City of Stuart

AGENDA

LOCAL PLANNING AGENCY
OCTOBER 10, 2024
AT 5:30 PM
COMMISSION CHAMBERS
121 SW FLAGLER AVE.
STUART, FLORIDA 34994

LOCAL PLANNING AGENCY

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

ADMINISTRATIVE

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

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

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

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

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

CALL TO ORDER

ROLL CALL

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

APPROVAL OF MINUTES

1. APPROVAL OF 09/12/2024 LPA MINUTES

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

COMMENTS BY BOARD MEMBERS (Non-Agenda Items)

ACTION ITEMS

2. 710 SE MARTIN LUTHER KING JR. BOULEVARD - MAJOR AMENDMENT TO THE EXISTING COMMERCIAL PLANNED UNIT DEVELOPMENT (CPUD) ZONING DISTRICT (RC):

ORDINANCE No. 2532-2024; AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, AMENDING THE CITY'S OFFICIAL ZONING MAP, TO REZONE A 2.4-ACRE PARCEL LOCATED AT 710 SE MARTIN LUTHER KING JR. BOULEVARD, BEING MORE DESCRIBED IN EXHIBIT "A" ATTACHED, FOR MAJOR AMENDMENT TO THE EXISTING COMMERCIAL PLANNED UNIT DEVELOPMENT (CPUD) ZONING DESIGNATION TO ALLOW A VOCATIONAL TRAINING FACILITY ONLY; PROVIDING DIRECTIONS TO THE CITY CLERK; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

3. DEVELOPMENT DEPARTMENT WEBSITE PRESENTATION

STAFF UPDATE

ADJOURNMENT

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

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

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

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

CITY OF STUART, FLORIDA
AGENDA ITEM REQUEST
Local Planning Agency

Meeting Date: 10/10/2024 **Prepared by:** Susej Meleqi

Title of Item:
APPROVAL OF 09/12/2024 LPA MINUTES

Summary Explanation/Background Information on Agenda Request:
APPROVAL OF 09/12/2024 LPA MINUTES

Funding Source:
N/A

Recommended Action:
Approve minutes.

ATTACHMENTS:
1. 09122024 LPA

MINUTES
LOCAL PLANNING AGENCY OF THE CITY OF STUART
SEPTEMBER 12, 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: Chair Laurine, Vice Chair Forbes, Board Member Peterson, Board Member Strom
ABSENT: Board Member Bromfield and Board Member Mathers

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

5:31 PM MOTION: Approve moving item 3 before 2.
MOVED BY: Deana Peterson
SECONDED BY: Ryan Strom
Motion approved unanimously.

APPROVAL OF MINUTES

1. APPROVAL OF 08/08/2024 LPA MINUTES

5:31 PM MOTION: Approve.
MOVED BY: Ryan Strom
SECONDED BY: Sean Forbes
Motion approved unanimously.

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

None.

COMMENTS BY BOARD MEMBERS (Non-Agenda Items)

None.

ACTION ITEMS

3. 2300 S.E. OCEAN BOULEVARD - STARBUCKS AT OCEAN EAST MALL MAJOR CONDITIONAL USE PETITION: (RC)

RESOLUTION No. 97-2024; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, GRANTING A MAJOR CONDITIONAL USE PETITION FOR THE STARBUCKS AT OCEAN EAST MALL LOCATED AT 2300 SE OCEAN BOULEVARD, AS DESCRIBED WITHIN THE ATTACHED LEGAL DESCRIPTION; GRANTING RELIEF TO DEVIATE FROM REQUIRED BUILDING SETBACKS, MINIMUM LOT COVERAGE, LOCATION OF PARKING, AND LANDSCAPING REQUIREMENTS FOR THE S.E. OCEAN BOULEVARD OVERLAY ZONE STANDARDS OUTLINED UNDER LAND DEVELOPMENT CODE SECTION 3.03.00; REQUIRING CERTAIN DESIGN STANDARDS TO BE CONSIDERED; PROVIDING AN EFFECTIVE DATE; PROVIDING FOR CONDITIONS OF APPROVAL; AND FOR OTHER PURPOSES.

Kris McCrain, Principal Planner, presented the location, public notices, zoning map, future land use map, minor development plan application, overlay zone on SE Ocean Blvd, Ocean East Mall conditions, parcel A development plan, major conditional use petitions, and staff recommended the approval with said conditions.

Kristina Belt, Civil Engineer from Kimley Horn, presented the existing site, shopping center improvement, proposed Starbucks, building replacement requirements, lot coverage, and landscape requirements.

Board Members asked about the parking, landscaping, pervious, impervious, drive-through queue, and dumpsters.

6:07 PM MOTION: Approve conditional use for the parking, setback, landscape with the increased setback, and maximum of 65% impervious coverage.
MOVED BY: Ryan Strom
SECONDED BY: Sean Forbes
Motion approved unanimously.

2. TEXT AMENDMENT TO THE LAND DEVELOPMENT CODE SECTION 2.6.23 - NON-MEDICAL MARIJUANA DISPENSARIES (RC):

ORDINANCE No. 2531-2024; AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA AMENDING AND RESTATING THE CITY'S

LAND DEVELOPMENT CODE; MORE SPECIFICALLY AMENDING SECTION 2.06.23 ENTITLED “RESERVED” AND INSERTING SUPPLEMENTAL USE STANDARDS FOR NON-MEDICAL MARIJUANA DISPENSARIES; AMENDING THE LAND USE TABLE IN SECTION 2.02.02 TO INCLUDE NON-MEDICAL MARIJUANA DISPENSARY AS AN ALLOWABLE USE UNDER CERTAIN CONDITIONS; AMENDING SECTION 3.01.03 TO ESTABLISH PARKING REQUIREMENTS FOR NON-MEDICAL MARIJUANA DISPENSARIES WITHIN THE URBAN CODE DISTRICTS; AMENDING SECTION 6.01.13 TO ADD OFF-STREET PARKING REQUIREMENTS FOR NON-MEDICAL MARIJUANA DISPENSARIES; AMENDING CHAPTER XII DEFINITIONS FOR CONFORMING TERMS; AMENDING CHAPTER 30 OF THE CODE OF ORDINANCES TO PROHIBIT SMOKING IN PUBLIC PARKS AND RECREATIONAL AREAS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING PROVISIONS; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Lee Baggett, City Attorney, read the Ordinance title into the record and informed the board why this item was on the agenda prior to being voted on in the November election.

Ben Hogarth, Community Affairs Liaison, presented the ballot text, purpose, and staff recommendations.

Chair Laurine asked about the distance restrictions around schools and residential homes.

Mr. Hogarth stated they followed state statute at a minimum of 500 ft for schools.

Board continued discussion on expanding the exclusion maps, expanding the distance requirements, restrictions on existing dispensaries, and the number of licenses in the City. The board recommended that the distance requirements should be 2500 ft for schools and institutions as well as having the dispensaries just limited to US1 including industrial zoning.

STAFF UPDATE

None.

ADJOURNMENT

6:50 PM

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

Minutes to be approved at the LPA Meeting this 10th day of October, 2024.

CITY OF STUART, FLORIDA
AGENDA ITEM REQUEST
Local Planning Agency

Meeting Date: 10/10/2024 **Prepared by:** Jodi Nentwick

Title of Item:
710 SE MARTIN LUTHER KING JR. BOULEVARD - MAJOR AMENDMENT TO THE EXISTING COMMERCIAL PLANNED UNIT DEVELOPMENT (CPUD) ZONING DISTRICT (RC):

ORDINANCE No. 2532-2024; AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, AMENDING THE CITY'S OFFICIAL ZONING MAP, TO REZONE A 2.4-ACRE PARCEL LOCATED AT 710 SE MARTIN LUTHER KING JR. BOULEVARD, BEING MORE DESCRIBED IN EXHIBIT "A" ATTACHED, FOR MAJOR AMENDMENT TO THE EXISTING COMMERCIAL PLANNED UNIT DEVELOPMENT (CPUD) ZONING DESIGNATION TO ALLOW A VOCATIONAL TRAINING FACILITY ONLY; PROVIDING DIRECTIONS TO THE CITY CLERK; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

Summary Explanation/Background Information on Agenda Request:
Request Summary:

The City of Stuart is seeking approval of a Major Amendment to the existing Commercial Planned Unit Development (CPUD) Zoning Designation.
A commercial site will be used to facilitate the construction of the proposed Project Lift vocational training facility. The remaining ±0.23 acres is a proposed future ROW dedication.

The address is 710 SE Martin Luther King Jr. Boulevard, Stuart, FL 34994. The property is located at the southwest corner of Martin Luther King Jr. Boulevard and Tarpon Avenue intersection and is within the municipal boundaries of the City of Stuart. The proposed building will house Project Lift, which is a vocational training center.

The project is being pursued under the terms and conditions of a Community Development Block Grant which has provided the funding for acquiring the land and constructing a vocational training facility. The City has entered into a Memorandum of Understanding with Project Lift to operate the training facility according to a long-term land lease.

The subject property is currently within the following Zoning District and Land Use:
Zoning Districts: Commercial Planned Unit Development (CPUD)
Land Use: East Stuart

On August 26, 2024, the City of Stuart City Commission requested staff to maintain and amend the existing CPUD to allow the use of a vocational training facility only. The agenda item has been updated with the revised request from the applicant.

Funding Source:
N/A

Recommended Action:
Recommend the City Commission approve Ordinance No. 2532-2024.

ATTACHMENTS:

1. Staff Report
2. Rezoning Application - Signed
3. DRAFT Ordinance 2532-2024
4. Justification Statement
5. Public Notice Packet
6. LDC Code Section 11.01.09

To: Community Redevelopment Board *(CRB)*

From: Jodi Kugler, Development Director

Meeting Date: October 1, 2024

Subject: 710 Martin Luther King Boulevard
Rezone to Commercial Planned Unit Development (CPUD)

GENERAL INFORMATION:

Applicant & Owners: City of Stuart
Community Redevelopment Agency (CRA)
121 SW Flagler Avenue
Stuart, FL 34994

Agent of Record: Kimley-Horn & Associates
Peter Van Rens, P.E.
445 24th Street, Suite 200
Vero Beach, FL 32960

Location: 710 SE Martin Luther King Boulevard, Stuart FL 34994

Parcel I.D.: 04-38-41-000-000-00250-3

Parcel Size: +/-2.4-acres

Existing Land Use: East Stuart Neighborhood Code (ESN)

Existing Zoning: Commercial Planned Unit Development (CPUD)

Proposed Zoning: ***Commercial Planned Unit Development (CPUD)***

Existing Use: Abandoned gas station & car wash

Proposed Use: ***Vocational Training Facility***

Overlay District: Community Redevelopment Area (CRA)
East Stuart Neighborhood Overlay District

A. Project Description

The applicant is seeking approval for a rezone petition to reestablish the existing Commercial Planned Unit (CPUD) zoning within the East Stuart Neighborhood Code Overlay District to redevelop the 2.4-acre commercial site to accommodate a proposed vocational training facility called "Project Lift". The property is located at the intersection of Martin Luther King Boulevard and Tarpon Avenue and is within the municipal boundaries of the City of Stuart.

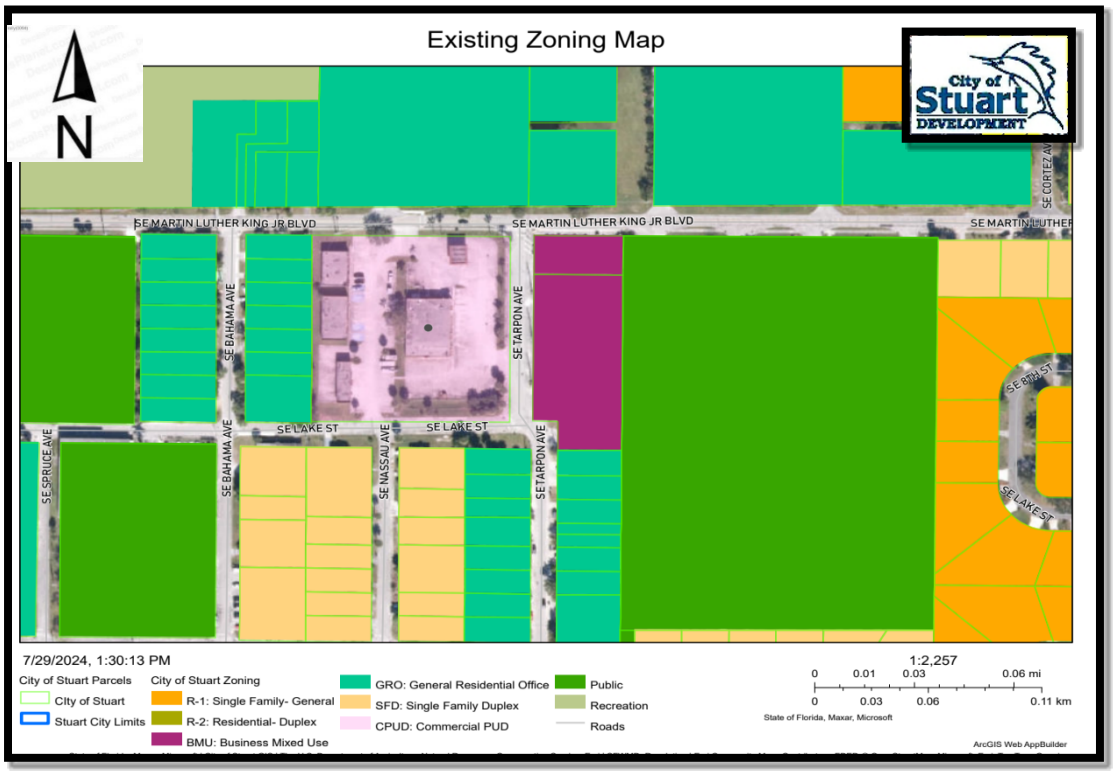
Adjacent Land Use & Zoning:

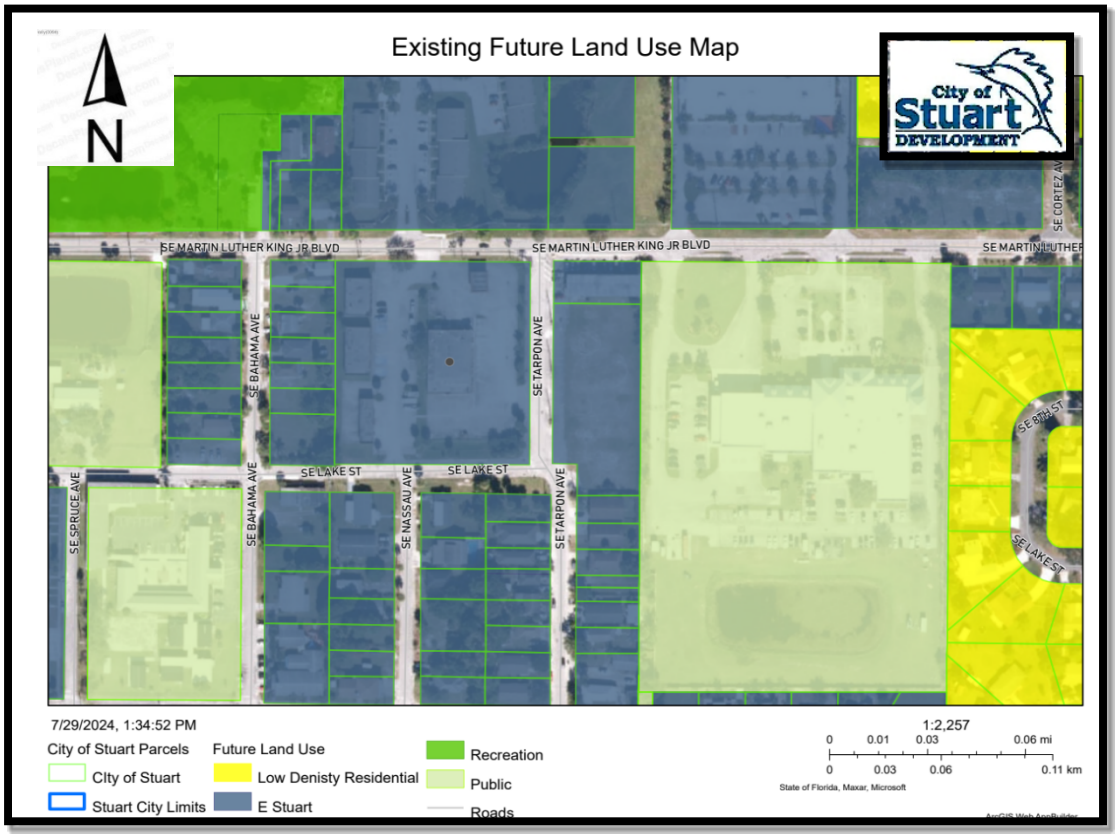
Location		Zoning District	Future Land Use	Existing Land Use
Subject Property		***CPUD: Commercial Planned Unit Development***	***East Stuart***	***Gas & Car Wash Facilities***
Adjacent Parcels	**North**	GRO: General Residential Office	East Stuart	Multi-Family
	South	SFD: Single-Family Duplex & GRO: General Residential Office	East Stuart	Single-Family
	East	BMU: Business Mixed Use	East Stuart	Convalescent Home
	West	GRO: General Residential Office	East Stuart	Single-Family

LDC Section 2.07.00. (E) Commercial planned unit development (CPUD) districts.

1. *Location.* A CPUD may be located anywhere in the city in any area defined and described as "multi-family residential," "commercial, "industrial," "public," "downtown redevelopment," "neighborhood/special district, "East Stuart," or "marine/industrial" by the Future Land Use Element of the City of Stuart's Comprehensive Plan, and which is suitable and compatible with surrounding areas as determined by the city commission.
2. *Uses Permitted* in a CPUD district. The buildings, structures, land, or water within a CPUD district may be used only for the following purposes:
    a. Any and all uses set forth in the present zoning classifications of R-1A, R-1, R-3, B-1, B-2, B-3, and B-4 inclusive, providing such uses are compatible with uses on the adjacent property as determined by the city commission.
    b. Residential uses which are designated to be compatible with the adjacent commercial uses. The residential uses shall not comprise more than 30 percent of the development site excluding the open space, natural vegetation area, and wetlands.
    c. Commercial residential uses such as apartments, hotels, and resorts provided said uses do not comprise more than 30 percent of the development site excluding the open space, natural vegetation area, and wetlands.
    d. Commercial uses not specifically set forth in any of the standard zoning categories, but are compatible and of like nature and quality to those commercial uses allowed on B-1, B-2, B-3, or R-3 zoning classifications as determined by the city commission.
3. *Commercial PUD standards.* The following standards shall apply to a CPUD district:
    a. CPUD standards regarding circulation, parking, utilities, drainage, open space, and other standards shall apply as described in this Code except as modified by the city commission as part of the CPUD ordinance.
    b. Open space. Not less than 25 percent of the CPUD shall be open space as defined herein. Required open space may include native vegetation areas and landscape buffers between the site and adjacent property; however, other required landscaping such as parking area interior landscaping shall not count towards the open space requirement. In the event that less than 25 percent of the the CPUD is comprised of native vegetation area, then all existing native vegetation areas shall be maintained as part of the required open space.
    c. Native vegetation. Excluding wetlands defined by the South Florida Water Management District, not less than 25 percent of the total development site shall remain as undeveloped native vegetation area. The required native vegetation area may include open space areas and the landscape buffer between the site and adjacent property; however, other required landscaping shall not count towards the native vegetation requirement. The location of the native vegetation area shall be determined using a study of the site with consideration to the value of existing vegetation.

B. Existing Zoning & Future Land Use Maps





C. Land Development Code Review (LDC)

Land Development Code Section 11.01.09.12. (f) identifies specific policy provisions required to be considered when assessing a request for an Urban Planning Unit Development petition. Staff prepared a review of the petition based on the criteria and provided a detailed analysis based on the specific and applicable criteria as follows.

Pursuant to the Land Development Code Section 11.01.09(G)(2) subsection **a through l**, the factors that the Community Redevelopment Board *(CRB),* Local Planning Agency *(LPA),* and the City Commission shall consider when making its determination are as follows:

Advisory board public hearing.

1. At the public hearing, the advisory board shall hear from all interested parties regarding whether the rezoning application complies with the requirements of this Code and the comprehensive plan. The advisory board shall consider the application, the written comments of each responding department, consultant, and agency as well as the compliance recommendation of the development department.
2. In formulating its recommendation to the city commission, the advisory board shall consider the following criteria:
   a. The existing land use pattern;
   b. The possible creation of an isolated district unrelated to 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;
   d. The possible overloading of the city's sewage collection, treatment and disposal facilities:
   e. The possible overloading of the city's drainage system;
   f. The existing district boundaries in relation to existing conditions on the subject property;
   g. The existence of changed or changing conditions which make the passage of the proposed rezoning necessary or appropriate;
   h. The impact of the proposed rezoning upon living conditions in the adjacent neighborhood;
   i. The impact of the rezoning upon the flow of light and air to adjacent areas;
   j. The impact of the proposed rezoning upon property values in the adjacent area;
   k. The impact of the proposed rezoning upon improvement or development of adjacent property in accordance with existing regulations; and
   l. The existence of other adequate sites in the city for the proposed use in districts already permitting such use.

D. Public Notification – CRB

On July 19, 2024, the applicant provided notification letters to property owners located within 300 feet of the proposed petition. One (3) public notification sign detailing the Community Redevelopment Board *(CRB)* and City Commission Public Hearing was posted on the premises.

Revised Public Notices were mailed out within 300 feet of the subject site with the updated Applicant's request and meeting dates.|

On September 9, 2024, the City of Stuart City Commission directed staff to reconsider the rezone from the proposed Business Mixed Use (BMU) to amend the existing Commercial Planned Unit Development (CP UD) to allow for a vocational training facility use only.

CITY OF STUART
DEVELOPMENT DEPARTMENT
REZONE REAL PROPERTY APPLICATION
(including Planned Unit Developments)

Reviewed By: _____

Application must be legible with all relevant fields completed.

Project ID#_____
(Staff Entry)

Pre-App Conference Date:	Application Date: 2024-04-15
Project Name: Project Lift	
Parcel ID# 04-38-41-000-000-00250-3	Project Address: 710 M.L.K Jr Blvd, Stuart, FL 34994
Current Zoning: CPUD	Current Land Use: East Stuart
Proposed Zoning: BMU	Proposed Land Use: East Stuart
Present Use:	Site Area/Acreage: +/- 2.43 Acres

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	$3,584.00	☐	Rezoning to UPUD	$3,584.00	☐
Rezoning to RPUD	$3,584.00	☐	Rezoning to UPUD > 5 Bungalow Units	$1,500.00	☐
Rezoning to MXPUD	$3,584.00	☐	Rezoning to Public Service PSPUD	$3,584.00	☐
Rezoning to Industrial IPUD	$3,584.00	☐	Non-PUD District Rezoning	$1,049.00	☑

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).*

(over)

General Information

(Please Print or Type)

1. Property Owner, Lessee, Contract Purchaser, or Applicant (circle one):

Name: City of Stuart	City/State/Zip Code: Stuart/ FL/ 34994
Title:	Telephone Number: 772-283-2532
Company: City of Stuart	Facsimile Number:
Company Address: 121 SW Flagler Ave, Stuart, FL 34994	Email Address (optional): pgandhi@ci.stuart.fl.us

2. Agent of Record (if any): The following individual is designated as the Agent of Record for the property owner, lessee, or contract purchaser and should receive all correspondence related to the application review.

Name: Peter J.Van Rens	City/State/Zip Code: Vero Beach/ FL/ 32960
Title: P.E.	Telephone Number: 772-559-4035
Company: Kimley-Horn & Associates	Facsimile Number:
Company Address: 445 24th St. Suite 200	Email Address (optional): Peter.VanRens@kimley-horn.com

3. 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: City of Stuart	City/State/Zip Code: Stuart/ FL/ 34994
Title:	Telephone Number: 772-283-2532
Company: City of Stuart	Facsimile Number:
Company Address: 121 SW Flagler Ave, Stuart, FL 34994	Email Address (optional): pgandhi@ci.stuart.fl.us

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

4. Signed this 9th day of July, 2024.

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

As of January 01, 2020, Any and all notarial certificates prepared under Florida law must indicate whether the principal appeared by means of physical presence or by online notarization. Florida Statue 117.05

(a) For an oath or affirmation:

STATE OF FLORIDA
COUNTY OF_____

Sworn to (or affirmed) and subscribed before me by means of___ physical presence or ___online notarization, this_____ day of_____( )By _____ (name of person making statement).

Personally Known OR Produced Identification Type of Identification Produced

_____
(Signature of Notary Public - State of Florida) (Print, Type, or Stamp of Notary Public)

(b) For an acknowledgment in an individual capacity:

STATE OF FLORIDA
COUNTY OF _____

The foregoing instrument was acknowledged before me by means of ___physical presence or __ online notarization,
This_____ day of _____ ( ) By _____ (name of person acknowledging).

Personally Known OR Produced Identification Type of Identification Produced

_____
(Signature of Notary Public - State of Florida} (Print, Type, or Stamp of Notary Public}

(c) For an acknowledgment in a representative capacity:

STATE OF FLORIDA
COUNTY OF Florida

The foregoing instrument was acknowledged before me by means of ✓ physical presence or ___online notarization,
This 9th day of July (2024) by Michael J. Mortell, City Manager of the City of Stuart, FL. (name of person) as (type of authority, e.g. officer, trustee, attorney in fact} for (name of party on behalf of whom instrument was executed).

Ryanne N. Cavo
_____
(Signature of Notary Public - State of Florida} (Print, Type, or Stamp of Notary Public

Personally Known OR Produced Identification Type of Identification Produced

RYANNE N. CAVO
Commission # HH 365505
Expires June 22, 2027

BEFORE THE CITY COMMISSION

CITY OF STUART, FLORIDA

ORDINANCE NUMBER 2532-2024

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, AMENDING THE CITY'S OFFICIAL ZONING, TO REZONE A 2.4-ACRE PARCEL, LOCATED AT 710 SE MARTIN LUTHER KING JR. BOULEVARD, BEING MORE DESCRIBED IN EXHIBIT "A" ATTACHED, FOR A MAJOR AMENDMENT TO THE EXISTING COMMERCIAL PLANNED UNIT DEVELOPMENT (CPUD) ZONING DESIGNATION TO ALLOW A VOCATIONAL TRAINING FACILITY; 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 State Statutes, also known as the City of Stuart Comprehensive Plan, that designated the Future Land Use of this property as East Stuart (ES); and

WHEREAS, the City of Stuart applied to the Florida Department of Economic Opportunity (FDEO) for the Community Redevelopment Block Grant (CDBG) COVID Program for the Federal Fiscal Year 2021; and

WHEREAS, the City of Stuart was notified that $4,7941,000 was approved by FDEO for the acquisition and rehabilitation of property known as the "Willie Gary Property" located at 710 SE Martin Luther King Jr. Boulevard, Stuart; and

WHEREAS, on January 8, 2018, the City of Stuart City Commission adopted Resolution Number 27-2023, approving the authorization of the execution of a real estate contract between the City of Stuart and Out of Control in Stuart, LLC for property known as the "Willie Gary Property, located at 710 SE Martin Luther King Jr. Boulevard in the East Stuart Neighborhood Code Overlay District; and

WHEREAS, on July 9, 2024, an application was submitted to the City of Stuart by the City of Stuart (Applicant) for a Petition requesting approval of a rezoning from the existing Commercial Planned Unit Development (CPUD) to a Business and Mixed-Use (BMU) Zoning District within the East Stuart Neighborhood Code Overlay District to redevelop the 2.4-acre commercial site to accommodate a proposed vocational training facility known as "Project Lift"; and

WHEREAS, the City of Stuart Community Redevelopment Board (CRB) held a properly noticed hearing at a regularly scheduled meeting on August 6, 2024, to consider the Applicant's request and voted 4/1 to recommend approval of the subject Petition to the City Commission; and

WHEREAS, the City of Stuart Local Planning Agency (LPA) Board held a properly noticed hearing at a regularly scheduled meeting on August 8, 2024, to consider the Applicant's request and voted 5/0 to recommend approval of the subject Petition to the City Commission; 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 August 26, 2024, and requested staff to amend the existing Commercial Planned Unit Development (CPUD) zoning

designation to allow for a vocational school use only in place of rezoning to the Business Mixed Use (BMU) zoning designation; and

WHEREAS, the City of Stuart Community Redevelopment Board (CRB) held a properly noticed hearing at a regularly scheduled meeting on October 1, 2024, to reconsider the Applicant's request and amend the existing Commercial Planned Unit Development (CPUD) zoning designation to allow for a vocational training facility. The Board recommended the request and voted **approval/denial** of the subject Petition to the City Commission; and

WHEREAS, the City of Stuart Local Planning Agency (LPA) Board held a properly noticed hearing at a regularly scheduled meeting on October 10, 2024, to reconsider the Applicant's request and amend the existing Commercial Planned Unit Development (CPUD) zoning designation to allow for a vocational training facility. The Board voted to recommend **approval/denial** of the subject Petition to the City Commission; and

WHEREAS, City Commission and the Second Reading of the Ordinance at a regularly scheduled City Commission Meeting on _____, and taking into consideration the CRB and 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 _____ of the Rezone Petition submitted by the Applicant representing a 2.4-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 of Stuart; and

WHEREAS, the Applicant has committed 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 BMU Zoning Designation.

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 "Willie Gary Property" located at 710 SE Martin Luther King Jr. Boulevard, Stuart, is set forth in **"Exhibit A"** attached hereto and made a part hereof by reference. A map depicting the property is attached hereto as **"Exhibit B"** and made a part hereof by reference.

SECTION 3: If any ordinance, or parts of ordinances, or if any sections, or parts of sections, of the Ordinances of the City of Stuart, Florida, are in conflict herewith, this Ordinance shall control to the extent of conflicting provisions.

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

SECTION 5: 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 Applicant.

SECTION 6: The complete execution and recording of this Ordinance by the City Clerk shall occur no later than forty-five (45) days from the date of this approval, failing to do which this Ordinance shall be void.

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.

First read on 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:

	YES	NO	ABSENT	ABSTAIN
CAMBELL RICH, MAYOR				
EULA R. CLARKE, VICE MAYOR				
CHRISTOPHER COLLINS, COMMISSIONER				
LAURA GIOBBI, COMMISSIONER				
SEAN REED, COMMISSIONER				

ADOPTED on second and final reading this _____day of _____, 2024.

ATTEST:

_____
MARY R. KINDEL, MMC
CITY CLERK

_____
CAMPBELL RICH
MAYOR

APPROVED AS TO FORM
AND CORRECTNESS:

_____
LEE J. BAGGETT, ESQ
CITY ATTORNEY

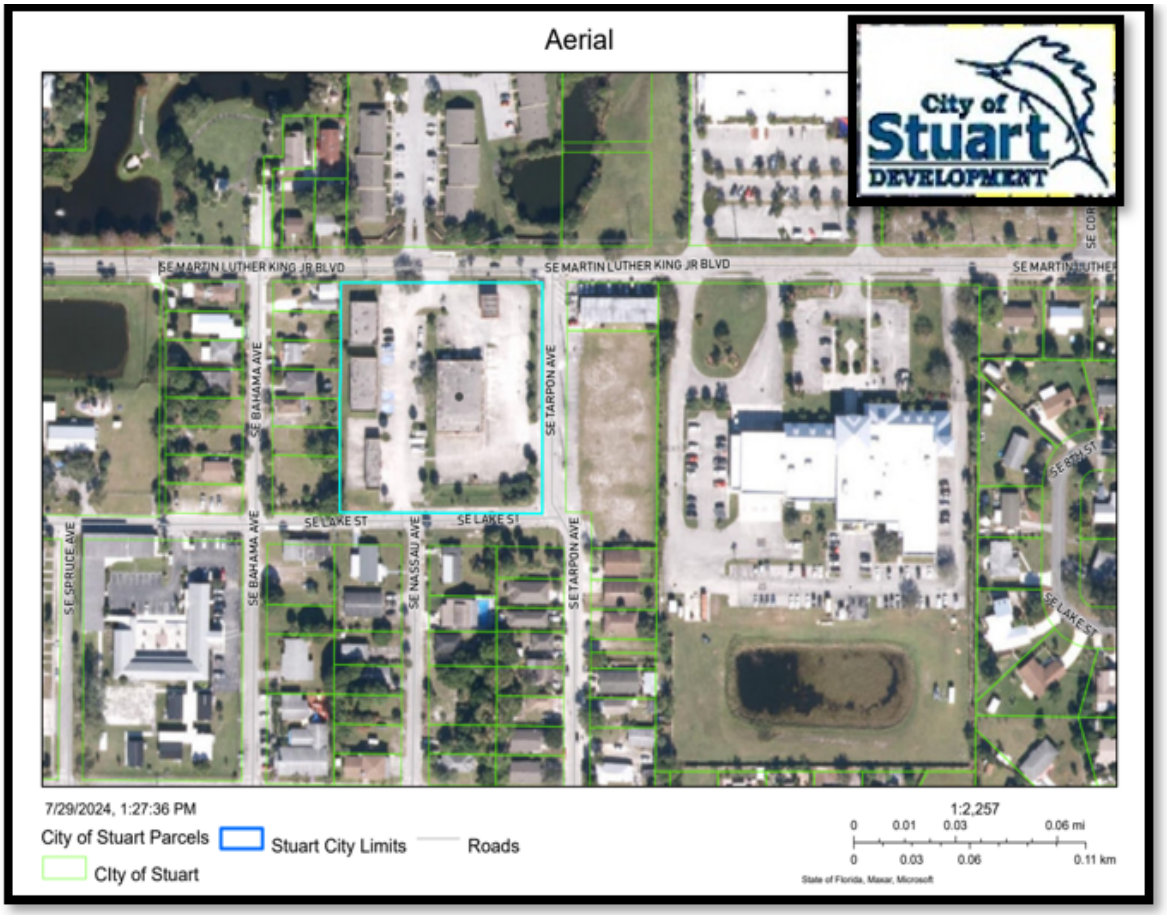
EXHIBIT A – LEGAL DESCRIPTION

THE EAST 497 FEET OF THE SOUTHWEST ONE-QUARTER OF THE SOUTHEAST ONE-QUARTER OF SECTION 4, TOWNSHIP 38 SOUTH, RANGE 41 EAST, LESS THE EAST 142 FEET AND RIGHT OF WAY 40 FEET BY 394.5 FEET TO THE CITY, ACCORDING TO THE PLAT OF D.W.C. RUFFS LITTLE DIXIE ADDITION, PLAT BOOK 9, PAGE 85, PALM BEACH (NOW MARTIN) COUNTY, FLORIDA, PUBLIC RECORDS.

ADDRESS: **710 SE MARTIN LUTHER KING JR. BOULEVARD**

PARCEL I.D. No.: **04-38-41-000-000-00250-3**

EXHIBIT "B" – MAP



Kimley»Horn

September 17, 2024

Planning and Zoning Department
City of Stuart
121 SW Flagler Ave.
Stuart, FL 34994

RE: ***Project Lift - Stuart***
Justification Statement
Minor Development Plan / Rezoning

Request Summary

On behalf of the applicant, the City of Stuart, Kimley-Horn and Associates, Inc. (hereinafter referred to as the agent) has prepared and hereby respectfully submits applications for the approval of a Minor Development Plan and Rezoning to redevelop ±2.23 acres of an existing ±2.46-acre commercial site to accommodate a proposed project lift vocational training facility. The remaining ±0.23 acres is proposed future ROW dedication and is being designed by others. The property address is 710 SE MLK Boulevard, Stuart, FL 34994. The property is located at the southwest corner of the intersection of Martin Luther King Boulevard and Tarpon Avenue and is within the municipal boundaries of the City of Stuart. The subject property's Parcel ID is 04-38-41-000-000-00250-3. The proposed building will house Project Lift which is a vocational training center. The proposed facility is intended to provide work and behavior training for newcomers to the work force. More than half of the building space is allocated to trade learning. The remaining sections of the building provide space for the counseling and administrative support staff.

The subject property is currently within the following Zoning District and Land Use:

Zoning Districts: Commercial Planned Unit Development (CPUD)

Land Use: East Stuart

Surrounding Uses

Below is a description of the uses on the adjacent properties (or those on the other side of abutting R-O-W's) to the north, south, east, and west of the overall property. Note that the acreages, uses, number of units, etc. listed below are from the Property Appraiser of Martin County's website.

NORTH:

PCN	*Acreage per PA*	*Zoning*	*Use*
04-38-41-000-000-00190-6	3.64	R-3	Multifamily

EAST:

PCN	Acreage per PA	Zoning	Use
4-38-41-017-008-00220-4	0.1956	BMU	Convalescent Home

WEST:

PCN	Acreage per PA	Zoning	Use
04-38-41-016-006-00010-3	0.105	GRO	Single Family

SOUTH:

PCN	Acreage per PA	Zoning	Use
04-38-41-016-005-00140-8	0.13	SFD	Single Family
04-38-41-016-004-00160-6	0.111	GRO	Single Family

Site Design

The proposed development for the subject site will include a ±12,574 SF vocational training facility with related parking and drainage improvements. The existing site contains a gas station and car wash facilities. The design promotes urban infill by repurposing an existing site into a facility the public can utilize and receive services from. The proposed site consists of a proposed building fronting MLK Boulevard, ADA and standard parking spaces, a proposed shared use path, a proposed dumpster enclosure, and stormwater management ponds. Proposed bike rack facilities and bench seating are incorporated in the northeast corner of the proposed site to accommodate community members. The proposed shared use path runs North to South through the West side of the site per East Stuart standards incorporating a proposed 11' walkway, pedestrian lighting, and tree plantings. The required 25' two-way driveway lengths are provided throughout the site as well. Access to the proposed facility is to be provided via an ingress/egress on Tarpon Avenue as well as SE Lake Street. Pedestrian access off MLK Boulevard is proposed. Landscape and site lighting are included for evaluation in this submittal package as well for proposed foliage throughout the site.

The facility will consist of the training areas, counselling areas, and a break room. The occupancy for the building is anticipated to be roughly 14 staff members and 16 students during the day. Project Lift has two main programs for participants; the first is for students who are no longer enrolled in the school system and the second is for after-school training and counselling. Due to this, the proposed Project Lift building will be actively serving the East Stuart community for many hours throughout the day. The anticipated hours of operation are Monday through Friday 8 AM – 6:30 PM (subject to change). In terms of the proposed façade to replicate the manufacturing environment that the students will occupy after employment, the architecture utilizes garage style glazing providing natural light into the workspaces. The proposed windows also respond to the CRA's expectations to create a dynamic street frontage. There is a dedicated space for the use of the students and staff that serves as a "break room" which will not require a grease trap. The break room is an internal meeting space where the primary purpose is for staff training. The maximum occupancy for the break room is 20

people. The proposed Project Lift site falls within the “East Stuart Code Overlay” which has its own requirements for the site. Below is a waiver request table for the proposed project lift development.

WAIVER REQUEST TABLE			
	CODE SECTION	**REQUIRED**	**PROVIDED**
ON-STREET LANDSCAPING	LDC 3.02.09 ESN-50	10 TREES BEYOND PROPOSED PROPERTY LINE	APPLICANT PROVIDING 31 TREES IN FUTURE ROW AND 24 TREES ONSITE (SEE LANDSCAPE PLANS PROVIDED HEREIN)

The applicant is seeking relief from on-street landscaping due to the ROW dedication and future streetscape project being designed and processed by others in the future. The applicant is pursuing a rezoning request to have the site’s zoning remain CPUD.

Low Impact Design

The proposed project lift incorporates low impact design in through several proposed onsite elements. This design proposes a neighborhood open space in the category of “green space” which encompasses 1,825 square feet of landscaped area at the northeast corner of the site near the intersection of M.L.K. Jr Blvd and SE Tarpon Ave. The green space is next to a proposed bike rack and bench amenity. The project’s landscaping design also encompasses street trees. Street trees will be provided on Tarpon St where public sidewalks will be added in the ROW as well as street trees along Lake St prioritizing maintenance of the existing shade trees for the proposed 8’ sidewalk there too. Shade is provided along the walkway over the sidewalk via these street trees. A shared use path lined with pedestrian lighting and shade trees is proposed on the west side of the site for community use following East Stuart Neighborhood Code standard ESN-40. Bioretention is proposed as apart of the proposed stormwater management system for the site. Both bioretention ponds located on site provide quality and quantity components to meet criteria, thus providing a decentralized stormwater management strategy. These techniques are encouraged to slow and treat stormwater runoff while providing additional community benefits.

Future ROW

The Project Lift development is proposing a Right-of-Way dedication along 3 property lines for the purposes of future streetscape improvements along the roadways the site abuts which are MLK Blvd, Tarpon Ave, and Lake St. MLK Blvd. There will be proposed on-street parking along M.L.K Blvd with an 8ft side walk wrapping along Tarpon Ave and Lake St. of Project Lift. It will most closely follow East Stuart Neighborhood Code’s ESN-39 thoroughfare plan standard with the necessary deviations because of continued design efforts and public involvement. The timeline for the streetscape improvements for MLK Blvd is currently a complete design by 2026/2027 and construction complete by 2028/2029. The MLK Blvd streetscape improvement project with the City of Stuart CRA department is currently in the design phase.

Preliminary opinion of probable costs is available for the above mentioned streetscape improvements.

City of Stuart Comprehensive Plan

The proposed vocational training facility creates a space previously unused for the public to further education and develop themselves. It is intended to contribute positively to the community and offer a service from the city to its constituents. Below are the various City of Stuart Comprehensive Plan elements and how the Project Lift site intends to uphold them.

A. Future Land Use Element

The future land use for this site is designated East Stuart. The proposed development is consistent with the East Stuart future land use as it is a training facility for the community. The site was previously an abandoned gas station and carwash and is proposed to be redeveloped for vocational training. It is intended to provide public access along MLK Boulevard and promote interconnectivity with the neighborhood via a proposed shared use path.

B. Transportation Element

The proposed redevelopment of this site is providing additional ADA accessible pedestrian paths, a fire lane, and parking spaces for the proposed facility. The site promotes compact development by repurposing a historically commercial space with a facility that can be utilized by constituents. A traffic analysis is included as a part of this package.

C. Housing Element

The proposed redevelopment does not apply to the housing element of the comprehensive plan.

D. Infrastructure Element

The proposed development aligns with the infrastructure element by proposing necessary infrastructure to serve the site including sanitary sewer gravity lines and potable water. Additionally, proposed drainage elements improve the site from the existing condition by reducing runoff by means of increased pervious area and a stormwater management pond system.

E. Conservation Element

The proposed redevelopment does not apply to the conservation element of the comprehensive plan.

F. Recreation And Open Space Element

The proposed redevelopment provides green space throughout our project to satisfy the neighborhood open space requirements set forth in the East Stuart code standards. There is a total of 37,867 SF (39%) of open space being provided for the project. The open space is provided for constituent enjoyment. The shared use path is what allows pedestrians within the neighborhood to also use the open space as a connection between Lake Street and MLK Blvd.

G. Intergovernmental Coordination Element

The proposed redevelopment will require permitting efforts across multiple jurisdictions which will align with the goals, objectives, and policies of the intergovernmental coordination element of the comprehensive plan.

H. Capital Improvement Element

The proposed redevelopment does not apply to the capital improvement element of the comprehensive plan.

I. Coastal Element

The proposed redevelopment does not apply to the coastal element of the comprehensive plan.

J. Public Schools Facilities Element

The proposed redevelopment does not apply to this element of the comprehensive plan.

K. Economic Development Element

The proposed redevelopment brings business to an existing vacant commercial lot which will positively impact the economy of the City of Stuart. The development offers employment opportunities for citizens as well. These principles illustrate that the project aligns with the economic development element of the comprehensive plan.

Rezoning Justification

The applicant would like to proceed with a rezoning application for this development. The site is currently zoned CPUD which is expires. The applicant would like the zoning of this property to remain CPUD thus a rezoning process is being pursued. The nature of this site is intended to serve the public, and it is believed if the property were to be rezoned to CPUD at the time of this development, it would best fit the vocational training center for the site.

Conclusion

On behalf of the property owner, Kimley-Horn respectfully requests favorable review and consideration of these applications for Minor Development Plan, conditional use, and rezoning. The project manager at Kimley-Horn is Kristina Belt who can be reached at (772)-794-4073 or via email at Kristina.Belt@kimley-horn.com Please contact us with any questions or for additional information in support of the requested application.

Sincerely,

Kristina Belt, P.E.
Project Manager

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

AFFIDAVIT ATTESTING TO NOTIFICATION

Pinal Gandhi-Savdas, City of Stuart, CRA Executive Director, being first duly sworn, depose(s) and say(s):

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

Parcel I.D.: 04-38-41-000-000-00250-3
710 Martin Luther King Jr. Boulevard, Stuart, FL, 34994
Major Amendment to the CPUD (Project# Z24040005)

That a copy of the notice was sent by regular U.S. Mail on (09/12/2024) to the property owners within 300 feet of the subject property; and

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

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

That notice was sent, and the property was posted 15+ days before the scheduled public hearing(s) for this item.

_____
SIGNED (PROPERTY OWNER / AUTHORIZED AGENT)

_____
SIGNED (PROPERTY OWNER / AUTHORIZED AGENT)

STATE OF FLORIDA, COUNTY OF Martin County
Sworn and subscribed before me by means of ✓ physical presence or ___ online notarization, this 13th day of September, 2024 By Pinal Gandhi-Savdas.
Personally Known OR Produced Identification

_____
Type of Identification Produced:

Notary Public, State of FL
(Notary Seal)

My Commission expires:

NOTARY PUBLIC STATE OF FLORIDA
ALICIA KING
Commission # HH 415665
Expires June 28, 2027

PUBLIC HEARING

Notice

NOTICE FROM THE CITY OF STUART:

Please be advised that the City of Stuart will conduct the following public hearings for a Major Amendment to the Commercial Planned Unit Development (CPUD) for a Vocational Training facility located at 710 SE Martin Luther King Jr. Blvd. in the East Stuart Neighborhood.

- TUESDAY, OCTOBER 1, 2024, STUART COMMUNITY REDEVELOPMENT BOARD (CRB) AT 4:00 PM
- THURSDAY, OCTOBER 10, 2024, STUART LOCAL PLANNING AGENCY (LPA) AT 5:30 PM
- MONDAY, OCTOBER 14, 2024, STUART CITY COMMISSION AT 5:30 PM
- MONDAY, OCTOBER 28, 2024, STUART CITY COMMISSION AT 5:30 PM

The public hearings will take place in the Stuart City Hall Commission Chambers, located at 121 S. W. Flagler Avenue in Stuart.

All interested parties and citizens may appear and be heard as to any and all matters pertinent to the request. A copy of the application is available for review at the City Development Department office located at 121 S.W. Flagler Avenue in Stuart.

PUBLIC HEARING:	Community Redevelopment Board, Local Planning Agency, and City of Stuart City Commission
PETITIONER:	City of Stuart
PARCEL ID NO.	04-38-41-000-000-00250-3
PROPERTY ADDRESS:	710 SE Martin Luther King Jr. Blvd. Stuart, Florida 34994
PETITION(S):	Major Amendment to the CPUD (Project # Z24040005)
PROPOSED REQUEST:	The applicant submitted a petition requesting a Major Amendment to the Commercial Planned Unit Development (CPUD) to construct a 12,574-square foot vocational training facility with related parking and drainage improvements.

Jodi Kugler, Development Director
jnentwick@ci.stuart.fl.us
(772) 288-5328

CityofStuart.fl.us/CRA

FOR MORE DETAILS ABOUT THE PLANS, PLEASE VISIT THE CITY'S WEBSITE BY SCANNING THE QR CODE.

SCAN ME
SCAN WITH YOUR PHONE'S CAMERA

NOTICE OF PUBLIC HEARING

MAJOR AMENDMENT TO CPUD (Z24040005)

Property Address: 710 SE Martin Luther King Blvd
Parcel ID: 04-38-41-000-000-00250-3

The applicant submitted a petition requesting a major amendment to the Commercial Planned Unit Development (CPUD) for redevelopement to construct a 12,574-square-foot vocational training facility with related parking and drainage improvements.

STUART COMMUNITY REDEVELOPMENT BOARD (CRB)
Tuesday, October 1, 2024 at 4:00 PM

STUART LOCAL PLANNING AGENCY (LPA)
Thursday, October 10, 2024 at 5:30 PM

STUART CITY COMMISSION
Monday, October 14, 2024 at 5:30 PM
Monday, October 28, 2024 at 5:30 PM

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

NOTICE OF PUBLIC HEARING

MAJOR AMENDMENT TO CPUD (Z24040005)

Property Address: 710 SE Martin Luther King Blvd
Parcel ID: 04-38-41-000-000-00250-3

The applicant submitted a petition requesting a major amendment to the Commercial Planned Unit Development (CPUD) for redevelopement to construct a 12,574-square-foot vocational training facility with related parking and drainage improvements.

STUART COMMUNITY REDEVELOPMENT BOARD (CRB)
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Monday, October 14, 2024 at 5:30 PM
Monday, October 28, 2024 at 5:30 PM

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

NOTICE OF PUBLIC HEARING

Sec. 11.01.09. Zoning map change application including planned unit development (PUD).

A. *General.* The term "rezoning" refers to a change in the zoning district designation for a parcel or parcels as reflected by the city zoning map. Designated zoning districts within the city are:

1. R-1A residential.
2. R-1 residential.
3. R-2 residential.
4. R-3 residential.
5. B-1 business.
6. B-2 business.
7. B-3 business.
8. B-4 limited business/manufacturing.
9. P public service.
10. I industrial.
11. H hospital.
12. PUD planned unit development:
    a. Residential (RPUD);
    b. Commercial (CPUD);
    c. Public service (PSPUD);
    d. Industrial (IPUD);
    e. Mixed use (MXPUD);
    f. Urban (UPUD).
13. Urban code district:
    a. Urban general (UG);
    b. Urban center (UC);
    c. Urban neighborhood (UN);
    d. Urban highway (UH);
    e. Urban waterfront (UW).
14. East Stuart district:
    a. Business and mixed use (BMU);
    b. General residential and office (GRO);
    c. Single-family and duplex (SFD).
15. S.E. Ocean Boulevard overlay.

Note: Pursuant to subsection 5.03.02.B., an impact to a wetland is prohibited unless the mitigation requirements of that chapter and each of the criteria are satisfied. Further, the proposed impact must be made in the context of a planned unit development (PUD) agreement.

Note: Pursuant to subsection 5.05.02.A.2.c., when no practical alternative exists to locating structures on the site to accommodate a historic tree, a PUD may be applied for to consider the removal and replacement of a historic tree.

B. *Pre-application conference required.* Prior to filing for a rezoning, the developer shall meet with the city development director and city staff to discuss the development review process and to be informed of which staff members to confer with about the application. No person may rely upon any comment concerning a proposed rezoning, or any expression of any nature about the proposal made by any participant at the pre-application conference as a representation or implication that the proposal will be ultimately approved or rejected in any form.

C. *Application submittal requirements.* Application forms for a rezoning shall be available from the city development department. A completed application shall be signed by all owners, or their agent, of the property subject to the proposal, and notarized. Signatures by other parties will be accepted only with notarized proof of authorization by the owners. In a case of corporate ownership, the authorized signature shall be accompanied by a notation of the signer's office in the corporation and embossed with the corporate seal. Only for a rezoning to a planned unit development (PUD), a concept plan may be submitted as an option to a site plan; however, the applicant will be required to submit a site plan for approval by the city commission prior to submitting an application for a development permit.

D. *Compliance review procedures.* After receipt of the application, the development department shall follow the review and compliance procedures as set out in section 11.01.01 of this Code. The development director will prepare a staff report and recommendation for consideration by the designated advisory board concerning whether the rezoning application complies with the requirements of the Code. The designated advisory board will be:

   a. The local planning agency (LPA) if the application is located outside of the defined community redevelopment area (CRA), or

   b. The community redevelopment board (CRB) if the application is located within the defined community redevelopment area (CRA).

E. The development director will prepare a staff report and recommendation for consideration by the designated advisory board concerning whether the application complies with the requirements of the Code.

F. *Public hearing notice.* Notice of the public hearing shall be provided by mailing and by posting the subject property. Requirements for notice of public hearings can be found in section 11.02.00 of this Code.

G. *Advisory board public hearing.*

   1. At the public hearing, the advisory board shall hear from all interested parties regarding whether the rezoning application complies with the requirements of this Code and the comprehensive plan. The advisory board shall consider the application, the written comments of each responding department, consultant, and agency as well as the compliance recommendation of the development department.

   2. In formulating its recommendation to the city commission, the advisory board shall consider the following criteria:

      a. The existing land use pattern;

      b. The possible creation of an isolated district unrelated to 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;

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

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

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

g. The existence of changed or changing conditions which make the passage of the proposed rezoning necessary or appropriate;

h. The impact of the proposed rezoning upon living conditions in the adjacent neighborhood;

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

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

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

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

3. In recommending approval of a rezone application to a PUD zone district, the advisory board may recommend, and the city commission may approve a variation of the strict application of the land development requirements of this Code and may in lieu thereof impose suitable conditions to otherwise attain the objectives of those requirements.

H. *Report to the city commission.* The development director shall prepare a written report for submittal to the city commission, which includes the recommendation of the advisory board and set a time and place for a public hearing before the city commission.

I. *City commission public hearing notice.* Notice of the public hearing shall be provided by mailing and by posting the subject property. Requirements for notice of public hearings can be found in section 11.02.00 of this Code.

J. *City commission public hearing.*

1. Two hearings shall be conducted by the city commission to consider a proposed rezoning. Such hearings may be scheduled on the agenda of a regular city commission meeting but shall be held after 5:00 p.m. and shall be not less than ten calendar days apart.

2. The rezoning ordinance may be read by title only at the first hearing. The second hearing shall be quasi-judicial in nature. The rezoning ordinance may be adopted at the conclusion of the quasi-judicial hearing.

3. At the public hearing, the city commission shall hear from all interested parties regarding whether the rezoning application complies with the requirements of this Code and the comprehensive plan. The city commission shall consider the application, the written comments of each responding department, consultant, and agency, the compliance recommendation of the development department, the recommendation of the advisory board.

4. During the public hearing, the city commission may decide that additional information is necessary to complete its review and may continue the public hearing for this purpose. A continuance shall be to a time certain, shall not exceed 60 working days and shall be announced at the public hearing. Not more than one continuance shall be granted for this purpose.

5. At the conclusion of the public hearing, or within 30 working days thereafter, the city commission shall determine whether the application is in compliance with the requirements of this Code and the comprehensive plan. The city commission shall adopt an ordinance setting forth its determination.

6. The determination of the city commission shall be to either find the application:

a. "In compliance"—In the event of a determination of in compliance, the rezoning shall be deemed approved;

b. "In compliance subject to stated conditions or modifications"—In the event of a determination of in compliance subject to stated conditions or modifications, the applicant may submit a revised rezoning application with supporting documentation to the department within 45 working days which complies with said conditions and modifications. The development director shall review the plan for a finding of in compliance; or

c. "Not in compliance"—In the event of a determination of not in compliance, the application shall be rejected and the specific reasons for such determination with reference to the requirements of this Code shall be stated in the resolution.

K. *Recordation.* Upon approval of an ordinance rezoning property, the ordinance together with any development conditions, agreements, covenants, maps, and illustrations shall be recorded in the public records of Martin County, Florida, at the expense of the applicant.

(Ord. No. 2409-2019, § 1(App. A), 9-9-19; Ord. No. 2424-2020, § 1, 1-27-20)

Editor's note(s)—See the note to § 11.01.01.

CITY OF STUART, FLORIDA
AGENDA ITEM REQUEST
Local Planning Agency

Meeting Date: 10/10/2024 **Prepared by:** Kristopher McCrain

Title of Item:
DEVELOPMENT DEPARTMENT WEBSITE PRESENTATION

Summary Explanation/Background Information on Agenda Request:
Presentation of the Development Department's active project Webpage.

Funding Source:
N/A

Recommended Action:
This is only a presentation. No action is required by the Local Planning Agency.

ATTACHMENTS: