



City of Stuart

AGENDA

REGULAR MEETING OF THE STUART CITY COMMISSION

MAY 13, 2024

AT 4:00 PM

COMMISSION CHAMBERS

121 SW FLAGLER AVE.

STUART, FLORIDA 34994

CITY COMMISSION

Mayor Rebecca S. Bruner

Vice Mayor Campbell Rich

Commissioner Eula R. Clarke

Commissioner Christopher Collins

Commissioner Troy McDonald

ADMINISTRATIVE

City Manager, Michael J. Mortell

City Attorney, Lee J. Baggett

City Clerk, Mary R. Kindel

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.

ROLL CALL

INVOCATION

PLEDGE OF ALLEGIANCE

1. ARTS MOMENT - NATALIA CARABALLO SONG PERFORMANCE

PROCLAMATIONS

2. POLICE MEMORIAL WEEK - MAY 12-18, 2024
3. WOMAN'S CLUB OF STUART 110TH ANNIVERSARY
4. BOYS & GIRLS CLUB YOUTH OF THE YEAR - JOMAR ZELAYA
5. FLORIDA EMANCIPATION DAY - MAY 20, 2024
6. SAFE BOATING WEEK - MAY 18-25, 2024
7. PUBLIC WORKS WEEK - MAY 19-25, 2024
8. MENTAL HEALTH AWARENESS MONTH - MAY 2024
9. HISTORIC PRESERVATION MONTH - MAY 2024
10. GARDEN WEEK - JUNE 2-8, 2024

PRESENTATIONS

11. SERVICE AWARDS - MAY 2024

COMMENTS BY CITY COMMISSIONERS

COMMENTS BY CITY MANAGER

APPROVAL OF AGENDA

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

CONSENT CALENDAR

12. APPROVAL OF 04/22/2024 CCM MINUTES (RC)

END OF CONSENT CALENDAR

COMMISSION ACTION

13. **(INFORMATIONAL ONLY)**
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, AMENDING THE COMPREHENSIVE PLAN FUTURE LAND USE MAP FOR AN APPROXIMATE 9.46-ACRE PARCEL 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.

ORDINANCE SECOND READING

ORDINANCE FIRST READING

14. 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, REZONING THE CITY OF STUART OFFICIAL ZONING ATLAS FROM RESIDENTIAL PLANNED UNIT DEVELOPMENT (RPUD) TO THE MIXED-USE PLANNED UNIT DEVELOPMENT (MXPUD) DESIGNATION FOR AN APPROXIMATELY 9.46 ACRE PARCEL 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.

DISCUSSION AND DELIBERATION

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.

INVOCATION: Any invocation that may be offered at the opening of the Commission meeting shall be the voluntary offering of a private citizen, to and for the benefit of the Commission. The views or beliefs expressed by the invocation speaker have not been previously reviewed or approved by the Commission, and the Commission is not allowed by law to endorse the religious beliefs or views of this, or any other speaker.

**CITY OF STUART, FLORIDA
AGENDA ITEM REQUEST
City Commission**

Meeting Date: 5/13/2024

Prepared by: Nina Mullin

Title of Item:

ARTS MOMENT - NATALIA CARABALLO SONG PERFORMANCE

Summary Explanation/Background Information on Agenda Request:

N/A

Funding Source:

N/A

Recommended Action:

Enjoy!

ATTACHMENTS:

**CITY OF STUART, FLORIDA
AGENDA ITEM REQUEST
City Commission**

Meeting Date: 5/13/2024

Prepared by: Susej Meleqi

Title of Item:

POLICE MEMORIAL WEEK - MAY 12-18, 2024

Summary Explanation/Background Information on Agenda Request:

National Police Week occurs every May, and in 2024, will be commemorated in-person at a Memorial Ceremony on May 15, 2024.

Funding Source:

N/A

Recommended Action:

Issue Proclamation.

ATTACHMENTS:

1. Police Memorial Week - May

PROCLAMATION

POLICE MEMORIAL WEEK May 12 – 18, 2024

WHEREAS, there are more than 800,000 law enforcement officers serving in communities across the United States, including the dedicated members of the City of Stuart Police Department; and

WHEREAS, since the first recorded death in 1786, there are currently 23,785 law enforcement officers in the United States who have made the ultimate sacrifice and have been killed in the line of duty; and

WHEREAS, May 15th is dedicated as Peace Officers Memorial Day, in honor of all fallen officers and their families and U.S. Flags should be flown at half-staff; and

WHEREAS, the service and sacrifice of all officers killed in the line of duty will be honored during a Memorial Ceremony which will be held on Wednesday, May 15, 2024 at 2:30 PM at the Sewall's Point Police Department.

NOW, THEREFORE, I, REBECCA S. BRUNER, Mayor of the City of Stuart, Florida, do hereby proclaim the week of May 12-18, 2024 as:

POLICE MEMORIAL WEEK

and publicly salutes the service of law enforcement officers in our community and in communities across the nation.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the City of Stuart, Florida to be affixed this 13th day of May, 2024.

REBECCA S. BRUNER
MAYOR

**CITY OF STUART, FLORIDA
AGENDA ITEM REQUEST
City Commission**

Meeting Date: 5/13/2024

Prepared by: Susej Meleqi

Title of Item:

WOMAN'S CLUB OF STUART 110TH ANNIVERSARY

Summary Explanation/Background Information on Agenda Request:

The Women's Club of Stuart has been a cornerstone of our community, fostering fellowship and friendship among its members as they work collaboratively to enhance the quality of life for all residents. We commemorate the 110th anniversary of this esteemed organization. We honor its extraordinary achievements and contributions.

Funding Source:

N/A

Recommended Action:

Issue Proclamation.

ATTACHMENTS:

1. Womens Club 110th Anniversary - May

PROCLAMATION

WOMAN’S CLUB OF STUART 110TH ANNIVERSARY

WHEREAS, for over a century, the Woman’s Club of Stuart has been a cornerstone of our community, fostering fellowship and friendship among its members as they work collaboratively to enhance the quality of life for all residents; and

WHEREAS, the Woman’s Club of Stuart has a rich history of commitment to literacy, notably by establishing the first public library in Martin County in 1916 and dutifully operating it for more than 40 years, and continuing this dedication by steadfastly supporting literacy programs that empower individuals through the gift of education and knowledge; and

WHEREAS, the Woman’s Club of Stuart has played a pivotal role in the advancement of higher education by awarding more than one half million dollars in college scholarships to deserving girls and women in Martin County, thereby opening doors of opportunity, and fostering the next generation of leaders, innovators, and changemakers; and

WHEREAS, as we commemorate the 110th anniversary of this esteemed organization, we honor its extraordinary achievements and contributions. We extend our deepest gratitude to the members, past and present, of the Woman’s Club of Stuart, whose unwavering commitment to service, education, and community engagement continues to uplift and inspire us all.

NOW, THEREFORE, I, REBECCA S. BRUNER, Mayor of the City of Stuart, do hereby congratulate the Woman’s Club of Stuart on its 110th Anniversary and proclaim May 2024 as the:

WOMAN’S CLUB OF STUART 110TH ANNIVERSARY

IN WITNESS WHEREOF, I have hereto set my hand and caused the seal of the City of Stuart Florida to be affixed this 13th day of May, 2024.

REBECCA S. BRUNER
MAYOR

**CITY OF STUART, FLORIDA
AGENDA ITEM REQUEST
City Commission**

Meeting Date: 5/13/2024

Prepared by: Susej Meleqi

Title of Item:

BOYS & GIRLS CLUB YOUTH OF THE YEAR - JOMAR ZELAYA

Summary Explanation/Background Information on Agenda Request:

Boys & Girls Club of Martin County's annual youth of the year event. Recognizing Jomar Zelaya, 18, of the Port Salerno Club.

Funding Source:

N/A

Recommended Action:

Issue Proclamation.

ATTACHMENTS:

1. Boys Girls Club Youth of the Year - May

PROCLAMATION

BOYS & GIRLS CLUB OF MARTIN COUNTY YOUTH OF THE YEAR MAY 2024

WHEREAS, the Boys & Girls Clubs of Martin County's annual Youth of the Year event recognizes the achievements of some of its most distinct and inspiring members; and

WHEREAS, Youth of the Year candidates are celebrated for their academic discipline; spirit of good citizenship and volunteerism; commitment to healthy choices and avoiding drugs and other dangerous patterns; exhibiting leadership and support to their peers; and pursuing education, training and career paths that will contribute to a better world; and

WHEREAS, BGCMC is proud of and thankful for all of the more than 600 children in its four clubs and the more than 6,000 children the organization impacts through its programs. The Youth of the Year candidates worked hard to earn this special honor. Local winners advance to compete in regional, state, and national levels of the program, which was founded in 1947 by Boys & Girls Clubs of America and includes, among its alumni, numerous leaders in business, sports, entertainment, and politics; and

WHEREAS, the City recognizes this year's winner, Jomar Zelaya, 18, of the Port Salerno club, a nine-year member of BGCMC. Having performed more than 500 hours of community service, he's a dual-enrolled honor student and plans to become an orthopedic surgeon.

NOW, THEREFORE, I, REBECCA S. BRUNER, Mayor of the City of Stuart, do hereby congratulate and recognize:

JOMAR ZELAYA AS YOUTH OF THE YEAR

IN WITNESS WHEREOF, I have hereto set my hand and caused the seal of the City of Stuart Florida to be affixed this 13th day of May, 2024.

REBECCA S. BRUNER
MAYOR

**CITY OF STUART, FLORIDA
AGENDA ITEM REQUEST
City Commission**

Meeting Date: 5/13/2024

Prepared by:

Title of Item:

FLORIDA EMANCIPATION DAY - MAY 20, 2024

Summary Explanation/Background Information on Agenda Request:

Emancipation was proclaimed in Tallahassee on May 20, 1865, 11 days after the end of the Civil War, and two years after the Proclamation first issued by President Abraham Lincoln freed those enslaved in Southern states. For this reason, Emancipation Day is traditionally celebrated on May 20 in Florida.

Funding Source:

N/A

Recommended Action:

Issue Proclamation.

ATTACHMENTS:

1. Florida Emancipation Day - May

PROCLAMATION

FLORIDA EMANCIPATION DAY MAY 20, 2024

WHEREAS, on January 1, 1863, President Abraham Lincoln issued the Emancipation Proclamation, freeing enslaved people in the rebelling Southern states, announcing “That on the first day of January, in the year of our Lord one thousand eight hundred and sixty-three, all persons held as slaves within any State or designated part of a State, the people whereof shall then be in rebellion against the United States, shall be then, thenceforward, and forever free....”; and

WHEREAS, it was more than two years later at the end of the Civil War, on May 20, 1865, that Union Brigadier General Edward M. McCook announced in Tallahassee, Florida the freeing of the state’s African slave population. On that same day, Special Order Number 63 arrived from Major General Quincy A. Gillmore, and stated that "the people of the black race are free citizens of the United States"; and

WHEREAS, newly freed slaves celebrated this announcement with a picnic at Bull's Pond, which is located in Tallahassee and today called Lake Ella; and

WHEREAS, for decades after the initial proclamation, African-American communities across the state carried out celebrations as a way of both honoring the past and celebrating the present. While the end of slavery in Texas is commonly observed as the end of slavery in the U.S. and celebrated as “Juneteenth.” Florida’s own day provides an opportunity to honor the history of, and continued fight for freedom for, historically marginalized communities; and

WHEREAS, Emancipation Day helps shed light on the continuing challenges our country faces in combatting racism, inequity, and inequality.

NOW, THEREFORE, I, REBECCA S. BRUNER, Mayor of the City of Stuart, Florida do hereby proclaim May 20, 2024, as:

FLORIDA EMANCIPATION DAY

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the City of Stuart, Florida to be affixed this 13th day of May, 2024.

REBECCA S. BRUNER
MAYOR

**CITY OF STUART, FLORIDA
AGENDA ITEM REQUEST
City Commission**

Meeting Date: 5/13/2024

Prepared by: Susej Meleqi

Title of Item:

SAFE BOATING WEEK - MAY 18-25, 2024

Summary Explanation/Background Information on Agenda Request:

Safe Boating Week, May 18-25, 2024. More boaters are on the water than ever before! For the annual celebration of Wear Your Life Jacket at Work Day and National Safe Boating Week, the National Safe Boating Council encourages boating enthusiasts to share with their local community about responsible boating via social media, launch point reminders, outreach events, vessel safety checks, and more.

Funding Source:

N/A

Recommended Action:

Issue Proclamation.

ATTACHMENTS:

1. Safe Boating Week - May

PROCLAMATION
SAFE BOATING WEEK
MAY 18 – 25, 2024

WHEREAS, for over 100 million Americans, boating continues to be a popular recreational activity. From coast to coast, and everywhere in between, people are taking to the water and enjoying time together boating, sailing, paddling, and fishing. During National Safe Boating Week, the U.S. Coast Guard and its federal, state, and local safe boating partners encourage all boaters to explore and enjoy America's beautiful waters responsibly; and

WHEREAS, safe boating begins with preparation. The Coast Guard estimates that human error accounts for most boating accidents and that life jackets could prevent nearly 83% of boating fatalities. Through basic boating safety procedures – carrying lifesaving emergency distress and communications equipment, wearing life jackets, attending safe boating courses, participating in free boat safety checks, and staying sober when navigating – we can help ensure boaters on America's coastal, inland, and offshore waters stay safe throughout the season; and

WHEREAS, on average, 650 people die each year in boating-related accidents in the U.S.; 75% of these are fatalities caused by drowning; and a significant number of boaters who lose their lives by drowning each year would be alive today had they worn their life jackets.

NOW, THEREFORE, I, REBECCA S. BRUNER, Mayor of the City of Stuart, Florida, do hereby commend the volunteer members of **U.S. Coast Guard Auxiliary Flotilla 59 Stuart** for their efforts in furthering the goals of the Safe Boating Campaign and proclaim May 18 – 25, 2024 in the City of Stuart, Florida as:

SAFE BOATING WEEK

IN WITNESS WHEREOF, I have hereto set my hand and caused the seal of the City of Stuart Florida to be affixed this 13th day of May, 2024.

REBECCA S. BRUNER
MAYOR

**CITY OF STUART, FLORIDA
AGENDA ITEM REQUEST
City Commission**

Meeting Date: 5/13/2024

Prepared by: Susej Meleqi

Title of Item:

PUBLIC WORKS WEEK - MAY 19-25, 2024

Summary Explanation/Background Information on Agenda Request:

Public Works Week is observed during the third full week of May to recognize the importance of public works in an organized society.

Funding Source:

N/A

Recommended Action:

Issue Proclamation.

ATTACHMENTS:

1. Public Works Week - May

PROCLAMATION

PUBLIC WORKS WEEK MAY 19 - 25, 2024

WHEREAS, public works services provided in our community are an integral part of our citizens' everyday lives; the support of an understanding and informed citizenry is vital to the efficient operation of public works systems and programs such as streets and highways, public buildings, parks and ballfields, micro transit systems, storm systems and flood control, and fleet maintenance; and

WHEREAS, the health, safety, and comfort of this community greatly depends on these facilities and services; and the quality and effectiveness of these facilities, as well as their planning, design, and construction, is vitally dependent upon the efforts and skill of public works officials; and

WHEREAS, the efficiency of the qualified and dedicated personnel, who staff public works departments, is materially influenced by the people's attitude and understanding of the importance of the work they perform; and

WHEREAS, this year's theme "Advanced Quality of Life for All" illustrates how public works professionals contribute to and enhance the quality of life in all the communities they proudly serve. 2024 marks the 64th Annual National Public Works Week sponsored by the American Public Works Association/Canadian Public Works Association be it now.

NOW, THEREFORE, I, REBECCA S. BRUNER, Mayor of the City of Stuart, Florida, do hereby proclaim the week of May 19-25, 2024 as:

PUBLIC WORKS WEEK

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the City of Stuart, Florida to be affixed this 13th day of May, 2024.

REBECCA S. BRUNER
MAYOR

**CITY OF STUART, FLORIDA
AGENDA ITEM REQUEST
City Commission**

Meeting Date: 5/13/2024

Prepared by: Susej Meleqi

Title of Item:

MENTAL HEALTH AWARENESS MONTH - MAY 2024

Summary Explanation/Background Information on Agenda Request:

Mental Health Awareness Month has been observed in May in the United States since 1949. The month is observed with media, local events, and film screenings. Mental Health Awareness Month began in the United States in 1949 and was started by Mental Health America.

Funding Source:

N/A

Recommended Action:

Issue Proclamation.

ATTACHMENTS:

1. Mental Health Awareness Month - May
2. Mental Health Awareness Month - NAMI - May

PROCLAMATION

MENTAL HEALTH AWARENESS MONTH MAY 2024

WHEREAS, there is a proven connection between good mental health and overall personal health. Only one out of two people with a serious form of mental illness seeks treatment for his or her mental illness; and

WHEREAS, surroundings can impact if, how, and when a person's needs are met, which in turn affects mental health. People with mental illnesses recover if given the necessary services and support in their communities. With early and effective interventions, those individuals with mental health conditions can recover and lead full, productive lives. Research shows that the most effective way to reduce stigma is through personal contact with someone with a mental illness to alleviate the fear of discrimination; and

WHEREAS, Helping People Succeed has highly skilled therapists who provide specialized outpatient mental health counseling for children and adults; and

WHEREAS, people with mental illnesses make important contributions to our families and our communities. Each business, school, government agency, health care provider, organization, and citizen share the burden of mental health problems and has a responsibility to promote mental wellness and support prevention efforts. Greater public awareness about mental illnesses can change negative attitudes and behaviors toward people with mental illnesses.

NOW, THEREFORE, I, REBECCA S. BRUNER, Mayor of the City of Stuart, Florida, do hereby proclaim the month of May 2024 as:

MENTAL HEALTH AWARENESS MONTH

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the City of Stuart, Florida to be affixed this 13th day of May, 2024.

REBECCA S. BRUNER
MAYOR

PROCLAMATION

MENTAL HEALTH AWARENESS MONTH MAY 2024

WHEREAS, mental health is part of overall health and helps to sustain an individual's thought processes, relationships, productivity and ability to change or face adversity. Mental illness adversely affects those abilities and often is life-threatening in nature; and

WHEREAS, one in four Americans has a mental health condition and 12.8 million adults live with a severe mental illness. In Florida, 2,769,000 adults have a mental health condition. Approximately 50% of mental illness begins by age 14 and 75% by the age of 24. Early identification and treatment can make a profound difference in successful management of mental illness and recovery; and

WHEREAS, the National Alliance on Mental Illness (NAMI) of the Treasure Coast is available to support, educate and advocate in areas related to mental illness and mental health and offer various support groups, classes and activities throughout the year; and

WHEREAS, every citizen and community can make a difference in helping end the silence and stigma that for too long has surrounded mental illness and discouraged people from getting help.

NOW, THEREFORE, I, REBECCA S. BRUNER, as Mayor of the City of Stuart, Florida do hereby proclaim in the City of Stuart, Florida the month of May 2024, as:

MENTAL HEALTH AWARENESS MONTH

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the City of Stuart, Florida to be affixed this 13th day of May, 2024.

REBECCA S. BRUNER
MAYOR

**CITY OF STUART, FLORIDA
AGENDA ITEM REQUEST
City Commission**

Meeting Date: 5/13/2024

Prepared by: Susej Meleqi

Title of Item:

HISTORIC PRESERVATION MONTH - MAY 2024

Summary Explanation/Background Information on Agenda Request:

Our nation's history has many facets, and historic preservation helps tell these stories. Sometimes historic preservation involves celebrating events, people, places, and ideas that we are proud of; other times it involves recognizing moments in our history that can be painful or uncomfortable to remember.

Funding Source:

N/A

Recommended Action:

Issue Proclamation.

ATTACHMENTS:

1. Historic Preservation Month - May

PROCLAMATION
HISTORIC PRESERVATION MONTH
MAY 2024

WHEREAS, historic preservation is an effective tool for revitalizing neighborhoods, fostering local pride, and maintaining community character; and

WHEREAS, historic preservation is relevant for communities across the nation, both urban and rural, and for Americans of all ages, all walks of life and all ethnic backgrounds; and

WHEREAS, historic preservation plays an important role in our lives, and we should celebrate the contributions made by dedicated individuals in helping to preserve the tangible aspects of the heritage that has shaped us as a people; and

WHEREAS, the Martin County Historic Preservation Board has planned events throughout Martin County during the month of May to increase awareness and the need for public participation in historic preservation in order to save our local treasures.

NOW, THEREFORE, I, REBECCA S. BRUNER, Mayor of the City of Stuart, Florida, do hereby proclaim the month of May 2024 in the City of Stuart, Florida as:

HISTORIC PRESERVATION MONTH

IN WITNESS WHEREOF, I have hereto set my hand and caused the seal of the City of Stuart Florida to be affixed this 13th day of May, 2024.

REBECCA S. BRUNER
MAYOR

**CITY OF STUART, FLORIDA
AGENDA ITEM REQUEST
City Commission**

Meeting Date: 5/13/2024

Prepared by: Susej Meleqi

Title of Item:

GARDEN WEEK - JUNE 2-8, 2024

Summary Explanation/Background Information on Agenda Request:

We join with National Garden Clubs across the country to celebrate National Garden Week, June 2nd–8th, 2024. This week is an opportunity to encourage pride in your community, interest new members, and work with other groups to be part of those efforts.

Funding Source:

N/A

Recommended Action:

Issue Proclamation.

ATTACHMENTS:

1. Garden Week - May

PROCLAMATION

GARDEN WEEK JUNE 2 - 8, 2024

WHEREAS, gardeners have a passion for nurturing the beauty and resources of the earth through the planting of seeds, the care of all plants and the riches of their efforts; Gardeners seek to add beauty, splendor, fragrance, and nutrition to our lives through the growing of herbs, vegetables, foliage, and flowers; and

WHEREAS, gardeners work to preserve our country's traditional spirit of independence and initiative through innovation and hard work. Gardeners advocate the importance of all creatures, large and small, that share our world and their roles in a balanced and productive ecology; and

WHEREAS, gardening furnishes a challenging and productive activity for our citizens, for those just learning, as well as those having years of experience. Gardening promotes a healthy lifestyle that lasts a lifetime, helps reduce stress from other areas of our life, teaches that rewards can come from diligent efforts; and

WHEREAS, gardening enables members of Garden Clubs across the nation and the world to make a world of difference in the communities where they reside and work.

NOW, THEREFORE, I, REBECCA S. BRUNER, Mayor of the City of Stuart, Florida, do hereby proclaim June 2 -8, 2024 as:

GARDEN WEEK

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the City of Stuart to be affixed this 13th day of May, 2024.

REBECCA S. BRUNER
MAYOR

**CITY OF STUART, FLORIDA
AGENDA ITEM REQUEST
City Commission**

Meeting Date: 5/13/2024

Prepared by: Kathy Martin

Title of Item:

SERVICE AWARDS - MAY 2024

Summary Explanation/Background Information on Agenda Request:

Tyler Bovee	Police	10 years
Eileen Finley	Police	10 years
Matthew Reeder	Police	5 years

Funding Source:

General Fund

Recommended Action:

Present Awards

ATTACHMENTS:

**CITY OF STUART, FLORIDA
AGENDA ITEM REQUEST
City Commission**

Meeting Date: 5/13/2024

Prepared by: Nina Mullin

Title of Item:

APPROVAL OF 04/22/2024 CCM MINUTES (RC)

Summary Explanation/Background Information on Agenda Request:

N/A

Funding Source:

N/A

Recommended Action:

Approve Item.

ATTACHMENTS:

1. 04/22/2024 CCM Minutes

MINUTES
REGULAR MEETING OF THE STUART CITY COMMISSION
APRIL 22, 2024
AT 5:30 PM
COMMISSION CHAMBERS
121 SW FLAGLER AVE.
STUART, FLORIDA 34994

CITY COMMISSION

Mayor Rebecca S. Bruner
Vice Mayor Campbell Rich
Commissioner Eula R. Clarke
Commissioner Christopher Collins
Commissioner Troy McDonald

ADMINISTRATIVE

City Manager, Michael J. Mortell
City Attorney, Lee J. Baggett
City Clerk, Mary R. Kindel

ROLL CALL

PRESENT: Mayor Bruner, Vice Mayor Rich, Commissioner Clarke, Commissioner Collins, Commissioner McDonald

INVOCATION

Pastor James Brocious of Stuart Alliance Church gave Invocation.

PLEDGE OF ALLEGIANCE

PRESENTATIONS

1. DEVELOPMENT DEPARTMENT PROJECT UPDATE

City Manager Mike Mortell noted to the Board that he requested the Development Director to provide a monthly update to the Commission, but the presentation will typically be presented at the first meeting of the month (on the 2nd Monday of every month).

Jodi Kugler, Development Director, presented the Department's quarterly review, introduced staff, and reported the Department's responsibilities, duties and current projects.

COMMENTS BY CITY COMMISSIONERS

Commissioner McDonald

- Commented that ten (10) years ago, the City became sister-cities with Hope Town Bahamas, and during that time, learned that Abacos is the only portion of the Bahamas that has a local government. Reported that one of the Hope Town Councillors passed away and asked the Commission to send a letter of condolence from the City.
- Excited that USA Today named the City of Stuart as the best Coastal Town in the country.

Commissioner Clarke

- Requested to pull Item numbers 4, 5, 6, 7, 8, and 9 from the consent calendar.
- Announced that a Town Hall Meeting on May 30th is being planned to talk about the East Stuart Historic Advisory Committee and recreational opportunities.
- Commented that she was invited and accepted to be at the Indian River Lagoon Task Force meeting to be held on May 29th.
- Commented on how much she appreciated the offices of the City Clerk and the City Manager.
- Noted the Ethics Training she attended last week and thanked the Treasure Coast League of Cities.

Vice Mayor Rich

- Commented on his attendance of the four (4) hour ethics training and noted that he learned more about social media and that it, and all its comments are public record.

COMMENTS BY CITY MANAGER

City Manager Mortell

- Announced that Commissioners Clarke, Rich, and Bruner, celebrated birthdays recently.

APPROVAL OF AGENDA

5:54 PM MOTION: Approve.

MOVED BY: Eula Clarke

SECONDED BY: Christopher Collins

Motion approved unanimously.

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

1. Travis Deckers - Stuart; On behalf of the Stuart Fire Rescue, announced a new event, Inaugural Stuart Firefighters Pumper Pull, to raise money for mental health.
2. Robin Bender - Stuart; Commented on behalf of 650 SE Indian Street, a medical facility located in the plaza across the street from the proposed rehab and is not in favor of the Clarity Pointe project.
3. Lorrie McKenna - Stuart; Dislikes location, feels there will be patients in the street; not in favor of Clarity Pointe project.

4. Stacy Lasardo - Palm City; Is not in favor of Clarity Pointe project, concerned about the size, the facility not being locked down, and what happens when patients leave the facility.
5. Wendy Rivers - CFO Coastal Detox; Gave a description of patients and incidents that have occurred in their thirty-five (35) bed facility, stated the proposed facility is too large; not in favor of Clarity Pointe project.
6. Jim Haviland - Stuart; Driver for Coastal Detox and shared experiences with patients; not in favor of Clarity Pointe project.
7. Kristopher Garrigus - Stuart; Stated he has been in recovery for ten (10) years and shared his personal experiences; not in favor of Clarity Pointe project.
8. Walter Loyd - Stuart; Asked that the Land Use Code not get changed; not in favor of Clarity Pointe project.
9. Jill Brotherton - Palm City; Formerly a business owner in City of Stuart, considered moving to Stuart but when walking her dog past the existing rehab center, was harassed daily; not in favor of Clarity Pointe project.
10. Valerie Ferrara - Palm City; Owner of New Day Psychiatry and a Nurse in this community, feels project is too large for this City; not in favor of Clarity Pointe project.
11. Joseph O'Grady, owner of Coastal Detox; Gave a brief description of his business and gave points as to why he is not in favor of Clarity Pointe project.
12. Christina Tucker - owner of Coastal Detox; Shared reasons she feels the facility will be a detriment to the public and is not in favor of Clarity Pointe project.
13. Gail Goldy - Stuart; Is not in favor of Clarity Pointe project, talked about the one hundred thirty-five (135) beds in the new facility and stated Delray facilities of the same size went out of business.
14. Bob Shane - Stuart; Resident of forty-five (45) years in Stuart and is not in favor of Clarity Pointe project.
15. Joseph Favata - Stuart; Runs the kitchen for Coastal Detox and gave examples of what happens when patients leave the facility; not in favor of Clarity Pointe project.
16. Jeannie Jones - Stuart; Works as mental health counselor for the school district of Port St. Lucie and feels there is not enough outpatient facilities; not in favor of Clarity Pointe project.

6:37 PM

CONSENT CALENDAR

2. APPROVAL OF 04/08/2024 CCM MINUTES (RC)
3. HOUSING AUTHORITY OF THE CITY OF STUART, FLORIDA RE-APPOINTMENTS OF TWO (2) BOARD MEMBERS (RC):

RESOLUTION No. 33-2024: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, RATIFYING THE RE-APPOINTMENTS OF TWO (2) BOARD MEMBERS OF THE HOUSING AUTHORITY OF THE CITY OF STUART, FLORIDA FOR A FOUR (4) YEAR TERM FROM MAY 21, 2024 THROUGH MAY 21, 2028; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

***** PULLED ITEM #4 *****

4. SAILFISH CAY FINAL PLAT (REPLAT OF TOWNE PARK) (RC):

RESOLUTION No. 39-2024; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA TO APPROVE A PLAT TITLED, "REPLAT NO. 1 OF TOWNE PARK", BEING A REPLAT OF TOWNE PARK, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 11, PAGE 85, PUBLIC RECORDS OF MARTIN COUNTY, FLORIDA, ALL LYING AND BEING IN SECTION 9, TOWNSHIP 38 SOUTH, RANGE 41 EAST, CITY OF STUART, MARTIN COUNTY, FLORIDA, CONTAINING 4.88 ACRES, MORE OR LESS PREPARED BY MICHAEL T. OWEN OF ENGINEERING DESIGN & CONSTRUCTION, INC, AND MAPPER NO. 5556 FOR SAILFISH CAY RPUD; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

***** PULLED ITEM #5 *****

5. OLD CITY LANDFILL EXTENSION (RC):

RESOLUTION No. 46-2024; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA EXTENDING THE DUE DILIGENCE PERIOD AT THE OLD CITY OF STUART LANDFILL FROM APRIL 30, 2024 TO SEPTEMBER 30, 2024; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

***** PULLED ITEM #6 *****

6. REFERENDUM LEASE AGREEMENT REQUEST FROM STUART HERITAGE MUSEUM (RC):

RESOLUTION No. 47-2024; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, PROVIDING FOR A REFERENDUM UNDER CITY CHARTER SECTION 9.05 SEEKING VOTER APPROVAL FOR THE CITY TO LEASE, FOR MORE THAN 10 YEARS, THE PROPERTY KNOWN AS THE STUART FEED STORE, LOCATED AT 161 SW FLAGLER AVENUE TO THE STUART HERITAGE MUSEUM; SAID LOT ADJOINS CITY PROPERTY FRONTING THE ST. LUCIE RIVER, PROVIDING FOR CONFLICTS; SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

***** PULLED ITEM #7 *****

7. LEASE AGREEMENT WITH MARINE INDUSTRY ASSOCIATION FOR THE CITY OWNED PROPERTY LOCATED AT 401 SW FEDERAL HIGHWAY, STUART, FL (RC):

RESOLUTION No. 48-2024; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, AUTHORIZING THE CITY MANAGER TO ENTER INTO A LEASE AGREEMENT WITH AN ELECTED OFFICIAL, MARINE INDUSTRIES ASSOCIATION OF THE TREASURE COAST, OR ANOTHER NON-PROFIT AGENCY FOR THE CITY OWNED PROPERTY LOCATED AT 401 SW FEDERAL HIGHWAY, STUART, FL; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

***** PULLED ITEM #8 *****

8. APPLICATION OF CYBERSECURITY GRANT AGREEMENT (RC):

RESOLUTION No. 49-2024: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, AUTHORIZING SUBMISSION OF A FLORIDA DEPARTMENT OF MANAGEMENT SERVICES DIGITAL SERVICE CYBERSECURITY PROGRAM GRANT TO CONTINUE ENHANCING AND SUPPORTING THE CITY'S CYBERSECURITY FRAMEWORK, TO MITIGATE RISK, AND TO PROTECT INFRASTRUCTURE; AND AUTHORIZING EXECUTION OF A GRANT AGREEMENT IF AWARDED; AND FURTHER AUTHORIZING ANY MINOR AMENDMENTS TO THE GRANT AGREEMENT TO FACILITATE THE PROGRAM AS APPROPRIATE; PROVIDING AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

***** PULLED ITEM #9 *****

9. SITE PLAN APPROVAL AND FUTURE LAND USE AMENDMENT APPLICATIONS FOR GARAGE FACILITY RELOCATION (RC):

RESOLUTION No. 50-2024; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, AUTHORIZING THE CITY MANAGER TO SUBMIT SITE PLAN APPROVAL AND FUTURE LAND USE AMENDMENT APPLICATIONS NECESSARY TO RELOCATE THE CITY OF STUART GARAGE FACILITY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

END OF CONSENT CALENDAR

6:38 PM MOTION: Approve Consent Calendar Items #2 and #3.

MOVED BY: Troy McDonald

SECONDED BY: Eula Clarke

Motion approved unanimously.

***** PULLED ITEM #4 FROM CONSENT CALENDAR *****

4. SAILFISH CAY FINAL PLAT (REPLAT OF TOWNE PARK) (RC):

RESOLUTION No. 39-2024; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA TO APPROVE A PLAT TITLED, "REPLAT NO. 1 OF TOWNE PARK", BEING A REPLAT OF TOWNE PARK, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 11, PAGE 85, PUBLIC RECORDS OF MARTIN COUNTY, FLORIDA, ALL LYING AND BEING IN SECTION 9, TOWNSHIP 38 SOUTH, RANGE 41 EAST, CITY OF STUART, MARTIN COUNTY, FLORIDA, CONTAINING 4.88 ACRES, MORE OR LESS PREPARED BY MICHAEL T. OWEN OF ENGINEERING DESIGN & CONSTRUCTION, INC. AND MAPPER NO. 5556 FOR SAILFISH CAY RPUD; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Commissioner Clarke requested clarification from Jodi Kugler, Development Director.

City Manager Mortell and Jodi Kugler provided a response.

6:41 PM MOTION: Approve.

MOVED BY: Eula Clarke

SECONDED BY: Troy McDonald

VOTE: Motion Passed 4/1

YES: Troy McDonald, Becky Bruner, Eula Clarke, Campbell Rich

NO: Christopher Collins

***** PULLED ITEM #5 FROM CONSENT CALENDAR *****

5. OLD CITY LANDFILL EXTENSION (RC):

RESOLUTION No. 46-2024; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA EXTENDING THE DUE DILIGENCE PERIOD AT THE OLD CITY OF STUART LANDFILL FROM APRIL 30, 2024 TO SEPTEMBER 30, 2024; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

City Manager Mortell reviewed the extension.

6:42 PM MOTION: Approve.

MOVED BY: Troy McDonald

SECONDED BY: Eula Clarke

Motion approved unanimously.

***** PULLED ITEM #6 FROM CONSENT CALENDAR*****

6. REFERENDUM LEASE AGREEMENT REQUEST FROM STUART HERITAGE MUSEUM (RC):

RESOLUTION No. 47-2024; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, PROVIDING FOR A REFERENDUM UNDER CITY CHARTER SECTION 9.05 SEEKING VOTER APPROVAL FOR THE CITY TO LEASE, FOR MORE THAN 10 YEARS, THE PROPERTY KNOWN AS THE STUART FEED STORE, LOCATED AT 161 SW FLAGLER AVENUE TO THE STUART HERITAGE MUSEUM; SAID LOT ADJOINS CITY PROPERTY FRONTING THE ST. LUCIE RIVER, PROVIDING FOR CONFLICTS; SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

City Manager Mortell provided a brief history of the agenda item and Commissioner Clarke read the ballot into the record.

PUBLIC COMMENT:

1. Gary Maxwell - President of the Stuart Heritage Museum; commented on the referendum and stated they are pleased with the partnership with the City.

6:49 PM MOTION: Approve.

MOVED BY: Troy McDonald

SECONDED BY: Eula Clarke

Motion approved unanimously.

***** PULLED ITEM # 7 FROM CONSENT CALENDAR *****

7. LEASE AGREEMENT WITH MARINE INDUSTRY ASSOCIATION FOR THE CITY OWNED PROPERTY LOCATED AT 401 SW FEDERAL HIGHWAY, STUART, FL (RC):

RESOLUTION No. 48-2024; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, AUTHORIZING THE CITY MANAGER TO ENTER INTO A LEASE AGREEMENT WITH AN ELECTED OFFICIAL, MARINE INDUSTRIES ASSOCIATION OF THE TREASURE COAST, OR ANOTHER NON-PROFIT AGENCY FOR THE CITY OWNED PROPERTY LOCATED AT 401 SW FEDERAL HIGHWAY, STUART, FL; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

City Manager Mortell provided a brief history of the property and the lease agreement for approval.

6:54 PM MOTION: Approve.
MOVED BY: Troy McDonald
SECONDED BY: Eula Clarke
Motion approved unanimously.

***** PULLED ITEM #8 FROM CONSENT CALENDAR *****

8. APPLICATION OF CYBERSECURITY GRANT AGREEMENT (RC):

RESOLUTION No. 49-2024; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, AUTHORIZING SUBMISSION OF A FLORIDA DEPARTMENT OF MANAGEMENT SERVICES DIGITAL SERVICE CYBERSECURITY PROGRAM GRANT TO CONTINUE ENHANCING AND SUPPORTING THE CITY'S CYBERSECURITY FRAMEWORK, TO MITIGATE RISK, AND TO PROTECT INFRASTRUCTURE; AND AUTHORIZING EXECUTION OF A GRANT AGREEMENT IF AWARDED; AND FURTHER AUTHORIZING ANY MINOR AMENDMENTS TO THE GRANT AGREEMENT OT FACILITATE THE PROGRAM AS APPROPRIATE; PROVIDING AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

7:01 PM MOTION: Approve.
MOVED BY: Eula Clarke
SECONDED BY: Campbell Rich
Motion approved unanimously.

***** PULLED ITEM #9 FROM CONSENT CALENDAR *****

9. SITE PLAN APPROVAL AND FUTURE LAND USE AMENDMENT APPLICATIONS FOR GARAGE FACILITY RELOCATION (RC):

RESOLUTION No. 50-2024; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, AUTHORIZING THE CITY MANAGER TO SUBMIT SITE PLAN APPROVAL AND FUTURE LAND USE AMENDMENT APPLICATIONS NECESSARY TO RELOCATE THE CITY OF STUART GARAGE FACILITY, PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

City Manager Mortell briefly explained that the Resolution is an authorization for the City Manager to submit the actual site plan to the Development Department.

7:05 PM MOTION: Approve.
MOVED BY: Troy McDonald
SECONDED BY: Eula Clarke
Motion approved unanimously.

COMMISSION ACTION

10. FISCAL YEAR 2024 MIDYEAR BUDGET ADJUSTMENT (RC):

RESOLUTION No. 40-2024; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, AUTHORIZING BUDGET AMENDMENT NO. 9 TO THE 2023-2024 BUDGET; APPROPRIATING AND AUTHORIZING THE EXPENDITURE OF FUNDS TO ACCOUNT FOR ADDITIONAL REVENUES AND APPROPRIATIONS IDENTIFIED AT THE MIDYEAR; PROVIDING AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

Louis (Joly) Boglioli, Finance Director, presented the City's mid-year status of the annual budget.

A brief discussion ensued with the Commissioners and the Finance Director.

7:10 PM MOTION: Approve.
MOVED BY: Eula Clarke
SECONDED BY: Troy McDonald
Motion approved unanimously.

11. (INFORMATIONAL ONLY)

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 PARCEL 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.

City Manager Mortell announced that Items #11 and #12 have been requested to be continued to the May 13th Commission Meeting; recommended the Board set the item to a time certain for the publication benefit.

7:21 PM MOTION: Approve to move both Items (Item #11 and #12) to continue to May 13.

MOVED BY: Troy McDonald

SECONDED BY: Eula Clarke

Motion approved unanimously.

ORDINANCE SECOND READING

ORDINANCE FIRST READING

- 12. 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 AN APPROXIMATELY 9.46 ACRE PARCEL 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.

DISCUSSION AND DELIBERATION

ADJOURNMENT

7:23 PM

Mary R. Kindel, City Clerk

Rebecca S. Bruner, Mayor

**Minutes to be approved at the Regular Commission
Meeting this 13th day of May, 2024.**

CITY OF STUART, FLORIDA

AGENDA ITEM REQUEST

City Commission

Meeting Date: 5/13/2024

Prepared by: Jodi Nentwick

Title of Item:

(INFORMATIONAL ONLY)

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, AMENDING THE COMPREHENSIVE PLAN FUTURE LAND USE MAP FOR AN APPROXIMATE 9.46-ACRE PARCEL 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 requests 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.

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:

Staff is requesting Discussion and Direction by the City Commission.

ATTACHMENTS:

1. Ordinance 2529-2024 - FLUMA
2. CC Staff Report - FLUMA
3. Small Scale Comp Plan Amendment Application
4. Small-Scale Comprehensive Plan Amendment Narrative
5. Traffic Statement
6. Clarity Pointe Traffic Review_2024-03-27
7. Survey
8. Draft LPA Minutes 3-14-2024



**BEFORE THE CITY COMMISSION
CITY OF STUART, FLORIDA**

ORDINANCE NUMBER 2529-2024

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, AMENDING THE COMPREHENSIVE PLAN FUTURE LAND USE MAP FOR AN APPROXIMATE 9.46-ACRE PARCEL 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.

*** * * * ***

WHEREAS, on December 11, 1989, the City of Stuart City Commission adopted Ordinance Number 1174-89, adopting a Comprehensive Growth Management Plan as mandated by the Local Government Comprehensive Planning and Land Development Regulation Act, Chapter 163, Part II, Florida Statutes, also known as the City of Stuart Comprehensive Plan, that designated the Future Land Use of this property as Industrial; and

WHEREAS, on December 20, 2004, the City of Stuart City Commission adopted Ordinance No. 1984-04, amending the future land use designation of “Commercial” to “Multi-Family Residential” for a 15.24-acre property located at the southeast corner of S.E. Indian Street and South Kanner Highway in the City; and

WHEREAS, on September 26, 2005, the City of Stuart City Commission adopted Ordinance No. 2042-05, to rezone an 11.27-acre property on the south side of S.E. Indian Street east of the intersection with South Kanner Highway to establish the Villagio Residential Planned Unit Development (RPUD) for “Villagio”, declaring the RPUD development to be consistent with the Comprehensive Plan of the City; revising the zoning map accordingly; approving certain development documents; approving certain conditions of development; and repealing all ordinances; and

WHEREAS, on January 6, 2017, the City of Stuart City Commission approved Ordinance No. 2340-2017 which granted Commercial Planned Unit Development (CPUD) zoning for the subject property for that certain 1.92 acres of land located on the south side of S.E. Indian Street approximately 580 feet east of the intersection of S.E. Kanner Highway and S.E. Indian Street; and the City of Stuart City Commission approved a site plan for the 9.35-acre RPUD by Ordinance 2340-2017 for the development of Clarity Pointe Assisted Living Facility on the RPUD portion of the PUD; and

WHEREAS, on May 22, 2017, the City of Stuart City Commission adopted Ordinance No. 2344-2017, for the abandonment of that certain 40-foot public right-of-way within the City, as set forth on the Plat of Stuart Farms, as recorded in Plat Book 1, Page 63, Martin County, Florida Public Records running north to south through the property; and

WHEREAS, on January 8, 2018, the City of Stuart City Commission adopted Resolution No. 06-2018, approving the Plat titled “Clarity Pointe” prepared by Peter Andersen, a Florida Professional Mapper No. 5199; and

WHEREAS, on March 26, 2018, the City of Stuart City Commission adopted Ordinance No. 2369-2018, amending a 1.92-acre Commercial Planned Unit Development (CPUD) and a 9.35-acre Residential Planned Unit Development (RPUD) agreement known as the Clarity Pointe

PUD, adopted by Ordinance No. 2340-2017, thereby approving a site plan for the 1.92-acre CPUD parcel to construct 16,000 square feet of commercial; approving certain conditions of development specific to the CPUD; providing for timetables of the development; and

WHEREAS, on February 9, 2024, an application was submitted to the City of Stuart for a Small-Scale Comprehensive Plan Future Land Use Map Amendment to assign the Multi-Family Residential (MF/RES) District Future Land Use to the Commercial (COMM) Future Land Use designation; and

WHEREAS, the City of Stuart Local Planning Agency (LPA) Board held a properly noticed hearing at a regularly scheduled meeting on March 14, 2024, to consider the Applicant's request and voted to recommend approval of the subject Petition to the City Commission; and

WHEREAS, the City Commission held a public hearing at a regularly scheduled City Commission Meeting, with public notice having been properly provided, and considered all oral and written comments received during the public hearings, the Application by Jason Ackner, Perseverance Recovery Center, LLC (Applicant) representing a 9.46-acre parcel of land, the analysis by the City's Development Department and recommendation of the City's LPA; and

WHEREAS, the City of Stuart has determined the need to reassign the Future Land Use designation for said land; and

WHEREAS, the City Commission has reviewed the criteria set forth in Section 163.3177, Florida Statutes and has evaluated the data, testimony, evidence, public comments, and totality of the circumstances. The City Commission has determined which data is professionally acceptable and has reacted accordingly. Pursuant to the data available at the time, the Commission has found that the character of the land is appropriate for the subject request and that adequate public facilities exist to support the land use; and

WHEREAS, based on the evidence presented by the Applicant regarding the maximum build-out of the existing and proposed Future Land Use designations, the Commission finds that the proposed use is an appropriate Future Land Use for the subject property; and

WHEREAS, the 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 Future Land Use Amendment; and

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

WHEREAS, the property is legally described in **“Exhibit A”** attached hereto of this Ordinance. A map depicting the property is attached hereto as **Exhibit “B”** and made a part hereof by reference.

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

SECTION 1: The Future Land Use designation in the City's Comprehensive Land Use Plan shall be "Commercial".

SECTION 2: This Ordinance becomes effective upon adoption.

SECTION 3: 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 4: 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 that

can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared severable.

SECTION 5: Following the adoption and acceptance of this Ordinance by the Owners, and in addition to any other action for failure to complete development or otherwise comply with the Development Documents, the City Development Director may obtain a hearing before the City Commission and shall thereupon give at least five (5) days written notice of the time, date, and location of the hearing, along with specific notice of the alleged breach. At the hearing before the City Commission, the Property Owner may appear and contest the allegation of the breach or explain the reason or reasons for the breach. Upon a finding of a material breach of the Development Documents and therefore, the Ordinance(s) adopting the same, the City Commission may impose or do any or all of the following:

- a. Initiate the process to amend or repeal this or any other ordinance pertaining to the development.
- b. Impose an administrative penalty of up to \$1,000.00 for each violation, and up to \$5,000.00 for each repeat violation that occurs, along with all reasonable costs, including attorney's fees incurred by the City.

Any breach of any provision or condition of this Ordinance by the Property Owner shall be considered a violation subject to any remedies provided herein, or as otherwise provided by law. In the event a violation continues from day to day, each day the violation is found to continue shall be deemed a separate violation.

SECTION 6: This Ordinance shall be effective upon the following to occur: adoption by the City Commission, and proper execution and acceptance by the Owner.

SECTION 7: Upon complete execution of this Ordinance, the City Clerk is directed to record this Ordinance in the Public Records of Martin County, Florida.

Ordinance No.: 2529-2024 Ackner – 500 SE Indian Street (aka Clarity Pointe PUD)
Small-Scale Comprehensive Plan Future Land Use Amendment

PASSED on first reading the ____ day of _____ 2024.

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

REBECCA S. BRUNER, MAYOR
CAMPBELL RICH, VICE MAYOR
EULA R. CLARKE, COMMISSIONER
CHRISTOPHER COLLINS, COMMISSIONER
TROY MCDONALD, COMMISSIONER

YES	NO	ABSENT	ABSTAIN

ADOPTED on second and final reading this ____ day of _____ 2024.

ATTEST:

MARY R. KINDEL
CITY CLERK

REBECCA S. BRUNER
MAYOR

APPROVED AS TO FORM
AND CORRECTNESS:

LEE J. BAGGETT, ESQ.
CITY ATTORNEY

EXHIBIT A – LEGAL DESCRIPTION

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)

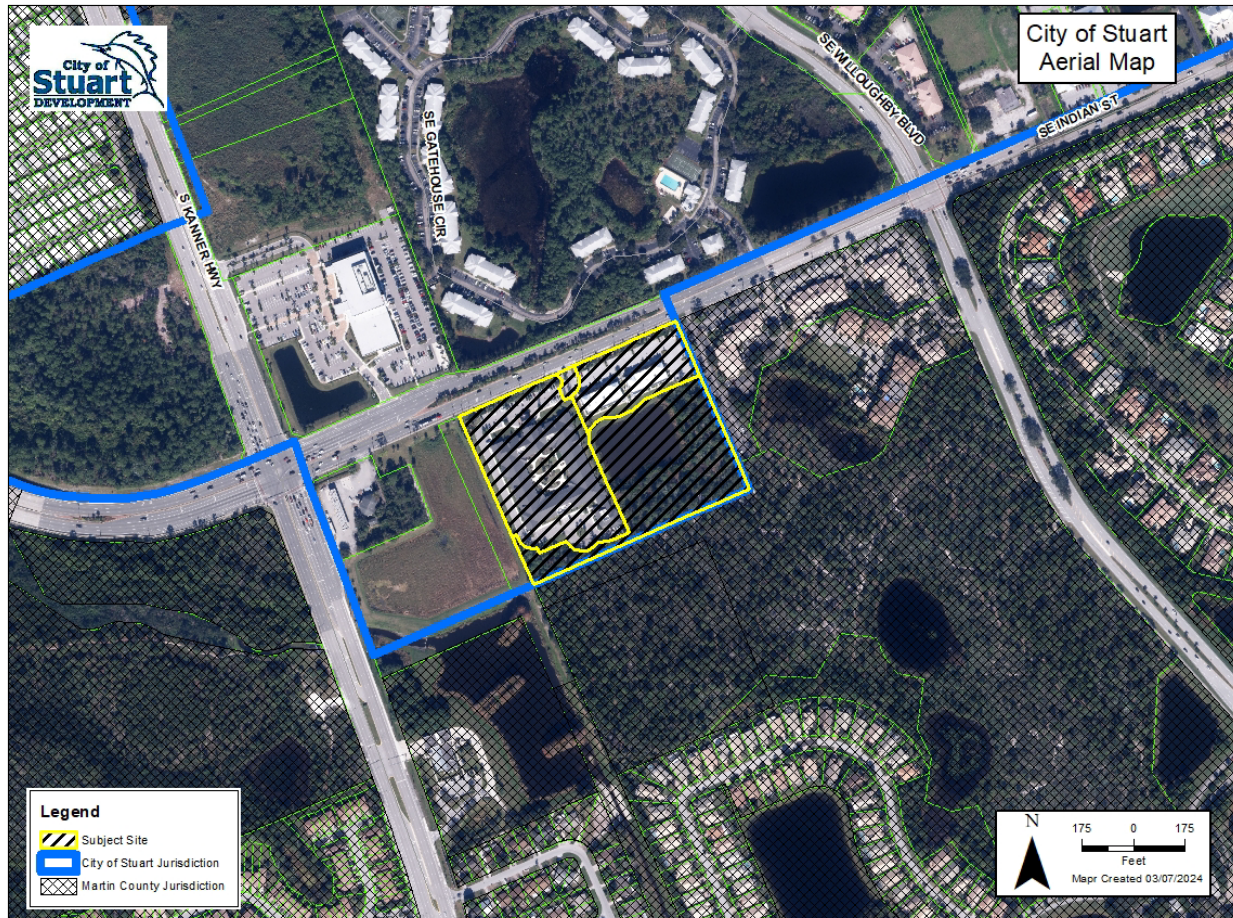
PARCEL 2:

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

ADDRESS: 500 SE INDIAN STEET

PARCEL I.D. No.: 40-38-41-010-000-000-00010-0, 40-38-41-010-000-00001-0

EXHIBIT “B” – LOCATION MAP



To: City Commission
From: Jodi Kugler, Development Director
Date: 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: CP Stuart Development I, LLC
4300 Legendary Drive, Suite 234
Destin, FL 32541

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

Jason Ackner
Perseverance Recovery Center, LLC
318 U.S. Highway 1, Suite 200
Jupiter, FL 34987

APPLICATION SUMMARY: 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 Applicant submitted a concurrent petition for 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's proposed use.

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.

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.

STAFF RECOMMENDATION: Staff is requesting Discussion and Direction from the City Commission.

LOCAL PLANNING AGENCY (LPA): The Local Planning Agency held a public hearing for the Small-Scale Comprehensive Plan Amendment petition on March 14, 2024, and voted to forward a recommendation of approval to the City Commission. The motion passed 3/1. Ms. Peterson voted nay.

PUBLIC NOTIFICATION: The Applicant mailed letters to owners located within 300 feet of the petition site, detailing the proposed project. A public notification sign was posted on the premises.

SITE DATA:

Location:	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.
Property Control Number(s)	40-38-41-010-000-000-00010-0, 40-38-41-010-000-00001-0
Existing Future Land Use Designation:	Multi-Family Residential (MF/RES) District
Proposed Future Land Use Designation:	Commercial (COMM)
Existing Zoning District:	Residential Planned Unit Development (RPUD)
Proposed Zoning District:	Mixed-Use Planned Unit Development (MXPUD)
Total Acreage:	11.27
Affected Acreage:	9.46
Overlay District:	N/A
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

PROJECT HISTORY:

Request	Resolution
Annexed into the City of Stuart and assigned to the Commercial (COMM) Future Land Use category in 1997	1997
Amend the Commercial (COMM) Future Land Use designation to Multifamily Residential (MF/RES) for an 11.27-acre property.	Ordinance 1984-2004
Established the Villagio Residential Planned Unit Development (RPUD) to construct a 66 multi-family development	Ordinance 2042-2005
Approved the rezoning of 11.27-acre to activate and amend the expired Villagio Stuart RPUD with a master plan to develop a one-story 96,713 square foot 84-bed ALF with memory care and create a 1.92-acre commercial outparcel as part of the overall 11.27-acres. Additionally, the 1.92-acre outparcel was assigned a Commercial (COMM) Future Land Use category and rezoned from RPUD to CPUD. The overall 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-acre of preserved area. The 1.92-acre outparcel will front SE Indian Street and proposed retail uses.	Ordinance 2340-2017
Abandonment of the 40-foot right-of-way within the Clarity Pointe PUD	Ordinance 2344-2017
Approved the Plat for Clarity Pointe PUD and recorded with the Martin County Clerk of Courts, Book 17, Page 1 of 2.	Resolution 06-2018
Major Amendment to the CPUD Master Site Plan for the 1.92-acre commercial outparcel to construct two (2) 8,000 square foot buildings or leasable office space and general commercial space.	Ordinance 2369-2018

CONSISTENCY OF THE CITY OF STUART LAND DEVELOPMENT REVIEW

The City Commission is tasked with reviewing the proposed Small-Scale Comprehensive Plan Future Land Use Map Amendment 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 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		<i>Residential Planned Unit Development (RPUD)</i>	<i>Multi-Family Residential (MF/RES)</i>	<i>Formal Assisted Living Facility (Clarity Pointe RPUD)</i>
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

City of Stuart Comprehensive Plan Excerpts

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.

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.

CONSISTENCY OF THE CITY OF STUART 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. Provide 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:*

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

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 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%

New 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. 4.04.05 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.

The City's Traffic Consultant, Kimley-Horn evaluated the trip generation of the existing site relative to the proposed use. The existing site currently operates as an assisted living facility, which is consistent with the previously approved traffic study. A mental health/rehab facility is proposed, which is similar to the existing use, with a maximum increase

from the existing 86 beds to 140 beds.

The proposed increase to a maximum of 140 beds has the potential to generate a net increase of 146 daily, 10 (6 entering, 4 existing) AM peak hour, and 14 (5 entering, 9 existing) PM peak hour trips. Based on the net change in peak-hour trips (< 20) a traffic study is not required per the City of Stuart Land Development Code Section 4.04.05. Furthermore, it should be noted that the change in Future Land Use (FLU) and Zoning designations do not increase traffic volumes as the proposed FLU and Zoning designations provide the same intensities as the existing FLU and zoning designations per the City of Stuart Comprehensive Plan and Land Development Code.



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
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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

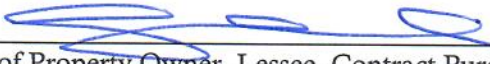
(Please Print or Type)

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: <u>Jason Aekner</u>	City/State/Zip Code: <u>Jupiter, FL 33477</u>
Title: <u>CEO</u>	Telephone Number: <u>561-845-4478</u>
Company: <u>Perseverance Recovery Center, LLC</u>	Facsimile Number:
Company Address: <u>318 S. US Highway 1 Ste. 200</u>	Email Address (optional): <u>Jason.Aekner@Phoenix-BHCC.com</u>

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

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, $\pm$ 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.

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

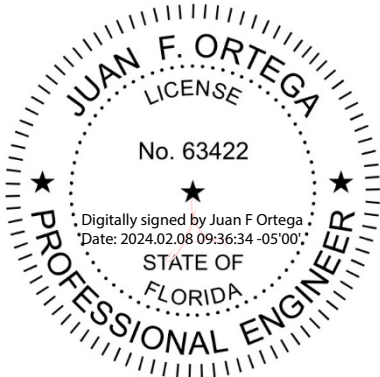
Land Use	Intensity	Daily Traffic	AM Peak Hour			PM Peak Hour		
			In	Out	Total	In	Out	Total
EXISTING DEVELOPMENT								
Assisted Living	84 Beds	218	9	6	15	8	12	20
Net Existing Traffic		218	9	6	15	8	12	20
PROPOSED DEVELOPMENT								
Mental/Drug Rehab	140 Beds	364	15	10	25	13	21	34
Net Proposed Traffic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



- Enclosures:
- Exhibit 1: Property Appraiser Information

Exhibit 2: Approved Site Plan

Exhibit 3: Ordinance 2340-2017

Exhibit 4: ITE Trip Generation Rates

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.



Basic Info

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

General Information

CHANGE MAILING ADDRESS

SIGN UP FOR PROPERTY FRAUD ALERT

Property Owners

CP STUART DEVELOPMENT I
LLC

Parcel ID

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

Use Code/Property Class

7400 - 7400 Homes for the
aged

Mailing Address

4300 LEGENDARY DR #234
DESTIN FL 32541

Account Number

1118645

Neighborhood

M3 M3-CENTRAL STUART

Tax District

STUART

Property Address

500 SE INDIAN ST STUART FL

Legal Acres

4.67

Legal Description

LOT 1 CLARITY POINTE ACCORDING TO THE
PL...

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	Grantor (Seller) N/A	Doc Num N/A
Sale Price N/A	Deed Type N/A	Book & Page N/A

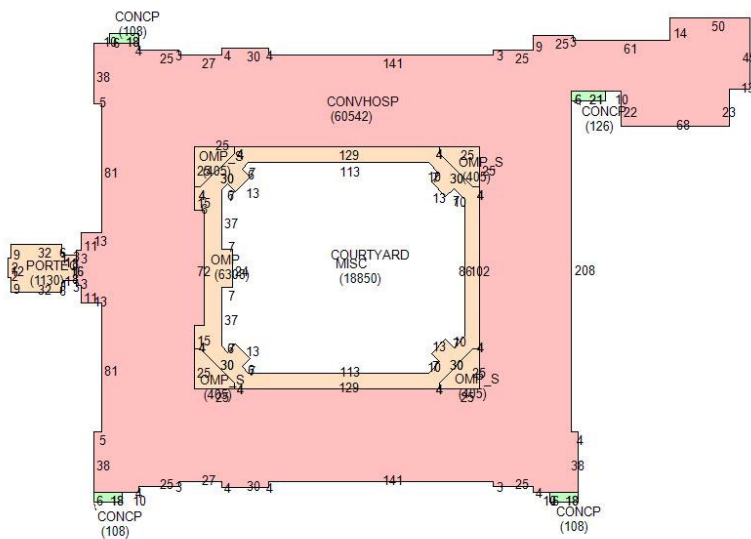
Improvements

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

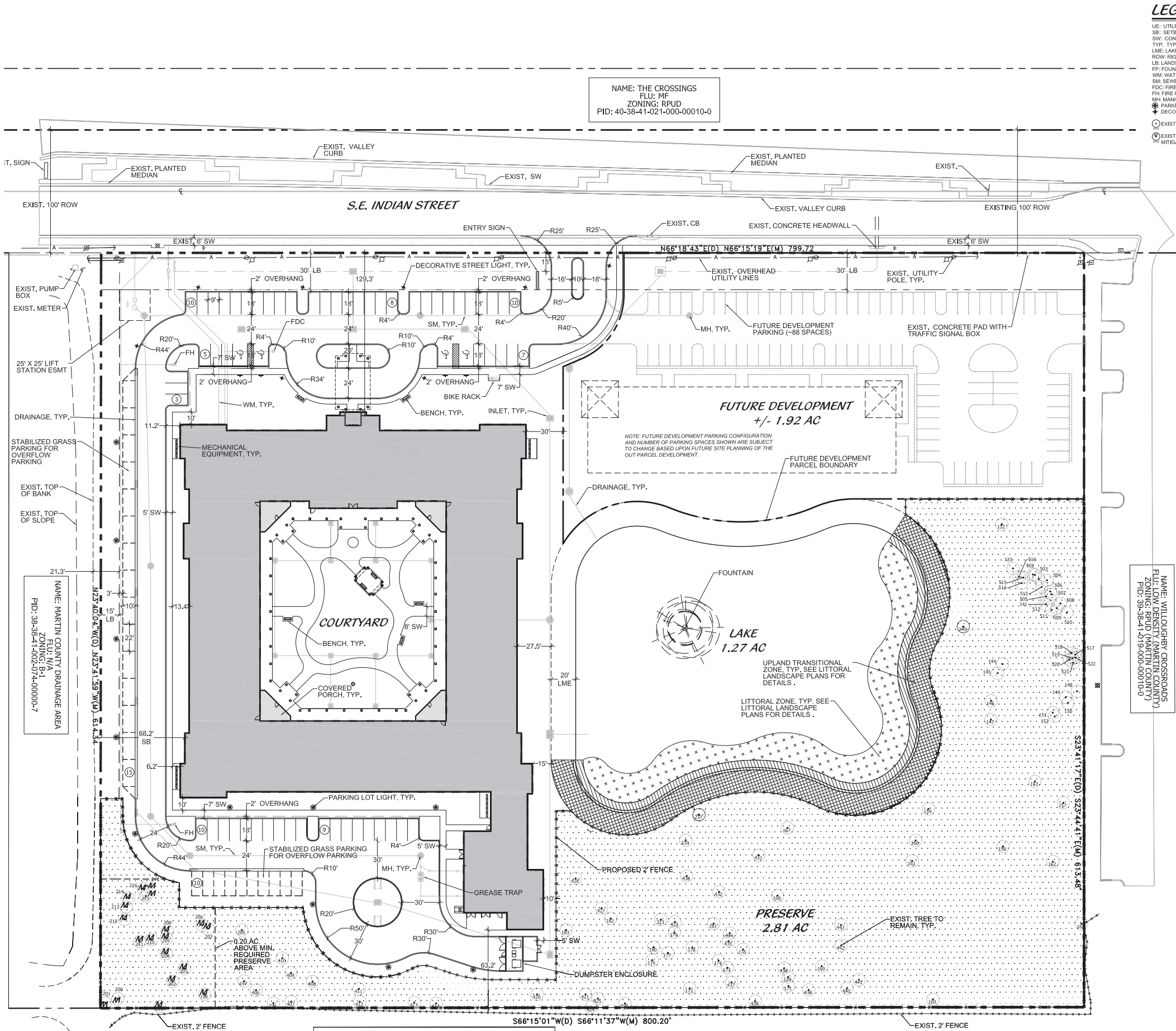
Use Code/Property Class	Total Finished Area	Max Stories
7400 - 7400 Homes for the aged	60,542 SF	1

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	



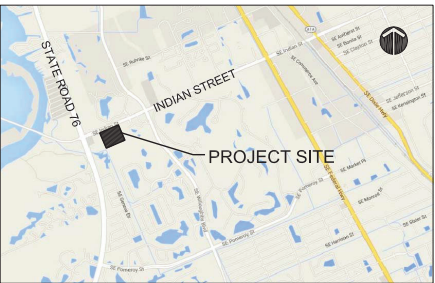
Report a
Discrepancy



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
- P: PARKING LOT LIGHT
- D: DECORATIVE STREET LIGHT
- : EXISTING TREE TO REMAIN
- ⊙: EXISTING TREE TO COUNT FOR MITIGATION CREDITS

LOCATION MAP



SITE DATA

SECTION 6, TOWNSHIP 48, RANGE 42	CLARITY POINTE- STUART		
NAME OF PROJECT	48-42-0601-0432		
PROPERTY CONTROL NUMBERS	OFFICE PARK (OP)		
CURRENT FUTURE LAND USE	RESIDENTIAL PUD (RPUD)		
CURRENT ZONING			
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	PERMITTED	PROVIDED	
(EXCLUDING FUTURE DEVELOPMENT PARCEL)			
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)			
IMPERVIOUS AREA	SF	AC	%
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	62	
PAVED		62	
GRASS		25	
HANDICAP SPACES (INCLUDED IN TOTAL)	3	4	
TOTAL	61	87	

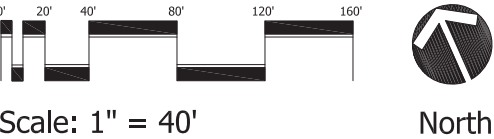
LEGAL DESCRIPTION

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 813.48 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



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

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These drawings are the property of the architect and are not to be used for reproduction or other projects except by agreement in writing with the architect. Immediately report any discrepancies to the architect.

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**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

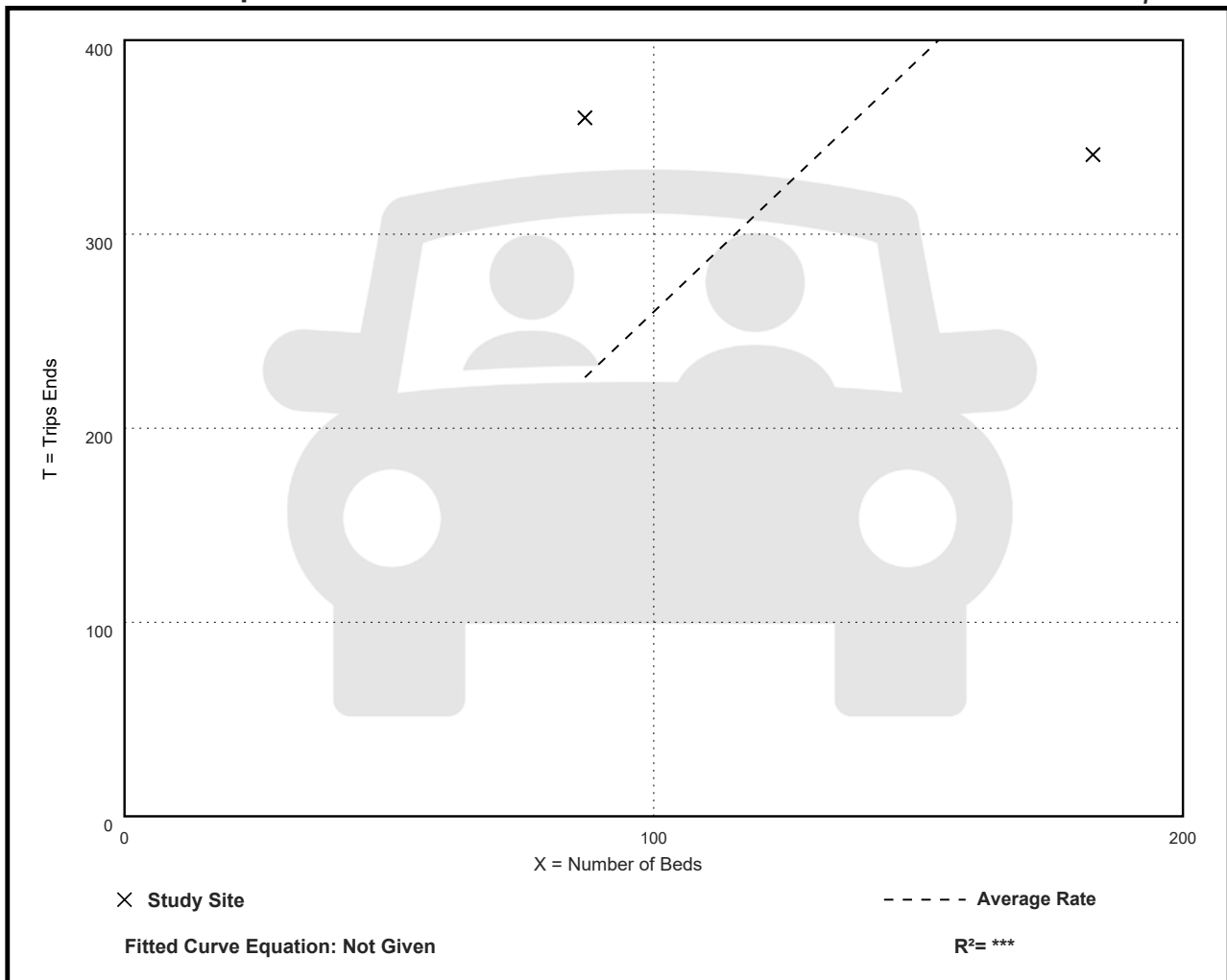
Directional Distribution: 50% entering, 50% exiting

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



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

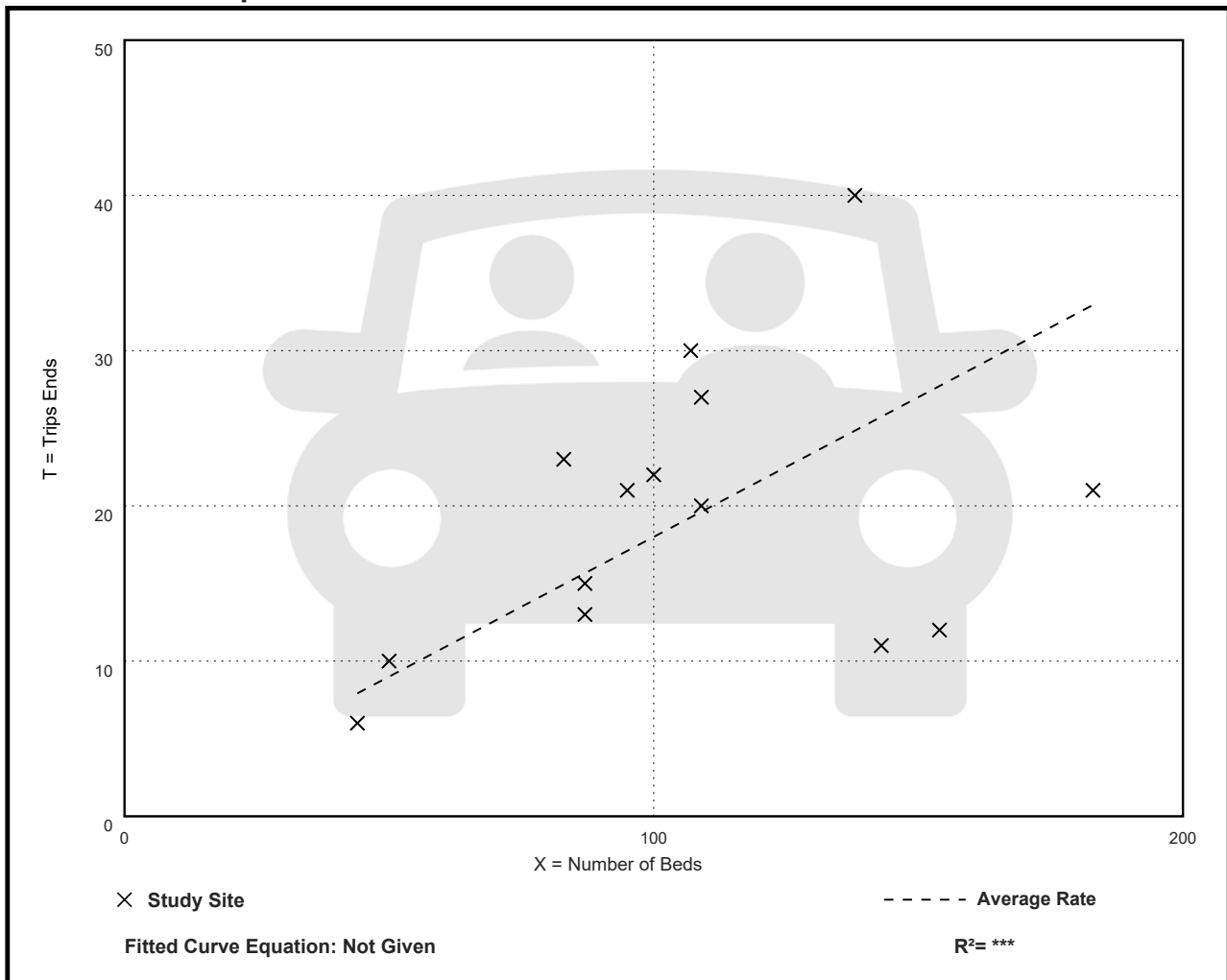
Avg. Num. of Beds: 106

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



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

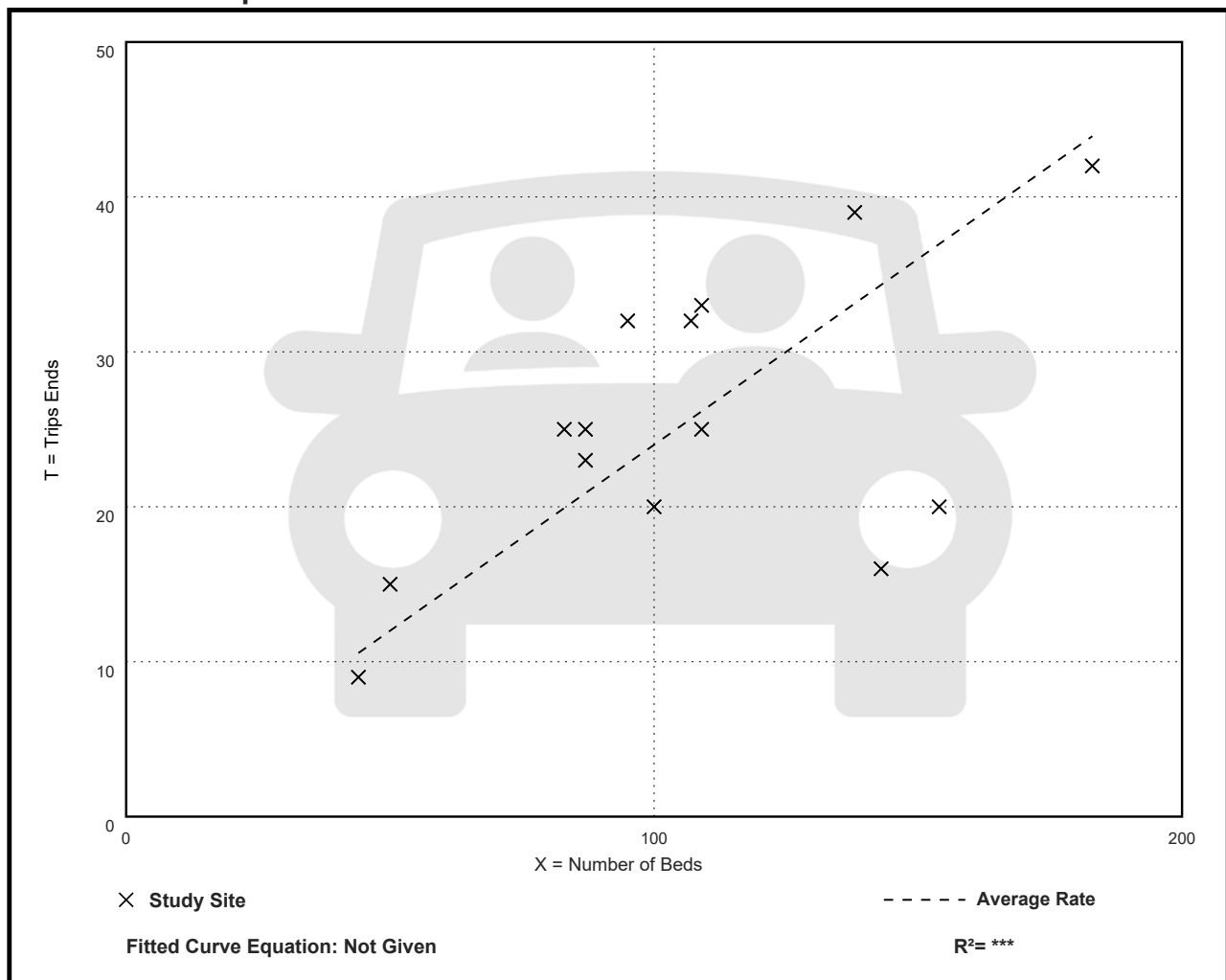
Avg. Num. of Beds: 106

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





To: Jodi Nentwick-Kugler
Director of Development
City of Stuart Development Department

From: Alex Memering, P.E.
Kimley-Horn and Associates, Inc.

ARM

Alex Campano, E.I.
Kimley-Horn and Associates, Inc.

ADC

Date: March 27, 2024

Re: **Clarity Pointe**
Final Review of Traffic Impact Analysis

Kimley-Horn has reviewed the Traffic Statement (dated February 8, 2024) prepared by JFO GROUP INC. related to the above-mentioned project. The subject project is generally located south of SE Indian Street, west of S Kanner Highway in the City of Stuart, Florida.

The traffic statement evaluated the trip generation of the existing site relative to the proposed use. The existing site currently operates as an assisted living facility, which is consistent with the previously approved traffic study. A mental health / rehab facility is proposed, which is similar to the existing use, with a maximum increase from the existing 86 beds to 140 beds.

The proposed increase to a maximum of 140 beds has the potential to generate a net increase of 146 daily, 10 (6 entering, 4 exiting) AM peak hour, and 14 (5 entering, 9 exiting) PM peak hour trips. Based on the net change in peak hour trips (< 20) a traffic study isn't required per the City of Stuart Land Development Code Section 4.04.05.

It should be noted that the change in Future Land Use (FLU) and zoning designations do not increase traffic volumes as the proposed FLU and zoning designations provide the same intensities as the existing FLU and zoning designations per the City of Stuart Comprehensive Plan and Land Development Code. We have no further comments at this time.

Thank you for the opportunity to assist the City of Stuart in reviewing the noted project. Please contact us if you have any questions or need additional information.



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

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



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

**MINUTES
LOCAL PLANNING AGENCY OF THE CITY OF STUART
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**

CALL TO ORDER

5:30 PM

ROLL CALL

PRESENT: Vice Chair Forbes, Board Member Bromfield, Board Member Peterson, Board Member Strom

ABSENT: Chair Laurine, Board Member Mathers

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

5:32 PM MOTION: Approve.

MOVED BY: Margaret Bromfield

SECONDED BY: Ryan Strom

Motion approved unanimously.

Michael Mortell, City Manager swore in Deana Peterson. Board Member Peterson took her Oath for the LPA Board.

APPROVAL OF MINUTES

1. APPROVAL OF 02/08/2024 LPA MINUTES

5:34 PM MOTION: Approve.

MOVED BY: Ryan Strom

SECONDED BY: Margaret Bromfield

Motion approved unanimously.

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

None.

COMMENTS BY BOARD MEMBERS (Non-Agenda Items)

Vice Chair Forbes

- Spoke on the growth in the City and what growth truly means.

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.

5:40 PM MOTION: Approval to continue the item.

MOVED BY: Ryan Strom

SECONDED BY: Deana Peterson

Motion approved unanimously.

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.

5:40 PM MOTION: Approval to continue the item.

MOVED BY: Margaret Bromfield

SECONDED BY: Ryan Strom

Motion approved unanimously.

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

Jodi Nentwick Kugler, Development Director, presented the projects notice, location, site history, adjacent land use & zoning, existing future land use, proposed future land use, and maximum build out.

Board Members had several questions. City Manager, Michael Mortell responded.

Brad Curry, representative for the project, introduced himself and the applicant, Jason Ackner.

PUBLIC COMMENT:

1. Barbara Petitt - SE Willoughby Terrace; Had several questions regarding the project and expressed her concerns about the project.
2. Sean Reed - SW 6th St; Spoke on the land use code of the City vs the County.
3. Rosi Shepard - SW North Carolina; Spoke in favor of the land use change.
4. Christina Tucker - SE Indian St; Stated she was the owner of Coastal detox and expressed her concerns on the project.

5:52 PM MOTION: Approve.

MOVED BY: Margaret Bromfield

SECONDED BY: Ryan Strom

VOTE: MOTION PASSES 3/1.

YES: Margaret Bromfield, Sean Forbes, Ryan Strom

NO: Deana Peterson

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.

Ms. Kugler presented the project's public notice, location, existing zoning district, mixed use planned unit development, zoning and future land use compatibility, 2016 approval site plan, wetland mitigation, and staff recommended approval to the City Commission.

Board Members asked staff questions about parking and traffic analysis.

Mr. Curry presented the project and responded to the Board Members questions and provided a brief background on the applicant.

Jason Ackner, Applicant, spoke on the project and what the facility would entail.

Board Members entered into questions and answer with the applicant.

PUBLIC COMMENT:

1. Ross Tucker - SE Indian St; Stated he believes that Mr. Ackner is doing his best but stated he believes the numbers provided are not accurate.
2. Christina Tucker - SE Indian St; Spoke on the amount of parking spaces and the number of beds within this facility.

Board Members and applicant continued discussion.

7:09 PM Vice Chair Forbes passed gavel to Board Member Strom

7:09 PM MOTION: Approve.
MOVED BY: Margaret Bromfield
SECONDED BY: Sean Forbes
VOTE: MOTION FAILED 2/2.
YES: Margaret Bromfield, Sean Forbes
NO: Deana Peterson, Ryan Strom

STAFF UPDATE

ADJOURNMENT

7:14 PM

Susej T. Meleqi, Board Secretary

Kelly Laurine, Chair

**Minutes to be approved at the LPA
Meeting this 9th day of May, 2024.**

CITY OF STUART, FLORIDA AGENDA ITEM REQUEST City Commission

Meeting Date: 5/13/2024

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, REZONING THE CITY OF STUART OFFICIAL ZONING ATLAS FROM RESIDENTIAL PLANNED UNIT DEVELOPMENT (RPUD) TO THE MIXED-USE PLANNED UNIT DEVELOPMENT (MXPUD) DESIGNATION FOR AN APPROXIMATELY 9.46 ACRE PARCEL 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, from Engineering Design & Construction, Inc., applied on behalf of the Applicant, Jason Ackner, requesting rezoning a designated Residential Planned Unit Development (RPUD) to a Mixed-Use Planned Unit Development (MXPUD) zoning designation. This is regarding a proposal called Clarity Pointe PUD, which will cover 9.46 acres of the overall 11.27-acre master development. The site was developed under Ordinance Number 2340-2017, with the primary use of an 84-bed assisted living facility with memory care.

The Local Planning Agency held a public hearing for the rezoning petition on March 14, 2024, and voted to forward a recommendation of approval to the City Commission. The motion failed 2/2.

Funding Source:

N/A

Recommended Action:

Staff is requesting discussion and direction from the City Commission.

ATTACHMENTS:

1. Ordinance 2530-2024 - MXPUD (2)
2. CC Staff Report - MXPUD
3. Rezone Narrative
4. Rezone Application
5. Ackner Site Plan (Proposed)

6. Traffic Statement (2-9-2024)
7. Clarity Pointe Traffic Review_2024-03-27
8. Landscape Sufficiency Letter
9. Survey
10. Ordinance No. 2340-2017 (Clarity Pointe RPUD)
11. Draft LPA Minutes 3-14-2024



**BEFORE THE CITY COMMISSION
CITY OF STUART, FLORIDA**

ORDINANCE NUMBER 2530-2024

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, REZONING 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.

*** * * * ***

WHEREAS, on December 11, 1989, the City of Stuart City Commission adopted Ordinance Number 1174-89, adopting a Comprehensive Growth Management Plan as mandated by the Local Government Comprehensive Planning and Land Development Regulation Act,

Ordinance No.: 2530-2025 Ackner – 500 SE Indian Street (aka Clarity Pointe PUD)
Rezone to Mixed-Use Planned Unit Development (MXPUD)

Chapter 163, Part II, Florida State Statutes, also known as the City of Stuart Comprehensive Plan, that designated the Future Land Use of this property as Industrial; and

WHEREAS, on December 20, 2004, the City of Stuart City Commission adopted Ordinance No. 1984-04, amending the future land use designation of “Commercial” to “Multi-Family Residential” for a 15.24-acre property located at the southeast corner of S.E. Indian Street and South Kanner Highway in the City; and

WHEREAS, on September 26, 2005, the City of Stuart City Commission adopted Ordinance No. 2042-05, to rezone an 11.27-acre property on the south side of S.E. Indian Street east of the intersection with South Kanner Highway to establish the Villagio Residential Planned Unit Development (RPUD) for “Villagio”, declaring the RPUD development to be consistent with the Comprehensive Plan of the City; revising the zoning map accordingly; approving certain development documents; approving certain conditions of development; and repealing all ordinances; and

WHEREAS, on January 6, 2017, the City of Stuart City Commission approved Ordinance No. 2340-2017 which granted Commercial Planned Unit Development (CPUD) zoning for the subject property for that certain 1.92 acres of land located on the south side of S.E. Indian Street approximately 580 feet east of the intersection of S.E. Kanner Highway and S.E. Indian Street; and the City of Stuart City Commission approved a site plan for the 9.35-acre RPUD by Ordinance 2340-2017 for the development of Clarity Pointe Assisted Living Facility on the RPUD portion of the PUD; and

WHEREAS, on May 22, 2017, the City of Stuart City Commission adopted Ordinance No. 2344-2017, for the abandonment of that certain 40-foot public right-of-way within the City, as set forth on the Plat of Stuart Farms, as recorded in Plat Book 1, Page 63, Martin County, Florida Public Records running north to south through the property; and

Ordinance No.: 2530-2025 Ackner – 500 SE Indian Street (aka Clarity Pointe PUD)
Rezone to Mixed-Use Planned Unit Development (MXPUD)

WHEREAS, on January 8, 2018, the City of Stuart City Commission adopted Resolution No. 06-2018, approving the Plat titled “Clarity Pointe” prepared by Peter Andersen, a Florida Professional Mapper No. 5199; and

WHEREAS, on March 26, 2018, the City of Stuart City Commission adopted Ordinance No. 2369-2018, amending a 1.92-acre Commercial Planned Unit Development (CPUD) and a 9.35-acre Residential Planned Unit Development (RPUD) agreement known as the Clarity Pointe PUD, adopted by Ordinance No. 2340-2017, thereby approving a site plan for the 1.92-acre CPUD parcel to construct 16,000 square feet of commercial; approving certain conditions of development specific to the CPUD; providing for timetables of the development; and

WHEREAS, on February 9, 2024, an application was submitted to the City of Stuart for a Petition requesting approval of a rezoning from the existing Residential Planned Unit Development (RPUD) for a Mixed-Use Planned Unit Development (MXPUD) 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 a 140-bed residential drug, and alcohol rehabilitation facility with medical detox; and

WHEREAS, the City of Stuart Local Planning Agency (LPA) Board held a properly noticed hearing at a regularly scheduled meeting on March 14, 2024, to consider the Applicant’s request and voted to recommend approval of the subject Petition to the City Commission. The motion failed 2/2; and

WHEREAS, the City Commission held two properly noticed public hearings with the First Reading of the Ordinance at a regularly scheduled City Commission Meeting on May 13, 2024, and the Second Reading of the Ordinance at a regularly scheduled City Commission Meeting on

Ordinance No.: 2530-2025 Ackner – 500 SE Indian Street (aka Clarity Pointe PUD)
Rezone to Mixed-Use Planned Unit Development (MXPUD)

May 28, 2024 and taking in consideration the LPA's recommendations, all written and oral comments at the public hearing, the analysis by the City's Development Department and the evidence and testimony presented by the parties at the public hearings, granted approval of the Rezone Petition submitted by Jason Ackner, Perseverance Recovery Center, LLC (Applicant) representing a 9.46-acre parcel of land; and

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

WHEREAS, the City of Stuart City Commission has determined the Application is consistent with the overall planning and development goals and objectives of the City; and

WHEREAS, the 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 Commercial Planned Unit Development (CPUD); and

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

WHEREAS, the property is legally described in "**Exhibit A**" attached hereto of this Ordinance. A map depicting the property is attached hereto as **Exhibit "B"** and made a part hereof by reference.

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

SECTION 1: The foregoing recitals are true and adopted as findings of fact and conclusive of laws.

SECTION 2: A legal description of the Ackner 500 S.E. Indian Street CPUD parcel is set forth in “**Exhibit A**” attached hereto and made a part hereof by reference. A boundary survey is attached hereto as “**Exhibit B**” and made a part hereof by reference. The conditions of development for the property are attached hereto as “**Exhibit C**” and made a part hereof by reference, and each shall constitute one of the development documents.

SECTION 3: The following new documents are on file as Public Records of the City, at the office of the City Clerk at City Hall, and attached hereto as “**Exhibit D**”, hereinafter the “Development Documents”, shall be deemed a part of the development conditions, and shall supplement all earlier approval documents.

SECTION 4: The Owner’s written acceptance of this Ordinance shall constitute an agreement with the City for the purposes expressed herein, but the same shall not be construed as a “Development Agreement,” as provided in Section 163.3221, Florida Statutes.

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. The failure of the Owner to comply with the development with any term or condition of development set forth in this Ordinance shall be deemed a zoning violation and no further permits, or other development approvals or orders shall be issued by the City to the Owner until the violation has been resolved, and the matter may become the subject of a code enforcement action brought by the City. This section shall not impair the due process or other legal rights of the Owner to seek administrative or judicial redress.

SECTION 6: Following the adoption and acceptance of this ordinance by the Owner, and in addition to any other action for failure to complete development or otherwise comply with the Development Documents, the City Development Director may obtain a hearing before the City Commission, and shall thereupon give at least five (5) days written notice of the time, date and

Ordinance No.: 2530-2025 Ackner – 500 SE Indian Street (aka Clarity Pointe PUD)
Rezone to Mixed-Use Planned Unit Development (MXPUD)

location of the hearing, along with specific notice of the alleged breach. At the hearing before the City Commission, the developer may appear and may contest the allegation of breach or explain the reason or reasons for the breach. Upon a finding of a material breach of the Development Documents and therefore, the Ordinance(s) adopting the same, the City Commission may impose or do any or all of the following:

- a. Initiate the process to amend or repeal this or any other ordinance pertaining to the development.
- b. Direct the City Development Director to initiate the process to rezone the CPUD property or any portion of the CPUD property.
- c. Impose an administrative penalty of up to \$1,000.00 for each violation, and up to \$5,000.00 for each repeat violation that occurs, along with all reasonable costs, including attorney's fees incurred by the City.

Any breach of any provision or condition of this CPUD Ordinance by the developer shall be considered a zoning violation subject to any remedies provided herein, or as otherwise provided by law. In the event a violation found continues from day to day, each day the violation is found to continue shall be deemed a separate violation.

SECTION 7: 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.

SECTION 8: This Ordinance and agreement shall be effective upon the last of the following to occur: adoption by the City Commission, and proper execution and acceptance by the Owner.

SECTION 9: The complete execution and recording of this Ordinance by the City Clerk shall occur no later than 45 days from the date of this approval, failing to do which this Ordinance shall be void.

Ordinance No.: 2530-2025 Ackner – 500 SE Indian Street (aka Clarity Pointe PUD)
Rezone to Mixed-Use Planned Unit Development (MXPUD)

SECTION 10: Upon complete execution of this Ordinance, the City Clerk is directed to record this Ordinance in the Public Records of Martin County, Florida.

PASSED on first reading the ____ day of _____ 2024.

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

REBECCA S. BRUNER, MAYOR
CAMPBELL RICH, VICE MAYOR
EULA R. CLARKE, COMMISSIONER
CHRISTOPHER COLLINS, COMMISSIONER
TROY MCDONALD, COMMISSIONER

YES	NO	ABSENT	ABSTAIN

ADOPTED on second and final reading this ____ day of _____ 2024.

ATTEST:

MARY R. KINDEL
CITY CLERK

REBECCA S. BRUNER
MAYOR

APPROVED AS TO FORM
AND CORRECTNESS:

LEE J. BAGGETT, ESQ.
CITY ATTORNEY

EXHIBIT A – LEGAL DESCRIPTION

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

ADDRESS:

500 S.E. INDIAN STEET

PARCEL I.D. No.:

40-38-41-010-000-000-00010-0, 40-38-41-010-000-00001-0

EXHIBIT “B” – BOUNDARY SURVEY

EXHIBIT “C” – DEVELOPMENT CONDITIONS

EXHIBIT “D” – DEVELOPMENT DOCUMENTS



To: City Commission

From: Jodi Kugler, Development Director

Date: Monday, April 22, 2024

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

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

Property Owner: CP Stuart Development I, LLC
4300 Legendary Drive, Suite 234
Destin, FL 32541

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

Jason Ackner
Perseverance Recovery Center, LLC
318 U.S. Highway 1, Suite 200
Jupiter, FL 34987

APPLICATION SUMMARY: 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 Applicant submitted a concurrent petition for 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's proposed use.

STAFF RECOMMENDATION: Staff is requesting Discussion and Direction from the City Commission.

LOCAL PLANNING AGENCY (LPA): The Local Planning Agency held a public hearing for the rezoning petition on March 14, 2024, and voted to forward a recommendation of approval to the City Commission. The motion failed 2/2.

PUBLIC NOTIFICATION: The Applicant mailed letters to owners located within 300 feet of the petition site, detailing the proposed project. A public notification sign was posted on the premises.

SITE DATA:

Location:	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.
Property Control Number(s)	40-38-41-010-000-00010-0, 40-38-41-010-000-00001-0
Existing Future Land Use Designation:	Multi-Family Residential (MF/RES) District
Proposed Future Land Use Designation:	Commercial (COMM)
Existing Zoning District:	Residential Planned Unit Development (RPUD)
Proposed Zoning District:	Mixed-Use Planned Unit Development (MXPUD)
Total Acreage:	11.27
Affected Acreage:	9.46
Overlay District:	N/A
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

PROJECT HISTORY:

Request	Resolution
Annexed into the City of Stuart and assigned to the Commercial (COMM) Future Land Use category in 1997	1997
Amend the Commercial (COMM) Future Land Use designation to Multifamily Residential (MF/RES) for an 11.27-acre property.	Ordinance 1984-2004
Established the Villagio Residential Planned Unit Development (RPUD) to construct a 66 multi-family development	Ordinance 2042-2005
Approved the rezoning of 11.27-acre to activate and amend the expired Villagio Stuart RPUD with a master plan to develop a one-story 96,713 square foot 84-bed ALF with memory care and create a 1.92-acre commercial outparcel as part of the overall 11.27-acres. Additionally, the 1.92-acre outparcel was assigned a Commercial (COMM) Future Land Use category and rezoned from RPUD to CPUD. The overall 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 outparcel will front SE Indian Street and proposed retail uses.	Ordinance 2340-2017
Abandonment of the 40-foot right-of-way within the Clarity Pointe PUD	Ordinance 2344-2017
Approved the Plat for Clarity Pointe PUD and recorded with the Martin County Clerk of Courts, Book 17, Page 1 of 2.	Resolution 06-2018
Major Amendment to the CPUD Master Site Plan for the 1.92-acre commercial outparcel to construct two (2) 8,000 square foot buildings or leasable office space and general commercial space.	Ordinance 2369-2018

CONSISTENCY OF THE CITY OF STUART LAND DEVELOPMNENT 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 City Commission 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
<i>Subject Property</i>		<i>Residential Planned Unit Development (RPUD)</i>	<i>Multi-Family Residential (MF/RES)</i>	<i>Formal Assisted Living Facility (Clarity Pointe RPUD)</i>
Adjacent Parcels	North	Residential Planned Unit Development (<i>RPUD</i>)	Multi-Family Residential (<i>MF/RES</i>)	The Crossings Multi-Family Residential Development
	South	PUD-R (<i>Residential (Martin County Jurisdiction)</i>)	Low Density-up to 5 UPA (<i>Martin County Jurisdiction</i>)	Undeveloped / Vacant
	East	Commercial Planned Unit Development (<i>CPUD</i>)	Commercial (<i>COMM</i>)	Palmetto Edge Shopping Center
	West	Commercial Planned Unit Development (<i>CPUD</i>)	Commercial (<i>COMM</i>)	5-acre Drainage Tract

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.

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 and is considered permanent residences for the elderly population.**

d. 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.

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

Staff Findings: The existing drainage was constructed in accordance to the City of Stuart Public Works guidelines and is determined to be adequate for the proposed use.

f. 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.

h. 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. The City of Stuart Land Development Code does not have a distance requirement for other similar facilities.

i. 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.

j. 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.

k. 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 less than a half-mile radius of an existing 80-bed inpatient mental health facility and was assigned a commercial land use category with mixed-use planned unit development zoning designation. The City of Stuart Land Development Code does not have a distance requirement for such facilities.

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.*

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

Future Land Use Category	Implementing Zoning Districts											PUD	Urban District	East Stuart Neighborhood	S.E. Ocean Blvd.
	R-1A	R-1	R-2	R-3	B-1	B-2	B-3	B-4	P	I	H				
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.*

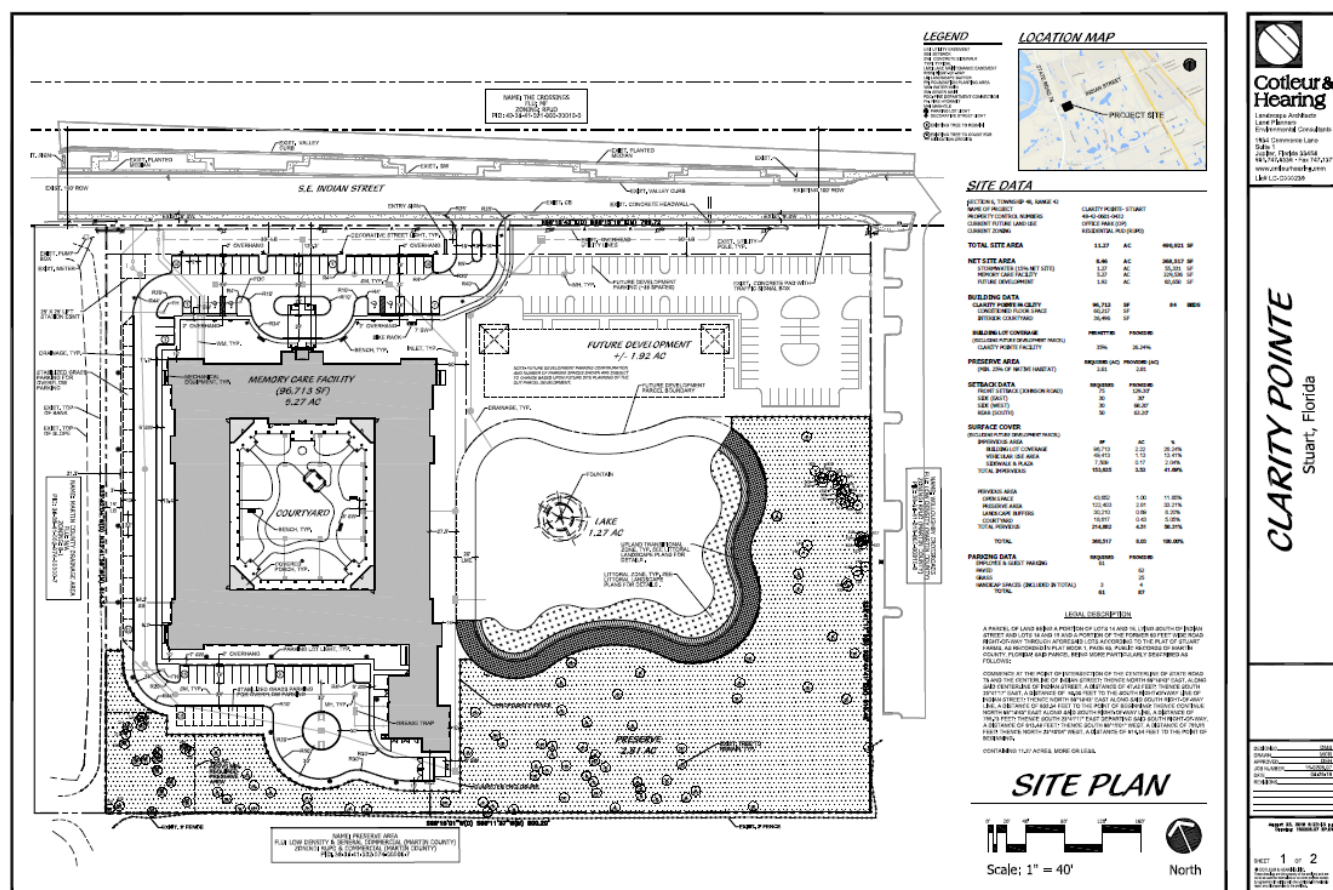
*Residential uses integrated into the MXPUD shall be designed to be compatible, and developed in combination, with any **associated commercial**, retail, **medical**, governmental, and light industrial uses.*

- *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 - Site Plan



Environmental Review

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

Landscaping, Trees, and Upland Preserve: The existing landscape buffers were provided on all sides of the property per the City's Land Development Code, which included a 30-foot-wide landscape buffer along SE Indian Street and a 15-foot landscape buffer along the eastern property line, to be consistent with the PUD.

Based on the total PUD, approximately 58.31% will remain pervious, which includes open space, a preserve area, landscape buffers, and a courtyard used by the previously approved Clarity Pointe Assisted Living Facility. The existing 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 was twice the minimum amount required of the 20% 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.

As part of the original approval, tree replacement was required as the developer removed approximately 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 was paid in full to the city's tree fund.

The existing vegetation on the site was surveyed and reviewed by the City's Environmental Consultant and the Preserve Area Maintenance Plan (PAMP) provided by the applicant. The proposed plan required a 25% upland preserve set aside (or 2.61 acres) as part of the PUD requirements. To satisfy the City's Environmental Consultant, the PAMP included a five-year maintenance plan and the preserve area be maintained by the property owner.

perpetuity. There is no upland preserve areas in the CPUD portion of the PUD.

Exhibit 1.2 – Open space outlined in green

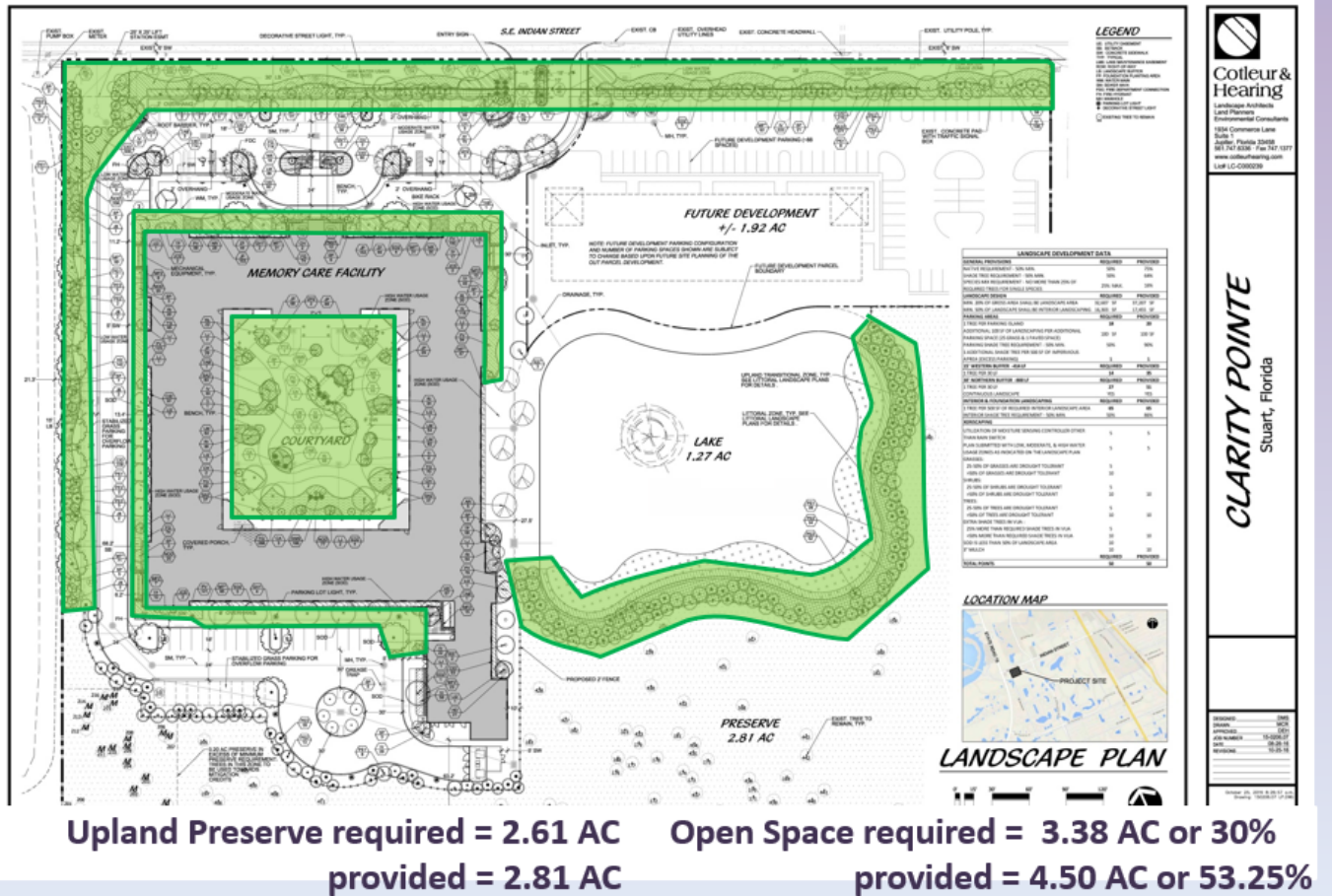


Exhibit 1.3 – Landscape Plan

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 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%

New 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. 4.04.05. 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.

The City's Traffic Consultant, Kimley-Horn evaluated the trip generation of the existing site relative to the proposed use. The existing site currently operates as an assisted living facility, which is consistent with the previously approved traffic study. A mental health/rehab facility is proposed, which is similar to the existing use, with a maximum increase from the existing 86 beds to 140 beds.

The proposed increase to a maximum of 140 beds has the potential to generate a net increase of 146 daily, 10 (6 entering, 4 existing) AM peak hour, and 14 (5 entering, 9 existing) PM peak hour trips. Based on the net change in peak-hour trips (< 20) a traffic study is not required per the City of Stuart Land Development Code Section 4.04.05.

Furthermore, it should be noted that the change in Future Land Use (FLU) and Zoning designations do not increase traffic volumes as the proposed FLU and Zoning designations provide the same intensities as the existing FLU and zoning designations per the City of Stuart Comprehensive Plan and Land Development Code.

Access and Parking: The property has 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.

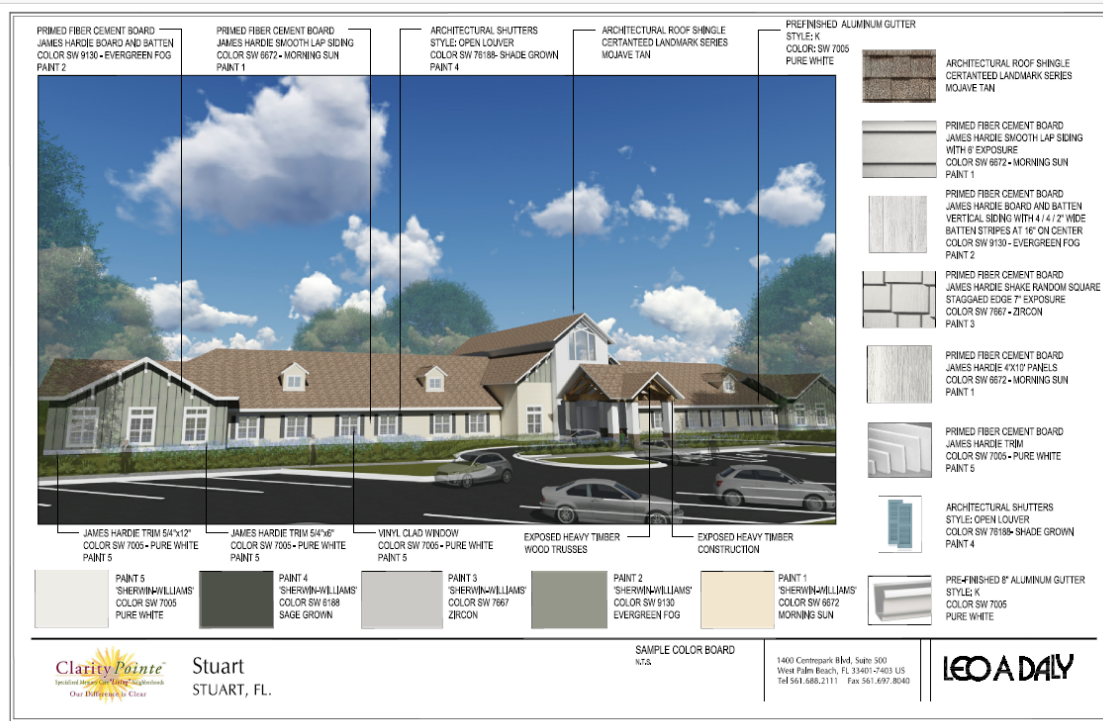
The site includes an internal pedestrian connection and interconnection with the sidewalk along SE Indian Street.

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. The analysis was provided from the staff report prepared in 2016.

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. <i>Preservation of Natural Conditions:</i> 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. <i>Screening and Buffering:</i> 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. <i>Enhancement of Residential Privacy:</i> Landscaping and site layout are proposed in such a manner that the existing and future abutting uses will not create a visual or auditory nuisance, in terms of potential impact upon the proposal.
5. <i>Emergency Access and Access to Public and Private Ways:</i> 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. <i>Pedestrian Circulation:</i> 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. <i>Location and Design of Access Drives:</i> The site has one point of ingress and egress from SE Indian Street. Adequate stacking spaces are provided within the ingress driveway.
8. <i>Co-ordination of on-site and off-site circulation:</i> 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. <i>Location and Design of on-site ways:</i> 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. <i>Drainage:</i> 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. <i>Exterior Lighting:</i> 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 Rezoning 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

City of Stuart Development Department, 121 SW Flagler Ave. Stuart, FL 34994 Phone: (772) 288-5326 Fax: (772) 288-5388

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

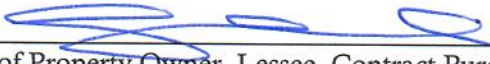
(Please Print or Type)

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: <u>Jason Aekner</u>	City/State/Zip Code: <u>Jupiter, FL 33477</u>
Title: <u>CEO</u>	Telephone Number: <u>561-845-4478</u>
Company: <u>Perseverance Recovery Center, LLC</u>	Facsimile Number:
Company Address: <u>318 S. US Highway 1 Ste. 200</u>	Email Address (optional): <u>Jason.Aekner@Phoenix-BH.com</u>

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.

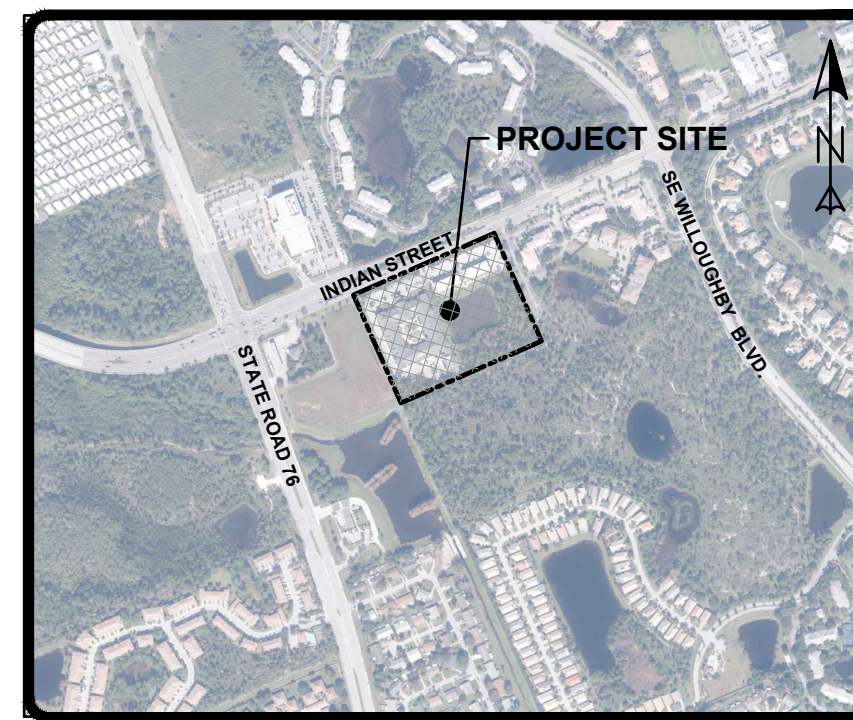
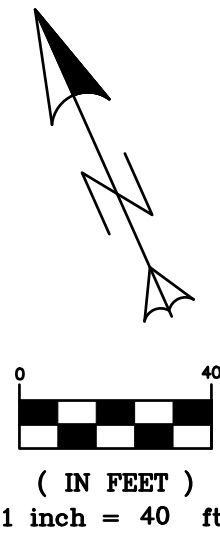
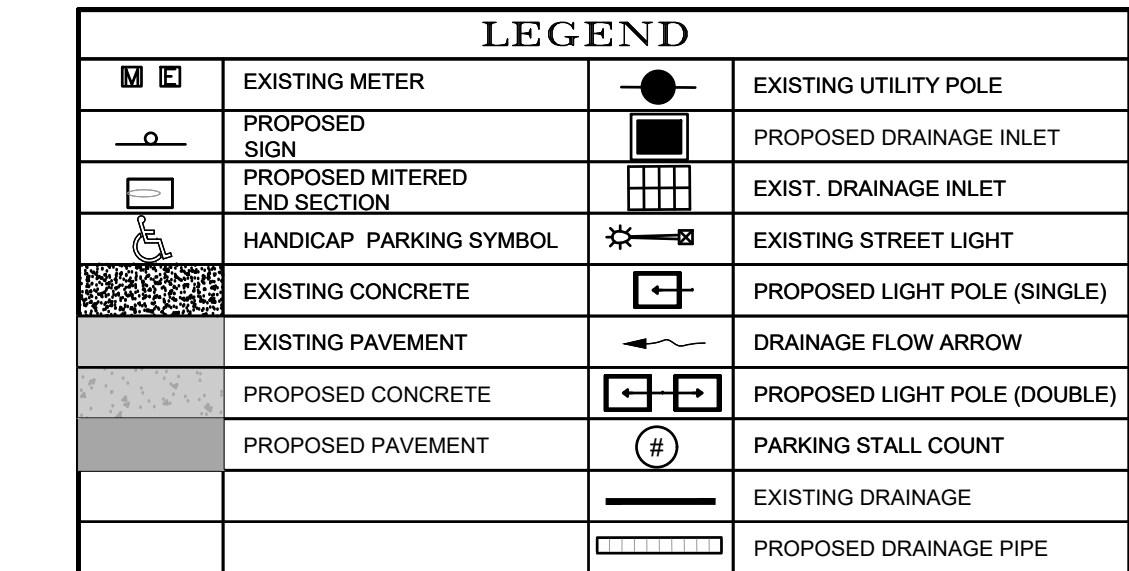
Approving Authority: The Development Director is required to prepare a staff report and recommendation concerning this application. The Local Planning Agency (LPA) is required to hold an advertised public hearing and formulate a recommendation to the City Commission. The City Commission is also required 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)



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 MARTINEZ 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" EAST, 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 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE NORTH 66 DEGREES 44' 27" EAST, ALONG SAID SOUTH RIGHT OF WAY LINE, A DISTANCE OF 100.00 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 OR LESS.

SITE DATA

<u>TOTAL SITE AREA:</u>	11.27 AC. (490,921 S.F.)
<u>PROJECT NAME:</u>	CLARITY POINTE - STUART
<u>SEC/TWNSHP/RNG:</u>	SECTION 6, TOWNSHIP 48, RANGE 42
<u>PARCEL 1 & 3 ID#:</u>	40-38-41-010-000-00010-0 40-38-41-010-000-00010-0
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: (MIN. 25% OF NATIVE HABITAT)	REQUIRED(AC.) 2.61 AC.	PROVIDED(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%
<u>IMPERVIOUS AREA:</u>			
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.	14.08%

PERVIOUS AREA:

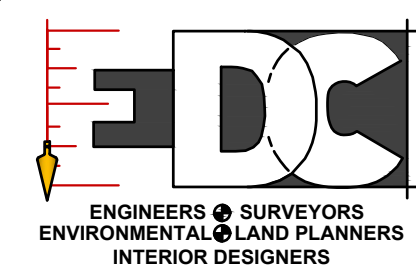
LAKE	74,923 S.F.	1.72 AC.	18.38%
OPEN SPACE:	43,103 S.F.	0.99 AC.	8.78%
UPLAND PRESERVE AREA:	122,403 S.F.	2.81 AC.	33.21%
LANDSCAPE BUFFERS:	30,210 S.F.	0.69 AC.	8.20%
<u>COURTYARD:</u>	<u>18,617 S.F.</u>	<u>0.43 AC.</u>	<u>5.05%</u>
TOTAL PERVIOUS:	289,256 S.F.	6.64 AC.	58.92%

PARKING DATA:

CLARITY POINT(E)1 SPACE PER (4) BED & 1 SPACE PER 2 EMPLOYEES)	
TOTAL PARKING REQUIRED:	61 STALLS
TOTAL PAVED PARKING PROVIDED:	62 STALLS
TOTAL GRASS PARKING 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 REQUIRED:	64 STALLS
<u>TOTAL PARKING PROVIDED:</u>	<u>80 STALLS</u>
HANDICAP PARKING PROVIDED:	4 STALLS



**10250 VILLAGE PARKWAY
SUITE 201
PORT ST. LUCIE, FL 34987**
 **772-462-2455**
 www.edc-inc.com

F.B.P.E. CERTIFICATE OF AUTHORIZATION 993
L.B. CERTIFICATE OF AUTHORIZATION 8098

DCB	DESIGNED BY	
VER	DRAWN BY	
	FILENAME	23-378 site plan(2-8-24).dwg
	SITE PLAN	
	LAYOUT	
	AS SHOWN	
	SCALE	
	30JAN24	
	DATE	

[illegible]

CLARITY POINT

SITE PLAN

FLORIDA

STUART



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

23-378

1 OF 2

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.



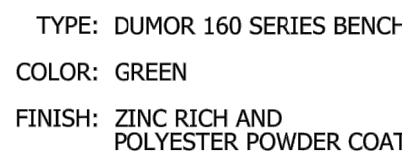
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NTS



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NTS

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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, $\pm$ 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.

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

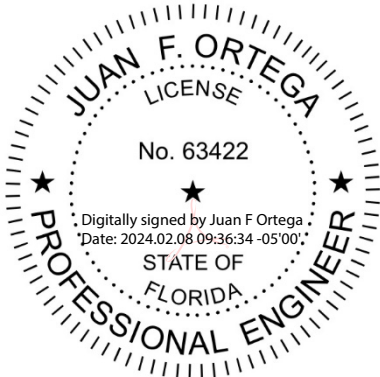
Land Use	Intensity	Daily Traffic	AM Peak Hour			PM Peak Hour		
			In	Out	Total	In	Out	Total
EXISTING DEVELOPMENT								
Assisted Living	84 Beds	218	9	6	15	8	12	20
Net Existing Traffic		218	9	6	15	8	12	20
PROPOSED DEVELOPMENT								
Mental/Drug Rehab	140 Beds	364	15	10	25	13	21	34
Net Proposed Traffic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



- Enclosures:
- Exhibit 1: Property Appraiser Information

Exhibit 2: Approved Site Plan

Exhibit 3: Ordinance 2340-2017

Exhibit 4: ITE Trip Generation Rates

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.



Basic Info

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

General Information

CHANGE MAILING ADDRESS

SIGN UP FOR PROPERTY FRAUD ALERT

Property Owners

CP STUART DEVELOPMENT I
LLC

Parcel ID

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

Use Code/Property Class

7400 - 7400 Homes for the
aged

Mailing Address

4300 LEGENDARY DR #234
DESTIN FL 32541

Account Number

1118645

Neighborhood

M3 M3-CENTRAL STUART

Tax District

STUART

Property Address

500 SE INDIAN ST STUART FL

Legal Acres

4.67

Legal Description

LOT 1 CLARITY POINTE ACCORDING TO THE
PL...

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.

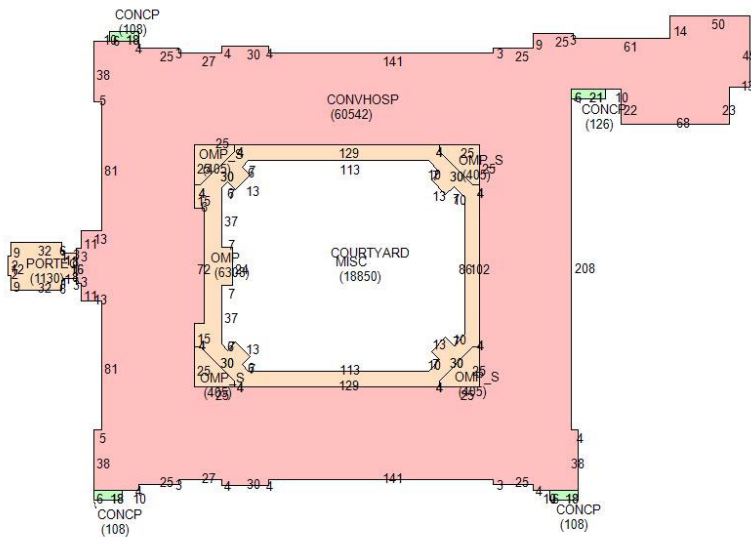
Current Sale

Sale Date N/A	Grantor (Seller) N/A	Doc Num N/A
Sale Price N/A	Deed Type N/A	Book & Page N/A

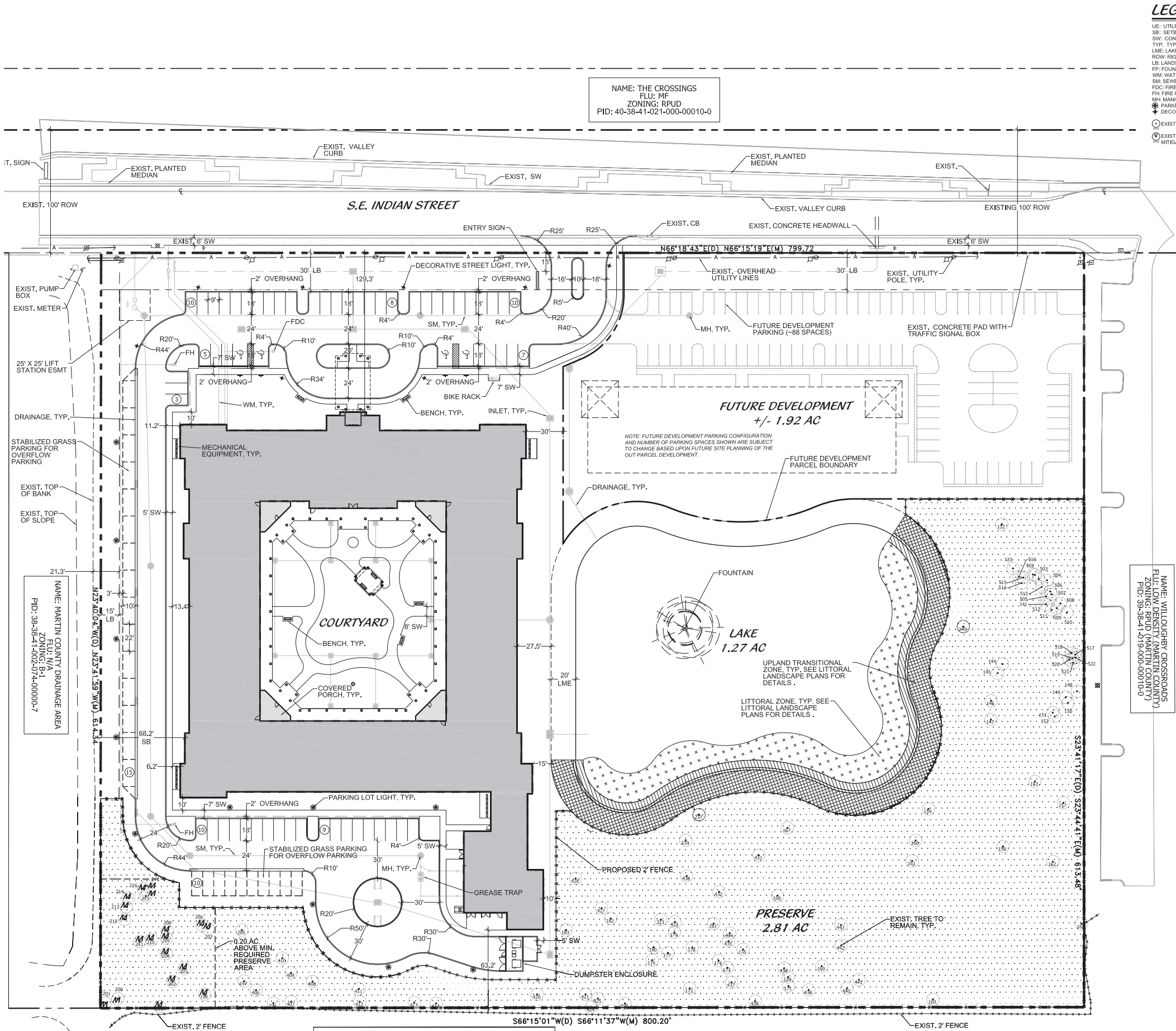
PIN	AIN	Situs Address	Website Updated
40-38-41-010-000-00010-0	1118645	500 SE INDIAN ST STUART FL	1/25/24

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

Building 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	



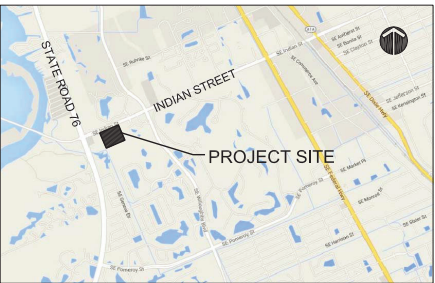
Report a
Discrepancy



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
PROPERTY CONTROL NUMBERS
CURRENT FUTURE LAND USE
CURRENT ZONING

CLARITY POINTE- STUART
48-42-0601-0432
OFFICE PARK (OP)
RESIDENTIAL PUD (RPUD)

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	PERMITTED	PROVIDED
(EXCLUDING FUTURE DEVELOPMENT PARCEL)		
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)			
IMPERVIOUS AREA	SF	AC	%
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	62
PAVED		62
GRASS		25
HANDICAP SPACES (INCLUDED IN TOTAL)	3	4
TOTAL	61	87

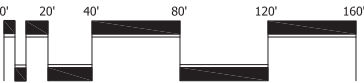
LEGAL DESCRIPTION

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



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 reproduction or other projects except by agreement in writing with the architect. Immediately report any discrepancies to the architect.

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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

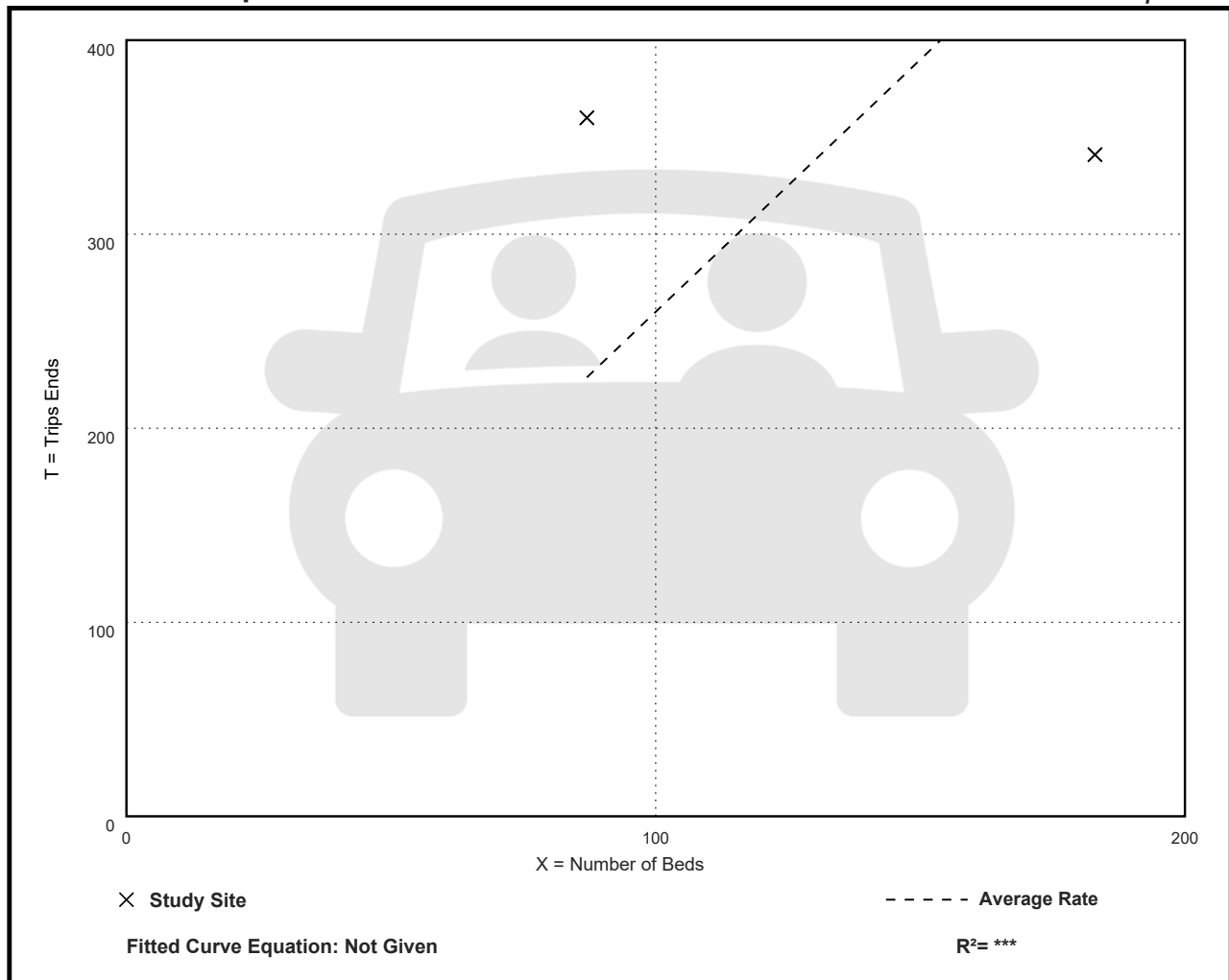
Directional Distribution: 50% entering, 50% exiting

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



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

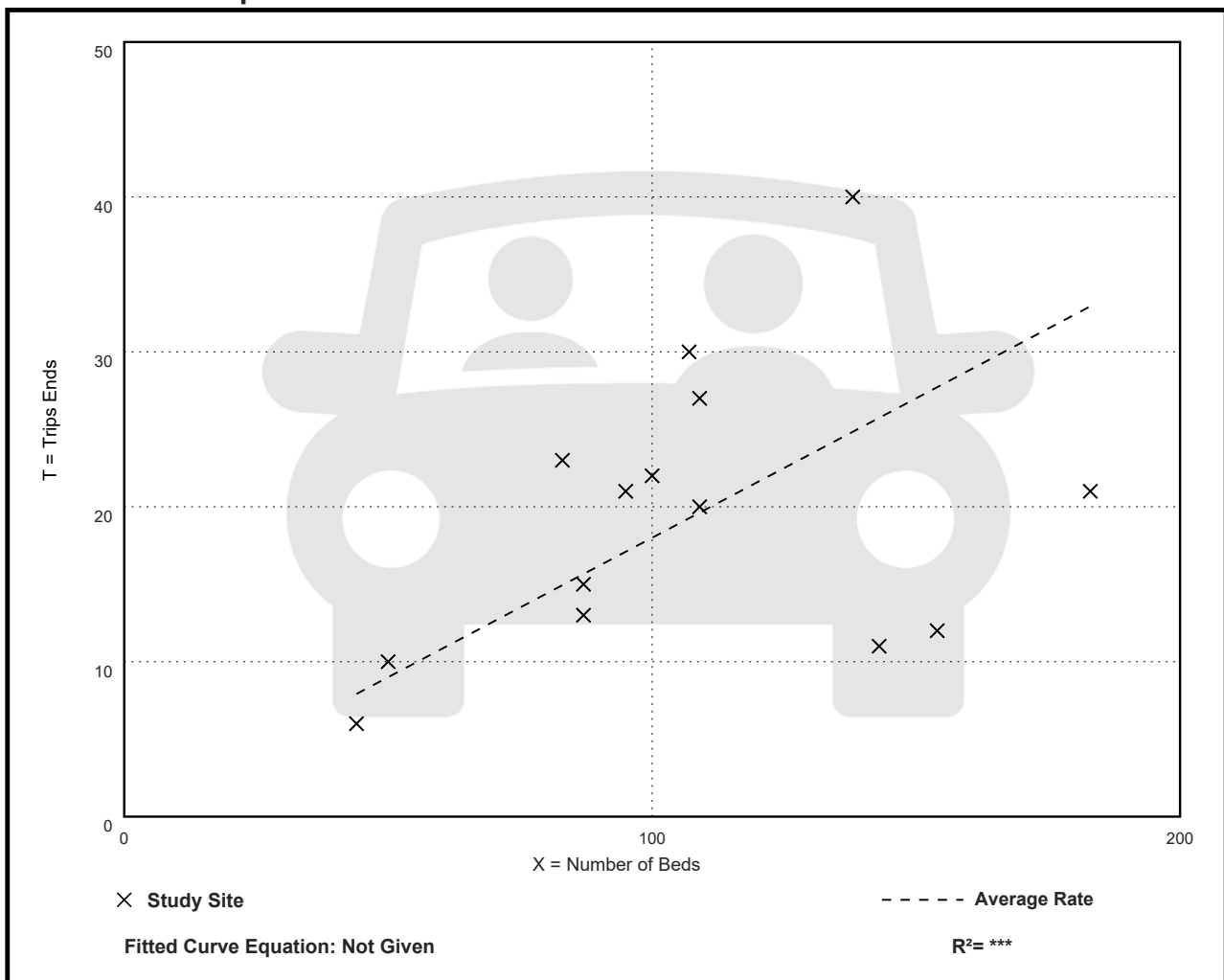
Avg. Num. of Beds: 106

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



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

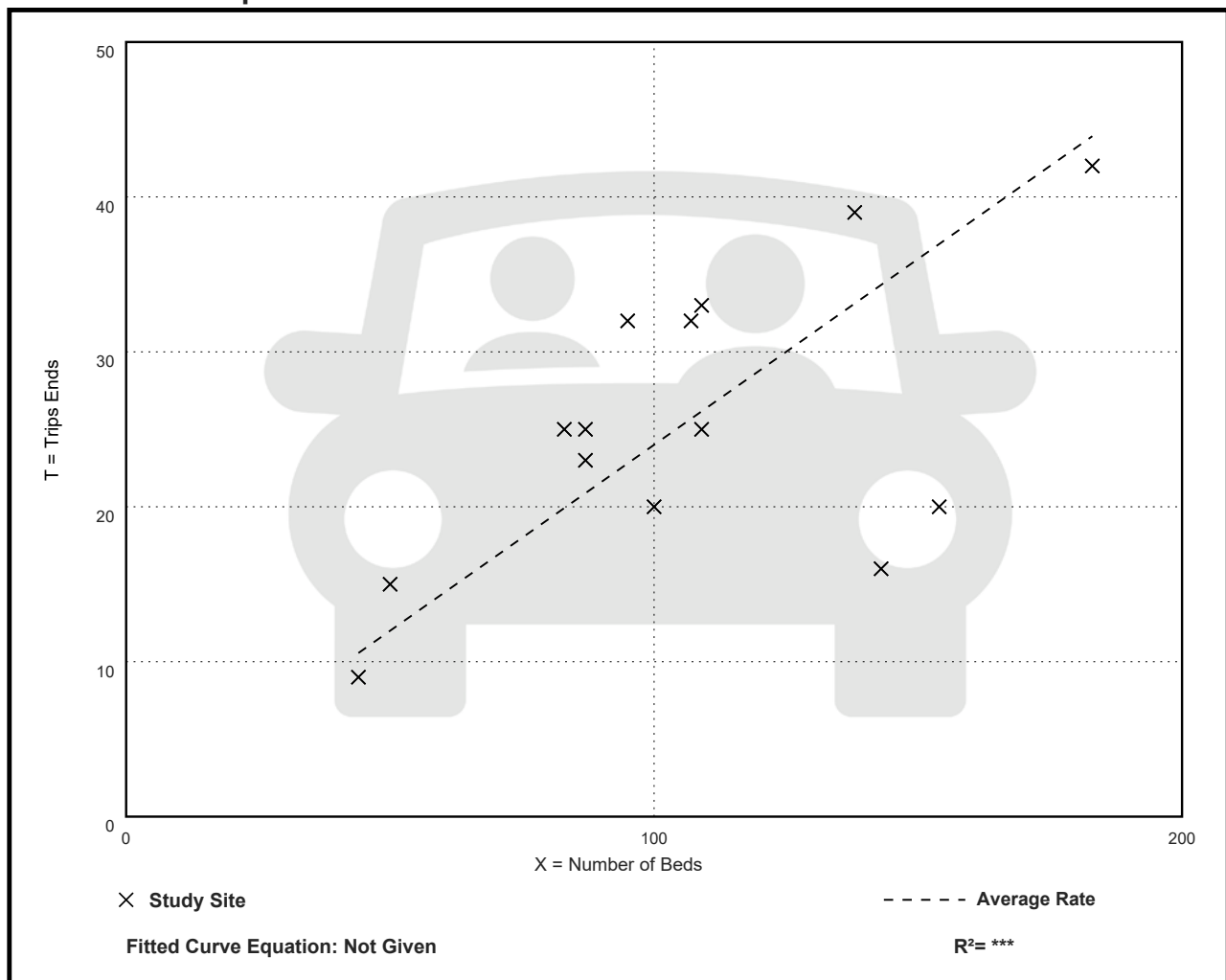
Avg. Num. of Beds: 106

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





To: Jodi Nentwick-Kugler
Director of Development
City of Stuart Development Department

From: Alex Memering, P.E.
Kimley-Horn and Associates, Inc.

ARM

Alex Campano, E.I.
Kimley-Horn and Associates, Inc.

ADC

Date: March 27, 2024

Re: **Clarity Pointe**
Final Review of Traffic Impact Analysis

Kimley-Horn has reviewed the Traffic Statement (dated February 8, 2024) prepared by JFO GROUP INC. related to the above-mentioned project. The subject project is generally located south of SE Indian Street, west of S Kanner Highway in the City of Stuart, Florida.

The traffic statement evaluated the trip generation of the existing site relative to the proposed use. The existing site currently operates as an assisted living facility, which is consistent with the previously approved traffic study. A mental health / rehab facility is proposed, which is similar to the existing use, with a maximum increase from the existing 86 beds to 140 beds.

The proposed increase to a maximum of 140 beds has the potential to generate a net increase of 146 daily, 10 (6 entering, 4 exiting) AM peak hour, and 14 (5 entering, 9 exiting) PM peak hour trips. Based on the net change in peak hour trips (< 20) a traffic study isn't required per the City of Stuart Land Development Code Section 4.04.05.

It should be noted that the change in Future Land Use (FLU) and zoning designations do not increase traffic volumes as the proposed FLU and zoning designations provide the same intensities as the existing FLU and zoning designations per the City of Stuart Comprehensive Plan and Land Development Code. We have no further comments at this time.

Thank you for the opportunity to assist the City of Stuart in reviewing the noted project. Please contact us if you have any questions or need additional information.

Conceptual Design Group, Inc.

Landscape Architecture – Site Planning

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

February 7, 2024

Re: 500 SE Indian Street
40-38-41-010-000-00010-0 &
40-38-41-010-000-00001-0

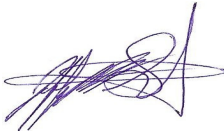
CDG ref. # 24-0201

Dear Ms. Nentwick-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



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

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



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



**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.

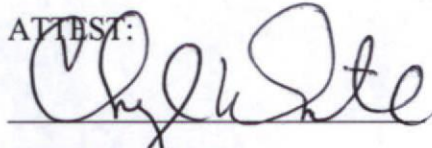
Commissioner MCDONALD offered the foregoing ordinance and moved its adoption. The motion was seconded by Commissioner GLASS LEIGHTON and upon being put to a roll call vote, the vote was as follows:

EULA CLARKE, MAYOR
THOMAS CAMPENNI, VICE MAYOR
TROY MCDONALD, COMMISSIONER
KELLI GLASS LEIGHTON, COMMISSIONER
JEFFREY A KRAUSKOPF, COMMISSIONER

YES	NO	ABSENT
X		
X		
X		
X		
X		

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

ATTEST:



CHERYL WHITE

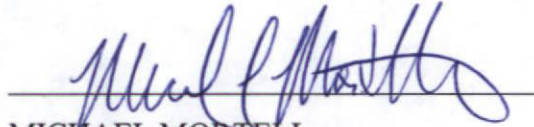
CITY CLERK



EULA R. CLARKE

MAYOR

APPROVED AS TO FORM AND CORRECTNESS:



MICHAEL MORTELL

CITY ATTORNEY

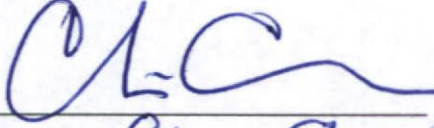


ACCEPTANCE AND AGREEMENT

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.



[Signature]
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: _____

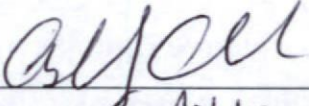
CP-Stuart Development, LLC

By: _____

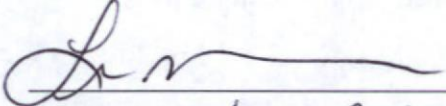
Richard Olson, Managing Partner

see pg. 8

WITNESSES:



Print Name: Ashley Clark



Print Name: Lisa Bishop

Treasure Coast Properties Investments, LLC

By: Alexander N. Britton

Alexander N. Britton, 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, ²⁰¹⁷~~2016~~, by Alexander N Britton

Irazely Garaboa

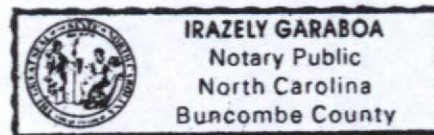
Notary Public, State of ~~Florida~~ ^{North Carolina}

My Commission Expires:

Notary Seal

Personally Known X OR Produced Identification _____

Type of Identification Produced _____



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

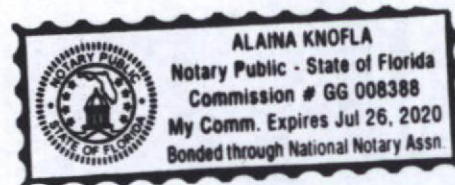
Notary Public, State of Florida

My Commission Expires:

Notary Seal

Personally Known ✓ OR Produced Identification _____

Type of Identification Produced _____



LEGAL DESCRIPTION

CLARITY POINTE OUT PARCEL

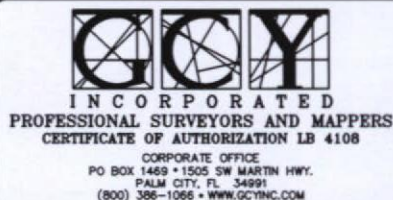
A PARCEL OF LAND BEING A PORTION OF LOTS 14 AND 15, LYING SOUTH OF INDIAN STREET AND LOTS 18 AND 19 AND A PORTION OF THE FORMER 60 FOOT WIDE RIGHT OF WAY THROUGH AFORESAID LOTS, ACCORDING TO THE PLAT OF STUART FARMS, AS RECORDED IN PLAT BOOK 1, PAGE 63, PUBLIC RECORDS OF PALM BEACH COUNTY (NOW MARTIN 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 $66^{\circ}15'19''$ EAST, ALONG SAID CENTERLINE OF INDIAN STREET, A DISTANCE OF 47.42 FEET; THENCE SOUTH $23^{\circ}44'41''$ EAST, A DISTANCE OF 50.00 FEET TO THE SOUTH RIGHT OF WAY LINE OF INDIAN STREET; THENCE NORTH $66^{\circ}15'19''$ 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 $66^{\circ}15'19''$, A DISTANCE OF 374.35 FEET; THENCE DEPARTING SAID RIGHT OF WAY LINE SOUTH $23^{\circ}44'42''$ EAST, A DISTANCE OF 200.12 FEET; THENCE SOUTH $66^{\circ}15'19''$ 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 $22^{\circ}47'42''$ A DISTANCE OF 31.19 FEET, SAID CURVE HAVING A CHORD BEARING OF SOUTH $54^{\circ}32'06''$ 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 $45^{\circ}18'38''$ A DISTANCE OF 121.79 FEET, SAID CURVE HAVING A CHORD BEARING OF SOUTH $65^{\circ}47'34''$ 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 $81^{\circ}35'22''$ A DISTANCE OF 99.68 FEET, SAID CURVE HAVING A CHORD BEARING OF SOUTH $47^{\circ}39'12''$, A CHORD DISTANCE OF 91.47 FEET; THENCE NORTH $23^{\circ}44'41''$ WEST NON-TANGENT TO THE LAST DESCRIBED CURVE, A DISTANCE OF 144.02 FEET; THENCE NORTH $43^{\circ}10'02''$ 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 $23^{\circ}44'40''$ 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



Sketch CP - Stuart Development, LLC MARTIN COUNTY, FLORIDA			
Scale: NA	Date: Jan. 2017	File & Drawing No.: 16-1001-03-03	
Drawn By: M.F.M.	Checked: P.A.	Sheet 1	of 4

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.

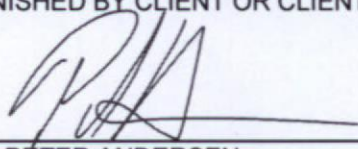
CERTIFICATION

(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

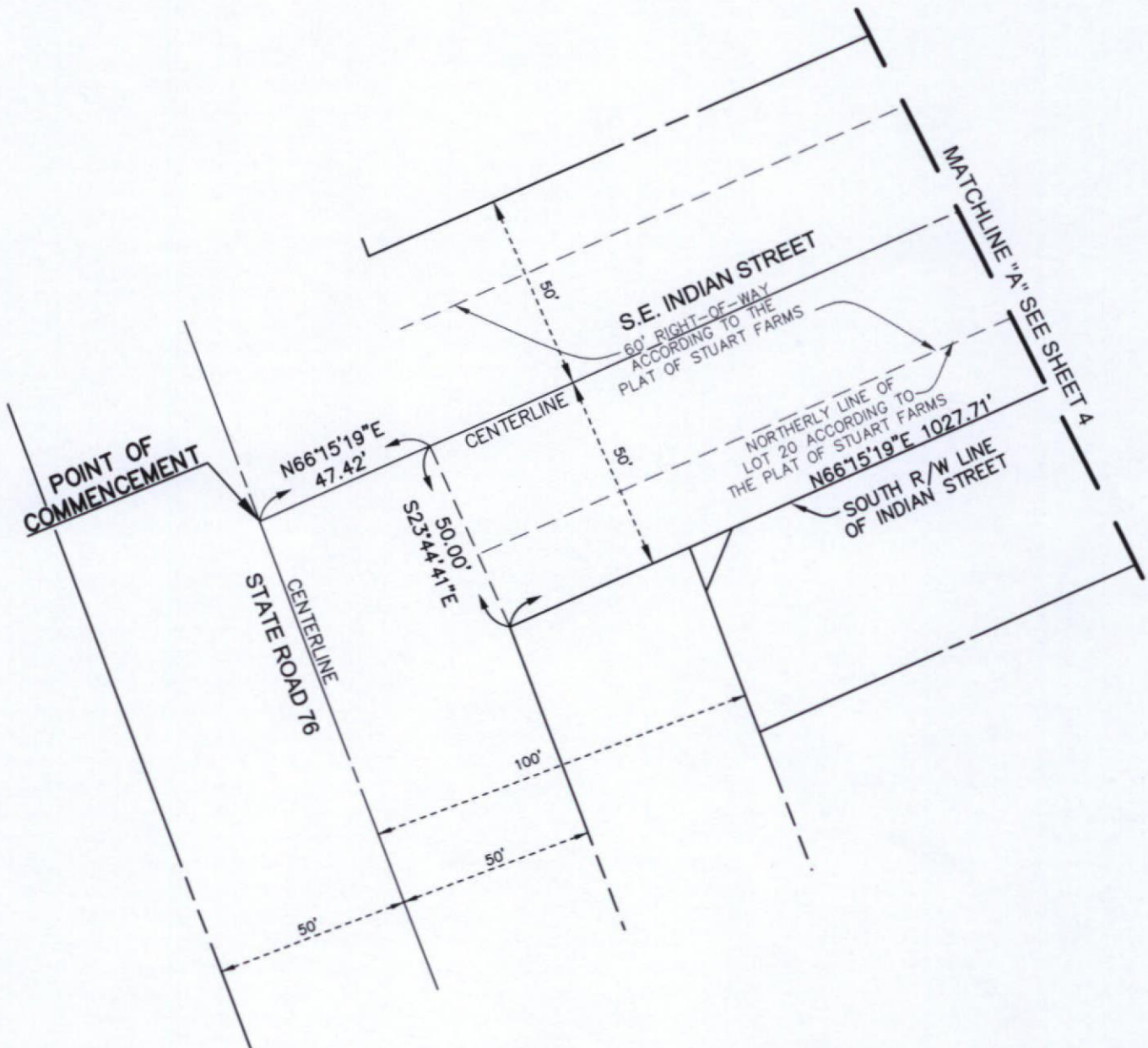

 PETER ANDERSEN
 PROFESSIONAL SURVEYOR AND MAPPER
 FLORIDA CERTIFICATE NO. 5199

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

NO.	REVISIONS	DATE	BY



Sketch			
CP - Stuart Development, LLC			
MARTIN COUNTY,		FLORIDA	
Scale:	NA	Date:	Jan. 2017
Drawn By:	M.F.M.	Checked:	P.A.
File & Drawing No.:		16-1001-03-03	
Sheet		2 of 3	



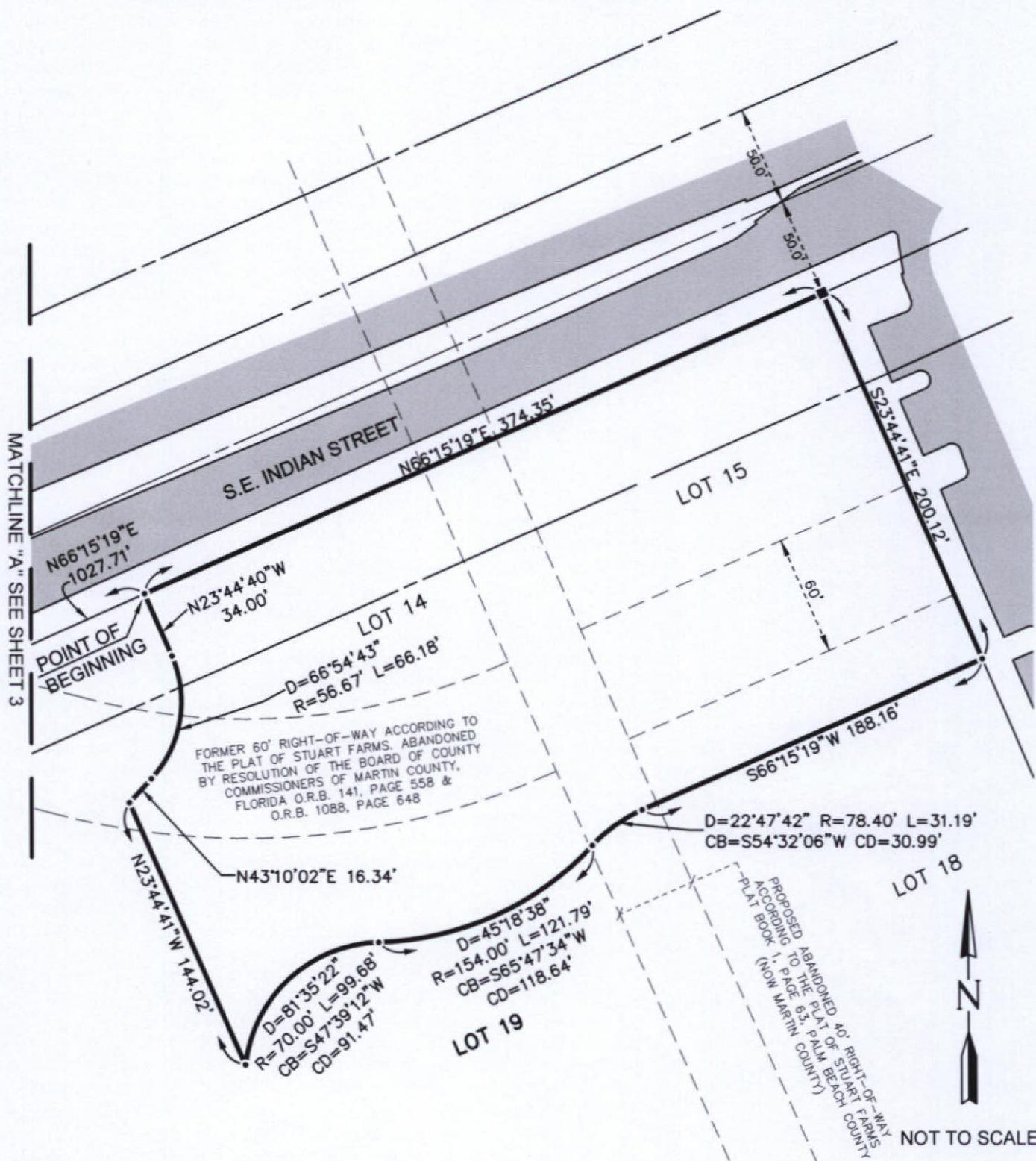
NOTE:
This drawing does not represent
a boundary survey and is based
on office information only.

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

NO.	REVISIONS	DATE	BY

G C Y
INCORPORATED
PROFESSIONAL SURVEYORS AND MAPPERS
CERTIFICATE OF AUTHORIZATION LB 4108
CORPORATE OFFICE
PO BOX 1469 • 1505 SW MARTIN HWY.
PALM CITY, FL 34991
(800) 386-1086 • WWW.GCYINC.COM

Sketch CP - Stuart Development, LLC MARTIN COUNTY, FLORIDA			
Scale: NA	Date: Jan. 2017	File & Drawing No.: 16-1001-03-03	
Drawn By: M.F.M.	Checked: P.A.	Sheet 3	of 4



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

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

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.

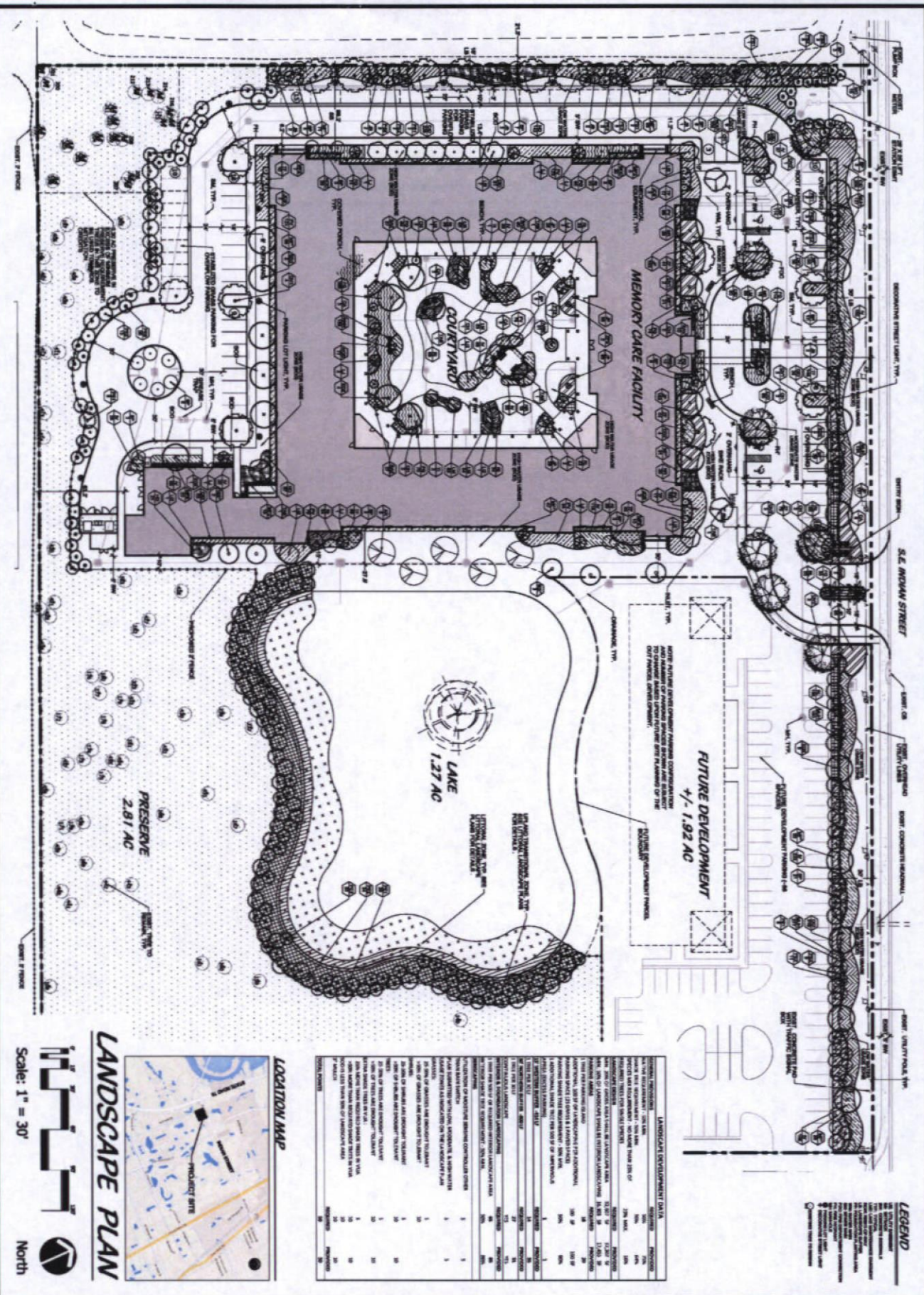
Platting - HOA Requirements & Future Amendments

- 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

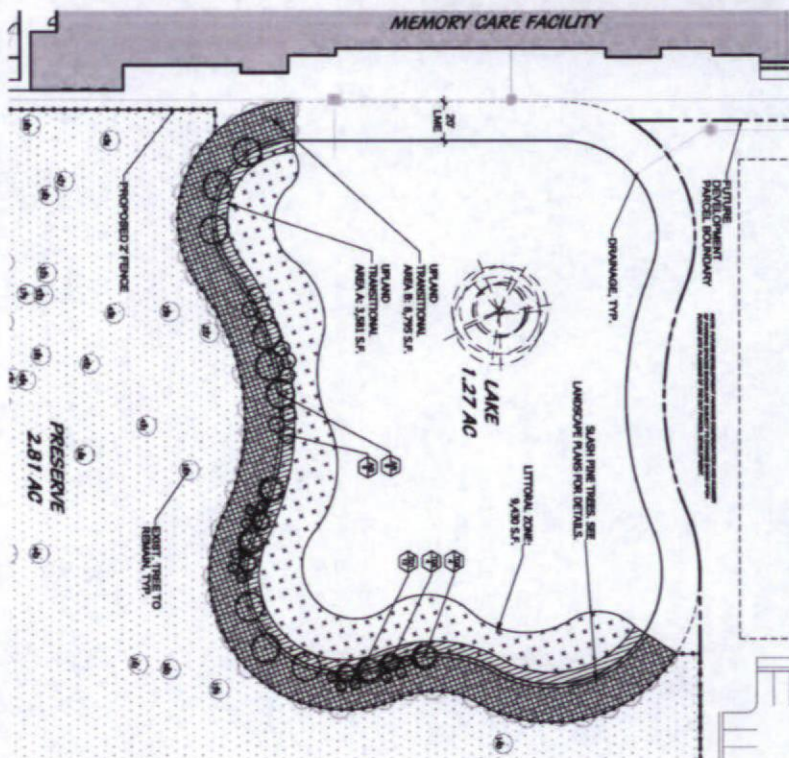
- 48. Prior to, or in tandem with plat approval, the applicant shall provide the city with an appraisal of the value of the right-of-way shown on the subject property and in exchange

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.



LANDSCAPE DEVELOPMENT DATA

ITEM	QUANTITY	REMARKS
1. PLANTING MATERIALS		
1.1. TREES		
1.1.1. 12" DBH OR LARGER	10	10
1.1.2. 10" DBH	20	20
1.1.3. 8" DBH	30	30
1.1.4. 6" DBH	40	40
1.1.5. 4" DBH	50	50
1.1.6. 3" DBH	60	60
1.1.7. 2" DBH	70	70
1.1.8. 1" DBH	80	80
1.2. SHRUBS		
1.2.1. 6" DBH	100	100
1.2.2. 4" DBH	200	200
1.2.3. 3" DBH	300	300
1.2.4. 2" DBH	400	400
1.2.5. 1" DBH	500	500
1.3. PERENNIALS		
1.3.1. 1" DBH	1000	1000
1.3.2. 1/2" DBH	2000	2000
1.3.3. 1/4" DBH	3000	3000
1.3.4. 1/8" DBH	4000	4000
1.3.5. 1/4" DBH	5000	5000
1.3.6. 1/8" DBH	6000	6000
1.3.7. 1/4" DBH	7000	7000
1.3.8. 1/8" DBH	8000	8000
1.3.9. 1/4" DBH	9000	9000
1.3.10. 1/8" DBH	10000	10000
1.3.11. 1/4" DBH	11000	11000
1.3.12. 1/8" DBH	12000	12000
1.3.13. 1/4" DBH	13000	13000
1.3.14. 1/8" DBH	14000	14000
1.3.15. 1/4" DBH	15000	15000
1.3.16. 1/8" DBH	16000	16000
1.3.17. 1/4" DBH	17000	17000
1.3.18. 1/8" DBH	18000	18000
1.3.19. 1/4" DBH	19000	19000
1.3.20. 1/8" DBH	20000	20000
1.3.21. 1/4" DBH	21000	21000
1.3.22. 1/8" DBH	22000	22000
1.3.23. 1/4" DBH	23000	23000
1.3.24. 1/8" DBH	24000	24000
1.3.25. 1/4" DBH	25000	25000
1.3.26. 1/8" DBH	26000	26000
1.3.27. 1/4" DBH	27000	27000
1.3.28. 1/8" DBH	28000	28000
1.3.29. 1/4" DBH	29000	29000
1.3.30. 1/8" DBH	30000	30000
1.3.31. 1/4" DBH	31000	31000
1.3.32. 1/8" DBH	32000	32000
1.3.33. 1/4" DBH	33000	33000
1.3.34. 1/8" DBH	34000	34000
1.3.35. 1/4" DBH	35000	35000
1.3.36. 1/8" DBH	36000	36000
1.3.37. 1/4" DBH	37000	37000
1.3.38. 1/8" DBH	38000	38000
1.3.39. 1/4" DBH	39000	39000
1.3.40. 1/8" DBH	40000	40000
1.3.41. 1/4" DBH	41000	41000
1.3.42. 1/8" DBH	42000	42000
1.3.43. 1/4" DBH	43000	43000
1.3.44. 1/8" DBH	44000	44000
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1.3.50. 1/8" DBH	50000	50000
1.3.51. 1/4" DBH	51000	51000
1.3.52. 1/8" DBH	52000	52000
1.3.53. 1/4" DBH	53000	53000
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1.3.59. 1/4" DBH	59000	59000
1.3.60. 1/8" DBH	60000	60000
1.3.61. 1/4" DBH	61000	61000
1.3.62. 1/8" DBH	62000	62000
1.3.63. 1/4" DBH	63000	63000
1.3.64. 1/8" DBH	64000	64000
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1.3.67. 1/4" DBH	67000	67000
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1.3.69. 1/4" DBH	69000	69000
1.3.70. 1/8" DBH	70000	70000
1.3.71. 1/4" DBH	71000	71000
1.3.72. 1/8" DBH	72000	72000
1.3.73. 1/4" DBH	73000	73000
1.3.74. 1/8" DBH	74000	74000
1.3.75. 1/4" DBH	75000	75000
1.3.76. 1/8" DBH	76000	76000
1.3.77. 1/4" DBH	77000	77000
1.3.78. 1/8" DBH	78000	78000
1.3.79. 1/4" DBH	79000	79000
1.3.80. 1/8" DBH	80000	80000
1.3.81. 1/4" DBH	81000	81000
1.3.82. 1/8" DBH	82000	82000
1.3.83. 1/4" DBH	83000	83000
1.3.84. 1/8" DBH	84000	84000
1.3.85. 1/4" DBH	85000	85000
1.3.86. 1/8" DBH	86000	86000
1.3.87. 1/4" DBH	87000	87000
1.3.88. 1/8" DBH	88000	88000
1.3.89. 1/4" DBH	89000	89000
1.3.90. 1/8" DBH	90000	90000
1.3.91. 1/4" DBH	91000	91000
1.3.92. 1/8" DBH	92000	92000
1.3.93. 1/4" DBH	93000	93000
1.3.94. 1/8" DBH	94000	94000
1.3.95. 1/4" DBH	95000	95000
1.3.96. 1/8" DBH	96000	96000
1.3.97. 1/4" DBH	97000	97000
1.3.98. 1/8" DBH	98000	98000
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1.3.100. 1/8" DBH	100000	100000

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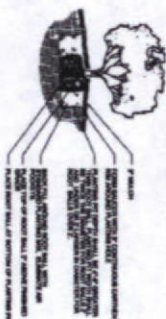
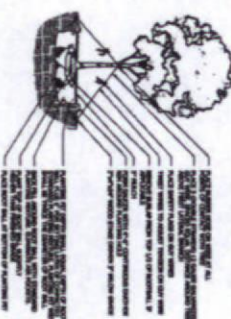
LITTRICAL DATA		LITTRICAL BONE DATA	
		543	147
TOTAL LAMB BONES/BOX			
LITTRICAL BONE 40	REGISTERED		PROCESSED
Box 10 (100% Littrical)	0.400		0.400
Box 20 (50% Littrical)	0.20		0.20
Box 30 (33% Littrical)	0.133		0.133
Box 40 (25% Littrical)	0.100		0.100
Box 50 (20% Littrical)	0.080		0.080
Box 60 (16% Littrical)	0.067		0.067
Box 70 (14% Littrical)	0.059		0.059
Box 80 (12% Littrical)	0.050		0.050
Box 90 (11% Littrical)	0.044		0.044
Box 100 (10% Littrical)	0.040		0.040
Box 110 (9% Littrical)	0.037		0.037
Box 120 (8% Littrical)	0.033		0.033
Box 130 (7% Littrical)	0.030		0.030
Box 140 (6% Littrical)	0.029		0.029
Box 150 (5% Littrical)	0.026		0.026
Box 160 (4% Littrical)	0.024		0.024
Box 170 (3% Littrical)	0.023		0.023
Box 180 (2% Littrical)	0.022		0.022
Box 190 (1% Littrical)	0.021		0.021
Box 200 (0% Littrical)	0.020		0.020
Box 210 (0% Littrical)	0.020		0.020
Box 220 (0% Littrical)	0.020		0.020
Box 230 (0% Littrical)	0.020		0.020
Box 240 (0% Littrical)	0.020		0.020
Box 250 (0% Littrical)	0.020		0.020
Box 260 (0% Littrical)	0.020		0.020
Box 270 (0% Littrical)	0.020		0.020
Box 280 (0% Littrical)	0.020		0.020
Box 290 (0% Littrical)	0.020		0.020
Box 300 (0% Littrical)	0.020		0.020
Box 310 (0% Littrical)	0.020		0.020
Box 320 (0% Littrical)	0.020		0.020
Box 330 (0% Littrical)	0.020		0.020
Box 340 (0% Littrical)	0.020		0.020
Box 350 (0% Littrical)	0.020		0.020
Box 360 (0% Littrical)	0.020		0.020
Box 370 (0% Littrical)	0.020		0.020
Box 380 (0% Littrical)	0.020		0.020
Box 390 (0% Littrical)	0.020		0.020
Box 400 (0% Littrical)	0.020		0.020
Box 410 (0% Littrical)	0.020		0.020
Box 420 (0% Littrical)	0.020		0.020
Box 430 (0% Littrical)	0.020		0.020
Box 440 (0% Littrical)	0.020		0.020
Box 450 (0% Littrical)	0.020		0.020
Box 460 (0% Littrical)	0.020		0.020
Box 470 (0% Littrical)	0.020		0.020
Box 480 (0% Littrical)	0.020		0.020
Box 490 (0% Littrical)	0.020		0.020
Box 500 (0% Littrical)	0.020		0.020
Box 510 (0% Littrical)	0.020		0.020
Box 520 (0% Littrical)	0.020		0.020
Box 530 (0% Littrical)	0.020		0.020
Box 540 (0% Littrical)	0.020		0.020
Box 550 (0% Littrical)	0.020		0.020
Box 560 (0% Littrical)	0.020		0.020
Box 570 (0% Littrical)	0.020		0.020
Box 580 (0% Littrical)	0.020		0.020
Box 590 (0% Littrical)	0.020		0.020
Box 600 (0% Littrical)	0.020		0.020
Box 610 (0% Littrical)	0.020		0.020
Box 620 (0% Littrical)	0.020		0.020
Box 630 (0% Littrical)	0.020		0.020
Box 640 (0% Littrical)	0.020		0.020
Box 650 (0% Littrical)	0.020		0.020
Box 660 (0% Littrical)	0.020		0.020
Box 670 (0% Littrical)	0.020		0.020
Box 680 (0% Littrical)	0.020		0.020
Box 690 (0% Littrical)	0.020		0.020
Box 700 (0% Littrical)	0.020		0.020
Box 710 (0% Littrical)	0.020		0.020
Box 720 (0% Littrical)	0.020		0.020
Box 730 (0% Littrical)	0.020		0.020
Box 740 (0% Littrical)	0.020		0.020
Box 750 (0% Littrical)	0.020		0.020
Box 760 (0% Littrical)	0.020		0.020
Box 770 (0% Littrical)	0.020		0.020
Box 780 (0% Littrical)	0.020		0.020
Box 790 (0% Littrical)	0.020		0.020
Box 800 (0% Littrical)	0.020		0.020
Box 810 (0% Littrical)	0.020		0.020
Box 820 (0% Littrical)	0.020		0.020
Box 830 (0% Littrical)	0.020		0.020
Box 840 (0% Littrical)	0.020		0.020
Box 850 (0% Littrical)	0.020		0.020
Box 860 (0% Littrical)	0.020		0.020
Box 870 (0% Littrical)	0.020		0.020
Box 880 (0% Littrical)	0.020		0.020
Box 890 (0% Littrical)	0.020		0.020
Box 900 (0% Littrical)	0.020		0.020
Box 910 (0% Littrical)	0.020		0.020
Box 920 (0% Littrical)	0.020		0.020
Box 930 (0% Littrical)	0.020		0.020
Box 940 (0% Littrical)	0.020		0.020
Box 950 (0% Littrical)	0.020		0.020
Box 960 (0% Littrical)	0.020		0.020
Box 970 (0% Littrical)	0.020		0.020
Box 980 (0% Littrical)	0.020		0.020
Box 990 (0% Littrical)	0.020		0.020
Box 1000 (0% Littrical)	0.020		0.020

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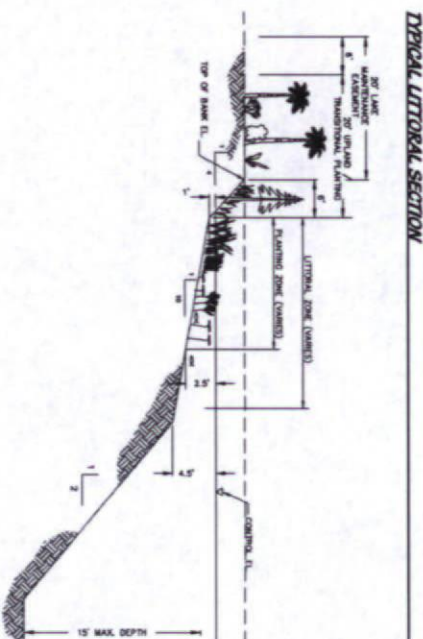
LANDSCAPE NOTES

1. The following information is being furnished to you for your information only. It is not intended to constitute an offer of insurance or any other financial product. The information is being provided to you for your information only and should not be used as a basis for any investment decision. The information is being provided to you for your information only and should not be used as a basis for any investment decision.

PLANTING DETAILS

www.sprayinggroundcover.com PLANTING DETAILS

LARGE TREE PLANTING DETAIL

LITTORAL
LANDSCAPE PLAN

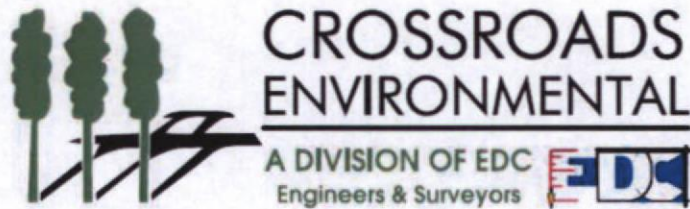
Clarity Point

Preserve Area Maintenance Plan

Prepared for:

**Clarity Point
and
The City of Stuart**

Prepared by:



**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 thereafter. 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

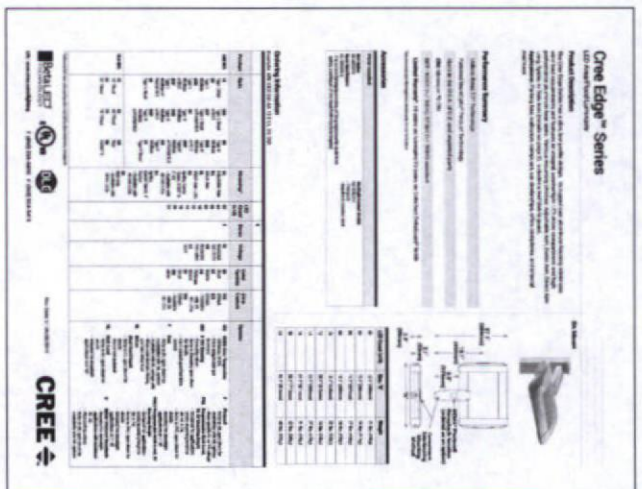
Each monitoring report will include recommendations for maintenance if necessary. The threshold for maintenance requirements will be any area that has five percent or more total vegetative coverage by nuisance or exotic vegetation at any time during the monitoring period. Additionally, any areas that 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.

<u>Activity</u>	<u>Months after Permit Issuance</u>
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

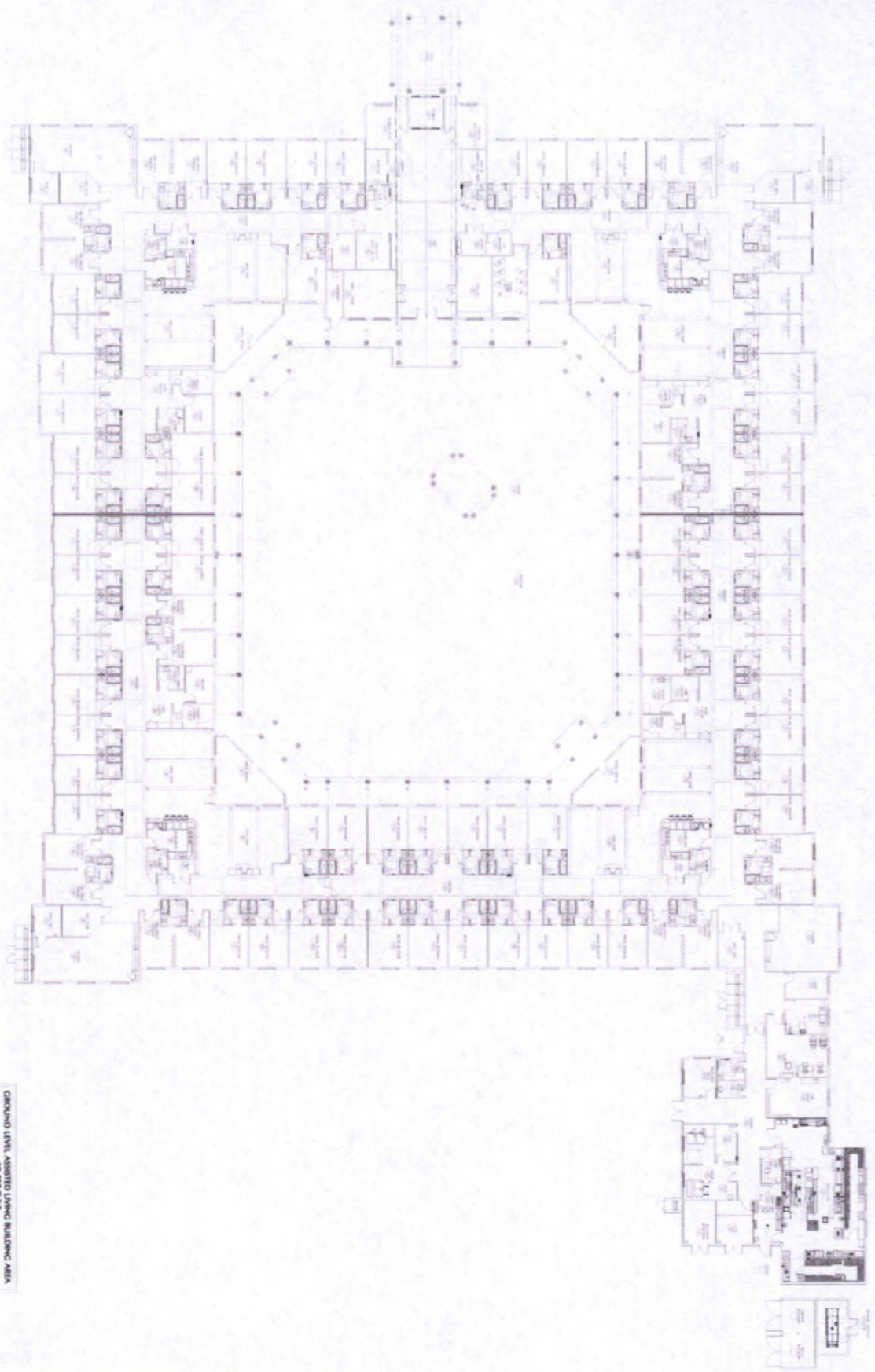




Lenses Schedule		Total Lamp Lenses		UF	Description	Lum. Watts
Qty	Label	Qty	Label	0.050	CHIEF CAT # 400-400...14 (L, 400-400, 400W)	
18	1A	18	1A			225

Calculation Summary						
Asset	Unit	Cost Type	Av	Max	Min	Availability
DATA PROPRIETARY LINE	1.000	Interconnect	0.00	0.00	0.00	14.00
DATA PROPRIETARY LINE	Fe	Interconnect	0.00	0.00	0.00	14.00
DATA PROPRIETARY LINE	Fe	Interconnect	0.06	0.0	0.0	14.0
NORTH PROPRIETARY LINE	Fe	Interconnect	2.86	6.0	0.3	9.53
SOUTH PROPRIETARY LINE	Fe	Interconnect	0.00	0.0	0.0	22.00
DATA PROPRIETARY LINE	Interconnect	Interconnect	0.00	0.0	0.0	N/A
DATA PROPRIETARY LINE	Fe	Interconnect	3.41	7.1	1.3	2.62
DATA PROPRIETARY LINE	Fe	Interconnect	0.13	0.4	0.0	5.46
DATA PROPRIETARY LINE	Interconnect	Interconnect	0.00	0.0	0.0	N/A

KEY PLAN



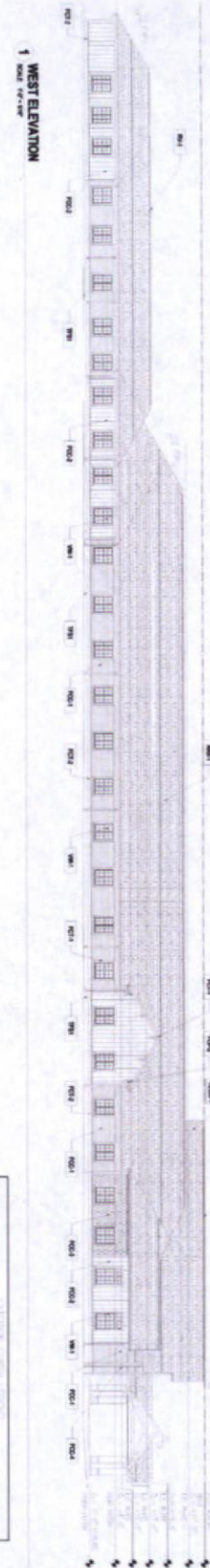
GROUND LEVEL ASSISTED LIVING BUILDING AREA
 1. 100-1000 2. 1000-2000 3. 2000-3000 4. 3000-4000 5. 4000-5000 6. 5000-6000 7. 6000-7000 8. 7000-8000 9. 8000-9000 10. 9000-10000



Project No. 201-20114-300
 August 26, 2016
 Site Plan Approval

OVERALL GROUND LEVEL FLOOR PLAN

AE 110

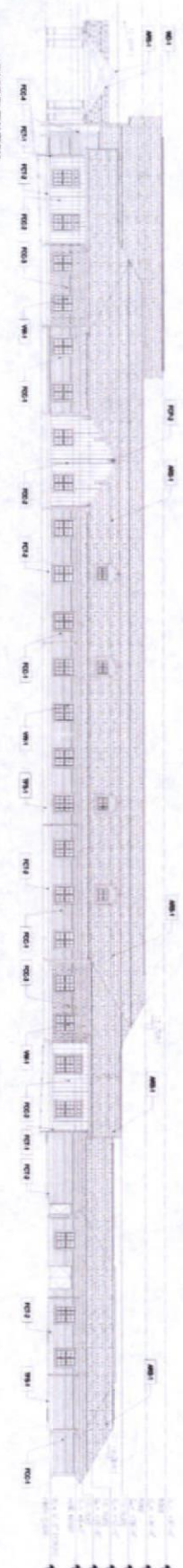


NO.	DATE	DESCRIPTION	BY	CHKD.
1	08/26/16	Initial Set	LEO	LEO
2	08/26/16	Revised Set	LEO	LEO
3	08/26/16	Revised Set	LEO	LEO
4	08/26/16	Revised Set	LEO	LEO
5	08/26/16	Revised Set	LEO	LEO
6	08/26/16	Revised Set	LEO	LEO
7	08/26/16	Revised Set	LEO	LEO
8	08/26/16	Revised Set	LEO	LEO
9	08/26/16	Revised Set	LEO	LEO
10	08/26/16	Revised Set	LEO	LEO
11	08/26/16	Revised Set	LEO	LEO
12	08/26/16	Revised Set	LEO	LEO
13	08/26/16	Revised Set	LEO	LEO
14	08/26/16	Revised Set	LEO	LEO
15	08/26/16	Revised Set	LEO	LEO
16	08/26/16	Revised Set	LEO	LEO
17	08/26/16	Revised Set	LEO	LEO
18	08/26/16	Revised Set	LEO	LEO
19	08/26/16	Revised Set	LEO	LEO
20	08/26/16	Revised Set	LEO	LEO
21	08/26/16	Revised Set	LEO	LEO
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99	08/26/16	Revised Set	LEO	LEO
100	08/26/16	Revised Set	LEO	LEO

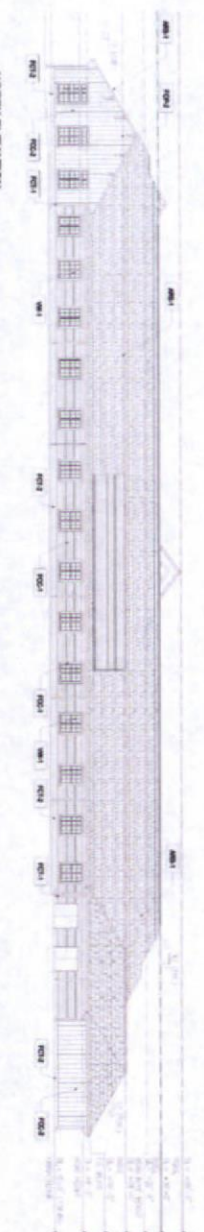
2 SOUTH ELEVATION



3 EAST ELEVATION



4 NORTH ELEVATION



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 64"x12"
COLOR SW 7005 - PURE WHITE
PAINT 5

JAMES HARDIE TRIM 64"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

PAINT 5
SHERWIN-WILLIAMS
COLOR SW 7005
PURE WHITE

PAINT 4
SHERWIN-WILLIAMS
COLOR SW 6188
SAGE GROWN

PAINT 3
SHERWIN-WILLIAMS
COLOR SW 7867
ZIRCON

PAINT 2
SHERWIN-WILLIAMS
COLOR SW 9130
EVERGREEN FOG

PAINT 1
SHERWIN-WILLIAMS
COLOR SW 6672
MORNING SUN



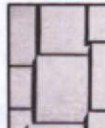
ARCHITECTURAL ROOF SHINGLE
CERTANTEED LANDMARK SERIES
MOJAVE TAN



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 1/4" 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



PRE-FINISHED 6" ALUMINUM GUTTER
STYLE: K
COLOR SW 7005
PURE WHITE



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**
 - o Northern boundary (along S.E. Indian Street) – 30 feet
 - o Eastern boundary (abutting Willoughby Crossroads) – 30 feet
 - o Southern boundary (abutting Preserve) – 10 feet to preserve
 - o Western boundary (abutting Clarity Pointe) – 25 feet building separation
 - o Minimum 10 feet setback to platted outparcel lot line
- **DEVELOPMENT STANDARDS**
 - o MAXIMUM LOT COVERAGE: 40%
 - o MINIMUM LOT SIZE: 1 ACRE
 - o MAXIMUM BUILDING HEIGHT: 2 STORIES OR 35 FEET
- **PARKING**
 - o All buildings shall comply with the City of Stuart's off-street parking standards.
 - o Provisions for shared parking may be employed if approved by the City of Stuart's traffic engineer.
- **MECHANICAL EQUIPMENT**
 - o 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**
 - o 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.
 - o 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**
 - o LED lighting with cut off luminaries shall be used for vehicular use areas.
 - o Maximum height of light poles shall be 20 feet.
 - o Decorative wall lighting shall be utilized on the building facades to provide character and architectural interest.
 - o Light levels shall meet the City of Stuart's Lighting code standards.
- **PEDESTRIAN CONNECTIVITY**
 - o All buildings within the PUD shall contain pedestrian sidewalk connections to the S.E. Indian Street.
 - o 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.



○ 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

Cherie White, MMC
City Clerk
Enc.

**MINUTES
LOCAL PLANNING AGENCY OF THE CITY OF STUART
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**

CALL TO ORDER

5:30 PM

ROLL CALL

PRESENT: Vice Chair Forbes, Board Member Bromfield, Board Member Peterson, Board Member Strom

ABSENT: Chair Laurine, Board Member Mathers

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

5:32 PM MOTION: Approve.

MOVED BY: Margaret Bromfield

SECONDED BY: Ryan Strom

Motion approved unanimously.

Michael Mortell, City Manager swore in Deana Peterson. Board Member Peterson took her Oath for the LPA Board.

APPROVAL OF MINUTES

1. APPROVAL OF 02/08/2024 LPA MINUTES

5:34 PM MOTION: Approve.

MOVED BY: Ryan Strom

SECONDED BY: Margaret Bromfield

Motion approved unanimously.

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

None.

COMMENTS BY BOARD MEMBERS (Non-Agenda Items)

Vice Chair Forbes

- Spoke on the growth in the City and what growth truly means.

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.

5:40 PM MOTION: Approval to continue the item.

MOVED BY: Ryan Strom

SECONDED BY: Deana Peterson

Motion approved unanimously.

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.

5:40 PM MOTION: Approval to continue the item.

MOVED BY: Margaret Bromfield

SECONDED BY: Ryan Strom

Motion approved unanimously.

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

Jodi Nentwick Kugler, Development Director, presented the projects notice, location, site history, adjacent land use & zoning, existing future land use, proposed future land use, and maximum build out.

Board Members had several questions. City Manager, Michael Mortell responded.

Brad Curry, representative for the project, introduced himself and the applicant, Jason Ackner.

PUBLIC COMMENT:

1. Barbara Petitt - SE Willoughby Terrace; Had several questions regarding the project and expressed her concerns about the project.
2. Sean Reed - SW 6th St; Spoke on the land use code of the City vs the County.
3. Rosi Shepard - SW North Carolina; Spoke in favor of the land use change.
4. Christina Tucker - SE Indian St; Stated she was the owner of Coastal detox and expressed her concerns on the project.

5:52 PM MOTION: Approve.

MOVED BY: Margaret Bromfield

SECONDED BY: Ryan Strom

VOTE: MOTION PASSES 3/1.

YES: Margaret Bromfield, Sean Forbes, Ryan Strom

NO: Deana Peterson

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.

Ms. Kugler presented the project's public notice, location, existing zoning district, mixed use planned unit development, zoning and future land use compatibility, 2016 approval site plan, wetland mitigation, and staff recommended approval to the City Commission.

Board Members asked staff questions about parking and traffic analysis.

Mr. Curry presented the project and responded to the Board Members questions and provided a brief background on the applicant.

Jason Ackner, Applicant, spoke on the project and what the facility would entail.

Board Members entered into questions and answer with the applicant.

PUBLIC COMMENT:

1. Ross Tucker - SE Indian St; Stated he believes that Mr. Ackner is doing his best but stated he believes the numbers provided are not accurate.
2. Christina Tucker - SE Indian St; Spoke on the amount of parking spaces and the number of beds within this facility.

Board Members and applicant continued discussion.

7:09 PM Vice Chair Forbes passed gavel to Board Member Strom

7:09 PM MOTION: Approve.
MOVED BY: Margaret Bromfield
SECONDED BY: Sean Forbes
VOTE: MOTION FAILED 2/2.
YES: Margaret Bromfield, Sean Forbes
NO: Deana Peterson, Ryan Strom

STAFF UPDATE

ADJOURNMENT

7:14 PM

Susej T. Meleqi, Board Secretary

Kelly Laurine, Chair

**Minutes to be approved at the LPA
Meeting this 9th day of May, 2024.**