



A G E N D A

**REGULAR MEETING OF THE STUART CITY COMMISSION
TO BE HELD August 26, 2019
AT 5:30 PM Commission Chambers
121 SW FLAGLER AVE.
STUART, FLORIDA 34994**

CITY COMMISSION

**Mayor Rebecca S. Bruner
Vice Mayor Eula R. Clarke
Commissioner Kelli Glass Leighton
Commissioner Merritt Matheson
Commissioner Mike Meier**

ADMINISTRATIVE

**City Manager, David Dyess
City Attorney, Michael J. Mortell
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.

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.*

ROLL CALL

PLEDGE OF ALLEGIANCE

PROCLAMATIONS

PRESENTATIONS

1. AUGUST SERVICE AWARDS
2. EMPLOYEE OF THE MONTH - AUGUST 2019

COMMENTS BY CITY COMMISSIONERS

COMMENTS BY CITY MANAGER

APPROVAL OF AGENDA

COMMENTS FROM THE PUBLIC (5 min. max)

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

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.*

3. APPROVAL OF 08/12/2019 SCM AND 08/12/2019 CCM MINUTES (RC)
4. BUDGET AMENDMENT #13 - SANITATION COMMERCIAL DISPOSAL FEES (RC):

RESOLUTION No. 73-2019; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA AUTHORIZING BUDGET AMENDMENT No. 13 TO THE 2018-2019 SANITATION FUND; AUTHORIZING \$140,000.00 FROM THE SANITATION FUND BALANCE TO THE COMMERCIAL SANITATION FUND FOR ADDITIONAL DISPOSAL FEES, PROVIDING AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.
5. DECLARATION OF INTENT TO ABANDON RIGHT-OF-WAY, MOLLY'S HOUSE (RC):

RESOLUTION No. 78-2019; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA DECLARING PURSUANT TO CHAPTER 36 OF THE CODE OF ORDINANCES OF THE CITY OF STUART, FLORIDA THE INTENTION OF THE CITY COMMISSION TO ABANDON AND TO SET PUBLIC HEARINGS ON AUGUST 26, 2019, AND SEPTEMBER 9, 2019, AT 5:30 P.M. IN THE CITY COMMISSION CHAMBERS TO CONSIDER THE ABANDONMENT AND RELOCATION OF CERTAIN PUBLIC RIGHT-OF-WAY WITHIN THE CITY RELATED TO MOLLY'S HOUSE, MORE CLEARLY DESCRIBED IN THE ATTACHED EXHIBITS "A" AND "B"; AND FOR OTHER PURPOSES.

END OF CONSENT CALENDAR

COMMISSION ACTION

6. HARVEY PLAZA WAIVER (QUASI-JUDICIAL) (RC):

RESOLUTION No. 74-2019; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA GRANTING A DISTANCE WAIVER TO AL-SOUDI J CORP, THEREBY PERMITTING THE SALE OF PACKAGE BEER AND WINE WITHIN 500 FEET OF A SCHOOL AND WAIVING THE PARKING REQUIREMENT FOR THE PROPOSED USES AT PROPERTY LOCATED AT 502 THRU 516 MARTIN LUTHER KING JR. BLVD; PROVIDING A SITE PLAN; AN EFFECTIVE DATE; PROVIDING FOR CONDITIONS OF APPROVAL; AND FOR OTHER PURPOSES.

7. 2020 LEGISLATIVE PRIORITIES (RC):

RESOLUTION No. 75-2019; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, AUTHORIZING THE ADOPTION OF LEGISLATIVE PRIORITIES FOR THE 2020 LEGISLATIVE SESSION.

ORDINANCE FIRST READING

8. ROW ABANDONMENT REAR OF MOLLY'S HOUSE (RC):

ORDINANCE No. 2414-2019; AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA TO PROVIDE FOR THE ABANDONMENT OF CERTAIN PUBLIC RIGHT-OF-WAY WITHIN THE CITY BEING THAT CERTAIN 12-FOOT PORTION OF RIGHT-OF-WAY, AS SET FORTH ON THE PLAT OF STYPMANN'S SUBDIVISION, AS PER PLAT THEREOF RECORDED IN PLAT BOOK 5, PAGE 82, MARTIN COUNTY, FLORIDA PUBLIC RECORDS RUNNING EAST TO WEST THROUGH THE PROPERTY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO AND DEPICTED IN EXHIBIT "B" ATTACHED HERETO; PROVIDING FOR PAYMENT OF A PRIVILEGE FEE; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

ORDINANCE SECOND READING

9. PLANTATION STORAGE OF STUART CPUD (QUASI-JUDICIAL)(RC):

CONTINUED TO DATE CERTAIN OF SEPTEMBER 9, 2019;
ORDINANCE No. 2411-2019; AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, APPROVING A MAJOR AMENDMENT TO THE COMMERCIAL PLANNED UNIT DEVELOPMENT (CPUD) ADOPTED BY ORDINANCE No. 1527-97 FOR A 7.01 ACRE PARCEL ON THE EAST SIDE OF COMMERCE AVENUE SOUTH OF INDIAN STREET OWNED BY TED GLASRUDE ASSOCIATES FL, LLC, SAID LAND BEING MORE FULLY DESCRIBED IN EXHIBIT "A" ATTACHED; ESTABLISHING PLANTATION STORAGE OF STUART, CONSISTING OF A 98,000+/- SQUARE FOOT SELF-STORAGE FACILITY WITH

4,347 SQUARE FEET OF OUTDOOR BOAT AND VEHICULAR STORAGE AREA; APPROVING A MASTER SITE PLAN; PROVIDING FOR DEVELOPMENT CONDITIONS AND 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.

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.*

DISCUSSION AND DELIBERATION

ADJOURNMENT

**CITY OF STUART, FLORIDA
AGENDA ITEM REQUEST
CITY COMMISSION**

Meeting Date: 8/26/2019

Prepared by: R. Johnson

Title of Item:

AUGUST SERVICE AWARDS

Summary Explanation/Background Information on Agenda Request:

Charles Buchanan	Police	25 years
Theodore Delancy	Police	15 years
Karla Noguera	Public Works	5 years

Funding Source:

General Fund

Recommended Action:

Present Awards

**CITY OF STUART, FLORIDA
AGENDA ITEM REQUEST
CITY COMMISSION**

Meeting Date: 8/26/2019

Prepared by: David D. Peters

Title of Item:

EMPLOYEE OF THE MONTH - AUGUST 2019

Summary Explanation/Background Information on Agenda Request:

Recognize Janine Wilde as the City's Employee of the Month for August 2019.

Funding Source:

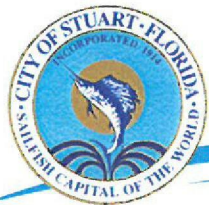
N/A

Recommended Action:

Request that Janine Wilde come forward and be recognized as the City's Employee of the Month for August 2019.

ATTACHMENTS:

	Description	Upload Date	Type
▢	Memorandum to Roz Johnson - Employee of the Month	8/18/2019	Attachment



David D. Peters | Public Works Director
121 SW Flagler Ave. Stuart FL 34994
Phone: 772.288.1292 Ext. 1

Date: August 16, 2019

To: Roz Johnson, Human Resources Director

Subject: Employee of the Month

The Public Works Department is once again proud to nominate a candidate for Employee of the Month who has demonstrated outstanding work efforts.

On August 13th the City was recognized by the Florida Water & Pollution Control Operators Association as the 2019 recipient for the Water "A" Safety Award and the 2019 recipient in Collections Category.

This recognition is a result of the City's ongoing commitment to providing our employees with a safe working environment through education and awareness.

Janine Wilde, the Public Works Department's Administrative Coordinator has been instrumental in the City's success by:

- Providing relevant weekly safety training topics.
- Developed and coordinating the Department's "Safety is Priceless" Program that has been recognized as a "model" program for other agencies.
- Critiquing all accidents and incidents to understand how the City can prevent/eliminate future occurrences.
- Tracks the success of the programs identified above and provides annual reports to the City Manager for review and comment.

Janine's work effort in the Public Works Department's Safety Programs can only be described as "outstanding" and is typical of her work efforts in all aspects of the Public Works Department.

In addition to coordinating all administrative functions of the City's largest Department, Janine has recently been instrumental in the preparation of the proposed 2019/2020 Public Works Department's Operating Budget, which by itself is further justification for this recognition.

I had the opportunity to interview and offer Janine a position in the Public Works Department that began in June of 2007. Not a day goes that her work efforts don't make this a better Department.

For these reasons mentioned above, we ask that Janine be recognized as the City of Stuart's Employee of the Month for August of 2019.

**CITY OF STUART, FLORIDA
AGENDA ITEM REQUEST
CITY COMMISSION**

Meeting Date: 8/26/2019

Prepared by: Mary Kindel, City Clerk

Title of Item:

APPROVAL OF 08/12/2019 SCM AND 08/12/2019 CCM MINUTES (RC)

Summary Explanation/Background Information on Agenda Request:

N/A

Funding Source:

N/A

Recommended Action:

Approve Minutes

ATTACHMENTS:

	Description	Upload Date	Type
▣	08/12/19 SCM Plastics Workshop #2 Minutes	8/19/2019	Attachment
▣	08/12/19 CCM Minutes	8/19/2019	Attachment

MINUTES
SPECIAL MEETING OF THE STUART CITY COMMISSION
HELD August 12, 2019
AT 3:30 PM Commission Chambers - PLASTICS WORKSHOP #2
121 SW FLAGLER AVE.
STUART, FLORIDA 34994

CITY COMMISSION

Mayor Rebecca S. Bruner
Vice Mayor Eula R. Clarke (LATE)
Commissioner Kelli Glass Leighton
Commissioner Merritt Matheson
Commissioner Mike Meier

ADMINISTRATIVE

City Manager, David Dyess
City Attorney, Michael J. Mortell
City Clerk, Mary R. Kindel

ROLL CALL



3:34 PM Roll Call.

Present: Mayor Bruner, Commissioner Glass Leighton, Commissioner Matheson, Commissioner Meier.

Late; arrived at 3:36 p.m. Vice Mayor Clarke

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA



3:34 PM Motion: Move approval of the Agenda.

Moved by: Commissioner Glass Leighton

Seconded by: Commissioner Meier

Motion passed unanimously.

COMMENTS FROM THE PUBLIC (5 min. max)

No comments.

DISCUSSION AND DELIBERATION

1. VOLUNTARY REDUCTION OF SINGLE-USE PLASTICS AND POLYSTYRENE PRODUCTS.

ORDINANCE No. 2413-2019; AN ORDINANCE OF THE CITY OF STUART, FLORIDA, CREATING A NEW ARTICLE IX IN CHAPTER 20 OF THE CITY CODE ENTITLED "EXPANDED POLYSTYRENE AND PLASTICS REGULATION"; PROVIDING FINDINGS, INTENT AND DEFINITIONS; CREATING DIVISION (A) RELATED TO REGULATIONS FOR THE DISTRIBUTION OF EXPANDED POLYSTYRENE PRODUCTS ON CITY-OWNED PROPERTY AND RIGHTS-OF-WAY; CREATING DIVISION (B) RELATED TO REGULATIONS FOR THE DISTRIBUTION OF SINGLE-USE PLASTIC STRAWS WITHIN THE CITY LIMITS; PROVIDING FOR A SEVERABILITY CLAUSE AND A CONFLICT CLAUSE; PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

Commissioner Meier requested the Ordinance be split into separate Ordinances – Article 9, Division A and Division B.

Commissioners discussed Article 9 and City property vs. City limits.

Attorney Mortell read each "Whereas" in the Ordinance for the public's information.

Commissioner Meier requested on page 1, line 29, to remove the word "Green".

Attorney Mortell explained that all noted comments and updates to the Ordinance will be provided back to the Commission with a strike-through version for their review at the next meeting.

Public Comment:

- 1) Gerrie Biegner – Fox Brown Rd., Indiantown; demonstrated trash she collected in downtown just before the meeting. In favor of the banning of straws and Styrofoam and provided a handout for the Commissioners.**
- 2) Katherine Biegner – Fox Brown Rd., Indiantown; 13 years old, in favor of banning Styrofoam**
- 3) Julie Williams – NW 15th Street; In favor of banning Styrofoam and straws, would like it to be required that restaurants are to ask if straws are wanted instead of automatically handing them out.**
- 4) Mark Brechbill – Detroit Avenue; Commented that we have a serious plastics problem, suggests the City develop an environmental co-op with funding from membership fees and fines used to educate the public.**
- 5) Pricilla Speicher – Notes Music Room business owner on Colorado Avenue; In favor of straws Ordinance, does not use straws at her business. Suggests other green options such as trees and greenery on roof tops. If task force develops, would be interested.**

Commissioner Glass Leighton commented to specifically discuss how chain restaurants who do not have the local authority to make the decisions to remove items would be handled.

- 6) Dale Rakefeller – Culvers franchise owner; Biggest issue is that they serve shakes and straws are needed for this product, becoming an operational issue. Culvers has 720 restaurants throughout the Country, and they are working on solutions. Operationally, it would take time to transition, deplete inventories, supply chain, delivering. Already Styrofoam free but their concerns involve the straws for shakes.

Commissioner Meier agrees to reasonable exceptions, but suggests on line 1 of page 11, contemplate an exemption in a.ii Drive-Thru Exemption Requirements and contemplate in a separate section on page 12, line 1 and list possible exemptions. Section 22.10.b.ii is redundant and be stricken. List in Ordinance is a good list

Commission discussion included “to go” establishments, straws available upon request only, exemptions, warning and grace periods, violations, and enforcement.

City Manager Dyess conformation: A and B stay, D’s up for further discussion, and replacing C to provide and application process for additional exemptions by establishments.

If Ordinance goes into effect, a letter would be sent to the related business community stating the information, timeframe, and exemption process. The warnings to include information on how to apply for exemptions, and information added to website.

Commissioner Glass Leighton conformation review: Keep A hospitals/assisted living facilities, keep B, table D and add a line item to determine the exceptions. Staff will determine exemptions and bring back to the Commission for a vote. Application Process for an exemption.

Commissioner Meier commented on the remedy timeline, on page 11, line 17, strike section C. Correction of situation is immediate. Meier clarified his request: No straws provided unless requested, no single use plastic straw may be provided. 2021 fines imposed. No straw unless requested and no plastic straw unless requested until 2021. Server asks if straw is wanted.

Commission direction to strike the word “bring” on page 6, line 14.

Discussion included an educational component and language to include “permitted events”.

Public Comment:

- 7) Nancy Turrell – Coconut Avenue; Manages Arts Fest - Suggested the events community get notices before the next Plastics workshop. Wants clarity on what is and is not recyclable so they may properly notify vendors.
- 8) Christine Maldonado – SE 7th Street; Suggests Styrofoam be added to the straw ban. Easier than banning plastics.
- 9) Kyle Gibson – Resident of Ft. Lauderdale - Suggests taking time and not rushing so that it is a fair decision that is economical.
- 10) Cathy Rethmeier – St. Lucie Blvd.; think solutions, in favor of the Ordinance.
- 11) Chantel Hazel, Flagler Ave – Restaurant Manager of Pelican Café – they already have implemented the ideas of what has been discussed. Moving toward eco-friendly products. In favor of Ordinance.
- 12) Christina de la Vega – Stypmann Blvd.; In favor of Ordinance, thinks there should be no exceptions.
- 13) Lisa Beagle – Ridge Avenue, Jensen Beach; Surfrider Foundation representative. Explained the process of Ocean Friendly restaurant designation violations. In favor of the ban of straws.
- 14) Rachel Snyder – Flagler Ave., Local event coordinator – Happy about this but needs clarification to help those who operate events.

City Manager Dyess announce that another workshop on this topic will be scheduled for September.

 5:36 PM ADJOURNMENT:

Mary R. Kindel, City Clerk

Rebecca S. Bruner, Mayor

Minutes to be approved at the Regular Commission Meeting this 26th day of August, 2019.

MINUTES
REGULAR MEETING OF THE STUART CITY COMMISSION
HELD August 12, 2019
AT 5:30 PM Commission Chambers
121 SW FLAGLER AVE.
STUART, FLORIDA 34994

CITY COMMISSION

Mayor Rebecca S. Bruner
Vice Mayor Eula R. Clarke
Commissioner Kelli Glass Leighton
Commissioner Merritt Matheson
Commissioner Mike Meier

ADMINISTRATIVE

City Manager, David Dyess
City Attorney, Michael J. Mortell
City Clerk, Mary R. Kindel



5:43 PM ROLL CALL

Roll Call. Present: Mayor Bruner, Vice Mayor Clarke, Commissioner Glass Leighton, Commissioner Matheson, Commissioner Meier.

PLEDGE OF ALLEGIANCE

1. ARTS MOMENT - LITTLE PRODIGY SCHOOL OF MUSIC STUDENT PERFORMANCE BY JULIAN SORIANO SINGING "THE IMPOSSIBLE DREAM".

Julian Soriano beautifully sang "The Impossible Dream" and was presented a Certificate of Appreciation by the Mayor.

PROCLAMATIONS



5:54 PM 2. CONSTITUTION WEEK - SEPTEMBER 17-23, 2019

Ms. Lynn Jensen, Region of Halpatiokee Chapter of Daughters of the American Revolution, proudly accepted the Proclamation and thanked the Commission.

COMMENTS BY CITY COMMISSIONERS

Commissioner Glass Leighton

- No comments.

Commissioner Matheson

- Commented on the progress made with Lake Okeechobee since 2018 and his disgust concerning the lawsuit by US Sugar to the US Army Corp. Feels the US Congress needs to mandate that the Corp factor in human health and safety in managing Lake Okeechobee.

Commissioner Meier

- Commented on the Plastics Workshop held today and looks forward to more workshops and more action regarding our environment and climate change.
- Reported on a conversation with residents at the Green Market about Stuart becoming over developed, the density, and trees. Feels there is more the City can do to advance the climate agenda, would like to start thinking about the tree fund and do more projects to prioritize shade trees in downtown. Have a goal to plant our fair share of trees.

Vice Mayor Clarke

- Commented on the Daughters of the American Revolution Constitution Week Proclamation and announced that the Constitution Celebration, in which the Constitution is read out loud, will be on September 19, 2019 at the 10th Street Community Center. May be at 10th Street or in the Commission Chambers.
- Complimented Dave Peters and Milton Leggett for the noticeable drainage of rainwater after storms and on the job they do.
- Announced the 1928 Hurricane Remembrance that will take place on September 16th in Port Mayaca in the City of Pahokee at 10:00 AM.
- Commented to encourage all to celebrate the Constitution, we have to get back to God and Country.

Mayor Bruner

- Commented that the Army Corp of Engineers have worked hard to help the conditions of the St. Lucie River and with her Mayor's contingency fund, she would like to request the use of \$800 to host a celebration during the Rivers Coalition Meeting on August 29, 2019 at 6:00 p.m. at the Flagler Center.

Mayor Bruner passed the gavel to Vice Mayor Clarke.

 **6:09 PM Motion: Motion that the Commissioners will do a little celebration at Flagler and donate the diner and drinks up to \$800.00.**

Moved by: Commissioner Bruner

Seconded by: Commissioner Meier

Motion passed unanimously.

 6:11 PM COMMENTS BY CITY MANAGER

City Manager Dyess

- Commented on allocated funds for tree replacement in this year's budget.
- Presented an award for Public Works Water Division won the Best Tasting Drinking Water Contest in the State of Florida.

Mike Woodside, Water Treatment Plant Team Leader II, came forward to accept the award.

- Announced changes made to the three (3) hour parking; added three or four spaces in front of the Esplanade on Flagler Avenue to resolve a reoccurring parking issue.
- Reported an emergency expense of less than \$40,000.00 for Public Works involving a collapsed line on Madison Avenue causing a sinkhole.
- The Palm City Award Bid is in and it's \$40,000.00 under the projected budget.
- Reminder that school is back in session and police are out in full force.

City Manager Dyess invited Ben Hogarth, Community Affairs Liaison, to come forward to provide a river update.

Mayor announced that Ben is the point of contract for the Army Corp of Engineers and PDT Meeting representative.

Ben Hogarth updated the Commission on the increase in the level of Lake Okeechobee, by ¼ foot, today, even with the rain, the level is approximately 2 feet less than for the average this time of year. There are some harmful algae blooms in the Lake but there are currently no releases to the east or west. Hogarth announced that public comment is active for an Army Corp assessment. Extra releases are only in extreme circumstances. Per the Mayor's comment, the LOSOM Interagency Delivery Team is for agencies to have meetings. The first meeting is in Clewiston, on August 20th at the John Boy Auditorium.

APPROVAL OF AGENDA

 **6:19 PM Motion: Move approval of the Agenda.**
Moved by: Commissioner Glass Leighton
Seconded by: Commissioner Meier
Motion passed unanimously.

COMMENTS FROM THE PUBLIC (5 min. max)

- 1) **Jerry Gore – Lake Street; Thanked the Public Works Department for their recent assistance with a fountain and street adoption. Hopes to combine the street adoption on Church and Lake Street with 10th Street, involving the Commissioners in a celebration and cleanup. Asked about whether the City**

bottles its water and if so, if it could be used for local events. [City stated that it no longer bottles its water.] Would like to work together to keep community clean.

- 2) Tom Campenni – St. Lucie Crescent; Complimented the Police Chief, Police Department, and City staff for their participation in the Back to School Bash at the 10th Street Community Center.

Vice Mayor Clarke requested from the City Manager, an update at a future meeting on the Athletic Programs at the Community Center.



6:25 PM CONSENT CALENDAR

3. APPROVAL OF 07/22/2019 SCM AND 07/22/2019 CCM MINUTES

4. WATER RECLAMATION FACILITY CLARIFIER REPAIRS:

RESOLUTION No. 70-2019, BUDGET AMENDMENT #12; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA AUTHORIZING BUDGET AMENDMENT No. 12 TO THE 2018-2019 WATER SEWER FUND; APPROPRIATING AND AUTHORIZING THE EXPENDITURE OF FUNDS FOR A CHANGE ORDER TO REBUILD-IT SERVICES GROUP FOR ADDITIONAL REPAIR WORK NEEDED ON THE CLARIFIERS AT THE CITY'S WATER RECLAMATION FACILITY IN THE AMOUNT OF \$155,339.00, PROVIDING AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

5. ALTERNATIVE WATER SUPPLY FUNDING APPLICATION AUTHORIZATION:

RESOLUTION No. 72-2019; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA AUTHORIZING THE PUBLIC WORKS DEPARTMENT TO SUBMIT A GRANT APPLICATION FOR AN ALTERNATIVE WATER SUPPLY GRANT THROUGH THE SOUTH FLORIDA WATER DISTRICT TO PROVIDE FUNDING FOR THE CITY'S ALTERNATIVE WATER SUPPLY PROJECT; PROVIDING FOR AN EFFECTIVE DATE AND FOR OTHER PURPOSES.

END OF CONSENT CALENDAR



6:25 PM Motion: Move approval of the Consent Agenda.
Moved by: Commissioner Glass Leighton
Seconded by: Commissioner Meier
Motion passed unanimously.

COMMISSION ACTION

ORDINANCE FIRST READING

 **6:26 PM 6. AMENDMENT TO THE LAND DEVELOPMENT CODE:**

ORDINANCE No. 2409-2010; AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, AMENDING SECTION 11.00.00, CHAPTER XI – PROCESSING OF PLAN APPLICATIONS, OF THE LAND DEVELOPMENT CODE TO INCORPORATE REVISED REVIEW AND COMPLIANCE PROCEDURES WITHIN CITY OF STUART. PROVIDING FOR A SEVERABILITY CLAUSE AND A CONFLICT CLAUSE; PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

***CORRECTION: ORDINANCE No. 2409-2019.**

Kevin Freeman, Development Director, presented briefly on the state processing timeline updates.

 **6:28 PM Motion: Move approval of Ordinance No. 2409-2010[2019].**

Moved by: Commissioner Glass Leighton

Seconded by: Commissioner Meier

Motion passed unanimously.

7. PLANTATION STORAGE OF STUART CPUD (QUASI-JUDICIAL):

ORDINANCE No. 2411-2019; AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, APPROVING A MAJOR AMENDMENT TO THE COMMERCIAL PLANNED UNIT DEVELOPMENT (CPUD) ADOPTED BY ORDINANCE No. 1527-97 FOR A 7.01 ACRE PARCEL ON THE EAST SIDE OF COMMERCE AVENUE SOUTH OF INDIAN STREET OWNED BY TED GLASRUD ASSOCIATES FL, LLC, SAID LAND BEING MORE FULLY DESCRIBED IN EXHIBIT “A” ATTACHED; ESTABLISHING PLANTATION STORAGE OF STUART, CONSISTING OF A 98,000+/- SQUARE FOOT SELF-STORAGE FACILITY WITH 4,347 SQUARE FEET OF OUTDOOR BOAT AND VEHICULAR STORAGE AREA; APPROVING A MASTER SITE PLAN; PROVIDING FOR DEVELOPMENT CONDITIONS AND 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.

Nine (9) people sworn; Kevin Freeman and Tom Reetz, Development Dept., Bob Raynes of Gunster, Yoakley, and Stewart, Susan O’Rourke, Traffic Engineer, Bill Mathers of Mathers Engineering, applicant Charles Chase, John Ahern of Ahern & Associates Architects, and Dan Siemsen of Gentile, Holloway O’Mahoney. (1 sworn person unidentified).

Tom Reetz, Bob Raynes, John Ahern and Charles Chase presented on Ordinance 2411-2019.

Applicant Charles Chase noted that his facilities are involved in the communities they serve, and he is open to assisting in environmental efforts that help the community.

 **7:08 PM Motion: Move approval of Ordinance No. 2411-2019 on First Reading.
Moved by: Commissioner Glass Leighton
Seconded by: Commissioner Matheson
Motion passed unanimously.**

ORDINANCE SECOND READING

DISCUSSION AND DELIBERATION

 **7:08 PM ADJOURNMENT**

Mary R. Kindel, City Clerk

Rebecca S. Bruner, Mayor

**Minutes to be approved at the Regular Commission
Meeting this 26th day of August, 2019.**

CITY OF STUART, FLORIDA AGENDA ITEM REQUEST CITY COMMISSION

Meeting Date: 8/26/2019

Prepared by: David D. Peters

Title of Item:

BUDGET AMENDMENT #13 - SANITATION COMMERCIAL DISPOSAL FEES (RC):

RESOLUTION No. 73-2019; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA AUTHORIZING BUDGET AMENDMENT No. 13 TO THE 2018-2019 SANITATION FUND; AUTHORIZING \$140,000.00 FROM THE SANITATION FUND BALANCE TO THE COMMERCIAL SANITATION FUND FOR ADDITIONAL DISPOSAL FEES, PROVIDING AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

Summary Explanation/Background Information on Agenda Request:

Demands for commercial sanitation in 2019 have exceeded budgetary revenue projections by more than 11%. .

As a result corresponding disposal fees have increased by more than 11%.

This Budget Amendment will provide for the additional funds needed through the end of the year.

Funding Source:

From: Sanitation Fund Balance	\$140,000.00
To: Commercial Sanitation Utility Services	\$140,000.00

Recommended Action:

Adopt Resolution 73-2019 authoring Budget Amendment No. 13.

ATTACHMENTS:

Description	Upload Date	Type
☐ Resolution 73-2019	8/18/2019	Resolution add to Y drive



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

RESOLUTION NUMBER 73-2019

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA AUTHORIZING BUDGET AMENDMENT No. 13 TO THE 2018-2019 SANITATION FUND; AUTHORIZING \$140,000.00 FROM THE SANITATION FUND BALANCE TO THE COMMERCIAL SANITATION FUND FOR ADDITIONAL DISPOSAL FEES, PROVIDING AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

* * * * *

BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA that:

SECTION 1: The 2018-2019 Year Budget of the Sanitation Fund of the City of Stuart, Florida, being Resolution No. 73-2019 of the City Commission of the City of Stuart, Florida, as amended, hereinafter the "Budget," is hereby further amended, as follows:

From: Sanitation Fund Balance	\$140,000.00
To: Commercial Sanitation Utility Services	\$140,000.00

This is an authorization of the City Commission of the City of Stuart, Florida authorizing Budget Amendment No. 13 to the FY 2018-19 Annual Budget to increase commercial sanitation disposal fees in the amount of \$140,000.00.

SECTION 2: Except as amended hereby, the FY 2018-2019 Annual Budget shall remain in full force and effect.

SECTION 3: This resolution shall take effect on adoption.

Commissioner _____ offered the foregoing resolution 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
EULA R. CLARKE, VICE MAYOR
KELLI GLASS LEIGHTON, COMMISSIONER
MERRITT MATHESON, COMMISSIONER
MIKE MEIER, COMMISSIONER

YES	NO	ABSENT	ABSTAIN

ADOPTED this 16th day of August, 2019.

ATTEST:

MARY R. KINDEL
CITY CLERK

REBECCA S. BRUNER
MAYOR

APPROVED AS TO FORM
AND CORRECTNESS:

MICHAEL J. MORTELL
CITY ATTORNEY

CITY OF STUART, FLORIDA AGENDA ITEM REQUEST CITY COMMISSION

Meeting Date: 8/26/2019

Prepared by: S. Mayer

Title of Item:

DECLARATION OF INTENT TO ABANDON RIGHT-OF-WAY, MOLLY'S HOUSE (RC):

RESOLUTION No. 78-2019; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA DECLARING PURSUANT TO CHAPTER 36 OF THE CODE OF ORDINANCES OF THE CITY OF STUART, FLORIDA THE INTENTION OF THE CITY COMMISSION TO ABANDON AND TO SET PUBLIC HEARINGS ON AUGUST 26, 2019, AND SEPTEMBER 9, 2019, AT 5:30 P.M. IN THE CITY COMMISSION CHAMBERS TO CONSIDER THE ABANDONMENT AND RELOCATION OF CERTAIN PUBLIC RIGHT-OF-WAY WITHIN THE CITY RELATED TO MOLLY'S HOUSE, MORE CLEARLY DESCRIBED IN THE ATTACHED EXHIBITS "A" AND "B"; AND FOR OTHER PURPOSES.

Summary Explanation/Background Information on Agenda Request:

The purpose of this resolution is to state the intention of the City Commission to abandon a portion of public right-of-way and to set public hearings before the City Commission at its regular meeting on August 26, 2019 and September 9, 2019 at 5.30 p.m. in the City Commission Chambers to consider the abandonment of the subject property within Martin County, Florida:

Funding Source:

N/A

Recommended Action:

Motion to approve Resolution 78-2019 on consent agenda.

ATTACHMENTS:

Description	Upload Date	Type
☐ Resolution 78-2019	8/16/2019	Resolution add to Y drive
☐ Exhibit A - Legal Description	8/16/2019	Exhibit
☐ Exhibit B - Survey	8/16/2019	Exhibit
☐ Location Map	8/16/2019	Attachment

Return to:

**City Attorney's Office
City of Stuart
121 SW Flagler Street
Stuart, FL 34994**

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

RESOLUTION NUMBER 78-2019

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA DECLARING PURSUANT TO CHAPTER 36 OF THE CODE OF ORDINANCES OF THE CITY OF STUART, FLORIDA THE INTENTION OF THE CITY COMMISSION TO ABANDON AND TO SET PUBLIC HEARINGS ON AUGUST 26, 2019, AND SEPTEMBER 9, 2019, AT 5:30 P.M. IN THE CITY COMMISSION CHAMBERS TO CONSIDER THE ABANDONMENT AND RELOCATION OF CERTAIN PUBLIC RIGHT-OF-WAY WITHIN THE CITY RELATED TO MOLLY'S HOUSE, MORE CLEARLY DESCRIBED IN THE ATTACHED EXHIBITS "A" AND "B"; AND FOR OTHER PURPOSES.

* * * * *

WHEREAS, the City has received a petition for abandonment relating to the public right-of-way described below that conforms to the requirements of Chapter 36 of the Code of Ordinances of the City of Stuart, Florida.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA that:

SECTION 1: The purpose of this resolution is to state the intention of the City Commission to abandon a portion of public right-of-way and to set public hearings before the City Commission at its regular meeting on August 26, 2019 and September 9, 2019 at 5.30 p.m. in the City Commission Chambers to consider the abandonment of the subject property within Martin County, Florida:

SECTION 2: A legal description and sketch depicting the subject right-of-way are attached hereto

City of Stuart, Florida - Resolution No. 78-2019

as Exhibits “A” and “B”.

SECTION 3: This resolution shall take effect upon adoption.

Passed on first reading the ____ day of _____, 2019.

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
EULA R. CLARKE, VICE MAYOR
KELLI GLASS LEIGHTON, COMMISSIONER
MERRITT MATHESON, COMMISSIONER
MIKE MEIER, COMMISSIONER

YES	NO	ABSENT	ABSTAIN

ADOPTED on second and final reading this ____ day of _____, 2019.

ATTEST:

MARY R. KINDEL
CITY CLERK

REBECCA S. BRUNER
MAYOR

APPROVED AS TO FORM
AND CORRECTNESS:

MICHAEL MORTELL
CITY ATTORNEY

STEPHEN J. BROWN, INC.

LICENSED BUSINESS NUMBER: 6484

SURVEYORS • DESIGNERS • LANDPLANNERS • CONSULTANTS

619 EAST 5TH STREET, STUART, FLORIDA 34994 EMAIL: SJBINC@BELLSOUTH.NET (772) 288-7176

LEGAL DESCRIPTION

REVOCABLE LICENSE

A PORTION OF AN EXISTING ALLEY ABUTTING AND ADJACENT TO A PORTION OF THE SOUTH LINE OF LOT 22, BLOCK 1 AND THE NORTH LINE OF LOT 5, BLOCK 1, STYPMANN'S SUBDIVISION, AS RECORDED IN PLAT BOOK 5, PAGE 82, PUBLIC RECORDS OF PALM BEACH (NOW MARTIN) COUNTY, FLORIDA, AND BEING FURTHER DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF LOT 6, BLOCK 1, STYPMANN'S SUBDIVISION, AS RECORDED IN PLAT BOOK 5, PAGE 82, PUBLIC RECORDS OF PALM BEACH (NOW MARTIN) COUNTY, FLORIDA; THENCE SOUTH 89°57'27" WEST, ALONG THE NORTH LINE OF SAID LOT 5, BLOCK 1, FOR A DISTANCE OF 25.00 FEET TO THE POINT OF BEGINNING;

THENCE CONTINUE SOUTH 89°57'27" WEST, ALONG THE NORTH LINE OF SAID LOT 5, FOR A DISTANCE OF 25.00 FEET TO THE NORTHWEST CORNER OF SAID LOT 5; THENCE, DEPARTING SAID NORTH LINE, NORTH 00°30'27" EAST, FOR A DISTANCE OF 12.00 FEET, TO THE SW CORNER OF SAID LOT 22, BLOCK 1; THENCE NORTH 89°57'27" EAST, ALONG THE SOUTH LINE OF SAID LOT 22, FOR A DISTANCE OF 25.00 FEET; THENCE SOUTH 00°30'27" WEST, FOR A DISTANCE OF 12.00 FEET TO THE POINT OF BEGINNING.

PARCEL CONTAINS 300.0 SQUARE FEET, +/-.

NOTE: THIS LAND DESCRIPTION SHALL NOT BE VALID UNLESS:

A. PROVIDED IN ITS ENTIRETY CONSISTING OF 2 SHEETS, WITH SHEET 2 BEING THE SKETCH OF DESCRIPTION.

B. REPRODUCTIONS OF THIS DESCRIPTION AND SKETCH ARE SIGNED AND SEALED WITH AN EMBOSSED SURVEYOR'S SEAL.

JOB #:	2304-01-02
DRAWN BY:	S.J.B.
CHECKED BY:	S.J.B.
DATE:	03/05/2019
SCALE:	N/A
SHEET:	1 OF 2

STEPHEN J. BROWN, INC.

LICENSED BUSINESS NUMBER: 6484

SURVEYORS • DESIGNERS • LANDPLANNERS • CONSULTANTS
619 EAST 5TH STREET, STUART, FLORIDA 34994 EMAIL: SJBINC@BELLSOUTH.NET (772) 288-7176

JOB #:	2304-01-02
DRAWN BY:	S.J.B.
CHECKED BY:	S.J.B.
DATE:	03/05/2019
SCALE:	1" = 10'
SHEET:	2 OF 2

LOT 23

LOT 22
(BLOCK 1)

LOT 21

CONCRETE WALL

SOUTH LINE
LOT 22, BLOCK 1

"MOLLY'S HOUSE"

SW CORNER LOT 22
BLOCK 1

N00°30'27"E
12.00'

N89°57'27"E 25.00'

12.00'
S00°30'27"W

NORTH LINE OF
12' PLATTED ALLEY

CLOSED ALLEY

CONCRETE WALL

NW CORNER LOT 5
BLOCK 1

S89°57'27"W 25.00'

NORTH LINE
LOT 5, BLOCK 1

POINT OF BEGINNING

POINT OF COMMENCEMENT
NW CORNER LOT 6
BLOCK 1

LOT 4

LOT 5
WEST 1/2

LOT 5
EAST 1/2

"MOLLY'S HOUSE"

LOT 6
(BLOCK 1)

NOT A BOUNDARY SURVEY
STEPHEN J. BROWN, INC.

STEPHEN J. BROWN, PROFESSIONAL SURVEYOR AND MAPPER
REGISTRATION NO. 4049, STATE OF FLORIDA

SUBJECT AERIAL MAP



Red outline is Molly's House, for reference purposes only.
Yellow outline is proposed abandonment area, for reference purposes only.

CITY OF STUART, FLORIDA AGENDA ITEM REQUEST CITY COMMISSION

Meeting Date: 8/26/2019

Prepared by: Tom Reetz

Title of Item:

HARVEY PLAZA WAIVER (QUASI-JUDICIAL) (RC):

RESOLUTION No.74-2019; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA GRANTING A DISTANCE WAIVER TO AL-SOUDI J CORP, THEREBY PERMITTING THE SALE OF PACKAGE BEER AND WINE WITHIN 500 FEET OF A SCHOOL AND WAIVING THE PARKING REQUIREMENT FOR THE POPOSED USES AT PROPERTY LOCATED AT 502 THRU 516 MARTIN LUTHER KING JR. BLVD; PROVIDING A SITE PLAN; AN EFFECTIVE DATE; PROVIDING FOR CONDITIONS OF APPROVAL; AND FOR OTHER PURPOSES.

Summary Explanation/Background Information on Agenda Request:

The applicant, Al Soudi J Corp is seeking a 2-APS license to sell packaged beer and wine at 502 Martin Luther King Jr. Blvd. Section 4-3(b)(4) of the City's Code of Ordinances requires a 500 foot separation between locations providing for the sale of alcoholic beverages and schools unless a distance waiver is granted by the City Commission under proceedings in F.S. §166.041(3)(c) (attached). The school at issue here is the Stuart Middle School.

Section 4-3(b)(4): No alcoholic beverages shall be sold within 200 feet of any church, or within 500 feet of the real property that comprises a public or private elementary school, middle school, or secondary school unless the city commission approves the location as promoting the public health, safety, and general welfare of the community under proceedings as provided in F.S. § 166.041(3)(c), Florida Statutes.

Khaled Al Soudi is under contract with Philip Harvey to purchase the plaza. Khaled feels that this location with existing and proposed uses including a new convenience store will provide economic stimulus in the East Stuart Community.

In addition to the distance waiver from the school to sell alcohol, the applicant is asking for a waiver of 15 required on site parking spaces for the entire plaza, staff finds that granting said waiver for parking is justified based on the number of existing on-street parking spaces available and the projected impact on parking based on the existing and potential uses for the plaza. Staff notes that the historic operation of this plaza and the fact that many customers rely on bicycles or walking to reach this location. Moreover, the community would benefit from the operation of a new retail convenience store at this property.

Funding Source:

N/A

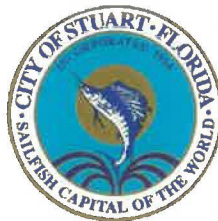
Recommended Action:

Approve Resolution No. 74-2019, which includes the following conditions:

1. This waiver shall be limited to a 2-APS beer and wine alcoholic beverage license (package sales only) from the Division of Alcoholic Beverages and Tobacco of the State of Florida.
2. The sale of package beer and wine shall be permitted between the hours of 9:00 AM and 9:00 PM only.
3. Applicant shall post and maintain a sign, approved by the City Police Department, prohibiting the consumption of alcoholic beverages anywhere on premises.
4. The distance waiver from the middle school to sell alcohol shall be limited to the unit with the address of 502 Martin Luther King Jr. Blvd. only, is transferable and shall run with the land.
5. The parking waiver is transferable and shall run with the land and applies to any and all uses so long as the parking calculation does not exceed 21 required spaces. Any additional uses requiring additional parking must be authorized by East Stuart District major conditional use approval.

ATTACHMENTS:

Description	Upload Date	Type
□ Resolution No. 74-2019	8/16/2019	Resolution add to Y drive
□ Attachment D: Florida Statutes §166.041(3) (c)	9/23/2014	Backup Material



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

RESOLUTION No. 74-2019

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA GRANTING A DISTANCE WAIVER TO AL-SOUDI J CORP, THEREBY PERMITTING THE SALE OF PACKAGE BEER AND WINE WITHIN 500 FEET OF A SCHOOL AND WAIVING THE PARKING REQUIREMENT FOR THE EXISTING AND PROPOSED USES AT PROPERTY LOCATED AT 502 THRU 516 MARTIN LUTHER KING JR. BLVD; PROVIDING A SITE PLAN; AN EFFECTIVE DATE; PROVIDING FOR CONDITIONS OF APPROVAL; AND FOR OTHER PURPOSES.

*** * * * ***

WHEREAS, Khaled Al Soudi, owner of Al-Soudi J Corp, a Florida registered company, is requesting a 2-APS liquor license for his place of business at Harvey Plaza, 502 Martin Luther King Jr. Blvd.; and

WHEREAS, City Code Section 4-3(b)(4) states that: *No alcoholic beverages shall be sold within 200 feet of any church, or within 500 feet of the real property that comprises a public or private elementary school, middle school, or secondary school unless the city commission approves the location as promoting the public health, safety, and general welfare of the community;* and

WHEREAS, City staff has reviewed Mr. Al Soudi's requested waiver and evaluated the potential impacts of the sale of package beer and wine at the proposed location; and

WHEREAS, the City Commission finds that conditionally granting said waiver promotes the public health, safety, and general welfare of the communities as it will assist with the redevelopment of this corridor.; and

WHEREAS, F.S. 562.45 (2) (A) is not applicable because this exception does not authorize on premise consumption. On premise consumption requires an ordinance adopted pursuant to F.S.166. 041(3)(c).

WHEARAS, City Land Development Code Section 3.02.05 Development Standards for the East Stuart Code District list permitted uses with number of parking spaces required for uses in the BMU sub-district; and

WHEARAS, City staff has also reviewed Mr. Al Soudi's requested waiver of 15 parking spaces and evaluated the potential impacts of the existing on street parking available; and

WHEREAS, the City Commission finds that conditionally granting said waiver for parking is justified based on the number of existing on-street parking spaces available and the projected impact on parking based on the existing and potential uses for the plaza.

NOW THEREFORE, BE IT RESOLVED 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 conclusions of law, as applicable.

SECTION 2: The legal description of the property is set forth in **Exhibit "A"** attached hereto and made a part hereof by reference. A map depicting the property with 500 foot radius circles from the real property corners is set forth in **Exhibit "B"** attached hereto and made a part hereof by reference. A Site Plan with a title 'Revise Bathrooms for Accessibility' by Joseph M. McCarty, Architect, Inc. signed and sealed on 6/11/2019 is set forth as **Exhibit "C"**.

SECTION 3: The distance waiver is conditioned upon compliance with all provisions set forth below:

- i. This waiver shall be limited to a 2-APS beer and wine alcoholic beverage license (package sales only) from the Division of Alcoholic Beverages and Tobacco of the State of Florida.
- ii. The sale of package beer and wine shall be permitted between the hours of 9:00 AM and 9:00 PM only.
- iii. Applicant shall post and maintain a sign, approved by the City Police Department, prohibiting the consumption of alcoholic beverages anywhere on premises.
- iv. The distance waiver from the middle school to sell alcohol shall be limited to the unit with the address of 502 Martin Luther King Jr. Blvd. only, is transferable and shall run with the land.

Resolution No. 74-2019 Waiver 502-516 MLK

- v. The parking waiver is transferable and shall run with the land and applies to any and all uses so long as the parking calculation does not exceed 21 required spaces. Any additional uses requiring additional parking must be authorized by East Stuart District major conditional use approval.

SECTION 4: The failure of the applicant to comply with the Development Conditions or terms set forth in this resolution, 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 or applicant 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 property owner to seek administrative or judicial redress.

SECTION 5: This conditional zoning approval, required by the state of Florida for the issuance of an alcoholic beverage license, may be revoked by the City manager for good cause shown, including violations of this resolution, excessive calls for police service, sale of alcohol to minors or noise violations. A decision by the City Manager to revoke conditional zoning approval is appealable to the City Commission.

SECTION 6: This resolution shall rescind Resolution 91-2014 in its entirety.

Commissioner _____ offered the foregoing resolution 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
EULA R. CLARKE, VICE MAYOR
KELLI GLASS LEIGHTON, COMMISSIONER
MERRITT MATHESON, COMMISSIONER
MIKE MEIER, COMMISSIONER

YES	NO	ABSENT	ABSTAIN

ADOPTED this 26th day of August, 2019.

ATTEST:

MARY KINDEL
CITY CLERK

REBECCA S. BRUNER, MAYOR

APPROVED AS TO FORM
AND CORRECTNESS:

MICHAEL MORTELL
CITY ATTORNEY

OWNERS ACCEPTANCE AND AGREEMENT

BY SIGNING THIS ACCEPTANCE AND AGREEMENT, THE UNDERSIGNED HEREBY ACCEPTS AND AGREES TO ALL OF THE TERMS AND CONDITIONS CONTAINED IN THE FOREGOING RESOLUTION, AND 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 FOREGOING RESOLUTION. IF IT IS LATER DISCOVERED THAT THE UNDERSIGNED, OR ITS SUCCESSORS OR ASSIGNS HAVE FAILED IN ANY MATERIAL WAY TO DEVELOP THIS BUSINESS ACCORDING TO THIS RESOLUTION, ITS CONDITIONS, AND THE DEVELOPMENT DOCUMENTS, THE UNDERSIGNED UNDERSTANDS AND AGREES THAT THIS RESOLUTION MAY BE AMENDED OR REPEALED BY THE CITY COMMISSION, AND THAT OTHER ADMINISTRATIVE ACTIONS AND PENALTIES MAY BE TAKEN AGAINST THE UNDERSIGNED, ITS SUCCESSORS OR ASSIGNS, BY THE CITY, INCLUDING BUT NOT LIMITED TO SANCTIONS DESCRIBED IN THIS RESOLUTION, CODE ENFORCEMENT ACTIONS, PERMIT AND LICENSING SUSPENSIONS OR REVOCATIONS, AND ANY OR ALL OTHER APPLICABLE CIVIL AND CRIMINAL ACTIONS.

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

WITNESSES:

Al-Soudi J Corp

Print name: _____

Jamal Al-Soudi President

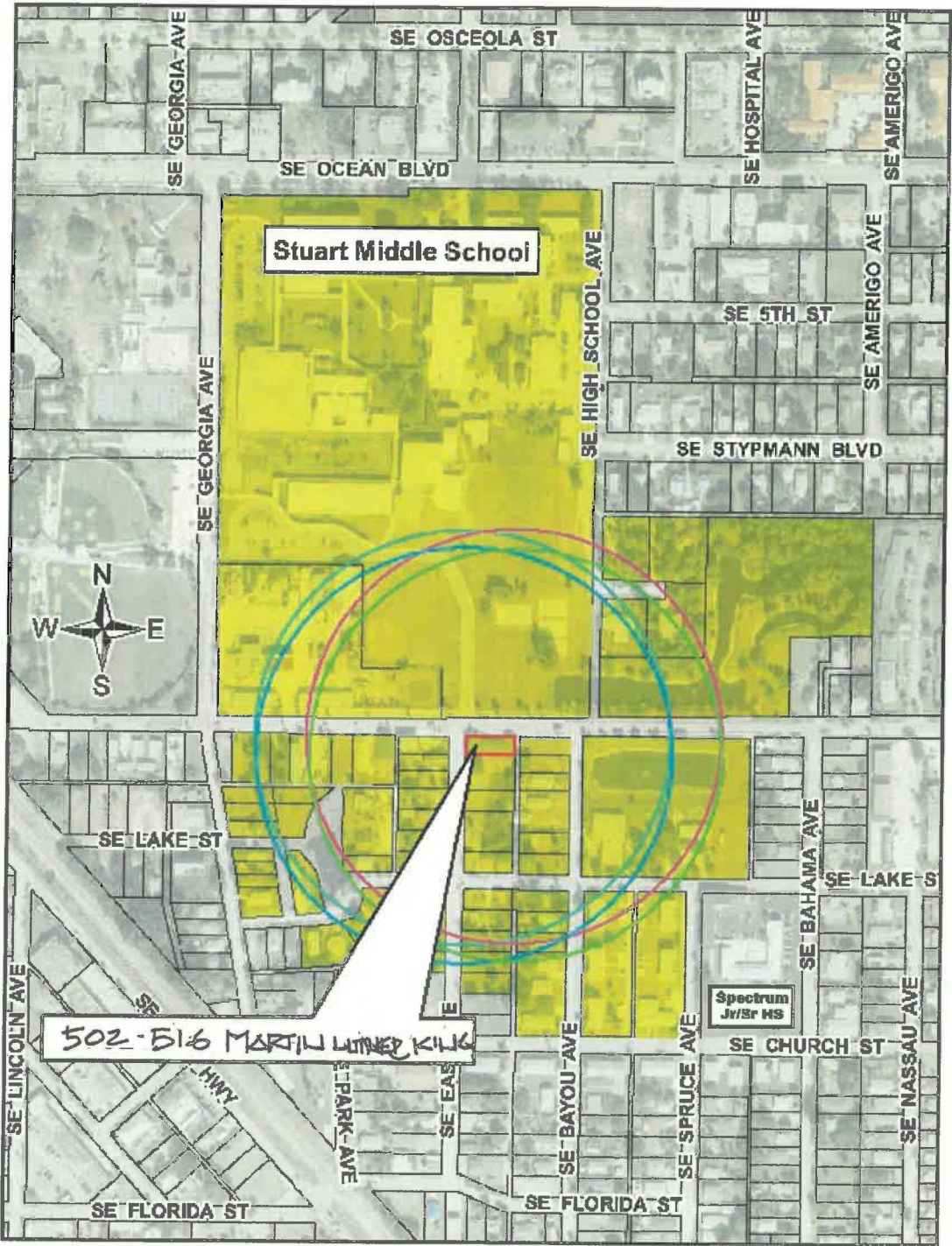
Print name: _____

Notary Public, State of Florida
My Commission Expires:
Notary Seal

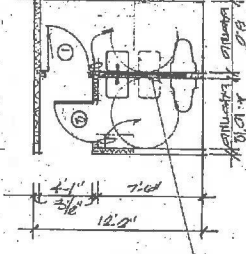
“Exhibit A”

Lot 1, Block 1, of Lincoln Park according to the Plat of Hillcrest and Lincoln Park according to the Plat of Hillcrest and Lincoln Park filed October 8, 1913. And recorded in Plant Book 5, Page 14, Palm Beach Together a 10’ alley adjacent on the East side.

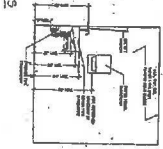
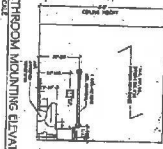
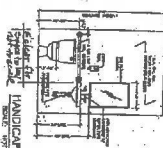
“Exhibit B”



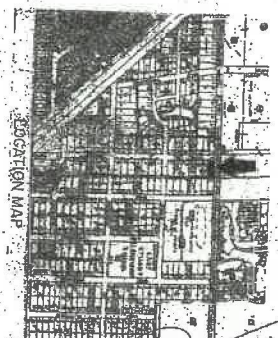
1000s PLAN
1/4" = 1'-0"



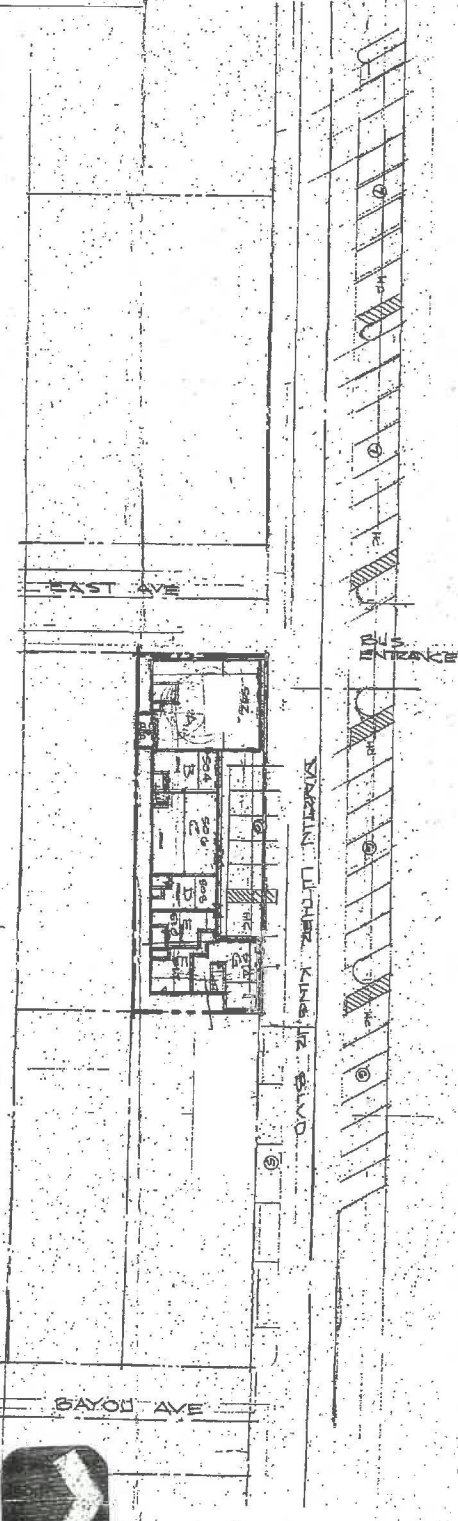
STAIRS TO
SECOND FLOOR
FROM LOBBY



HANDICAP BATHROOM MOUNTING ELEVATIONS
SCALE: 1/4" = 1'-0"



LOCATION MAP



USE/PAVING DATA

Unit Address	Area	Use	Occupancy	Parking Required
A) 502	1153 SF	retail	mercantile	6
B) 504	2264 SF	retail	mercantile	2
C) 506	2264 SF	retail	mercantile	4.5
D) 508	2779 SF	retail	mercantile	7.5
E) 510	2973 SF	retail	mercantile	2
F) 512	314 SF	retail	mercantile	2.5
G) 514	412 SF	retail	mercantile	2.5
Public Parking spaces provided:				26.5

Notes:
1. All work to be performed by licensed contractor.
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Select Year: 2013 ▼ Go

The 2013 Florida Statutes

[Title XII](#)
MUNICIPALITIES

[Chapter 166](#)
MUNICIPALITIES

[View Entire Chapter](#)

166.041 Procedures for adoption of ordinances and resolutions.—

(1) As used in this section, the following words and terms shall have the following meanings unless some other meaning is plainly indicated:

(a) “Ordinance” means an official legislative action of a governing body, which action is a regulation of a general and permanent nature and enforceable as a local law.

(b) “Resolution” means an expression of a governing body concerning matters of administration, an expression of a temporary character, or a provision for the disposition of a particular item of the administrative business of the governing body.

(2) Each ordinance or resolution shall be introduced in writing and shall embrace but one subject and matters properly connected therewith. The subject shall be clearly stated in the title. No ordinance shall be revised or amended by reference to its title only. Ordinances to revise or amend shall set out in full the revised or amended act or section or subsection or paragraph of a section or subsection.

(3)(a) Except as provided in paragraph (c), a proposed ordinance may be read by title, or in full, on at least 2 separate days and shall, at least 10 days prior to adoption, be noticed once in a newspaper of general circulation in the municipality. The notice of proposed enactment shall state the date, time, and place of the meeting; the title or titles of proposed ordinances; and the place or places within the municipality where such proposed ordinances may be inspected by the public. The notice shall also advise that interested parties may appear at the meeting and be heard with respect to the proposed ordinance.

(b) The governing body of a municipality may, by a two-thirds vote, enact an emergency ordinance without complying with the requirements of paragraph (a) of this subsection. However, no emergency ordinance or resolution shall be enacted which establishes or amends the actual zoning map designation of a parcel or parcels of land or that changes the actual list of permitted, conditional, or prohibited uses within a zoning category. Emergency enactment procedures for land use plans adopted pursuant to part II of chapter 163 shall be pursuant to that part.

(c) Ordinances initiated by other than the municipality that change the actual zoning map designation of a parcel or parcels of land shall be enacted pursuant to paragraph (a). Ordinances that change the actual list of permitted, conditional, or prohibited uses within a zoning category, or ordinances initiated by the municipality that change the actual zoning map designation of a parcel or parcels of land shall be enacted pursuant to the following procedure:

1. In cases in which the proposed ordinance changes the actual zoning map designation for a parcel or parcels of land involving less than 10 contiguous acres, the governing body shall direct the clerk of the governing body to notify by mail each real property owner whose land the municipality will redesignate by enactment of the ordinance and whose address is known by reference to the latest ad valorem tax records. The notice shall state the substance of the proposed ordinance as it affects that

property owner and shall set a time and place for one or more public hearings on such ordinance. Such notice shall be given at least 30 days prior to the date set for the public hearing, and a copy of the notice shall be kept available for public inspection during the regular business hours of the office of the clerk of the governing body. The governing body shall hold a public hearing on the proposed ordinance and may, upon the conclusion of the hearing, immediately adopt the ordinance.

2. In cases in which the proposed ordinance changes the actual list of permitted, conditional, or prohibited uses within a zoning category, or changes the actual zoning map designation of a parcel or parcels of land involving 10 contiguous acres or more, the governing body shall provide for public notice and hearings as follows:

a. The local governing body shall hold two advertised public hearings on the proposed ordinance. At least one hearing shall be held after 5 p.m. on a weekday, unless the local governing body, by a majority plus one vote, elects to conduct that hearing at another time of day. The first public hearing shall be held at least 7 days after the day that the first advertisement is published. The second hearing shall be held at least 10 days after the first hearing and shall be advertised at least 5 days prior to the public hearing.

b. The required advertisements shall be no less than 2 columns wide by 10 inches long in a standard size or a tabloid size newspaper, and the headline in the advertisement shall be in a type no smaller than 18 point. The advertisement shall not be placed in that portion of the newspaper where legal notices and classified advertisements appear. The advertisement shall be placed in a newspaper of general paid circulation in the municipality and of general interest and readership in the municipality, not one of limited subject matter, pursuant to chapter 50. It is the legislative intent that, whenever possible, the advertisement appear in a newspaper that is published at least 5 days a week unless the only newspaper in the municipality is published less than 5 days a week. The advertisement shall be in substantially the following form:

NOTICE OF (TYPE OF) CHANGE

The (name of local governmental unit) proposes to adopt the following ordinance: (title of the ordinance) .

A public hearing on the ordinance will be held on (date and time) at (meeting place) .

Except for amendments which change the actual list of permitted, conditional, or prohibited uses within a zoning category, the advertisement shall contain a geographic location map which clearly indicates the area covered by the proposed ordinance. The map shall include major street names as a means of identification of the general area. In addition to being published in the newspaper, the map must be part of the online notice required pursuant to s. 50.0211.

c. In lieu of publishing the advertisement set out in this paragraph, the municipality may mail a notice to each person owning real property within the area covered by the ordinance. Such notice shall clearly explain the proposed ordinance and shall notify the person of the time, place, and location of any public hearing on the proposed ordinance.

(4) A majority of the members of the governing body shall constitute a quorum. An affirmative vote of a majority of a quorum present is necessary to enact any ordinance or adopt any resolution; except that two-thirds of the membership of the board is required to enact an emergency ordinance. On final passage, the vote of each member of the governing body voting shall be entered on the official record of the meeting. All ordinances or resolutions passed by the governing body shall become effective 10 days after passage or as otherwise provided therein.

(5) Every ordinance or resolution shall, upon its final passage, be recorded in a book kept for that purpose and shall be signed by the presiding officer and the clerk of the governing body.

(6) The procedure as set forth herein shall constitute a uniform method for the adoption and enactment of municipal ordinances and resolutions and shall be taken as cumulative to other methods now provided by law for adoption and enactment of municipal ordinances and resolutions. By future ordinance or charter amendment, a municipality may specify additional requirements for the adoption or enactment of ordinances or resolutions or prescribe procedures in greater detail than contained herein. However, a municipality shall not have the power or authority to lessen or reduce the requirements of this section or other requirements as provided by general law.

(7) Five years after the adoption of any ordinance or resolution adopted after the effective date of this act, no cause of action shall be commenced as to the validity of an ordinance or resolution based on the failure to strictly adhere to the provisions contained in this section. After 5 years, substantial compliance with the provisions contained in this section shall be a defense to an action to invalidate an ordinance or resolution for failure to comply with the provisions contained in this section. Without limitation, the common law doctrines of laches and waiver are valid defenses to any action challenging the validity of an ordinance or resolution based on failure to strictly adhere to the provisions contained in this section. Standing to initiate a challenge to the adoption of an ordinance or resolution based on a failure to strictly adhere to the provisions contained in this section shall be limited to a person who was entitled to actual or constructive notice at the time the ordinance or resolution was adopted. Nothing herein shall be construed to affect the standing requirements under part II of chapter 163.

(8) The notice procedures required by this section are established as minimum notice procedures.

History.—s. 1, ch. 73-129; s. 2, ch. 76-155; s. 2, ch. 77-331; s. 1, ch. 83-240; s. 1, ch. 83-301; s. 2, ch. 95-198; s. 5, ch. 95-310; s. 5, ch. 2012-212.

CITY OF STUART, FLORIDA AGENDA ITEM REQUEST CITY COMMISSION

Meeting Date: 8/26/2019

Prepared by: jchrulski

Title of Item:

2020 LEGISLATIVE PRIORITIES (RC):

RESOLUTION No. 75-2019; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, AUTHORIZING THE ADOPTION OF LEGISLATIVE PRIORITIES FOR THE 2020 LEGISLATIVE SESSION.

Summary Explanation/Background Information on Agenda Request:

RESOLUTION NO. 75-2019, A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, AUTHORIZING THE ADOPTION OF LEGISLATIVE PRIORITIES FOR THE 2020 LEGISLATIVE SESSION.

Funding Source:

N/A

Recommended Action:

Approve R75-2019

ATTACHMENTS:

	Description	Upload Date	Type
▣	R75-2019 Resolution 2020 Legislative Priorities	8/15/2019	Resolution add to Y drive
▣	R75-2019 Recommended Summary 2020 Legislative Priorities	8/15/2019	Attachment



BEFORE THE CITY COMMISSION
CITY OF STUART, FLORIDA

RESOLUTION NUMBER 75-2019

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF
STUART, FLORIDA, AUTHORIZING THE ADOPTION OF
LEGISLATIVE PRIORITIES FOR THE 2020 LEGISLATIVE SESSION.

* * * * *

WHEREAS, the City of Stuart City Commission is committed to legislative advocacy in Tallahassee on issues that directly and indirectly impact residents, while providing meaningful input to elected representatives on issues of concern throughout the legislative process; and

WHEREAS, City Commissioners and selected staff have further represented the interests of the City by serving on select legislative policy committees for the Florida League of Cities; and

WHEREAS, the City has identified as its highest legislative priority for 2020, a funding request of more than \$1,000,000.00 from the State for Phase II construction of its Alternative Water Supply Project designed to provide the best modern water treatment technology for city utility customers with capacity expansion variability for the foreseeable future; and

WHEREAS, the City has also identified key legislative priorities and other critical policy issues concerning the environment, home rule, tax reform, and public safety.

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

SECTION 1: The foregoing precatory language is adopted as if set forth below.

SECTION 2: The City of Stuart, Florida and City Commission hereby approve and adopt the 2020 Legislative Priorities as presented and authorize staff to work with the legislative delegation and other members of the Florida Legislature in representing the interests of the City while advocating for issues of critical importance.

SECTION 3: This Resolution shall become effective upon its adoption.

Commissioner _____ offered the foregoing resolution 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
EULA R. CLARKE, VICE MAYOR
KELLI GLASS LEIGHTON, COMMISSIONER
MERRITT MATHESON, COMMISSIONER
MIKE MEIER, COMMISSIONER

YES	NO	ABSENT	ABSTAIN

ADOPTED this ____ day of _____, 2019.

ATTEST:

MARY R. KINDEL
CITY CLERK

REBECCA S. BRUNER
MAYOR

APPROVED AS TO FORM
AND CORRECTNESS:

MICHAEL MORTELL
CITY ATTORNEY



2020 LEGISLATIVE PRIORITIES

THE FOLLOWING LEGISLATIVE MATTERS HAVE BEEN IDENTIFIED BY THE CITY OF STUART CITY COMMISSION AS THE MOST URGENT LEGISLATIVE PRIORITIES FOR THE CITY.

APPROPRIATION REQUEST:

ALTERNATIVE WATER SUPPLY PROJECT – PHASE II - \$1 MILLION

Background: The City of Stuart owns and operates a water treatment plant (WTP), utilizing a lime-softening system with a permitted treatment capacity of 6 million gallons per day (mgd). The City currently treats raw water from the surficial aquifer system (SAS), which is threatened with pollution from various sources including local runoff, saltwater intrusion, and manmade synthetic and organic chemicals and compounds from historical industries. Much of this pollution is out of the scope of control of the City and would be impractical to mitigate directly. Due to these increasing threats to the existing water supply and potential for more stringent future drinking water regulations, the City needs to diversify its supply options by investing in the Floridian Aquifer System (FAS) as an alternate water supply (AWS).

The City's Public Works Department, in collaboration with its consultants, has created a plan for an AWS which includes a hybrid of Reverse Osmosis, Ion-Exchange, and utilization of the FAS. The plan includes variability for capacity expansion well into the future, while providing the best modern water treatment technology for users.

The City of Stuart REQUESTS state assistance in the form of a \$1 million, non-recurring appropriations for Phase II of its Alternative Water Supply Project.

POLICY PRIORITIES:

1. WATER QUALITY & WATER SUPPLY

Background: In order to curb the harmful impacts of freshwater discharges, state resources and funding is desperately needed for capital projects designed to retain and treat billions of gallons of freshwater, from wherever it may originate. These resources are also needed on an annual basis in order to incentivize septic users to convert to municipal sewer systems, mitigating any further local pollution impacts to the waterways. Additionally, as new science and discoveries open the way for more restrictive pollution standards, utilities like the City of Stuart will look to alternative water sources like the lower Floridan Aquifer. Funding for a new generation of water supply projects and programs will be required in order to manage these increasingly complex issues.

The City of Stuart SUPPORTS enhanced levels of State funding for water quality and supply related projects and programs, including appropriations for septic to sewer conversions and alternative water supply.

2. COASTAL RESILIENCY

Background: As Florida's coastal communities continue to grow, natural infrastructural improvements and systems will be needed to buffer shorelines, reduce wave action caused by tropical systems, and improve overall floodplain management. Although grants have traditionally been utilized as a means for communities to identify and discuss local challenges and areas for improvement, few resources have been committed towards capital infrastructure. These projects will be essential in achieving the goals and objectives identified in each community's coastal resiliency plan.

The City of Stuart SUPPORTS state-bolstered funding for coastal resiliency and flood mitigation projects that may limit the negative impacts of sea level rise and future storm damage.

3. ENVIRONMENTAL SUSTAINABILITY

Background: Natural resources are a precious commodity and are not in infinite supply. Efforts within the State should be made to invest in renewable sources of energy while addressing existing pollution sources. In addition, future land and growth management must prioritize considerations for long-term environmental impacts caused by human population growth and urban sprawl. Commercial industries will need both incentives for switching to sustainable alternatives coupled with the imposition of economic deterrents to disincentivize ongoing, environmentally devastating practices. Similarly, commercial businesses and other industries must switch to alternative materials for packaging products that are more environmentally friendly than plastic and polystyrene. Traditional plastics do not biodegrade at the molecular level and are therefore, enduring pollutants that cannot be easily removed once they fragment into smaller particles.

The City of Stuart SUPPORTS establishing measurable statewide objectives towards reducing the overall carbon footprint of industrial, agricultural, and consumer operations within the State as a means of addressing the growing threat of global climate change. The City of Stuart also SUPPORTS policies that will reduce or eliminate single-use plastics and polystyrene materials as a means of curbing the overall contribution of pollution into the environment.

4. LOCAL SELF-GOVERNMENT

Background: For more than 50 years, local governments in the State have been granted governmental, corporate, and proprietary powers expressly outlined in the Florida Constitution; enabling them to conduct municipal government, perform municipal functions, and render municipal services. Additionally, by law or resolution, each governing body has the Constitutional authority to transfer to or contract with another local government, any of its functions or powers as approved by its voters. These provisions were codified with the belief that the best government is the one closest to the people. In recent years, hundreds of bills were filed in the Legislature without regard or respect for the establishment of local self-government and the principle of “home rule.” Among these measures were broad attempts to disassemble community redevelopment agencies and preempt local governing regulations over businesses and professions, including the levying of local business taxes.

The City of Stuart OPPOSES any effort to undermine voter-derived Constitutional authorities of local self-government. The City also OPPOSES any legislative effort to diminish local management of businesses and professions by preempting such policy at the state level.

5. REFORMING REVENUE SOURCES

Background: The Communication Services Tax (CST) currently accounts for more than \$900k in annual revenue for the City of Stuart. And like many small municipalities, Stuart has few options to raise revenue. The City of Stuart supports tax reform, but in a manner that is fair and equitable across the state. One reform could include eliminating the local portion of the CST altogether. To compensate for the lost revenue the state could levy another half or full cent sales tax – with funds to be almost entirely distributed to local governments. By eliminating the local portion of the telecommunication-user tax (CST) and providing a statewide half or full-cent increase in sales tax with all funds earmarked for local governments, costs would be shifted from only residents, to tourists and residents alike. This change would allow for a more equitable and broad tax-base, benefitting all Florida residents.

The City of Stuart OPPOSES any legislation that erodes the CST without providing for an equal and fair funding source to match lost revenue. The City SUPPORTS tax reform by providing local governments with a more fair and equitable funding source via a statewide half or full-cent sales tax increase, with all funds from the additional tax, less administrative costs, to be earmarked for local governments.

6. RAILWAY SAFETY INFRASTRUCTURE

Background: With the introduction of new high-speed passenger trains and rail lines, local governments are requesting new safety considerations at existing railway crossings. Currently local taxpayers are obligated to fund both the maintenance and capital costs associated with these critically important safety improvements, which are necessary to mitigate impacts from commercial enterprise. And while the federal government maintains legal supremacy over the approval of new railway traffic and infrastructure, the State of Florida can save its citizens the burden of covering these unplanned public impacts incurred by private industry by shifting such costs away from taxpayers and back to the companies from which they originate.

The City of Stuart SUPPORTS legislation that would improve railway safety requirements while shifting all or a portion of those costs to the originating companies whose operations impacts the quality of life and safety of residents.

7. SHORT-TERM RENTALS

Background: The State of Florida has struggled to define the limitations of local government control over short-term (vacation) rentals for more than a decade and the problem has only been exacerbated by industry lobbying. The vacation rental industry is a non-traditional market designed in part to purposefully evade existing licensing and regulatory standards and practices tied to commercial business. Consequently, traditionally residentially zoned areas in many communities have experienced an increase in commercial-like activity. Single-family residential areas with history of quiet enjoyment also experience more frequent disturbances and quality-of-life hardships with little means of holding responsible parties accountable – vacationers who have neither stake in the community nor pay local taxes.

The City of Stuart SUPPORTS legislation that provides local governments with more regulatory powers over short-term rentals. The City also SUPPORTS any statewide policies that establish equitable commercial standards of licensing and accountability for non-traditional vacation rentals and the hotel and motel industry alike.

CITY OF STUART, FLORIDA AGENDA ITEM REQUEST CITY COMMISSION

Meeting Date: 8/26/2019

Prepared by: Stephen Mayer

Title of Item:

ROW ABANDONMENT REAR OF MOLLY'S HOUSE (RC):

ORDINANCE No. 2414-2019; AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA TO PROVIDE FOR THE ABANDONMENT OF CERTAIN PUBLIC RIGHT-OF-WAY WITHIN THE CITY BEING THAT CERTAIN 12-FOOT PORTION OF RIGHT-OF-WAY, AS SET FORTH ON THE PLAT OF STYPMANN'S SUBDIVISION, AS PER PLAT THEREOF RECORDED IN PLAT BOOK 5, PAGE 82, MARTIN COUNTY, FLORIDA PUBLIC RECORDS RUNNING EAST TO WEST THROUGH THE PROPERTY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO AND DEPICTED IN EXHIBIT "B" ATTACHED HERETO; PROVIDING FOR PAYMENT OF A PRIVILEGE FEE; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Summary Explanation/Background Information on Agenda Request:

This is the First Reading of Ord 2414-2019. The applicant, owner of real property at 430 SE Osceola (Known as Molly's House), have requested the abandonment of 12 feet of unutilized public Right of Way. That is behind the main house and between the house and a shed on Lot 5 of Block 1 of the Stypmann's subdivision. The 12' right of way is located generally as a discontinued alley between SE Osceola Street and SE Ocean Boulevard. The City's Public Works Department has determined that the use of the Right of Way is no longer in the public's best interest and does not object to the abandonment of the City's interest.

A fair market appraisal of the real property has determined that the market value of the property is \$1,175. As provided in Section 36-2 of the City's Code of Ordinances, staff recommends payment of a privilege fee in the amount of 100% of the market value, or \$1,175, prior to the abandonment of the City's interest. The applicant is requesting a waiver from the payment of the privilege fee, which the City Commission could waive per Section 36-2., in matters of public interest.

Funding Source:

N/A

Recommended Action:

Move approval of Ordinance 2414-2019 on First Reading and move to hear the item on Second Reading on Sept 9, 2019.

ATTACHMENTS:

Description	Upload Date	Type
Ordinance 2414-2019	8/9/2019	DRAFT ORDINANCE

- ▣ Staff Report 8/9/2019
- ▣ Application (including market study) 8/9/2019

Staff Report
Exhibit



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

ORDINANCE NUMBER 2414-2019

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA TO PROVIDE FOR THE ABANDONMENT OF CERTAIN PUBLIC RIGHT-OF-WAY WITHIN THE CITY BEING THAT CERTAIN 12-FOOT PORTION OF RIGHT-OF-WAY, AS SET FORTH ON THE PLAT OF STYPMANN'S SUBDIVISION, AS PER PLAT THEREOF RECORDED IN PLAT BOOK 5, PAGE 82, MARTIN COUNTY, FLORIDA PUBLIC RECORDS RUNNING EAST TO WEST THROUGH THE PROPERTY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO AND DEPICTED IN EXHIBIT "B" ATTACHED HERETO; PROVIDING FOR PAYMENT OF A PRIVILEGE FEE; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

*** * * * ***

WHEREAS, William West, Chief Executive Officer of Molly's House, Inc/ (Applicant) has filed a petition for abandonment relating to the public right-of-way described below that conforms to the requirements of Section 36 of the Code of Ordinances of the City of Stuart, Florida; and

WHEREAS, at the public hearing to consider the requested abandonment the City Commission has determined that it is the best public interest that the said right-of-way be

Ordinance No. 2414-2019 – Molly’s House R.O.W. Abandonment

abandoned as said right-of-way is needed for continuity of an existing parcel; and

WHEREAS, Daniel K. Deighan, MAI and Robert W. Kunkle, of Deighan Consultants, conducted a fair market appraisal of said right of way property on March 25, 2019, and determined that the market value of the real property is **ONE THOUSAND ONE HUNDRED SEVENTY-FIVE DOLLARS (\$1,175)**.

NOW THEREFORE, THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA ordains, as follows:

SECTION 1: That any interest vested with the City of Stuart in that certain 12-foot right-of-way, as set forth as LOT 5 of the Plat of STYPMANN SUBDIVISION, as recorded in Plat Book 5, Page 82, Martin County, Florida Public Records running EAST to WEST through the Property described in **Exhibit “A”** attached hereto and depicted in **Exhibit “B”** attached hereto is hereby abandoned.

SECTION 2: A location map depicting the subject area is hereby attached as **Exhibit “C.”**

SECTION 3: The Applicants agree to pay the privilege fee of the amount of **ONE THOUSAND ONE HUNDRED SEVENTY-FIVE DOLLARS (\$1,175)**. prior to the abandonment of the City’s interest in the property.

SECTION 4: Conflicts. All ordinances or parts of ordinances in conflict herewith shall be repealed.

SECTION 5: Severability: If any word, clause, sentence, paragraph, section or part thereof contained in this Ordinance is declared to be unconstitutional, unenforceable, void or inoperative by a court of competent jurisdiction, such declaration shall not affect the validity of the remainder of this ordinance.

Ordinance No. 2414-2019 – Molly’s House R.O.W. Abandonment

SECTION 6: Effective Date: This Ordinance shall become effective immediately upon adoption.

Passed on first reading the ____ day of _____, 2019.

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
EULA R. CLARKE, VICE MAYOR
KELLI GLASS LEIGHTON, COMMISSIONER
MERRITT MATHESON, COMMISSIONER
MIKE MEIER, COMMISSIONER

YES	NO	ABSENT	ABSTAIN

ADOPTED on second and final reading this ____ day of _____, 2019.

ATTEST:

MARY R. KINDEL
CITY CLERK

REBECCA S. BRUNER
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:

Ordinance No. 2414-2019 – Molly’s House R.O.W. Abandonment

WITNESSES:

William West, CEO (Owner/Applicant)

Print Name: _____

By: _____
Molly’s House, Inc.

Print Name: _____

OWNER’S ACKNOWLEDGMENT

The above Ordinance, Acceptance and Agreement was acknowledged before me this _____ day
of _____, 2019, by William West, CEO, Molly’s House, Inc.

Notary Public, State of Florida
My Commission Expires:

Notary Seal

Personally Known _____ OR Produced Identification _____
Type of Identification Produced _____

CITY’S ACKNOWLEDGMENT

The above Ordinance, Acceptance and Agreement was acknowledged before me this ____ day of _____, 2019, by Rebecca S. Bruner, Mayor, and Mary R. Kindel, City Clerk, respectively, of the City of Stuart, Florida, a Florida municipal corporation.

Notary Public, State of Florida

My Commission Expires:

Notary Seal

Personally Known _____ OR Produced Identification _____

Type of Identification Produced _____

EXHIBIT “A”

LEGAL DESCRIPTION

LOT 5, BLOCK 1, STYPMANN’S SUBDIVISION, AS PER PLAT THEREOF RECORDED IN PLAT BOOK 5, PAGE 82, MARTIN COUNTY, FLORIDA PUBLIC RECORDS

STEPHEN J. BROWN, INC.		LICENSED BUSINESS NUMBER: 6484												
SURVEYORS • DESIGNERS • LANDPLANNERS • CONSULTANTS														
619 EAST 5TH STREET, STUART, FLORIDA 34994 EMAIL: SJBINC@BELLSOUTH.NET (772) 288-7176														
LEGAL DESCRIPTION REVOCABLE LICENSE														
A PORTION OF AN EXISTING ALLEY ABUTTING AND ADJACENT TO A PORTION OF THE SOUTH LINE OF LOT 22, BLOCK 1 AND THE NORTH LINE OF LOT 5, BLOCK 1, STYPMANN’S SUBDIVISION, AS RECORDED IN PLAT BOOK 5, PAGE 82, PUBLIC RECORDS OF PALM BEACH (NOW MARTIN) COUNTY, FLORIDA, AND BEING FURTHER DESCRIBED AS FOLLOWS:														
COMMENCE AT THE NORTHWEST CORNER OF LOT 6, BLOCK 1, STYPMANN’S SUBDIVISION, AS RECORDED IN PLAT BOOK 5, PAGE 82, PUBLIC RECORDS OF PALM BEACH (NOW MARTIN) COUNTY, FLORIDA; THENCE SOUTH 89°57’27” WEST, ALONG THE NORTH LINE OF SAID LOT 5, BLOCK 1, FOR A DISTANCE OF 25.00 FEET TO THE POINT OF BEGINNING;														
THENCE CONTINUE SOUTH 89°57’27” WEST, ALONG THE NORTH LINE OF SAID LOT 5, FOR A DISTANCE OF 25.00 FEET TO THE NORTHWEST CORNER OF SAID LOT 5; THENCE, DEPARTING SAID NORTH LINE, NORTH 00°30’27” EAST, FOR A DISTANCE OF 12.00 FEET, TO THE SW CORNER OF SAID LOT 22, BLOCK 1; THENCE NORTH 89°57’27” EAST, ALONG THE SOUTH LINE OF SAID LOT 22, FOR A DISTANCE OF 25.00 FEET; THENCE SOUTH 00°30’27” WEST, FOR A DISTANCE OF 12.00 FEET TO THE POINT OF BEGINNING.														
PARCEL CONTAINS 300.0 SQUARE FEET, +/-.														
NOTE: THIS LAND DESCRIPTION SHALL NOT BE VALID UNLESS:														
A. PROVIDED IN ITS ENTIRETY CONSISTING OF 2 SHEETS, WITH SHEET 2 BEING THE SKETCH OF DESCRIPTION.		<table border="1" style="width: 100%; border-collapse: collapse;"><tr><td style="padding: 2px;">JOB #:</td><td style="padding: 2px;">2304-01-02</td></tr><tr><td style="padding: 2px;">DRAWN BY:</td><td style="padding: 2px;">S.J.B.</td></tr><tr><td style="padding: 2px;">CHECKED BY:</td><td style="padding: 2px;">S.J.B.</td></tr><tr><td style="padding: 2px;">DATE:</td><td style="padding: 2px;">03/05/2019</td></tr><tr><td style="padding: 2px;">SCALE:</td><td style="padding: 2px;">N/A</td></tr><tr><td style="padding: 2px;">SHEET:</td><td style="padding: 2px;">1 OF 2</td></tr></table>	JOB #:	2304-01-02	DRAWN BY:	S.J.B.	CHECKED BY:	S.J.B.	DATE:	03/05/2019	SCALE:	N/A	SHEET:	1 OF 2
JOB #:	2304-01-02													
DRAWN BY:	S.J.B.													
CHECKED BY:	S.J.B.													
DATE:	03/05/2019													
SCALE:	N/A													
SHEET:	1 OF 2													
B. REPRODUCTIONS OF THIS DESCRIPTION AND SKETCH ARE SIGNED AND SEALED WITH AN EMBOSSED SURVEYOR’S SEAL.														

EXHIBIT “B”

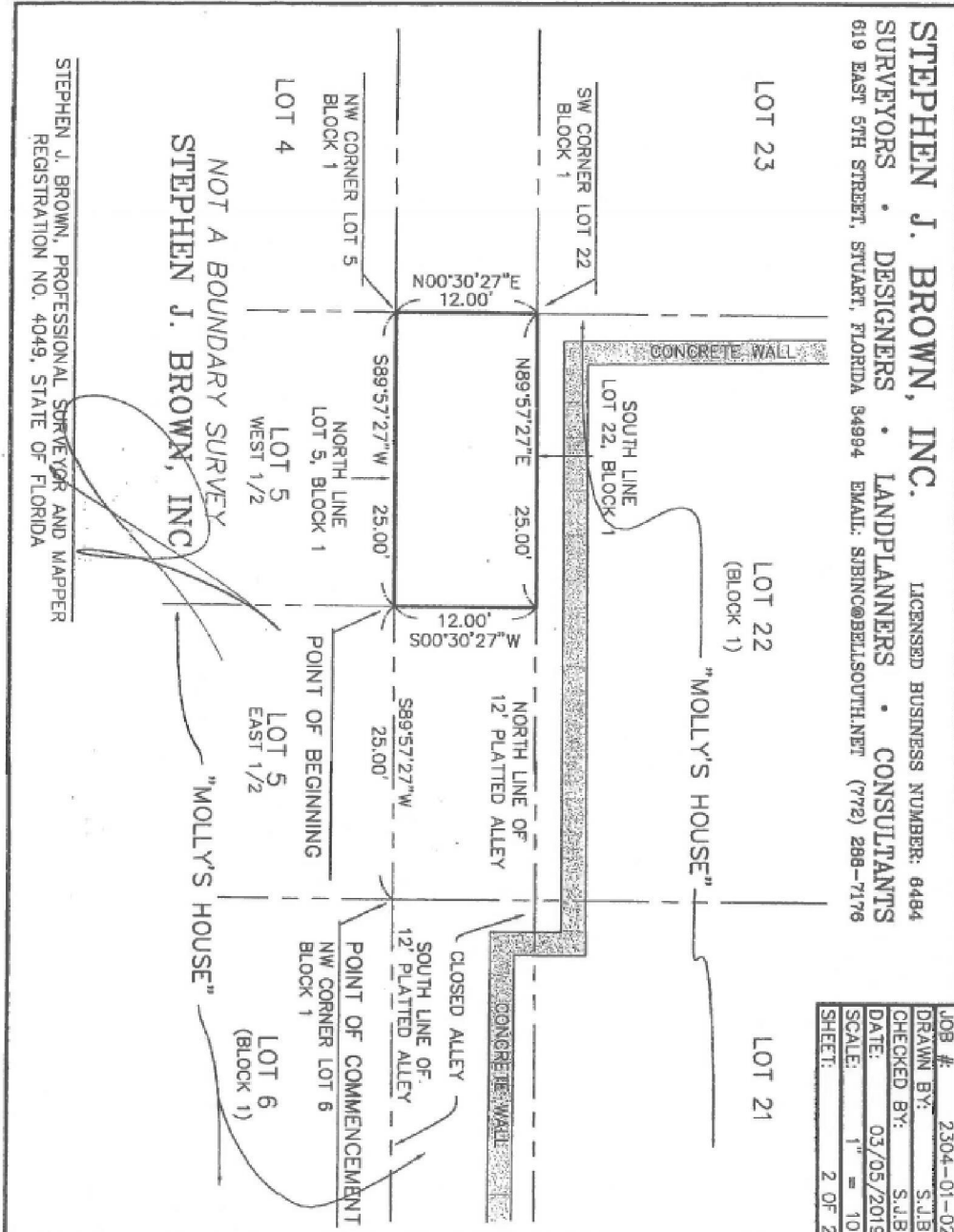


EXHIBIT “C”

SUBJECT AERIAL MAP



Red outline is Molly's House, for reference purposes only.
Yellow outline is proposed abandonment area, for reference purposes only.

Meeting Date: 8/26/2019

Prepared by: Stephen Mayer

Title of Item: FIRST READING: MOLLY'S HOUSE ROW ABANDONMENT (QUASI-JUDICIAL)(RC):

ORDINANCE No. 2414-2019; AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA TO PROVIDE FOR THE ABANDONMENT OF CERTAIN PUBLIC RIGHT-OF-WAY WITHIN THE CITY BEING THAT CERTAIN 12-FOOT PORTION OF RIGHT-OF-WAY, AS SET FORTH ON THE PLAT OF STYPMANN'S SUBDIVISION, AS PER PLAT THEREOF RECORDED IN PLAT BOOK 5, PAGE 82, MARTIN COUNTY, FLORIDA PUBLIC RECORDS RUNNING EAST TO WEST THROUGH THE PROPERTY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO AND DEPICTED IN EXHIBIT "B" ATTACHED HERETO; PROVIDING FOR PAYMENT OF A PRIVILEGE FEE; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Summary Explanation/Background Information on Agenda Request:

This is the First Reading of Ord 2414-2019. The applicant, owner of real property at 430 SE Osceola (Known as Molly's House), have requested the abandonment of 12 feet of unutilized public Right of Way. That is behind the main house and between the house and a shed on Lot 5 of Block 1 of the Stypmann's subdivision. The 12' right of way is located generally as a discontinued alley between SE Osceola Street and SE Ocean Boulevard. The City's Public Works Department has determined that the use of the Right of Way is no longer in the public's best interest and does not object to the abandonment of the City's interest.

A fair market appraisal of the real property has determined that the market value of the property is \$1,175. As provided in Section 36-2 of the City's Code of Ordinances, staff recommends payment of a privilege fee in the amount of 100% of the market value, or \$1,175, prior to the abandonment of the City's interest. The applicant is requesting a waiver from the payment of the privilege fee, which the City Commission could waive per Section 36-2., in matters of public interest.

Funding Source:

N/A

Recommended Action:

Move approval of Ordinance 2414-2019 on First Reading and move to hear the item on Second Reading on Sept 9, 2019.



Received by: SM
Reviewed by: _____
Approved by: _____

Project ID# 219070001
(Staff Entry)

08262019 CCM

General Information

(Please Print or Type)

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

Name: William West	City/State/Zip Code: Stuart, FL 34994
Title: Chief Executive Officer	Telephone Number: 772-223-6659
Company: Molly's House, Inc.	Facsimile Number: 772-223-9990
Company Address: 430 SE Osceola St.	Email Address (optional):

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:	City/State/Zip Code:
Title:	Telephone Number:
Company:	Facsimile Number:
Company Address:	Email Address (optional):

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/State/Zip Code:
Title:	Telephone Number:
Company:	Facsimile Number:
Company Address:	Email Address (optional):

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

4. Signed this 25th day of June, 2019.

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

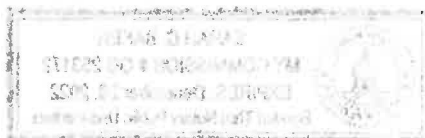
State of Florida, Martin County The foregoing instrument was acknowledged before me on this 25th day of June 2019 by William West who is personally known to me, or who has produced _____ as identification and who did/did not take an oath.

[Signature]
Notary Signature



08262010 GCM

08262019 CCM



RE: Application for Right of Way Abandonment.

Justification:

The Applicant, Molly's House, Inc., is a 501(c)3 non-profit corporation, is a Hospital Hospitality House located at 430 S.E. Osceola Street, Stuart. Molly's House provides affordable (or free) temporary housing to patients and/or their families, while the patient is being treated at Cleveland Clinic Martin Hospital or other medical facilities in Stuart, Martin County and the Treasure Coast. Almost one hundred percent of funding for Molly's House comes from donations from the public.

In 1997 Molly's House acquired land, currently used as the "Memory Garden", located behind Molly's House and fronting on East Ocean Blvd. That land, consisted of the E ½ of Lot 5, and Lots 6, 7 and 8 Block 1, Stypmann's Subdivision, together with the closed alley abutting Lots 6, 7 and 8. For reasons currently unknown, the sale did not include the small portion of the alley abutting the E ½ of Lot 5 and we have found no indication that it has been abandoned by the City. That portion of the alley is the subject parcel of this application.

The subject parcel is measures 12 feet by 25 feet (300 sq.ft.).

It is bordered on three sides by the property of the applicant.

It is bordered on the west side by an unopened and unimproved portion of the remaining alley. Most of the alley in Block 1 has already been abandoned. There is no public access to the subject parcel.

No third parties own property abutting the subject parcel.

The applicant has for a number of years maintained a storage shed on the subject property and maintains the subject parcel as part of its parcel.

Applicant has been advised by City staff that no utilities are located within the subject parcel.

The subject parcel is of no potential public purpose to the City.

By this request for abandonment, Applicant desires to correct what Applicant believes to an oversight that has existed since at least 1997, and obtain legal ownership of the subject parcel.

The Applicant, Molly's House, Inc. respectfully requests that the City of Stuart grant the requested abandonment.

STEPHEN J. BROWN, INC.

LICENSED BUSINESS NUMBER: 6484

SURVEYORS • DESIGNERS • LANDPLANNERS • CONSULTANTS

619 EAST 5TH STREET, STUART, FLORIDA 34994 EMAIL: SJBINC@BELLSOUTH.NET (772) 288-7176

LEGAL DESCRIPTION

REVOCABLE LICENSE

A PORTION OF AN EXISTING ALLEY ABUTTING AND ADJACENT TO A PORTION OF THE SOUTH LINE OF LOT 22, BLOCK 1 AND THE NORTH LINE OF LOT 5, BLOCK 1, STYPMANN'S SUBDIVISION, AS RECORDED IN PLAT BOOK 5, PAGE 82, PUBLIC RECORDS OF PALM BEACH (NOW MARTIN) COUNTY, FLORIDA, AND BEING FURTHER DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF LOT 6, BLOCK 1, STYPMANN'S SUBDIVISION, AS RECORDED IN PLAT BOOK 5, PAGE 82, PUBLIC RECORDS OF PALM BEACH (NOW MARTIN) COUNTY, FLORIDA; THENCE SOUTH 89°57'27" WEST, ALONG THE NORTH LINE OF SAID LOT 5, BLOCK 1, FOR A DISTANCE OF 25.00 FEET TO THE POINT OF BEGINNING;

THENCE CONTINUE SOUTH 89°57'27" WEST, ALONG THE NORTH LINE OF SAID LOT 5, FOR A DISTANCE OF 25.00 FEET TO THE NORTHWEST CORNER OF SAID LOT 5; THENCE, DEPARTING SAID NORTH LINE, NORTH 00°30'27" EAST, FOR A DISTANCE OF 12.00 FEET, TO THE SW CORNER OF SAID LOT 22, BLOCK 1; THENCE NORTH 89°57'27" EAST, ALONG THE SOUTH LINE OF SAID LOT 22, FOR A DISTANCE OF 25.00 FEET; THENCE SOUTH 00°30'27" WEST, FOR A DISTANCE OF 12.00 FEET TO THE POINT OF BEGINNING.

PARCEL CONTAINS 300.0 SQUARE FEET, +/-.

NOTE: THIS LAND DESCRIPTION SHALL NOT BE VALID UNLESS:

A. PROVIDED IN ITS ENTIRETY CONSISTING OF 2 SHEETS, WITH SHEET 2 BEING THE SKETCH OF DESCRIPTION.

B. REPRODUCTIONS OF THIS DESCRIPTION AND SKETCH ARE SIGNED AND SEALED WITH AN EMBOSSED SURVEYOR'S SEAL.

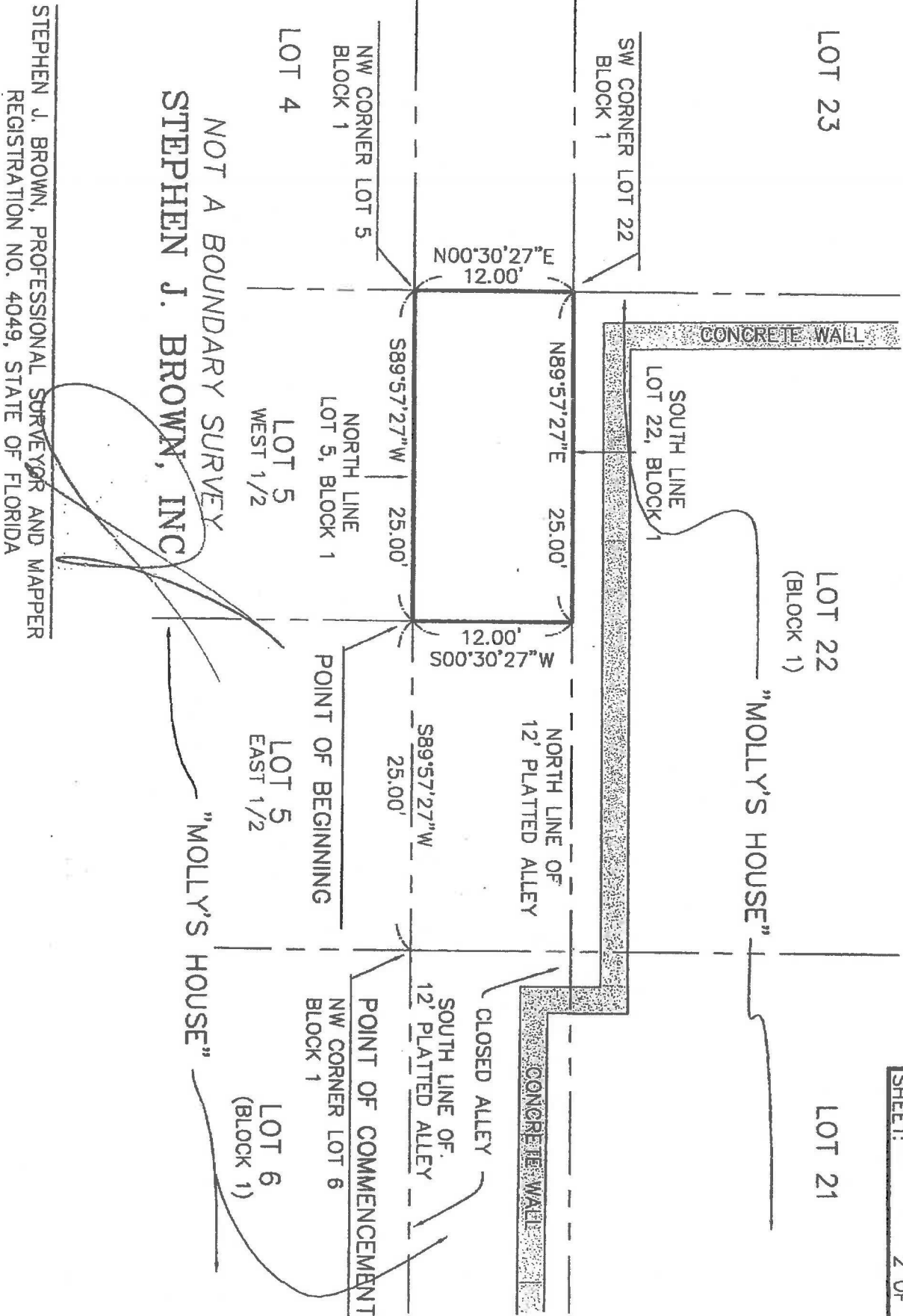
JOB #:	2304-01-02
DRAWN BY:	S.J.B.
CHECKED BY:	S.J.B.
DATE:	03/05/2019
SCALE:	N/A
SHEET:	1 OF 2

STEPHEN J. BROWN, INC.

LICENSED BUSINESS NUMBER: 6484

SURVEYORS • DESIGNERS • LANDPLANNERS • CONSULTANTS
619 EAST 5TH STREET, STUART, FLORIDA 34994 EMAIL: SJBINC@BELLSOUTH.NET (772) 288-7176

JOB #:	2304-01-02
DRAWN BY:	S.J.B.
CHECKED BY:	S.J.B.
DATE:	03/05/2019
SCALE:	1" = 10'
SHEET:	2 OF 2



NOT A BOUNDARY SURVEY
STEPHEN J. BROWN, INC.

STEPHEN J. BROWN, PROFESSIONAL SURVEYOR AND MAPPER
REGISTRATION NO. 4049, STATE OF FLORIDA

SUBJECT AERIAL MAP



Red outline is Molly's House, for reference purposes only.
 Yellow outline is proposed abandonment area, for reference purposes only.

Figure 1: Schematic diagram of the proposed system architecture.

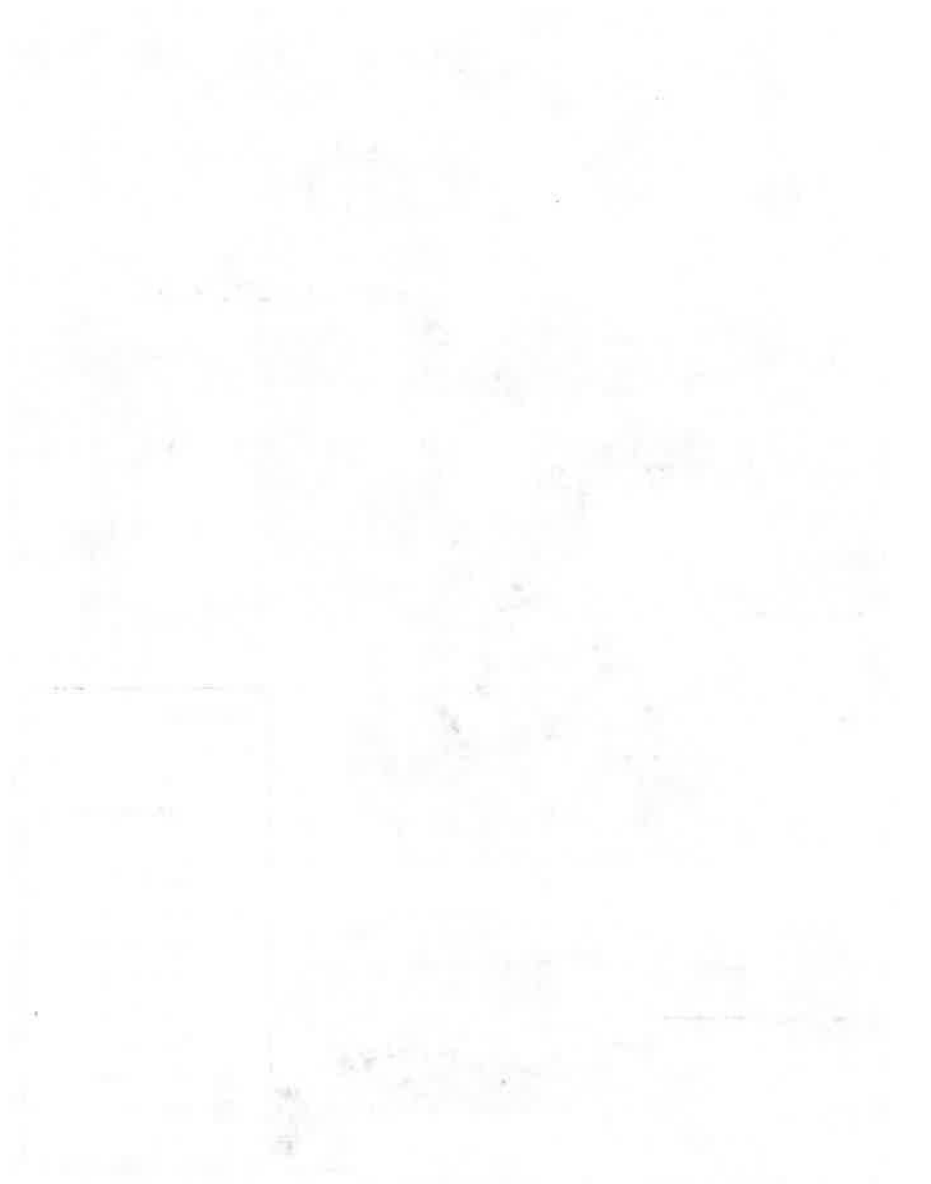


Figure 1: Schematic diagram of the proposed system architecture.

**AN APPRAISAL
REPORT OF A
THREE HUNDRED SQUARE FOOT
VACANT PARCEL**

FOR POSSIBLE ABANDONMENT

**LOCATED AT
430 SE OSCEOLA STREET
STUART, FLORIDA**

**AS OF
MARCH 25, 2019**

FILE NUMBER DKD-2019-004

PREPARED FOR

**MOLLY'S HOUSE, INC.
ATTN.: MR. BILL WEST, CEO
430 SE OSCEOLA STREET
STUART, FLORIDA 33994**

PREPARED BY

**DEIGHAN CONSULTANTS
14 EMARITA WAY
STUART, FLORIDA 34996**

DEIGHAN CONSULTANTS

14 EMARITA WAY
Stuart, FL 34996

Daniel K. Deighan, MAI
Cert. Gen. RZ244
PHONE: (772) 221-3650

dandeighan@comcast.net

Robert W. Kunkle
Cert. Gen. RZ3185
FAX: (772) 221-3649

April 29, 2019

Molly's House, Inc.
Attn.: Mr. Bill West, CEO
430 SE Osceola Street
Stuart, FL 34994

**RE: Market Value of a 300 SF Parcel
For Possible Abandonment
Molly's House
430 SE Osceola Street
Stuart, Florida 34994
Our File #DKD-2019-004**

Dear Mr. Parz:

As requested, to provide an opinion of the market value of the fee simple estate of the above-cited subject property, we have inspected the property, the economic environment and surrounding neighborhood, researched and inspected sales and offers of similar properties, and studied all other pertinent factors.

The **purpose** of this assignment has been to develop an opinion of the market value of the Fee Simple Estate of the subject property, as of March 25, 2019. The **function** of this report, or its intended use, is for your use in decision-making. The opinions and conclusions have been developed solely with consideration, therefore, for that function and do not address requirements for any other use or by any other party. Please refer to the assumptions and limiting conditions in this regard.

This is an appraisal report in accordance with all the exercises, procedures, and analyses necessary therefore and stipulated by USPAP Std. 1. The report is intended to conform to the appropriate and pertinent rules and regulations for appraisal as promulgated by USPAP, the Appraisal Institute, the State of Florida, and the Appraisal Foundation and associated Standards Board. A report is provided, intended to comply with the USPAP guidelines therefore -- Std. 2-2[b] -- wherein the data and analyses inherent to the complete appraisal are summarized with no excessive or extraneous discussions.

Mr. Parz
April 29, 2019

Based on all pertinent information, the investigation, and analyses, we have concluded the following market value of the fee simple estate for the subject property, as of March 25, 2019:

\$1,175

The preceding statement of value is predicate upon any and all assumptions and limiting conditions contained within this appraisal report.

The scope of this assignment includes analyzing a reasonable exposure time for the subject property, which is stated at the end of this report under *Reconciliation*. In regard to compliance with the Competency Provision of the USPAP, we have been appraising these types of properties in this area for more than 35 years.

Enclosed is an appraisal report, which describes the property appraised, and shows the valuation procedures used in arriving at the preceding value conclusion.

We appreciate the opportunity to have been of service to you. If you have any questions, please call.

Very truly yours,



Robert W. Kunkle
Cert. Gen. #3185



Daniel K. Deighan, MAI
Cert. Gen. #244

rk/dkd
Enclosure

TABLE OF CONTENTS

	<u>Page #</u>
Letter of Transmittal	1
Table of Contents	3
Certification	4
Assumptions and Limiting Conditions	6
Appraisal Overview	9
Property Address	10
Legal Description	10
Inspection	10
Property Type	10
History of Property	10
Location Map	11
Aerial Map	12
Photographs of the Property	13
Description of the Property	17
Land Use/Zoning	18
Tax/Assessment Data	19
Public & Private Restrictions	19
Property Interest Appraised	19
Purpose of Appraisal	19
Function of the Appraisal	19
Scope of the Appraisal	19
Highest & Best Use	21
Sales Comparison Approach	22
Sales Grid	23
Reconciliation	25
Neighborhood Map	27
Neighborhood Description	28
Regional Map	30
Regional Analysis	31
Definitions & Explanations	32
Appraiser Qualifications	35

CERTIFICATION

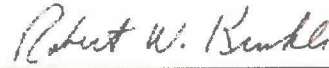
We certify that, to the best of my knowledge and belief:

1. The statements of fact contained in this report are true and correct.
2. The reported analyses, opinions, and conclusions are limited only by the reported assumptions and limiting conditions, and are our personal, impartial, and unbiased professional analyses, opinions, and conclusions.
3. We have no present or prospective interest in the property which is the subject of this report, and no personal interest with respect to the parties involved.
4. We have no bias with respect to the property which is the subject of this report, or to the parties involved with this assignment.
5. Our engagement in this assignment was not contingent upon developing or reporting predetermined results.
6. Our compensation for completing this assignment is not contingent upon the development or reporting of a predetermined value or direction in value which favors the cause of the client, the amount of the value opinion, the attainment of a stipulated result, or the occurrence of a subsequent event directly related to the intended use of this appraisal.
7. Our analyses, opinions and conclusions were developed, and this report has been prepared in conformity with the Uniform Standards of Professional Appraisal Practice [USPAP].
8. Daniel K. Deighan, MAI, and Robert w. Kunkle, made a full personal inspection of the property, which is the subject of this report.
9. Other than the undersigned, no one has provided significant professional assistance in the analyses, conclusions and opinions of real estate values, as set forth in this appraisal report, except as may be specifically set forth elsewhere herein.
10. The Appraisal Institute conducts a voluntary program of continuing education for its designated members. MAI's who meet the minimum standards of this program are awarded periodic educational certification. As of the date of this report, Daniel K. Deighan, MAI, has completed the requirements of the continuing education program of the Appraisal Institute.
11. A list of Assumptions and Limiting Conditions is shown elsewhere in this appraisal report and is made a part hereof by reference thereto and these "Assumptions and Limiting Conditions" are a part of the valuable consideration between appraiser and client for this report.

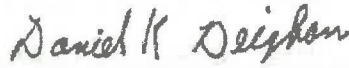
12. A list of definitions including the definition of the term Market Value is included elsewhere herein and this list of definitions is made a part hereof by reference thereto.
13. Deighan Consultants has not had any professional assignments concerning any of these parcels in the past three years.
14. Based upon our independent appraisal and exercise of our professional judgment, we conclude the market value of the fee simple estate of the subject property, as of March 25, 2019, to be:

\$1,175

Date: April 29, 2019



Robert W. Kunkle
Cert. Gen. #3185



Daniel K. Deighan, MAI
Cert. Gen. #244

ASSUMPTIONS AND LIMITING CONDITIONS

The following assumptions and limiting conditions apply to the attached appraisal report, our file #DKD-2019-004:

HYPOTHETICAL ASSUMPTIONS **None**

EXTRAORDINARY ASSUMPTIONS **None**

ORDINARY ASSUMPTIONS & LIMITING CONDITIONS

1. No responsibility is assumed for the legal description or for matters including legal or title considerations. Title to the property is assumed to be good and marketable unless otherwise stated.
2. Legal access to the site is available unless otherwise stated.
3. It is assumed that all licenses, certificates of occupancy, consents, or other legislative or administrative authority from local, state or national government, or private entity or organization, have been or can be obtained or renewed for any use on which the value estimate contained in this report is based.
4. Only limited legal descriptions or surveys were furnished, so the appraiser used the county tax plat to ascertain the physical dimensions and acreage of the property. Should a survey prove these characteristics inaccurate, it may be necessary for the appraisal to be adjusted.
5. Any proposed improvements are assumed to have been completed unless otherwise stipulated; any construction is assumed to conform to building plans, if any, referenced in this report.
6. Information, estimates, and opinions furnished to the appraiser, and contained in the report, were obtained from sources considered reliable and believed to be true and correct; however, no responsibility for accuracy of such items furnished to the appraiser can be assumed by the appraiser.
7. The property is appraised free and clear of any or all liens or encumbrances, unless otherwise stated.
8. Responsible ownership and competent property management are assumed.
9. It is assumed that all applicable zoning and use regulations and restrictions have been complied with, unless a non-conformity has been stated, defined and considered in the appraisal report.
10. It is assumed that there are no hidden or unapparent conditions of the property, subsoil, or structures which would render it more or less valuable. The appraiser assumes no responsibility for such conditions, if any.

11. It is assumed that there is full compliance with all applicable federal, state and local environmental regulations and laws unless non-compliance is stated, defined and considered in the appraisal report.
12. This analysis has been prepared by the appraisers during the normal course of their inspection of the property and resulting preparation of a real estate appraisal report. Only a visual observation of the property has been made. Any form of environmental audit is both beyond the scope of this assignment and the particular expertise of the appraisers, who have not searched title, interviewed the current or prior owners of the site, or researched the property *beyond* the scope normally associated with the appraisal process, unless otherwise stated herein. The appraiser is neither trained nor qualified to identify and/or quantify any existing or potential environmental problems. The presence of hazardous waste or materials on the site and/or in any improvements thereon may affect the value of the property. The value conclusions and other related opinions expressed in this report are based, therefore, upon the assumption that the site and improvements, if any, are clean and free of any and all forms of contamination. Any statements made in this report, relative to the existence of or potential for existence of contamination or any other environmental problems, are made only to assist the users in their own determination as to whether the site requires further investigation by an appropriate environmental expert/professional. The appraisers cannot be held liable for lack of detection and/or identification of possible environmental problems.
13. The *Americans with Disabilities Act* [ADA, effective Jan. 26, 1992] is not applicable as the property being valued is vacant land.
14. Where the value of the various components of the property is shown separately, the value of each is segregated only as an aid to better estimate the value of the whole; the independent value of the various components may, or may not, be the market value of the component. The separate valuations for land and building must not be used in conjunction with any other appraisal and are invalid if so used.
15. Any value estimates provided in the report apply to the entire property and any proration or division of the total into fractional interests will invalidate the value estimate, unless such proration or division of interests has been set forth in the report.
16. This appraisal report covers only the property described, and any values or rates used are not to be construed as applicable to any other property, however similar the properties might be. Further, it is assumed that the utilization of the land and improvements is within the boundaries of the property lines of the property described and that there is no encroachment or trespass, unless noted in the report.
17. Any sketch in the report may show approximate dimensions and is included to assist the reader in visualizing the property. The appraiser has made no survey of the property.

18. The forecasts, projections, or operating estimates contained herein are based upon current market conditions, anticipated short-term supply and demand factors, and a continued stable economy. These forecasts are, therefore, subject to changes in future conditions.
19. Disclosure of the contents of the appraisal report is governed by the By-laws and Regulations of the professional appraisal organizations with which the appraisers are affiliated.
20. The contents of this appraisal are for the exclusive use and reliance upon by the client for whom it has been prepared and to whom it has been certified. Neither all, nor any part of the content of the report, or copy thereof (including conclusions as to property value, the identity of the appraiser, professional designations, reference to any professional appraisal organizations or the firm with which the appraiser is connected) shall be used for any purpose by anyone but the client specified in the report, without prior written consent of the appraiser; nor shall it be conveyed by anyone to the public through advertising, public relations, news, sales, or other media, without the prior written consent of the appraiser.
21. If the appraiser is required to give testimony of any nature whatsoever because of having made the appraisal with reference to the property in question, arrangements for payment of fees for the appraiser's services as an expert witness must be made in advance of such testimony.
22. The appraisal expresses the opinion of the signers and is not contingent upon a predetermined value. Neither the employment to make the appraisal nor the compensation in any way determined the amount of the valuation reported.
23. The contract for this appraisal of the property legally described herein is fulfilled by the signer upon delivery of this appraisal.
24. This appraisal report, including format, style, spreadsheet and tabular data, as well as Addenda, is the property of Deighan Consultants and no portion of the report may be reproduced without their express written permission.

APPRAISAL OVERVIEW

Owner of Record:	City of Stuart
Property Type:	Vacant land with a shed installed in 1998 and landscaping that includes a palm tree and hedge.
Property Inspection(s):	Daniel K. Deighan, MAI, inspected the subject March 25, 2019, at which time he was unaccompanied.
Land Area:	300 SF (Source – Stephen J. Brown survey dated 1/31/2014).
Area Appraised:	300 SF
Tax Folio No:	04-38-41-020-001-00050.9 is Molly's House parcel.
Property Rights Appraised:	Fee simple
Land Use and Zoning:	Subject is at the west end of the SE Ocean Boulevard overlay zone. The land use is Office/Residential and the zoning is R-3 Multifamily/Office
Utilities Available:	Telephone, electric, water and sewer.
Highest & Best Use: As Vacant As Improved	Assembled to adjoining property N/A
Intended Users:	Molly's House, Inc., City of Stuart
Valuation:	\$1,175
Date of Value	March 25, 2019
Date of Report	April 29, 2019
Reasonable Exposure Time:	12 months or less

INTRODUCTION

Location/Address: 430 SE Osceola Street, Stuart, FL 34994 (Molly's House).

Legal Description: Metes and bounds as described on the Stephen J. Brown Survey. A portion of an existing alley.

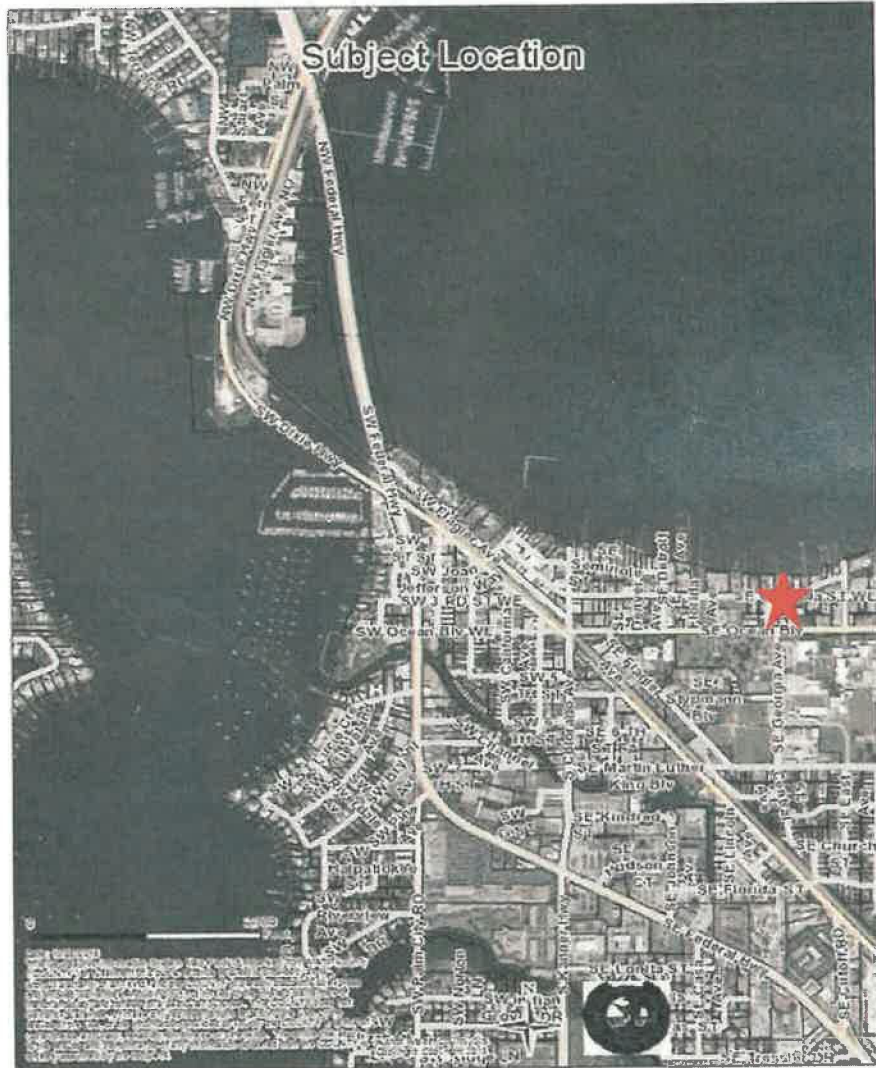
Property Inspection: Daniel K. Deighan, MAI, inspected the subject March 25, 2019, unaccompanied.

Type of Property: Vacant land with a shed installed in 1998 and landscaping that includes a palm tree and hedge.

History of the Property:

The property is part of an alley running east off Georgia Avenue that is owned by the City of Stuart. The subject property is at the dead end of the alley.

SUBJECT LOCATION



Subject location indicated by red star.

SUBJECT AERIAL MAP



Red outline is Molly's House, for reference purposes only.
 Yellow outline is proposed abandonment area, for reference purposes only.

PHOTOGRAPHS OF THE SUBJECT PROPERTY
All photographs taken by Daniel K. Deighan, Mai, on March 25, 2019.



SE Osceola Street looking east.



SE Osceola Street looking west.

PICTURES OF THE SUBJECT PROPERTY



Shed that that has been placed on the subject 300 SF Parcel, with palm tree and hedge. Shed is easily moveable.



Molly's House grounds showing gardens and one of several areas for guests to sit and relax (in background).

PHOTOGRAPHS OF THE SUBJECT PROPERTY



Gazebo where guests can sit and relax.



Fountain on the grounds in the gardens.

PHOTOGRAPHS OF THE SUBJECT PROPERTY



Front of Molly's House



Rear of Molly's House. The yellow shed to the right is in the 300 SF subject parcel.

DESCRIPTION OF THE PROPERTY

LAND:

Sewer	<u>Yes</u>	Public water	<u>Yes</u>
Septic tank	<u>No</u>	Well	<u>No</u>
Electricity	<u>Yes</u>	Other water supply	<u>No</u>
Telephone	<u>Yes</u>	Curbs	<u>Yes</u>
Public sidewalks	<u>Yes</u>	Paved street	<u>Yes</u>

Size: 300 SF

Shape: The subject parcel is rectangular in shape.

Ingress/Egress: The subject has no improved access, but has legal access off Georgia Avenue. Molly's House has 125 FF on Osceola Street. The parcel fronts on East Ocean but does not have a driveway.

Utilities: Telephone, electricity, water, sewer.

Topography: Level at road grade

Drainage: Appears adequate.

Soils: Urban land. This is described in the addenda.

Flood Plain: Zone X, from Map Panel 12085C0134F, revised 10/04/2002

Site Improvements: A shed installed in 1998 and landscaping that includes a palm tree and hedge.

Easements: None.

Encroachments: None noted.

Environmental: The appraiser has noted no overt signs of contamination having occurred on the subject tract. Please refer to Item 12 in the Assumptions and Limiting Conditions.

ZONING/LAND USE/CONCURRENCY

Subject is at the west end of the SE Ocean Boulevard overlay zone. The land use is Office/Residential and the zoning is R-3 Multifamily/Office. The S.E. Ocean Boulevard Overlay Zone Design Standards are designed to encourage redevelopment along S.E. Ocean Boulevard as described below by offering development incentives that are not otherwise available by this Code. These shall include the promotion of pedestrian friendly streets, the development of a coordinated and aesthetic streetscape, and the promotion of traditional building types with arcades, porches and balconies situated to screen the street from parking lots. The S.E. Ocean Boulevard Overlay Zone Design Standards do not change the future land use designation or zoning in effect on any property. (Source: Stuart Land Development Regulations, Section 3.01.03).

Tables of allowed uses and Land Use/Zoning compatibility are in the Stuart LDR's, 2.01.02.

Land Use/Zoning Authority: City of Stuart

Zoning/LDR: Subject is at the west end of the SE Ocean Boulevard overlay zone. The land use is Office/Residential and the zoning is R-3 Multifamily/Office

Uses Allowed: The Land Development Regulations (LDR's) for the overlay zone describe 25 allowable uses and another 4 conditional uses. Most residential and commercial uses are allowed. See section 2.02.02 of the LDR's.

Subject Conforms: Yes

Concurrency: Subject is concurrent. Central water and sewer are hooked up.

Future Zoning Change: None foreseen for development as there is an overlay zone designation on the area.

HIGHEST AND BEST USE

Highest and best use is defined in the Addenda. Our conclusions as to highest and best use for the subject property are based on the following criteria which summarize the four tests inherent in Highest and Best Use analyses:

1. **Legal uses**
2. **Physically possible uses**
3. **Financially feasible uses**
4. **Maximally productive uses**

Highest and Best Use as Vacant:
Highest and Best Use as Improved:

Assemble with neighboring property
N/A

Reasoning:

- 1) The highest and best use concluded and identified above is legally permissible. The SE Ocean Overlay Zone designation allows for numerous residential and commercial uses. The small size of the property precludes any development. Assemblage to Molly's House is the only private use possible.
- 2) The subject site is 300 SF. It has no improved access. It is too small to be developed as it stands now. Assembled with Molly's House is the only possible use as no other adjacent parcel owners have legal access.
- 3) The subject is too small to be leased for anything. The cost to assemble is low enough for Molly's House to benefit from the additional land by adding to their gardens or private spaces for guests. It currently has a shed, palm tree, and hedge on the parcel.
- 4) Assemblage is a means of allowing the public to enjoy the land when they are guests at Molly's House. The gardens and private areas are places for guests to relax while relatives are in the hospital. The shed can be used for holding landscaping equipment.

In summary, the highest and best use of the subject site is for assemblage with Molly's House. This use is legally permissible, physically possible, appropriately supported in the market, and maximally productive.

APPRAISAL PROCESS

We are only using the Sales Comparison Approach as the land is vacant. The techniques and methods used in appraising the subject property are described and explained in the Addenda.

SALES COMPARISON APPROACH

The area of the subject is 300 SF. This area was determined by a survey by Stephen J. Brown dated January 31 2015. There are no sales of vacant land in the area that are not waterfront. We have extracted the land value from recent sales of improved properties. The Property Appraiser's card separately lists the current Market Values of the land and improvements. The percentage of land value of the current market value is then applied to the sale price of the property to yield the value of the land for that transaction.

Here is an example of this technique. The Property Appraiser lists the Market Total Value of a property at \$2,000,000. The land size for this property is 20,000 SF. This is the sum of the Market Land Value and the Market Improvement Value. If the Land Value is \$400,000 then the percentage of land value is:

$$\begin{aligned} &\text{Market Land Value divided by the Market Total Value:} \\ &\$400,000 / \$2,000,000 = 20.0\% \end{aligned}$$

If the property sells for \$2,500,000, the percentage of the sale price allocated to land is then:

$$\$2,500,000 \times 20.0\% = \$500,000$$

This is then divided by the land size to yield at \$/SF value.

$$\$500,000 / 20,000 \text{ SF} = \$25.00/\text{SF}$$

This technique will be applied to the comparable sales to determine a land value per square foot that will then be applied to the subject size of 300 SF.

Sale #1 is the October 2017 transfer for \$540,000. The medical office at 823 SE Osceola Street currently has a market value for the land of \$189,283 and a total market value of \$414,630. The 45.7% land value percentage applied to the \$540,000 sale price yields \$246,780 for the land. The land size of the property is 13,630 SF, for a \$18.11/SF land value.

Sale #2 is the November 2015 transfer for \$297,500. The office building at 205 SE Osceola Street currently has a market value for the land of \$103,649 and a total market value of \$208,480. The 49.7% land value percentage applied to the \$297,500 sale price yields \$147,858 for the land. The land size of the property is 5,000 SF, for a \$29.57/SF land value.

Sale #3 is the November 2015 transfer for \$2,650,000. The convalescent center at 201 SE Detroit Avenue currently has a market value for the land of \$947,340 and a total market value of \$3,020,340. The 34.2% land value percentage applied to the \$2,650,000 sale price yields \$906,300 for the land. The land size of the property is 29,930 SF, for a \$30.28/SF land value.

Sale #4 is a current listing for \$1,675,000. The office building at 500 SE Osceola Street currently has a market value for the land of \$219,000 and a total market value of \$1,006,280. The 21.8% land value percentage applied to the \$1,675,000 list price yields \$365,150 for the land. The land size of the property is 18,252 SF, for a \$20.01/SF land value.

The following table summarizes the data presented above.

	Sale 1	Sale 2	Sale 3	Sale 4
Sale Price	\$540,000	\$297,500	\$2,650,000	\$1,675,000
Sale Date	Oct. 2017	Nov. 2015	Nov. 2015	Current Listing
Land Value	\$189,283	\$103,649	\$947,340	\$219,000
Total Value	\$414,630	\$208,480	\$3,020,340	\$1,006,280
% Land Value	45.7%	49.7%	34.2%	21.8%
Land \$ of Sale Price	\$246,780	\$147,858	\$906,300	\$365,150
Land Size SF	13,630 SF	4,500 SG	29,930 SF	18,252 SF
Indicated \$/SF	\$18.11	\$32.86	\$30.28	\$20.01

Based upon the preceding analyses, we accord greatest weight to Sale 1, with lesser weight to Sales 2 and 4, and least weight to Sale 3 due to its large size. We conclude a value for the subject property would fall in the middle of the indicated unadjusted \$18.11/SF to \$32.86/SF range after adjustments are made. Thus, I have concluded a value for the subject per unit value (\$/SF), prior to reductions due to lack of developability, of:

\$23.00/SF

This value has been derived from properties that are usable, developable, and capable of standing alone in the market. A 300 SF portion of an unimproved dead-end alley is not usable, developable, or capable of standing alone in the market. The alley itself is 12 feet wide and cannot be used for 2-way traffic. One-way traffic needs a 12-foot pavement width which leaves no room for a shoulder. "The minimum pavement width shall be 20 feet for two-way street and 12 feet for a one-way street." Per the City of Stuart Land Development Code Section 6.01.02 E-1-a.

The northern one-half of the Molly's House parcel has the building and parking. The southern one-half along East Ocean Boulevard is developed into gardens that provide serenity and tranquility areas for families to destress from visiting loved ones at the hospital. Since the southern half provides the peace and quiet required for the successful environment of the northern half, we feel the total property at present is 100% built out.

The subject has legal, but not improved, access. The alley dead ends with the subject at Molly's House. It is highly unlikely the alley will be improved as it would serve no purpose. We therefore consider the parcel to have no access. We have completed numerous assignments for St. Lucie County that required appraising wetlands that had no improved or legal access, or legal access that will never be improved. These parcels, using paired sales analysis, have consistently shown a 50% reduction in value. We were the lead real estate appraisers for Martin County when they were purchasing Pal Mar lots at the south end of the county. These parcels had no access and consistently showed a 50% reduction in value. It is our opinion the subject 300 SF should be reduced in value by 50% for lack of access.

The size of 300 SF makes the parcel undevelopable by itself. The market has shown surplus land to be less valuable than a parent tract. The loss in value ranges considerably depending on the size, with smaller parcels worth less as they have less chances of development. There is some limited value in the parcel in what is its current use, storage. The shed on the parcel now is not a permanent structure, but one could be constructed. Outdoor storage for materials or equipment is also possible.

There is only one potential buyer for the parcel. The convenience store only touches the parcel at a corner which means the Ocean Market cannot legally cross to the subject and therefore would have no incentive to purchase it. Molly's House is the only other land owner around. It makes no economic sense for Molly's House to pay \$23.00/SF (\$6,900) for such a small parcel, they do not need it. The increase in value to the parent tract is very minimal as Molly's House already has 36,124 SF of property. This would increase their property size by only 0.008%, a minimal amount. Studies have shown parcels with only one potential buyer would be discounted anywhere from 24% to 41% with an average of 33%. This is because a potential buyer can walk away from a deal without receiving a discount.

Other studies by firms experienced with low utility parcels have published in appraisal magazines such as *Valuation* and *The Appraisal Journal* that show a limited buyers' market can reduce a parcel's value by an average of 24% to 50%. The discount can vary by as little as 15% to as much as 83%.

The Firm's experience with low utility parcels

Deighan Consultants, for Martin County, has appraised thousands of isolated, limited access parcels in Pal Mar, where owners had a quarter-, half-, and one-acre parcels and zoning required a minimum of 20 contiguous acres.

Deighan Consultants, for St. Lucie County, has appraised severely limited-use parcels acquired for the Savannahs Reserve, north of Port St. Lucie and south of Fort Pierce.

We will apply a 33% discount because of the very limited buyers' market.

Section 36-2(b) of the City of Stuart Land Development Regulations states "The privilege fee shall be determined and fixed by computing 100 percent of the value added to the adjoining real property of the petitioner by the resulting addition of the interest abandoned by the city;". This means the City of Stuart requires the Grantee pay an amount equal to the added value the abandonment would bring to the parent tract.

The 300 SF subject is located at the rear of the property, without frontage on SE Osceola Street or East Ocean Boulevard. It has no improved access, although it does have legal access being part of an alley that connects to SE Georgia Avenue. The alley dead-ends at the subject. The parcel is not developable because of its size. It would also not be developable because of the access and exposure.

The lack of access, undevelopable size, and lack of open market (one potential buyer) devalues the parcel considerably. Our data indicates an 83% reduction in value is appropriate (50% + 33%). Therefore, the value of the 300SF subject parcel, as of March 25, 2019, is:

$$\$23.00/\text{SF} \times (100\% - 83\%) = 17\% = \$3.91/\text{SF}$$

$$\$3.91/\text{SF} \times 300 \text{ SF} = \$1,175 \text{ (R)}$$

It is therefore our opinion the abandoned parcel, when annexed, would have much less value than the rest of the parent tract. The increase in value of the parent tract is equal to the value of abandonment, which, as of March 25, 2019, is:

\$1,175

RECONCILIATION

Cost Approach:	N/A
Income Approach:	N/A
Sales Comparison Approach	\$1,175

Only the Sales Comparison Approach was utilized so reconciliation is unnecessary. Based on the above analysis and discussion, we conclude the following value of the fee simple interest for the subject property, as is, as of March 25, 2019:

**ONE THOUSAND ONE HUNDRED SEVENTY-FIVE DOLLARS
(\$1,175)**

Reasonable Exposure Time and Reasonable Marketing Period: Based on our analyses, and upon the definitions of these concepts [supplied in the Addenda], we would conclude a reasonable exposure time for the subject of 12 months or more, which is also representative of the reasonable marketing period.

ADDENDA

[illegible]

NEIGHBORHOOD DESCRIPTION

USPAP requires inclusion of a neighborhood and area description in appraisal reports. The *Regional Analysis* has been relegated to the Addenda. Following is a brief neighborhood description pertaining to the subject of this report.

Neighborhood Data

The neighborhood boundaries are considered to be:

North:	St. Lucie River
South:	East Ocean Boulevard
East:	Palm Beach Road
West:	Colorado Avenue intersection with Osceola Street

The neighborhood consists mainly of medical related uses, doctor's offices, medical services, etc., along with legal offices and sporadic commercial uses on SE Osceola Street. East Ocean Boulevard has a much more diverse variety of land uses. Many older homes in the neighborhood have been remodeled into professional offices such as doctors and lawyers.

Along the St. Lucie River on the west side of the neighborhood there are some residences along Seminole Street. SE Osceola Street has the Lou Ronzo Restaurant, older homes converted to medical offices, law offices, and some real estate uses. The Acacia Fraternal Lodge is also here. Continuing east along Osceola are a small bookstore, hair salon and the large Gary Law offices. The Martin Memorial (now Cleveland Clinic) Hospital is a large presence on SE Osceola Street, along with several related buildings such as the Cancer Center and parking garage. Molly's House is about one-half block west of the hospital, across the street. East of the hospital is a small enclave of residences up to Palm Beach Road.

East Ocean Boulevard is the main east-west corridor through this part of Stuart. From Colorado Avenue going east is a retail strip center and office condos on the south side of the road. Next is the large Martin County Courthouse Complex with Memorial Park to the east. Stuart Middle School and the Martin County School Board complex are between Georgia Avenue and High School Avenue. Further east is a dental office, real estate office, Christian Science Church and a 3-story professional office building.

The north side of East Ocean Boulevard is very similar with a retail strip center at Colorado Avenue, 3-story office condos, law office, health spa, former gas/convenience store (now Ocean Market), dental office and the Christian Science Church. Continuing east is a Martin Memorial Health building, St. Mary's Church, Lucido land planning, Patty Downing Interiors and the Wells Fargo Bank Building. Approaching Palm Beach Road there is the Boulevard Animal Hospital and dental offices.

In summary, because of the wide variety of land uses, we felt a more detailed description of the businesses was necessary. This area has been nearly completely built out with medical, dental and law offices, churches, schools, and retail uses. New construction is generally remodeling and repurposing existing buildings. Any future growth would likely be in this same vein.

MARTIN COUNTY REGIONAL ANALYSIS – MAP OF REGION



Red star approximates subject location.

REGIONAL ANALYSIS –MARTIN COUNTY

Size:	555.7 square miles land area, 197.2 square miles water area
Population:	159,923 in 2017 (Florida Demographics by Cubit). Florida population is 20,984,400 as of July 2017. Stuart has 16,204 residents while 14,318 people live in Hobe Sound.
Location:	Martin County, Treasure Coast Region, along the east coast of South Florida, between St. Lucie and Palm Beach counties, east of Okeechobee County.
MSA:	Port St. Lucie Metropolitan Statistical Area [MSA], which includes Martin County.
County Seat:	Stuart
Ocean Front:	The mainland is separated from the Atlantic Ocean by barrier islands and the Indian River, which runs the length of the tri-county area, offering three inlets to the Atlantic Ocean.
Median Income:	The per capita income was \$52,262 in 2016 (Florida Demographics by Cubit). Stuart median income was \$39,470 and Hobe Sound has a median income of \$40,060. The Florida per capita income was \$48,900.
Employment:	In February 2019 the unemployment rate for Martin County was 3.4%, compared to 3.8% in January and 3.7% in February 2018. The unemployment rate in February 2019 for the State of Florida was 3.5% per the Florida Department of Economic Opportunity.
Housing:	February 2019 median sale prices for homes in Martin County were down 7.9% over February 2018 at \$327,000 and the number of homes sold was down 0.6% at 168 units. The inventory of homes for sale was up 15.7%. Condominium sales for February 2019 were down 27.8% at a median sale price of \$155,000, up 14.3% year over year. (Florida Realtors).

DEFINITIONS AND EXPLANATIONS

Property Rights Appraised: **Fee simple estate**, which is absolute ownership unencumbered by any other interest or estate; subject only to the limitations imposed by the governmental powers of taxation, eminent domain, police power, and escheat. (Source: The Dictionary of Real Estate Appraisal, Fifth Edition)

Property Interest Appraised: **Permanent Easement** – a (perpetual) interest in real property that conveys use, but not ownership, of a portion of an owner's property. Or: An easement conveyed in perpetuity. (Source: The Dictionary of Real Estate Appraisal, Fifth Edition)

Property Interest Appraised: **Temporary Construction Easement** – this is an easement granted for a specific purpose and applicable for a specific time period, that is terminated after the construction of the improvement and the unencumbered fee interest in the land reverts to the owner. (Source: The Dictionary of Real Estate Appraisal, Fifth Edition)

Definition of Reasonable Exposure Time: Reasonable exposure time is one of a series of conditions in most definitions of market value and is always presumed to precede the effective date of appraisal. it may be defined thus: "The estimated length of time the property interest being appraised would have been offered on the market, prior to the hypothetical consummation of a sale at market value on the effective date of the appraisal; a retrospective estimate based upon an analysis of past events, assuming a competitive and open market." It is noted that the concept encompasses adequate, sufficient and reasonable time [on the market], as well as adequate, sufficient and reasonable effort [to expose said property to the market].
[Source: USPAP, 2010]

Definitions of Value:

Market Value -- The most probable price which a property should bring in a competitive and open market, under all conditions requisite to a fair sale, the buyer and seller each acting prudently and knowledgeably, and assuming the price is not affected by undue stimulus. Implicit in this definition is the consummation of a sale as of a specified date and the passing of title from seller to buyer under conditions whereby:

1. buyer and seller are typically motivated;
2. both parties are well informed or well advised, and acting in what they consider their best interests;
3. a reasonable time is allowed for exposure in the open market;
4. payment is made in terms of cash in United States dollars, or in terms of financial arrangements comparable thereto; and
5. the price represents the normal consideration for the property sold unaffected by special or creative financing or sales concessions granted by anyone associated with the sale.

(Source: Uniform Standards of Professional Appraisal Practice, 2010, The Appraisal Foundation.)

Neighborhood Definition A group of complementary land uses; a congruous grouping of inhabitants, buildings, or business enterprises. [*The Dictionary of Real Estate Appraisal*, Fifth Ed.] Byrl N. Boyce, ed., *Real Estate Appraisal Terminology*, explains further - A portion of a larger community, or an entire community, in which there is a homogeneous grouping of inhabitants, buildings, or business enterprises. Inhabitants of a neighborhood usually have more than a casual community of interests. Neighborhood boundaries may consist of well-defined natural or man-made barriers, or they may be more or less well defined by a distinct change in land use or in the character of the inhabitants.

Highest and Best Use Highest and best use is defined as "the reasonably probable and legal use of vacant land or improved property, which is physically possible, appropriately supported, financially feasible, and which results in the highest value." [*The Appraisal of Real Estate*, 12th. Ed.]

When the purpose of an appraisal is the estimation of market value, the Highest and Best Use of the subject must be determined to identify the most profitable, competitive use to which the property can be put. Highest and best use is shaped by competitive forces within the subject market. As the Cost Approach requires valuation of the property as if vacant, the highest and best use of the property, as if vacant, must be identified. Many appraisals include an allocation of value between the land and its associated improvements, also requiring the determination of highest and best use as if vacant. Land value, therefore, depends upon the uses to which the property can be put.

The highest and best use of a property as improved is determined to identify a projected (or present) use that will produce the highest capital return to the property, and to identify and use comparable properties in valuation procedures.

The highest and best use concept is based on traditional appraisal theory and reflects the attitudes of typical buyers and sellers who recognize that value is predicated on future benefits. This theory is based on the wealth maximization of the owner, with consideration to community goals. A use which does not meet public needs, will not meet the above highest and best use criteria.

APPRAISAL PROCESS/DESCRIPTION OF VALUATION METHODS

In any estimation of value, the local market is researched for sales and offerings of properties and contracts similar to the subject, rentals of similar properties and their operating expenses, current rates of return on investments, construction costs and factors of depreciation, demand for property types similar to the subject, and general economic conditions. The cost, sales comparison, and income capitalization approaches are used to process these data into a final estimate of value. The three approaches are interdependent, requiring that data and assumptions from all three are reciprocal. Generally, however, insufficient market data render varying value conclusions that must be reconciled into a final estimate of value.

The sales comparison approach compares recent transactions of similar, competitive properties on the basis of various units, including land and improvements, as well as

gross income. This approach directly reflects the actions of buyers and sellers in the open market.

Flood Zone Zone B is an area between limits of the 100-year flood and 500-year flood, or certain areas subject to 100-year flooding with depths of less than one foot or contributing drainage area is less than one square mile, or areas protected by levees from the base flood.

Soils

Urban land is more than 70 percent covered by development. The natural soils cannot be observed. Unoccupied areas have generally been altered by fill, grading and shaping.

(Source: U.S. Department of Agriculture)

DANIEL K. DEIGHAN, MAI
FLORIDA STATE-CERTIFIED GENERAL APPRAISER #RZ244
PROFESSIONAL QUALIFICATIONS

Professional Designations

MAI American Institute of Real Estate Appraisers [now known as the Appraisal Institute]
Daniel K. Deighan has completed the requirements of the continuing education program of the Appraisal Institute including all ordinary, normal and required courses and seminars.

Professional Experience

State-Certified General Appraiser, Florida, #RZ244; Member of the Appraisal Institute

2004-Present Deighan Consultants, Stuart, Florida
1982-2004 Licensed Broker and Owner of Deighan Appraisal Associates, Inc., Stuart, Florida
1980-1982 Broker-Salesman and Appraiser, Geisinger Realty, Inc., Stuart, Florida
1971-1981 President, Deighan Real Estate, Inc., Lake Placid, New York
1967-1971 Chief Appraiser, John M. Wilkins, MAI, Lake Placid, New York
1966-1971 Review Appraiser, NY State Dept. of Mental Hygiene
1965-1966 Staff Appraiser, NY State Dept. of Transportation

Qualified as Consultant Appraiser with the Following Agencies/Authorities and Utilities

FL Dept. of Environmental Protection and FL Communities Trust; South Florida Water Management District; FL Dept. of Revenue; FL Dept. of Transportation; FHA; US GSA [General Services Admin.]; Veterans Admin.; Martin County; St. Lucie County; Palm Beach County; Florida Power & Light; US Bureau of Census; FL Turnpike Authority; BellSouth; Cities of Stuart, Port St. Lucie, and Fort Pierce; Treasure Coast Regional Planning Council

Private-Industry Appraisal Clients [Partial List]

Local – First Peoples Bank; Riverside National Bank; First National Bank & Trust; Coldwell Banker Co.; Bank of Indiantown; Wachovia; Harbor Federal; Palm Beach Bank & Trust; Martin Memorial Hospital

National -- American Oil Company; McDonald's Corp.; Mobil Oil Company; Walgreen's; Shell Oil Company; Texaco, U.S.A.

Property Types Appraised [Partial List]

Automobile dealerships, citrus groves, gas stations, power centers, mini-power centers, all forms of commercial space including restaurants and banks, all forms of residential uses including subdivisions, apartment complexes, mobile home parks, and condominiums, hospitals, resorts and hotels/motels, mines, numerous easements including conservation and power line, wetlands, batch plants and other heavy industrial uses, industrial subdivisions, schools, leasehold interests, and riparian rights.

Expert Witness Testimony: Circuit Courts of Volusia, Indian River, St. Lucie, Martin, Palm Beach, Broward, and Miami-Dade counties, Florida; New York State Court of Claims and Supreme Court; and before various Commissioners on tax assessment cases.

Educational Background

- ° Bachelor of Arts Degree, Siena College, Loudonville, NY, 1965
- ° All required and necessary continuing education courses to achieve and maintain MAI.
- ° Taught Real Estate Principles, Practices and Law (REE 1000) course at Indian River Community College, Ft. Pierce, Florida.
- ° Guest Lecturer, University of Florida
- ° Guest Lecturer, Florida Association of Realtors

Professional Association

- ° MAI
- ° Licensed Real Estate Broker in Florida and New York
- ° Former Chairman, Grievance Committee, Stuart Board of Realtors.
- ° Past President, Economic Development Council of Martin County

Past President, Tri-County Tec, Martin County

ROBERT KUNKLE, CGA

FLORIDA STATE-CERTIFIED GENERAL APPRAISER #3185

PROFESSIONAL QUALIFICATIONS

EDUCATION:

Associate of Arts, Indian River Community College, June 2000
Certified General Appraiser, May 2008

CONTINUING EDUCATION SEMINARS & COURSES:

Florida Law and Regulations
USPAP
Manufactured Housing
FHA Standards
Cost Approach
Income Approach
Mortgage Fraud
Hotel Valuation
Apartments Valuation

PROFESSIONAL EXPERIENCE:

- Real Estate Appraisal Research – Florida Property Consultants Group, June 1997 to March 2000
- Real Estate Appraisal – Deighan Consultants, January 2002 to Present

HAS APPRAISED:

Commercial Space	Restaurants	Office Buildings
Residential Subdivisions	Vacant Land	Industrial Buildings
Gas Stations	Condominiums	Leasehold Interests
Easements	Homes	Churches
Multi-Family Housing	Marinas	Road Right-of-Way
Riparian Rights	Airport Hangar	

PARTIAL LIST OF APPRAISAL CLIENTS

Martin County	St. Lucie County	City of Stuart
City of Port St. Lucie	Gulfstream Bank	Core Communities
Independent Bank	City of Fort Pierce	Trust for Public Land
Florida Communities Trust	Law Firms	Private Individuals

10/10/19

Application for Right of Way Abandonment

Addendum Re Fees and Costs:

The Applicant, Molly's House, Inc., requests that the City of Stuart, in considering this application, understand that Molly's House is a charitable organization that benefits the community, and exists almost entirely because of donations by the citizens of the City of Stuart, Martin County and the Treasure Coast. As such every dollar spent on this application is a dollar that we do not have available to provide services to the patients and families that Molly's House serves.

We therefore respectfully request that the City Commission, to every extent possible, waive or minimize, any and all City fees and costs pertaining to this application.

As of the date of this application, the following fees and costs are known to the Applicant:

- | | |
|---|------------|
| 1. City of Stuart Application Fee: | \$768.00 |
| 2. Appraised Value of the Abandonment Parcel: | \$1,175.00 |

Thank you.

Molly's House

CITY OF STUART, FLORIDA AGENDA ITEM REQUEST CITY COMMISSION

Meeting Date: 8/26/2019

Prepared by: Tom Reetz

Title of Item:

PLANTATION STORAGE OF STUART CPUD (QUASI-JUDICIAL)(RC):

CONTINUED TO DATE CERTAIN OF SEPTEMBER 9, 2019:
ORDINANCE No. 2411-2019; AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, APPROVING A MAJOR AMENDMENT TO THE COMMERCIAL PLANNED UNIT DEVELOPMENT (CPUD) ADOPTED BY ORDINANCE No. 1527-97 FOR A 7.01 ACRE PARCEL ON THE EAST SIDE OF COMMERCE AVENUE SOUTH OF INDIAN STREET OWNED BY TED GLASRUD ASSOCIATES FL, LLC, SAID LAND BEING MORE FULLY DESCRIBED IN EXHIBIT "A" ATTACHED; ESTABLISHING PLANTATION STORAGE OF STUART, CONSISTING OF A 98,000+/- SQUARE FOOT SELF-STORAGE FACILITY WITH 4,347 SQUARE FEET OF OUTDOOR BOAT AND VEHICULAR STORAGE AREA; APPROVING A MASTER SITE PLAN; PROVIDING FOR DEVELOPMENT CONDITIONS AND 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.

Summary Explanation/Background Information on Agenda Request:

Staff requests the Second Reading of Ordinance 2411-2019 to be continued to a date certain of September 9, 2019.

On August 12, 2019, the City Commission unanimously approved the project at first reading.

On July 18, 2019 the Local Planning Agency unanimously approved the Plantation Storage of Stuart CPUD with minor revisions to the development conditions including extending the projects date to obtain a certificate of occupancy to December 31, 2025. The LPA asked the applicant to provide an eight (8) foot wide sidewalk fronting the project if feasible. Since the LPA meeting, Martin County has accepted the City's request for an 8-foot wide sidewalk as part of the improvements as long as the design engineer is able to confirm the resultant swale has compacity for storm-water runoff.

The subject parcel is 7.01+/- acres of vacant land, and located on the east side of Commerce Avenue. At the time of this application, the property is currently vacant, originally annexed into the city in the late 1990's. Tonight, the applicant is proposing to amend the CPUD with Final Site Plan approval for a 98,000 square foot self-storage facility. The self-storage facility will have 630 storage units in five standalone single-story buildings.

The applicant is proposing a Major Amendment to the CPUD for the purpose of developing a 98,000 square foot self-storage facility known as Plantation Storage of Stuart. The self-storage facility will be limited to five single story buildings and an attached single story office. Also proposed is 4,347 square feet of outdoor boat and vehicular storage.

Landscape buffers have been provided on all sides of the property, including a 35-foot-wide landscape buffer on the eastern property line adjacent to the F.E.C. railroad right-of-way, A southern buffer that is 30 feet with a fence existing on the neighboring property and 40 foot landscape buffer between Commerce Avenue and Building no. 1 is being proposed. The property is made secure with proposed fencing between buildings. Staff has worked closely with the project architect to enhance the building elevation seen from Commerce Avenue.

Of the total site area, approximately 43% will remain pervious, which includes open space & landscape buffers. The total Trees planted on site is 189. This does not include the 16 Palm trees and 33 hardwood trees proposed to partially meet mitigation requirements. A total of \$50,754.00 will be paid into the City's tree fund.

The property will have one point of vehicular access. The circulation has met EMS vehicle turning movement requirements. The site includes internal 6' sidewalk with a connection with the existing 5' wide sidewalk along SE Commerce Ave. The applicant is providing 21 total parking spaces. The self-storage facility (with 630 storage units and 2 employees) is required to provide one parking space per 50 storage units, plus one per employee or 15 parking spaces.

If approved, the developer stands ready to obtain necessary permits with state agencies and the City 's Development Department. The developer's traffic engineer has coordinated plans with Martin County for access/egress improvements City staff and professional consultants have reviewed and approved the project.

Funding Source:

N/A

Recommended Action:

Move to continue Ordinance No. 2411-2019 Second Reading to a date certain of September 9th, 2019.

ATTACHMENTS:

Description	Upload Date	Type
▢ Ordinance No. 2411-2019	8/16/2019	Resolution add to Y drive
▢ Staff Report - By Tom Reetz	8/16/2019	Staff Report
▢ Traffic Study	7/10/2019	Backup Material
▢ Applicant's response to comments	7/10/2019	Backup Material
▢ KHA final comments	7/10/2019	Backup Material
▢ Environmental final response	7/10/2019	Backup Material



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

ORDINANCE NUMBER 2411-2019

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, APPROVING A MAJOR AMENDMENT TO THE COMMERCIAL PLANNED UNIT DEVELOPMENT (CPUD) ADOPTED BY ORDINANCE No. 1527-97 FOR A 7.01 ACRE PARCEL ON THE EAST SIDE OF COMMERCE AVENUE SOUTH OF INDIAN STREET OWNED BY TED GLASRUD ASSOCIATES FL, LLC, SAID LAND BEING MORE FULLY DESCRIBED IN EXHIBIT "A" ATTACHED; ESTABLISHING PLANTATION STORAGE OF STUART, CONSISTING OF A 98,000+- SQUARE FOOT SELF-STORAGE FACILITY WITH 4,347 SQUARE FEET OF OUTDOOR BOAT AND VEHICULAR STORAGE AREA; APPROVING A MASTER SITE PLAN; PROVIDING FOR DEVELOPMENT CONDITIONS AND 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 Mathers Engineering and Southeast

Management Company, LLC representing Ted Glasrud Associates FL, LLC (owner), for a 7.01 acre parcel of land located on the east side of Commerce Avenue south of Indian Street; and

WHEREAS, the City of Stuart has determined the need to amend the existing CPUD; and

WHEREAS, the City Commission, has considered the Petitioner's voluntary request for a Major Amendment to the CPUD, and has also considered the recommendation of the City staff.

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 CPUD; 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 CPUD 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 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:

- a. The Site Plan, Sheet 1, prepared by Mathers Engineering, dated March of 2019, revised on 07.31.19.**
- b. The Chase Storage IV, LLC Land Title & Boundary and Tree Survey, Sheet 1 of 1, by Stephen J. Brown, Inc, dated 4.12.17.**
- c. The Landscape Development Plan, the Landscape Specifications Plan and the Tree Disposition Plan Sheets LP1, LP2 and TDP-1 all prepared by Gentile Glas Holloway O’Mahoney and Associates Inc., dated 03.28.19, and last revised on 06.12.19.**
- d. Architectural Floor Plans and Elevation for Self-Storage Warehouse, Sht. SD-1, SD-2 and SD-3 and SD-4 by Ahern and Associates, Architects, P.A. dated June 12, 2019.**

SECTION 2: The Future Land Use designation in the City's Comprehensive Land Use Plan shall remain "Commercial". The Land Development (Zoning) District designation on the City of Stuart Official Zoning Map shall remain "CPUD" Commercial Planned Unit Development amended by this ordinance to allow for an approximately 98,000 square foot Self-storage facility and 4,347 square feet of outdoor boat and vehicular storage area.

SECTION 4: This ordinance becomes effective upon adoption.

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 6: 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 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 shall be effective upon 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 60 days from the date of this approval, failing which this ordinance shall be void.

SECTION 10: 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 the 12th day of August 2019.

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
EULA R. CLARKE, VICE MAYOR
KELLI GLASS LEIGHTON, COMMISSIONER
MERRITT MATHESON, COMMISSIONER
MIKE MEIER, COMMISSIONER

YES	NO	ABSENT	ABSTAIN

ADOPTED on second and final reading this _____ day of _____, 2019.

ATTEST:

MARY R. KINDEL
CITY CLERK

REBECCA S. BRUNER
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 COMMERCIAL 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 COMMERCIAL 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:

Theodore G. Glasrud, President

Ted Glasrud Associates FL, LLC

By: _____

Print Name: _____

Print Name: _____

OWNERS ACKNOWLEDGMENT

The above Ordinance, Acceptance and Agreement was acknowledged before me this ____ day
of _____, 2019, by Theodore G. Glasrud, president.

Notary Public, State of Florida

My Commission Expires:

Notary Seal

Personally Known _____ OR Produced Identification _____

Type of Identification Produced _____

CITY'S ACKNOWLEDGMENT

The above Ordinance, Acceptance and Agreement was acknowledged before me this ____ day
of _____, 2019, by REBECCA S. BRUNER, MAYOR , and Mary R. Kindel,
City Clerk, respectively, of the City of Stuart, Florida, a Florida municipal corporation.

Notary Public, State of Florida

My Commission Expires:

Notary Seal

Personally Known _____ OR Produced Identification _____

Type of Identification Produced _____

EXHIBIT A – LEGAL DESCRIPTION

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

Parcel I:

Tract 105 Lying East of SE Commerce Avenue and tract 106 lying west of the Florida East Coast Railway, Sewall's Point Land Company subdivision, according to the map or plat thereof, as recorded in plat book 3, page 7 of the public records of Palm Beach (now Martin) County, Florida, less and excepting the south 215 feet of tracts 105 and 106 lying east of the east right-of-way line of SE Commerce Avenue and the west of the west right-of-way line of the Florida East Coast Railways as conveyed to D&C Properties (Stuart) LLC, a Florida limited liability company recorded in official records book 2231, Page 2403.

Parcel II:

A parcel of land being a portion of lands described in official records book 441, page 2161, Martin County, Florida, public records. Being more particularly described as follows:

Commence at the intersection of the southwesterly right-of-way line of the Florida East Coast Railroad and the southeasterly right-of-way line of S.E. Indian Street: thence

south $41^{\circ}59'54''$ east, along the southwesterly right-of way line of the Florida East Coast Railroad, a distance of 762.83 feet to the point of beginning; thence continue south $41^{\circ}59'54''$ east a distance of 130.35 feet; thence departing said right-of-way, south $66^{\circ}19'23''$ west a distance of 105.33 feet; thence north $41^{\circ}59'54''$ west a distance of 130.35 feet; thence north $66^{\circ}19'23''$ east a distance of 105.33 feet to the point of beginning.

Parcels I & II contain approximately 305,211.92 square feet, 7.01 acres +/-.

EXHIBIT B – LOCATION MAP

AERIAL MAP



EXHIBIT C – DEVELOPMENT CONDITIONS

Approved Plans and Documents (Exhibit D)

1. The Plantation Storage of Stuart CPUD and use thereof shall comply with the following documents and drawings:

- a. **The Site Plan, Sheet 1, prepared by Mathers Engineering, dated March of 2019, signed on 07.31.19**
- b. **The Chase Storage IV, LLC Land Title & Boundary and Tree Survey, Sheet 1 of 1, by Stephen J. Brown, Inc, dated 4.12.17.**
- c. **The Landscape Development Plan, the Landscape Specifications Plan and the Tree Disposition Plan Sheets LP1, LP2 and TDP-1 all prepared by Gentile Glas Holloway O'Mahoney and Associates Inc., dated 03.28.19, and last revised on 06.12.19.**
- d. **Architectural Floor Plans and Elevation for Self-Storage Warehouse, Sht. SD-1, SD-2 and SD-3 and SD-4 by Ahern and Associates, Architects, P.A. dated June 12, 2019.**

Prior to Issuance of Site Permit

2. The applicant shall provide a digital boundary survey and civil plan prior to the issuance of any site permits.

3. 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.

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

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

Development and Construction

6. Except as otherwise set forth in the Plantation Storage of Stuart CPUD, development shall comply with the City Land Development Code. Any modifications to the Final Site Plan that does not exceed 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 public hearing.

7. Notwithstanding item 6 above, or the site plan attached herein, the applicant may make minor modifications to each of the building footprints, so long as each of the building area changes are 5% or less and the new elevations continue to meet the Stuart Land Development Code.

8. 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.

9. Development of the Subject Property as a CPUD shall include an impervious area of not more than fifty-six point two percent (56.2%) for the entire parcel within the CPUD. The maximum building height within the CPUD shall be twenty-five (25) feet, or 1 story. Height shall be measured from the lowest permissible finished first floor elevation to the surface of a flat roof and to the eave of a pitched roof. The peak of a pitched roof may not exceed 15 feet above the maximum building height.

10. The development shall use reclaimed water (Purple Pipe) for watering common areas when available.

11. In the event of any conflict in the provisions of Exhibit 'C' Development Conditions and attached exhibits, Exhibit 'C' shall prevail.

12. Prior to certificate of occupancy of the building, the applicant shall provide an engineer's written confirmation attesting that the CPUD's storm water system is in place and functioning in compliance with all approved plans and specifications.
13. Construction activity shall be limited from 7:00 am to 6:00 pm Monday – Saturday.
14. In the event of any conflict in the provisions of Exhibit 'C' Development Conditions and attached exhibits, Exhibit 'C' shall prevail.
15. Erosion and dust control measures to be implemented during construction shall be provided on the civil plans and submitted during site permit review.
16. Any existing infrastructure, sidewalk or private property that is damaged during construction shall be repaired or replaced prior to the issuance of a Certificate of Occupancy.
17. Lighting poles in the parking areas shall not exceed 25' in height. Lighting poles in the pedestrian areas shall not exceed 15' in height. Prior to issuance of a vertical building permit, a photometric plan with details shall be submitted and all site lighting shall comply with a plan acceptable to the City and reviewed by Police for CEPTED/Crime Prevention recommendations.
18. Developer agrees to provide a 10-foot easement, to Martin County Utilities, along the frontage of the Property for purposes of construction and maintenance of a water utility line.
19. Building addresses and/or numbers shall be in plain view and shown on each building plan submitted at the time of building permit application in accordance with the City Code and shall be consistent with the sign plan.
20. All on-site utilities lines shall be buried.

Temporary or freestanding storage units are prohibited on the property once construction is complete.

21. The County has accepted the City's request for an 8-foot wide sidewalk as part of the improvements as long as the design engineer is able to confirm the resultant swale has compacity for stormwater runoff.

Landscaping

21. 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.
22. “Hat racking” of trees is prohibited on the property.
23. 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.
24. A landscape maintenance agreement, executed in accordance with the Land Development Regulations, shall be submitted prior to the issuance of the first Certificate of Occupancy any building shown on the Final Site Plan.

Open Space, Required Native Preserve Area, Tree Mitigation Requirements and Littoral Plantings

25. Not less than 76,303 S.F. of the CPUD shall be open space as defined in the City Land Development Regulations. The applicant has provided 133,701 S.F. of the property as open space, including the perimeter landscape buffers and interior landscape area. Required open space may include native vegetation areas and landscape buffers between the CPUD and adjacent property; however, other required landscaping shall not count towards the open space requirement.
26. In order to enhance the value of total habitat preserved, the City determined that all upland preserve areas attributable to the property located within this CPUD were better served on a nearby undeveloped parcel consisting of superior quality habitat. Accordingly, the upland preserve area requirements for the subject property located within this CPUD have been met via Ordinance 2361- 2018.

27. Prior to littoral planting at perimeter of Bio-retention pond, all invasive exotic/non-native plant species, any damaged or diseased plants, and any plants unsuited to grow in a littoral environment shall be removed. Disturbed areas shall be removed to ensure the survival and health of the replacement plant material. See landscape legend for species. The applicant shall be responsible for maintaining littoral plantings in perpetuity as prescribed on the Landscape Plan.

28. Prior to any development activities on the site, payment into the City's tree replacement fund based on the City's Tree Replacement Formula, Section 5.05.02. The following is an estimate of fees owed as of the date of this ordinance. A final fee calculation is required at the time of permitting.

Tree type	Total \$ to pay into city's tree fund
Slash Pine	\$36,354.00
All trees less Slash Pine (hardwoods)	\$14,400.00
Total Requirements	\$50,754.00

Signage

29. All signs throughout the CPUD must have a consistent treatment, as to number, location, size, height, lighting, and materials with a unified theme throughout the Planned Unit Development. Building facade or wall signage shall be subject to a unified signage plan specific to this development. All signage including wall signs shall comply with Section 6.11.00 of the City's Land development code.

30. The monument sign(s) shall adhere to the design shown on Sheets SD-4 of Ahern & Associates Architects attached as part of this exhibit.

Development Timetable

31. Construction of roads, utilities, drainage improvements and other common elements serving the property will be completed prior to the issuance of the certificate of occupancy for the first building.

32. Timetable for development shall be as follows:

Site and Building permit applications deemed sufficient for permit review under city codes and standards.	December 31, 2022
Final Certificate of Occupancy for all site and building improvements.	December 31, 2025

Allowable Uses

33. The following uses shall be permitted:

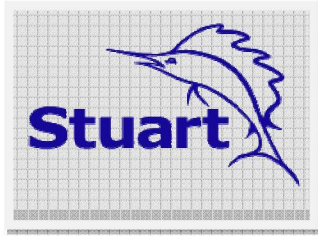
- a. Self-Storage with ancillary office and ancillary retail services customary for self-storage facilities.
- b. Outdoor boat and vehicular storage.

Prohibited

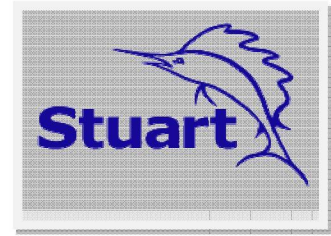
34. No temporary or modular buildings are permitted on the property except for permitted temporary construction/leasing trailers.

35. Billboards are prohibited on the property.

36. Banners and any other sign or advertising device not in accordance with the City's Land Development Regulations are prohibited.

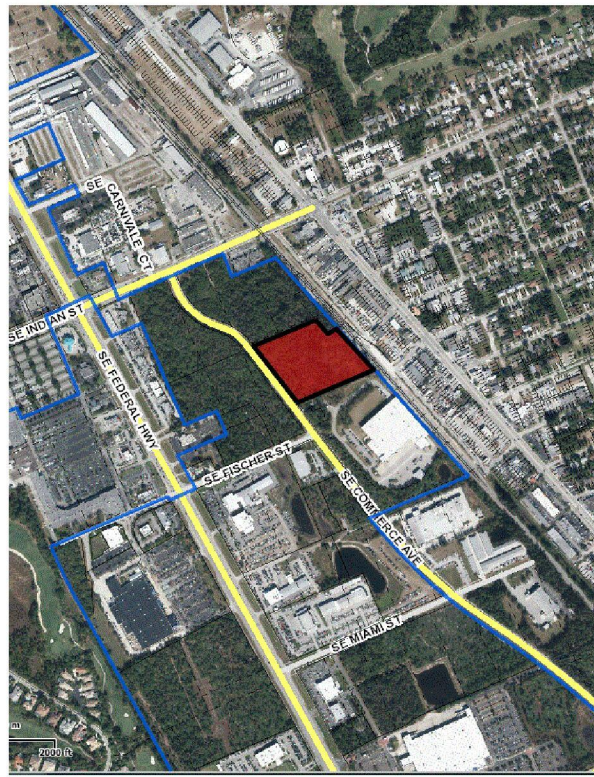


CITY OF STUART
City Commission
 August 26, 2019
 Second Reading



Project Name: Plantation Storage of Stuart Major amendment to the CPUD & Final Site Plan Approval	Property Owners: Ted Glasrud
Project No.: Z19040003	Applicant/Petitioner: Mr. Charles Chase/Bob Raynes
Ordinance No: 2411-2019	Agent: Mathers Engineering
PCN: 38-38-41-002-105-00000-9	Case Planner: Tom Reetz
Location: SE Commerce Avenue On the Eastside of SE Commerce Avenue south of Indian Street and just north of the original site for Thies Distribution plant, now Turbocombuster Technology, Inc.	

Location Map



PROJECT SUMMARY	
Property Size (area)	7.01 Acres

<i>Present Use</i>		Vacant
<i>Subject Property Land Use</i>		Commercial
<i>Adjacent FLU</i>	<i>North</i>	Commercial vacant
	<i>South</i>	Commercial/Industrial
	<i>East</i>	F.E.C. Right-of-way
	<i>West</i>	Commercial vacant
<i>Subject Property Zoning</i>		B-2 (Business General)
<i>Adjacent Zoning</i>	<i>North</i>	CPUD
	<i>South</i>	Thies/Turbo Combuster CPUD
	<i>East</i>	CPUD
	<i>West</i>	F.E.C. Right-of-way
<i>Proposed Zoning District</i>		Commercial Planned Unit Development (CPUD) current
<i>Proposed Use</i>		Warehouse – Mini Storage
<i>City Approvals</i>		Building Department – No comments at this time. Fire Department – Conceptual site plan approval Public Works – Conceptual site plan approval Police Department – Conceptual site plan approval
<i>Brief Explanation</i>		The subject property is 7.01 acres. The intent of this project is to allow an approx. 98,000 square foot, one story (max 25' high) self-storage facility comprised of 5 individual building and an office building, located on the East side of Commerce Ave. south of Indian Street.
<i>Staff Recommendation:</i> Staff recommends approval of Ordinance 2411-2019, consisting of a major amendment to the CPUD (Commercial Planned Unit Development), which includes a final site plan and conditions of approval including a timetable of development.		

STAFF REPORT AND RECOMMENDATION

I. LEGAL NOTICE REQUIREMENTS

A. Requirements for Application – The application for re-zoning district designation to CPUD have been noticed in accordance with the requirements set forth in Sections 11.01.06 of the Land Development Regulations.

B. Site Posting Date: 7-02-2019

C. Mail Notice Postmark: 07-02-2019 to property owners within 300 feet

D. Publication Date: 10 days prior to the adoption hearing, Section 11.01.06

II. Major Amendment and Master Site Plan Approval, Ordinance. 2411-2019

III. APPLICATION Dated March 26, 2019

IV. HISTORY OF THE SITE

The subject parcel is 7.01+/- acres of vacant land, and located on the east side of Commerce Avenue. At the time of this application, the property is currently vacant, originally annexed into the city in the late 1990's. Tonight, the applicant is proposing to amend the CPUD with Final Site Plan approval for a 98,000 square foot self-storage facility. The self-storage facility will have 630 storage units in five standalone single-story buildings.

V. STAFF ANALYSIS

A. Site and Area Characteristics

The subject property consists of two parcels together equaling 7.01+/- acres in size, located on the east side of SE Commerce Avenue. To the east of the site is the F.E.C. Railroad right-of-way. To the north is undeveloped CPUD. To the west is undeveloped CPUD.

Project Description

The applicant is proposing a major amendment to the CPUD for the purpose of developing a 98,000 square foot self-storage facility known as Plantation Storage of Stuart. The self-storage facility will be limited to five single story buildings and an attached single story office. Also proposed is 4,347 square feet of outdoor boat and vehicular storage.

Landscaping & Tree Mitigation

Landscape buffers have been provided on all sides of the property, which includes a 35-foot-wide landscape buffer without a fence on the eastern property line, adjacent to the FEC railroad right-of-way. The south buffer is 30 feet with a fence existing on the neighboring property. A 40 foot landscape buffer between Commerce Avenue and Building no. 1 is being proposed. The property is made secure with proposed fencing between buildings. Staff has worked closely with the project architect to enhance the building elevation seen from Commerce Avenue.

Of the total site area, approximately 43% will remain pervious, which includes open space & landscape buffers.

The total Trees planted on site is 189. This does not include the 16 Palm trees and 33 hardwood trees proposed to partially meet mitigation requirements. A total of \$50,754.00 will be paid into the City's tree fund.

Access and Parking

The property will have one point of vehicular access. The circulation has met EMS vehicle turning movement requirements. The site includes internal 6' sidewalk with a connection with the existing 5' wide sidewalk along SE Commerce Ave.

The applicant is providing 21 total parking spaces. The self-storage facility (with 630 storage units and 2 employees) is required to provide one parking space per 50 storage units, plus one per employee or 15 parking spaces.

B. Future Land Use Amendment and Comprehensive Plan Consistency Review

A review of the Comprehensive Plan finds that the proposed use is consistent with the existing Commercial future land use designation.

This land-use category allows commercial use and is compatible with the surrounding land uses.

C. Land Development Code Consistency Review

The application has been reviewed for consistency with the City's LDC. The CPUD zoning would allow for the construction of the 98,000 S.F. self-storage facility.

Section 11.01.02.7 major amendment to CPUD of the Land Development Code requires the Local Planning Agency to consider the following criteria prior to making an advisory recommendation to the City Commission.

1. The existing land use pattern;

The proposed land use pattern has been established as Commercial, which allows for a warehouse – mini storage.

2. *The possible creation of an isolated district unrelated to adjacent and nearby districts;*

The proposed rezoning to CPUD would not create an isolated zoning classification in regard to nearby classifications of zoning.

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

The intended use of the subject property as a self-storage facility would not encourage the type and intensity of development that would result in overtaxing of schools, utilities, or streets.

4. *The possible overloading of the City's sewage collection, treatment and disposal facilities;*

The type and intensity of development is not anticipated to overload the City's utility services.

5. *The possible overloading of the City's drainage system;*

The type and intensity of development that is feasible is not anticipated to overload the County's utility services.

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

There are no issues in this regard.

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

The traffic study reports that the existing roadway will handle the additional capacity.

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

The type and intensity of development is feasible and would not create an adverse impact to nearby neighborhoods and is consistent with the goals of development, the Commercial future land use category and the design principles of the area that will continue to surround the site.

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

The type and intensity of development that would be feasible on the subject property would not create an adverse impact upon the flow of light and air to adjacent areas.

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

The rezoning to CPUD would likely result in an increase in property values in the adjacent area by having a facility availability.

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

The rezoning to CPUD would not impact adjacent properties to improve or develop in accordance with existing regulations.

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

The subject location is ideal for a self-storage facility due to the unique shape of the property and its proximity to surrounding commercial and residential uses.

Signage

All signs throughout the CPUD will have a consistent treatment, as to number, location, size, height, lighting, and materials with a unified theme throughout the Planned Unit Development. The development's monument sign will adhere to the design standards in the City's Land Development Code.

Architecture

Staff has worked closely with the project architect to enhance the building elevation seen from Commerce Avenue.

SITE DESIGN QUALITATIVE DEVELOPMENT STANDARDS
The purpose of these standards is to insure 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.
<i>1. Harmonious and Efficient Organization</i>
The proposed development is efficiently planned and through its design and layout takes account of existing and possible development in the immediate vicinity of the site. Site improvements required for construction should not negatively impact or have any harmful effects on adjacent properties.
<i>2. Preservation of Natural Conditions</i>
The site has been surveyed including tree survey. Upland has been set aside via Ordinance 2361-2019 providing aggregate conservation areas in higher existing habitat in order to free up areas of lower ecological quality.
<i>3. Screening and Buffering</i>

The Landscape Plan for the subject site proposes to create screening, 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 considered to be more than adequate.
4. Enhancement of Residential Privacy
There is no residential nearby
5. Emergency Access and Access to Public and Private Ways
The proposed development provides adequate access for emergency vehicles. All elements of this proposal have been designed so as to incorporate safe and convenient access to all public and private ways throughout the site.
6. Pedestrian Circulation
The proposed 6' (foot) internal sidewalk is encouraged to connect with the existing 5 foot sidewalk along Commerce Avenue.
7. Location and Design of Access Drives
The site has one point of ingress and egress. Adequate stacking spaces are provided within the ingress driveway as well as a covered drop off area.
8. Coordination of on-site and off-site circulation
Connection is provided to Pine Avenue, Bryant Avenue and Palm City Road.
9. Location and Design of on-site ways
The on-site driveways and parking areas have been located and designed to be minimal in form and to occupy no more land than is required to provide safe and convenient vehicular and pedestrian circulation.
10. Drainage
The drainage will be addressed in full at final site plan submission. Drainage will be accommodated on site in a manner which shall not adversely affect nearby property or the public storm drainage system.
11. Exterior Lighting
The proposed development will provide decorative exterior lighting at 25ft in height in the 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 or interfere with the aesthetics of the surrounding area or with public safety and convenience.

D. Technical Review by Other Agencies

The City Building, Public Works, Fire, and Police Departments have reviewed the applications and have offered their comments. Each department will provide specific comments at final site approval for permitting.

The applicant will be responsible to meet all federal, state and local permitting and environmental standards. Further, the applicant will also be required to demonstrate full compliance at all times.

VI. LOCAL PLANNING AGENCY BOARD RECOMMENDATION

The Local Planning Agency shall make an advisory recommendation to the City Commission as to the need and justification for the zoning change and as to the relationship of the proposed change to the goals, objectives and policies of the Comprehensive Plan and of the Land Development Code. The Local Planning Agency

shall include in its recommendation to the City Commission any information which it deems is relevant to issues relating to the proposed amendment.

VII. STAFF RECOMMENDATION (APPROVAL WITH CONDITIONS)

Staff has determined that the rezoning to CPUD is consistent with the goals, objectives and policies of the Comprehensive Plan and the regulations in the Land Development Code. Furthermore, staff has determined that the CPUD to allowing 98,000 +- square foot self-storage facility consisting of 630 units to be developed on the site is consistent with the Land Development Code and recommends Ordinance No. 2411-2019 with conditions of approval.



O'ROURKE
ENGINEERING & PLANNING

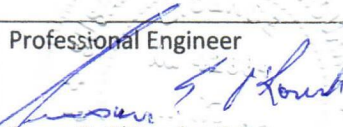
TRAFFIC ANALYSIS
FOR
PLANTATION STORAGE OF STUART

Prepared for:
Ted Glasrud Associates, Inc
759 SW Federal Highway
Stuart, FL 34994

Prepared by:
O'Rourke Engineering & Planning
969 SE Federal Highway, Suite 402
Stuart, FL 34994
(772) 781-7918

March 20, 2019

MR19011.0

Prepared by: O'Rourke Engineering & Planning Certificate of Authorization: #26869 969 SE Federal Highway, Suite 402 Stuart, Florida 34994 772-781-7918	Professional Engineer  Susan E. O'Rourke, P.E. Date signed and sealed: 3/20/19 License #: 42684
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O'ROURKE
ENGINEERING & PLANNING

March 20, 2019

Ms. Kristen Brown
Ted Glasrud Associates, Inc
759 SW Federal Highway
Stuart, FL 34994

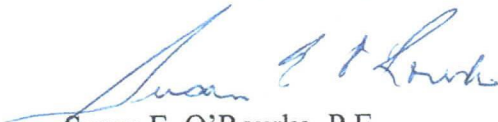
Re: Plantation Storage of Stuart

Dear Ms. Brown:

O'Rourke Engineering and Planning has completed the analysis of the mini-warehouse/self storage development to be located east of Commerce Avenue and south of Indian Street in the City of Stuart. The steps in the analysis and the ensuing results are presented herein.

It has been a pleasure working with you. If you have any questions or comments, please give me a call.

Respectfully submitted,
O'Rourke Engineering & Planning



Susan E. O'Rourke, P.E.
President

C6 – Report – Glasrud Parcel 5

TABLE OF CONTENTS

INTRODUCTION	1
PROJECT DESCRIPTION	1
ROADWAY CONDITIONS	3
PROJECT TRAFFIC	3
PROJECT DISTRIBUTION / ASSIGNMENT / IMPACT	3
FUTURE TRAFFIC / CONCURRENCY REVIEW	7
DRIVEWAY VOLUMES	7
CONCLUSION	7

TABLES

TABLE 1: Project Trip Generation	4
TABLE 2: Project Percent Impact	6
TABLE 3: Link Analysis	8

FIGURES

FIGURE 1: Project Location/Site Plan	2
FIGURE 2: Project Traffic Assignment	5
FIGURE 3: Driveway Lanes/Volumes	9

APPENDICES

APPENDIX A: Site Plan

APPENDIX B: Martin County 2018 Roadway Level of Service Inventory Report

INTRODUCTION

O'Rourke Engineering & Planning was retained to prepare a traffic analysis for the proposed mini-warehouse development to be located east of Commerce Avenue and south of Indian Street in the City of Stuart, Florida. The project will have access to Commerce Avenue via a shared driveway. **Appendix A** includes the site plan. The purpose of this report is to determine the project's impact on the surrounding roadway system. This report follows the procedures outlined in the County Ordinance Article 5.

In order to make the determination that the project complies with City of Stuart concurrency guidelines, the following analytical steps were taken:

- ♦summary of the project,
- ♦summary of existing lane geometrics,
- ♦summary of maximum allowable service volumes,
- ♦assessment of project traffic,
- ♦determination of study area
- ♦summary of cumulative traffic volumes
- ♦comparison of volumes to allowable levels of service

Each of these steps is outlined herein.

PROJECT DESCRIPTION

The proposed development will consist of 95,400 square feet of mini-warehouse and 1,760 square feet of office. The project site is located east of Commerce Avenue and south of Indian Street and will provide access to Commerce Avenue via a shared driveway connection. A project buildout of 2020 was applied to the analysis. The project location is shown in **Figure 1**.

ROADWAY CONDITIONS

The study area is defined as the roadways upon which the project has an impact of 5% of the level of service capacity of the roadway. Once the project traffic was assigned, the study area was refined based on the impact percentages.

The study area roadways were defined in terms of existing lane geometrics and existing traffic volumes.

Existing Lane Geometrics

The study area was reviewed to determine the existing number and type of lanes and the traffic control along the roadway. Each roadway is described below.

Commerce Avenue is a two-lane collector with a north/south alignment.

Fischer Road is a two-lane roadway with an east/west alignment.

Indian Street is a four-lane divided arterial roadway with an east/west alignment in this location.

PROJECT TRAFFIC

To estimate traffic generated by the project, the ITE Trip Generation, 10th Edition warehouse trip rates and general office were applied to the proposed square footages. These calculations provide an estimate of the typical generation. The trip generation for the proposed project at buildout is shown in **Table 1**.

As shown, the project will generate 13 net new AM peak hour trips with 7 trips entering the project and 5 trips exiting the project. The PM peak hour will have 18 trips with 9 trips entering and 9 trips exiting.

PROJECT DISTRIBUTION / ASSIGNMENT/ IMPACT

The project traffic was distributed by general geographic direction and then assigned to the roadway network.

Assignment -- This general distribution led to an assignment of trips based on the anticipated ultimate destinations and the roadway paths used to reach those destinations. The project assignment is shown in **Figure 2** for the buildout.

Project Impact -- **Table 2** summarizes the project impact as it related to the percent of the service volume capacity or maximum allowable service volume for the project. As shown, there are no links with a 5% or greater impact.

Table 1 - Trip Generation

Table 1a: Daily

Land Use	ITE Code	Intensity	Units	Trip Generation Rate	Directional Split		Gross Trips (Driveaway Volumes)			Pass-by Trips			Net New Trips		
					In	Out	In	Out	Total	In	Out	Total	In	Out	Total
Small Office Building	712	1,760	Sft	T = 16.19(X)	50%	50%	14	14	28	2	1	3	12	13	25
Mini-Warehouse	151	95,400	Sft	T = 1.51(X)	50%	50%	72	72	144	7	7	14	65	65	130
TOTALS							86	86	172	9	8	17	77	78	155

Source: ITE 10th Edition Trip Generation Rates

Table 1b: AM Peak Hour

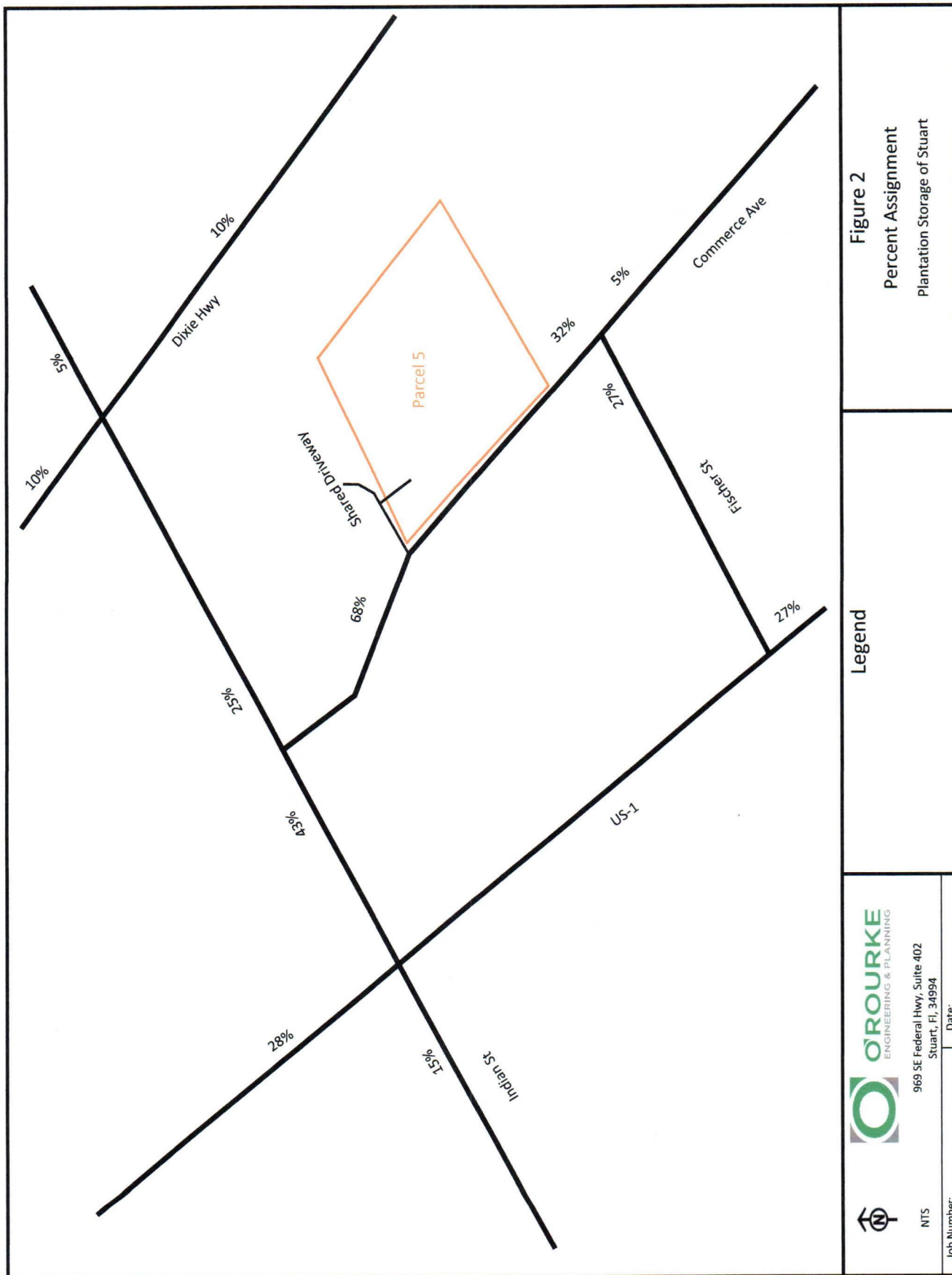
Land Use	ITE Code	Intensity	Units	Trip Generation Rate	Directional Split		Gross Trips (Driveaway Volumes)			Pass-by Trips			Net New Trips		
					In	Out	In	Out	Total	In	Out	Total	In	Out	Total
Small Office Building	712	1,760	Sft	T = 1.92(X)	83%	17%	2	1	3	-	-	-	2	1	3
Mini-Warehouse	151	95,400	Sft	T = 0.10(X)	60%	40%	6	4	10	1	-	1	5	4	9
TOTALS							8	5	13	1	-	1	7	5	12

Source: ITE 10th Edition Trip Generation Rates

Table 1c: PM Peak Hour

Land Use	ITE Code	Intensity	Units	Trip Generation Rate	Directional Split		Gross Trips (Driveaway Volumes)			Pass-by Trips			Net New Trips		
					In	Out	In	Out	Total	In	Out	Total	In	Out	Total
Small Office Building	712	1,760	Sft	T = 2.45(X)	32%	68%	1	3	4	-	-	-	1	3	4
Mini-Warehouse	151	95,400	Sft	T = 0.17(X)	47%	53%	8	8	16	-	2	2	8	6	14
TOTALS							9	11	20	-	2	2	9	9	18

Source: ITE 10th Edition Trip Generation Rates



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NTS

Job Number:

Date:

Table 2a: Percent Impact - AM Peak Hour

Segment	From	To	Direction		Lanes	Is Project Traffic 5% or More of Capacity?	LOS D Directional Peak Hour	Directional Peak Project Volume	Project Percent Assignment	Directional Percent Project of Capacity
Indian St	Willoughby Blvd	SR-5 (US-1)	EB	IN	4LD	no	2000	1	15%	0.05%
	Willoughby Blvd	SR-5 (US-1)	WB	OUT	4LD	no	2000	1	15%	0.05%
	SR-5 (US-1)	Commerce Ave	EB	IN	4LD	no	2000	3	43%	0.15%
	SR-5 (US-1)	Commerce Ave	WB	OUT	4LD	no	2000	2	43%	0.10%
	Commerce Ave	CR-A1A	EB	OUT	4LD	no	2000	1	25%	0.05%
SR-5 (US-1)	Commerce Ave	CR-A1A	WB	IN	4LD	no	2000	2	25%	0.10%
	Monroe St	Fisher St	NB	IN	6LD	no	3020	2	27%	0.07%
	Monroe St	Fisher St	SB	OUT	6LD	no	3020	1	27%	0.03%
	Indian St	SR-714	NB	OUT	6LD	no	3020	1	28%	0.03%
	Indian St	SR-714	SB	IN	6LD	no	3020	2	28%	0.07%
Commerce Ave	Fisher St	Project Entrance	NB	IN	2L	no	750	2	32%	0.27%
	Fisher St	Project Entrance	SB	OUT	2L	no	750	2	32%	0.27%
	Project Entrance	Indian St	NB	OUT	2L	no	750	3	68%	0.40%
	Project Entrance	Indian St	SB	IN	2L	no	750	5	68%	0.67%
Fisher St	SR-5 (US-1)	Commerce Ave	EB	IN	2L	no	750	2	27%	0.27%
	SR-5 (US-1)	Commerce Ave	WB	OUT	2L	no	750	1	27%	0.13%
Dixie Hwy	Jefferson St	Indian St	NB	IN	4LD	no	1630	1	10%	0.06%
	Jefferson St	Indian St	SB	OUT	4LD	no	1630	1	10%	0.06%
	Indian St	SR-714	NB	OUT	4LD	no	2000	1	10%	0.05%
	Indian St	SR-714	SB	IN	4LD	no	2000	1	10%	0.05%

In: 7
Out: 5

Table 2b: Percent Impact - PM Peak Hour

Segment	From	To	Direction		Lanes	Is Project Traffic 5% or More of Capacity?	LOS D Directional Peak Hour	Directional Peak Project Volume	Project Percent Assignment	Directional Percent Project of Capacity
Indian St	Willoughby Blvd	SR-5 (US-1)	EB	IN	4LD	no	2000	1	15%	0.05%
	Willoughby Blvd	SR-5 (US-1)	WB	OUT	4LD	no	2000	1	15%	0.05%
	SR-5 (US-1)	Commerce Ave	EB	IN	4LD	no	2000	4	43%	0.20%
	SR-5 (US-1)	Commerce Ave	WB	OUT	4LD	no	2000	4	43%	0.20%
	Commerce Ave	CR-A1A	EB	OUT	4LD	no	2000	2	25%	0.10%
SR-5 (US-1)	Commerce Ave	CR-A1A	WB	IN	4LD	no	2000	2	25%	0.10%
	Monroe St	Fisher St	NB	IN	6LD	no	3020	2	27%	0.07%
	Monroe St	Fisher St	SB	OUT	6LD	no	3020	2	27%	0.07%
	Indian St	SR-714	NB	OUT	6LD	no	3020	3	28%	0.10%
	Indian St	SR-714	SB	IN	6LD	no	3020	3	28%	0.10%
Commerce Ave	Fisher St	Project Entrance	NB	IN	2L	no	750	3	32%	0.40%
	Fisher St	Project Entrance	SB	OUT	2L	no	750	3	32%	0.40%
	Project Entrance	Indian St	NB	OUT	2L	no	750	6	68%	0.80%
	Project Entrance	Indian St	SB	IN	2L	no	750	6	68%	0.80%
Fisher St	SR-5 (US-1)	Commerce Ave	EB	IN	2L	no	750	2	27%	0.27%
	SR-5 (US-1)	Commerce Ave	WB	OUT	2L	no	750	2	27%	0.27%
Dixie Hwy	Jefferson St	Indian St	NB	IN	4LD	no	1630	1	10%	0.06%
	Jefferson St	Indian St	SB	OUT	4LD	no	1630	1	10%	0.06%
	Indian St	SR-714	NB	OUT	4LD	no	2000	1	10%	0.05%
	Indian St	SR-714	SB	IN	4LD	no	2000	1	10%	0.05%

In: 9
Out: 9

FUTURE TRAFFIC / CONCURRENCY REVIEW

Since no links have a 5% or greater impact, the first directly accessed link of Commerce Avenue was analyzed. Glasrud Commerce Park Parcel 5 is estimated to be completed by 2020. To estimate 2020 volumes, 2018 peak hour volumes from the Martin County 2018 Roadway Level of Service Inventory Report were used. Growth rates from that same report were used to grow the traffic to 2020. The project traffic was then added to the grown volumes to estimate the 2020 future Total Traffic volumes. **Table 3** summarizes the results. As shown, Commerce Avenue will operate at an acceptable Level of Service at project buildout.

Appendix B provides the Martin County 2018 Roadway Level of Service Inventory Report.

DRIVEWAY VOLUMES

The project traffic volumes are illustrated in **Figure 3**. As shown, the project volumes are very low and will not meet industry thresholds to require turn lanes.

CONCLUSION

Glasrud Commerce Park Parcel 5 will have a traffic impact of 18 net PM peak hour trips. These trips will not cause levels of service to fall below acceptable levels in the future. Based on the data and calculations presented herein, the project does not require additional analysis and is deemed to be consistent with transportation concurrency requirements.

Table 3a: Link Analysis - AM Peak Hour

Segment	From	To	Direction	Lanes	Is Project Traffic 5% or More of Capacity?	2018 AADT	K Factor	D Factor	2018 Volume Peak Hour Peak Direction	Growth Rate	2020 Volume Peak Hour Peak Direction	LOS D Directional Peak Hour	Directional Peak Project Volume	Project Percent Assignment	Directional Percent Project of Capacity	Total Traffic (Peak Direction)	Does Project Meet Concurrency?
Commerce Ave	Fisher St	Project Entrance	NB	IN	2L	no	0.11	0.400	296	1.012	303	750	2	32%	0.27%	305	Yes
	Fisher St	Project Entrance	SB	OUT	2L	no	0.11	0.600	432	1.012	442	750	2	32%	0.27%	444	Yes
	Project Entrance	Indian St	NB	OUT	2L	no	0.11	0.400	296	1.012	303	750	3	68%	0.40%	306	Yes
	Project Entrance	Indian St	SB	IN	2L	no	0.11	0.600	432	1.012	442	750	5	68%	0.67%	447	Yes

Source: Martin County 2018 Roadway Level of Service Inventory Report

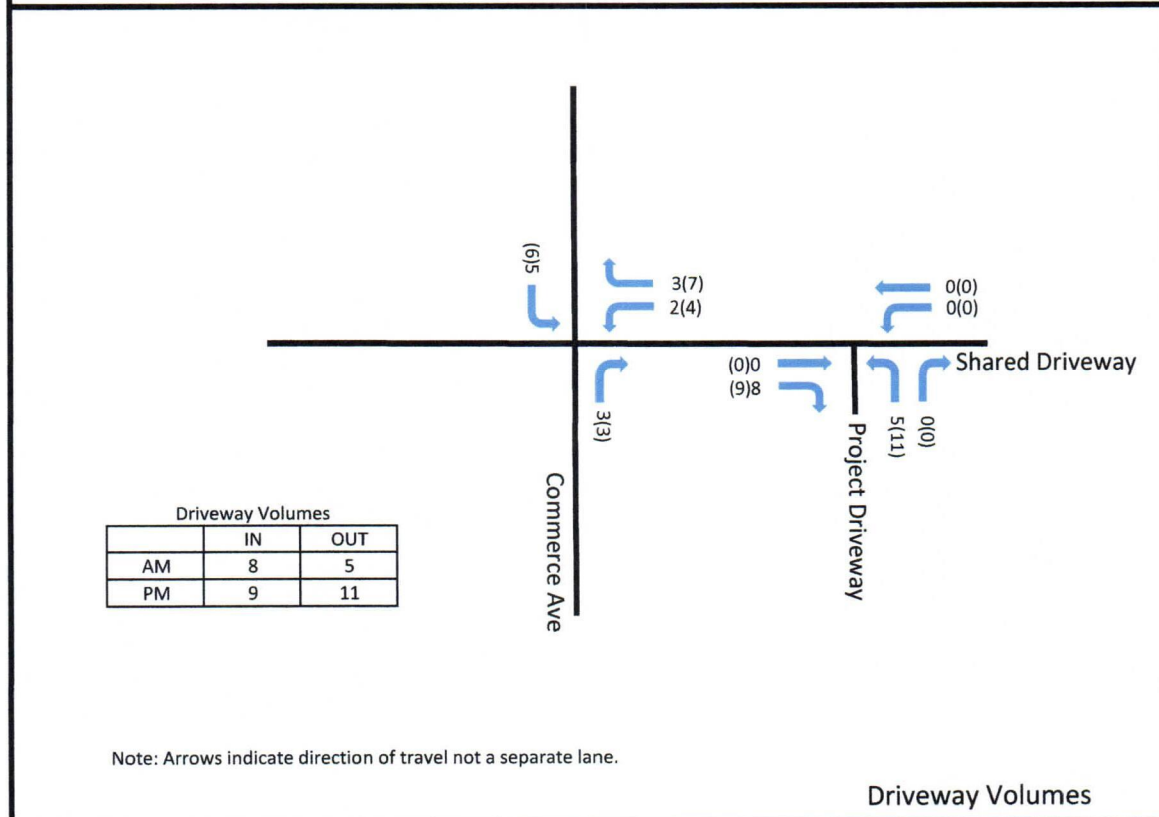
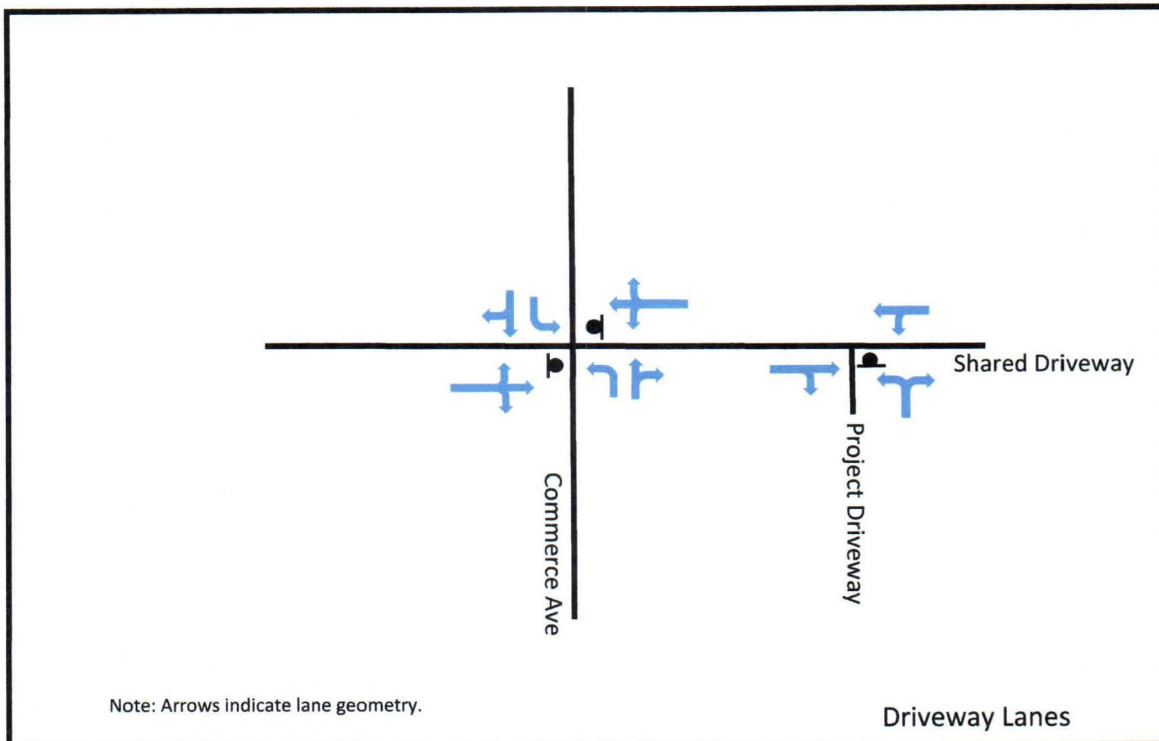
In: 7
Out: 5
Years Grown: 2

Table 3b: Link Analysis - PM Peak Hour

Segment	From	To	Direction	Lanes	Is Project Traffic 5% or More of Capacity?	2018 AADT	K Factor	D Factor	2018 Volume Peak Hour Peak Direction	Growth Rate	2020 Volume Peak Hour Peak Direction	LOS D Directional Peak Hour	Directional Peak Project Volume	Project Percent Assignment	Directional Percent Project of Capacity	Total Traffic (Peak Direction)	Does Project Meet Concurrency?
Commerce Ave	Fisher St	Project Entrance	NB	IN	2L	no	0.11	0.400	296	1.012	303	750	3	32%	0.40%	306	Yes
	Fisher St	Project Entrance	SB	OUT	2L	no	0.11	0.600	432	1.012	442	750	3	32%	0.40%	445	Yes
	Project Entrance	Indian St	NB	OUT	2L	no	0.11	0.400	296	1.012	303	750	6	68%	0.80%	309	Yes
	Project Entrance	Indian St	SB	IN	2L	no	0.11	0.600	432	1.012	442	750	6	68%	0.80%	448	Yes

Source: Martin County 2018 Roadway Level of Service Inventory Report

In: 9
Out: 9
Years Grown: 2






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Stuart, FL 34994

Job #: _____ Date: _____

Legend

XX(XX) = AM(PM) Project Volume

 = Stop Sign

Figure 3

Driveway Lanes/Volumes

Plantation Storage of Stuart

APPENDIX A

SITE PLAN

APPENDIX B

**MARTIN COUNTY 2018 ROADWAY LEVEL OF SERVICE
INVENTORY REPORT**

Martin County 2018 Roadway Level of Service Inventory Report

Road Name	From	To	Generalized Service Capacity	2018 Average Annual Daily Traffic	Peak Hour Factor K ₃₀	Directional Distribution D ₁₀₀	2018 Peak Hour Directional Volume	2018 Generalized LOS	Avg. Annual Growth Rate
Baker Rd	SR-5	CR-723	750	5,134	0.09	0.51	230	C	2.2%
Berry Ave	Golden Bear Wy	CR-714	750	3,496	0.09	0.50	157	C	0.9%
Berry Ave	CR-714	Sunset Tr	750	1,917	0.09	0.53	91	C	1.0%
Britt Rd	Pine Lake Dr	SR-5	750	4,538	0.08	0.58	208	C	0.5%
Citrus Blvd.	CR-714 (Martin Hwy)	Port St. Lucie Blvd.	1200	5,145	0.12	0.81	479	C	6.3%
Commerce Ave	Salerno Rd	Monroe St	750	6,810	0.10	0.60	413	D	2.5%
Commerce Ave	Monroe St	Indian St	750	6,726	0.11	0.60	432	D	1.2%
Country Club Dr	Palm Beach County	Island Way	750	2,978	0.08	0.53	120	C	4.2%
Country Club Dr	Island Way	Little Club Dr	750	3,665	0.08	0.59	164	C	4.4%
County Line Rd	Little Club Dr	SR-5	750	2,517	0.08	0.53	105	C	0.5%
Cove Rd	SR-76	Willoughby Blvd	880	13,912	0.10	0.51	681	C	3.3%
Cove Rd	Willoughby Blvd	SR-5	880	14,894	0.09	0.54	732	C	2.1%
Cove Rd	SR-5	CR-A1A	750	12,683	0.08	0.52	547	D	4.2%
Cove Rd	CR-A1A	End	675	5,547	0.09	0.57	285	C	0.5%
CR-609 (Allapattah Rd)	SR-710	CR-714	740	1,793	0.09	0.53	85	A/B	5.3%
CR-609 (Allapattah Rd)	CR-714	St Lucie County	740	1,812	0.09	0.65	106	A/B	6.0%
CR-707 (Beach Rd)	Palm Beach County	CR-708	675	1,928	0.09	0.63	111	C	5.3%
CR-707 (Dixie Hwy)	CR-723/CR-707	CR-707 (Indian River Dr)	750	5,401	0.09	0.51	237	C	0.5%
CR-707 (Indian River Dr)	CR-707 (Dixie Hwy)	CR-707A (Jensen Beach Blvd.)	675	10,488	0.10	0.54	578	D	2.2%
CR-707 (Indian River Dr)	CR-707A	SR-732	675	5,683	0.08	0.53	241	C	0.5%
CR-707 (Indian River Dr)	SR-732	St. Lucie County	675	6,216	0.09	0.61	334	C	3.1%

Martin County 2018 Roadway Level of Service Inventory Report

Road Name	From	To	Generalized Service Capacity	2018 Average Annual Daily Traffic	Peak Hour Factor K ₃₀	Directional Distribution D ₁₀₀	2018 Peak Hour Directional Volume	2018 Generalized LOS	Avg. Annual Growth Rate
CR-714 (Veteran's Memorial Bridge)	Mapp Rd	SR-76	2000	23,323	0.11	0.59	1,500	C	8.0%
CR-723 (Savanna Rd)	CR-707	NE 24th St	880	9,023	0.09	0.50	393	C	2.4%
CR-723 (Savanna Rd)	NE 24th St	CR-707A (Jensen Beach Blvd.)	880	10,500	0.09	0.53	473	C	1.6%
CR-726 (Citrus Blvd)	SR-710	Greenridge Ln	740	2,779	0.08	0.58	132	A/B	4.7%
CR-726 (Citrus Blvd)	Greenridge Ln	CR-76A	740	2,553	0.09	0.57	131	A/B	5.3%
CR-76A (Citrus Blvd.)	CR-726	SR-714	1200	4,204	0.09	0.55	215	A/B	5.6%
CR-76A (SW 96th St)	CR-726	Pennsylvania Ave	1200	3,768	0.09	0.56	190	A/B	4.7%
CR-76A (SW 96th St)	Pennsylvania Ave	SR-76	800	8,115	0.09	0.63	435	C	4.5%
CR-A1A (Dixie Hwy)	SR-5	CR-708	750	3,233	0.09	0.50	147	C	4.6%
CR-A1A (Dixie Hwy)	CR-708	Osprey St	880	7,508	0.11	0.53	454	C	3.6%
CR-A1A (Dixie Hwy)	Osprey St	Heritage Blvd	1190	6,641	0.08	0.55	292	A/B	4.1%
CR-A1A (Dixie Hwy)	Heritage Blvd	Cove Rd	1190	7,348	0.09	0.54	341	A/B	4.7%
CR-A1A (Dixie Hwy)	Cove Rd	Salerno Rd	790	12,223	0.09	0.53	602	D	3.6%
CR-A1A (Dixie Hwy)	Salerno Rd	St. Lucie Blvd	750	16,587	0.09	0.51	753	E	3.1%
CR-A1A (Dixie Hwy)	St. Lucie Blvd	Jefferson St	750	13,991	0.10	0.50	700	D	2.5%
CR-A1A (Dixie Hwy)	Jefferson St	Indian St	1630	18,643	0.08	0.52	756	D	4.0%
CR-A1A (Dixie Hwy)	Indian St	SR-714	2000	16,285	0.10	0.50	790	C	0.9%
CR-A1A (Dixie Hwy)	SR-714	SE Fifth St	675	6,585	0.09	0.55	340	D	2.0%
Dr Martin Luther King Jr Blvd	Farm Rd	SR-710	675	2,169	0.07	0.53	83	C	4.0%
Farm Rd	Dr Martin Luther King Jr Dr	Palm Wy	750	2,588	0.06	0.59	93	C	2.0%
Fox Brown Rd	SR-710	CR-714	740	333	0.08	0.60	16	A/B	0.0%

Martin County 2018 Roadway Level of Service Inventory Report

Road Name	From	To	Generalized Service Capacity	2018 Average Annual Daily Traffic	Peak Hour Factor K ₃₀	Directional Distribution D ₁₀₀	2018 Peak Hour Directional Volume	2018 Generalized LOS	Avg. Annual Growth Rate
Goldenrod Rd	Britt Rd	SR-732	1630	4,838	0.08	0.61	242	C	0.5%
Goldenrod Rd	SR-732	SR-5	750	6,933	0.09	0.56	357	C	2.1%
Goldenrod Rd	SR-5	Westmoreland Blvd	750	4,350	0.09	0.73	273	C	4.6%
Gomez Ave	CR-708	Crossrip St	750	3,616	0.09	0.64	199	C	0.5%
Gomez Ave	Crossrip St	Osprey St	750	1,079	0.08	0.58	49	C	0.5%
Green River Parkway	Dixie Hwy	Baker Rd	750	6,728	0.10	0.64	444	D	5.2%
Green River Parkway	Baker Rd	SR-732	880	8,203	0.12	0.65	635	C	6.1%
Green River Parkway	SR-732	St. Lucie County	1190	8,395	0.10	0.63	513	C	4.2%
Horseshoe Point Rd	CR-A1A	Kubin Ave	675	5,725	0.08	0.53	252	C	0.5%
Indian St	SR-76	Willoughby Blvd	2000	28,668	0.10	0.58	1,679	C	7.0%
Indian St	Willoughby Blvd	SR-5	2000	28,304	0.08	0.50	1,189	C	3.9%
Indian St	SR-5	Commerce Ave	2000	22,456	0.09	0.54	1,031	C	0.5%
Indian St	Commerce Ave	CR-A1A	2000	24,848	0.09	0.50	1,068	C	1.0%
Indian St	CR-A1A	St Lucie Blvd	675	7,214	0.09	0.53	359	D	0.5%
Indian River Dr	Palmer St	CR-707	750	7,243	0.09	0.57	363	C	0.5%
Island Way	Palm Beach County	Jupiter Road	1200	4,326	0.10	0.58	261	A/B	2.6%
Island Way	Jupiter Road	Country Club Dr	750	5,230	0.08	0.52	204	C	3.1%
Jack James Rd	SR-76	Blue Water Wy	750	2,999	0.13	0.66	255	C	4.2%
Lares St	CR-708	CR-A1A	675	3,430	0.09	0.69	206	C	2.8%
Little Club Wy	Country Club Dr	Wooden Bridge Wy	675	2,382	0.08	0.55	103	C	1.2%
Locks Rd	Canal St	SR-76	675	3,722	0.08	0.53	154	C	1.1%

Martin County 2018 Roadway Level of Service Inventory Report

Road Name	From	To	Generalized Service Capacity	2018 Average Annual Daily Traffic	Peak Hour Factor K ₃₀	Directional Distribution D ₁₀₀	2018 Peak Hour Directional Volume	2018 Generalized LOS	Avg. Annual Growth Rate
Salerno Rd	Willoughby Blvd	SR-5	790	9,765	0.12	0.62	727	D	1.8%
Salerno Rd	SR-5	Commerce Ave	750	9,439	0.08	0.55	431	D	0.5%
Salerno Rd	Commerce Ave	CR-A1A	750	7,502	0.09	0.51	337	C	0.5%
Seabranh Blvd	Doubletree Dr	SR-5	2000	6,403	0.09	0.55	310	C	0.5%
Sewalls Pt Rd	SR-A1A	Palmer St	675	9,542	0.09	0.52	461	D	1.0%
Skyline Dr	CR-707A	CR-707	675	2,064	0.08	0.55	87	C	3.0%
SR-5 (US-1)	Palm Beach County	CR-A1A	3110	21,690	0.09	0.56	1,032	A/B	3.8%
SR-5 (US-1)	CR-A1A	CR-708	2000	17,113	0.09	0.68	1,094	C	3.1%
SR-5 (US-1)	CR-708	Osprey St	2000	24,451	0.10	0.65	1,589	C	2.0%
SR-5 (US-1)	Osprey St	Seabranh Blvd	2000	24,010	0.08	0.61	1,128	C	1.2%
SR-5 (US-1)	Seabranh Blvd	Cove Rd	3020	30,639	0.08	0.51	1,313	C	0.5%
SR-5 (US-1)	Cove Rd	Salerno Rd	3020	34,682	0.08	0.54	1,461	C	0.5%
SR-5 (US-1)	Salerno Rd	Monroe St	3020	42,146	0.08	0.52	1,775	C	0.9%
SR-5 (US-1)	Monroe St	Indian St	3020	45,627	0.08	0.52	1,922	C	1.3%
SR-5 (US-1)	Indian St	SR-714	3020	45,758	0.09	0.51	2,194	C	0.9%
SR-5 (US-1)	SR-714	SR-5A	3020	38,109	0.09	0.54	1,934	C	0.7%
SR-5 (US-1)	SR-5A(Cut-off Rd)	SR-76	3020	36,130	0.09	0.51	1,640	C	0.5%
SR-5 (US-1)	SR-76	Palm City Rd	2520	49,890	0.08	0.57	2,247	D	1.4%
SR-5 (US-1)	Palm City Rd	Joan Jefferson Wy	2520	55,868	0.08	0.64	2,860	F	0.8%
SR-5 (US-1)	Joan Jefferson Wy	Wright Blvd	3020	59,857	0.08	0.60	2,892	C	1.4%
SR-5 (US-1)	Wright Blvd	Baker Rd	3020	54,975	0.08	0.50	2,172	C	1.1%

June 14, 2019

City of Stuart Development Department
Attn: Tom Reetz, Senior Planner
121 SW Flagler Avenue
Stuart, FL 34994
Via Hand Delivery

Referenced Project: Plantation Storage CPUD Amendment: Project # Z19040003.

Dear Mr. Tom Reetz:

The following are the responses to City of Stuart Plan Review Comments 1st Re-submittal 5/28/2019 for the above referenced project:

City Comm 1ST Reading - Planner Tom Reetz

Comment dated 05/28/2019: See attached revised Architectural Elevation facing SE Commerce Avenue for building 1.

MEC Response: See attached revised Architectural Elevation Plans and separate correspondence from Architect John Ahern.

City Comm 2nd Reading - Planner Tom Reetz

MEC Response: No response required.

City of Stuart / Fire Protection Systems Comments

Comments dated 05/16/2019: Submit Autoturn using Stuart Fire Rescue Truck specifications. Submit Life Safety Plan.

MEC Response: See attached Autoturn Exhibit Plan Sheets EX-1 and EX-2 for Fire Truck. Also enclosed are the Architect's Life Safety Plans for each storage building and office space.

City of Stuart / Local Planning Authority

MEC Response: No response required.

City of Stuart / Police Department

MEC Response: No response required.

City of Stuart / Public Works Comments –Marc Rogolino:

Comments dated 05/14/2019: Proposed site requires an additional approved double dumpster enclosure. Please insure that all turning radius are adequate for sanitation truck to service dumpsters.

MEC Response: A second double dumpster located between buildings 4 and 5 has been added. Also, see attached Autoturn Garbage Truck Exhibit (EX-3) which has been added per Kimley-Horn comments.

City of Stuart / Traffic

MEC Response: No response required.

City of Stuart / Zoning

MEC Response: See Revised Architectural Elevation Plans.

Kimley-Horn and Associates:

Plantation Storage of Stuart – City of Stuart, Florida Review of Traffic Impact Analysis (Dated May 10, 2019):

MEC Response: Complete. No response required as per traffic consultant.

Kimley-Horn Engineering Review of Commercial Planned Unit Development (CPUD) Amendment Application in Chapter V. Resource Protection Related to Development Standards. The following is a summary of our findings (Dated May 17, 2019):

Section 5.01.00 –

MEC Response: Complete – No response required.

Section 5.02.00 –

MEC Response: See attached revised Environmental Assessment and other documents.

Section 5.03.00 –

MEC Response: No response required.

Section 5.04.00-

MEC Response: No response required.

Section 5.05.00-

MEC Response: See Revised Landscape Plans.

Section 5.06.00-

MEC Response: N/A, no response required.

Section 5.07.00-

MEC Response: N/A, no response required.

Section 5.09.00-

MEC Response: N/A, no response required.

Kimley-Horn and Associates:

Plantation Storage of Stuart – City of Stuart, Florida

CPUD Amendment Application Review – Engineering and Landscape (Date May 20, 2019):

CPUD Document Comments:

- 1.
1. **MEC Response:** See Revised Page 3 of CPUD documents.
2. **MEC Response:** See Revised Page 4 of CPUD documents. An error has been corrected with minor changes to the Outdoor Vehicle Storage Area which has been changed to 4,357 sf.
3. **MEC Response:** See Revised Page 18 of CPUD document which has removed references to Indian Street.
4. **MEC Response:** See Revised Page 22 of CPUD documents have been revised to 25 sf. to match Site Plan.

Site Plan Comments:

1. **MEC Response:** There is no code requirement to show truck paths. These are private drives and property owners will determine what size to allow in project.
2. **MEC Response:** See attached Autoturn Exhibits (EX-1, EX-2 and EX-3) for Fire Truck and Garbage Truck.
3. **MEC Response:** A “Knox Box” has been added to the Site Plan just in front of lift arm gate by office.
4. **MEC Response:** Not required. Ted Glasrud Associates has already finalized deal and established Preserve Areas on south side of S.E. Miami Street. Site is existing with signage.
5. **MEC Response:** Agreed, error in calculation has been revised.
6. **MEC Response:** There were some incorrect values listed in Site Data, also some unnecessary sidewalks have been eliminated and Site Data has been completely revised.
7. **MEC Response:** There are no stand alone light fixtures. All lights will be wall packs on buildings and are shown on the Revised Architectural Building Elevations. There is no lighting plan required.

Landscape Comments:

1. **MEC Response:** Due to the inability to prepare and stage relocated material on site during construction activities, particularly as it relates to the regrading of the entire site, relocation of existing trees can not be successfully accomplished. The plans have tabulated and proposed the mitigation solutions on the Tree Disposition Plan (TDP-1) provided.
2. **MEC Response:** As noted above, tree mitigation proposal is shown on the Tree Disposition Plan provided. Any proposed replacement trees are indicated on the Landscape Plans (LP-1 & LP-2) and meet the minimum size requirements of the code.
3. **MEC Response:** Tree calculations have been updated on the Landscape Plans within the Landscape Data table. They include both overall trees required and parking area interior landscape trees.
4. **MEC Response:** Sod specification was provided in the General Notes section of the Landscape Specification & Details plan (LP-2); however a note has been added below the Plant List to direct the reviewer to the notes section for clarification.

5. **MEC Response:** Plans have been reviewed for conflicts with fencing, light poles (N/A).
Adjustments were made if necessary.
6. **MEC Response:** All utilities/easements provided from the Civil Engineer are depicted on the
Landscape Plans (LP-1).

Please call if you have any questions.

Sincerely,



William J. Mathers, P.E.

WJM/hmm
enclosures



To: Tom Reetz
Senior Planner
City of Stuart Development Department

From: Kevin Roberson, P.E.
Kimley-Horn and Associates, Inc.

Date: June 28, 2019

Re: **Plantation Storage CPUD – Stuart, Florida**
CPUD Amendment Application Review – Engineering and Landscape

Dear Mr. Reetz,

Kimley-Horn has reviewed the submittal of the CPUD Amendment Application and the associated documents, that were provided on June 19, 2019 prepared by Master Engineering Corporation for the above referenced project. Please find below our review comments pertaining to the following items listed within the application:

CPUD Document

1. All Items have been addressed

Site Plan

1. Provided the City is accepting the offsite preserve area, all plan review comments have been addressed.

Landscape Comments

1. All Items have been addressed

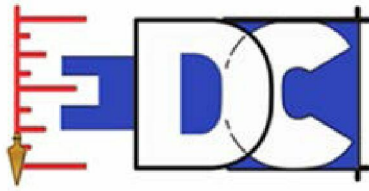
Thank you for the opportunity to assist the City of Stuart in reviewing the noted project. Please contact us if you have any questions or need additional information.

Sincerely,

Kimley-Horn and Associates, Inc.

A handwritten signature in blue ink, appearing to read "Kevin M. Roberson", is centered within a light gray rectangular box.

Kevin M. Roberson, P.E.
Vice President



ENGINEERS • SURVEYORS • ENVIRONMENTAL

February 20, 2019

Charles Chase II
Chase Storage IV, LLC, a Virginia Limited Liability Company
94 North Main Street
Kilmamuck, VA 22482

VIA Email: Charles@southeastmanagementcompany.com

Reference: **Environmental Assessment**
Chase Storage
SE Commerce Ave, Stuart, Martin County, FL
Parcel ID # 38-38-41-002-105-00000-9

Dear Mr. Chase,

EDC, Inc. (EDC) has completed this Environmental Assessment (EA) for the above referenced property. The purpose of this evaluation was to conduct a review of the above listed parcel by means of site visit, review of available aerial photography, listed species review, and review of soil resources, and environmental regulation pertaining to this parcel.

The following report details the findings of our on-site and desktop investigations of the properties as they pertain to the City of Stuart regulations.

Please contact the undersigned if you have any questions regarding this report.

Respectfully submitted,
EDC, Inc.

Madison Quinones
Field Biologist

10250 SW Village Parkway
Port St Lucie, FL 34987
772.223.5200
772.223.5103 fax
www.edc-inc.com



ENVIRONMENTAL ASSESSMENT

Parcel ID 38-38-41-002-105-00000-9
Chase Storage
Stuart, Florida

Project No. 19-213
Date: February 20, 2019

Prepared For:

Charles Chase II
Chase Storage IV, LLC, a Virginia Limited Liability Company
94 North Main Street
Kilmamuck, VA 22482

Prepared By:

EDC, Inc.
10250 SW Village Parkway
Port St Lucie, Florida 34987
(772) 223-5200

The subject property evaluated as part of this Environmental Assessment consists of an approximately 7 acre parcel (ID # 38-38-41-002-105-00000-9), located at SE Commerce Avenue in Stuart, Florida. The parcel is currently a vacant lot.

This environmental assessment was completed as a precursor to permitting and review by a governmental agency as an applicable document for the supporting information associated with a building permit or land development application. EDC, Inc. staff visited the property on January 17, 2019 in order to ascertain the status and composition of any critical habitats, such as wetlands and native uplands that may be onsite.

VEGETATION:

It is the opinion of EDC that there is native upland habitat located on the western portion of the subject property. The vegetation consists of the following; slash pine (*Pinus densa*), cabbage palm (*Sabal palmetto*), punk tree, (*Melaluca* sp) laurel oak (*Quercus laurifolia*), live oak (*Quercus virginiana*), saw palmetto (*Sabal palmetto*), and Brazilian pepper (*Schinus terebinthifolius*). The eastern portion of the subject property consists of exotic hardwoods made up of Australian pines (*Casuarina equisetifolia*).

WETLAND DELINEATION:

According to aerial photographs and site visit, it appears that there are no wetlands on site. Based on the State definition, a wetland consists of three components: 1). Hydric soils. 2). Wetland plants. 3). Hydrologic patterns. None of these components were found during the field reconnaissance on the property.

WILDLIFE EVALUATION:

EDC, Inc. conducted a pedestrian survey throughout the property to investigate for the presence of any plant or animal listed species. Gopher Tortoises were not found on the site nor, were any other state or federally listed species during the site visit. FWC approved gopher tortoise survey methods were used and a transect map is included with this report. The site's dense exotic content and heavy use by transients makes it undesirable for use by wildlife. An IPAC has been included to show the current range of listed species however none were found, nor are any perceived to use this site due to the above mentioned factors.

SOIL COMPOSITION:

Based on a review of the USDA Web Soil the site is composed of:

Waveland sand- This is a nearly level, poorly drained soil found in broad open areas of the flatwoods. The natural vegetation associated with this soil type is slash pine and an understory of saw palmetto, gallberry, fetterbush, running oak, and dwarf huckleberry. Grasses are pineland threeawn, bluestem and panicum. Typically, the surface layer is dark gray sand with a light gray and grayish brown subsurface layer. Under natural conditions, this soil is not suited to cultivate crops or for pasture because of ponding. However, if intensive management, soil improving measures and a good water control system are implemented, the soil is suitable for vegetable crops and pasture.

Immokalee Fine sand- is poorly drained soil is found in broad areas of flatwoods. Typically the surface layer is very dark gray fine sand about 6 inches thick. The subsurface layer extends to a depth of 35 inches and is fine sand. The seasonal high water table in Immokalee soil is at a depth of 6 to 8 inches from June through September. During the remainder of the year it is typically at a depth of 18 to 40 inches. Natural vegetation consists of slash pine and scattered oak with an understory of saw palmetto, gallberry, fetterbush,

pineland threeawn, chalky bluestem, and Indian grass. This soil is poorly suited for crops and citrus. Water control measures are needed to overcome excessive wetness.

Lawnwood Fine sand, depressional- This poorly drained soil is in the depressions of flatwoods. The typical surficial layer is fine gray sand followed by light gray and white fine sand below. The soil is typically ponded for six months of a normal year. The soil is only suited for pasture under intense management.

MARTIN COUNTY REGULATIONS

According to the Martin County Property Appraiser's Report, the subject property has a land use code of 1000 Vacant Commercial.

SUMMARY:

It is the professional opinion of EDC that native upland habitat was found on site and no gopher tortoises or any other state or federally listed species were found on the site. A tree survey has been conducted on this site and any impact to the trees that meet the City of Stuart's requirements will require mitigation.



ENGINEERS & SURVEYORS & ENVIRONMENTAL

Environmental Site Assessment

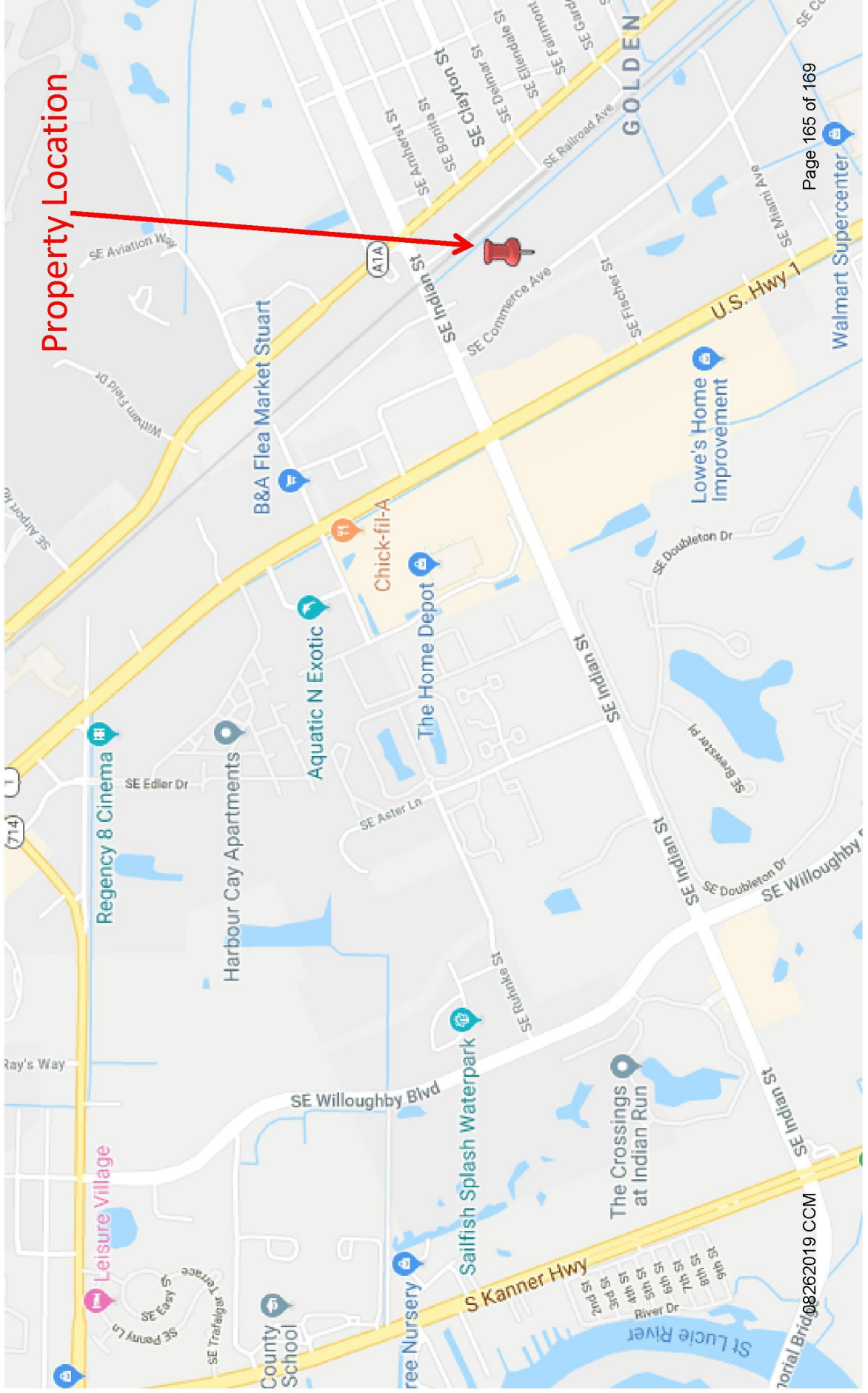
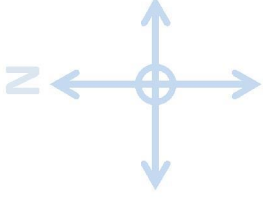
SE Commerce Avenue
Stuart, Martin County, FL

Location Map

Project: 19-213

Chase Storage

2/20/2019





ENGINEERS & SURVEYORS & ENVIRONMENTAL

Environmental Site Assessment

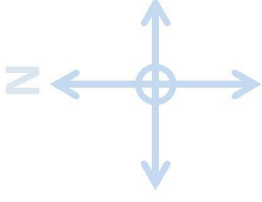
SE Commerce Avenue
Stuart, Martin County, FL

Property Appraiser Map

Project: 19-213

Chase Storage

2/20/2019





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Environmental Site Assessment

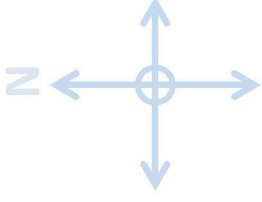
SE Commerce Avenue
Stuart, Martin County, FL

Soil Map

Project: 19-213

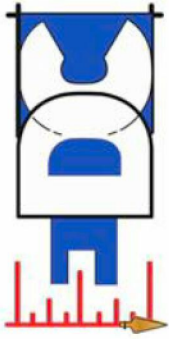
Chase Storage

2/20/2019



Martin County, Florida (FL085)				
Martin County, Florida (FL085)				
Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI	
4	Waveland and Immokalee fine sands	5	70.4%	
5	Waveland and Lawnwood fine sands, depressional	2	29.6%	
Totals for Area of Interest		7	100.0%	





ENGINEERS & SURVEYORS & ENVIRONMENTAL

Environmental Site Assessment

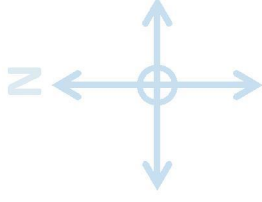
SE Commerce Avenue
Stuart, Martin County, FL

FLUCCS Map

Project: 19-213

Chase Storage

2/20/2019

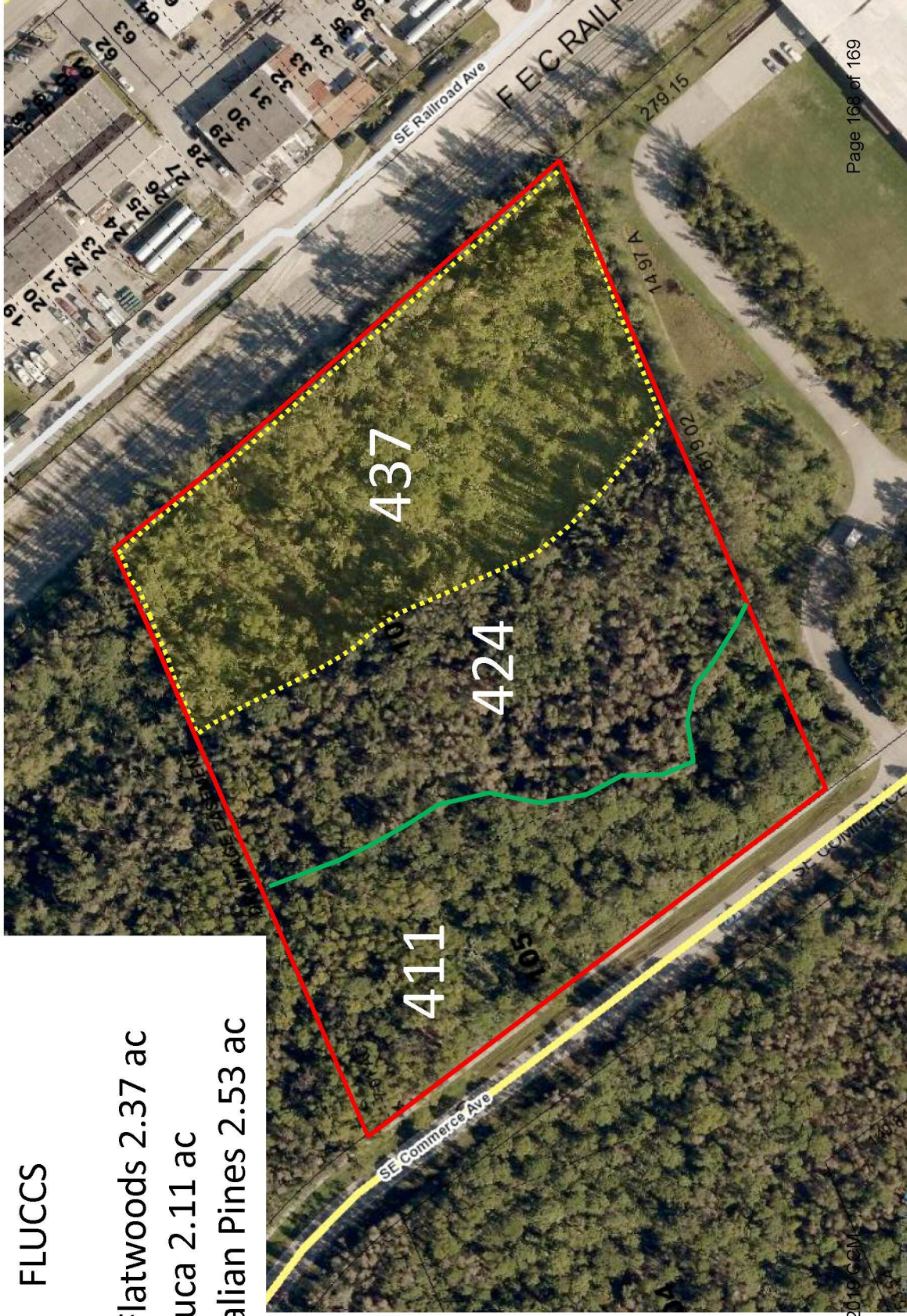


FLUCCS

411: Pine Flatwoods 2.37 ac

424: Melaluca 2.11 ac

437: Australian Pines 2.53 ac





ENGINEERS & SURVEYORS & ENVIRONMENTAL

Environmental Site Assessment

SE Commerce Avenue
Stuart, Martin County, FL

FLUCCS Map

Project: 19-213

Chase Storage

2/20/2019

