**MINUTES**

# SPECIAL COMMISSION MEETING OF THE STUART CITY COMMISSION
## ZONING IN PROGRESS WORKSHOP #1
**OCTOBER 24, 2024**
**AT 1:00 PM**
**COMMISSION CHAMBERS**
**121 SW FLAGLER AVE.**
**STUART, FLORIDA 34994**

## CITY COMMISSION

**Mayor Campbell Rich**
**Commissioner Eula R. Clarke**
**Commissioner Christopher Collins**
**Commissioner Laura Giobbi**
**Commissioner Sean Reed**

## ADMINISTRATIVE

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

### ROLL CALL

1:00 PM

PRESENT: Commissioner Clarke, Commissioner Collins, Commissioner Reed

ABSENT: Mayor Rich, Commissioner Giobbi (present via Teams telecommunication, not voting)

### PLEDGE OF ALLEGIANCE

### COMMENTS BY CITY COMMISSIONERS

Commissioner Collins commented that this is an opportunity to review and clean up the code and that there should be no rush, hopes the Board will take their time on the process; noted how the public felt when he and others knocked on citizens' doors.

### COMMENTS BY CITY MANAGER

City Manager, Michael Mortell, reviewed that three (3) Commissioners were present in person, Commissioner Giobbi was appearing via Teams due to a family emergency and Mayor Rich was out sick. At today's workshop, there are no agenda items, therefore, no vote. He explained the intention of the Zoning In Progress (ZIP) and stated it is set for 90 days and can be extended for another 90 days. At the end of the ZIP, the Commission can continue to make changes as desired, but the goal for this meeting was to review the Code with staff and make recommendations. The ZIP currently has exceptions for residential and government and there have been inquiries related to lot splits and change of use. The Manager provided comments on some of the proposals and suggested an exception that can be made to the ZIP to allow PUD's that do not have a residential component to move forward. The proposal would not create any rights that do not already exist, but would give those the ability to work on current projects and parking requirements that can be conditionalized to comply.

Commissioner Collins commented he does not want exceptions at this time and would like to focus and move forward properly.

## APPROVAL OF AGENDA

**1:23 PM MOTION: Approve.**
**MOVED BY: Christopher Collins**
**SECONDED BY: Sean Reed**
**Motion approved unanimously.**

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

1. Rosi Shepard - Stuart; Commented that this is costly to her and other business owners, feels it is stripping property owners' rights.
2. Marcela Camblor - Stuart; Questioned the why of the ZIP, the most expansive in the State, and what the vision is because no work has been done to date.
3. Nicki VanVonno - Stuart; Representing Barn Theater and how the ZIP affects them, urges an exception for non-profits.
4. Bonnie Landry - Stuart; Commented on Section 2 Prohibition Exception, requesting it be allowed because businesses are run differently than when the Code was written.
5. Arthur Mogavero - Palm City; Owner of Ramey One, has done all that was required and now his forty (40) year old business is at stake.

## COMMISSION ACTION

## DISCUSSION AND DELIBERATION

**1.** DISCUSSION ON THE CITY OF STUART LAND DEVELOPMENT CODE (LDC) CHAPTERS 1–12

1:35 PM

City Manager, Michael Mortell, prefaced with the purpose of the meeting.

***** 1:38 PM Meeting Paused *****
***** 1:39 PM Meeting Reconvened *****

Development Director, Jodi Kugler, began the review of the Land Development Code.

City Manager Mortell explained the design of the code and that years ago, the word "exception" was changed to "conditional use" and as the Board rewrites the Code, they have to review the full Code and participate in the process. He noted that if they do not want exceptions, to state that intention.

Chapter II, Section 2 Review:

Ms. Kugler began the review of Chapter II, Section 2 and the City Manager and Commissioners discussed details and examples referring to R1A, lot sizes, land uses, allowances, and what is required to be brought before the Commission for approval.

Commissioner Collins commented that he would like to restrict the number of meters on residential properties.

Ms. Kugler explained land use and the PUD requirements, consistent with the Comp Plan and Land Development Code (LDC).

Commissioner Collins commented on non-conforming uses in a neighborhood.

Discussion continued on the tables in Sec. 2.02.

Commissioner Collins identified that he was looking to review multifamily and commercial facilities. Would like to decide what the units per acre are and have the commercial marry the multifamily and have a sliding percentage ratio scale. Increase the minimum required land area and increase minimum setbacks for side yard for single-family development in the R-3 and R-2 Districts.

Ms. Kugler moved forward, going over Density 2.03.00; storage units, potentially removing storage units in the CPUDs. City Manager Mortell explained that the use is allowed and, as an example, the Board was required to vote yes on the CubeSmart building. The chart could reflect that a waiver would be needed.

Commissioner Collins commented on removing mini storage use from B4 and staying with industrial within IPUD.

Commissioner Clarke commented it would limit people with their land, there is not much industrial land, more commercial and if kept as IPUD, the Board can address each individual application as they come in.

Commissioner Collins commented it's more of an industrial use and would be a consistent use in the area.

PUBLIC COMMENT:

1. Marcela Cambelor - Stuart; Commented that land use needs to stand on its own, i.e. CubeSmart, as it is today, stands on its own and non-conforming should not be taken so lightly.

Density 2.03.00 Review:

Ms. Kugler presented the Code with how land use is calculated. Examples were discussed. Tables 3 and 3A were reviewed.

PUBLIC COMMENT:

1. Marcella Cambelor - Commented on how the Commission plans to come together on this, and asked if the affected landowners would have to comply with new

density regulations and commented this would affect their property value?

Commissioner Clarke commented on increasing density for potential use.

Commissioner Collins asked if the City is allowed to scale back, is it considered a take?

City Attorney, Lee Baggett, stated the City could scale back and give something else. By reducing the density, it could expose the City to a lawsuit.

Jessica Seymore, Land Planning Agency, commented on the East Stuart area. Discussed the Code, Form Based Code, sidewalks, parking, details of the shape and frontage of the building. Commissioner Collins noted he would like to see ten (10) foot on single family home and overlays have their own set back in the R3 single family district.

The Board discussed setbacks.

***** 3:01 PM Recess *****
***** 3:24 PM Reconvened *****

Jodi Kugler, Development Director, discussed the different tables on the LDC, reviewed Table 7, Sections 2.04.02, 2.04.04 and consequent Sections.

Commissioner Collins recommended changing "Lot of Record" to "Parcel of Record".

Staff and the Board continued to review sections of the code, communicating about shade trees, assisted living facilities, chickens. Discussed adding conditions for home occupation,
Formula retail business,

Urban District, Urban Code, Urban Planning and Development, rooftop, remove EV Charges as preempted by the State.

Commissioner Clarke commented that she would like to figure out exemptions.

City Manager Mortell stated you cannot exempt an individual and can only exempt the process.

Board discussion continued with Commissioner Collins stating he would like to remain focused and not wanting to make exceptions.

Consensus to schedule the next Special Commission Meeting - Zoning in Progress Workshop #2, to Thursday, November 7th from 9 a.m. to 1 p.m.

PUBLIC COMMENT:

1. Nick Schroth - Stuart; Now fifty (50) days in and the Board has not done anything until today.
2. Arthur Mogavers - Palm City; Stated he had to shut down his application after a year in the approval process.

City Attorney Baggett, clarified the exceptions to the board.

Ms. Kugler continued to review the codes.

City Manager Mortell gave an explanation of the Mixed Use Code.

PUBLIC COMMENT:

1. Brian Bols - Palm City; Commented the purpose of the CRA was condensing the parking, and more restaurants.

Commissioner Collins suggested removing the Electric Vehicle Charging Infrastructure requirements from the LDC consistent with Florida Statute, increasing parking standards for PUD's, revising the PUD standards and requirements outlined under Section 2.07 of the LDC, removing mixed-use parking reduction table(s), removing the Residential Unit Variety Bonus for MXPUDs under LDC, and removing the allowance of "half units" from the UPUD and Land Development Code.

PUBLIC COMMENT:

1. Brian Bols - Palm City; Commented he is looking into a specific project and wants to clarify the intention to get rid of all mixed use or just large.

Ms. Kugler continued to review Chapter II.

City Manager Mortell announced that the Agenda for the upcoming Monday night's Commission Meeting (October 28, 2024) is brief and lightly reviewed the agenda items as he had not been able to meet with the Commissioners individually this week.

**ADJOURNMENT**

4:59 PM

**Mary R. Kindel, City Clerk** | **Campbell Rich, Mayor**

**Minutes to be approved at the Regular Commission Meeting this 12th day of November, 2024.**