drainage Tract

b. The possible creation of an isolated land use classification unrelated to adjacent and nearby classifications.

Staff Findings: The proposed commercial land use amendment and the adjacent land use are consistent and will not create an isolated land use classification to adjacent and nearby classifications. The proposed commercial land use allows for mixed-use temporary lodging and a limited amount of multi-family residential.

c. The population density pattern of the area and possible increase or overtaxing of the load on public facilities such as schools, utilities, and streets.

Staff Findings: The proposed amendment will decrease the population density pattern and is not anticipated to increase the load on public facilities, such as schools, utilities, and streets. The proposed use is considered temporary lodging in nature as opposed to assisted living facilities are considered permanent residences for the elderly population.

d. The possible overloading of the city's sewage collection, treatment, and disposal facilities.

Staff Findings: The proposed amendment has been reviewed by the City of Stuart Public Works Department which has determined the City of Stuart Public Works the existing sewage collection, treatment, and disposal facilities are adequate.

e. The possible overloading of the city's drainage system.

Staff Findings: The proposed amendment has been reviewed by the City of Stuart Public Works Department which

has determined the existing drainage system is adequate.

f. The existing classification boundaries in relation to existing conditions on the subject property.

Staff Findings: The existing classification boundaries are compatible in relation to the existing conditions on the subject property.

g. The existence of changed or changing conditions that make the passage of the proposed amendment necessary or appropriate.

Staff Findings: The proposed amendment allows for *"other temporary lodging"* which aligns with the inpatient facilities within the City of Stuart's jurisdiction. Currently, the Multi-Family Residential land use category only defines adult congregate living facilities (ALFs) and does not address temporary lodging.

> ***Multi-Family Residential:*** *One to three or more dwelling units per building. Includes single-family detached, duplex, townhomes, garden homes, foster homes, adult congregate living facilities of four or fewer unrelated residents, and zero-lot-line residences. Also, public facilities, churches, daycare centers, schools, and distribution substations are allowed.*

h. The impact of the proposed amendment on living conditions in the adjacent neighborhood.

Staff Findings: The proposed amendment is not anticipated to impact the adjacent neighborhood. The residential communities near the commercial portion of the site consist of the Crossing at Indian Run, Willoughby Crossroads, and Willoughby Golf Club. The Willoughby Crossroads is the most impacted but is already within a mixed-use development. The Crossings at Indian Run is buffered by a robust 30-foot opaque landscape buffer on the property along Indian Street, and the Indian Street right-of-way, as well as a preserve and retention area on the residential property. The Willoughby Golf Club is buffered not only by the site's 2.81-acre preserve area but is owned extensively by residential communities.

i. The impact of the amendment upon the flow of light and air to adjacent areas.

Staff Findings: The subject site is developed and would not create an adverse impact upon the flow of light and air to the adjacent areas.

j. The impact of the proposed amendment upon property values in the adjacent area.

Staff Findings: The impact of the proposed amendment is not anticipated to impact the property values within the adjacent area.

k. The impact of the proposed amendment upon improvement or development of adjacent property per existing regulations; and

Staff Findings: The adjacent properties situated to the north and east of the subject site are currently developed and

include a variety of existing residential and commercial uses.

l. The existence of other adequate sites in the city for the proposed land use classifications already permitting such use.

Staff Findings: The subject property is within a half-mile radius of an existing 80-bed inpatient mental health facility and assigned a commercial land use category with mixed-use planned unit development zoning designation.

E. COMPREHENSIVE PLAN REVIEW

Plan amendments that qualify as Small-Scale Comprehensive Plan Amendments may follow the review process outlined under Florida Statute 163.3187. Such a request may be considered at any time by the City of Stuart without any frequency limit, according to the procedural requirements and thresholds detailed in Land Development Code Section 11.01.07.

The proposed Small-Scale Comprehensive Plan Future Land Use Map Amendment has been reviewed by the following Goals, Objectives, and Policies from the City of Stuart Comprehensive Plan:

ELEMENT 1 - FUTURE LAND USE ELEMENT

Policy 1.A3.2: *The City's Future Land Use Map and land development regulations shall direct development to areas where adequate utilities, services, and schools exist or are planned in order to protect natural resources.*

Policy 1.A3.3: *The City shall designate and protect environmentally sensitive lands including viable and functioning wetlands as determined by the SFWMD and native vegetative communities that provide wildlife habitat for listed species. Protection measures will include performance standards regulating land use, public access, marina siting and activities, wetlands, shoreland alteration and seawalls, treatment of stormwater runoff, mangrove protection, and provisions for developers to preserve environmentally sensitive land, including transfer of development rights and density bonuses.*

Policy 1.A5.3: *Wherever possible, medium-density residential and recreation/open space areas should serve as buffers between higher and lower-intensity residential uses to achieve an orderly land use transition.*

Policy 1.A6.3: *Future neighborhood commercial development that reduces vehicular trips shall:*

a. Be clustered with other neighborhood commercial uses in a single location;

b. Be compatible in size, style, architecture, and materials with surrounding residential buildings;

c. Prove buffering from noise, light, and pollution;

d. Mixed-use development will be encouraged.

Objective 1.A7 – Future Land Use Categories: *The future land use categories defined below provide general descriptions intended to encompass all present and future land uses in the City of Stuart. The "Table of Land Use Densities and Intensities" provides specific density and intensity measures that shall establish the maximum density and intensity allowed*

in each land use category. The Future Land Use Map establishes the optimum, overall distribution of land uses as well as can be established on a City-wide basis. Neither these policies nor the Future Land Use Map shall be construed to mean that every parcel in a designated area is suitable for the designated use. Other plan objectives and policies will be applied to ensure that any proposed development will be suitable for the particular site. Similarly, the Future Land Use Map does not assure the landowner the right to the most intense use allowable under the designated future land use category. The City shall have the discretion to decide that the permitted land use shall be more limited than the maximum allowable under the future land use category; provided that the City shall approve some development that is consistent with the City's plan.

Policy 1.A7.1: *The City of Stuart has designated the following land use categories and allowed uses for all land within the City of Stuart:*

C. Commercial: *Land uses and activities predominately connected with the sale, rental, and distribution of products or performance of professional and non-professional services. Includes retail sales, service establishments, businesses, professional and other offices, shopping centers, financial institutions, restaurants, entertainment, hotels, motels, and other temporary lodgings. A limited amount of Multi-Family Residential and indoor industrial uses is allowed. Mixed-use projects are allowed. Also, public facilities and electric distribution substations are allowed.*

Policy A.A7.3: *The term "mixed-use project" means one that allows for a mix of residential, non-residential, and recreational land uses such that a functional vertical or horizontal mix of uses is achieved. These uses may be mixed within a single building or on a single site, providing that any impacts are mitigated through urban design techniques.*

Objective 1.B1 – Compact Urban Form: *Discourage urban sprawl by facilitating urban redevelopment and infill development of properties and planning for urban infill and redevelopment of lands located within Stuart in order to achieve a compact urban form.*

Objective 1.B2 – Provision of Facilities and Services: *The Future Land Use Element shall establish land uses which can be served by existing and planned facilities and services. The plan shall achieve and maintain the level-of-service (LOS) standards adopted in the Capital Facilities Element and shall provide sufficient land suitable for public facilities needed to support the projected level and pattern of development.*

F.S.163.3177 - Plan amendment indicators assessed against the request for a Small-Scale Comprehensive Plan Amendment to change the land use from Commercial to Neighborhood/Special District:	
YES/NO/NA	**a. The primary indicators that a plan or plan amendment does not discourage the proliferation of urban sprawl are listed below. The evaluation of the presence of these indicators shall consist of an analysis of the plan or plan amendment within the context of features and characteristics unique to each locality to determine whether the plan or plan amendment:**

NO	**(I)**	Promotes, allows, or designates for development substantial areas of the jurisdiction to develop as low-intensity, low-density, or single-use development or uses.
N/A	**(II)**	Promotes, allows or designates significant amounts of urban development to occur in rural areas at substantial distances from existing urban areas while not using undeveloped lands that are available and suitable for development.
NO	**(III)**	Promotes, allows, or designates urban development in radial, strip, isolated, or ribbon patterns generally emanating from existing urban developments.
NO	**(IV)**	Fails to adequately protect and conserve natural resources, such as wetlands, floodplains, native vegetation, environmentally sensitive areas, natural groundwater aquifer recharge areas, lakes, rivers, shorelines, beaches, bays, estuarine systems, and other significant natural systems.
NO	**(V)**	Fails to adequately protect adjacent agricultural areas and activities, including silviculture, active agricultural and silvicultural activities, passive agricultural activities, and dormant, unique, and prime farmlands and soils.
NO	**(VI)**	Fails to maximize the use of existing public facilities and services.
NO	**(VII)**	Fails to maximize the use of future public facilities and services.
NO	**(VIII)**	Allows for land use patterns or timing which disproportionately increase the cost in time, money, and energy of providing and maintaining facilities and services, including roads, potable water, sanitary sewer, stormwater management, law enforcement, education, health care, fire, and emergency response, and general government.
NO	**(IX)**	Fails to provide a clear separation between rural and urban uses.
NO	**(X)**	Discourages or inhibits infill development or the redevelopment of existing neighborhoods and communities.
NO	**(XI)**	Fails to encourage a functional mix of uses.
NO	**(XII)**	Results in poor accessibility among linked or related land uses.
No	**(XIII)**	Results in the loss of significant amounts of functional open space.
b. The future land use element or plan amendment shall be determined to discourage the proliferation of urban sprawl if it incorporates a development pattern or urban form that achieves four or more of the following:		

YES	**(I)**	Directs or locates economic growth and associated land development to geographic areas of the community in a manner that does not have an adverse impact and protects natural resources and ecosystems.
YES	**(II)**	Promotes the efficient and cost-effective provision or extension of public infrastructure and services.
YES	**(III)**	Promotes walkable and connected communities and provides for compact development and a mix of uses at densities and intensities that will support a range of housing choices and a multimodal transportation system, including pedestrian, bicycle, and transit, if available.
N/A	**(IV)**	Promotes conservation of water and energy.
N/A	**(V)**	Preserves agricultural areas and activities, including silviculture, and dormant, unique, and prime farmlands and soils.
NO	**(VI)**	Preserves open space and natural lands and provides for public open space and recreation needs.
YES	**(VII)**	Creates a balance of land uses based upon demands of the residential population for the nonresidential needs of an area.
NO	**(VIII)**	Provides uses, densities, and intensities of use and urban form that would remediate an existing or planned development pattern in the vicinity that constitutes sprawl or if it provides for an innovative development pattern such as transit-oriented developments or new towns as defined in s. 163.3164

F. STAFF/CONSULTANT REVIEWS

City of Stuart Building Department:

The City of Stuart Building Department does not have any comments regarding the proposed Small-Scale Comprehensive Plan Future Land Use Map Amendment.

City of Stuart Fire District:

The City of Stuart Fire District does not have any comments regarding the proposed Small-Scale Comprehensive Plan Future Land Use Map Amendment.

Environmental Review:

All Environmental requirements, including landscaping, were satisfied during the construction of the ALF.

Landscaping, Trees and Upland Preserve:

Landscape buffers have been provided on all sides of the property per the City's Land Development Code, which

includes a 30-foot-wide landscape buffer along SE Indian Street and a 15-foot landscape buffer along the eastern property line, consistent with the rest of the PUD.

Of the total PUD, approximately 58.31% will remain pervious, which includes open space, a preserve area, landscape buffers, and a courtyard used by the Clarity Pointe assisted living facility. The proposed landscaping area represents approximately 8.2% of the total area and offers variety, 75% native specimens, and 64% categorized as shade trees. Within the CPUD, 34,256 square feet of landscaping is provided, which is twice the minimum amount required (20% of gross area). The eastern buffer provides 9 shade trees, where 7 are required; and 15 shade trees are provided along Indian Street, where 14 are required.

Even so, tree replacement was required due to the proposed removal of 4,849.5" of slash pines and 1025" of other hardwoods at the adoption of the master PUD. The replacement mitigation proposed includes 1,602" of tree mitigation as planted trees and therefore 4,272.5" of mitigation will be required. The payment into the tree fund was required before the approval of vertical construction and has been paid to the city in full.

The existing vegetation on the site has been surveyed and reviewed by the City's Environmental consultant and the applicant has provided a Preserve Area Maintenance Plan (PAMP). The proposed plan preserves the required 25% upland preserve (or 2.61 acres) all on the RPUD and integrates existing vegetation into the buffers and landscape plan. To satisfy the City's Environmental consultant, the PAMP included five years of maintenance and the property owner shall be responsible for the maintenance of the preserve areas in perpetuity. There are no upland preserve areas in the CPUD portion of the PUD.

Wetland Mitigation:

Although there are no wetlands on the CPUD portion of the PUD, the existing .88-acre wetland within the master PUD was replaced with a lake that will have littoral plantings and native wetland vegetation plantings in amounting to a total of 10 square feet of coverage for every one linear foot of shoreline. Mitigation will be required for both the existing trees and the identified wetlands on site.

Furthermore, to promote compact urban development and discourage urban sprawl, the City allows Wetland impacts under certain conditions. The LDR at 5.03.02 B permits impact providing mitigation requirements are met. All mitigation will be carried out on-site.

WETLAND MITIGATION/WETLAND PRESERVE		
	Required	Provided
Native vegetation area	25%	27%
Wetland Area	A Wetland Area of 2.81 acres is preserved	
Wetland Preserve	Minimum 25ft with an average 50ft wetland buffer	Minimum 25ft with an average 50ft wetland buffer
Upland Preserve	25%	26.7%

Traffic Review:

JFO Group, Inc. prepared a traffic statement (dated February 8, 2024) related to the above-mentioned project, in compliance with Section 4.05. of the City of Stuart Land Development. Based on the analysis below:

Project trip generation rates were based on the *Institute of Transportation Engineering (ITE) Trip Generation Manual 11th Edition*. When fitted curve equations were not available, weighted average rates were used. Similarly, when data plots had at least 20 data points and a fitted curve equation with an R2 of at least 0.75, fitted curve equations were used. Table 1 shows the rates used to determine the trip generation for Daily, AM, and PM peak hour conditions while Table 2 summarizes the net Daily, AM, and PM peak trips potentially generated by the existing and proposed development. Exhibit 4 includes excerpts from the ITE trip generation manual for ITE Land Use Code 254.

Table 1: Trip Generation Rates

Land Use	ITE Code	Daily Trip Gen.	AM Peak Hour			PM Peak Hour		
			In	Out	Total	In	Out	Total
Assisted Living	254	2.60	60%	40%	0.18	39%	61%	0.24

There are 70 bedrooms at the existing facility which currently accommodates 84 beds. Given the proposed use on the subject site, a maximum of two (2) beds could be accommodated per bedroom. Therefore, to prepare a conservative analysis, it was assumed that a maximum of 140 beds could be operating on the subject site. Similarly, since ITE does not include trip generation rates for mental/drug rehab facilities and as part of a conservative analysis, it was assumed that for trip generation purposes the proposed facility will operate similarly to an assisted living facility.

Table 2: Trip Generation

Land Use	Intensity	Daily Traffic	AM Peak Hour			PM Peak Hour		
			In	Out	Total	In	Out	Total
EXISTING DEVELOPMENT								
Assisted Living	84 Beds	218	9	6	15	8	12	20
Net Existing Traffic		***218***	***9***	***6***	***15***	***8***	***12***	***20***
PROPOSED DEVELOPMENT								
Mental/Drug Rehab	140 Beds	364	15	10	25	13	21	34
Net Proposed Traffic		***364***	***15***	***10***	***25***	***13***	***21***	***34***
Net Traffic		***146***	***6***	***4***	***10***	***5***	***9***	***14***

The proposed changes to the 500 SE Indian St property have been evaluated following *Sec. 4.05. of the City of Stuart Land Development Code*. This analysis shows the proposed request to convert. an existing 84-bed assisted living facility with memory care into an inpatient mental health and drug rehab facility will generate less than 20 peak hour trips. Therefore, the proposed project does not require a traffic study where a maximum of 146 daily trips could be potentially generated.

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

Received by: _____
Reviewed by: _____

Small-Scale Comprehensive Plan Amendment Application

Project ID#_____
(Staff Entry)

Pre-App Conference Date: January 25, 2024	Application Date: December 18, 2023

SITE INFORMATION

Project Name: Ackner - 500 SE Indian St	Parcel ID#: 40-38-41-010-000-00010-0 / 40-38-41-010-000-00001-0
Site Address: 500 SE Indian St, Stuart, FL 34994	
Subdivision: Plat of Clarity Pointe PLAT 17/68	Lot(s): Lot 1, Lake Tract, Upland Preserve Tract, Access Tract PLAT 17/68
Site Acreage: 9.46 Acres	Flood Zone/Base Flood Elevation: Flood Zone X
Existing Zoning District / CRA Subdistrict (if applicable): RPUD: Residential PUD	
Proposed Zoning District / CRA Subdistrict (if applicable): MXPUD: Mixed-Use PUD	
Current Comprehensive Plan Future Land Use Designation: Multi-Family Residential	
Proposed Comprehensive Plan Future Land Use Designation: Commercial	
Existing Land Use: Assisted Living Facility (ALF)	Proposed Land Use: Inpatient mental health, drug and alcohol rehab with medical detox
Proposed Square Footage (if applicable):	Proposed Density (if applicable):

PETITIONER INFORMATION

Property Owner: CP - Stuart Development I, LLC	Phone Number / Email Address: (850)-830-7425 rick@olsonlandpartners.com
Property Owner's Mailing Address: 4300 Legendary Drive, Suite 234, Destin FL 32541	
Applicant (if not Owner): Perseverance Recovery Center, LLC	Phone Number / Email Address: (561)-815-4478 Jason.Ackner@Phoenix-bhc.com
Applicant's Mailing Address: 318 S US Highway 1, Suite 200, Jupiter, FL 33477	
Agent/Contact Person: Connor Kennedy, EDC	Phone Number / Email Address: (772)-462-2455 connorkennedy@edc-inc.com
Agent's Mailing Address: 10250 SW Village Parkway, Suite 201, Port St. Lucie, FL 34987	
Architect:	Engineer:
Planner: Same as Agent	Landscape Architect: Jeffrey W. Smith

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.

Please See Attached Agent Consent Forms

Signature of Owner: _____

By: Name/Title _____

Street Address _____

City, State, Zip Code _____

P.O. Box _____

City, State, Zip Code _____

Telephone Number _____

Fax Number _____

Email Address: _____

STATE OF FLORIDA, COUNTY OF _____

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

_____ day of _____, _____ By _____.

Personally Known OR Produced Identification

Type of Identification Produced:

_____

Notary Public

My Commission expires:

_____

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: Jason Ackner	City/State/Zip Code: Jupiter, FL 33477
Title: CEO	Telephone Number: 561-815-4478
Company: Perseverance Recovery Center, LLC	Facsimile Number:
Company Address: 318 S. US Highway 1 Ste. 200	Email Address (optional): Jason.Ackner@Phoenix-Bltc.com

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

1. Signed this 7th day of February, 2024

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

Application Requirements

Fee: $1,864.00 *(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, one (1) copy of all documents on a PDF formatted disc electronically signed and sealed, and a justification for the proposed change and any other information required by the City Development Director.

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 find justification included in accompanying Project Narrative.

(over)

PROJECT NARRATIVE & COVER LETTER
500 SE Indian St.
Small Scale Comprehensive Plan Amendment Request
February 6, 2024

REQUEST

On behalf of the Petitioner, Engineering Design & Construction, Inc. is requesting approval of a Small-Scale Comprehensive Plan Amendment application for properties located at 500 SE Indian Street in Stuart, Florida. The applicant is seeking approval to amend the sites future land use designation from Multi-Family Residential to Commercial to allow for an inpatient primary mental health and residential drug and alcohol rehabilitation facility with medical detox.

SITE CHARACTERISTICS & PROJECT HISTORY

The subject properties are located on the southside of SE Indian St approximately 540 feet east of Kanner Highway in Stuart Florida. They can be identified in the below table:

Parcel ID:	Address:	Acreage:	Future Land Use	Zoning
40-38-41-010-000-00010-0	500 SE Indian St	4.67	Multi-Family Residential	RPUD
40-38-41-010-000-00001-0	N/A	4.79	Multi-Family Residential	RPUD
	Total Acres:	**9.46**		

The project currently has a Future Land Use designation of Multi-Family Residential and a Zoning designation of RPUD: Residential PUD.

Under the direction of the city following a Pre-Application Meeting on January 25, 2024, both a Rezoning Application and Small-Scale Comprehensive Plan Amendment are being submitted to the City of Stuart. The Rezone application requests a change in the sites zoning designation from Residential PUD (RPUD) to Mixed-Use PUD (MXPUD). The Small-Scale Comprehensive Future Land Use Map Amendment is requesting a change in Future Land Use from Multi-Family Residential (MF/RES) to Commercial (COMM). These zoning and land use designations align with where these inpatient rehabilitation facilities have previously been approved within the City of Stuart. These applications are being submitted concurrently.

On September 26, 2005, the City Commission approved a rezone petition, via Ordinance No. 2042-05, and established the Villagio Residential Planned Unit Development (RPUD), to allow for the construction of 66-unit multi-family development. On January 9, 2017, the City Commission granted an amendment to the RPUD, via Ordinance No. 2340-2017 establishing the Clarity Pointe RPUD consisting of an 84-bed Assisted Living Facility (ALF) with Memory Care. Additionally, this approval also amended the zoning and land use designations for a 1.92-acre portion of the Clarity Pointe PUD from Residential PUD (RPUD) to Commercial Planned Unit Development (CPUD), and from Multi-Family Residential (MF/RES) to Commercial (COMM). The 1.92 Acre property is **NOT** a part of this application.

As previously stated, it is the intention of the applicant to convert the former 84 bed assisted living facility into an inpatient mental health, drug and alcohol rehabilitation facility with medical detox. No new improvements are being proposed for this site. A Commercial Future Land Use

Designation would align with the Land Use where these inpatient rehabilitation facilities have been previously approved within the City of Stuart. One such instance was the approval of Dream Center for Recovery located within the Parks Indian PUD. This site has a Zoning Designation of Mixed-Use PUD (MXPUD) and a Future Land Use of Commercial.

To the north of the subject property lies the right of way of SE Indian street followed by The Crossings multifamily residential development. This parcel has a Future Land Use designation of Multi-Family Residential and lies in the Residential PUD (RPUD) Zoning District.

To the west of the subject property lies a drainage tract approximately 5 acres in size. This lot has a Future Land Use designation of Commercial (COMM) and lies in the Commercial PUD (CPUD) Zoning District.

South of the subject property lies heavily wooded undeveloped land located in the Martin County Jurisdiction. This parcel has a Future Land Use designation of Low Density-up to 5 UPA and lies in the PUD-R (Residential) Zoning District.

To the east of the subject property lies the Palmetto Edge commercial plaza. This parcel has a Future Land Use designation of Commercial (COMM) and lies in the Commercial PUD (CPUD) Zoning District.

Relationship of Change to Goals, Objectives and Policies of Comprehensive Plan and LDC

These parcels are being rezoned from Residential PUD (RPUD) to Mixed-Use PUD (MXPUD) as this zoning designation best aligns with where these uses have historically been located. As stated in Policy 1.A7.1. of Stuart's Comprehensive Plan, Commercial Land Use are "land uses and activities predominantly connected with the sale, rental, and distribution of products or performance of professional and non-professional services. Includes retail sales, service establishments, business, professional and other offices, shopping centers, financial institutions, restaurants, entertainment, hotels, motels, and other temporary lodging. A limited amount of Multi-Family Residential and indoor industrial uses are allowed. **Mixed-Use Projects are allowed.** Also, public facilities and electronic distribution substations are allowed."

Based on the above justification and attached information, the Petitioner respectfully requests approval of this request.

Z:\EDC-2023\23-378 - Ackner - 500 SE Indian Street\ENGINEERING\Documents\Submittal Documents\Justification Statement\2024-02-06_Ackner - 500 SE Indian Comp Plan Narrative.docx

February 8, 2024 *Sent via e-mail: connorkennedy@edc-inc.com*

Connor Kennedy
Planner I Planning Division
Engineering Design & Construction, Inc.
10250 SW Village Parkway - Suite 201
Port Saint Lucie, Florida 34987

Re: Ackner - 500 SE Indian St (Stuart)
TRAFFIC STATEMENT
Parcel ID: 40-38-41-010-000-00010-0

Dear Connor,

JFO Group Inc. has been retained to prepare a traffic impact analysis to determine compliance with *Sec. 4.05. of the City of Stuart Land Development Code*. This traffic statement is associated with a Rezoning and a Future Land Use amendment application to convert an existing 84-bed assisted living facility with memory care into an inpatient mental health and drug rehab facility.

The site is located south of Indian Street, ± 0.15 miles northeast of Kanner Highway in the City of Stuart, Florida. Figure 1 shows the project location in relation to the transportation network. Parcel ID associated with this project is 40-38-41-010-000-00010-0. A copy of the property appraiser information for the site is included as Exhibit 1.

Exhibit 2 includes a copy of the latest approved site plan. Exhibit 3 includes a copy of Ordinance 2340-2017 which approved the 84-bed assisted living facility as it is built today.

Figure 1 : Project Location

Project trip generation rates were based on the *Institute of Transportation Engineering (ITE) Trip Generation Manual 11th Edition*. When fitted curve equations were not available, weighted average rates were used. Similarly, when data plots had at least 20 data points and a fitted curve equation with an R2 of at least 0.75, fitted curve equations were used. Table 1 shows the rates used in order to determine the trip generation for Daily, AM, and PM peak hour conditions while Table 2 summarizes the net Daily, AM, and PM peak trips potentially generated by the existing and proposed development. Exhibit 4 includes excerpts from the ITE trip generation manual for ITE Land Use Code 254.

Table 1: Trip Generation Rates

Land Use	ITE Code	Daily Trip Gen.	AM Peak Hour			PM Peak Hour		
			In	Out	Total	In	Out	Total
Assisted Living	254	2.60	60%	40%	0.18	39%	61%	0.24

According to Table 2, the net Daily, AM and PM peak trips potentially generated due to the proposed changes are 146, 10 (6 In/4 Out) and 14 (5 In/9 Out) trips respectively. Therefore, according to Table 2, the proposed changes to the 500 SE Indian St property will generate less than 20 peak hour trips.

6671 W Indiantown Rd • Suite 50-324 • Jupiter, Florida 33458
T: (561) 462-5364 • F: (561) 465-8044 • info@jfo.us

There are 70 bedrooms at the existing facility that currently accommodates 84 beds. Given the proposed use on the subject site, a maximum of two (2) beds could be accomodated per bedroom. Therefore, in order to prepare a conservative analysis, it was assumed that a maximum of 140 beds could be operating on the subject site. Similarly, since ITE does not include trip generation rates for mental/drug rehab facilities and as part of a conservative analysis, it was assumed that for trip generation purposes the proposed facility will operate similarly to an assisted living facility.

Table 2: Trip Generation

Land Use	Intensity	Daily Traffic	AM Peak Hour			PM Peak Hour		
			In	Out	Total	In	Out	Total
EXISTING DEVELOPMENT								
Assisted Living	84 Beds	218	9	6	15	8	12	20
Net Existing Traffic		***218***	***9***	***6***	***15***	***8***	***12***	***20***
PROPOSED DEVELOPMENT								
Mental/Drug Rehab	140 Beds	364	15	10	25	13	21	34
Net Proposed Traffic		***364***	***15***	***10***	***25***	***13***	***21***	***34***
Net Traffic		***146***	***6***	***4***	***10***	***5***	***9***	***14***

The proposed changes to the 500 SE Indian St property have been evaluated following *Sec. 4.05. of the City of Stuart Land Development Code*. This analysis shows that the proposed request to convert an existing 84-bed assisted living facility with memory care into an inpatient mental health and drug rehab facility will generate less than 20 peak hour trips. Therefore, the proposed project does not require a traffic study where a maximum of 146 daily trips could be potentially generated.

This analysis shows that the proposed Future Land Use and Zoning changes necessary to allow interior renovations to the 500 SE Indian St property to accommodate the proposed inpatient mental health and drug rehab facility will be in compliance with *Sec. 4.05. of the City of Stuart Land Development Code*. Project build-out is expected in 2025.

Sincerely,

JFO GROUP INC
COA Number 32276

JUAN F. ORTEGA
LICENSE
No. 63422
Digitally signed by Juan F Ortega
Date: 2024.02.08 09:36:34 -05'00'
STATE OF FLORIDA
PROFESSIONAL ENGINEER

Enclosures:	Exhibit 1: Property Appraiser Information Exhibit 2: Approved Site Plan Exhibit 3: Ordinance 2340-2017 Exhibit 4: ITE Trip Generation Rates

6671 W Indiantown Rd • Suite 50-324 • Jupiter, Florida 33458
T: (561) GO2-JFOG • www.jfogroupinc.com • info@jfo.us

This item has been electronically signed and sealed by Dr. Juan F. Ortega, PE on February 8, 2024 using a Digital Signature. Printed copies of this document are not considered signed and sealed and the signature must be verified on any electronic copies.

MARTIN COUNTY
PROPERTY APPRAISER
Jenny Fields, CFA

Basic Info

PIN	AIN	Situs Address	Website Updated
40-38-41-010-000-00010-0	1118645	500 SE INDIAN ST STUART FL	1/25/24

General Information

CHANGE MAILING ADDRESS SIGN UP FOR PROPERTY FRAUD ALERT

Property Owners
CP STUART DEVELOPMENT I LLC

Mailing Address
4300 LEGENDARY DR #234
DESTIN FL 32541

Tax District
STUART

Parcel ID
40-38-41-010-000-00010-0

Account Number
1118645

Property Address
500 SE INDIAN ST STUART FL

Legal Description
LOT 1 CLARITY POINTE ACCORDING TO THE PL...

Use Code/Property Class
7400 - 7400 Homes for the aged

Neighborhood
M3 M3-CENTRAL STUART

Legal Acres
4.67

Ag Use Size (Acre\Sq Ft)
N/A

Current Value

Year	Land Value	Improvement Value	Market Value	Value Not Taxed	Assessed Value	Total County Exemptions	County Taxable Value
2023	$ 1,258,190	$ 10,490,110	$ 11,748,300	$ 0	$ 11,748,300	$ 0	$ 11,748,300

Market values shown on the website reflect market conditions as of January 1st, the statutory assessment date. We are prohibited by law from relying on sales that occur after the January 1 assessment date. Therefore, market values shown on the website do not reflect today's market conditions, but rather the market conditions last year. In addition, the statutes require the county Property Appraiser to deduct for typical costs of sale (which include expenses such as commissions, title insurance, appraisals, inspection fees, etc.) when arriving at market value for tax purposes. That is why the market value for tax purposes is different from what a property would sell for today.

Current Sale

Sale Date
N/A

Sale Price
N/A

Grantor (Seller)
N/A

Deed Type
N/A

Doc Num
N/A

Book & Page
N/A

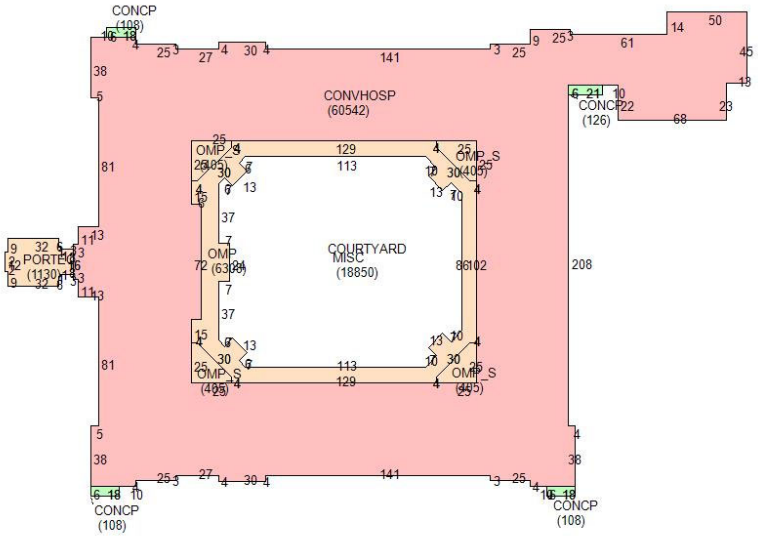
Improvements

PIN	AIN	Situs Address	Website Updated
40-38-41-010-000-00010-0	1118645	500 SE INDIAN ST STUART FL	1/25/24

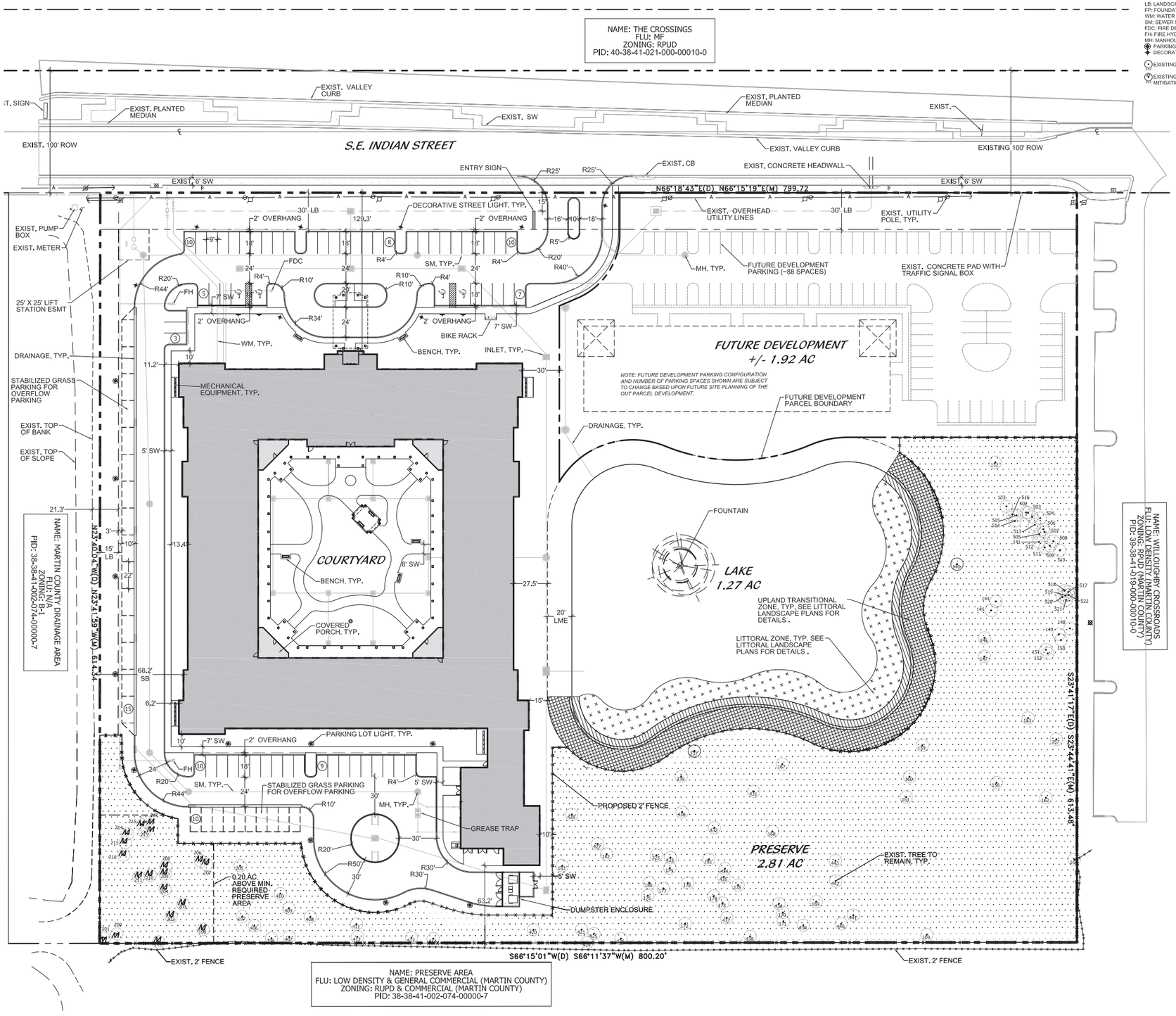
Use Code/Property Class	Total Finished Area	Max Stories
7400 - 7400 Homes for the aged	60,542 SF	1

Building Information (1 of 1)

Building Type	Finished Area	Exterior Cover	Roof Cover
Convalescent Hospital	60,542 SF	Stud -Hardboard Siding	Com Shingle
Year Built	**Wall**	**Number of Units**	**Wall Height**
2018	Class C - Fire Resistant	100	10
Bedrooms	**Full Baths**	**Half Baths**	
N/A	64	20	



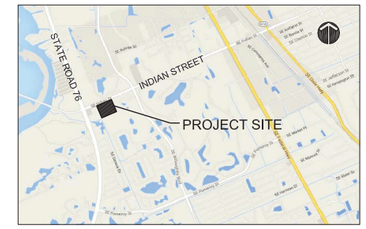
Report a Discrepancy



LEGEND

UE: UTILITY EASEMENT
SB: SETBACK
SW: CONCRETE SIDEWALK
TYP: TYPICAL
LME: LAKE MAINTENANCE EASEMENT
ROW: RIGHT-OF-WAY
LB: LANDSCAPE BUFFER
FP: FOUNDATION PLANTING AREA
WM: WATER MAIN
SM: SEWER MAIN
FDC: FIRE DEPARTMENT CONNECTION
FH: FIRE HYDRANT
MH: MANHOLE
PARKING LOT LIGHT
DECORATIVE STREET LIGHT
EXISTING TREE TO REMAIN
EXISTING TREE TO COUNT FOR MITIGATION CREDITS

LOCATION MAP



SITE DATA

SECTION 6, TOWNSHIP 48, RANGE 42				
NAME OF PROJECT	CLARITY POINTE- STUART			
PROPERTY CONTROL NUMBERS	48-42-0601-0432			
CURRENT FUTURE LAND USE	OFFICE PARK (OP)			
CURRENT ZONING	RESIDENTIAL PUD (RUPD)			
TOTAL SITE AREA	**11.27**	**AC**	**490,921**	**SF**
NET SITE AREA	**8.46**	**AC**	**368,517**	**SF**
STORMWATER (15% NET SITE)	1.27	AC	55,331	SF
MEMORY CARE FACILITY	5.27	AC	229,536	SF
FUTURE DEVELOPMENT	1.92	AC	83,650	SF
BUILDING DATA				
CLARITY POINTE FACILITY	**96,713**	**SF**	**84**	**BEDS**
CONDITIONED FLOOR SPACE	60,217	SF		
INTERIOR COURTYARD	36,496	SF		

BUILDING LOT COVERAGE (EXCLUDING FUTURE DEVELOPMENT PARCEL)	**PERMITTED**	**PROVIDED**
CLARITY POINTE FACILITY	35%	26.24%

PRESERVE AREA	**REQUIRED (AC)**	**PROVIDED (AC)**
(MIN. 25% OF NATIVE HABITAT)	2.61	2.81

SETBACK DATA	**REQUIRED**	**PROVIDED**
FRONT SETBACK (JOHNSON ROAD)	75	129.30'
SIDE (EAST)	30	30'
SIDE (WEST)	30	68.20'
REAR (SOUTH)	50	63.20'

SURFACE COVER
(EXCLUDING FUTURE DEVELOPMENT PARCEL)

	SF	**AC**	**%**
IMPERVIOUS AREA			
BUILDING LOT COVERAGE	96,713	2.22	26.24%
VEHICULAR USE AREA	49,413	1.13	13.41%
SIDEWALK & PLAZA	7,509	0.17	2.04%
TOTAL IMPERVIOUS	**153,635**	**3.53**	**41.69%**
PERVIOUS AREA			
OPEN SPACE	43,652	1.00	11.85%
PRESERVE AREA	122,403	2.81	33.21%
LANDSCAPE BUFFERS	30,210	0.69	8.20%
COURTYARD	18,617	0.43	5.05%
TOTAL PERVIOUS	**214,882**	**4.51**	**58.31%**
TOTAL	**368,517**	**8.03**	**100.00%**

PARKING DATA	**REQUIRED**	**PROVIDED**
EMPLOYEE & GUEST PARKING	61	
PAVED		62
GRASS		25
HANDICAP SPACES (INCLUDED IN TOTAL)	3	4
TOTAL	**61**	**87**

LEGAL DESCRIPTION

A PARCEL OF LAND BEING A PORTION OF LOTS 14 AND 15, LYING SOUTH OF INDIAN STREET AND LOTS 18 AND 19 AND A PORTION OF THE FORMER 60 FEET WIDE ROAD RIGHT-OF-WAY THROUGH AFORESAID LOTS ACCORDING TO THE PLAT OF STUART FARMS, AS RECORDED IN PLAT BOOK 1, PAGE 63, PUBLIC RECORDS OF MARTIN COUNTY, FLORIDA; SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE POINT OF INTERSECTION OF THE CENTERLINE OF STATE ROAD 76 AND THE CENTERLINE OF INDIAN STREET; THENCE NORTH 66°18'43" EAST, ALONG SAID CENTERLINE OF INDIAN STREET, A DISTANCE OF 47.42 FEET; THENCE SOUTH 23°41'17" EAST, A DISTANCE OF 50.00 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF INDIAN STREET; THENCE NORTH 66°18'43" EAST ALONG SAID SOUTH RIGHT-OF-WAY LINE, A DISTANCE OF 602.34 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE NORTH 66°18'43" EAST ALONG SAID SOUTH RIGHT-OF-WAY LINE, A DISTANCE OF 799.73 FEET; THENCE SOUTH 23°41'17" EAST DEPARTING SAID SOUTH RIGHT-OF-WAY, A DISTANCE OF 613.48 FEET; THENCE SOUTH 66°15'01" WEST, A DISTANCE OF 799.95 FEET; THENCE NORTH 23°40'04" WEST, A DISTANCE OF 614.34 FEET TO THE POINT OF BEGINNING.

CONTAINING 11.27 ACRES, MORE OR LESS.

SITE PLAN

0' 20' 40' 80' 120' 160'

Scale: 1" = 40'

North

Cotleur & Hearing
Landscape Architects
Land Planners
Environmental Consultants
1934 Commerce Lane
Suite 1
Jupiter, Florida 33458
561.747.6336 · Fax 747.1377
www.cotleurhearing.com
Lic# LC-C000239

CLARITY POINTE
Stuart, Florida

DESIGNED	DMS
DRAWN	MCR
APPROVED	DEH
JOB NUMBER	15-0206.07
DATE	08-26-16
REVISIONS	10-25-16

October 25, 2016 8:25:58 a.m.
Drawing: 150206.07 SP.DWG

SHEET 1 OF 2

© COTLEUR & HEARING, INC.
These drawings are the property of the architect and are not to be used for extensions or on other projects except by agreement in writing with the architect. Immediately report any discrepancies to the architect.

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INSTR # 2621887
OR BK 2909 PG 1646
(45 Pgs)
RECORDED 02/28/2017 12:37:02 PM
CAROLYN TIMMANN
MARTIN COUNTY CLERK

BEFORE THE CITY COMMISSION

CITY OF STUART, FLORIDA

ORDINANCE NUMBER 2340-2017

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, AMENDING THE RPUD KNOWN AS "VILLAGIO STUART", CONSISTING OF 11.27 ACRES, OWNED BY TREASURE COAST PROPERTIES, LLC, AND APPLIED FOR BY CP-STUART DEVELOPMENT LLC, LOCATED ON THE SOUTH SIDE OF SE INDIAN STREET APPROXIMATELY 580 FEET EAST OF THE INTERSECTION OF SE KANNER HIGHWAY AND SE INDIAN STREET, SAID PROPERTY BEING MORE FULLY DESCRIBED IN EXHIBIT "A" ATTACHED; FURTHER REPEALING ORDINANCE NUMBER 2042-05, AND ESTABLISHING THE CLARITY POINTE RESIDENTIAL PLANNED UNIT DEVELOPMENT (RPUD) CONSISTING OF AN 84 BED ASSISTED LIVING FACILITY WITH MEMORY CARE; AMENDING THE FUTURE LAND USE MAP OF THE CITY'S COMPREHENSIVE PLAN, THEREBY CHANGING THE FUTURE LAND USE DESIGNATION FROM "MULTI-FAMILY RESIDENTIAL" TO "COMMERCIAL" FOR A 1.92 ACRE PORTION OF SAID PROPERTY; PROVIDING THAT SAID PROPERTY SHALL CONCURRENTLY REZONED FROM "RESIDENTIAL PLANNED UNIT DEVELOPMENT (RPUD)" TO "COMMERCIAL PLANNED UNIT DEVELOPMENT (CPUD)" ON THE CITY'S OFFICIAL ZONING MAP; APPROVING A MASTER DEVELOPMENT PLAN FOR THE OVERALL CLARITY POINTE PLANNED UNIT DEVELOPMENT (PUD); PROVIDING FOR DEVELOPMENT CONDITIONS; A TIMETABLE FOR DEVELOPMENT, DECLARING THE PLAN TO BE CONSISTENT WITH THE CITY'S COMPREHENSIVE PLAN; PROVIDING DIRECTIONS TO THE CITY CLERK; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

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Land Use: 254
Assisted Living

Description

An assisted living complex is a residential setting that provides either routine general protective oversight or assistance with activities necessary for independent living to persons with mental or physical limitations. The typical resident has difficulty managing in an independent living arrangement but does not require nursing home care. Its centralized services typically include dining, housekeeping, social and physical activities, medication administration, and communal transportation.

The complex commonly provides separate living quarters for each resident. Alzheimer's and ALS care are commonly offered at an assisted living facility. Living quarters for these patients may be located separately from the other residents.

Assisted care commonly bridges the gap between independent living and a nursing home. In some areas of the country, an assisted living residence may be called personal care, residential care, or domiciliary care. Staff may be available at an assisted care facility 24 hours a day, but skilled medical care—which is limited in nature—is not required. Congregate care facility (Land Use 253), continuing care retirement community (Land Use 255), and nursing home (Land Use 620) are related uses.

Additional Data

The technical appendices provide supporting information on time-of-day distributions for this land use. The appendices can be accessed through either the ITETripGen web app or the trip generation resource page on the ITE website (https://www.ite.org/technical-resources/topics/trip-and-parking-generation/).

The sites were surveyed in the 1980s, the 1990s, the 2000s, and the 2010s in Connecticut, New Jersey, New York, Oregon, Pennsylvania, Tennessee, Texas, and Utah.

Source Numbers

244, 573, 581, 611, 725, 876, 877, 912, 1016, 1029

Assisted Living
(254)

Vehicle Trip Ends vs: Beds
On a: Weekday

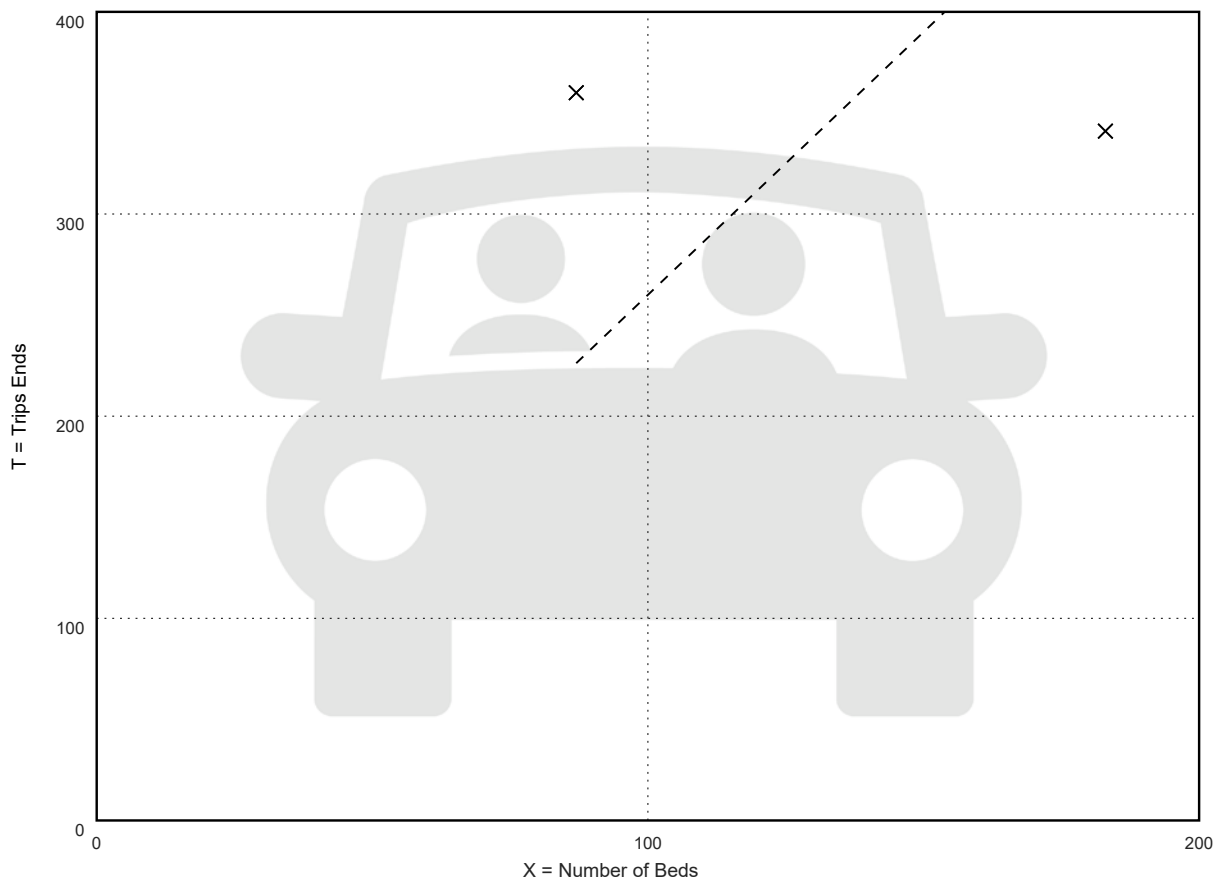
Setting/Location: General Urban/Suburban
Number of Studies: 2
Avg. Num. of Beds: 135
Directional Distribution: 50% entering, 50% exiting

Vehicle Trip Generation per Bed

Average Rate	Range of Rates	Standard Deviation
2.60	1.86 - 4.14	***

Data Plot and Equation

Caution – Small Sample Size



× **Study Site**

– – – – – **Average Rate**

Fitted Curve Equation: Not Given

R^2= *

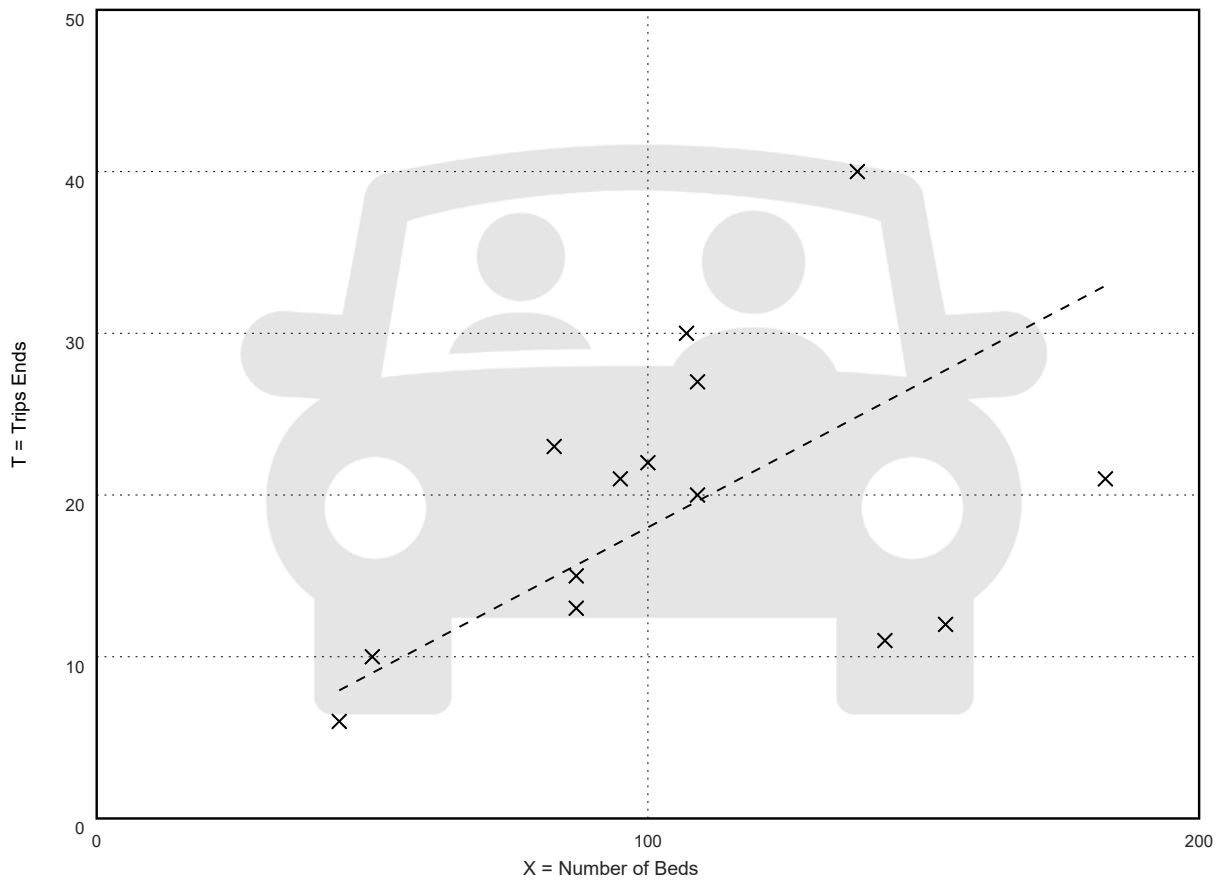
Assisted Living
(254)

Vehicle Trip Ends vs: Beds
On a: Weekday,
Peak Hour of Adjacent Street Traffic,
One Hour Between 7 and 9 a.m.
Setting/Location: General Urban/Suburban
Number of Studies: 14
Avg. Num. of Beds: 106
Directional Distribution: 60% entering, 40% exiting

Vehicle Trip Generation per Bed

Average Rate	Range of Rates	Standard Deviation
0.18	0.08 - 0.29	0.08

Data Plot and Equation



× **Study Site**

– – – – – **Average Rate**

Fitted Curve Equation: Not Given

R^2= ***

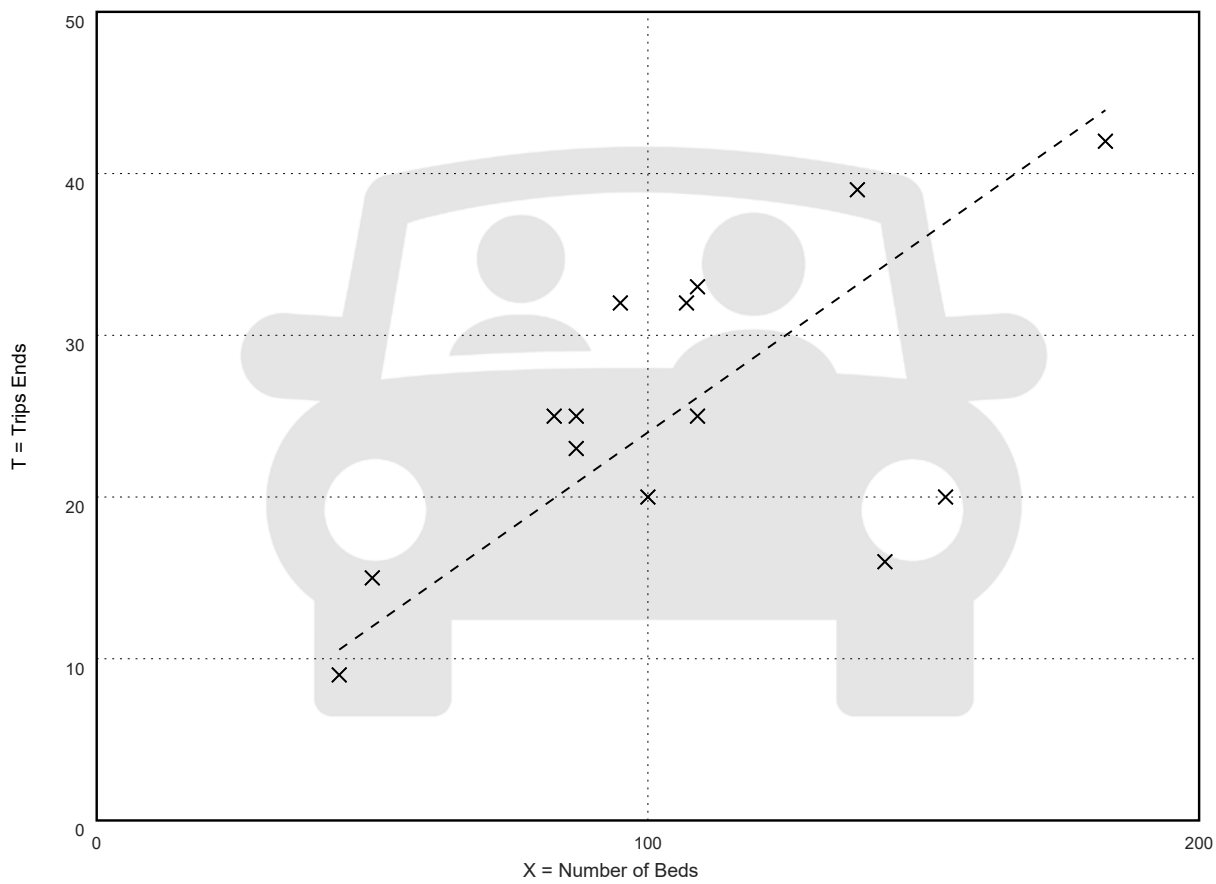
Assisted Living
(254)

Vehicle Trip Ends vs: Beds
On a: Weekday,
Peak Hour of Adjacent Street Traffic,
One Hour Between 4 and 6 p.m.
Setting/Location: General Urban/Suburban
Number of Studies: 14
Avg. Num. of Beds: 106
Directional Distribution: 39% entering, 61% exiting

Vehicle Trip Generation per Bed

Average Rate	Range of Rates	Standard Deviation
0.24	0.11 - 0.34	0.07

Data Plot and Equation



× **Study Site**

– – – – – **Average Rate**

Fitted Curve Equation: Not Given

R^2= ***

LOCATION MAP
NOT TO SCALE

SCALE = 1" = 40'

LEGAL DESCRIPTION:(PER NEXGEN)
PARCEL 1: LOT 1 CLARITY POINTE ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 17 PAGE 68 PUBLIC RECORDS MARTIN COUNTY FLORIDA (RPUD TRACT) PARCEL 2: COMMON AREA - UPLAND PRESERVE TRACT, LAKE TRACT, ACCESS TRACT - CLARITY POINTE ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 17 PAGE 68 PUBLIC RECORDS MARTIN COUNTY FLORIDA

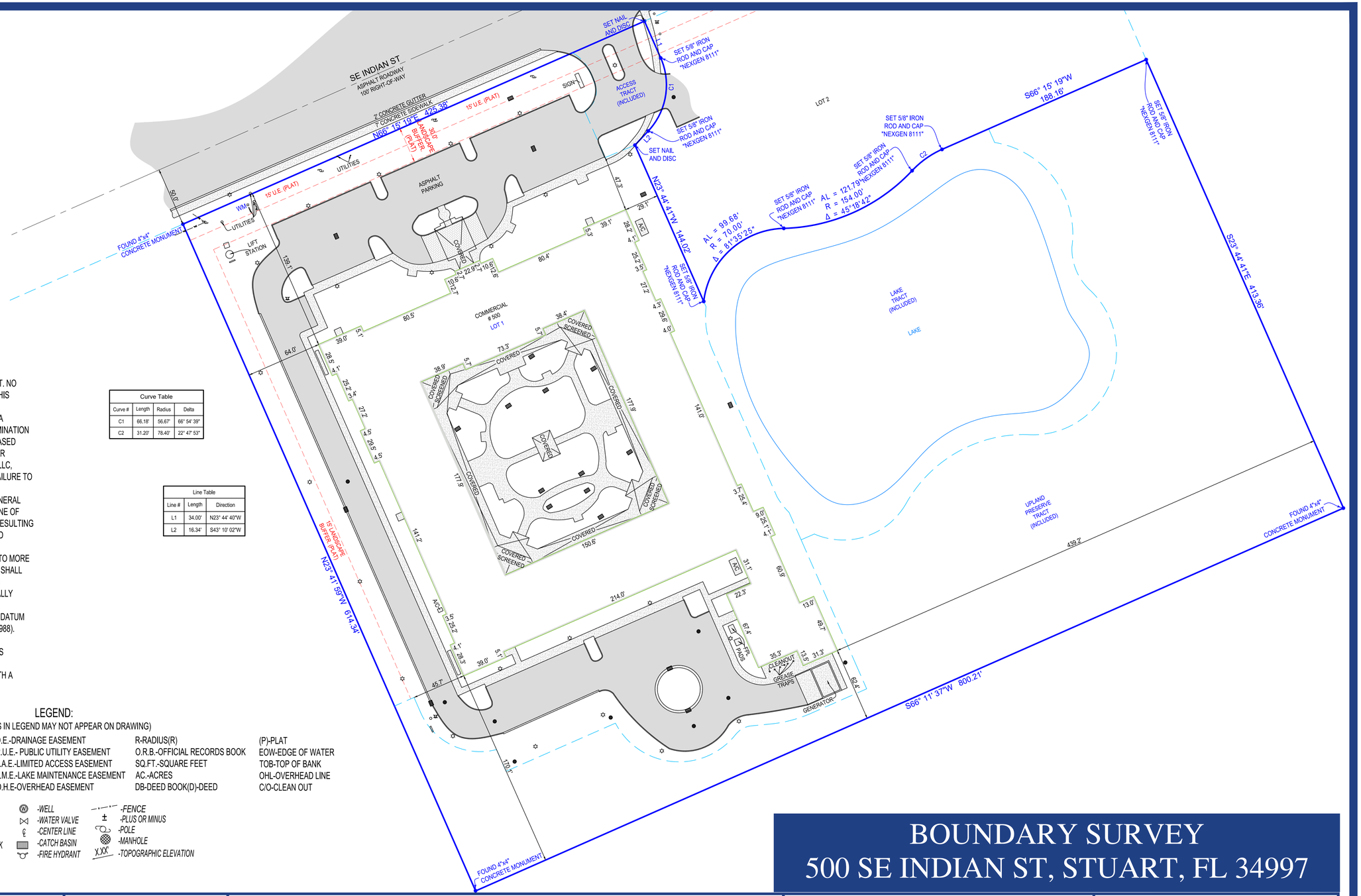
CERTIFIED TO:
JASON ACKNER

FLOOD ZONE:
12085C0161H
ZONE: X
EFF: 02/19/2020

GENERAL NOTES:
1) THIS SURVEY IS BASED UPON RECORD INFORMATION BY CLIENT. NO SPECIFIC SEARCH OF THE PUBLIC RECORD HAS BEEN MADE BY THIS OFFICE UNLESS OTHERWISE NOTED.
2) IF THIS SURVEY HAS BEEN PREPARED FOR THE PURPOSES OF A MORTGAGE TRANSACTION, ITS SCOPE IS LIMITED TO THE DETERMINATION OF TITLE DEFICIENCIES. NO FUTURE CONSTRUCTION SHALL BE BASED UPON THIS SURVEY WITHOUT FIRST OBTAINING APPROVAL AND/OR UPDATES FROM NEXGEN SURVEYING, LLC. NEXGEN SURVEYING, LLC, ASSUMES NO RESPONSIBILITY FOR ERRORS RESULTING FROM FAILURE TO ADHERE TO THIS CLAUSE.
3) ANY FENCES SHOWN HEREON ARE ILLUSTRATIVE OF THEIR GENERAL POSITION ONLY. FENCE TIES SHOWN ARE TO GENERAL CENTERLINE OF FENCE. THIS OFFICE WILL NOT BE RESPONSIBLE FOR DAMAGES RESULTING SOLELY ON THEIR PHYSICAL RELATIONSHIP TO THE MONUMENTED BOUNDARY LINES.
4) GRAPHIC REPRESENTATIONS MAY HAVE BEEN EXAGGERATED TO MORE CLEARLY ILLUSTRATE MEASURED RELATIONSHIPS - DIMENSIONS SHALL HAVE PRECEDENCE OVER SCALED POSITIONS. 5) UNDERGROUND IMPROVEMENTS HAVE NOT BEEN LOCATED EXCEPT AS SPECIFICALLY SHOWN.
6) ELEVATIONS ARE BASED UPON NATIONAL GEODETIC VERTICAL DATUM (N.G.V.D. 1929) OR NORTH AMERICAN VERTICAL DATUM (N.A.V.D. 1988).
7) ALL BOUNDARY AND CONTROL DIMENSIONS SHOWN ARE FIELD MEASURED AND CORRESPOND TO RECORD INFORMATION UNLESS SPECIFICALLY NOTED OTHERWISE.
8) CORNERS SHOWN AS "SET" ARE 5/8" IRON RODS IDENTIFIED WITH A PLASTIC CAP MARKED LS (LICENSED SURVEYOR)

Curve Table			
Curve #	Length	Radius	Delta
C1	66.18'	56.67'	66° 54' 39"
C2	31.20'	78.40'	22° 47' 53"

Line Table		
Line #	Length	Direction
L1	34.00'	N23° 44' 40"W
L2	16.34'	S43° 10' 02"W



LEGEND:
(SOME ITEMS IN LEGEND MAY NOT APPEAR ON DRAWING)

A/C-AIR CONDITIONER	P.O.B.-POINT OF BEGINNING	D.E.-DRAINAGE EASEMENT	R-RADIUS(R)	(P)-PLAT
WM-WATER METER	P.O.C.-POINT OF COMMENCEMENT	P.U.E.- PUBLIC UTILITY EASEMENT	O.R.B.-OFFICIAL RECORDS BOOK	EOW-EDGE OF WATER
AL- ARC LENGTH	P.B.-PLAT BOOK	L.A.E.-LIMITED ACCESS EASEMENT	SQ.FT.-SQUARE FEET	TOB-TOP OF BANK
(C)-CALCULATED	PG-PAGE	L.M.E.-LAKE MAINTENANCE EASEMENT	AC.-ACRES	OHL-OVERHEAD LINE
(M)-MEASURED	U.E.-UTILITY EASEMENT	O.H.E-OVERHEAD EASEMENT	DB-DEED BOOK(D)-DEED	C/O-CLEAN OUT

ELEV-ELEVATION	-LIGHT POLE	# -NUMBER	-WELL	-FENCE
FF-FINISHED FLOOR		-ASPHALT	-WATER VALVE	± -PLUS OR MINUS
LS-LICENSED SURVEYOR		-CONCRETE	-CENTER LINE	-POLE
LB-LICENSED BUSINESS		-PAVER/BRICK	-CATCH BASIN	-MANHOLE
PSM-PROFESSIONAL SURVEYOR & MAPPER		-WOOD	-FIRE HYDRANT	X.XX -TOPOGRAPHIC ELEVATION

BOUNDARY SURVEY
500 SE INDIAN ST, STUART, FL 34997

SURVEY NOTES:
- NO NOTABLE CONDITIONS FOUND

FIELD DATE: 2-9-2024
DRAWN BY: KG
ORDER NO:233671
REVISIONS:

1547 PROSPERITY FARMS ROAD
WEST PALM BEACH, FL 33403
NexgenSurveying.com LB#8111
PHONE: 561.508.6272
FAX: 561.508.6309
NEXGEN SURVEYING, LLC.

I HEREBY CERTIFY THAT THIS SURVEY MEETS OR EXCEEDS THE STANDARDS OF PRACTICE SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS PER CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES.

THE SEAL APPEARING ON THIS DOCUMENT WAS AUTHORIZED BY CLYDE O. MCNEAL PSM 2883 ON 2/13/2024

CITY OF STUART, FLORIDA
AGENDA ITEM REQUEST
Local Planning Agency

Meeting Date: 3/14/2024 **Prepared by:** Jodi Nentwick

Title of Item:
CLARITY POINTE PUD - REZONE FROM THE CITY OF STUART OFFICIAL ZONING ATLAS FROM RESIDENTIAL PLANNED DEVELOPMENT (RPUD) TO THE MIXED-USE PLANNED UNIT DEVELOPMENT (MXPUD) ZONING DESIGNATION LOCATED AT 500 SE INDIAN STREET (QJ)(RC):

ORDINANCE No. 2530-2024; AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, REQUESTING TO REZONE FROM THE CITY OF STUART OFFICIAL ZONING ATLAS FROM RESIDENTIAL PLANNED UNIT DEVELOPMENT (RPUD) TO THE MIXED-USE PLANNED UNIT DEVELOPMENT (MXPUD) DESIGNATION FOR APPROXIMATELY 9.46 ACRE PARCELS OF LAND LOCATED ON THE SOUTH SIDE OF SE INDIAN STREET AND APPROXIMATELY 540 FEET EAST OF KANNER HIGHWAY, TO CONVERT THE EXISTING 84-BED ASSISTED LIVING FACILITY (ALF) WITH MEMORY CARE KNOWN AS CLARITY POINTE TO ALLOW FOR AN INPATIENT PRIMARY MENTAL HEALTH AND RESIDENTIAL DRUG AND ALCOHOL FACILITY WITH MEDICAL DETOX; PROVIDING FOR MASTER SITE PLAN APPROVAL; 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 OTHER PURPOSES.

Summary Explanation/Background Information on Agenda Request:

Connor Kennedy, with Engineering Design & Construction, Inc., applied on behalf of the applicant, Jason Ackner, requesting to rezone from a designated Residential Planned Unit Development (RPUD) to a Mixed-Use Planned Unit Development (MXPUD) zoning designation known as Clarity Pointe PUD. The proposal encompasses 9.46 acres of the overall 11.27-acre master development. The site was developed under Ordinance Number 2340-2017, for primary use of an 84-bed assisted living facility with memory care.

The petition requesting a Small-Scale Future Land Use Amendment from the Multi-Family Residential (MF/RES) District to a Commercial (COMM) District to align with an inpatient rehabilitation facility located at 500 SE Indian Street situated on the south side of SE Indian Street, approximately 580 feet east of the intersection of SE Kanner Highway and SE Indian Street.

Funding Source:
N/A

Recommended Action:
Staff is seeking guidance from the Local Planning Agency to forward a recommendation to the City Commission.

ATTACHMENTS:
1. LPA Staff Report - Clarity Pointe MXPUD

2. Rezone Narrative
3. Rezone Application
4. Ackner Site Plan (Proposed)
5. Landscape Sufficiency Letter
6. Survey
7. Ordinance No. 2340-2017

City of Stuart

To: *Local Planning Agency (LPA)*

From: Jodi Nentwick-Kugler, Development Director

Date: Thursday, March 14, 2024

Project Name: Ackner – 500 SE Indian Street (*aka Clarity Pointe PUD*)

Application Type: Rezone to Mixed-Use Planned Unit Development (MXPUD)

Property Owner:	**Applicant:**
CP Stuart Development I, LLC 4300 Legendary Drive, Suite 234 Destin, FL 32541	Jason Ackner Perseverance Recovery Center, LLC 318 U.S. Highway 1, Suite 200 Jupiter, FL 33477

Agent of Record: Connor Kennedy
Engineering Design & Construction, Inc
10250 SW Village Parkway, Suite 201
Port Saint Lucie, FL 34987

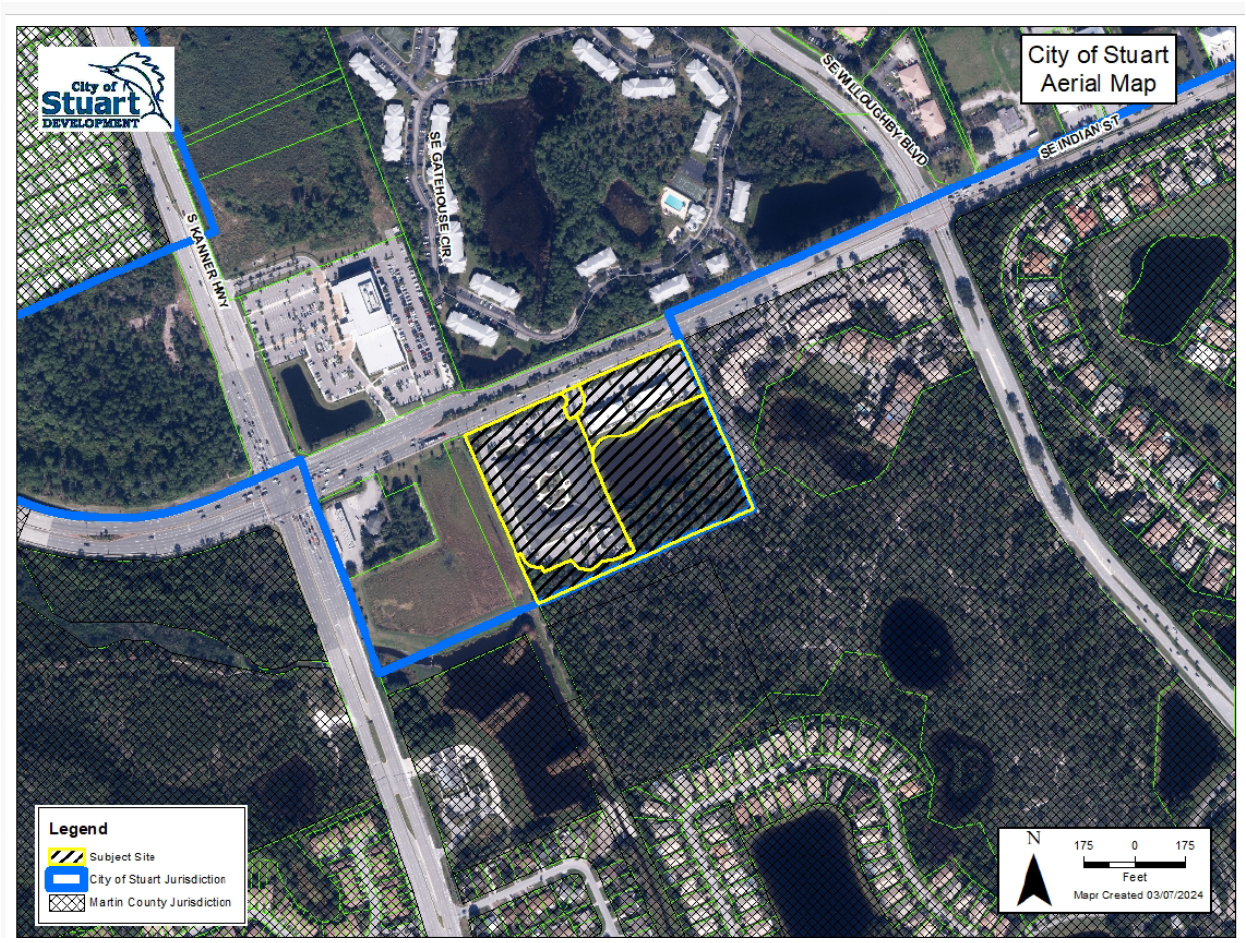
GENERAL INFORMATION	
Location Address:	500 SE Indian Street
Parcel I.D. No.:	40-38-41-010-000-00010-0 *(4.67-acres)* 40-38-41-010-000-00001-0 *(4.79-acres)*
Parcel Size:	9.46-Acres
Existing Zoning:	Residential Planned Unit Development *(RPUD)*
Proposed Zoning:	*Mixed-Use Commercial Planned Unit Development (CPUD)*
Existing Land Use:	Multi-Family Residential (MF/RES) District
Proposed Land Use:	*Commercial (COMM)*
Existing Use:	84-bed Assisted Living Facility (ALF) with memory care
Proposed Use:	*140-bed Inpatient Mental Health, Drug,* *and Alcohol Rehabilitation Facility with Medical Detox*

A. PROJECT DESCRIPTION

The applicant submitted a petition requesting approval of a rezoning from the existing Residential Planned Unit Development (RPUD) for a Mixed-Use Planned Unit Development (MXPPUD) with a concurrent site plan to incorporate a 9.46-acre parcel within the overall 11.27-acre Clarity Pointe PUD, as authorized the City Commission via Ordinance 2340-2017, to convert the former 84-bed Assisted Living Facility with memory care to allow for inpatient mental health and 140-bed residential drug, and alcohol rehabilitation facility with medical detox. The subject property is located at 500 SE Indian Street situated on the south side of SE Indian Street, approximately 580 feet east of the intersection of SE Kanner Highway and SE Indian Street.

The petition requesting a Small-Scale Future Land Use Amendment from the Multi-Family Residential (MF/RES) District to a Commercial (COMM) District to align with an inpatient rehabilitation facility located at 500 SE Indian Street situated on the south side of SE Indian Street, approximately 580 feet east of the intersection of SE Kanner Highway and SE Indian Street.

AERIAL LOCATION MAP



B. PROJECT BACKGROUND

Connor Kennedy, with Engineering Design & Construction, Inc., applied on behalf of the applicant, Jason Ackner requesting to rezone from designated a Residential Planned Unit Development (RPUD) to a Mixed-Use Planned Unit Development (MXPUD) zoning designation known as Clarity Pointe PUD. The proposal encompasses 9.46 acres of the overall 11.27-acre master development. The site was developed under Ordinance Number 2340-2017, for primary use for an 84-bed assisted living facility with memory care.

Development History:

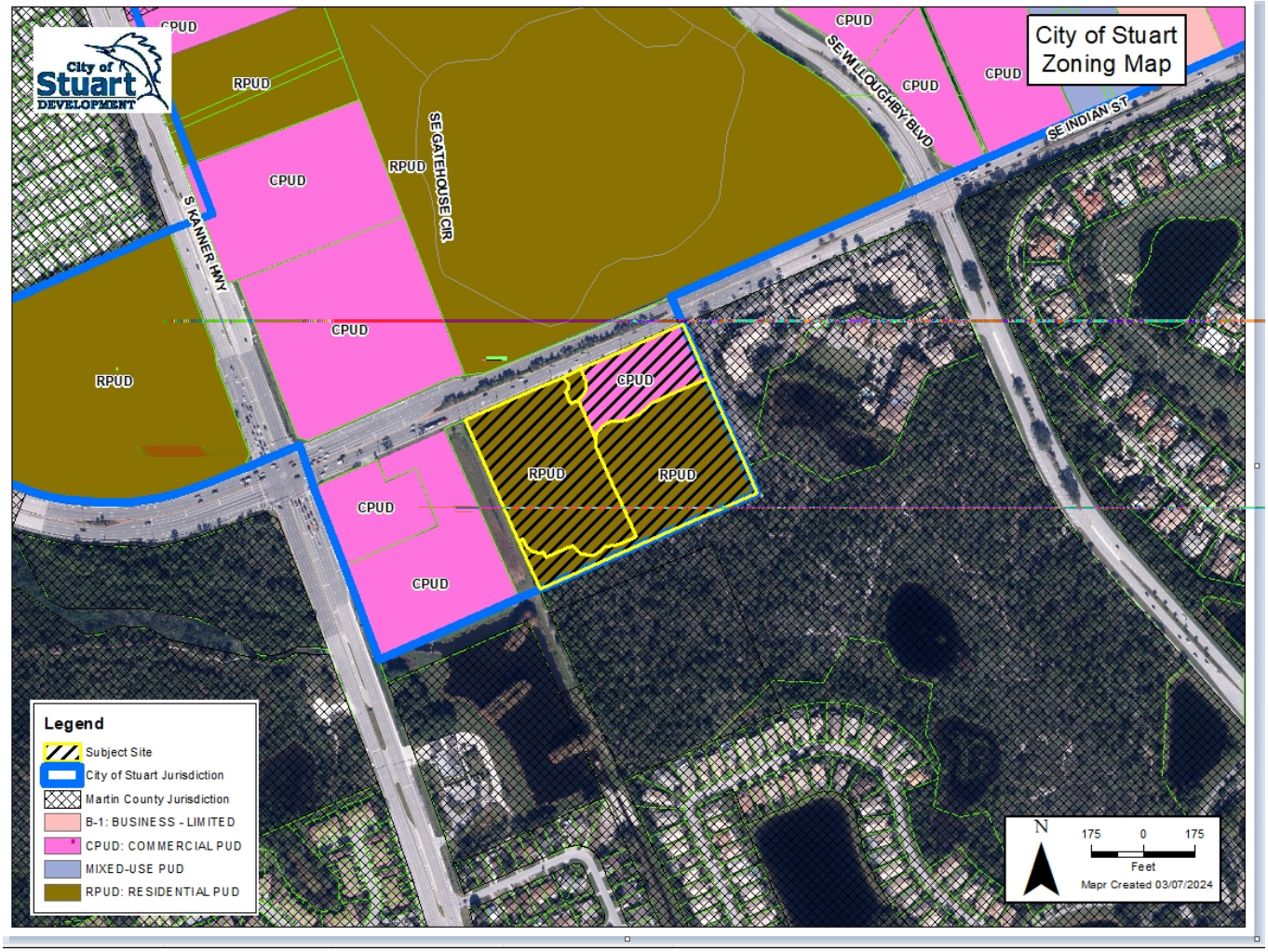
In 2017, Clarity Pointe PUD consisting of 11.27-acre was approved by Ordinance Number 2340-2017, to activate and amend the expired Villagio Stuart RPUD with a master site plan to develop a one-story 96,713 square foot 84-bed Assisted Living Facility (ALF) with memory care and create a 1.92-acre commercial out parcel as part of the overall 11.27-acres. Additionally, the 1.92-acre out parcel was assigned a Commercial (COMM) future land use category and rezoned the RPUD to the CPUD. The overall PUD will be known as Clarity Pointe PUD and will consist of a 1.27-acre lake in the center of the property and 2.81 acres of preserved area. The 1.92-acre out parcel will front SE Indian Street and propose retail uses.

In 2018, Clarity Pointe PUD was approved by Ordinance Number 2369-2018, for a Major Amendment to the CPUD Master Site Plan for the 1.92-acre commercial out parcel to construct two (2) 8,000 square foot buildings of leasable office and general commercial space.

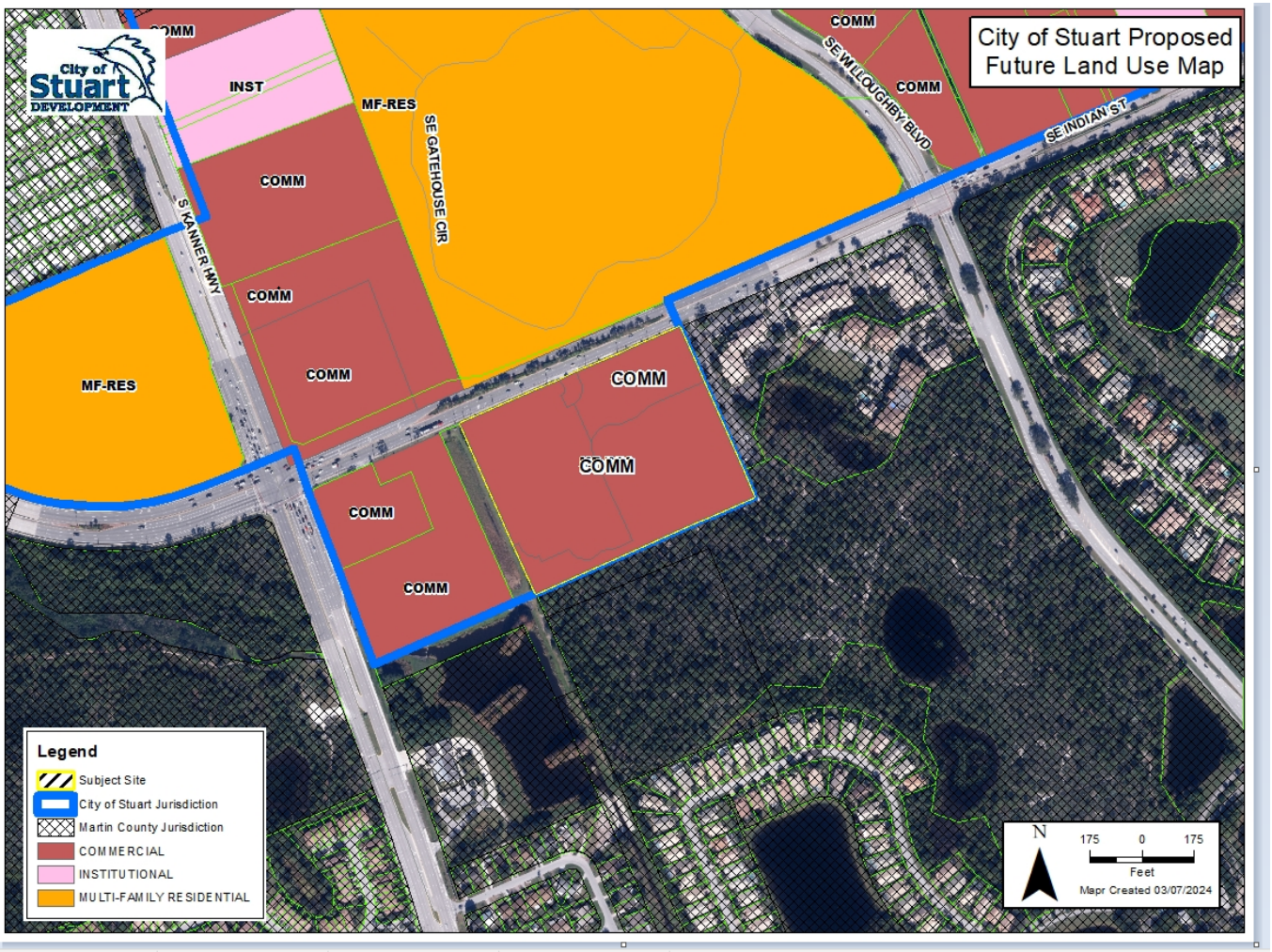
- Annexed into the City of Stuart and assigned to the Commercial *(COMM)* Future Land Use category in 1997.
- *Ordinance No. 1984-04,* the City Commission approved amending the Commercial (COMM) future use designation to Multifamily Residential *(MF/RES)* for an 11.27-acre property.
- *Ordinance 2042-05,* the City Commission establishing the Villagio Residential Planned Unit Development Residential Planned Unit Development (RPUD) to construct a 66 multi-family dwelling unit development.
- *Ordinance 2344-2017,* the City Commission approved the abandonment of the 40-foot right-of-way within the Clarity Pointe PUD.
- *Resolution No. 06-2018,* the City Commission approved the plat for *Clarity Pointe PUD* and recorded with the Martin County Clerk of Courts, Book 17, Page 1 of 2.

C. ZONING & FUTURE LAND USE MAPS

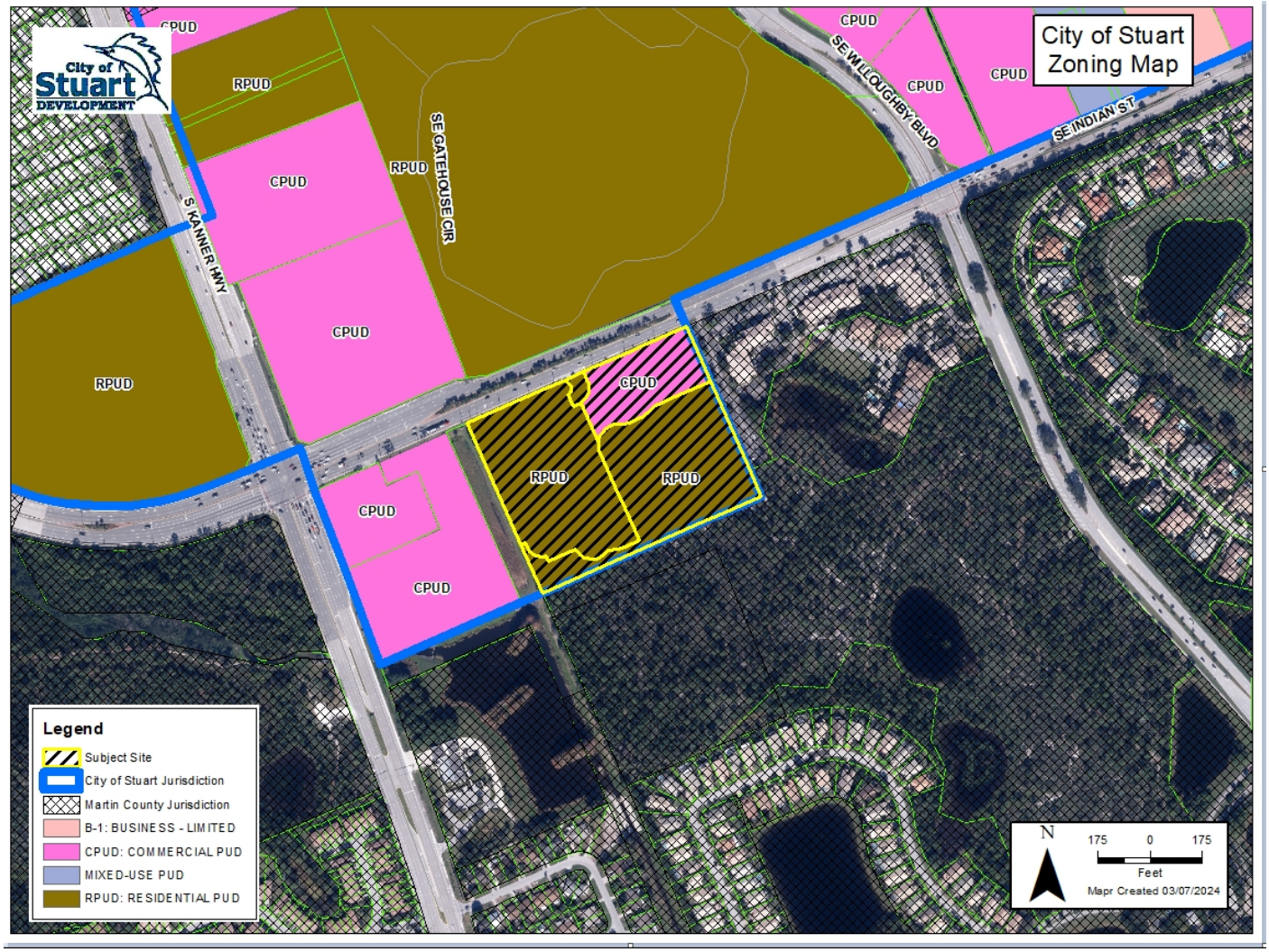
EXISTING LAND USE



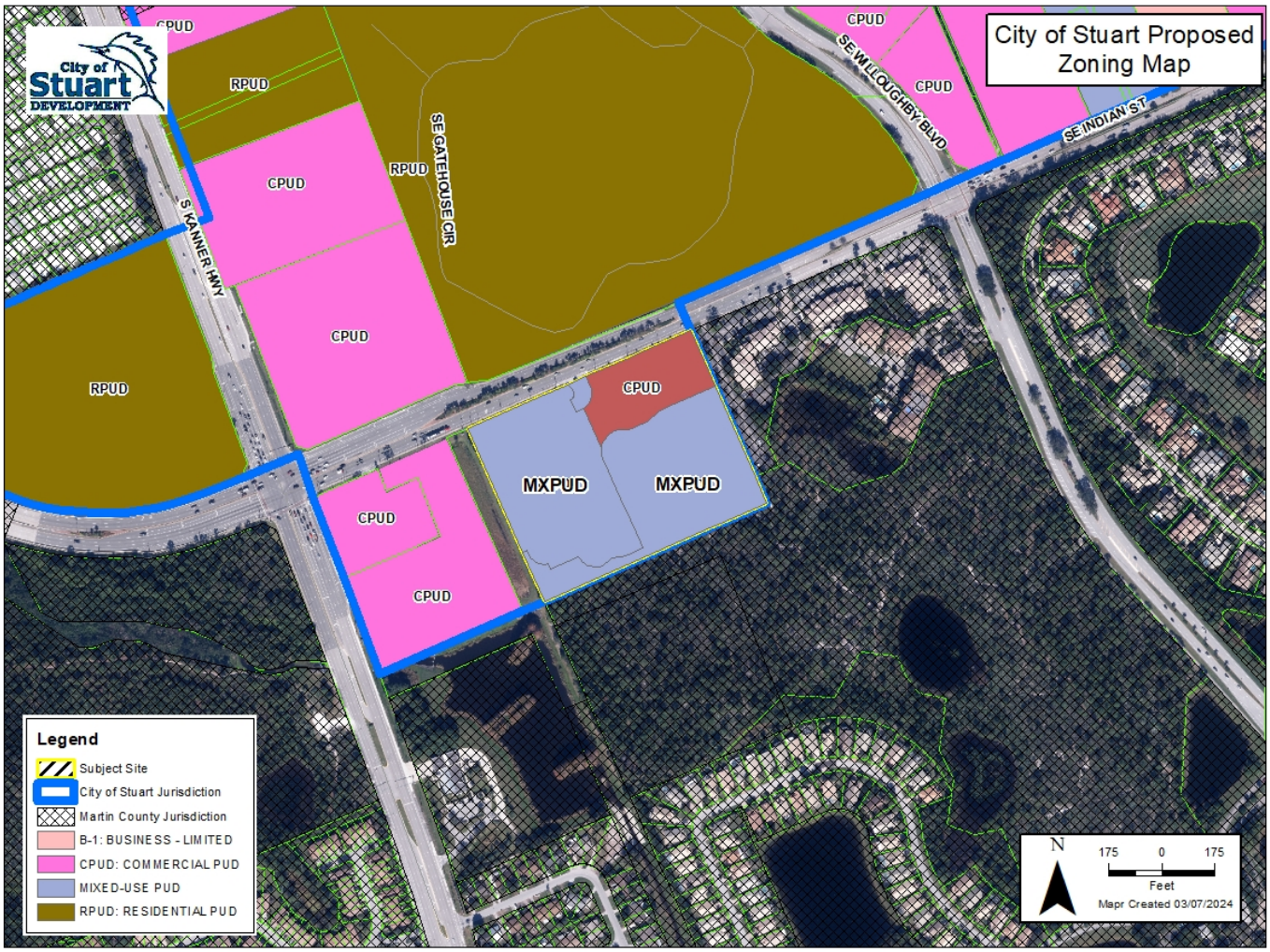
PROPOSED LAND USE



EXISTING ZONING



PROPOSED ZONING



D. LAND DEVELOPMENT CODE COMPLIANCE REVIEW

Any Major Amendment to a previously adopted Planned Unit Development *(PUD)* Zoning Ordinance, including conditions, agreements, covenants, maps, and illustrations shall be processed as if the proposed amendment is a new Rezoning application, according to the City of Stuart Land Development Code *(LDC)* Section 11.01.09 – Planned Unit Development Application.

Per the LDC Section 11.01.09 – Zoning Map Change Application Including PUD, the Local Planning Agency *(LPA)* shall be tasked with reviewing a Major PUD Amendment and providing an advisory recommendation to the City Commission. The LPA shall consider the application, written comments of each responding city department, consultant, or agency, as well as the compliance recommendation of the Development Department. Specifically, the LPA shall consider the following criteria:

A. The existing land use pattern.

Staff Findings: The adjacent Commercial (COMM) is part of the overall unified development with compatible uses under the previously approved PUD. The proposed Amendment of the Official Zoning Atlas is not in conflict with the applicable provisions of the Land Development Code, Comprehensive Plan, and Planned Unit Development Regulations.

ADJACENT LAND USE & ZONING:

Location		Zoning District	Future Land Use	Existing Land Use
Subject Property		***Residential Planned Unit Development (RPUD)***	***Multi-Family Residential (MF/RES)***	***Formal Assisted Living Facility (Clarity Pointe RPUD)***
Adjacent Parcels	**North**	Residential Planned Unit Development *(RPUD)*	Multi-Family Residential *(MF/RES)*	The Crossings Multi-Family Residential Development
	South	PUD-R *(Residential)* ***(Martin County Jurisdiction)***	Low Density-up to 5 UPA ***(Martin County Jurisdiction)***	Undeveloped / Vacant
	East	Commercial Planned Unit Development *(CPUD)*	Commercial *(COMM)*	Palmetto Edge Shopping Center
	West	Commercial Planned Unit Development *(CPUD)*	Commercial *(COMM)*	5-acre Drainage Tract

<u>City of Stuart Comprehensive Plan – Future Land Use Element</u>

Objective 1.A7 – Future Land Use Categories:

Commercial: *Land uses and activities predominately connected with the sale, rental, and distribution of products or performance of professional and non-professional services. Includes retail sales, service establishments, businesses, professional and other offices, shopping centers, financial institutions, restaurants, entertainment, hotels, motels,* ***<u>and other temporary lodging</u>****. A limited amount of Multi-Family Residential and indoor industrial use is allowed. Mixed-use projects are allowed. Also, public facilities and electric distribution substations are allowed.*

Martin County Comprehensive Plan – Future Land Use Element

Policy 4.13A.7 – Residential Development:

Low-density residential development. *The Low-Density Residential designation is reserved for land in the Primary Urban Service District. Densities shall not exceed five units per gross acre. In reviewing specific densities, the aim shall be to preserve the stability and integrity of established residential development and provide equitable treatment to lands sharing similar characteristics. Landscaping, screening, buffering, and similar design techniques shall be used to ensure a smooth transition between residential structure types and densities.*

Policy 4.13A.8 – Commercial Development:

Commercial Office/Residential Development (COR): *Martin County shall establish policies and criteria to guide mixed-use development. Commercial Office/Residential development shall be allocated to accessible sites adjacent to major thoroughfares. It shall also serve as a transitional use separating more intensive commercial uses from residential development. Office and residential development may be allocated along the outer fringe of core commercial areas where such development may encourage reinvestment in declining residential areas adjacent to commercial core areas. The COR future land use designation shall also be allocated to areas appropriately suited for Traditional Neighborhood Development, described under Goal 4.3. The development provisions for the standard COR zoning districts and the PUD zoning district are expressed below:*

B. The possible creation of an isolated zoning district unrelated to adjacent and nearby districts.

Staff Findings: The requested rezone will not create an isolated zoning district to the adjacent and nearby districts.

C. The population density pattern of the area and possible increase or overtaxing of the load on public facilities such as schools, utilities, and streets.

Staff Findings: The proposed rezoning will decrease the population density pattern and is not anticipated to increase the load on public facilities, such as schools, utilities, and streets. The proposed use is considered temporary lodging in nature as opposed to assisted living facilities are considered permanent residences for the elderly population.

C. The possible overloading of the city's sewage collection, treatment, and disposal facilities.

Staff Findings: The existing infrastructure was reviewed by the City of Stuart Public Works Department which has determined the City of Stuart Public Works the sewage collection, treatment, and disposal facilities are adequate.

D. The possible overloading of the city's drainage system.

Staff Findings: The existing drainage is constructed and was reviewed by Public Works which has determined the subject site's drainage is constructed and Public Works which has determined the drainage is adequate.

E. The existing district boundaries in relation to existing conditions on the subject property.

Staff Findings: As stated in the narrative dated February 6, 2024, the applicant intends to convert the former 84-bed assisted facility into an inpatient mental health, drug, and alcohol rehabilitation facility with medical detox.

F. The existence of changed or changing conditions that make the passage of the proposed amendment necessary or appropriate.

Staff Findings: The existing classification boundaries are compatible in relation to the existing conditions on the subject property.

H. The impact of the proposed amendment upon living conditions in the adjacent neighborhood.

Staff Findings: The proposed amendment is not anticipated to impact the adjacent neighborhood. The residential communities near the commercial portion of the site consist of the Crossing at Indian Run, Willoughby Crossroads, and Willoughby Golf Club. The Willoughby Crossroads is the most impacted but is already within a mixed-use development. The Crossings at Indian Run is buffered by a robust 30-foot opaque landscape buffer on the property along Indian Street, and the Indian Street right-of-way, as well as a preserve and retention area on the residential property. The Willoughby Golf Club is buffered not only by the site's 2.81-acre preserve area but is owned extensively by residential communities.

I. The impact of the amendment upon the flow of light and air to adjacent areas.

Staff Findings: The rezoning is not anticipated to impact the adjacent neighborhood. The residential communities near the commercial portion of the site consist of the Crossing at Indian Run, Willoughby Crossroads, and Willoughby Golf Club. The Willoughby Crossroads is the most impacted but is already within a mixed-use development. The Crossings at Indian Run is buffered by a robust 30-foot opaque landscape buffer on the property along Indian Street, and the Indian Street right-of-way, as well as a preserve and retention area on the residential property. The Willoughby Golf Club is buffered not only by the site's 2.81-acre preserve area but is owned extensively by residential communities.

j. The impact of the proposed amendment upon property values in the adjacent area.

Staff Findings: The proposed rezoning is not anticipated to impact the property values within the adjacent area.

k. The impact of the proposed amendment upon improvement or development of adjacent property in accordance with existing regulations.

Staff Findings: The adjacent properties situated to the north, east, and south of the subject parcel are currently developed and include a variety of existing commercial uses. The properties to the west are also developed as an existing single-family neighborhood and private golf course known as Willoughby Gold Club.

l. The existence of other adequate sites in the city for the proposed use in districts already permitting such use.

Staff Findings: The subject property is within a half-mile radius of an existing 80-bed inpatient mental health facility and assigned a commercial land use category with mixed-use planned unit development zoning designation.

E. COMPREHENSIVE PLAN REVIEW

The Clarity Pointe PUD request to Rezone to Official Zoning Map Atlas has been reviewed per the following Goals, Objectives, and Policies outlined within the City of Stuart Comprehensive Plan:

ELEMENT 1 - FUTURE LAND USE ELEMENT

Policy 1.A3.2: *The City's Future Land Use Map and land development regulations shall direct development to areas where adequate utilities, services, and schools exist or are planned in order to protect natural resources.*

Policy 1.A3.3: *The City shall designate and protect environmentally sensitive lands including viable and functioning wetlands as determined by the SFWMD and native vegetative communities that provide wildlife habitat for listed species. Protection measures will include performance standards regulating land use, public access, marina siting and activities, wetlands, shoreland alteration and seawalls, treatment of stormwater runoff, mangrove protection, and provisions for developers to preserve environmentally sensitive land, including transfer of development rights and density bonuses.*

Policy 1.A5.1: *The Future Land Use Element of the City's adopted Comprehensive Plan shall provide land for future residential use to promote a more compact development pattern. This shall include sufficient land suitable for the public utility facilities needed to support the projected level and pattern of development.*

Policy 1.A5.3: *Wherever possible, medium-density residential and recreation/open space areas should serve as buffers between higher and lower-intensity residential uses to achieve an orderly land use transition.*

Objective 1.A7 – Future Land Use Categories: *The future land use categories defined below provide general descriptions intended to encompass all present and future land uses in the City of Stuart. The "Table of Land Use Densities and Intensities" provides specific density and intensity measures that shall establish the maximum density and intensity allowed in each land use category. The Future Land Use Map establishes the optimum, overall*

distribution of land uses as well as can be established on a City-wide basis. Neither these policies nor the Future Land Use Map shall be construed to mean that every parcel in a designated area is suitable for the designated use. Other plan objectives and policies will be applied to ensure that any proposed development will be suitable for the particular site. Similarly, the Future Land Use Map does not assure the landowner the right to the most intense use allowable under the designated future land use category. The City shall have the discretion to decide that the permitted land use shall be more limited than the maximum allowable under the future land use category; provided, that the City shall approve some development that is consistent with the City's plan.

Policy 1.A7.1: The City of Stuart has designated the following land use categories and allowed uses for all land within the City of Stuart:

Commercial: *Land uses and activities predominately connected with the sale, rental, and distribution of products or performance of professional and non-professional services. Includes retail sales, service establishments, businesses, professional and other offices, shopping centers, financial institutions, restaurants, entertainment, hotels, motels, and other temporary lodging. A limited amount of Multi-Family Residential and indoor industrial uses are allowed. Mixed-use projects are allowed. Also, public facilities and electric distribution substations are allowed.*

Objective 1.B1 – Compact Urban Form: *Discourage urban sprawl by facilitating urban redevelopment and infill development of properties and planning for urban infill and redevelopment of lands located within Stuart in order to achieve a compact urban form.*

Objective 1.B2 – Provision of Facilities and Services: *The Future Land Use Element shall establish land uses which can be served by existing and planned facilities and services. The plan shall achieve and maintain the level-of-service (LOS) standards adopted in the Capital Facilities Element and shall provide sufficient land suitable for public facilities needed to support the projected level and pattern of development.*

F. LAND DEVELOPMENT CODE CONSISTENCY REVIEW

The City of Stuart's Land Development Code outlines where inpatient rehab facility use is permitted. However, the Mixed-Use PUD Zoning designation aligns with zoning designations where such use has historically been permitted within the City of Stuart. Furthermore, as shown in Sec. 2.01.03. – Table 1. of the City of Stuart Land Development Code, the Mixed-Use PUD (MXPUD) Zoning district is compatible with Commercial Future Land Use.
While the use will be changing, the building footprint will not. As such, this application complies with all relevant development standards of the City of Stuart Land Development Code.

Table 2.01.03.1 - ZONING DISTRICT/FUTURE LAND USE CATEGORY COMPATIBILITY

Implementing Zoning Districts

Future Land Use Category	R-1A	R-1	R-2	R-3	B-1	B-2	B-3	B-4	P	I	H	**PUD**	Urban District	East Stuart Neighborhood	S.E. Ocean Blvd.
Commercial					X	X	X	X				**CPUD IPUD MXPUD UP**			X

2.07.00. - DESIGNATION OF PLANNED UNIT DEVELOPMENT (PUD)

Purpose. The purpose of this section 2.07.00 is to provide an alternative means of residential, commercial, public service, and industrial land development and an alternative zoning procedure that may be used to establish residential, commercial, public service, and industrial planned unit development zoning districts at appropriate locations and in accordance with the planning and development objectives of the city.

A planned unit development (PUD) established according to the provisions of this section may depart from the strict application of use, setback, parking requirements, and other requirements of standard zoning districts. A PUD shall be consistent with the overall planning and development goals and objectives of the city as reflected by the City of Stuart Comprehensive Plan. The primary purpose of this section is to provide a set of zoning requirements as a starting point from which such flexibility may be accomplished while maintaining and protecting the public health, safety, and welfare of the citizens.

The second purpose of this section is to establish a resilient living and working environment through the application of enlightened and imaginative approaches to community planning, stormwater infrastructure, and property design. A PUD should provide a variety of natural features and scenic areas, efficient and economical land use, improved amenities, orderly and economic development, and the protection of adjacent existing and future development. Therefore, the PUD alternative may allow uses and design concepts which are not specifically allowed in standard zoning districts.

To the extent that any provisions of this section conflict with any other provisions of this Code, the provisions of this section shall prevail.

PUD defined. A PUD may be a residential planned unit development (RPUD), a commercial planned unit development (CPUD), a mixed-use planned unit development (MXPUD), an industrial planned unit development (IPUD), an urban planned unit development (UPUD), or a public service planned unit development (PSPUD). A PUD shall consist of land under unified control which may be planned and developed as a whole as a single development operation or as an approved programmed series of development operations by multiple developers. A typical PUD will include principal and accessory uses and structures substantially related to the character of the development itself and to the surrounding area of which it is a part.

As used above, "unified control" means that all land to be included within a PUD shall be owned or otherwise under the legal control of the person or legal entity which has applied for PUD district zoning. Such person or entity shall be legally capable of providing a commitment to the city that the PUD development will comply with all PUD documents, plans, standards, and conditions ultimately approved by the city.

A PUD district shall consist of the approved PUD classification and the regulations thereof set forth in this section 2.07.00, as well as any other documents specifically included within the PUD ordinance adopted by the city commission. The ordinance approving a PUD shall be deemed a zoning ordinance. The provisions of the PUD zoning ordinance shall replace all conflicting development regulations set forth in this Code which would otherwise apply to the development site. The PUD ordinance shall be recorded in the public records of Martin County. The PUD applicant shall also execute a PUD agreement that incorporates the terms and conditions that are set forth in the PUD ordinance.

The applicant may proceed with development only after a plat if required by the city commission, is recorded in the Martin County public records, and after certification by the city development director that the construction plans and other required documents substantially conform to all documents approved as part of the PUD ordinance. The applicant must produce evidence that would bind his successors in title to any commitments made upon approval of PUD.

2.07.00.H. - Mixed-use planned unit development (MXPUD) districts.

Location. An MXPUD may be located anywhere in the city in any area defined and described "office/residential," "multi-family residential," "commercial," "industrial," "institutional," "recreation," "downtown redevelopment," "East Stuart," "marine/industrial," or "neighborhood/special district," and "public," by the future land use element of the City of Stuart's Comprehensive Plan. and which is of suitable character and compatible with surrounding uses as determined by the city commission.

Uses permitted in an MXPUD district. The buildings, structures, land, or water within an MXPUD district are subject to the following requirements:

An MXPUD shall be any combination of two or more integrated residential, commercial, hospital, governmental, and light industrial uses, providing such uses are compatible with existing conforming uses on adjacent property as determined by the city commission.

Residential uses integrated into the MXPUD shall be designed to be compatible, and developed in combination, with any ***associated commercial****, retail,* ***medical,*** *governmental, and light industrial uses.*

- *Commercial uses not specifically set forth in any of the standard zoning categories, but which are*

compatible and of like nature and quality to those commercial uses permitted in B-1, B-2, B-3, and B-4 or R-3 zoning classifications are allowed, as determined by the city commission.

- *Industrial (high-impact) uses as identified in section 2.02.02., Table 2, of the Code may be permitted subject to a major conditional use approval as approved by the city commission.*
- *Governmental or other public uses as permitted by the city commission.*
- *Adult business uses or agricultural uses as specified in section 2.02.02, Table 2 are not permitted.*

CLARITY POINTE PUD - 2016 APPROVAL ANALYSIS (ORDINANCE NO. 2340-2017)

The existing Assisted Living Facility located on site will be converted to the proposed inpatient drug and alcohol rehabilitation facility. As previously stated, no new improvements are being proposed. **While the facility's bed count will increase from 84 to 140 beds, the building footprint is not being altered.** As such, this facility will remain consistent with the adopted levels of service for utilities and facilities as they are outlined in the Capital Improvements element of the City's Comprehensive Plan.

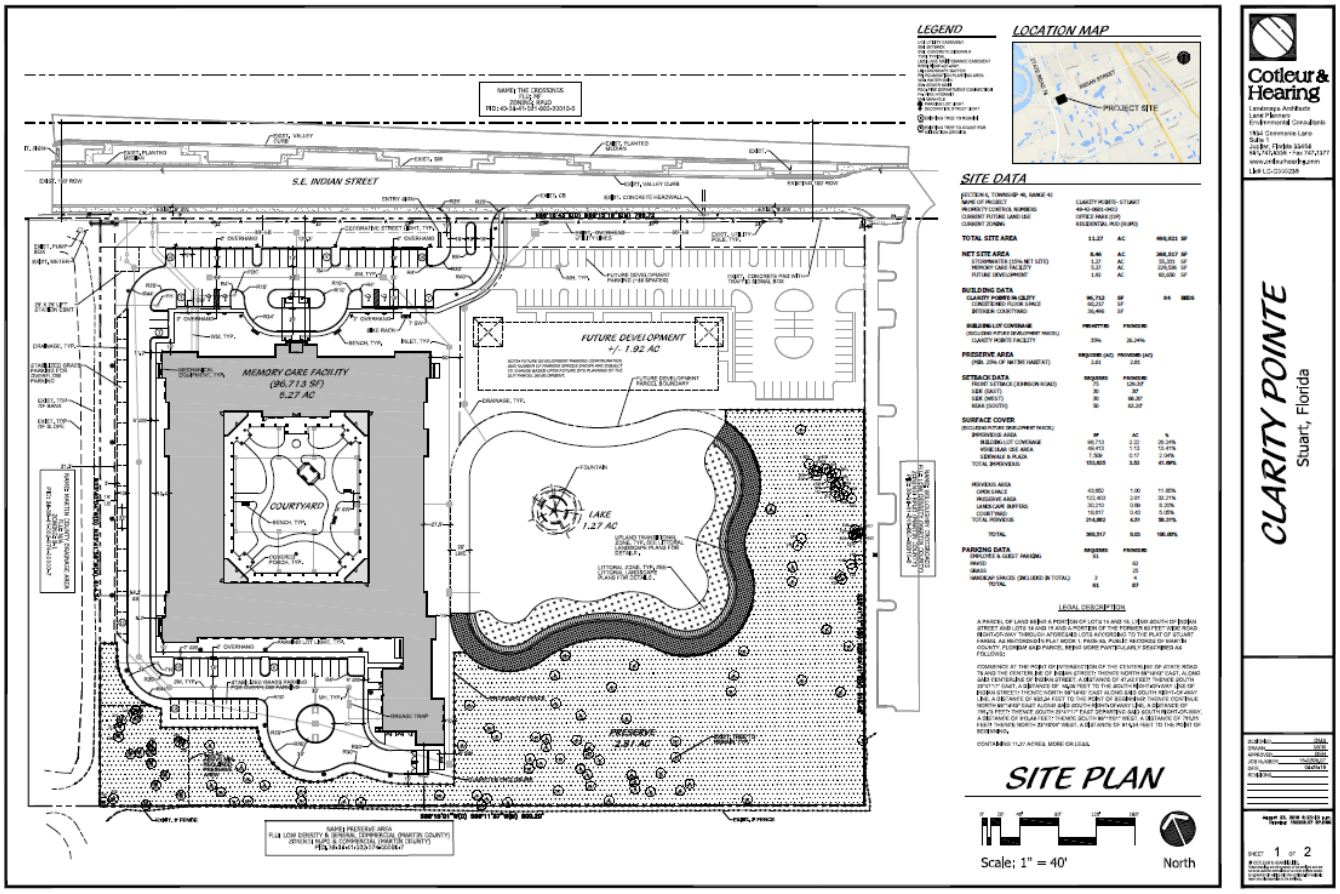


Exhibit 1.1 – Approved site plan

Environmental Review

All Environmental requirements, including landscaping, were satisfied during the construction of the ALF.

Landscaping, Trees, and Upland Preserve:

Landscape buffers have been provided on all sides of the property per the City's Land Development Code, which includes a 30-foot-wide landscape buffer along SE Indian Street and a 15-foot landscape buffer along the eastern property line, consistent with the rest of the PUD.

Of the total PUD, approximately 58.31% will remain pervious, which includes open space, a preserve area, landscape buffers, and a courtyard used by the Clarity Pointe assisted living facility. The proposed landscaping area represents approximately 8.2% of the total area and offers variety, 75% native specimens, and 64% categorized as shade trees. Within the CPUD, 34,256 square feet of landscaping is provided, which is twice the minimum amount required (20% of gross area). The eastern buffer provides 9 shade trees, where 7 are required; and 15 shade trees are provided along Indian Street, where 14 are required.

Even so, tree replacement was required due to the proposed removal of 4,849.5" of slash pines and 1025" of other hardwoods at the adoption of the master PUD. The replacement mitigation proposed includes 1,602" of tree mitigation as planted trees and therefore 4,272.5" of mitigation will be required. The payment into the tree fund was required before the approval of vertical construction and has been paid to the city in full.

The existing vegetation on the site has been surveyed and reviewed by the City's Environmental consultant and the applicant has provided a Preserve Area Maintenance Plan (PAMP). The proposed plan preserves the required 25% upland preserve (or 2.61 acres) all on the RPUD and integrates existing vegetation into the buffers and landscape plan. To satisfy the City's Environmental consultant, the PAMP included five years of maintenance and the property owner shall be responsible for the maintenance of the preserve areas in perpetuity. There are no upland preserve areas in the CPUD portion of the PUD.

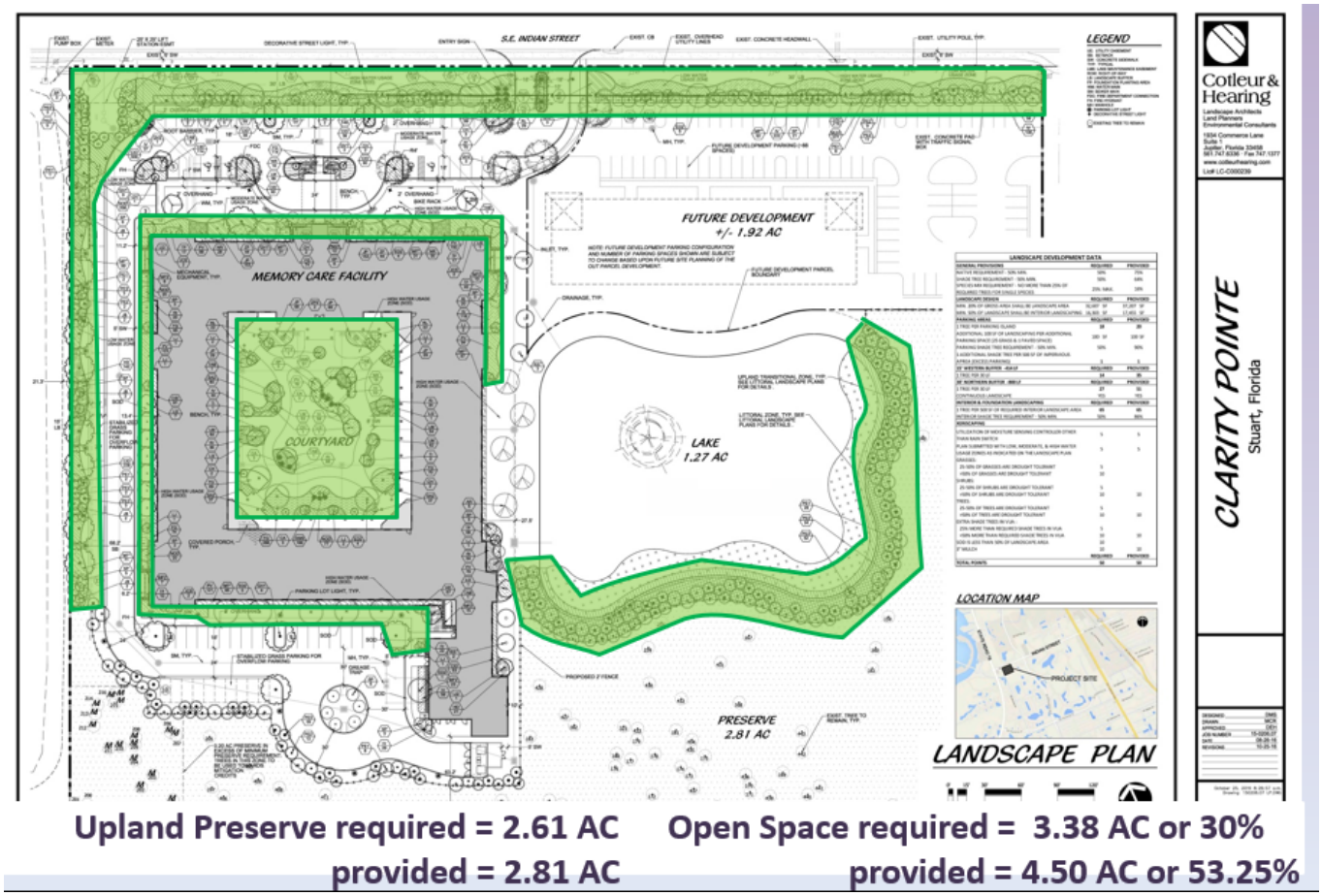


Exhibit 1.2 – Landscape Plan

Wetland Mitigation:

Although there are no wetlands on the CPUD portion of the PUD, the existing .88-acre wetland within the master PUD was replaced with a lake that will have littoral plantings and native wetland vegetation plantings in amounting to a total of 10 square feet of coverage for every one linear foot of shoreline. Mitigation will be required for both the existing trees and the identified wetlands on site.

Furthermore, to promote compact urban development and discourage urban sprawl, the City allows Wetland impacts under certain conditions. The LDR at 5.03.02 B permits impact providing mitigation requirements are met. All mitigation will be carried out on-site.

WETLAND MITIGATION/WETLAND PRESERVE		
	Required	Provided
Native vegetation area	25%	27%
Wetland Area	A Wetland Area of 2.81 acres is preserved	
Wetland Preserve	Minimum 25ft with an average 50ft wetland buffer	Minimum 25ft with an average 50ft wetland buffer
Upland Preserve	25%	26.7%

Traffic Review

JFO Group, Inc. prepared a traffic statement (dated February 8, 2024) related to the above-mentioned project, in compliance with Section 4.05. of the City of Stuart Land Development. Based on the analysis below:

Project trip generation rates were based on the *Institute of Transportation Engineering (ITE) Trip Generation Manual 11th Edition*. When fitted curve equations were not available, weighted average rates were used. Similarly, when data plots had at least 20 data points and a fitted curve equation with an R2 of at least 0.75, fitted curve equations were used. Table 1 shows the rates used to determine the trip generation for Daily, AM, and PM peak hour conditions while Table 2 summarizes the net Daily, AM, and PM peak trips potentially generated by the existing and proposed development. Exhibit 4 includes excerpts from the ITE trip generation manual for ITE Land Use Code 254.

Table 2: Trip Generation

Land Use	Intensity	Daily Traffic	AM Peak Hour			PM Peak Hour		
			In	Out	Total	In	Out	Total
EXISTING DEVELOPMENT								
Assisted Living	84 Beds	218	9	6	15	8	12	20
Net Existing Traffic		***218***	***9***	***6***	***15***	***8***	***12***	***20***
PROPOSED DEVELOPMENT								
Mental/Drug Rehab	140 Beds	364	15	10	25	13	21	34
Net Proposed Traffic		***364***	***15***	***10***	***25***	***13***	***21***	***34***
Net Traffic		***146***	***6***	***4***	***10***	***5***	***9***	***14***

The proposed changes to the 500 SE Indian St property have been evaluated following *Sec. 4.05. of the City of Stuart Land Development Code*. This analysis shows the proposed request to convert. an existing 84-bed assisted living facility with memory care into an inpatient mental health and drug rehab facility will generate less than 20 peak hour trips. Therefore, the proposed project does not require a traffic study where a maximum of 146 daily trips could be potentially generated.

Based on the expected project impact the existing transportation infrastructure external to the site should be sufficient to accommodate the proposed development.

Access and Parking

The property will have one shared point of vehicular access from SE Indian Street. Access to entry points of the CPUD out parcel and the ALF has met EMS vehicle turning movement requirements. The applicant has provided space for a future cross-access easement located on the western boundary. The applicant would be required to provide vehicular cross-access upon request from the City.

The site includes an internal pedestrian connection and interconnection with the sidewalk along SE Indian Street.

The applicant is providing 80 total parking spaces. The 16,000 square feet of commercial space is required to provide one parking space of 200 beds based on the most intense use (medical office). Therefore, 80 parking spaces are required.

Signage

One entry monument sign is proposed at the entrance to identify the Clarity Pointe project and two commercial signs are proposed along the front of the CPUD. The entry sign will be 10' from the right of way, no more than 10 feet in height by 15 feet in width. The two (2) signs along the frontage of the CPUD will both be tenant signs, no more than 6 feet high (with a 2-foot-high base) by 8 feet wide, with a signage area of 32 square feet, each sign.

Architecture

The theme of the architecture is South Florida Mediterranean style with an emphasis on residential elements, versus an institutional feel. The architecture of the CPUD out parcel should be compatible with the ALF and will follow the design principles outlined by reference in Ordinance 2340-2016. TI Architecture, Inc. provided staff with an architectural design compatibility analysis, which states that the proposed out-buildings incorporate horizontal score-line patterns that correspond with the ALF's lap-siding material. A matching paint color palette is incorporated, which includes a white trim, and a light cream building, with green or grey tower features. The white window and door frames are consistent between the buildings and the natural material of stone veneer to be utilized for the base of the commercial buildings is consistent with the dark-painted stucco columns at the base of the ALF. Finally, the analysis demonstrates that the pitched roof slopes and the natural finish of standing seam metal roofing are in keeping with the Design Guidelines approved in the Master PUD ordinance.

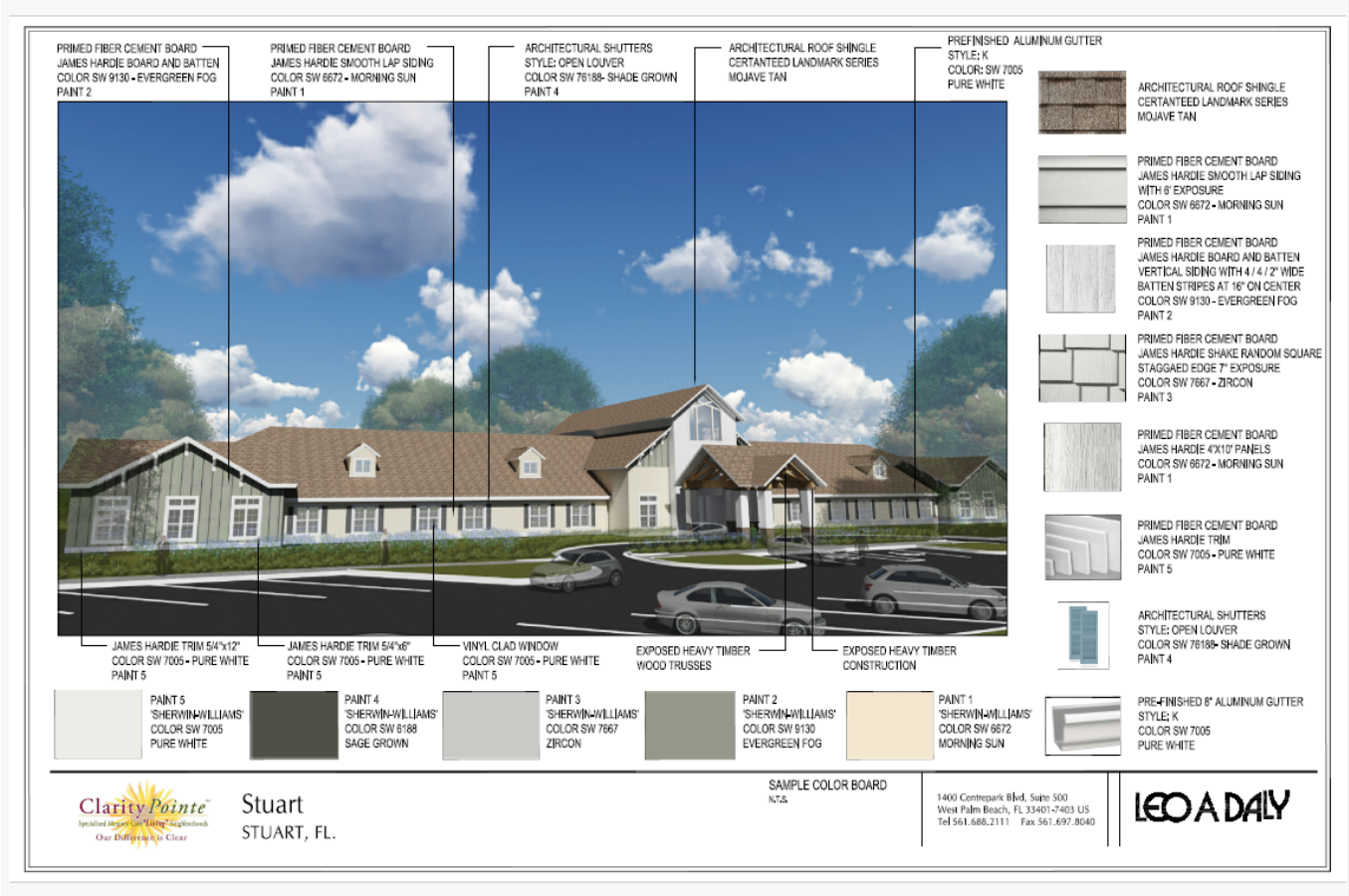


Exhibit 1.3 – Color Renderings

SITE DESIGN QUALITATIVE DEVELOPMENT STANDARDS
The purpose of these standards is to ensure that all site plan development complies with the Comprehensive Plan of the City and with the Stuart Land Development Regulations and to promote harmonious and compatible development within the City.
1. Harmonious and Efficient Organization
The proposed development is efficiently planned and through its design and layout takes account of existing and possible development near the site. The proposal reflects its surroundings and pattern of development. All vehicular use areas have been designed so as not to adversely impact the character of existing neighboring development. Site improvements required for construction should not negatively impact or have any harmful effects on adjacent properties.
2. Preservation of Natural Conditions
Per the City's Land Development Regulations RPUD standards, at least 30% of the total development site must comprise native vegetation. An existing Wetland is preserved and incorporated into the design and layout of the development.
3. Screening and Buffering

The Landscape Plan for the subject site proposes to create screening, preserve area, and landscape buffering in locations along the front, sides, and rear portion of the subject property. The scope and extent of the screening and buffering proposed is more than adequate.
4. Enhancement of Residential Privacy
Landscaping and site layout are proposed in such a manner that existing and future abutting uses will not create a visual or auditory nuisance, in terms of potential impact upon the proposal.
5. Emergency Access and Access to Public and Private Ways
The proposed development provides adequate access for emergency vehicles. All elements of this proposal have been designed to incorporate safe and convenient access to all public and private ways throughout the site.
6. Pedestrian Circulation
A 6' (foot) sidewalk will be provided along SE Indian Street. Internal pedestrian links are provided together with a walkway through the wetland buffer area.
7. Location and Design of Access Drives
The site has one point of ingress and egress from SE Indian Street. Adequate stacking spaces are provided within the ingress driveway.
8. Co-ordination of on-site and off-site circulation
The proposed development has arranged and coordinated the internal drives and parking areas to facilitate efficient vehicular and pedestrian circulation. Both formal and informal pedestrian links flow through and interconnect the development. Connection is provided with off-site pedestrian routes.
9. Location and Design of on-site ways
The on-site driveways and parking areas have been located and designed to be minimal in form and to occupy no more land than is required to provide safe and convenient vehicular and pedestrian circulation.
10. Drainage
The drainage will be addressed in full at the final site plan submission. Per the City's Land Development Regulations, the site must provide water quality storage for the applicable run-off volume and limit post-development discharges at pre-development rates for all applicable design storm events. Drainage will be accommodated on-site in a manner that shall not adversely affect nearby property or the public storm drainage system.
11. Exterior Lighting
The proposed development will provide decorative exterior lighting at 15ft in height in vehicular and pedestrian use areas. The lighting does not conflict with the proposed landscaping and will not impact or produce glare on the nearby neighborhood, the Clarity Pointe ALF, or interfere with the aesthetics of the surrounding area or with public safety and convenience.

PROJECT NARRATIVE & COVER LETTER
500 SE Indian St.
Rezone Application Request
February 6, 2024

REQUEST

On behalf of the Petitioner, Engineering Design & Construction, Inc. is requesting approval of a rezone application for properties located at 500 SE Indian Street in Stuart, Florida. The applicant wishes to rezone the existing RPUD to an MXPUD designation to allow for an inpatient primary mental health and residential drug and alcohol rehabilitation facility with medical detox.

SITE CHARACTERISTICS & PROJECT HISTORY

The subject properties are located on the southside of SE Indian St approximately 540 feet east of Kanner Highway in Stuart Florida. They can be identified in the below table:

Parcel ID:	Address:	Acreage:	Future Land Use	Zoning
40-38-41-010-000-00010-0	500 SE Indian St	4.67	Multi-Family Residential	RPUD
40-38-41-010-000-00001-0	N/A	4.79	Multi-Family Residential	RPUD
	Total Acres:	**9.46**		

The project currently has a Future Land Use designation of Multi-Family Residential and a Zoning designation of RPUD: Residential PUD.

Under the direction of the city following a Pre-Application Meeting on January 25, 2024, both a Rezoning Application and Small-Scale Comprehensive Plan Amendment are being submitted to the City of Stuart. The Rezone application requests a change in the sites zoning designation from Residential PUD (RPUD) to Mixed-Use PUD (MXPUD). The Small-Scale Comprehensive Future Land Use Map Amendment is requesting a change in Future Land Use from Multi-Family Residential (MF/RES) to Commercial (COMM). These zoning and land use designations align with where these inpatient rehabilitation facilities have previously been approved within the City of Stuart. These applications are being submitted concurrently.

On September 26, 2005, the City Commission approved a rezone petition, via Ordinance No. 2042-05, and established the Villagio Residential Planned Unit Development (RPUD), to allow for the construction of 66-unit multi-family development. On January 9, 2017, the City Commission granted an amendment to the RPUD, via Ordinance No. 2340-2017 establishing the Clarity Pointe RPUD consisting of an 84-bed Assisted Living Facility (ALF) with Memory Care. Additionally, this approval also amended the zoning and land use designations for a 1.92-acre portion of the Clarity Pointe PUD from Residential PUD (RPUD) to Commercial Planned Unit Development (CPUD), and from Multi-Family Residential (MF/RES) to Commercial (COMM). The 1.92 Acre property is **NOT** a part of this application.

As previously stated, it is the intention of the applicant to convert the former 84 bed assisted living facility into an inpatient mental health, drug and alcohol rehabilitation facility with medical detox. No new improvements are being proposed for this site. The zoning designation of Mixed-Use PUD (MXPUD) would align with where these inpatient rehabilitation facilities have been previously approved within the City of Stuart. One such instance was the approval of Dream Center for

Recovery located within the Parks Indian PUD. This site has a Zoning Designation of Mixed-Use PUD (MXPUD) and a Future Land Use of Commercial.

To the north of the subject property lies the right of way of SE Indian street followed by The Crossings multifamily residential development. This parcel has a Future Land Use designation of Multi-Family Residential and lies in the Residential PUD (RPUD) Zoning District.

To the west of the subject property lies a drainage tract approximately 5 acres in size. This lot has a Future Land Use designation of Commercial (COMM) and lies in the Commercial PUD (CPUD) Zoning District.

South of the subject property lies heavily wooded undeveloped land located in the Martin County Jurisdiction. This parcel has a Future Land Use designation of Low Density-up to 5 UPA and lies in the PUD-R (Residential) and Commercial General Zoning Districts.

To the east of the subject property lies the Palmetto Edge commercial plaza. This parcel has a Future Land Use designation of Commercial (COMM) and lies in the Commercial PUD (CPUD) Zoning District.

Concurrency with Adopted Levels-of-Service and Compatibility with Existing Uses

The existing Assisted Living Facility located on site will be converted to the proposed inpatient drug and alcohol rehabilitation facility. As previously stated, no new improvements are being proposed. While the facility's bed count will increase from 84 to 140 beds, the building footprint is not being altered. As such, this facility will remain consistent with the adopted levels of service for utilities and facilities as they are outlined in the Capital Improvements element of the City's Comprehensive Plan. Please find attached a Traffic Analysis demonstrating that the proposed use will generate fewer than twenty (20) peak hour trips.

Compliance with relevant Land Development Code development standards

There is no language in the City of Stuart's Land Development Code outlining where an inpatient rehab facility use is permitted. However, Mixed-Use PUD Zoning designation aligns with zoning designations where such a use has historically been permitted within the City of Stuart. Furthermore, as shown in Sec. 2.01.03. – Table 1. of Stuarts Land Development Code, the Mixed-Use PUD (MXPUD) Zoning district is compatible with a Commercial Future Land Use.

While the use will be changing, the building footprint will not. As such, this application complies with all relevant development standards of the City of Stuart Land Development Code.

Site Plan Components

As stated in Section 11.01.09, a Rezone Map Change must comply with Site Plan Requirements outlined in Appendix C of the Land Development Code. Please find below acknowledgment of each item listed. Responses are in ***bold italics***.

1. Schedule a pre-application meeting
   Response: A Pre-Application meeting was held with the City of Stuart on January 25, 2024.

2. Plans shall be 24" x 36" in size (2 sets)- "State Plane Coordinates"

Response: Acknowledged

3. All drawings to be folded to nominal 9” x 12” size
   Response: Acknowledged

4. Legible graphic scale displayed on each sheet of both sets
   Response: Acknowledged

5. Title Block including: north arrow, street address of the zoning lot, date of preparation, name and address of the firm that prepared the site plan, type of plan, project or development name project (includes any former name if existing)
   Response: Acknowledged

6. Site data summary to include but limited to: a) Tabulation of total project area b) Total anticipated phases/units c) Lot coverage of structures d) Number of buildings with square footage e) Impervious/pervious surface coverage f) Density units per acre, if applicable g) No. of off-street parking spaces, required and provided, including handicapped spaces h) No. of off-street loading space(s) i) Existing and proposed zoning j) Future Land Use designation k) Existing and proposed use l) Floor area ratio m) Open space or urban open space, if applicable n) Handicapped access to structures, including type of ramping and slope
   Response: Acknowledged. Please find site data summary in included site plan

7. Legal description and parcel boundary(s) survey of the property prepared by a licensed surveyor registered in the State of Florida
   Response: Please find attached boundary survey.

8. Vicinity map preferably at a scale of 1' = 2,000'
   Response: Acknowledged.

9. Zoning Map, Future Land Use Map, Aerial of subject property
   Response: Please find attached Zoning Map, Future Land Use Map, and Aerial Map of Subject Property.

10. All submittals shall be on a CD in PDF downloadable file
    Response: Acknowledged. A copy of all materials is included on a USB with this submittal.

11. Final submittal of plan documents shall be signed and sealed in a PDF downloadable file on a disc
    Response: No engineering plans are being submitted.

12. All revised plans must be clouded and must be accompanied by a cover letter indicating all changes and their locations (Include it with the application form)
    Response: Plans have been updated to show what was previously approved for both the existing Assisted Living Facility and existing commercial outparcel buildings.

13. Access and Traffic Flow Plans including parking, loading and internal traffic circulation patterns (Turning radius trucks)

Response: Parking, loading, and internal traffic circulation patterns are unchanged from what was previously approved on site.

14. Any traffic lights installed by the proposed project will include installation of traffic pre-emption device as approved by the development director
    Response: No traffic lights were installed by the previously approved project.

15. Fire Department Access and Water Supply a) Fire department access road shall extend to within 50 ft of a single exterior door providing access to the interior of the building; b) Fire department access roads shall have an unobstructed width of not less than 20 ft. c) Fire department access roads shall be provided such that any portion of the facility is located not more than 150 ft from the fire dept. access road; d) Required fire lanes shall be provided with the inner edge of the roadway no closer than 10 feet and no further than 30 feet from the building; e) Turning radius (25' inside, 45' outside and height minimum of 13'6") f) Fire Department Connection Location g) Fire Hydrant Locations, existing and proposed - clearance of 7'6" in front of and to the side of the fire hydrant, with a 4' clearance to the rear of the hydrant h) Fire mains - minimum 6" supply; minimum 8" dead end main as approved by Public Works
    Response: Access and hydrant locations remain unchanged from what was previously approved by the City of Stuart for this site.

16. Existing buildings and structures on the project zoning lot(s) and within fifty (50) feet of the project's property lines, or such additional distance as may be necessary in order to show major features or conditions that may affect the project
    Response: No building lie within fifty (50) feet of the site's property line.

17. Existing Uses and zoning on all adjacent property
    Response: Please find existing uses and zoning shown on provided site plan

18. Locations of the nearest available public water supply and wastewater disposal system and the proposed tie-in points, or an explanation of alternative systems to be used
    Response: Please find existing water and wastewater on provided site plan.

19. Proposed development shall include but not limited to: a) Location and size of all proposed buildings and structures, labeled with allowable use, height, total and gross floor area, and distance to all property lines and between buildings b) Number, height, and type of residential units; Provide density units per acre (Gross) c) Architectural elevations of all sides of all buildings d) Height and Type of Fencing and Walls, existing and proposed e) Off-Street Parking and Loading layout including typical size and number of spaces by location (parking bays). If structured parking, include parking layout of each level (ground and typical) f) Minimum of six-foot wide sidewalks g) Drive-thru windows, including vehicle queuing or stacking spaces and queuing lane dimensions, if any h) Passenger drop-off/pick-up areas; Decorative benches, if provided
    Response: Please find previously approved existing buildings, off-street parking, etc., in included site plan. As no structures are being altered from what was previously approved, architectural elevations are not being provided.

20. Building setback distances from property lines, abutting right-of-way centerlines, and all adjacent buildings and structures
    Response: Acknowledged

21. Minimum floor elevations of buildings and finished floor elevations of subject property and adjacent property
    Response: No structures are being altered from what was previously approved. As such, no elevations will be provided.

22. Pedestrian Circulation System and Points of Ingress and egress (including proposed public street modifications)
    Response: Please find existing pedestrian circulation systems on included site plan.

23. Concurrency Review: a) Demonstrate ability to meet concurrency (Traffic, School, Utility, Parks & Recreation) b) A traffic statement shall be required if proposed development have the potential to generate 19 or less peak-hour trips b) A traffic study shall be required if proposed development have the potential to generate 20 or more new peak-hour trips d) School Concurrency requirement - Residential developments shall comply with bus stops size, location and turning radius to accommodate a school bus by coordinating with the Martin County Zoning, Planning and Engineering Departments, as well as the Martin County School District Planning and Transportation Department.
    Response: Please find attached Traffic Analysis.

24. Phasing, if any; Total acreage in each phase and gross/net intensity (non-residential) and gross/net density (residential) of each phase; What will be built in each phase; Construction phase lines
    Response: The Clarity Pointe PUD is fully built and no modifications are being proposed at this time.

25. Dumpsters: a) Refuse and recycling collection areas b) Dumpster enclosure details per City of Stuart's standard specification
    Response: Please find existing dumpster enclosures on included site plan.

26. Various plans including: a) Site Lighting Plan including location, type, height and intensity pattern of all exterior lights, if applicable b) Signage plan/Unified signage plan c) Landscape plan and specifications, signed/sealed/dated by a Florida Registered Landscape Architect
    Response: No plans are being included as exterior lighting and landscaping is not being altered from what was previously approved. Please find attached a Landscape Sufficiency Letter provided by a registered Landscape Architect.

27. Location, names and widths of existing and proposed streets, highways, easements, building lines, alleys, parks, public spaces, and Rights-of-Way and similar facts regarding adjacent property
    Response: Please find location, name, and width of existing ROW on included site plan.

28. Utility Lines and Structures such as water, sewer, gas, electric, telephone, hydrants, main size to support fire flows and FDC locations, on the project site, including size and/or capacity and similar facts regarding adjacent property
    Response: Please find existing utilities and structures on included site plan.

29. Cross sections and specifications of all proposed pavements

Response: Please find Valley Curb and D Curb details on page 2 of included site plan.

30. Location of proposed retention/detention areas
    Response: Please find existing retention/detention areas depicted on included site plan.

31. Typical and special roadway and drainage sections
    Response: Please find existing roadway catch basin identified on included site plan.

32. Locations of all land to be abandoned, dedicated or reserved for all public or private uses including rights-of-way, easements, special reservations
    Response: As the site is fully developed, no new land will be abandoned, dedicated or reserved for public or private uses.

33. Location of onsite well and any wells within 1,500 feet of any property line
    Response: No wells were identified on previously approved plan.

34. PRE-APPLICATION MEETING(S) REQUIRED TO REVIEW POTENTIAL ENVIRONMENTAL IMPACTS Before creating a detailed conceptual site plan or seeking environmental permits from federal, state or other agencies, the applicant shall first schedule and attend at least one pre-application meeting with City Development Department staff to discuss the project's probable environmental impacts. For the pre-application meeting, the applicant shall provide an environmental report, prepared by a qualified environmental professional (i.e., Certified Ecologist, Certified Environmental Professional, Professional Wetland Scientist, or other recognized certification), in accordance with the City's Land Development Code. The applicant is also encouraged to provide a rough layout of the proposed site plan, if available. The primary purpose of the pre-application meeting(s) is to ensure that before detailed site planning begins and substantial costs are incurred, the applicant is made fully aware of the City's environmental design standards, particularly its "avoidance or minimization" of impact standards, and that this awareness is ultimately reflecting in the site's final design.
    Response: A Pre-Application Meeting was held with the City of Stuart staff on January 25, 2024. As the site is already fully developed, no environmental impacts were found.

35. Frontage Type(s)
    Response: No existing structures are being altered.

36. Minimum percentage of façade along front lot line, indicate amount required and provided
    Response: No existing structures are being altered.

37. Location of transition line, if applicable
    Response: N/A

38. Minimum percentage of glass, indicate amount required and provided
    Response: No existing structures are being altered.

39. Slope of pitched roof, if provided

Response: No existing structures are being altered.

40. Height of parapet wall, if any
    Response: No existing structures are being altered.

41. List of exterior materials, colors and finishes
    Response: No existing structures are being altered.

42. Except for single-family residential, all developments which are less than 20,000 square feet shall incorporate a minimum of four of the following building design standards, and all developments which exceed 20,001 square feet shall incorporate a minimum of five of the following building treatments: a. Overhangs; b. Arcades as defined by this Code; c. Sculptured artwork and/or fountains; d. Raised cornice parapets over doors; e. Peaked roof forms; f. Display windows; g. Ornamental and structural architectural details, other than cornices, which are integrated into the building structure and overall design; h. Clock or bell towers; i. Decorative light fixtures; j. Decorative landscape planters or planting areas, a minimum of five feet in width, and areas for shaded seating consisting of a minimum of 100 square feet; k. Integration of specialty pavers, or stamped, colored concrete along the building's walkway to constitute a minimum of 60 percent of walkway area; l. Water elements, a minimum of 50 square feet in area; and m. Courtyards along the front building facade.
    Response: No existing structures or building treatments are being altered.

43. Curb cut, if any
    Response: No additional curb cuts are being proposed.

44. Outbuildings, if any
    Response: No outbuildings are being proposed.

45. Height/length/depth/projection of balconies and balcony rails
    Response: No existing structures are being altered.

46. Traffic drive aisle width
    Response: Please find existing drive isle width on included site plan.

47. Material of roofs and gutters
    Response: No existing structures are being altered.

48. Specifications of arcades and porches, if any
    Response: No existing structures are being altered.

49. Materials, configuration, and operations of windows and doors
    Response: No existing structures are being altered.

50. Garden wall, if any
    Response: No garden walls are shown on the included site plan.

Based on the above justification and attached information, the Petitioner respectfully requests approval of this request.

Z:\EDC-2023\23-378 - Ackner - 500 SE Indian Street\ENGINEERING\Documents\Submittal Documents\Justification Statement\2024-02-06_Ackner - 500 SE Indian St Rezone Narrative.docx

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

Received by: _____
Reviewed by: _____

Rezone Real Property Application

(including Planned Unit Developments)

Project ID#_____
(Staff Entry)

Pre-App Conference Date: January 25, 2024	Application Date: December 18, 2023

SITE INFORMATION

Project Name: Ackner - 500 SE Indian St	Parcel ID#: 40-38-41-010-000-00010-0 / 40-38-41-010-000-00001-0
Site Address: 500 SE Indian St, Stuart, FL 34994	
Subdivision: Plat of Clarity Pointe PLAT 17/68	Lot(s): Lot 1, Lake Tract, Upland Preserve Tract, Access Tract PLAT 17/68
Site Area/Acreage: 9.46 Acres	Flood Zone/Base Flood Elevation: Flood Zone X
Existing Zoning District / CRA Subdistrict: RPUD: Residential PUD	
Proposed Zoning District / CRA Subdistrict: MXPUD: Mixed-Use PUD	
PUD Rezoning (Check the box below that applies):	
Rezoning to CPUD: ☐	Rezoning to UPUD: ☐
Rezoning to RPUD: ☐	Rezoning to UPUD <5 Bungalow Units: ☐
Rezoning to MXPUD: ☑	Rezoning to Public Service PSPUD: ☐
Rezoning to Industrial IPUD: ☐	Rezoning to Non-PUD District Rezoning: ☐
Current Comprehensive Plan Future Land Use Designation: Multi-Family Residential	
Proposed Comprehensive Plan Future Land Use Designation (if applicable): Commercial	
Existing Land Use: Assisted Living Facility (ALF)	Proposed Land Use: Inpatient mental health, drug and alcohol rehab with medical detox
Proposed Square Footage (if applicable):	Proposed Density (if applicable):

PETITIONER INFORMATION

Property Owner: CP - Stuart Development I, LLC	Phone Number / Email Address: (850)-830-7425 rick@olsonlandpartners.com
Property Owner's Mailing Address: 4300 Legendary Drive, Suite 234, Destin FL 32541	
Applicant (if not Owner): Perseverance Recovery Center, LLC	Phone Number / Email Address: (561)-815-4478 Jason.Ackner@Phoenix-bhc.com
Applicant's Mailing Address: 318 S US Highway 1, Suite 200, Jupiter, FL 33477	
Agent/Contact Person: Connor Kennedy, EDC	Phone Number / Email Address: (772)-462-2455 connorkennedy@edc-inc.com
Agent's Mailing Address: 10250 SW Village Parkway, Suite 201, Port St. Lucie, FL 34987	
Architect:	Engineer:
Planner: Same as Agent	Landscape Architect: Jeffrey W. Smith

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.

Please See Attached Agent Consent Forms

Signature of Owner: _____

By: Name/Title _____

Street Address _____

City, State, Zip Code _____

P.O. Box _____

City, State, Zip Code _____

Telephone Number _____

Fax Number _____

Email Address: _____

STATE OF FLORIDA, COUNTY OF _____

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

_____ day of _____, _____ By _____.

Personally Known OR Produced Identification

Type of Identification Produced:

_____

Notary Public

My Commission expires:

_____

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: Jason Ackner	City/State/Zip Code: Jupiter, FL 33477
Title: CEO	Telephone Number: 561-815-4478
Company: Perseverance Recovery Center, LLC	Facsimile Number:
Company Address: 318 S. US Highway 1 Ste. 200	Email Address (optional): Jason.Ackner@Phoenix-Bltc.com

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

1. Signed this 7th day of February, 2024

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

Application Requirements

Fees *(check box)*: *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.*

Rezoning to CPUD	$3,638.00	☐	Rezoning to UPUD	$3,638.00	☐
Rezoning to RPUD	$3,638.00	☐	Rezoning to UPUD < 5 Bungalow Units	$1,523.00	☐
Rezoning to MXPUD	$3,638.00	☑	Rezoning to Public Service PSPUD	$3,638.00	☐
Rezoning to Industrial IPUD	$3,638.00	☐	Non-PUD District Rezoning	$1,065.00	☐

Submittal Requirements*:* A completed application form, the payment of fees, one (1) copy of all documents on a PDF formatted disc electronically signed and sealed, and a site plan. (Note: A concept plan may, at the discretion of the applicant, be submitted instead of a site plan. 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. 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.

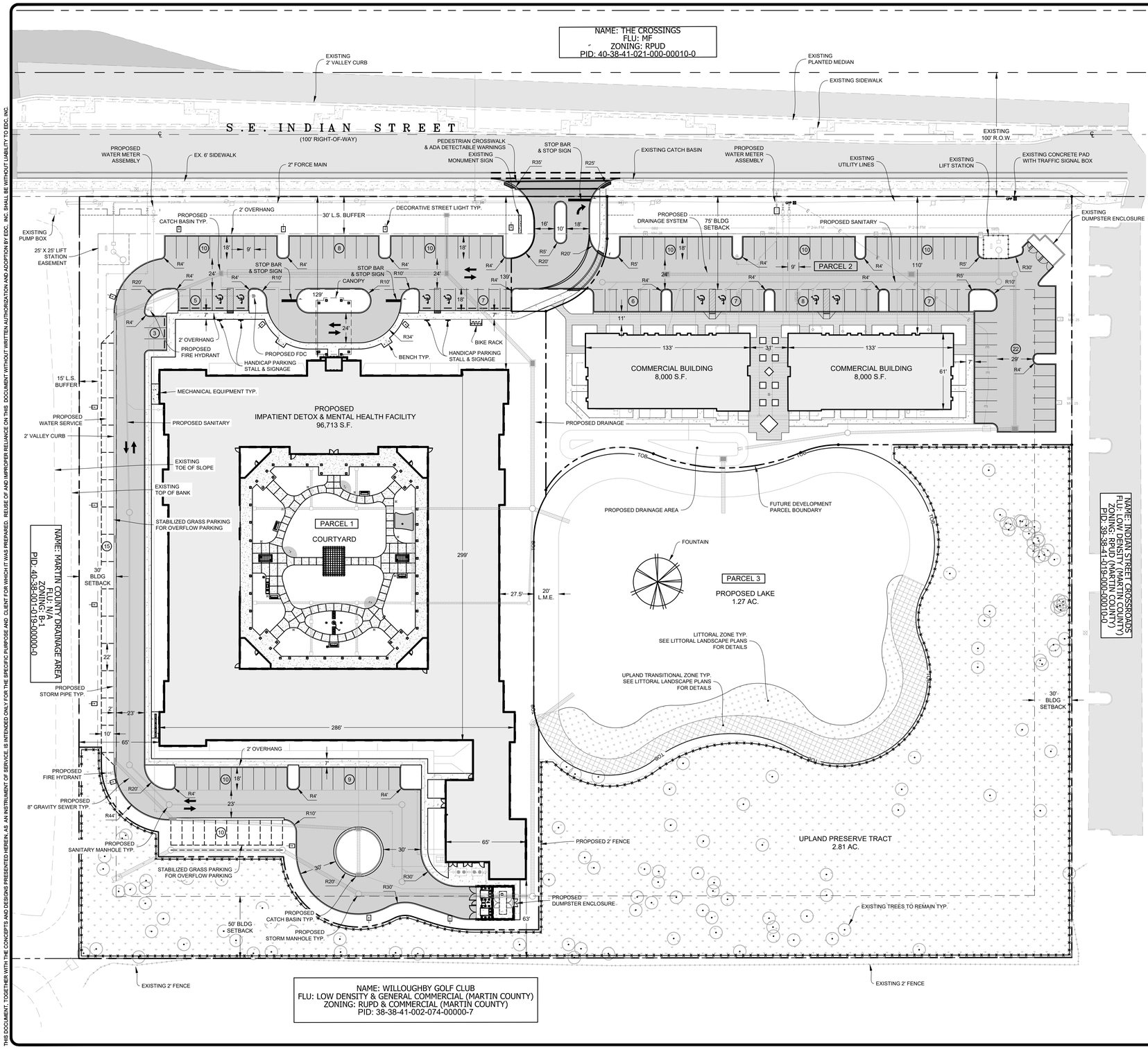
Written justification supporting the application and demonstrating how the application:

- Is 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

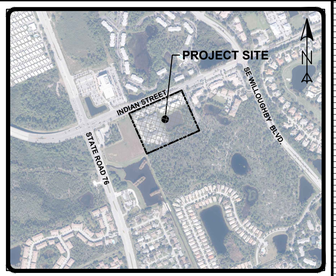
- Complies with the relevant development standards of the City of Stuart Land Development Code *(include additional pages if needed).*

Please find demonstration of consistency with relevant components of City of Stuart Comprehensive Plan and Development Standards in the Project Narrative included with this application.

(over)



(IN FEET)
1 inch = 40 ft.



STUART, FLORIDA

VICINITY MAP

LEGAL DESCRIPTION

A PARCEL OF LAND BEING A PORTION OF LOTS 14 AND 15, LYING SOUTH OF INDIAN STREET AND LOTS 18 AND 19 AND A PORTION OF THE FORMER 60 FOOT WIDE RIGHT OF WAY THROUGH AFORESAID LOTS, ACCORDING TO THE PLAT OF STUART FARMS, AS RECORDED IN PLAT BOOK 1, PAGE 63, PUBLIC RECORDS OF MARTING COUNTY, FLORIDA; SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE POINT OF INTERSECTION OF THE CENTERLINE OF STATE ROAD 76 AND THE CENTERLINE OF INDIAN STREET; THENCE NORTH 66 DEGREES 44' 27" EAST, ALONG SAID CENTERLINE OF INDIAN STREET, A DISTANCE OF 47.42 FEET; THENCE SOUTH 23 DEGREES 15' 53", A DISTANCE OF 50.00 FEET TO THE SOUTH RIGHT OF WAY LINE OF INDIAN STREET; THENCE NORTH 66 DEGREES 44' 27" EAST ALONG SAID SOUTH RIGHT OF WAY LINE, A DISTANCE OF 602.34 FFET TO THE POINT OF BEGINNING; THENCE CONTINUE NORT 66 DEGREES 44' 27" EAST ALONG SAID SOUTH RIGHT OF WAY LINE, A DISTANCE OF 613.48 FEET; THENCE SOUTH 66 DEGREES 40' 45" WEST, A DISTANCE OF 800.20 FEET; THENCE NORTH 23 DEGREES 15' 33" WEST, A DISTANCE OF 614.34 FEET TO THE POINT OF BEGINNING.

CONTAINING 11.27 ACRES, MORE OF LESS.

SITE DATA

TOTAL SITE AREA:	11.27 AC. (490,921 S.F.)
PROJECT NAME:	CLARITY POINTE - STUART
SEC/TWNSHIP/RNG:	SECTION 6, TOWNSHIP 48, RANGE 42
PARCEL 1 & 3 ID#:	40-38-41-010-000-00010-0
	40-38-41-010-000-00001-0
EXISTING FLU:	MULTI-FAMILY RESIDENTIAL
EXISTING ZONING:	RESIDENTIAL PUD (RPUD)
PROPOSED FLU:	COMMERCIAL
PROPOSED ZONING:	MIXED-USE PUD (MXPUD)
PARCEL 2 ID #:	40-38-41-010-000-00020-0
EXISTING FLU:	COMMERCIAL
EXISTING ZONING:	COMMERCIAL PUD (CPUD)

BUILDING DATA:

CLARITY POINTE FACILITY:	96,713 S.F. (84 BEDS)	
CONDITIONED FLOOR SPACE:	60,217 S.F.	
INTERIOR COURTYARD:	36,496 S.F.	
(2)COMMERCIAL BUILDINGS:	16,000 S.F. (8,000 S.F. EACH)	
BUILDING LOT COVERAGE:	PERMITTED	PROVIDED
CLARITY POINTE FACILITY:	35%	22.96%

PRESERVE AREA:	REQUIRED(AC.)	PROVIDED(AC.)
(MIN. 25% OF NATIVE HABITAT)	2.61 AC.	2.81 AC.

SETBACK DATA:	REQUIRED	PROVIDED
FRONT SETBACK(JOHNSON RD.):	75'	129.30'
SIDE(EAST):	30'	30'
SIDE(WEST):	30'	68.20'
REAR(SOUTH):	50'	63.20'

LAND USE TABLE:

TOTAL SITE AREA:	490,921 S.F.	11.27 AC.	100%
IMPERVIOUS AREA:			
BUILDING AREA:	112,713 S.F.	2.59 AC.	23.72%
VEHICULAR USE AREA:	71,910 S.F.	1.65 AC.	14.65%
SIDEWALK & PLAZA:	17,042 S.F.	0.39 AC.	3.47%
TOTAL IMPERVIOUS:	201,665 S.F.	4.63 AC.	41.08%
PERVIOUS AREA:			
LAKE	74,923 S.F.	1.72 AC.	18.38%
OPEN SPACE:	43,103 S.F.	0.99 AC.	8.78%
UPLAND PRESERVE AREA:	122,403 S.F.	2.81 AC.	33.21%
LANDSCAPE BUFFERS:	30,210 S.F.	0.69 AC.	8.20%
COURTYARD:	18,617 S.F.	0.43 AC.	5.05%
TOTAL PERVIOUS:	289,256 S.F.	6.64 AC.	58.92%

PARKING DATA:

CLARITY POINTE(1 SPACE PER (4) BED & 1 SPACE PER 2 EMPLOYEES)

TOTAL PARKING REQURED:	61 STALLS
TOTAL PAVED PARKING PROVIDED:	62 STALLS
TOTAL GRASS PARRKING PROVIDED:	25 STALLS
TOTAL PARKING PROVIDED:	87 STALLS
HANDICAP PARKING PROVIDED:	4 STALLS

RETAIL-STRIP SHOPPING CENTER(16,000 S.F. @ 1 SPACE PER 250 S.F.)

TOTAL PARKING REQURED:	64 STALLS
TOTAL PARKING PROVIDED:	80 STALLS
HANDICAP PARKING PROVIDED:	4 STALLS

LEGEND

M E	EXISTING METER		EXISTING UTILITY POLE
	PROPOSED SIGN		PROPOSED DRAINAGE INLET
	PROPOSED MITERED END SECTION		EXIST. DRAINAGE INLET
	HANDICAP PARKING SYMBOL		EXISTING STREET LIGHT
	EXISTING CONCRETE		PROPOSED LIGHT POLE (SINGLE)
	EXISTING PAVEMENT		DRAINAGE FLOW ARROW
	PROPOSED CONCRETE		PROPOSED LIGHT POLE (DOUBLE)
	PROPOSED PAVEMENT	#	PARKING STALL COUNT
			EXISTING DRAINAGE
			PROPOSED DRAINAGE PIPE

ENGINEERS ● SURVEYORS
ENVIRONMENTALS ● LAND PLANNERS
INTERIOR DESIGNERS
10250 VILLAGE PARKWAY
SUITE 201
PORT ST. LUCIE, FL 34987
☎ 772-462-2455
www.edc-inc.com
F.B.P.E. CERTIFICATE OF AUTHORIZATION 9935
L.B. CERTIFICATE OF AUTHORIZATION 8098

DCB	DESIGNED BY
VER	DRAWN BY
23-378 site plan(2-8-24).dwg	FILENAME
SITE PLAN	LAYOUT
AS SHOWN	SCALE
3/04/24	DATE

REVISION COMMENTS
X | X/X/XX | X/X | DATE

CLARITY POINTE
SITE PLAN
STUART FLORIDA

ENGINEERS ● SURVEYORS
ENVIRONMENTALS ● LAND PLANNERS
INTERIOR DESIGNERS
10250 SW VILLAGE PARKWAY - SUITE 201
PORT SAINT LUCIE, FL 34987
☎ 772-462-2455

23-378

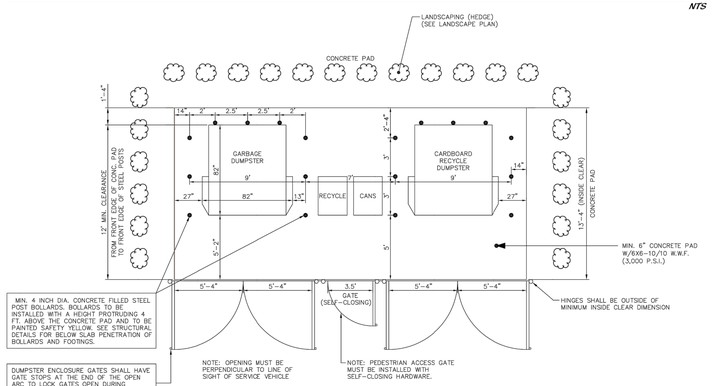
1 OF 2

THIS DOCUMENT, TOGETHER WITH THE CONCEPTS AND DESIGNS PRESENTED HEREIN, AS AN INSTRUMENT OF SERVICE, IS INTENDED ONLY FOR THE SPECIFIC PURPOSE AND CLIENT FOR WHICH IT WAS PREPARED. REUSE OF AND IMPROPER RELIANCE ON THIS DOCUMENT WITHOUT WRITTEN AUTHORIZATION AND ADOPTION BY EDC, INC. SHALL BE WITHOUT LIABILITY TO EDC, INC.

Z:\EDC 2023\23-378 - Acliner - 500 SE Indian Street\ENGINEERING\AutoCAD\DWGs\23-378 SITE PLAN(2-8-24).dwg, 2/13/2024 10:48 PM

DUMPSTER DETAIL

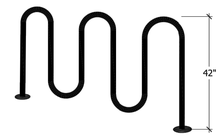
NTS



CITY OF STUART DUMPSTER ENCLOSURE – SITE DETAIL
DOUBLE DUMPSTER w/ RECYCLING N.T.S.

BIKE RACK DETAIL

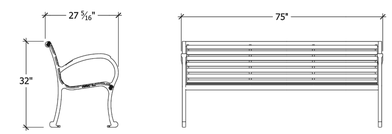
NTS

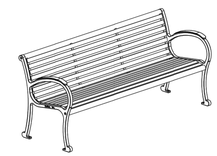


TYPE: MADRAX 5 LOOP HEAVY DUTY WINDER
COLOR: LEXINGTON GREEN OR BLACK
FINISH: POWDER COAT

BENCH DETAIL

NTS





TYPE: DUMOR 160 SERIES BENCH
COLOR: GREEN
FINISH: ZINC RICH AND POLYESTER POWDER COAT

HANDICAP SIGN DETAIL

NTS

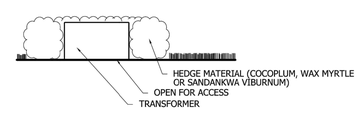
COLORS:
TOP SYMBOL & BORDER = WHITE
BOTTOM TEXT & BORDER = BLACK
TOP BACKGROUND = BLUE
BOTTOM BACKGROUND = WHITE

COLORS:
TEXT & BORDER = BLACK
BACKGROUND = WHITE

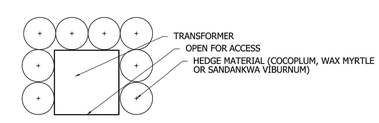
TRANSFORMER DETAIL

NTS

ELEVATION VIEW

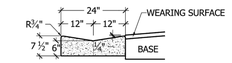


PLAN VIEW

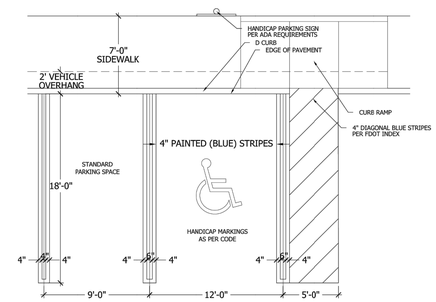


VALLEY CURB DETAIL

NTS

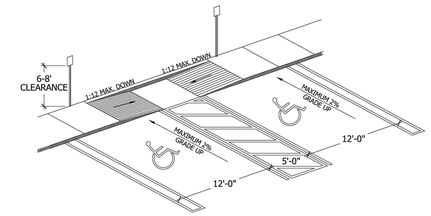


NOTE: SAWCUTS REQUIRED AT 10' CENTERS



HANDICAP RAMP DETAIL

NTS

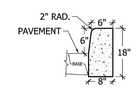


NOTE: IN THIS APPLICATION RAMPS CAN BE SEPARATED AND SIDEWALK CAN BE FLUSH ACROSS ALL HC SPACES

NOTE: HCR#3-MOD MEANS ONLY 1 RAMP BUILT TO REQUIRED SIDE OF SIDEWALK. OR RAMPS SEP. TO ENDS OF HC SPACES

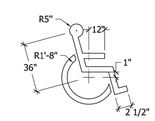
D CURB DETAIL

NTS



HANDICAP SYMBOL DETAIL

NTS



NOTE: SYMBOL TO BE 4" WIDE WHITE TRAFFIC PAINT ON PAVEMENT OR COLORED PAVERS . TYPICAL @ ALL HANDICAP STALLS

Site Details

ENGINEERS ◆ SURVEYORS
ENVIRONMENTAL ◆ LAND PLANNERS
INTERIOR DESIGNERS
10250 VILLAGE PARKWAY
SUITE 201
PORT ST. LUCIE, FL 34987
772-462-2455
www.edc-inc.com
F.B.P.E. CERTIFICATE OF AUTHORIZATION 9935
L.B. CERTIFICATE OF AUTHORIZATION 8098

DESIGNED BY	DCB
DRAWN BY	VER
FILENAME	23-378 site plan(2-8-24).dwg
LAYOUT	SITE PLAN DETAILS
SCALE	AS SHOWN
DATE	3/04/24

X	XX-XX-XXXX	DATE	REVISION COMMENTS

CLARITY POINTE
SITE PLAN DETAILS
STUART FLORIDA

ENGINEERS ◆ SURVEYORS
ENVIRONMENTAL ◆ LAND PLANNERS
INTERIOR DESIGNERS

10250 SW VILLAGE PARKWAY - SUITE 201
PORT SAINT LUCIE, FL 34987
772-462-2455

23-378

THIS DOCUMENT, TOGETHER WITH THE CONCEPTS AND DESIGNS PRESENTED HEREIN, AS AN INSTRUMENT OF SERVICE, IS INTENDED ONLY FOR THE SPECIFIC PURPOSE AND CLIENT FOR WHICH IT WAS PREPARED. REUSE OF AND IMPROPER RELIANCE ON THIS DOCUMENT WITHOUT WRITTEN AUTHORIZATION AND ADOPTION BY EDC, INC. SHALL BE WITHOUT LIABILITY TO EDC, INC.

Z:\EDC 2023\23-378 - Achner - 500 SE Indian Street\ENGINEERING\AutoCAD\DWGs\23-378 SITE PLAN(2-8-24).dwg, 2/12/2024 1:05:03 PM

Conceptual Design Group. Inc.

Landscape Architecture – Site Planning

Ms. Jodi Nentwick-Kugler **February 7, 2024**
Director of Development
City of Stuart
121 S.W. Flagler Avenue
Stuart, Florida 34994
772-288-5328

Re: 500 SE Indian Street ***CDG ref. # 24-0201***
40-38-41-010-000-00010-0 &
40-38-41-010-000-00001-0

Dear Ms. Netwick-Kugler:

A field observation was completed to review the existing landscape plantings (parcel id#s listed above) to compare them to the landscape plans prepared by Cotleur & Hearing dated 10-25-2016. The project's landscaping was found to be roughly ninety-five (95) percent per the plans (excluding the interior courtyard). There were some areas where a few plants were missing in various planting beds, and there were a few beds where an entire plant mass was missing or has died, but the plantings would be considered substantially completed and meets the general intent of the City's landscape code and the landscape plans prepared by Cotleur & Hearing if those plantings were replaced. Please consider allowing the purchaser the opportunity to plant those missing plants at the completion of the review process if the project is approved, and prior to issuance of a City business license in lieu of preparing "As-built Landscape Plans".

Should you have any questions or comments please feel free to contact me.

Sincerely,

Jeffrey William Smith, RLA

900 East Ocean Boulevard, Suite 130d
Stuart, Florida 34994
Phone: (772) 344-2340
LC:26000198

LOCATION MAP
NOT TO SCALE

SCALE = 1" = 40'

LEGAL DESCRIPTION:(PER NEXGEN)
PARCEL 1: LOT 1 CLARITY POINTE ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 17 PAGE 68 PUBLIC RECORDS MARTIN COUNTY FLORIDA (RPUD TRACT) PARCEL 2: COMMON AREA - UPLAND PRESERVE TRACT, LAKE TRACT, ACCESS TRACT - CLARITY POINTE ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 17 PAGE 68 PUBLIC RECORDS MARTIN COUNTY FLORIDA

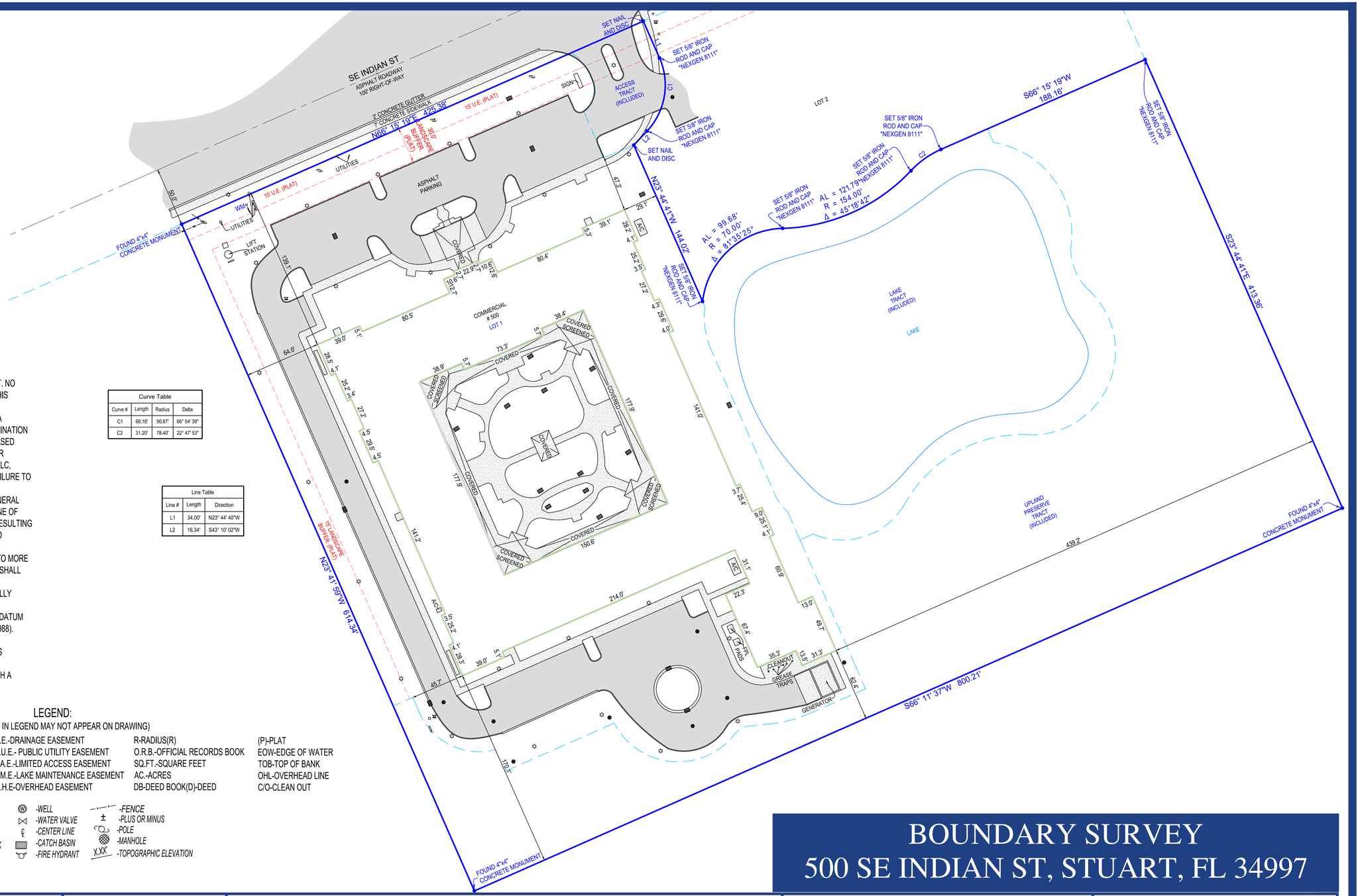
CERTIFIED TO:
JASON ACKNER

FLOOD ZONE:
12085C0161H
ZONE: X
EFF: 02/19/2020

GENERAL NOTES:
1) THIS SURVEY IS BASED UPON RECORD INFORMATION BY CLIENT. NO SPECIFIC SEARCH OF THE PUBLIC RECORD HAS BEEN MADE BY THIS OFFICE UNLESS OTHERWISE NOTED.
2) IF THIS SURVEY HAS BEEN PREPARED FOR THE PURPOSES OF A MORTGAGE TRANSACTION, ITS SCOPE IS LIMITED TO THE DETERMINATION OF TITLE DEFICIENCIES. NO FUTURE CONSTRUCTION SHALL BE BASED UPON THIS SURVEY WITHOUT FIRST OBTAINING APPROVAL AND/OR UPDATES FROM NEXGEN SURVEYING, LLC. NEXGEN SURVEYING, LLC, ASSUMES NO RESPONSIBILITY FOR ERRORS RESULTING FROM FAILURE TO ADHERE TO THIS CLAUSE.
3) ANY FENCES SHOWN HEREON ARE ILLUSTRATIVE OF THEIR GENERAL POSITION ONLY. FENCE TIES SHOWN ARE TO GENERAL CENTERLINE OF FENCE. THIS OFFICE WILL NOT BE RESPONSIBLE FOR DAMAGES RESULTING SOLELY ON THEIR PHYSICAL RELATIONSHIP TO THE MONUMENTED BOUNDARY LINES.
4) GRAPHIC REPRESENTATIONS MAY HAVE BEEN EXAGGERATED TO MORE CLEARLY ILLUSTRATE MEASURED RELATIONSHIPS - DIMENSIONS SHALL HAVE PRECEDENCE OVER SCALED POSITIONS. 5) UNDERGROUND IMPROVEMENTS HAVE NOT BEEN LOCATED EXCEPT AS SPECIFICALLY SHOWN.
6) ELEVATIONS ARE BASED UPON NATIONAL GEODETIC VERTICAL DATUM (N.G.V.D. 1929) OR NORTH AMERICAN VERTICAL DATUM (N.A.V.D. 1988).
7) ALL BOUNDARY AND CONTROL DIMENSIONS SHOWN ARE FIELD MEASURED AND CORRESPOND TO RECORD INFORMATION UNLESS SPECIFICALLY NOTED OTHERWISE.
8) CORNERS SHOWN AS "SET" ARE 5/8" IRON RODS IDENTIFIED WITH A PLASTIC CAP MARKED LS (LICENSED SURVEYOR)

Curve Table			
Curve #	Length	Radius	Delta
C1	66.18'	56.67'	66° 54' 39"
C2	31.20'	78.40'	22° 47' 53"

Line Table		
Line #	Length	Direction
L1	34.00'	N23° 44' 40"W
L2	16.34'	S43° 10' 02"W



LEGEND:
(SOME ITEMS IN LEGEND MAY NOT APPEAR ON DRAWING)

A/C-AIR CONDITIONER	P.O.B.-POINT OF BEGINNING	D.E.-DRAINAGE EASEMENT	R-RADIUS(R)	(P)-PLAT
WM-WATER METER	P.O.C.-POINT OF COMMENCEMENT	P.U.E.- PUBLIC UTILITY EASEMENT	O.R.B.-OFFICIAL RECORDS BOOK	EOW-EDGE OF WATER
AL- ARC LENGTH	P.B.-PLAT BOOK	L.A.E.-LIMITED ACCESS EASEMENT	SQ.FT.-SQUARE FEET	TOB-TOP OF BANK
(C)-CALCULATED	PG-PAGE	L.M.E.-LAKE MAINTENANCE EASEMENT	AC.-ACRES	OHL-OVERHEAD LINE
(M)-MEASURED	U.E.-UTILITY EASEMENT	O.H.E-OVERHEAD EASEMENT	DB-DEED BOOK(D)-DEED	C/O-CLEAN OUT

ELEV-ELEVATION	-LIGHT POLE	# -NUMBER	-WELL	-FENCE
FF-FINISHED FLOOR		-ASPHALT	-WATER VALVE	± -PLUS OR MINUS
LS-LICENSED SURVEYOR		-CONCRETE	-CENTER LINE	-POLE
LB-LICENSED BUSINESS		-PAVER/BRICK	-CATCH BASIN	-MANHOLE
PSM-PROFESSIONAL SURVEYOR & MAPPER		-WOOD	-FIRE HYDRANT	X.XX -TOPOGRAPHIC ELEVATION

BOUNDARY SURVEY
500 SE INDIAN ST, STUART, FL 34997

SURVEY NOTES:
- NO NOTABLE CONDITIONS FOUND

FIELD DATE: 2-9-2024
DRAWN BY: KG
ORDER NO:233671
REVISIONS:

1547 PROSPERITY FARMS ROAD
WEST PALM BEACH, FL 33403
NexgenSurveying.com LB#8111
PHONE: 561.508.6272
FAX: 561.508.6309
NEXGEN SURVEYING, LLC.

I HEREBY CERTIFY THAT THIS SURVEY MEETS OR EXCEEDS THE STANDARDS OF PRACTICE SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS PER CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES.

THE SEAL APPEARING ON THIS DOCUMENT WAS AUTHORIZED BY CLYDE O. MCNEAL PSM 2883 ON 2/13/2024

INSTR # 2621887
OR BK 2909 PG 1646
(45 Pgs)
RECORDED 02/28/2017 12:37:02 PM
CAROLYN TIMMANN
MARTIN COUNTY CLERK

BEFORE THE CITY COMMISSION

CITY OF STUART, FLORIDA

ORDINANCE NUMBER 2340-2017

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, AMENDING THE RPUD KNOWN AS "VILLAGIO STUART", CONSISTING OF 11.27 ACRES, OWNED BY TREASURE COAST PROPERTIES, LLC, AND APPLIED FOR BY CP-STUART DEVELOPMENT LLC, LOCATED ON THE SOUTH SIDE OF SE INDIAN STREET APPROXIMATELY 580 FEET EAST OF THE INTERSECTION OF SE KANNER HIGHWAY AND SE INDIAN STREET, SAID PROPERTY BEING MORE FULLY DESCRIBED IN EXHIBIT "A" ATTACHED; FURTHER REPEALING ORDINANCE NUMBER 2042-05, AND ESTABLISHING THE CLARITY POINTE RESIDENTIAL PLANNED UNIT DEVELOPMENT (RPUD) CONSISTING OF AN 84 BED ASSISTED LIVING FACILITY WITH MEMORY CARE; AMENDING THE FUTURE LAND USE MAP OF THE CITY'S COMPREHENSIVE PLAN, THEREBY CHANGING THE FUTURE LAND USE DESIGNATION FROM "MULTI-FAMILY RESIDENTIAL" TO "COMMERCIAL" FOR A 1.92 ACRE PORTION OF SAID PROPERTY; PROVIDING THAT SAID PROPERTY SHALL CONCURRENTLY REZONED FROM "RESIDENTIAL PLANNED UNIT DEVELOPMENT (RPUD)" TO "COMMERCIAL PLANNED UNIT DEVELOPMENT (CPUD)" ON THE CITY'S OFFICIAL ZONING MAP; APPROVING A MASTER DEVELOPMENT PLAN FOR THE OVERALL CLARITY POINTE PLANNED UNIT DEVELOPMENT (PUD); PROVIDING FOR DEVELOPMENT CONDITIONS; A TIMETABLE FOR DEVELOPMENT, DECLARING THE PLAN TO BE CONSISTENT WITH THE CITY'S COMPREHENSIVE PLAN; PROVIDING DIRECTIONS TO THE CITY CLERK; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

* * * * *

WHEREAS, the City Commission held a properly noticed hearing at a regularly scheduled City Commission to consider the application by Treasure Coast Properties, LLC, (Owner) and CP-Stuart Development LLC (Applicant) for a 11.27-acre parcel of land located on the south side of SE Indian Street 580 feet east of the intersection of SE Kanner Highway and SE Indian Street; and

WHEREAS, the City of Stuart has determined the need to change the Future Land Use and Land Development zoning district for said lands; and

WHEREAS, the City Commission, has considered the Owner and Applicant's voluntary request for land use and zoning designations, and has also considered the recommendation of the City staff.

WHEREAS, the Owner and Applicant has committed to the City that its development will comply with all development codes, plans, standards and conditions approved by the City Commission; and that it will bind its successors in title to any such commitments made upon approval of the CPUD and RPUD; and

WHEREAS, at the hearing the applicant showed by substantial competent evidence that the application is consistent with the Stuart Comprehensive Plan, and the Land Development Code of the City, and with the procedural requirements of law; and

WHEREAS, the Clarity Pointe PUD development will be in harmony with surrounding properties and their anticipated development;

WHEREAS, the foregoing recitals are true and adopted as findings of fact and conclusions of law.

WHEREAS, the property is legally described in **"Exhibit A"** of this ordinance. A map depicting the property is attached hereto as **Exhibit "B"** and made a part hereof by reference; and development conditions including a timetable for construction of amenities attached hereto as **Exhibit "C";**

NOW THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA THAT:

SECTION 1: The following new documents are on file as public records of the City, at the office of the City Clerk in City Hall, and attached hereto as **Exhibit "D"**, hereinafter the "Development Documents", shall be deemed a part of the development conditions, and shall supplement any earlier approvals:

1. The Site Plan, prepared by Cotleur and Hearing, Inc., dated 08.26.16, last revised on 10.25.16.
2. The Boundary & Topographic Survey, prepared by GCY Incorporated, dated 01.07.16.
3. The Landscape Plan, Sheet 1 thru 2, prepared by Cotleur and Hearing, Inc., dated 08.26.16, and resubmitted on 10.25.16.
4. The Littoral Landscape Plan, Sheet 1 of 1, prepared by Cotleur and Hearing, Inc., dated 08.26.16, and resubmitted on 10.25.16.
5. Preserve Area Maintenance Plan, prepared by Crossroads Environmental, dated October 2016.
6. Photometric Plans, Sheets PHM-1 thru 2, prepared by Cotleur and Hearing, Inc. and signed and sealed by E&C Engineers, dated 08.26.16.
7. Overall Ground Floor Plan, Sheet AE110, prepared by Leo A Daly, and dated 08.26.16.
8. Exterior Elevations, Sheet AE 201, prepared by Leo A Daly, and dated 08.26.16.

9. Sample Color Board, prepared by Leo A Daly.
10. Clarity Pointe Outparcel Design Principles, prepared by Cotleur and Hearing, Inc.

SECTION 2: The Future Land Use designation in the City's Comprehensive Land Use Plan shall be established as "Commercial". This ordinance may not become effective until 31 days after adoption. If challenged within 30 days after adoption, this ordinance may not become effective until the state land planning agency or the Administration Commission, respectively, issues a final order determining that the adopted small scale development amendment is in compliance as defined in F.S. 163.3184(1)(b).

SECTION 4: The Land Development (Zoning) District designation on the City of Stuart Official Zoning Map shall be established as "CPUD" Commercial Planned Unit Development subject to the appeal period stated in Section 2, above.

SECTION 5: Except as otherwise provided herein, no development permits, site permits, or building permits shall be issued by the City except in compliance with the City's Land Development Code.

SECTION 5: All ordinances or parts of ordinances in conflict with this ordinance or any part thereof is hereby repealed to the extent of such conflict. If any provision of this ordinance conflicts with any contractual provision between the City and the developer of the site, this ordinance shall prevail.

SECTION 6: If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared severable.

the Owner. However, the Future Land Use and Zoning Designations granted herein shall not be effective until thirty-one (31) days after adoption, and as otherwise provided by law.

SECTION 8: Upon complete execution of this Ordinance, including the Acceptance and Agreement by the Owner, the City Clerk is directed to record a Certified Copy of the same in the Public Records of Martin County, Florida.

PASSED on First Reading this 12th day of December, 2016.

Commissioner MCDONALD offered the foregoing ordinance and moved its adoption. The motion was seconded by Commissioner GLASS LEIGHTON and upon being put to a roll call vote, the vote was as follows:

	YES	NO	ABSENT
EULA CLARKE, MAYOR	X		
THOMAS CAMPENNI, VICE MAYOR	X		
TROY MCDONALD, COMMISSIONER	X		
KELLI GLASS LEIGHTON, COMMISSIONER	X		
JEFFREY A KRAUSKOPF, COMMISSIONER	X		

ADOPTED on second and final reading this 9th day of January, 2017.

ATTEST:

CHERYL WHITE
CITY CLERK

EULA R. CLARKE
MAYOR

APPROVED AS TO FORM AND CORRECTNESS:

MICHAEL MORTELL
CITY ATTORNEY

CITY OF STUART · FLORIDA · INCORPORATED 1914 · SAILFISH CAPITAL OF THE WORLD

ACCEPTANCE AND AGREEMENT

BY SIGNING THIS ACCEPTANCE AND AGREEMENT, THE UNDERSIGNED HEREBY ACCEPTS AND AGREES TO ALL OF THE TERMS AND CONDITIONS CONTAINED IN A RESIDENTIAL PLANNED UNIT DEVELOPMENT AND IN ALL EXHIBITS, ATTACHMENTS AND DEVELOPMENT DOCUMENTS, INTENDING TO BE BOUND THEREBY, AND THAT SUCH ACCEPTANCE AND AGREEMENT IS DONE FREELY, KNOWINGLY, AND WITHOUT ANY RESERVATION, AND FOR THE PURPOSES EXPRESSED WITHIN THE ABOVE ORDINANCE. IF IT IS LATER DISCOVERED THAT THE UNDERSIGNED, OR ITS SUCCESSORS OR ASSIGNS HAVE FAILED IN ANY MATERIAL WAY TO DEVELOP THIS RESIDENTIAL PLANNED UNIT DEVELOPMENT ACCORDING TO THIS ORDINANCE, ITS CONDITIONS, AND THE DEVELOPMENT PLANS AND DOCUMENTS, THE UNDERSIGNED UNDERSTANDS AND AGREES THAT THIS ORDINANCE MAY BE AMENDED OR REPEALED BY THE CITY COMMISSION, AND THAT OTHER ACTIONS MAY BE TAKEN AGAINST THE UNDERSIGNED BY THE CITY, INCLUDING BUT NOT LIMITED TO CODE ENFORCEMENT ACTIONS, PERMIT AND LICENSING REVOCATIONS, AND ALL APPLICABLE CIVIL AND CRIMINAL ACTIONS.

IN WITNESS WHEREOF THE UNDERSIGNED HAS EXECUTED THIS ACCEPTANCE AND AGREEMENT:

WITNESSES:

_____

Print Name: Chris Campbell

_____

Print Name: Lydia Gallup

CP-Stuart Development, LLC

By: _____

Richard Olson, Managing Partner

WITNESSES:

_____

Print Name: _____

_____

Print Name: _____

Treasure Coast Properties Investments, LLC

By: _____

_____

see pg. 10

PETITIONER'S ACKNOWLEDGMENT

The above Ordinance, Acceptance and Agreement was acknowledged before me this 23rd day of January, 2017, by Richard Olson, Managing Partner.

LYDIA GALLUP
Notary Public - State of Florida
Commission # FF 991817
My Comm. Expires Sep 5, 2020
Bonded through National Notary Assn.

Notary Public, State of Florida

My Commission Expires: 9/5/20

Notary Seal

Personally Known X OR Produced Identification _____

Type of Identification Produced _____

OWNER'S ACKNOWLEDGMENT

The above Ordinance, Acceptance and Agreement was acknowledged before me this _____ day of _____, 2016, by _____.

Notary Public, State of Florida

My Commission Expires:

See pg. 11

Notary Seal

Personally Known _____ OR Produced Identification _____

Type of Identification Produced _____

WITNESSES:

_____

Print Name: _____

_____

Print Name: _____

CP-Stuart Development, LLC

By: _____

Richard Olson, Managing Partner

see pg. 8

WITNESSES:

_____

Print Name: Ashley Clark

_____

Print Name: Lisa Bishop

Treasure Coast Properties Investments, LLC

By: _____

Alexander N. Brittion, manager

PETITIONER'S ACKNOWLEDGMENT

The above Ordinance, Acceptance and Agreement was acknowledged before me this _____ day

of _____, 2017, by Richard Olson, Managing Partner.

See pg. 9

_____

Notary Public, State of Florida

My Commission Expires:

Notary Seal

Personally Known _____ OR Produced Identification _____

Type of Identification Produced _____

OWNER'S ACKNOWLEDGMENT

The above Ordinance, Acceptance and Agreement was acknowledged before me this 20 day

of January, ~~2016~~ 2017, by Alexander N Brittian

Irazely Garaboa

Notary Public, State of ~~Florida~~ North Carolina

My Commission Expires:

Notary Seal

Personally Known X OR Produced Identification _____

Type of Identification Produced _____

IRAZELY GARABOA
Notary Public
North Carolina
Buncombe County

CITY'S ACKNOWLEDGMENT

The above Ordinance, Acceptance and Agreement was acknowledged before me this 9th day of Jan., 2017, by Eula R. Clarke, Mayor, and Cheryl White, City Clerk, respectively, of the City of Stuart, Florida, a Florida municipal corporation.

Alaina Knofla

Notary Public, State of Florida

My Commission Expires:

Notary Seal

Personally Known ✓ OR Produced Identification _____

Type of Identification Produced _____

ALAINA KNOFLA
Notary Public - State of Florida
Commission # GG 008388
My Comm. Expires Jul 26, 2020
Bonded through National Notary Assn.

EXHIBIT A-1

LEGAL DESCRIPTION

CLARITY POINTE OUT PARCEL

A PARCEL OF LAND BEING A PORTION OF LOTS 14 AND 15, LYING SOUTH OF INDIAN STREET AND LOTS 18 AND 19 AND A PORTION OF THE FORMER 60 FOOT WIDE RIGHT OF WAY THROUGH AFORESAID LOTS, ACCORDING TO THE PLAT OF STUART FARMS, AS RECORDED IN PLAT BOOK 1, PAGE 63, PUBLIC RECORDS OF PALM BEACH COUNTY (NOW MARTIN COUNTY), FLORIDA; SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE POINT OF INTERSECTION OF THE CENTERLINE OF STATE ROAD 76 AND THE CENTERLINE OF INDIAN STREET; THENCE NORTH 66°15' 19" EAST, ALONG SAID CENTERLINE OF INDIAN STREET, A DISTANCE OF 47.42 FEET; THENCE SOUTH 23°44' 41" EAST, A DISTANCE OF 50.00 FEET TO THE SOUTH RIGHT OF WAY LINE OF INDIAN STREET; THENCE NORTH 66°15' 19" EAST ALONG SAID SOUTH RIGHT OF WAY LINE, A DISTANCE OF 1027.71 FEET TO THE **POINT OF BEGINNING**; THENCE CONTINUE ALONG SAID RIGHT OF WAY LINE 66°15'19", A DISTANCE OF 374.35 FEET; THENCE DEPARTING SAID RIGHT OF WAY LINE SOUTH 23°44'42" EAST, A DISTANCE OF 200.12 FEET; THENCE SOUTH 66°15'19" WEST, A DISTANCE OF 188.16 FEET TO THE BEGINNING OF A CURVE CONCAVE TO THE SOUTH HAVING A RADIUS OF 78.40 FEET; THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 22°47'42" A DISTANCE OF 31.19 FEET, SAID CURVE HAVING A CHORD BEARING OF SOUTH 54°32'06" WEST, A CHORD DISTANCE OF 30.99' TO THE BEGINNING OF A REVERSE CURVE CONCAVE TO THE NORTH HAVING A RADIUS OF 154.00 FEET; THENCE SOUTHERLY AND WESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 45°18'38" A DISTANCE OF 121.79 FEET, SAID CURVE HAVING A CHORD BEARING OF SOUTH 65°47'34" WEST, A CHORD DISTANCE OF 118.64 FEET TO THE BEGINNING OF A REVERSE CURVE HAVING A RADIUS OF 70.00 FEET; THENCE WESTERLY AND SOUTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 81°35'22" A DISTANCE OF 99.68 FEET, SAID CURVE HAVING A CHORD BEARING OF SOUTH 47°39'12", A CHORD DISTANCE OF 91.47 FEET; THENCE NORTH 23°44'41" WEST NON-TANGENT TO THE LAST DESCRIBED CURVE, A DISTANCE OF 144.02 FEET; THENCE NORTH 43°10'02" EAST, A DISTANCE OF 16.34 FEET TO A TANGENT CURVE, CONCAVE NORTHWESTERLY HAVING A RADIUS OF 56.67 FEET; THENCE NORTHEASTERLY AND NORTHERLY ALONG THE ARC OF SAID CURVE A DISTANCE OF 66.18 FEET TO THE END OF CURVE; THENCE NORTH 23°44'40" WEST, A DISTANCE OF 34.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 1.92 ACRES, MORE OR LESS

PROVIDED IN ITS ENTIRETY CONSISTING OF 4 SHEETS, WITH SHEET 3 AND 4 BEING THE SKETCH OF DESCRIPTION.

NO.	REVISIONS	DATE	BY

GCY INCORPORATED
PROFESSIONAL SURVEYORS AND MAPPERS
CERTIFICATE OF AUTHORIZATION LB 4108
CORPORATE OFFICE
PO BOX 1469 • 1505 SW MARTIN HWY.
PALM CITY, FL 34991
(800) 386-1066 • WWW.GCYINC.COM

Sketch
CP – Stuart Development, LLC
MARTIN COUNTY, FLORIDA

Scale:	Date:	File & Drawing No.:
NA	Jan. 2017	16-1001-03-03
Drawn By: M.F.M.	Checked: P.A.	Sheet 1 OF 4

COPYRIGHT © 2017 BY GCY, INC., PROFESSIONAL SURVEYORS AND MAPPERS

Drawing Name: CPUD Clarity Pointe-SKL

EXHIBIT A-2

SURVEYOR'S NOTES

1. THIS SKETCH AND LEGAL DESCRIPTION IS BASED ON OFFICE INFORMATION ONLY AND DOES NOT REPRESENT A BOUNDARY SURVEY.

2. THIS LEGAL DESCRIPTION SHALL NOT BE VALID UNLESS:

   A) PROVIDED IN ITS ENTIRETY CONSISTING OF 4 SHEETS, WITH SHEETS 3 & 4 BEING THE SKETCH OF DESCRIPTION.

   B) REPRODUCTION OF THE DESCRIPTION AND SKETCH ARE SIGNED AND SEALED WITH AN EMBOSSED SURVEYOR'S SEAL.

3. BEARINGS SHOWN HEREON ARE REFERENCED TO THE SOUTHERLY RIGHT-OF-WAY LINE OF S.E. INDIAN STREET, HAVING A BEARING OF N66°15'19"E, AND ALL OTHERS ARE RELATIVE THERETO.

CERTIFICATION

(NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER)

I HEREBY CERTIFY THAT THE SKETCH AND LEGAL DESCRIPTION OF THE PROPERTY SHOWN AND DESCRIBED HEREON WAS COMPLETED UNDER MY DIRECTION AND SAID SKETCH AND DESCRIPTION IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

I FURTHER CERTIFY THAT THIS SKETCH AND DESCRIPTION MEETS THE MINIMUM TECHNICAL STANDARDS FOR SURVEYS SET FORTH BY THE FLORIDA PROFESSIONAL BOARD OF SURVEYORS AND MAPPERS IN CHAPTER 5J-17.052, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027 FLORIDA STATE STATUTES. THE SKETCH AND DESCRIPTION IS BASED ON INFORMATION FURNISHED BY CLIENT OR CLIENT'S REPRESENTATIVE.

1/23/2017
DATE OF SIGNATURE

PETER ANDERSEN
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATE NO. 5199

PROVIDED IN ITS ENTIRETY CONSISTING OF 4 SHEETS, WITH SHEET 3 AND 4 BEING THE SKETCH OF DESCRIPTION.

NO.	REVISIONS	DATE	BY

GCY INCORPORATED
PROFESSIONAL SURVEYORS AND MAPPERS
CERTIFICATE OF AUTHORIZATION LB 4108
CORPORATE OFFICE
PO BOX 1469 • 1505 SW MARTIN HWY.
PALM CITY, FL 34991
(800) 386-1066 • WWW.GCYINC.COM

Sketch
CP – Stuart Development, LLC
MARTIN COUNTY, FLORIDA

Scale:	Date:	File & Drawing No.:
NA	Jan. 2017	16-1001-03-03
Drawn By: M.F.M.	Checked: P.A.	Sheet 2 OF 3

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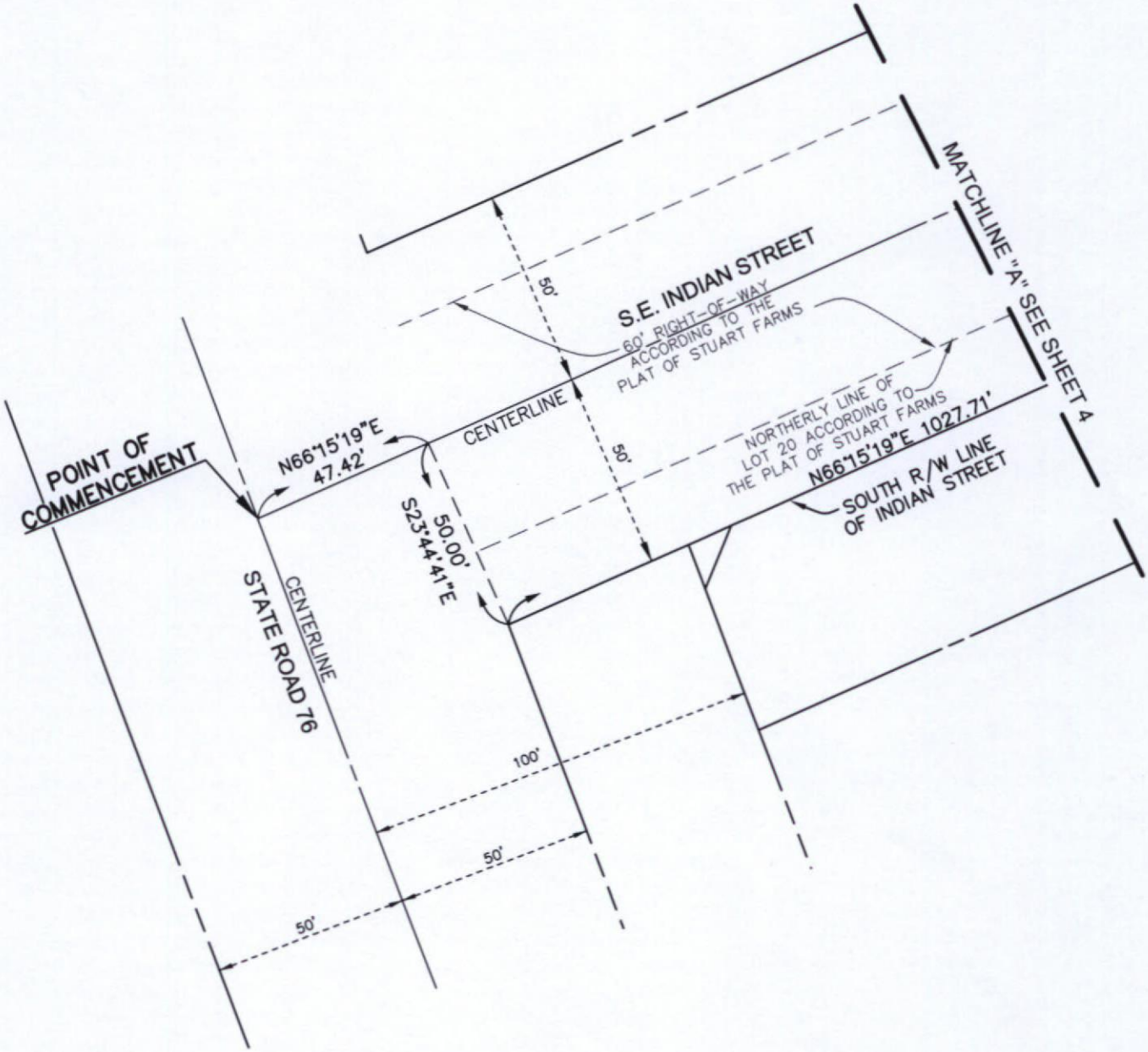
Drawing Name: CPUD Clarity Pointe-SKL

EXHIBIT A-3



NOTE:
This drawing does not represent a boundary survey and is based on office information only.

PROVIDED IN ITS ENTIRETY CONSISTING OF 4 SHEETS, WITH SHEET 3 AND 4 BEING THE SKETCH OF DESCRIPTION.

NO.	REVISIONS	DATE	BY

GCY INCORPORATED
PROFESSIONAL SURVEYORS AND MAPPERS
CERTIFICATE OF AUTHORIZATION LB 4108
CORPORATE OFFICE
PO BOX 1469 • 1505 SW MARTIN HWY.
PALM CITY, FL 34991
(800) 386-1066 • WWW.GCYINC.COM

Sketch
CP – Stuart Development, LLC
MARTIN COUNTY, FLORIDA

Scale:	Date:	File & Drawing No.:
NA	Jan. 2017	16-1001-03-03
Drawn By: M.F.M.	Checked: P.A.	Sheet 3 OF 4

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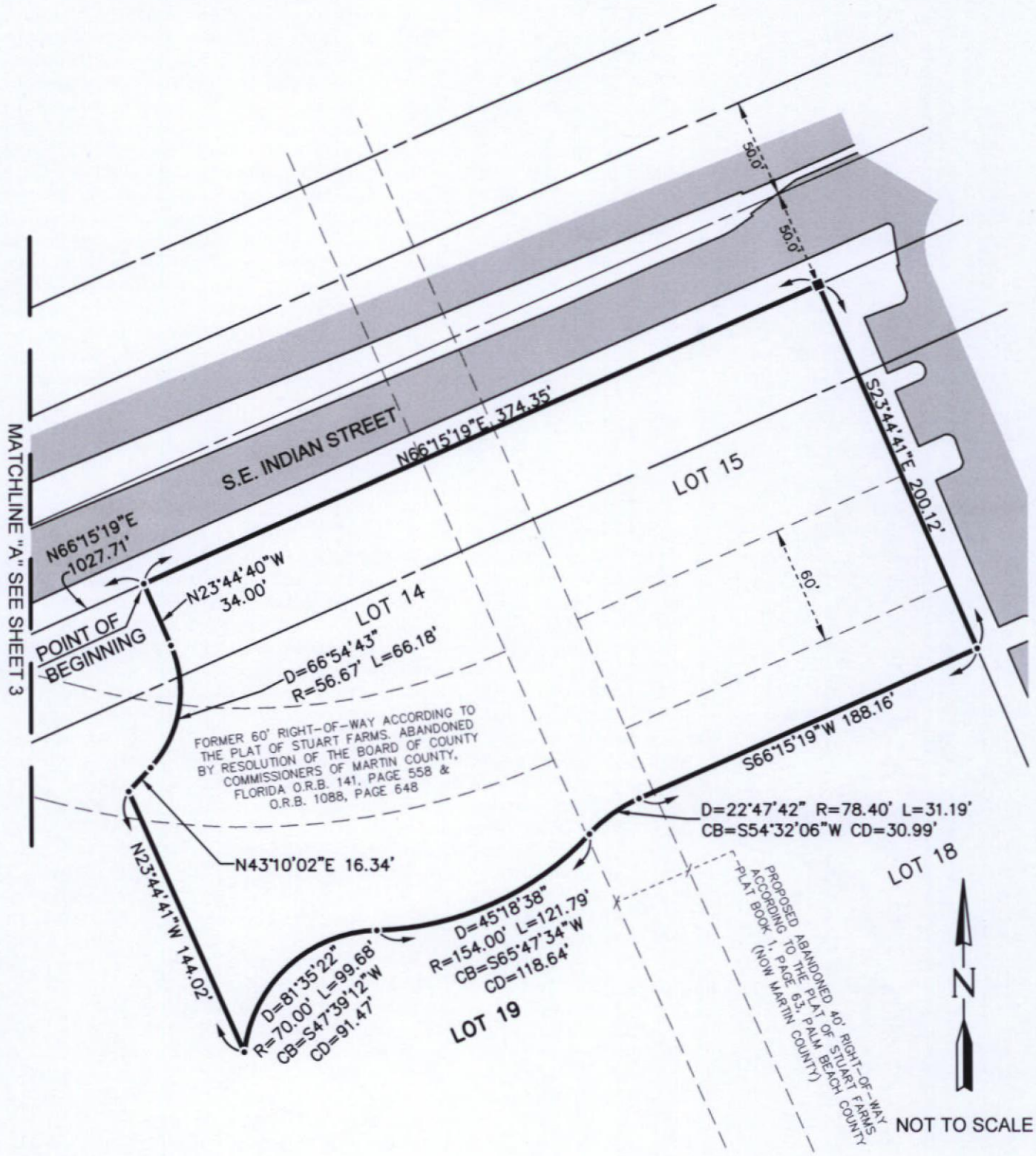
Drawing Name: CPUD Clarity Pointe-SKL

EXHIBIT A-4



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16
Drawing Name: CPUD Clarity Pointe-SKL

EXHIBIT B – LOCATION MAP

EXHIBIT C – DEVELOPMENT CONDITIONS

Approved Plans and Documents (Exhibit D)

1. The Clarity Pointe PUD (including the Adult Living Facility and CPUD outparcel project) and use thereof shall comply with the following documents and drawings:
   a. The Master Site Plan, prepared by Cotleur and Hearing, Inc., dated 08.26.16, last revised on 10.25.16.
   b. The Boundary & Topographic Survey, prepared by GCY Incorporated, dated 01.07.16.
   c. The Landscape Plan, Sheet 1 thru 2, prepared by Cotleur and Hearing, Inc., dated 08.26.16, and resubmitted on 10.25.16.
   d. The Littoral Landscape Plan, Sheet 1 of 1, prepared by Cotleur and Hearing, Inc., dated 08.26.16, and resubmitted on 10.25.16.
   e. Preserve Area Maintenance Plan, prepared by Crossroads Environmental, dated October 2016.
   f. Photometric Plans, Sheets PHM-1 thru 2, prepared by Cotleur and Hearing, Inc. and signed and sealed by E&C Engineers, dated 08.26.16.
   g. Overall Ground Floor Plan, Sheet AE110, prepared by Leo A Daly, and dated 08.26.16.
   h. Exterior Elevations, Sheet AE 201, prepared by Leo A Daly, and dated 08.26.16.
   i. Sample Color Board, prepared by Leo A Daly.
   j. Clarity Pointe Outparcel Design Principles, prepared by Cotleur and Hearing, Inc.

2. Land clearing of the CPUD outparcel will be permitted with approval of the RPUD site plan. Development of the CPUD outparcel portion of the site beyond land clearing shall require a future Major PUD amendment, and shall comply with the Clarity Pointe Outparcel Design Principles and will include uses and structures substantially related to the character of the overall Clarity Pointe PUD itself and to the adjacent property.

3. The CPUD outparcel can be partially cleared and filled as part of the Land development activities associated with the RPUD portion of the property with the following conditions:
    a. 30' wide native vegetative and tree buffer shall be preserved along the western, northern and eastern boundaries of the CPUD outparcel.
    b. Tree Removal Fees for trees removed within the center portion of the outparcel which are identified within the Tree Mitigation Analysis shall be paid prior to the issuance of a Land Development Permit. There are no refunds of these fees.
    c. Fill placed within the center of the outparcel shall be graded and seeded to direct storm water runoff to the development's master water management system.
    d. Prior to land clearing approval for the RPUD, the Applicant shall provide the City a surety bond (in a form acceptable to the City Attorney) for the amount of $50,000 to cover the replacement of all removed trees or other vegetation that have died within the buffer area as a result of the clearing of the CPUD outparcel prior to issuance of a land clearing permit for the CPUD. If construction of the CPUD outparcel has not started within three years after clearing, the total amount of the bond will be forfeit to the city.

4. Any modifications to the Master PUD Site Plan that exceeds 10% of the approved building footprint, building setbacks, gross square footage, building location, parking size, location and number of parking, drainage areas, and location of landscaping may be approved by the City's Development Director, provided however, the Development Director may refer the matter to the City Commission for approval via a public hearing.

5. All applicable state or federal permits must be obtained before the commencement any development activities. Issuance of this development order/permit/approval by the City of Stuart does not in any way create any right on the part of an applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the City of Stuart for the issuance of this order/permit/approval if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law.

6. To fulfill the requirement that a sketch and legal description be made part of this ordinance, the applicant shall provide the City with a sketch and meets & bounds legal description of the 1.92-acre commercial parcel (prepared by a licensed surveyor and acceptable to the City) prior to the recoding of this ordinance, failing which this ordinance shall become void.

7. The applicant shall have 60 days from the date of this approval to sign and record this document with the City Clerk of Stuart.

Landscaping, Required Open Space and Tree Mitigation

8. The common buffer and other common areas shall be provided with landscaping with an irrigation system of sufficient capacity to maintain the landscaping in a healthy growing condition.

9. The City's landscape inspector shall have the opportunity to inspect all trees and/or landscape material with the landscape architect prior to installation. The developer shall bear the pass-thru fee for landscape consulting fees not to exceed $1,500.00.

10. Not less than 30% of the RPUD and CPUD combined shall be open space as defined in the City Land Development Regulations. Required open space may include native vegetation areas and landscape buffers between the RPUD and adjacent property; however, other required landscaping shall not count towards the open space requirement.

11. Prior to any development activities on the site, any applicable payment into the City's tree replacement fund based on the City's Tree Replacement Formula, Section 5.05.02, shall be made. Solely at the City's discretion, the applicant may donate and/or locate mitigated trees in a public areas designated by the City.

12. "Hat racking" of trees is prohibited on the property.

13. A landscape maintenance plan for landscaping in the common space, executed in accordance with the Land Development Regulations, shall be submitted to the Development Department and approved prior to the issuance of a certificate of occupancy. Prior to land clearing approval, the applicant shall provide financial assurance for not less than five for monitoring and maintenance of the preserve area.

14. Any trash, debris, and exotics shall be removed from the preserve area. The preserve Area shall be maintained in perpetuity in accordance with the Preserve Area Maintenance Plan by Crossroad Environmental and dated October 2016.

15. A tree protective barrier plan shall be reviewed, approved and inspected by the landscape architect and by a City staff person on-site prior to construction activity to ensure that all preserve areas are not disturbed.

16. Fill material should be inorganic containing not more than five percent (5%) by weight organic material. Fill materials with silt/clay-sized soil fines in excess of 12% should not be used. Fill should be placed in lifts with a maximum lift thickness not exceeding 12-inches. Density tests should be performed as recommended by the Geotechnical Report prepared by GFA International.

17. Pursuant to Section 5.01.00, the applicant shall provide prior to building permit approval evidence of achievement of elimination and reduction/avoidance and minimization of wetland impacts from the South Florida Water Management District (SFWMD) and United States Army Corps of Engineers (USACE). This evidence may be in a form of a letter of intent to issue a permit from the USACE and SFWMD. Prior to any development activities on the site, the applicant shall also provide the final SFWMD approval of wetland mitigation demonstrating the WRAP score for the herbaceous wetland mitigation does not exceed the .6 credits purchased thru the Bluefield Ranch Mitigation Bank.

18. Prior to and during the construction period, the applicant shall provide a schedule for the inspection and maintenance of barricades and erosion controls.

19. Prior to the development permit approval, the applicant shall revise the Preserve Area Maintenance Plan (PAMP) to include a five-year period and shall indicate that the property owner will be responsible for the maintenance of the preserve area in perpetuity and in accordance with the provisions of the PAMP.

20. The Applicant agrees that the Future Land Use category of the preserve area may be changed to "Conservation" at the discretion of the City.

Prior to Issuance of Site Permits

21. Applicant shall provide a digital boundary survey and civil plan prior to the issuance of a site permit.

22. Final Development plans and/or Construction Drawings and Building Plans shall be submitted, reviewed, and approved by the City prior to the issuance of any Development Permits.

23. Civil Plans shall be reviewed and approved by all applicable City departments prior to the issuance of a site permit.

24. All regulatory agency permits, including but not limited to the South Florida Water Management District and Army Corp of Engineers, shall be obtained by the applicant and copies provided to the City prior to the commencement of any development activities.

25. All development activities shall comply with the City's Concurrency Management System prior to the issuance of building permits.

Development and Construction

26. The Developer shall install entry landscaping prior to the first certificate of occupancy for the Assisted Living Facility.

27. Construction activity shall be limited to 7:00 am to 6:00 pm Monday thru Friday and 8:00 am to 6:00 pm Saturday thru Sunday. Water trucks shall be provided by the applicant as necessary during construction in order to reduce dust generated on-site.

28. The Developer shall provide enclosed dumpster details on submitted civil construction plans prior to final site plan approval acceptable to the City's Public Works Department.

29. The Developer shall ensure a continuous pedestrian connection between the Assisted Living Facility and the CPUD outparcel.

30. Prior to certificate of occupancy of the Assisted Living Facility, the applicant shall provide an engineer's written confirmation attesting that the entire PUD's storm water system is in place and functioning in compliance with all approved plans and specifications, including any necessary storm water treatment on the CPUD parcel.

31. Erosion and dust control measures to be implemented during construction shall be provided on the civil plans and submitted during site permit review. Water trucks shall be provided by the applicant as necessary during construction in order to reduce dust generated on-site.

32. All utility improvements constructed by the developer within Martin County's right-of-way, shall be constructed in a manner and form acceptable to Martin County's Engineering Department. The developer shall grant any such utility easements necessary for this site as may be required by Martin County.

33. The project's storm water facilities, specifically the Native Planting schemes at the drainage swale and retention areas, will be designed using Low Impact Development "(LID) Techniques as described in the University of Florida IFSA Extension publication LID Practices: Integration Wetlands and Enhancing Storm water Basins". The proposed retention area shall have native grasses along the edges of the retention area are to become part of the stormwater filtration process.

34. Loading areas, trash collection, mechanical equipment, trash compaction, recycling, rooftop equipment and other service function areas shall be fully screened and out of view and shall be maintained in a clean and orderly fashion.

35. All development shall be complaint with Americans with Disabilities Act (ADA) in regards to handicap accessibility.

36. Any sidewalk damaged during the construction shall be repaired or replaced prior to the issuance of a Certificate of Occupancy.

37. Lighting shall comply with Section 6.07.00 of the Land Development Code and reviewed by Police for CEPTED/Crime Prevention recommendations prior to final site plan approval. Lighting shall include shields to direct the light away from residential areas.

Signage

38. The PUD's monument sign shall adhere to the City of Stuart Land Development Code.

Utilities

39. The applicant is responsible for all costs associated with the construction of the proposed utilities and with the abandonment of the existing utilities water main and relocation of existing light poles.

Development Timetable

40. By December 12, 2019, all on-site infrastructure improvements necessary to support development of the entire multi-family residential site shall be in place and achieve final inspection.

Prohibited

41. No temporary or modular buildings are permitted on the property except for permitted temporary construction/leasing trailers

42. Billboards are prohibited on the property.

43. Banners and any other sign or advertising device not in accordance with the City's Land Development Regulations are prohibited.

Platting - HOA Requirements & Future Amendments

44. Prior to application for any development, the applicant/developer shall establish a legal entity or Property Owner's Association (POA) which shall maintain a uniform control over all areas of the overall Clarity Pointe PUD in a form acceptable to the City Attorney, and which shall be singularly responsible for the perpetual maintenance of the common site features. Such person, POA or entity shall be legally capable of providing a commitment to the city that the PUD development and common maintenance will comply with all PUD documents, plans, standards and conditions, including the PAMP.

45. Prior to any construction development approval, the applicant shall obtain a Parcel Control Number for the CPUD outparcel and provide a unity of title over both properties.

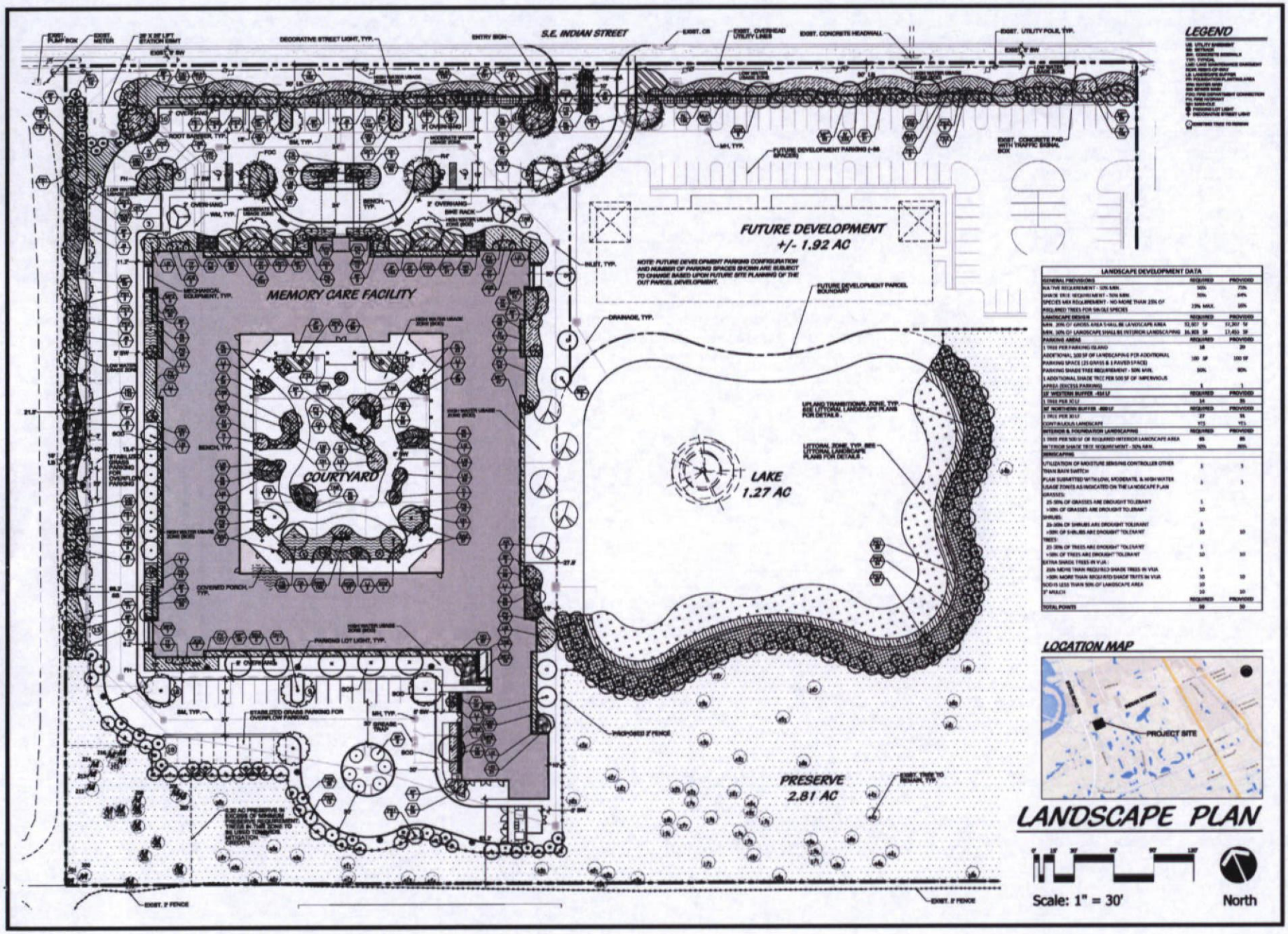
46. Prior to the sale of the CPUD or dissolution of the unity of title, the applicant shall obtain plat approval and provide evidence that would bind his successors in title to any commitments made within this PUD approval.

47. Any future applications to amend this Ordinance shall be limited to the developer or the means of uniform control established in a form acceptable to the City Attorney.

Abandonment of Right-of-Way

48. Prior to, or in tandem with plat approval, the applicant shall provide the city with an appraisal of the value of the right-of-way shown on the subject property and in exchange

for a privilege fee equal to the appraisal; the City shall transfer to the applicant any interest the City may have in said Right of Way. The City is not providing any warranty regarding the Right of Way and is only extinguishing any interest which might be vested with the City. Or in the alternative, the applicant may pursue abandonment of said Right of Way, pursuant to Section 11.01.04. Development approval should be granted until either the City's interest is relinquished or former abandonment occurs.



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561.747.6336 - Fax 747.1377
www.cotleurhearing.com
Lic# LC-C000239

CLARITY POINTE
Stuart, Florida

SHEET 1 OF 2

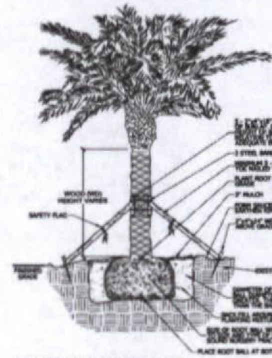
LANDSCAPE NOTES

[illegible]

LANDSCAPE SPECIFICATIONS

[illegible]

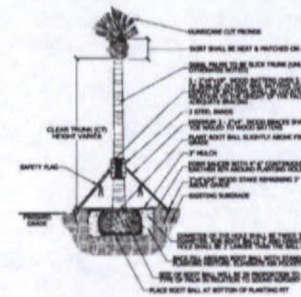
PLANTING DETAILS



LARGE PALM PLANTING DETAIL

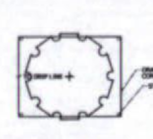
MEDJOOL, CANARY ISLAND, SYLVESTER DATE PALM, ETC.

NTS



SABAL PALM PLANTING DETAIL

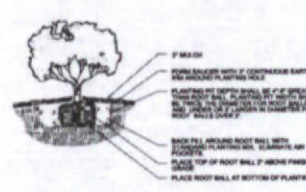
NTS



TREE PROTECTION DETAIL

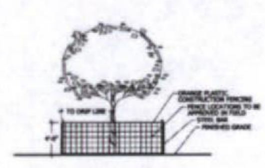
PLAN VIEW

NTS



SHRUB/GROUNDCOVER PLANTING DETAIL

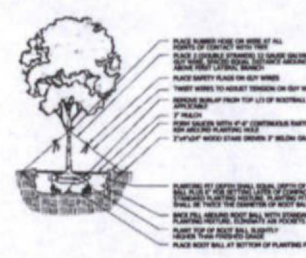
NTS



TREE PROTECTION DETAIL

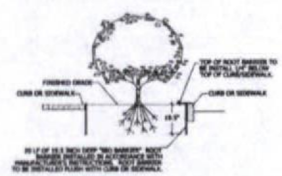
SECTION VIEW

NTS



LARGE TREE PLANTING DETAIL

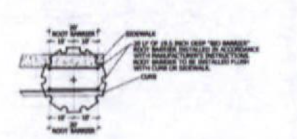
NTS



ROOT BARRIER DETAIL

SECTION VIEW

NTS



ROOT BARRIER DETAIL

PLAN VIEW

NTS

PLANT LIST

[illegible]

(*) INDICATES DROUGHT-TOLERANT PLANT

(*) INDICATES NATIVE PLANT

MITIGATION DATA			
MITIGATION	INCHES AT DBH	REQUIRED [illegible]	PROVIDED [illegible]
SLASH PINE (1.5 X REPLACEMENT)	[illegible]	[illegible] INCHES	[illegible] INCHES
ALL OTHER TREES (2.5 X REPLACEMENT)	[illegible]	[illegible] INCHES	[illegible] INCHES
MITIGATED TREES LOCATED WITHIN ADDITIONAL 0.20 AC OF PRESERVE AREA		N/A	243 INCHES
SUB TOTAL		[illegible] INCHES	[illegible] INCHES

[illegible]

TREE MITIGATION CHART				
TREES FROM LANDSCAPE PLANS				
SPECIES	SIZE	QNTY.	DBH INCHES	TOTAL INCHES
SLASH PINE	8-10' OA	105	2.5	262.5
SLASH PINE	10-12' OA	68	3.5	238
SLASH PINE	12-14' OA	51	4	204
CABBAGE PALM	16' CT	94	5.5	517
RED MAPLE	14-16' HT	5	4.5	22.5
LIVE OAK	12-14' HT	17	4.5	76.5
LIVE OAK	20' HT	7	5.5	38.5
MITIGATED TREES LOCATED WITHIN ADDITIONAL 0.20 AC OF PRESERVE AREA:				
SPECIES	TREE NO.	QNTY.	DBH INCHES	TOTAL INCHES
PINE	198	1	14	14
PINE	199	1	15	15
PINE	200	1	14	14
PINE	201	1	18	18
PINE	202	1	12	12
PINE	203	1	12	12
PINE	204	1	11	11
PINE	206	1	11	11
PINE	207	1	12	12
PINE	208	1	10	10
PINE	209	1	14	14
PINE	210	1	12	12
PINE	211	1	15	15
PINE	212	1	13	13
PINE	213	1	10	10
PINE	214	1	12	12
PINE	215	1	15	15
PINE	216	1	11	11
PINE	217	1	12	12
TOTAL DBH INCHES FOR MITIGATION:				1602

48 HOURS BEFORE DIGGING
CALL TOLL FREE
811
SUNSHINE STATE ONE CALL
OF FLORIDA, INC.

Landscape Details

Cotleur & Hearing
Landscape Architects
Land Planners
Environmental Consultants
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Suite 1
Jupiter, Florida 33458
561.747.6336 · Fax 747.1377
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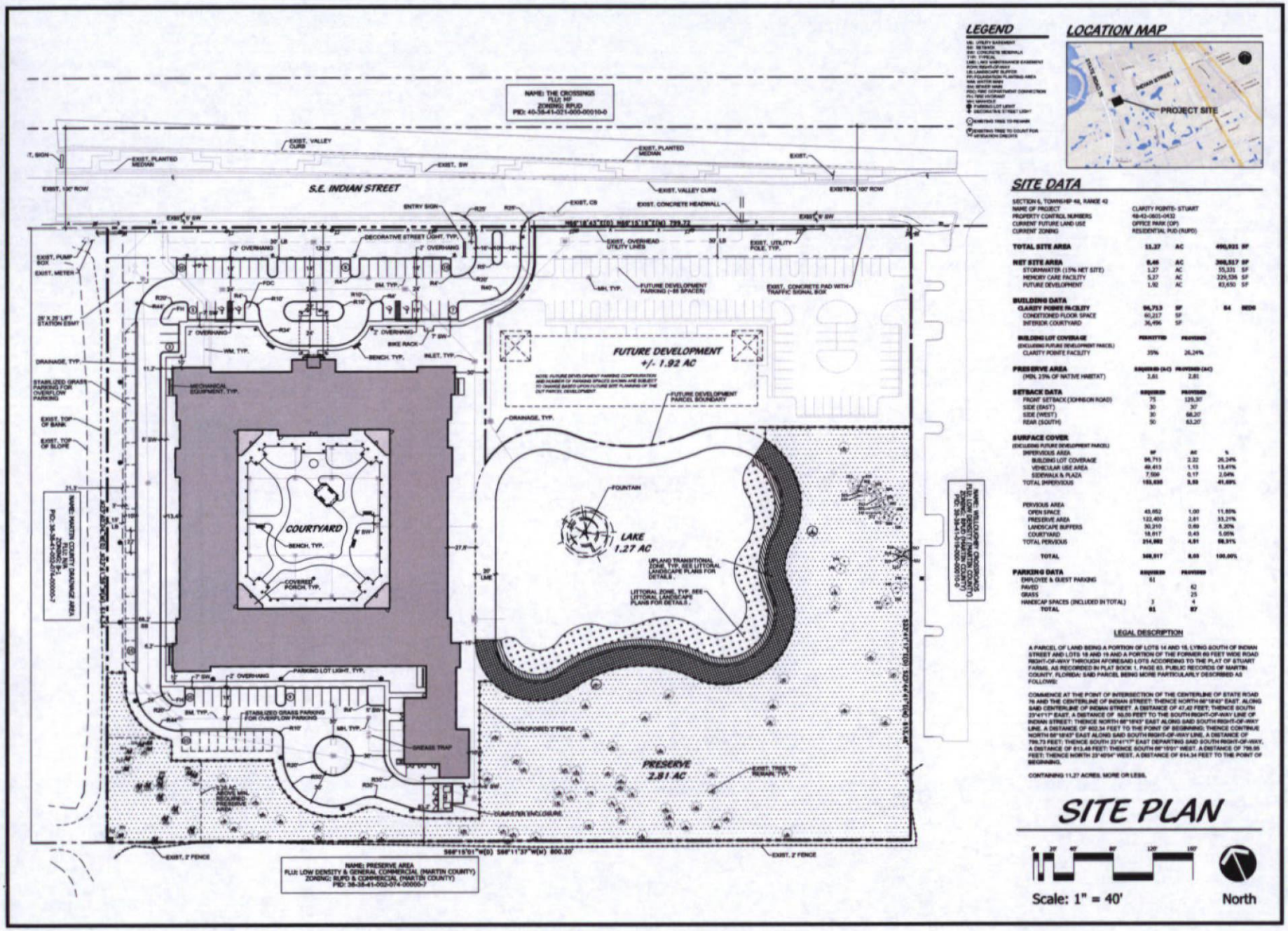
Lic# LC-C000239

CLARITY POINTE

Stuart, Florida

DESIGNED DMS
DRAWN MCR
APPROVED DEH
JOB NUMBER 15-0206.02
DATE 08-26-16
REVISIONS 10-25-16

SHEET 2 OF 2



LEGEND

UE: UTILITY EASEMENT
SB: SETBACK
SW: CONCRETE SIDEWALK
TYP: TYPICAL
LME: LAKE MAINTENANCE EASEMENT
ROW: RIGHT-OF-WAY
LS: LANDSCAPE BUFFER
FP: FOUNDATION PLANTING AREA
WM: WATER MAIN
SM: SEWER MAIN
FDC: FIRE DEPARTMENT CONNECTION
FH: FIRE HYDRANT
MH: MANHOLE
PARKING LOT LIGHT
DECORATIVE STREET LIGHT
EXISTING TREE TO REMAIN
EXISTING TREE TO COUNT FOR MITIGATION CREDITS

LOCATION MAP

SITE DATA

SECTION 6, TOWNSHIP 40, RANGE 42

NAME OF PROJECT	CLARITY POINTE- STUART			
PROPERTY CONTROL NUMBERS	40-42-0601-0432			
CURRENT FUTURE LAND USE	OFFICE PARK (OP)			
CURRENT ZONING	RESIDENTIAL PUD (RUPD)			
TOTAL SITE AREA	**11.27**	**AC**	**490,931**	**SF**
NET SITE AREA	**8.46**	**AC**	**368,517**	**SF**
STORMWATER (15% NET SITE)	1.27	AC	55,331	SF
MEMORY CARE FACILITY	5.27	AC	229,536	SF
FUTURE DEVELOPMENT	1.92	AC	83,650	SF
BUILDING DATA				
CLARITY POINTE FACILITY	**96,713**	**SF**	**84**	**BEDS**
CONDITIONED FLOOR SPACE	60,217	SF		
INTERIOR COURTYARD	36,496	SF		

BUILDING LOT COVERAGE (EXCLUDING FUTURE DEVELOPMENT PARCEL)	PERMITTED	PROVIDED
CLARITY POINTE FACILITY	35%	26.24%

PRESERVE AREA (MIN. 25% OF NATIVE HABITAT)	REQUIRED (AC)	PROVIDED (AC)
	2.81	2.81

SETBACK DATA	REQUIRED	PROVIDED
FRONT SETBACK (JOHNSON ROAD)	75	129.30'
SIDE (EAST)	30	30'
SIDE (WEST)	30	66.20'
REAR (SOUTH)	50	63.20'

SURFACE COVER (EXCLUDING FUTURE DEVELOPMENT PARCEL)	SF	AC	%
IMPERVIOUS AREA			
BUILDING LOT COVERAGE	96,713	2.22	26.24%
VEHICULAR USE AREA	49,413	1.13	13.41%
SIDEWALK & PLAZA	7,500	0.17	2.04%
TOTAL IMPERVIOUS	153,626	3.53	41.69%
PERVIOUS AREA			
OPEN SPACE	43,052	1.00	11.85%
PRESERVE AREA	122,403	2.81	33.21%
LANDSCAPE BUFFERS	30,210	0.69	8.20%
COURTYARD	18,617	0.43	5.05%
TOTAL PERVIOUS	214,882	4.93	58.31%
TOTAL	**368,517**	**8.46**	**100.00%**

PARKING DATA	REQUIRED	PROVIDED
EMPLOYEE & GUEST PARKING	61	
PAVED		62
GRASS		25
HANDICAP SPACES (INCLUDED IN TOTAL)	3	4
TOTAL	**61**	**87**

LEGAL DESCRIPTION

A PARCEL OF LAND BEING A PORTION OF LOTS 14 AND 15, LYING SOUTH OF INDIAN STREET AND LOTS 18 AND 19 AND A PORTION OF THE FORMER 60 FEET WIDE ROAD RIGHT-OF-WAY THROUGH AFORESAID LOTS ACCORDING TO THE PLAT OF STUART FARMS, AS RECORDED IN PLAT BOOK 1, PAGE 63, PUBLIC RECORDS OF MARTIN COUNTY, FLORIDA; SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE POINT OF INTERSECTION OF THE CENTERLINE OF STATE ROAD 76 AND THE CENTERLINE OF INDIAN STREET; THENCE NORTH 88°18'43" EAST ALONG SAID CENTERLINE OF INDIAN STREET A DISTANCE OF 47.42 FEET; THENCE SOUTH 23°41'17" EAST, A DISTANCE OF 55.00 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF INDIAN STREET; THENCE NORTH 88°18'43" EAST ALONG SAID SOUTH RIGHT-OF-WAY LINE, A DISTANCE OF 802.34 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE NORTH 88°18'43" EAST ALONG SAID SOUTH RIGHT-OF-WAY LINE, A DISTANCE OF 799.73 FEET; THENCE SOUTH 23°41'17" EAST DEPARTING SAID SOUTH RIGHT-OF-WAY, A DISTANCE OF 813.46 FEET; THENCE SOUTH 88°15'01" WEST, A DISTANCE OF 796.95 FEET; THENCE NORTH 23°45'54" WEST, A DISTANCE OF 814.34 FEET TO THE POINT OF BEGINNING.

CONTAINING 11.27 ACRES, MORE OR LESS.

SITE PLAN

0' 20' 40' 80' 120' 160'

Scale: 1" = 40'

North

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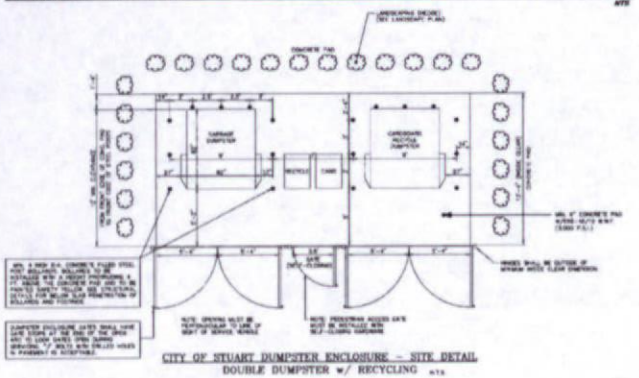
CLARITY POINTE
Stuart, Florida

DESIGNED DNB
DRAWN MCK
APPROVED DEH
JOB NUMBER 15-0208.07
DATE 09-28-15
REVISIONS 10-26-15

SHEET 1 OF 2

DUMPSTER DETAIL

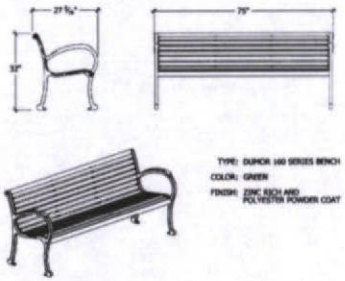


CITY OF STUART DUMPSTER ENCLOSURE – SITE DETAIL
DOUBLE DUMPSTER w/ RECYCLING

BIKE RACK DETAIL

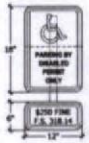
TYPE: MADRAX S LOOP HEAVY DUTY WINDER
COLOR: LEXINGTON GREEN OR BLACK
FINISH: POWDER COAT

BENCH DETAIL



TYPE: DUMOR 160 SERIES BENCH
COLOR: GREEN
FINISH: ZINC RICH AND POLYESTER POWDER COAT

HANDICAP SIGN DETAIL

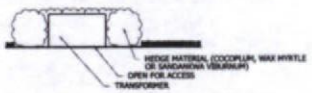


COLORS:
TOP SYMBOL & BORDER = WHITE
BOTTOM TEXT & BORDER = BLACK
TOP BACKGROUND = BLUE
BOTTOM BACKGROUND = WHITE

COLORS:
TEXT & BORDER = BLACK
BACKGROUND = WHITE

TRANSFORMER DETAIL

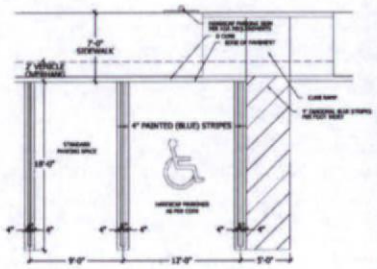
ELEVATION VIEW



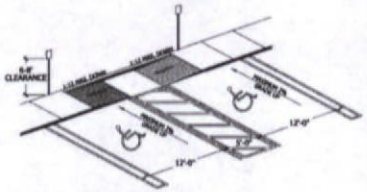
PLAN VIEW

VALLEY CURB DETAIL

NOTE: SAWCUTS REQUIRED AT 10' CENTERS



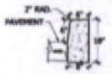
HANDICAP RAMP DETAIL



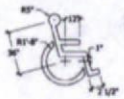
NOTE: IN THIS APPLICATION RAMPS CAN BE SEPARATED AND SIDEWALK CAN BE FLUSH ACROSS ALL HC SPACES

NOTE: HCR13-MOD MEANS ONLY 1 RAMP BUILT TO REQUIRED SIDE OF SIDEWALK, OR RAMPS SEP. TO ENDS OF HC SPACES

D CURB DETAIL



HANDICAP SYMBOL DETAIL



NOTE: SYMBOL TO BE 4" WIDE WHITE TRAFFIC PAINT ON PAVEMENT OR STAINED PAVERS. TYPICAL @ ALL HANDICAP STALLS

Site Details

Cotleur & Hearing
Landscape Architects
Land Planners
Environmental Consultants
1934 Commerce Lane
Suite 1
Jupiter, Florida 33458
561.747.6336 - Fax 747.1377
www.cotleurhearing.com
Lic# LC-C000239

CLARITY POINTE
Stuart, Florida

DESIGNED DMS
DRAWN MCS
APPROVED DEH
JOB NUMBER 15-0208.07
DATE 08-28-15
REVISIONS 10-05-15

SHEET 2 OF 2

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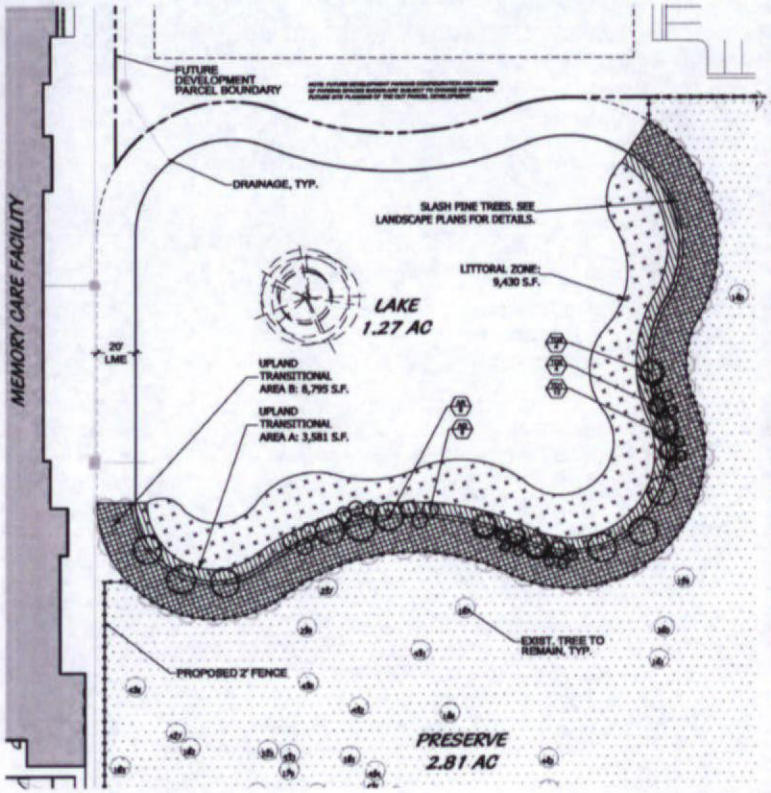


OVERALL PLANT LIST

% OF ZONE	COMMON NAME	BOTANICAL NAME	SIZE	SPACING	QUANTITY
TREES					
N/A	RED MAPLE	(AR) ACER RUBRUM	#30, 10'-12' O.A.	A.S.	9
N/A	BALD CYPRESS	(TDI) TAXODIUM DISTICHUM	#15, 7'-8' O.A.	A.S.	12
N/A	BALD CYPRESS	(TDI) TAXODIUM DISTICHUM	#30, 10'-12' O.A.	A.S.	4
N/A	BALD CYPRESS	(TDB) TAXODIUM DISTICHUM	#300, 16'-18' O.A.	A.S.	4
N/A	POND APPLE	(AG) ANNONA GLABRA	#5, 7'-8' O.A.	A.S.	9
UPLAND TRANSITIONAL PLANTS TO BE USED					
AREA A: 4,003 SF TOTAL UPLAND PLANTING					
100%	SAND CORDGRASS	SPARTINA BAKERI	#1, 18" O.A.	24" O.C.	1006
AREA B: 10,198 SF TOTAL UPLAND PLANTING					
10%	HAMELIA PATENS	DWARF FIREBUSH	#3, 36" O.A.	48" O.C.	357
10%	CHRYSOBALANUS ICACO	COCOPLUM	#3, 36" O.A.	48" O.C.	357
SHALLOW WATER PLANTS TO BE USED IN AREAS OF 0-0.5' FT OF WATER DEPTH					
3,208 SF TOTAL TYPE I PLANTING (35% OF LITTORAL ZONE)					
50%	GOLDEN CANNA	CANNA FLACCIDA	BAREROOT, 12" O.A.	24" O.C.	296
30%	FIRE FLAG	THALIA GERICULATA	BAREROOT, 12" O.A.	24" O.C.	177
20%	GAULS POTATO	SAGITTARIA LANCIFOLIA	BAREROOT, 12" O.A.	24" O.C.	118
MID RANGE PLANTS TO BE USED IN AREAS OF 0.5-1.5 FT OF WATER DEPTH					
4,718 SF TOTAL TYPE 2 PLANTING (50% OF LITTORAL ZONE)					
20%	PICKEREL WEED	PONTEDERIA CORDATA	BAREROOT, 12" O.A.	24" O.C.	236
60%	SPIKE RUSH	ELEOCHARIS SPP.	BAREROOT, 12" O.A.	24" O.C.	707
20%	BULRUSH	SCIRPUS SPP.	BAREROOT, 12" O.A.	24" O.C.	236
DEEP WATER PLANTS TO BE USED IN AREAS OF 1.5-2.0' FT OF WATER DEPTH					
2,358 SF TOTAL TYPE 3 PLANTING (25% OF LITTORAL ZONE)					
80%	WATER LILY	NYMPHAEA ODORATA	BAREROOT, 12" O.A.	24" O.C.	472
20%	FIRE FLAG	THALIA GERICULATA	BAREROOT, 12" O.A.	24" O.C.	118
20%	TAPE GRASS	VALLISNERIA AMERICANA	BAREROOT, 12" O.A.	24" O.C.	118

NOTE: Removal of existing vegetation is the responsibility of the Landscape Contractor (LC).
Substitution of plant species is at the discretion of the Environmental Professional only.
Landscape Contractor must notify EAM 48 hours before planting littoral shelves.

LITTORAL DATA

LITTORAL ZONE DATA		
TOTAL LAKE SHORELINE	943 LF	
	REQUIRED	PROVIDED
LITTORAL ZONE SF MIN. 10 SF/LF SHORELINE	9,430	9,430
TREES MIN. 1 TREE/500 SF LITTORAL	19	19
UPLAND TRANSITIONAL PLANTING DATA		
TOTAL LAKE SHORELINE	943 LF	
	REQUIRED	PROVIDED
UPLAND AREA SF MIN. 10 SF/LF SHORELINE	9,430	13,379
TREES MIN. 1 TREE/500 SF LITTORAL	19	19

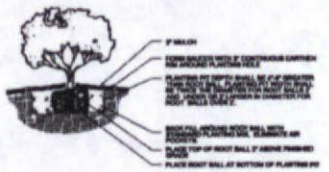
LEGEND

- UE: UTILITY EASEMENT
- BW: BATHWAY
- CW: CONCRETE SIDEWALK
- TYP.: TYPICAL
- LME: LAKE MAINTENANCE EASEMENT
- ROW: RIGHT-OF-WAY
- LS: LANDSCAPE BUFFER
- FP: FOUNDATION PLANTING AREA
- WM: WATER MAIN
- SS: SEWER MAIN
- FDC: FIRE DEPARTMENT CONNECTION
- FH: FIRE HYDRANT
- LP: LAMPPOLE
- P: PARKING LOT LIGHT
- S: DESIGNATES STREET LIGHT
- EXISTING TREE TO REMAIN
- EXISTING TREE TO COUNT FOR MITIGATION CREDIT

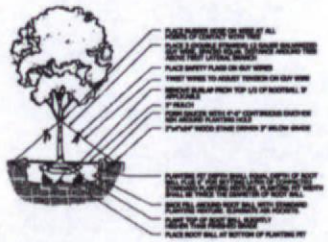
LANDSCAPE NOTES

[illegible]

PLANTING DETAILS



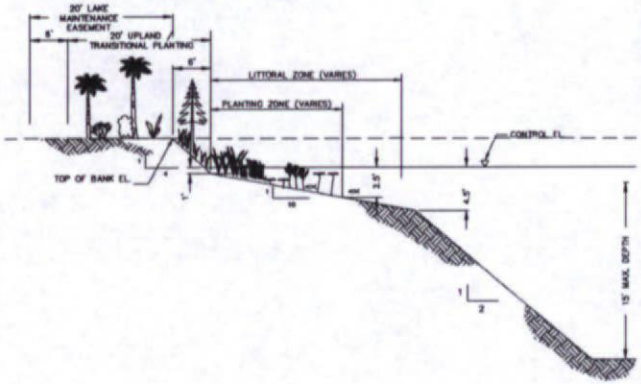
SHRUB/GROUNDCOVER PLANTING DETAIL



LARGE TREE PLANTING DETAIL

LOCATION MAP

TYPICAL LITTORAL SECTION



LITTORAL LANDSCAPE PLAN

Scale: 1" = 30'

North

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Land Planners
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Lic# LC-C000239

CLARITY POINTE

Stuart, Florida

DESIGNED	DMS
DRAWN	MCC
APPROVED	DRS
JOB NUMBER	15-0208.01
DATE	08-26-15
REVISIONS	10-05-15

SHEET 1 OF 1

Clarity Point

Preserve Area Maintenance Plan

Prepared for:

Clarity Point
and
The City of Stuart

Prepared by:

CROSSROADS ENVIRONMENTAL
A DIVISION OF EDC
Engineers & Surveyors

3500 SW Corporate Parkway; Suite 206
Palm City, Florida 34990

©EDC, Inc.
October 2017

Introduction

The Clarity Point project is a ±11.3 acre project, proposed for construction of an assisted living facility as well as a commercial center with associated infrastructure. Mitigation for this project consists of both on site and off site mitigation. Off site mitigation includes the purchase of wetland mitigation credits and a tree preservation agreement with the City of Stuart. Exotic vegetation eradication, replanting with native vegetation (if necessary), and preservation are the major components of the project's maintenance and monitoring activities. On site mitigation includes the enhancement, maintenance and monitoring of the upland preserve area.

Control of Nuisance and Exotic Vegetation -

All nuisance and exotic vegetation as listed by the Florida Exotic Pest Plant Council will be controlled within the upland preserve areas. Monitoring of the planted area will be conducted on a semi annual basis for the first two years, and annually there after. Presence of nuisance and exotic vegetation will prompt maintenance activities. If maintenance becomes necessary removal will be conducted as follows:

- All Brazilian Pepper trees and other woody exotics will be eradicated by cutting of the trunk and treatment of the stump with an appropriately labeled herbicide. Vegetative debris will either be removed from the wetland and disposed of off site or allowed to be killed in place.
- The criterion for completion of the woody exotic eradication will be 100 percent kill. If initial eradication efforts do not achieve this criterion, follow up treatment will be conducted.
- Any debris removed will be handled in accordance with the disposal specifications.
- All eradication of non-woody exotic vegetation will be through application of appropriately labeled herbicide.
- The criterion for acceptance of eradication for all non-woody exotic vegetation will be 100 percent kill. If initial eradication efforts do not achieve this criterion, follow up treatment will be conducted.

The exotic vegetation eradication in the on site preserve may generate vegetative debris that requires disposal. There will be a staging and storage area provided adjacent to the preserve area.

- Transport of vegetative debris from the preservation area to the staging area will be conducted in a fashion that minimizes the distribution and dispersal of seeds from such debris.
- No cut exotic or nuisance vegetative material will be left in the preservation area.
- When possible, woody exotic vegetation removed from the preservation area will be burned in accordance with local regulations.

- All remaining vegetative debris, either whole or chipped/mulched will be hauled off site and disposed of at a landfill or other such appropriately licensed facility.

Herbicides are required for the treatment of all stumps of woody vegetation to prevent re-growth, and for eradication of non-woody exotic and nuisance vegetation.

- All herbicide application activity will be conducted under the supervision of a Florida Department of Agriculture licensed applicator, licensed for application of aquatic herbicides.
- All herbicides applied within the wetland area must be properly labeled for application in wetlands.
- All herbicide applied must include a visible tracer dye in the mix to facilitate observation of treated vegetation.

Replanting with Native Vegetation -

The vegetative success criteria for the upland preserve area includes the requirement for 80 percent coverage of desirable vegetation by the end of the second year, and aerial coverage of exotic vegetation at zero percent and nuisance vegetation limited to 5 percent or less. After five years, the preserve area will continue to meet the vegetative success criteria of 80 percent coverage of desirable vegetation and aerial coverage of exotic vegetation at zero percent and nuisance vegetation limited to 5 percent or less. Replanting should not be necessary, but if this criteria is not met then appropriate vegetation will be planted after consultation and approval with the City of Stuart.

Monitoring

The monitoring plan includes preparation of a summary of the success criteria photo stations and data collection stations established through the preservation area. A total of four data collection stations will be established along with two photo stations in order to document vegetative coverage and hydrologic conditions in the upland preservation area. Photographs and a brief summary with regards to compliance with the success criteria will also be included for the on site dry preservation area plantings.

Vegetative coverage will be documented at each of the data collection stations in the Monitoring Plan. The vegetative coverage will be measured as absolute coverage within an area of approximately 2,500 square feet at each monitoring station. The vegetation will be measured in percent coverage of the canopy/understory layer and ground cover. The total percent cover will not exceed 100 percent, and each species documented will be reported in both common and Latin names. The coverage will be measured by visual observation in each of four quadrants from the fixed monitoring point. Observations will extend approximately 50 feet from the observer in each direction thus covering approximately 2,500 square feet at each station. The data from each quadrant observation will be combined to calculate the vegetative coverage. Station locations will be permanently marked with PVC pipe to ensure consistency in data

collection. At least two photos will be collected from each of the established photo stations to provide documentation of vegetative coverage.

In addition to vegetative coverage documentation, the water level and/or soil saturation at each data collection station will be reported, as well as any observed macrofauna, wildlife utilization, or indicators of wildlife (i.e. tracks, scat, etc.). Also, each report will include data on rainfall from the closest available rain gage.

The monitoring will be conducted on a semi-annual basis with data collection at or near the end of the wet season and the dry season. The semi-annual data will be collected into one report that will be provided on an annual basis during the first two years so that maintenance activity can be closely tracked. The reports provided at the end of two years will include a discussion and conclusion regarding achievement of the success criteria as per the permit.

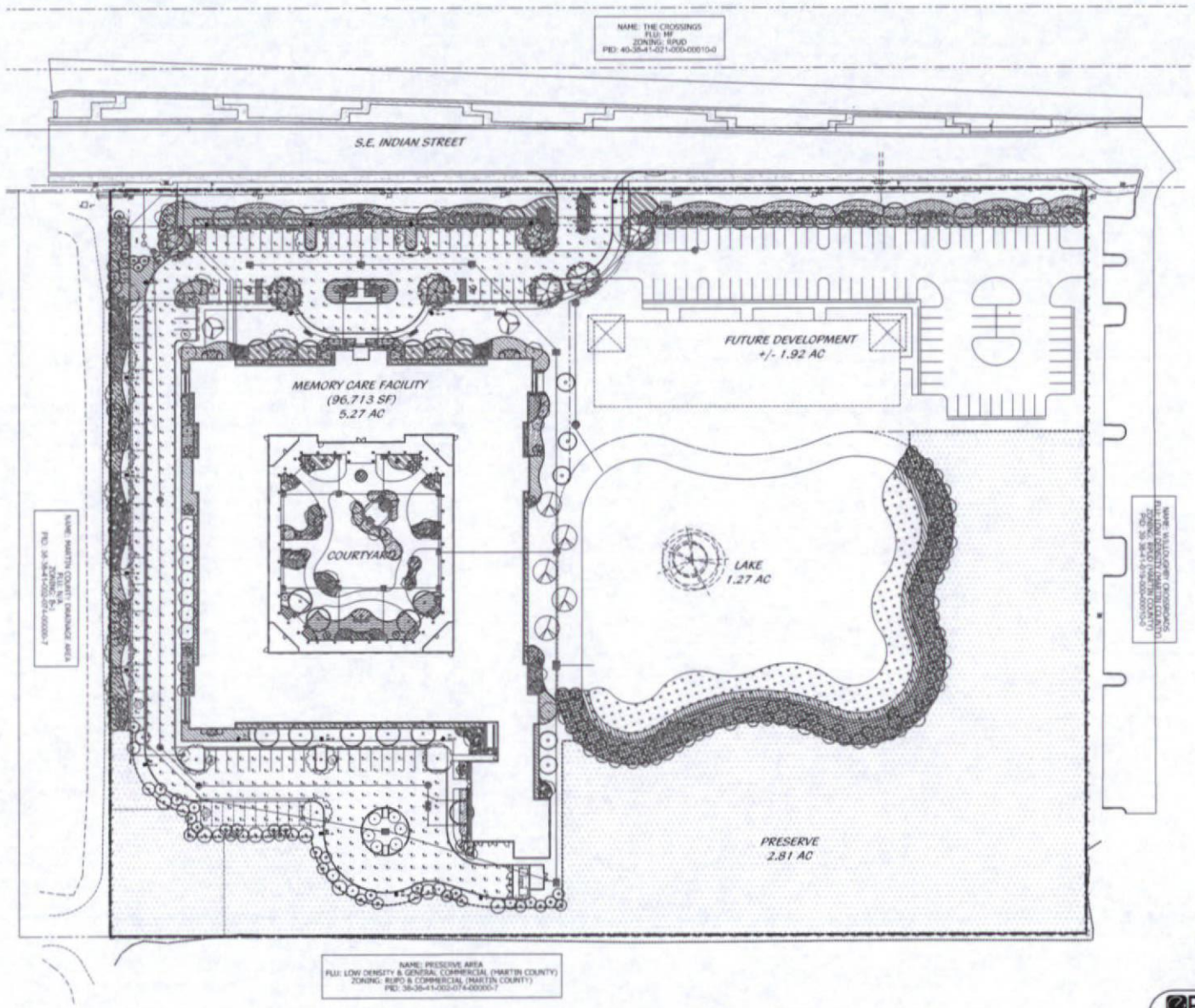
Maintenance

Each monitoring report will include recommendations for maintenance if necessary. The threshold for maintenance requirements will be any area that has five percent or more total vegetative coverage by nuisance or exotic vegetation at any time during the monitoring period. Additionally, any areas that have not achieved the 80 percent coverage requirement at the end of two years will be recommended for supplemental planting to meet this criterion. The vegetative success criteria for the preservation area include the requirement for 80 percent coverage of desirable vegetation by the end of the second year, and areal coverage of exotic vegetation at zero percent and nuisance vegetation limited to five percent or less.

Monitoring/Maintenance Work Schedule

The schedule for conducting the proposed mitigation is based on the date of permit issuance from the appropriate agencies. The following schedule is proposed, which will provide for specific dates upon permit issuance.

Activity	Months after Permit Issuance
Conduct exotic removal within preserve	4 months
Complete Exotic Eradication	6 months
Conduct Baseline Monitoring	7 months
First Annual Monitoring Report	19 months
Second Annual Monitoring Report	31 months



N

SITE LIGHTING PHOTOMETRIC VALUES

SCALE 1" = 40'-0"

E&C Engineers

Eduardo (Ed) Samour, P.E.
Registered Electrical Engineer
P.E. # 41186

JOB # 16-2809

10.18.2016

Cotleur & Hearing

Landscape Architects
Land Planners
Environmental Consultants

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Lic# LC-C000239

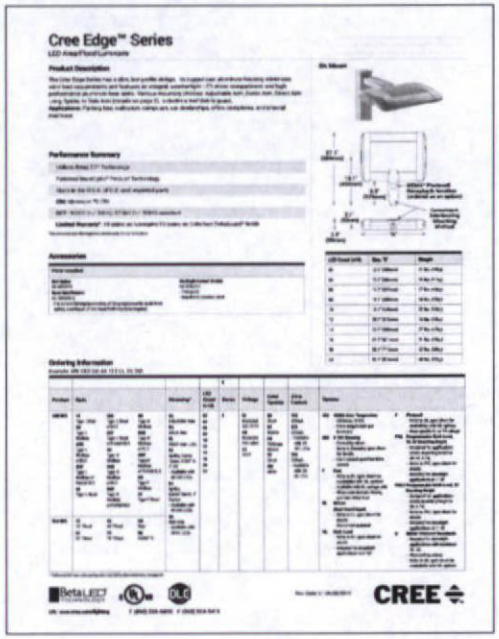
CLARITY POINTE

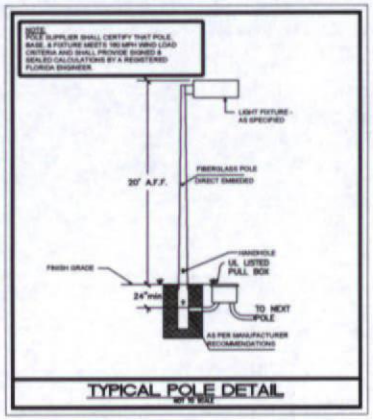
Stuart, Florida

DESIGNED EG
DRAWN JT
APPROVED EG
JOB NUMBER 15-0208.07
DATE 08.26.16
REVISIONS

PHM-1

SHEET 1 OF 2





Luminaire Schedule							
Symbol	Qty	Label	Arrangement	Total Lamp Lumens	LLF	Description	Lum. Watts
	19	SA	SINGLE	N.A.	0.950	CREE CAT # ARE-EDG-4MB-__-14-E-UL-525-40K (525mA)	229

Calculation Summary							
Label	CalcType	Units	Avg	Max	Min	Avg/Min	Max/Min
EAST PROPERTY LINE	Illuminance	Fc	0.00	0.0	0.0	N.A.	N.A.
NORTH PARKING	Illuminance	Fc	3.26	7.0	0.5	6.52	14.00
NORTH PROPERTY LINE	Illuminance	Fc	0.08	0.5	0.0	N.A.	N.A.
SOUTH PARKING	Illuminance	Fc	2.86	6.6	0.3	9.53	22.00
SOUTH PROPERTY LINE	Illuminance	Fc	0.00	0.0	0.0	N.A.	N.A.
WEST ACCESS ROAD	Illuminance	Fc	3.41	7.1	1.3	2.62	5.46
WEST PROPERTY LINE	Illuminance	Fc	0.13	0.4	0.0	N.A.	N.A.

E&C Engineers
Eduardo (Ed) Samour, P.E.
Registered Electrical Engineer
P.E. # 41,286
JOB # 16-2909
Date 10.18.2016

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Lic# LC-C000239

CLARITY POINTE
Stuart, Florida

DESIGNED ES
DRAWN JT
APPROVED ES
JOB NUMBER 15-0208.07
DATE 08.26.16
REVISIONS

August 24, 2016 10:15:08 a.m.
Drawing "I:\0208.07 CLARITY BASE.DWG"

PHM-2
SHEET 2 OF 2

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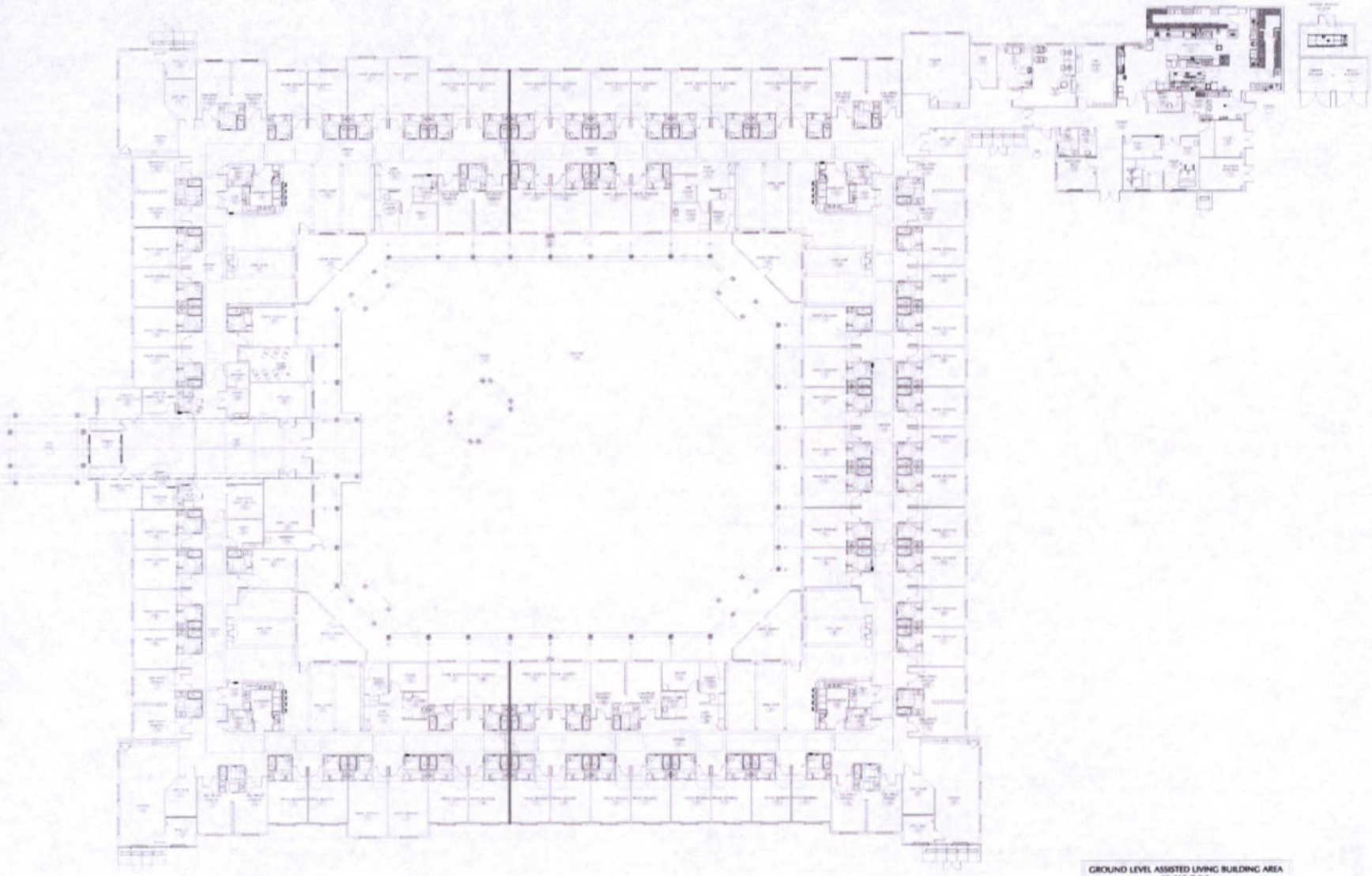


GROUND LEVEL ASSISTED LIVING BUILDING AREA
60,217 G.S.F.

1 OVERALL GROUND LEVEL FLOOR PLAN
SCALE: 1/8" = 1'0"

Clarity Pointe
STUART

LEO A DALY

1400 Centrepark Boulevard, Suite 500
West Palm Beach, FL 33401 USA
Tel 561-688-2111 Fax 561-697-8040
DPR: # AAC000734

KEY PLAN

38

REVISIONS

NO.	DESCRIPTION	DATE

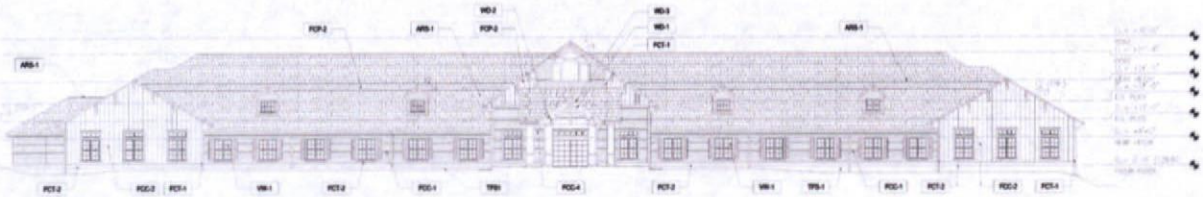
FILE LOG

Project No. 201-20014-300
August 26, 2016
Site Plan Approval

OVERALL GROUND LEVEL FLOOR PLAN

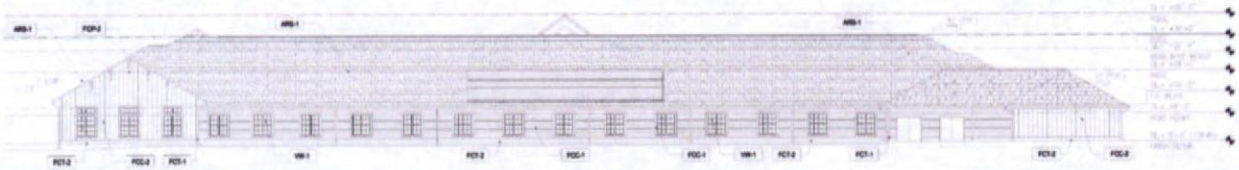
AE 110

1 WEST ELEVATION
SCALE: 1/16" = 1'-0"



2 SOUTH ELEVATION
SCALE: 1/16" = 1'-0"

3 EAST ELEVATION
SCALE: 1/16" = 1'-0"



4 NORTH ELEVATION
SCALE: 1/16" = 1'-0"

Clarity Pointe
STUART

LEO A DALY
1400 Centropark Boulevard, Suite 500
West Palm Beach, FL 33401 USA
Tel 561-686-2111 Fax 561-697-8040
DPR: # AAC000734

KEY PLAN

REVISIONS

NO.	DESCRIPTION	DATE

FILE LOG

Project No. 201-20014-300
August 26, 2016
Site Plan Approval

EXTERIOR ELEVATIONS

AE 201

PRIMED FIBER CEMENT BOARD
JAMES HARDIE BOARD AND BATTEN
COLOR SW 9130 - EVERGREEN FOG
PAINT 2

PRIMED FIBER CEMENT BOARD
JAMES HARDIE SMOOTH LAP SIDING
COLOR SW 6672 - MORNING SUN
PAINT 1

ARCHITECTURAL SHUTTERS
STYLE: OPEN LOUVER
COLOR SW 76188- SHADE GROWN
PAINT 4

ARCHITECTURAL ROOF SHINGLE
CERTANTEED LANDMARK SERIES
MOJAVE TAN

PREFINISHED ALUMINUM GUTTER
STYLE: K
COLOR: SW 7005
PURE WHITE

JAMES HARDIE TRIM 5/4"x12"
COLOR SW 7005 - PURE WHITE
PAINT 5

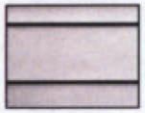
JAMES HARDIE TRIM 5/4"x6"
COLOR SW 7005 - PURE WHITE
PAINT 5

VINYL CLAD WINDOW
COLOR SW 7005 - PURE WHITE
PAINT 5

EXPOSED HEAVY TIMBER
WOOD TRUSSES

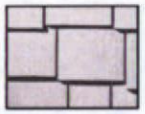
EXPOSED HEAVY TIMBER
CONSTRUCTION

ARCHITECTURAL ROOF SHINGLE
CERTANTEED LANDMARK SERIES
MOJAVE TAN



PRIMED FIBER CEMENT BOARD
JAMES HARDIE SMOOTH LAP SIDING
WITH 6" EXPOSURE
COLOR SW 6672 - MORNING SUN
PAINT 1

PRIMED FIBER CEMENT BOARD
JAMES HARDIE BOARD AND BATTEN
VERTICAL SIDING WITH 4 / 4 / 2" WIDE
BATTEN STRIPES AT 16" ON CENTER
COLOR SW 9130 - EVERGREEN FOG
PAINT 2

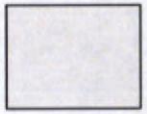


PRIMED FIBER CEMENT BOARD
JAMES HARDIE SHAKE RANDOM SQUARE
STAGGAED EDGE 7" EXPOSURE
COLOR SW 7667 - ZIRCON
PAINT 3

PRIMED FIBER CEMENT BOARD
JAMES HARDIE 4'X10' PANELS
COLOR SW 6672 - MORNING SUN
PAINT 1

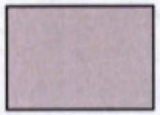
PRIMED FIBER CEMENT BOARD
JAMES HARDIE TRIM
COLOR SW 7005 - PURE WHITE
PAINT 5

ARCHITECTURAL SHUTTERS
STYLE: OPEN LOUVER
COLOR SW 76188- SHADE GROWN
PAINT 4



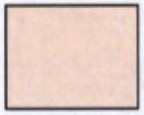
PAINT 5
'SHERWIN-WILLIAMS'
COLOR SW 7005
PURE WHITE

PAINT 4
'SHERWIN-WILLIAMS'
COLOR SW 6188
SAGE GROWN

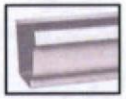


PAINT 3
'SHERWIN-WILLIAMS'
COLOR SW 7667
ZIRCON

PAINT 2
'SHERWIN-WILLIAMS'
COLOR SW 9130
EVERGREEN FOG



PAINT 1
'SHERWIN-WILLIAMS'
COLOR SW 6672
MORNING SUN



PRE-FINISHED 8" ALUMINUM GUTTER
STYLE: K
COLOR SW 7005
PURE WHITE

Clarity Pointe
Specialized Memory Care "Living" Neighborhoods
Our Difference is Clear

Stuart
STUART, FL.

SAMPLE COLOR BOARD
N.T.S.

1400 Centrepark Blvd, Suite 500
West Palm Beach, FL 33401-7403 US
Tel 561.688.2111 Fax 561.697.8040

LEO A DALY

CLARITY POINTE OUTPARCEL DESIGN PRINCIPLES

- **MINIMUM SETBACKS FROM PUD BOUNDARY LINES**
  - Northern boundary (along S.E. Indian Street) – 30 feet
  - Eastern boundary (abutting Willoughby Crossroads) – 30 feet
  - Southern boundary (abutting Preserve) – 10 feet to preserve
  - Western boundary (abutting Clarity Pointe) – 25 feet building separation
  - Minimum 10 feet setback to platted outparcel lot line

- **DEVELOPMENT STANDARDS**
  - MAXIMUM LOT COVERAGE: 40%
  - MINIMUM LOT SIZE: 1 ACRE
  - MAXIMUM BUILDING HEIGHT: 2 STORIES OR 35 FEET

- **PARKING**
  - All buildings shall comply with the City of Stuart's off-street parking standards.
  - Provisions for shared parking may be employed if approved by the City of Stuart's traffic engineer.

- **MECHANICAL EQUIPMENT**
  - All mechanical equipment shall be screened from public view. This screening or partial screening may be accomplished through the use of walls, trees, landscaping, or a combination thereof.

- **LANDSCAPING**
  - Landscaping within parking areas shall comply with the City of Stuart's Landscape Code. All landscaped areas shall be irrigated in compliance with City's standards.
  - Plantings at the foundation of buildings shall be used to complement the building's appearance, to blend the project with its surroundings, and to create an inviting entrance. At least one shade tree or palm cluster shall be installed for each 50 linear feet foundation planting area. The foundation planting area shall be at least ten feet deep unless the foundation planting area interferes with the intended use and function of the building.

- **LIGHTING**
  - LED lighting with cut off luminaries shall be used for vehicular use areas.
  - Maximum height of light poles shall be 20 feet.
  - Decorative wall lighting shall be utilized on the building facades to provide character and architectural interest.
  - Light levels shall meet the City of Stuart's Lighting code standards.

- **PEDESTRIAN CONNECTIVITY**
  - All buildings within the PUD shall contain pedestrian sidewalk connections to the S.E. Indian Street.
  - Sidewalks shall be a minimum width of five feet.

- Pedestrian crosswalks shall be provided where appropriate to facility a safe and effective means of walkability.
- Bicycle racks shall be provided in convenient locations throughout the PUD.
- The use of decorative pavers shall be encouraged to enhance pedestrian walkways and seating areas.

- **ARCHITECTURE**
  - The first building constructed within the PUD shall establish the general architectural vernacular of the PUD.
  - Compatible colors, materials, and architectural details shall be provided for each building to produce a harmonious blend of design.
  - Buildings shall have architectural features and patterns that provide visual interest. Facades shall be designed to minimize the mass/scale where appropriate. Building wall offsets, including projections, recesses and changes in floor level shall be used to add architectural interest and variety, and to relieve the visual effect of blank walls or large areas of relatively plain appearance.
  - The ends and center portions of buildings may be designed with distinct architectural features, such as corner towers, exaggerated recesses, color differentiation, material changes, or other special features that interact in a complementary manner with the surrounding buildings.
  - Building facades shall be designed to be harmonious with their surroundings. This provisions should not be construed as creating look-alike buildings. Harmony shall be achieved through the appropriate use of scale, proportions, form, materials, texture, and color.
  - Buildings shall relate to streets and public spaces by providing an ordered variety of entries, windows, indentations along public ways. Ground floors should have a high degree of transparency to encourage interaction between sidewalk activity and uses within the building. Buildings shall introduce a "human scale" in details and massing. The implementation of this guideline may take into consideration the specific use and function of the building. The design character of buildings shall avoid cluttered forms that have no apparent organizational system.
  - Building exteriors should provide some shelter from the summer sun, where appropriate. Porticos, awnings, arcades, and overhanging eaves are particularly appropriate at pedestrian walkways adjacent to the building.
  - Building massing and changing roof forms may be used to emphasize the location of building entries. For example, greater height can be used to accentuate entries in the form of tower elements, tall voids, or a central building mass.
  - Buildings or structures that are part of an unbuilt phase shall have character and design compatible with the positive design features of existing buildings to the maximum extent feasible.
  - Buildings shall reflect a continuity of treatment. Examples of this include, but are not limited to, the following:
    - Maintaining the building scale or by gradual changes in form;
    - Maintaining front setbacks at the build-to-line.
    - Creating horizontal base courses;
    - Extending horizontal lines of fenestration to create banding;
    - Echoing architectural styles and details, design themes, building materials and colors found in surrounding buildings.

QVC

- Preferred building exterior wall finishes include:
  - Stucco
  - Stone (including pre-cast concrete with stone appearance)
  - Wood or simulated wood (in cementitious format).
  - EIFS (Exterior Installation & Finishing Systems), within the first seven feet above finished first floor in locations other than where pedestrians may have contact with building or at upper level public exterior walkways, etc.
  - Architectural pre-cast concrete.

- Preferred Roof Styles
  - Mansard roofs
    - Mansard roofs are discouraged.
  - Roof treatments

        - Variations in roof lines should be used to add interest to and reduce the mass of buildings. Roof features should be in scale with the building's mass and compliment the character of adjoining and/or adjacent buildings and neighborhoods. Roofing material should be constructed of durable high-quality material in order to enhance the appearance and attractiveness of the community.
    - Roof Types
        - Gable Roof
        - Flat Roof with parapet
        - Hip Roof
- Preferred roof materials for pitched roofs:
    - Glazed or unglazed ceramic tile
    - Concrete or clay tile
    - Pre-finished or natural standing metal seam roofing panels

City of Stuart

121 S. W. Flagler Avenue • Stuart • Florida 34994

Cherie White
City Clerk

PHONE 772-288-5306
FAX (772) 288-5305
Email cwhite@ci.stuart.fl.us

February 24, 2017

Clerk of the Circuit Court
Att: Recording
P.O. Box 9016
Stuart, Fl. 34995

RE: PLEASE RECORD:
Ordinance 2340-2017 Clarity Pointe RPUD

Please record the above named documents into the public records of Martin County, and Upon recordation, please return the original documents back to my attention inter-office mail.

Should you have any questions regarding this appointment please feel free to contact me at 772-288-5306.

Thank you,

Cherie White, MMC COPY

Cherie White, MMC
City Clerk
Enc.

X:\msoffice\winword\recmc doc.doc