



AGENDA

REGULAR MEETING OF THE STUART CITY COMMISSION

JANUARY 27, 2025

AT 5:30 PM

COMMISSION CHAMBERS

121 SW FLAGLER AVE.

STUART, FLORIDA 34994

CITY COMMISSION

Mayor Campbell Rich

Vice Mayor Christopher Collins

Commissioner Eula R. Clarke

Commissioner Laura Giobbi

Commissioner Sean Reed

ADMINISTRATIVE

City Manager, Michael J. Mortell

City Attorney, Lee J. Baggett

City Clerk, Mary R. Kindel

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

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

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

(RC) next to an item denotes there is a City Code requirement for a Roll Call vote.

(QJ) next to an item denotes that it is a quasi-judicial matter or public hearing.

ROLL CALL

INVOCATION

PLEDGE OF ALLEGIANCE

COMMENTS BY CITY COMMISSIONERS

COMMENTS BY CITY MANAGER

APPROVAL OF AGENDA

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

CONSENT CALENDAR

1. APPROVAL OF 01/13/2025 CCM MINUTES

END OF CONSENT CALENDAR

ORDINANCE FIRST READING

2. POLK STREET HOTELS, INC. (AKA FAIRFIELD INN HOTEL) AMENDMENT TO THE OFFICIAL ZONING ATLAS (REZONE) (QUASI-JUDICIAL) (RC):

ORDINANCE No. 2537-2025; AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, AMENDING THE CITY'S OFFICIAL ZONING MAP TO REZONE A 0.33-ACRE PARCEL WHICH IS LOCATED AT 255 SW 6TH STREET FROM THE URBAN WATERFRONT ZONING DESIGNATION TO THE URBAN HIGHWAY ZONING DESIGNATION; PROVIDING DIRECTIONS TO THE CITY CLERK; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

3. REPEAL OF ARTICLE IX, EXPANDED POLYSTYRENE AND PLASTICS REGULATION (RC):

ORDINANCE No. 2538-2025; AN ORDINANCE OF THE CITY OF STUART, FLORIDA, REPEALING ARTICLE IX, EXPANDED POLYSTYRENE AND PLASTICS REGULATION, OF CHAPTER 20 OF THE CODE OF ORDINANCES; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

DISCUSSION AND DELIBERATION

4. AUTHORIZATION TO SCHEDULE ATTORNEY-CLIENT SESSION (RC):

RESOLUTION No. 18-2025; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA AUTHORIZING THE CITY ATTORNEY TO SCHEDULE AN ATTORNEY-CLIENT SESSION WITH THE CITY COMMISSION, CITY MANAGER, CITY ATTORNEY, AND OUTSIDE LEGAL COUNSEL REGARDING PENDING LITIGATION MATTERS PURSUANT TO FLORIDA STATUTES, §286.011(8); PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

ADJOURNMENT

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

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

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

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

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

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

Meeting Date: 1/27/2025

Prepared by: Nina Mullin

Title of Item:

APPROVAL OF 01/13/2025 CCM MINUTES

Summary Explanation/Background Information on Agenda Request:

N/A

Funding Source:

N/A

Recommended Action:

Approve Minutes.

ATTACHMENTS:

1. 01/13/2025 CCM Minutes

MINUTES
REGULAR MEETING OF THE STUART CITY COMMISSION
JANUARY 13, 2025
AT 4:00 PM
COMMISSION CHAMBERS
121 SW FLAGLER AVE.
STUART, FLORIDA 34994

CITY COMMISSION

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

ADMINISTRATIVE

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

ROLL CALL

4:00 PM

PRESENT: Mayor Rich, Vice Mayor Collins, Commissioner Clarke, Commissioner Giobbi, and Commissioner Reed (late, arrived at 4:08 pm)

INVOCATION

Chaplain Edward Skiba, Stuart Police Department, gave the Invocation.

PLEDGE OF ALLEGIANCE

PROCLAMATIONS

1. ARBOR DAY - JANUARY 17, 2025

Jennifer Pelham, County Extension Director & Urban Horticulture Agent IV Associate District Extension Director, received Proclamation.

2. MARTIN LUTHER KING JR DAY - JANUARY 20, 2025

Jimmy Smith and Nina Dooley accepted the Proclamation and announced the festivities planned for MLK Jr. Day.

3. CELEBRATE LITERACY WEEK - JANUARY 27-31, 2025

Kiana Kelly, Martin Reads Coordinator, received Proclamation and provided all Commissioners a small toy construction truck, in reference to developing reader leaders in our community.

PRESENTATIONS

4. SERVICE AWARDS - JANUARY 2025

Kathleen Martin	Community Services Dept.	25 years	Present
Claudy Angervil	Police Department	10 years	Present (Late)
Cody Zonkoski	Public Works Dept.	5 years	Present

5. HUMAN TRAFFICKING AWARENESS PRESENTATION AND PROCLAMATION

Lynne Barletta, Founder and CEO Florida Faith Alliance, Founder Visionary, Visionary School of Arts, did a presentation with statistics on Human Trafficking and was presented a Proclamation.

Police Chief Tumminelli commented on the IPAC Task Force, reported that Stuart is working with Broward County.

COMMENTS BY CITY COMMISSIONERS

Mayor Rich

- Commented on the new digital light system on the dais, used for the Commissioner notice request to speak.

Commissioner Reed

- Commented that it took him thirty (30) minutes to drive to the meeting today.
- Commented that there should be an amicable agreement on the Hamilton property soon.

Commissioner Giobbi

- Commented on the trafficking, homeless population, and the loss of the maternity and neonatal intensive care service in our area.
- Addressed concerns pertaining to the homeless problem, the new bill passed and affordable housing.
- Commented on the Cleveland Clinic loss of neonatal and labor and delivery.
- Commented on the County threatening legal action.

Vice Mayor Collins

- Commented on the County letter and is not in support. Reviewed the Commission's decision, read Section 6 of the Interlocal Agreement (ILA).

- Recommended to amend ILA with language that absolves both parties because neither can fulfill the obligations, not in favor of a letter of Support to the County.

Commissioner Clarke

- Wished all a Happy New Year and thanked the Police Chaplain for his Invocation.
- Commented on an article on homelessness, suggested the City work with the new Sheriff and police policies for keeping parks safe.
- Announced the MLK Events, National Holiday Day of Service, call to be involved in your community and join the festivities.
- Commented in absence of Art's Moment that the NAACP Calendar is for sale for \$25 to assist with education and civil rights, the artwork is done by students in the Martin County School System.
- Recognized Jim Chrulski for the efforts of the Community Services Department.
- Invited all to attend a movie, Black Panther, at the 10th Street Recreation Center.

5:04 PM Police Officer Claudy Angervil arrived and accepted his Service Award of ten (10) years.

Mayor Rich (resumed comments)

- Commented on the Business Development Board luncheon.
- Commented on the Project LIFT.
- Attended Boat Show, noted that it was larger than ever.
- Commented that he would like the City Manager to discuss the letter that we did receive from Martin County with regard to their grant application.

COMMENTS BY CITY MANAGER

City Manager Mortell

- Commented that he received a letter from the County asking the City for a letter of support for the Brightline Station grant application. It would be added as an agenda item on the January 27, 2025, City Commission Meeting.

A discussion ensued with Commissioners and the City Manager.

Mayor Rich passed the gavel and made a motion.

5:14 PM Motion: Provide letter of support to the County in response to their request.

Moved by: Campbell Rich

Seconded by: Eula Clarke

5:36 PM Motion withdrawn.

PUBLIC COMMENT:

1. Gail Goldy - Stuart; Commented on an article pertaining to the train station regarding the letter from Don Donaldson.

Commissioner Giobbi read a portion of an article for the record.

Commissioners discussed the support and non-support of sending the letter to the County, the Martin County Sustainability Plan, and the City's Comprehensive Plan.

No conclusion was reached to add the letter of support to an agenda or to send the letter.

5:36 PM Vice Mayor Collins passed the gavel back to Mayor Rich.

City Manager Mortell (continued comments)

- Commented on meeting with the Find Grant Commissioner to discuss the current open Find Grant.
- Commented on the homelessness issue and a new law that went into effect October 1st, and relayed information on the Police Department's policy in place.
- Announced that on January 7th, he attended the retirement of Sheriff Snyder and swearing in of St. Lucie's County Sheriff, Richard Del Toro, and Deputy Sheriff, David Dyess.
- Informed Commission that the City was contacted by private law firms pertaining to Environmental Attorney position and they may be reaching out to them.
- Reported that a water main failure occurred on West Ocean and US1 and created a sink hole that is now repaired.
- Announced the Martin Luther King Day Parade being held on January 20, 2025, at 11 a.m.
- Reported he sent the letter to Cleveland Clinic directed by Commission and received a response from Dr. Singh, he will attend the February 10th City Commission Meeting.

APPROVAL OF AGENDA

5:52 PM MOTION: Approve.

MOVED BY: Eula Clarke

SECONDED BY: Christopher Collins

Motion approved unanimously.

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

1. Robert Hamilton - Stuart; Commented on receiving a copy of the roof packet of information sent to Tallahassee.
2. Robin Cartwright - Stuart; Commented on Zoning in Progress (ZIP) and the City should be including water consumption projects.

CONSENT CALENDAR

6. APPROVAL OF 12/09/2024 CCM MINUTES (RC)

7. FACSIMILE SIGNATURES BANK (RC):

RESOLUTION No. 01-2025; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA AUTHORIZING THE USE OF FACSIMILE SIGNATURES ON CHECKS ISSUED BY THE CITY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

8. BUDGET AMENDMENT #5 FIRE STATION 3 TRAFFIC SIGNAL (RC):

RESOLUTION No. 04-2025; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, AUTHORIZING BUDGET AMENDMENT NO. 5 TO THE FY 2025 BUDGET; APPROPRIATING AND AUTHORIZING THE EXPENDITURE OF FUNDS FOR FIRE STATION 3 TRAFFIC SIGNAL; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

9. BUDGET AMENDMENT #6 OLD CITY LANDFILL 2023/2024 ANNUAL MONITORING REPORT (RC):

RESOLUTION No. 05-2025; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, AUTHORIZING BUDGET AMENDMENT NO. 6 TO THE FY 2025 BUDGET; APPROPRIATING AND AUTHORIZING THE EXPENDITURE OF FUNDS FOR THE OLD CITY LANDFILL 2023/2024 ANNUAL MONITORING REPORT; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

10. LEASE AMENDMENT RENEWAL FOR 171 SW FLAGLER AVENUE (CRARY HOUSE) WITH CONGRESSMAN BRIAN MAST (RC):

RESOLUTION No. 06-2025; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA TO AUTHORIZE EXECUTION OF A DISTRICT OFFICE LEASE AMENDMENT BETWEEN THE CITY OF STUART AND CONGRESSMAN BRIAN MAST FOR THE CRARY HOUSE LOCATED AT 171 SW FLAGLER AVENUE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

11. FDLE DRONE REPLACEMENT REIMBURSEMENT (RC):

RESOLUTION No. 10-2025; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, AUTHORIZING BUDGET AMENDMENT No. 7 TO THE FISCAL YEAR 2025 BUDGET; APPROPRIATING AND AUTHORIZING

THE CITY OF STUART TO ACCEPT REIMBURSEMENT GRANT FUNDS FOR THE PURCHASE OF A DRONE FROM THE FLORIDA DEPARTMENT OF LAW ENFORCEMENT; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

END OF CONSENT CALENDAR

6:01 PM MOTION: Approve.

MOVED BY: Christopher Collins

SECONDED BY: Laura Giobbi

Motion approved unanimously.

COMMISSION ACTION

12. APPOINTMENT/RATIFICATION OF ADVISORY BOARD MEMBERS (RC):

RESOLUTION No. 03-2025; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, APPOINTING AND RATIFYING THE MEMBERSHIP OF THE VACANT POSITIONS OF ADVISORY BOARD MEMBERS AND ADOPTING THE MEMBER TERMS FOR THE 2025 CALENDAR YEAR; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

6:02 PM MOTION: Approval to appoint Frederick James and Scott Whalen to the Community Redevelopment Board and to appoint Roy Degannes to the East Stuart Historical Advisory Committee.

MOVED BY: Eula Clarke

SECONDED BY: Christopher Collins

Motion approved unanimously.

6:23 PM MOTION: Approve Christina Vogl to be the At Large appointee on the CRB.

MOVED BY: Eula Clarke

SECONDED BY: Sean Reed

Motion withdrawn.

PUBLIC COMMENT:

1. Helen McBride - Stuart; Supports the Commission decision for Mr. Clay Scherer.

6:15 PM MOTION: Approval for Mr. Scherer as our At Large representative in the CRB.

MOVED BY: Eula Clarke

SECONDED BY: Sean Reed

Motion approved 4/1.

YES - Christopher Collins, Eula Clarke, Laura Giobbi, Sean Reed

NO - Campbell Rich

Clerks Note: Second motion resulted in Resolution 03-2025 (A).

13. ESTABLISH AN ENVIRONMENTAL ATTORNEY SCREENING COMMITTEE (RC):

RESOLUTION No. 08-2025; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA AUTHORIZING THE ESTABLISHMENT OF AN ENVIRONMENTAL ATTORNEY SCREENING COMMITTEE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Lee Baggett, City Attorney provided a brief synopsis of the subject with the purpose to select the screening committee.

PUBLIC COMMENT:

1. Maribel Nicholson-Choice - Environmental Attorney - Tallahassee; Commented on the option of hiring outside council on a contractual basis and reminded the board that they have worked with the City in the past.
2. Steve Conteaguero - Boca Raton; Commented on the benefits of outside council.

6:23 PM MOTION: Move that we form the committee and comprise it of Ryanne Cavo, Lee Baggett, Mac Stucky, Ed Killer, myself (Commissioner Collins) and Roz Johnson-Strong. AMENDED MOTION: Add Mark Perry 6:35 PM.
MOVED BY: Christopher Collins
SECONDED BY: Laura Giobbi
Motion approved unanimously.

***** 6:39 PM Recess *****
***** 6:52 PM Reconvened *****

6:53 PM MOTION: Extend (advertising for Environmental Attorney position) for another 30 days.
MOVED BY: Christopher Collins
SECONDED BY: Laura Giobbi
Motion approved unanimously.

14. ADDITION OF EXCEPTION TO ZONING IN PROGRESS (RC):

RESOLUTION No. 09-2025; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, ADDING AN EXCEPTION TO THE PENDING "ZONING IN PROGRESS" UNDER SECTION 1.04.04, STUART LAND DEVELOPMENT CODE, AS AUTHORIZED IN RESOLUTION 95-2024, FOR ANY COMMERCIAL PROJECT THAT DOES NOT INCLUDE A MULTI-RESIDENTIAL COMPONENT; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

City Attorney Baggett clarified that the Resolution is accepting all commercial applications that do not involve a multi-residential component.

PUBLIC COMMENT:

1. Deb Fraizer - Treasure Coast Builders Association; Requested clarification on multi-family residential and single-family terms of the ZIP.
2. Ryan Hansen - Treasure Coast Builders Association; Also interested in the clarification.

7:03 MOTION: Approve.

7:07 AMENDED MOTION: Update the wording to be multi-family residential within the Resolution.

MOVED BY: Christopher Collins

SECONDED BY: Eula Clarke

Motion approved unanimously.

ORDINANCE SECOND READING

ORDINANCE FIRST READING

DISCUSSION AND DELIBERATION

None.

ADJOURNMENT

7:09 PM

Mary R. Kindel, City Clerk

Campbell Rich, Mayor

**Minutes to be approved at the Regular Commission
Meeting this 27th day of January, 2024.**

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

Meeting Date: 1/27/2025

Prepared by: Jodi Nentwick

Title of Item:

POLK STREET HOTELS, INC. (AKA FAIRFIELD INN HOTEL) AMENDMENT TO THE OFFICIAL ZONING ATLAS (REZONE) (QUASI-JUDICIAL) (RC):

ORDINANCE No. 2537-2025; AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, AMENDING THE CITY'S OFFICIAL ZONING MAP TO REZONE A 0.33-ACRE PARCEL WHICH IS LOCATED AT 255 SW 6TH STREET FROM THE URBAN WATERFRONT ZONING DESIGNATION TO THE URBAN HIGHWAY ZONING DESIGNATION; PROVIDING DIRECTIONS TO THE CITY CLERK; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

Summary Explanation/Background Information on Agenda Request:

The applicant, Polk Street Hotels, Inc., is requesting an Amendment to the Official Zoning Map. The applicant is seeking a change from the current zoning district of Urban Waterfront (UW) to a designation of Urban Highway (UH) for this 0.33-acre parcel which is located at 255 SW 6th Street, Stuart, FL. Both zoning districts have a Future Land Use designation of Downtown Redevelopment. The basis for the request is because the .33 acres that is currently designated as Urban Waterfront is not actually adjacent to the water and therefore does not constitute "waterfront". There is a parcel owned by another entity between this parcel and Frazier Creek.

Funding Source:

N/A

Recommended Action:

Staff has determined that the City Commission has the authority to grant the zoning change if it deems the request appropriate.

ATTACHMENTS:

1. 2537-2025 Polk Street Hotels - Rezone
2. CC Staff Report - Polk Hotel
3. Rezoning Justification
4. Survey
5. Traffic Report
6. Public Notice Package



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

ORDINANCE NUMBER 2537-2025

* * * * *

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, AMENDING THE CITY'S OFFICIAL ZONING MAP TO REZONE A 0.33-ACRE PARCEL WHICH IS LOCATED AT 255 SW 6TH STREET FROM THE URBAN WATERFRONT ZONING DESIGNATION TO THE URBAN HIGHWAY ZONING DESIGNATION; PROVIDING DIRECTIONS TO THE CITY CLERK; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

* * * * *

WHEREAS, on December 11, 1989, the City of Stuart City Commission adopted Ordinance Number 1174-89, adopting a comprehensive growth management plan as mandated by the local government Comprehensive Planning and Land Development Regulation Act, Chapter 163, Part II, Florida State Statutes, also known as the City of Stuart Comprehensive Plan, that designated this future land use of this property as Downtown Redevelopment; and

WHEREAS, on August 28, 2024, an application was submitted by Polk Street Hotels, Inc. (Property Owner) to the City of Stuart for the rezoning of the subject property from Urban Waterfront (UW) to Urban Highway (UH); and

WHEREAS, the Local Planning Agency board held a property noticed hearing on January 16, 2025, to consider the Property Owner's request and recommended approval of the application to the City Commission to amend the Official Zoning Atlas; and

WHEREAS, the City Commission held a properly noticed hearing at a regularly scheduled City Commission to consider the application by the Property Owner for a 0.33-acre parcel of land; and

WHEREAS, the City of Stuart has determined the need to change the Land Development Zoning District for said lands; and

WHEREAS, the City of Stuart City Commission has considered the Property Owner's voluntary request for zoning designations and has also considered the recommendation of City staff; and

WHEREAS, the Property Owner has committed to the City of Stuart 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 rezoning; and

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

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

WHEREAS, the subject 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.

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

SECTION 1: The foregoing recitals are true and adopted as findings of fact and conclusions of law.

SECTION 2: The following new documents are on file as public records of the City of Stuart, at the office of the City Clerk in City Hall, and attached hereto as **Exhibit “B”**, hereinafter the “Location Map”, shall be deemed a part of the development conditions, and shall supplement any earlier approvals:

SECTION 3 The Land Development (Zoning) District designation on the City of Stuart Official Zoning Map shall be established as “Urban Highway” for the subject property.

SECTION 4: This ordinance becomes effective upon adoption by the City Commission.

SECTION 5: Except as otherwise provided herein, no development permits, site permits, or building permits shall be issued by the City of Stuart except in compliance with the City’s Land Development Code and Florida Building 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 of Stuart and the Property Owner or successor in interest 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: Following the adoption of this Ordinance, and in addition to any other action for failure to complete development or otherwise comply with the Development Documents, the City Development Director may obtain a hearing before the City Commission and shall thereupon give at least five (5) days written notice of the time, date and location of the hearing, along with specific notice of the alleged breach. At the hearing before the City

Commission, the Property Owner or any successor in interest may appear and may contest the allegation of the breach or explain the reason or reasons for the breach. Upon a finding of a material breach of the Development Documents and therefore, the Ordinance adopting the same, the City Commission may impose or do any or all of the following:

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

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

SECTION 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, the City Clerk is directed to record this Ordinance in the Public Records of Martin County, Florida.

Passed on first reading the __ day of _____ 2025.

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:

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:

CAMPBELL RICH, MAYOR
CHRISTOPHER COLLINS, VICE MAYOR
EULA R. CLARKE, COMMISSIONER
LAURA GIOBBI, COMMISSIONER
SEAN REED, COMMISSIONER

YES	NO	ABSENT	ABSTAIN

ADOPTED on second and final reading this _____ day of _____, 2025.

ATTEST:

MARY R. KINDEL
CITY CLERK

CAMPBELL RICH
CITY MAYOR

APPROVED AS TO FORM
AND CORRECTNESS:

LEE BAGGETT, ESQUIRE
CITY ATTORNEY

EXHIBIT A – LEGAL DESCRIPTION

PARCEL D:

The West 119.10 feet of the following described parcel:

Start of the Northwest corner of Government Lot 7, Section 5, Township 38 South, Range 41 East, thence run South along the West line of said Government Lot 7, a distance of 763.41 feet; thence run East 220 feet to the point of beginning; thence run North 20 feet; thence run East 161 feet; more or less to the waters of Frazier Creek thence meander Southeasterly the waters of Frazier Creek a distance of 195 feet; more or less, to a line which bears East and is 102 feet South of the point of beginning; thence run West a distance of 319 feet, more or less, to a point 102 feet South of the point of beginning; thence run North 102 feet to the point of beginning.

Parcel ID#: 05-38-41-000-000-00182-3

Address: 255 SW 6TH STREET

(The remainder of this page was intentionally left blank)

EXHIBIT B – LOCATION MAP





To: *City Commissioners*

Prepared by: Jodi Kugler, Development Director

Meeting Date: Monday, January 27, 2025

Project ID No. Z24080011

Project Name: Polk Street Hotels, Inc. *(aka Fairfield Inn Hotel)*
Amendment to the Official Zoning Atlas *(Rezoning)*

GENERAL INFORMATION

Applicant/Owner: Polk Street Hotels, Inc., a Florida for-profit corporation
3423 SE Federal Highway
Stuart, FL 34997

Agent of Record: Jarod Gaylord, Esq., Law Offices of Marc R. Gaylord, P.A.

Location: 255 SW 6th Street

Parcel ID Number: 05-38-41-000-000-00182-3 (0.33-acres)

Parcel Size +/- 0.33-acres (14,748 square feet)

Future Land Use: Downtown Redevelopment

Existing Zoning: Urban Waterfront (UW)

Proposed Zoning: *Urban Highway (UH)*

Required Action: Change the zoning from the Urban Waterfront (UW) to the Urban Highway (UH) Zoning District

Existing Use: Vacant

Special District: Community Development Redevelopment (CRA) & Urban District

BACKGROUND ANALYSIS

The applicant, Polk Street Hotels, Inc., is requesting an Amendment to the Official Zoning Atlas from the Urban Waterfront (UW) to the Urban Highway (UH) Zoning District for this 0.33-acre site is located at 255 SW 6th Street, Stuart, FL. The Downtown Redevelopment Future Land Use category designates the property.

Aerial Map2

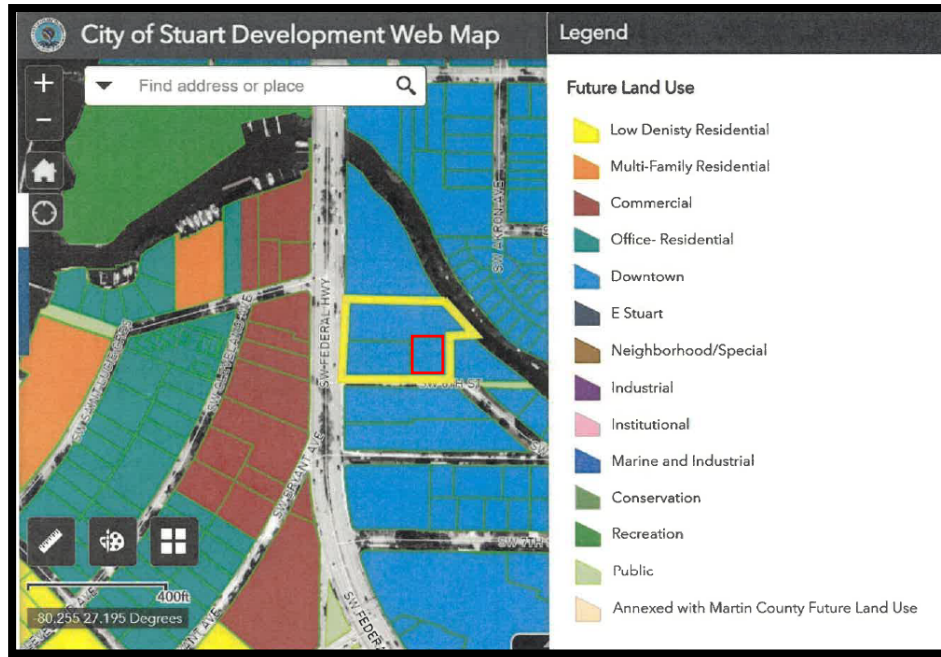


Future Land Use:

Objective 1.A.7. - The future land use categories defined below provide general descriptions intended to encompass all present and future land uses in the City of Stuart. The "Table of Land Use Densities and Intensities" provides specific density and intensity measures that shall establish the maximum density and intensity allowed in each land use category. The Future Land Use Map establishes the optimum, overall distribution of land uses as well as can be established on a City-wide basis. Neither these policies nor the Future Land Use Map shall be construed to mean that every parcel in a designated area is suitable for the designated use. Other plan objectives and policies will be applied to ensure that any proposed development will be suitable for the particular site. Similarly, the Future Land Use Map does not assure the landowner the right to the most intense use allowable under the designated future land use category. The City shall have the discretion to decide that the permitted land use shall be more limited than the maximum allowable under the future land use category; provided that the City shall approve some development that is consistent with the City's plan.

- **Policy 1.A7.1.(I). – Downtown Redevelopment:** The Downtown Redevelopment future land use designation applies only to land areas within the Stuart Community Redevelopment Area. General uses permitted include low-density residential, multi-family residential, office, commercial, recreation, lodging, public facilities, conservation, and mixed-use projects. Individual projects and sites may consist of single uses. However, a mix of residential uses and non-residential uses shall be required within this designation as a whole. Also, electric distribution substations are allowed.

Future Land Use Map

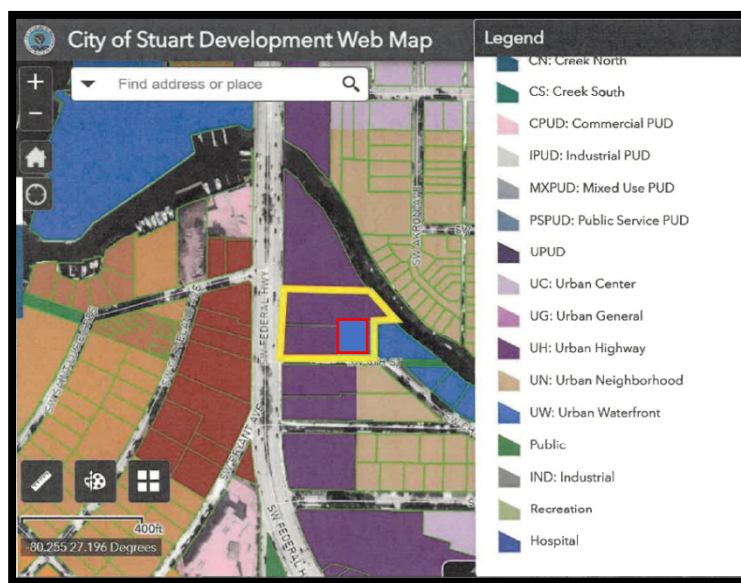


Current Zoning:

Section 3.01.03. – Urban standards and regulations for designated urban subdistricts.

Urban waterfront ("UW"), refers to special waterfront-oriented uses, including marinas, restaurants, entertainment, hotels, and higher-density residential. Existing "marine industrial" uses are conditionally permitted. In both the North and South Points, UW is generally located along all waterfront properties throughout the CRA with the exception of those waterfront properties on the north side of Frazier Creek and on the east side of the "North Point" peninsula south of Fern Street.

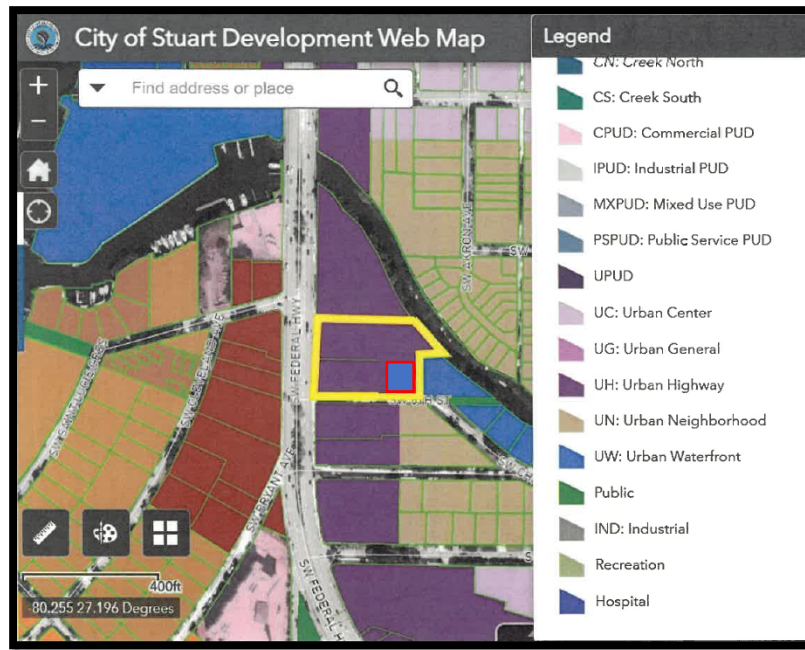
Current Zoning Map



Proposed Zoning:

Urban highway ("UH") occurs along both sides of SE Federal Highway as it traverses the Urban Code District. This area allows large front setbacks and highway-oriented commercial or high-density residential uses with generous parking lots. In the North Point, UH is generally located along the western side of SE Federal Highway and along the western side of the proposed Green River Parkway. In the South Point, UH is generally located along both sides of SE Federal Highway.

Proposed Zoning Map



**REZONING OF THE OFFICIAL ZONING ATLAS
STANDARDS OF REVIEW
LAND DEVELOPMENT CODE SECTION 11.01.09**

Section 11.01.09(G)(2) of the City of Stuart Land Development Code establishes the standards for reviewing Zoning Atlas Amendments. In reviewing this application for an amendment to the Official Zoning Atlas, the Local Planning Agency shall consider and make the following determinations:

A. The existing land use pattern.

The applicant's agent stated within their justification statement dated October 25, 2024, that the property is located along the intersection of Federal Highway and SW 6th Street. The applicant purchased the property, which consisted of three (3) separate lots in April 2023. The applicant then joined these parcels in a Unity of Title on May 10, 2023. The northern and western portions of the property retained the Urban Highway, while the southeastern portion of the property retained the Urban Waterfront zoning designations

This is inconsistent with the property, the surrounding community, and land use patterns. Most of the property is zoned Urban Highway, which is appropriate due to the location along Federal Highway. The property's southeastern portion is zoned Urban Waterfront, despite the lack of any frontage along Frazier Creek. The portion of the property is zoned Urban Waterfront and is not located along any waterfront.

The Urban Waterfront portion of the property is currently vacant. The surrounding properties vary in zoning depending on location. All properties on the eastern side of the Federal Highway located north of this portion of the property are zoned Urban Highway until SW Joan Jefferson Way. The properties immediately south contain a mixture of Urban Highway zoning located portion of those lots. The property immediately east is zoned Urban Waterfront which is more appropriate since this property contains water frontage.

Amending the zoning map will ensure the entire property is zoned consistently, and facilities appropriate redevelopment consistent with the existing land use pattern, rather than applying inconsistent and contradictory zoning regulations to the property.

Excerpts from the City of Stuart Comprehensive Plan:

GOAL STATEMENT 1.C

The future land use goal for the Community Redevelopment Area (CRA) [is] to maintain and strengthen the beauty, economic viability, cultural resources, and social importance of the area. This shall be accomplished through mixed-use zoning, preservation of historic buildings, innovative zoning and land use regulations, demolition, reconstruction, or substantial renovation of existing buildings and infrastructure, enhancement of marine resources, and other measures to promote urban redevelopment.

Objective 1.C1. - [Urban Code Overlay Zone.]

The City shall implement the Stuart Urban Code Overlay Zone in the CRA, which provides for adequate parking, encourages people to live, work, and shop without needing a car defines urban spaces with buildings, creates interesting and pleasant itineraries along sidewalks, conceals parking lots, promotes alternative modes of transportation, and provides for the harmony of architectural style.

Policy 1.C1.1. *The City of Stuart shall continue to implement the Architectural Regulations and the Stuart Urban Code in the CRA to regulate building size, height, and orientation.*

Policy 1.C1.2. *The City of Stuart shall continue to implement the Stuart Architectural Regulations which have been adopted based on the Stuart Urban Code for the CRA to regulate materials, colors, and landscaping for buildings. These regulations shall encourage traditional, durable construction with materials that age well and fit with the existing architectural heritage of Stuart.*

Surrounding Land Uses and Zoning

Location		Zoning District	Future Land Use	Existing Land Use
Subject Property		UW (Urban Waterfront)	Downtown Redevelopment	Vacant
Adjacent Parcels	North	UH (Urban Highway)	Downtown Redevelopment	Abandoned Funeral Home and Crematory
	South	UH (Urban Highway)	Downtown Redevelopment	Apartment Complex
	East	UW (Urban Waterfront)	Downtown Redevelopment	Professional Office Building
	West	UH (Urban Highway)	Downtown Redevelopment	Partially Vacant

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

The proposed rezoning to Urban Highway (UH) would not create an isolated zoning classification concerning the nearby zoning districts.

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

The proposed change in zoning should not affect the level of service capacity of transportation facilities, sewage facilities, water supply, parks, drainage, schools, solid waste, mass transit, or emergency medical facilities. Site-specific impacts will be addressed through a development application.

Before the issuance of any Final Development Order, the developer must demonstrate that all public facilities are available to serve the parcel and obtain a Certificate of Capacity.

Water/Wastewater

Water and wastewater services are available from the City of Stuart Utility Department.

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

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

The site is currently served for water and wastewater services by the City of Stuart Utility Department.

E. *The possible overloading of the city's drainage system.*

Before the issuance of any Final Development Order, the developer must demonstrate that all public facilities are available to serve the parcel and obtain a Certificate of Capacity.

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

Excerpts from the City of Stuart Comprehensive Plan:

Objective 1.C3. - Urban redevelopment.

- A. Revitalize the designated Urban Redevelopment Area (URA), including the CRA, by:*
- B. Maintaining or increasing the amount of development and redevelopment.*
- C. Maintaining or increasing the percentage of County-wide employment located in the URA and CRA and the City of Stuart as a whole.*
- D. Reducing blight conditions as defined by F.S. § 163.340(8)(a) and (b).*
- E. Achieving and maintaining a 90 percent occupancy rate of commercial and office spaces.*
- F. Enhancing the City's marine resources.*
- G. Promote multi-modal mobility throughout the CRA.*

Policy 1.C3.1. The URA is a specific geographic area established in the Comprehensive Plan for urban redevelopment as shown in the Stuart Redevelopment Map. The Community Redevelopment Area (CRA) established pursuant to the Community Redevelopment Act of 1969 is a specific geographic area identified in the Comprehensive Plan as shown in the Stuart Redevelopment Map.

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

The applicant's agent stated within their justification statement dated October 25, 2024, that While the Property was owned by a single owner before my client purchased the Property, the site was three separate lots. My client joined these parcels under a Unity of Title, recorded in Official Records Book 3374, Page 45 of the Martin County Public Records. This Unity of Title was necessary to ensure the redevelopment potential of the Property. This change resulted in the lot containing two zoning districts - the Urban Highway district on the western and northern portions of the Property and the Urban Waterfront district on the southeastern portion of the Property. The two zoning districts, while permitting many of the same uses, have some conflicting and contradictory development standards. For example, Urban Highway requires that "parking areas shall be located behind the rear facade of a principal building"/ while Urban Waterfront prohibits parking "between the rear building facade and the water. These conflicting regulations for the two zoning districts on the Property prevent the ability to provide parking. This, along with the convenience of being governed by one set of zoning restrictions, necessitates the approval of this rezoning application.

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

The applicant's agent stated within their justification statement dated October 25, 2024, that the proposed rezoning will not have a material impact on living conditions in the adjacent neighborhood. The immediate surrounding area along the Federal Highway corridor is mostly commercial. The nearest residential neighborhood is along SW Channel Avenue. These properties are already accustomed to the nearby commercial uses. Rezoning a portion of the Property from the Urban Waterfront to the Urban Highway will not result in a material impact on these adjacent properties. This is because the permitted uses in the two zoning districts are similar. Additionally, the proposed use as a hotel is permitted in both zoning districts. As such, the rezoning application will not harm living conditions in the adjacent neighborhood. Instead, approving this petition will encourage redevelopment of a currently underutilized property into an attractive hotel.

I. *The impact of the rezoning upon the flow of light and air to adjacent neighborhood.*

Before the issuance of any Final Development Order, the developer must demonstrate that all impacts to flow of light and light and air to adjacent neighborhoods.

J. *The impact of the proposed rezoning upon property values in the area.*

The applicant's agent stated within their justification statement dated October 25, 2024. that the proposed rezoning will not negatively impact adjacent property values but will likely increase and improve these property values. The property currently contains a closed funeral home. The proposed redevelopment will include a modern hotel. The redevelopment of this property will increase the lot's value and the values of adjacent areas. The hotel will bring guests to the Downtown Stuart area who will frequent nearby shops, restaurants, and attractions. This trickle-down will help provide additional opportunities to nearby businesses and properties and increase nearby property values.

K. *The impact of the proposed rezoning upon improvement or development of adjacent property in accordance with existing regulations.*

The proposed rezone petition is consistent with the surrounding Urban Code District to the north, south, and west. Additionally, the proposed rezoning is consistent with the Goals, Objectives, and Policies of the

Comprehensive Plan pertaining to the retention and expansion of urban uses and encourages design standards and guidelines.

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

The property is in the Community Redevelopment Area (CRA) and Urban District. The Urban Waterfront zoning and Urban Highway zoning designations allow for hotels as permitted use.

CONCLUSION:

Staff has reviewed the petition and determined that it conforms to the Standards of Review as outlined in Section 11.01.09 of the City of Stuart Land Development Code and is consistent with the City of Stuart Comprehensive Plan, Goals, Objectives, and Policies.

RECOMMENDATION:

Staff recommends the City Commission forward to the Second Reading/Adoption of Ordinance No. 2537-2024 to approve rezoning the subject parcel from the Urban Waterfront (UW) to the Urban Highway (UH) Zoning District.

LAW OFFICES OF
MARC R. GAYLORD, P.A.

12000 S.E. OLD DIXIE HIGHWAY
HOBE SOUND, FL 33455
TEL: (772) 545-7740
FAX: (772) 545-7782

MARC R. GAYLORD, ESQ.
JARED E. GAYLORD, ESQ.

FORD T. DWYER, ESQ.
COLBY HEDDEN, ESQ.

October 25, 2024

**VIA EMAIL &
HAND DELIVERY**

Jodi Kugler
City of Stuart
121 SW Flagler Avenue
Stuart, FL 34994

RE: Polk Street Hotels, Inc., a Florida for profit corporation
Section 11.01.09 - Zoning Map Change Application
Property Address: 505 SW Federal Highway, Stuart, Florida 34994 (the "Property")
PCN: 05-38-41-000-000-00170-7

Dear Ms. Kugler:

This office represents the interests of Polk Street Hotels, Inc., a Florida for profit corporation, (the "Owner") as it pertains to Owner's application to the City of Stuart for a zoning map change on the southeastern portion of the Property from Urban Waterfront to Urban Highway.

As the enclosed application packet, will demonstrate, the Owner's request satisfies the zoning map standards contained in Section 11.01.09 in that:

A. The existing land use pattern:

The Property is located along the intersection of Federal Highway and SW 6th Street. My client purchased the Property, which consisted of three separate lots, in April 2023. The Owner then joined these parcels in a unity of title on May 10, 2023.¹ The northern and western portions of the Property are zoned Urban Highway, while the southeastern portion of the Property retained the Urban Waterfront zoning designation.

This is inconsistent with the Property, the surrounding community, and the existing land use pattern. The majority of the Property is zoned Urban Highway, which is appropriate due to the location along Federal Highway. The Property's southeastern portion is zoned Urban Waterfront, *despite the lack of any frontage along Frazier*

¹ Recorded in Martin County Official Records Book 3374, Page 45.

Creek. Stated differently, the portion of the property zoned Urban Waterfront is not actually located along any waterfront. The Urban Waterfront portion of the Property is currently vacant.² The surrounding properties vary in zoning depending on location. All properties on the eastern side of Federal Highway located north of this portion of the Property are zoned Urban Highway until SW Joan Jefferson Way. The properties immediately south contain a mixture of Urban Highway zoning located along the Federal Highway right-of-way and Urban Neighborhood on the eastern portion of those lots. The property immediately east is zoned Urban Waterfront – which is more appropriate since this lot *actually contains waterfrontage*.

Amending the zoning map will ensure the entire Property is zoned consistently, facilitating appropriate redevelopment consistent with the existing land use pattern, rather than applying inconsistent and contradictory zoning regulations to the Property.

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

The City's failure to rezone the Property is more likely to create an isolated district unrelated to adjacent and nearby districts. The Unity of Title that combined the separate lots into one parcel resulted in Property that is mostly zoned Urban Highway – except for the southeastern portion that remains Urban Waterfront. This is despite the fact that this portion of the Property *does not actually have any frontage along Frazier Creek or any other waterway*. In fact, this would be the only property near Frazier Creek that is zoned Urban Waterfront *without any frontage along the Creek*. Directly north of this Property is a large parcel zoned Urban Highway.³ The property directly south of our property is a mixture of Urban Highway on the frontage with Federal Highway and Urban Neighborhood on the eastern portion of the property.⁴ While the adjacent property just east of my client's Property is currently zoned Urban Waterfront, this is understandable given that the neighboring property contains frontage along Frazier Creek. Additionally, the rezoning of my client's Property will not create an isolated pocket zoned Urban Waterfront because the adjacent eastern property shares the Urban Waterfront zoning designation with neighboring properties that have frontage Frazier Creek.

Rezoning this portion of the Property to Urban Highway will *remove* the isolated Urban Waterfront district from the Property, make the Property's zoning consistent, and correct the landlocked Property's zoning by removing the "Waterfront" designation.

² The remaining portion of the property was previously a funeral home.

³ This property is 421 SW Federal Highway, Stuart, FL 34994.

⁴ This property is 603 SW Federal Highway, Stuart, FL 34994.

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

The requested rezoning application will not increase the population density pattern of the area and will not increase the load of public facilities.

The majority of the Property is currently zoned Urban Highway. This application seeks to rezone the southeastern portion of the Property, still zoned Urban Waterfront despite the recent Unity of Title. Rezoning this portion of the Property will remove certain conflicting development regulations between the two zoning districts. However, it will not dramatically change permitted uses for the Property. Urban Highway's zoning district is for "highway-oriented commercial or high density residential uses",⁵ while Urban Waterfront is for "special waterfront-oriented uses, including marinas, restaurants, entertainment, hotels, and higher-density residential."⁶ These similar uses between the two zoning districts will ensure that the rezoning application will have an immaterial impact on the City's population density and public infrastructure. In fact, the proposed use as a hotel is permitted in both zoning districts. This proposed use will not increase population density or impact local schools because there is no residential component to hotel. Additionally, since the uses between the two zoning districts are so similar, it is unlikely that the rezoning application will result in more intense demands on local utilities or streets than what currently exists with the Urban Waterfront designation. Finally, the Property's proposed redevelopment was investigated by traffic engineers Simmons & White. The Traffic Impact Statement determined that the development of a hotel on the Property would have "an insignificant impact on all major roadways."

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

As stated above, the permitted uses between the Urban Highway and Urban Waterfront zoning districts are similar. This similarity means that granting the requested rezoning application is unlikely to result in a difference between the Property's existing rights and those associated impacts to sewage collection, treatment, and disposal facilities with what could occur if the rezoning application is granted. The Property's proposed use as a hotel is permitted in both the Urban Highway and Urban Waterfront zoning districts. Since this use will stay the same, there will be no possibility of an increased burden for sewage capacity, treatment, or disposal by granting the rezoning request.

- E. The possible overloading of the city's drainage system:

As previously mentioned, the permitted uses for the Property will remain very similar. The proposed use as a hotel is permitted in both the Urban Highway and Urban Waterfront districts. As such, the requested zoning change will not result in

⁵ See Chapter III, Sec. 3.01.03, Urban Code, CITY OF STUART LAND DEVELOPMENT REGULATIONS (2024).

⁶ See Id.

change or overloading of the City's drainage system. The Property's potential runoff will remain the same whether the zoning change is approved or denied. Additionally, the proposed civil engineering plans, prepared by EA3 Civil Engineering, Inc., utilize exfiltration, site regrading, and swales to ensure that runoff is adequately contained on the Property.

- F. The existing district boundaries in relation to existing conditions on the subject property:

The Property was previously used as a funeral home. Presently, the southeastern portion of the Property that is zoned Urban Waterfront is vacant. Changing the district boundary on this portion of the Property from Urban Waterfront to Urban Highway will have no impact on the existing conditions on the site because this area is presently vacant. Additionally, the proposed use as a hotel for the Property is permitted in both the Urban Highway and Urban Waterfront districts.

- G. The existence of changed or changing conditions which make the passage of the proposed rezoning necessary and appropriate:

While the Property was owned by a single owner prior to my client's purchase of the Property, the site was three separate lots. My client joined these parcels under a Unity of Title, recorded in Official Records Book 3374, Page 45 of the Martin County Public Records. This Unity of Title was necessary to ensure the redevelopment potential of the Property. This change resulted in the lot containing two zoning districts – the Urban Highway district on the western and northern portions of the Property and the Urban Waterfront district on the southeastern portion of the Property. The two zoning districts, while permitting many of the same uses, have some conflicting and contradictory development standards. For example, Urban Highway requires that “parking areas shall be located behind the rear façade of a principal building”,⁷ while Urban Waterfront prohibits parking “between the rear building façade and the water.”⁸ These conflicting regulations for the two zoning districts on the Property prevent the ability to provide parking. This, along with the convenience of being governed by one set of zoning restrictions, necessitates the approval of this rezoning application.

- H. The impact of the proposed rezoning upon living conditions in the adjacent neighborhood:

The proposed rezoning will not have a material impact on living conditions in the adjacent neighborhood. The immediately surrounding area along the Federal Highway corridor is mostly commercial in nature. The nearest residential

⁷ See Chapter III, Sec. 3.01.03(D)(3)(a), Urban highway, Parking, CITY OF STUART LAND DEVELOPMENT REGULATIONS (2024).

⁸ See Chapter III, Sec. 3.01.03(E)(3)(a), Urban waterfront, Parking, CITY OF STUART LAND DEVELOPMENT REGULATIONS (2024).

neighborhood is along SW Channel Avenue. These properties are already accustomed to nearby commercial uses. Rezoning a portion of the Property from Urban Waterfront to Urban Highway will not result in material impacts to these adjacent properties. This is because the permitted uses in the two zoning districts are similar. Additionally, the proposed use as a hotel is permitted in both zoning districts. As such, the rezoning application will not result in negative impacts for living conditions in the adjacent neighborhood. Instead, granting this application will permit the redevelopment of a currently under utilized Property into an attractive hotel.

- I. The impact of the rezoning upon the flow of light and air to adjacent areas:

The requested rezoning application will not impact the flow of light and air onto adjacent areas or properties if approved. As previously mentioned, the two zoning districts provide for similar uses. The proposed use of a hotel is permitted by either zoning district. While the Urban Highway and Urban Waterfront districts do diverge in some development standards, their building height limits are very similar. The Urban Highway district permits a principal building to be three stories, but if located along Federal Highway, the maximum building height could be four stories if all the parking is located in the rear of the building.⁹ Similarly, the Urban Waterfront district's principal building height maximum is three stories, unless 50% or more of the building is residential or a hotel, in which case a fourth story is permitted.¹⁰ Since the development standards for building height will remain very similar for the two districts and the proposed use of the property, granting the rezoning application will not materially change the flow of light and air to adjacent areas over what is permitted today.

- J. The impact of the proposed rezoning upon property values in the adjacent area:

The requested rezoning application will not negatively impact adjacent property values but will likely *increase and improve* these property values. The Property currently contains a closed funeral home. The proposed redevelopment will include a modern hotel. The redevelopment of this Property will not only increase the lot's property value, but the values for adjacent areas. The hotel will bring guests to the Downtown Stuart area that will frequent nearby shops, restaurants, and attractions. This "trickle down" will help provide additional opportunities to nearby businesses and properties and increase nearby property values.

⁹ The maximum building height of a three-story building is 35 feet and 45 feet for a four-story building. See Chapter III, Sec. 3.01.03(D)(2)(a), Urban highway, *Principal Building Height*, CITY OF STUART LAND DEVELOPMENT REGULATIONS (2024).

¹⁰ The maximum building height of a three-story building is 35 feet and 45 feet for a four-story building. See Chapter III, Sec. 3.01.03(E)(2)(a), Urban waterfront, *Principal Building Height*, CITY OF STUART LAND DEVELOPMENT REGULATIONS (2024).

- K. The impact of the proposed rezoning upon improvement or development of adjacent property in accordance with existing regulations:

The rezoning of the Property will provide uniform zoning, permitting redevelopment in accordance with the City's regulations. This rezoning and planned redevelopment will not have a negative impact on improvement or development of adjacent properties. If anything, the redevelopment of this Property is likely to spur redevelopment and improvement of adjacent properties. Currently, the Property is an underutilized, former funeral home. The addition of a new hotel is more likely to encourage investment in the surrounding neighborhood than keeping the Property in its existing condition.

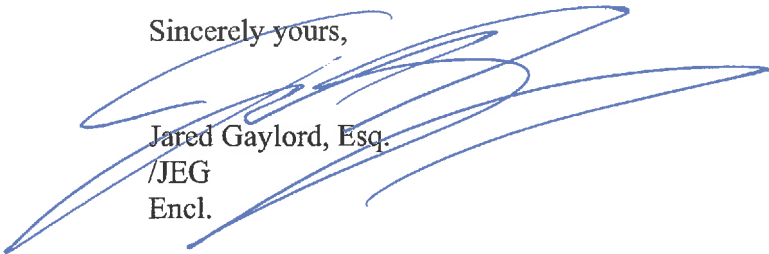
- L. The existence of other adequate sites in the city for the proposed use in districts already permitting such use:

There are not many other properties within the City that are as uniquely qualified as this Property for redevelopment as a hotel. The Property is located near Downtown, along the Federal Highway corridor. Additionally, the Property's two existing zoning districts – Urban Highway and Urban Waterfront – currently permit the development of a hotel on the Property. Furthermore, the Property's size of over 1.5 acres is appropriate for a hotel. There are not many other properties within the City that are uniquely qualified with the appropriate size, location, and zoning for redevelopment into a hotel.

Thank you for consideration of the rezoning of a portion of the Property from Urban Waterfront to Urban Highway. Granting this rezoning application will permit my client to proceed with redeveloping the Property to a use that is currently permitted by both zoning districts present on the lot. However, denial of this rezoning application would create an undue hardship by forcing my client to abide by two zoning districts with conflicting regulations. The result of such denial would be the inability to redevelop the Property, a denial of the reasonable use of the land, and a dramatic reduction in value.

For these reasons and the responses contained herein, the City must grant approval of the requested rezoning application. If you have any questions or concerns regarding the foregoing, please do not hesitate contacting the undersigned.

Sincerely yours,



Jared Gaylord, Esq.
/JEG
Encl.

SURVEYOR'S NOTES

- BEARINGS, COORDINATES AND DISTANCES AS SHOWN HEREON ARE REFERENCED TO GRID NORTH, BASED ON STATE PLANE COORDINATES, U.S. SURVEY FEET, NORTH AMERICAN DATUM OF 1983/2011 (N.A.D. 83/11), FLORIDA EAST ZONE, REFERENCE A BEARING OF N00°23'14"E ALONG THE EAST RIGHT OR WAY LINE OF S.W. FEDERAL HIGHWAY.
- THE ELEVATIONS AS SHOWN HEREON REFERENCE THE NORTH AMERICAN VERTICAL DATUM OF 1988 (N.A.V.D. 88), REFERENCE MARTIN COUNTY BENCHMARK "89002", ELEVATION = 4.57 FEET. THE TEMPORARY BENCHMARKS AS SHOWN THIS SURVEY ARE BASED ON A CLOSED LEVEL LOOP FROM "89002" TO "89002", WITH A VERTICAL CLOSURE OF 0.00. ELEVATIONS AS SHOWN HAVE BEEN MEASURED TO AN ESTIMATED VERTICAL POSITIONAL ACCURACY OF 0.05 FEET.
- WELL-IDENTIFIED FEATURES IN THIS SURVEY AND MAP HAVE BEEN MEASURED TO AN ESTIMATED HORIZONTAL POSITIONAL ACCURACY OF 0.10 FEET.
- THIS SURVEY IS BASED ON A CLOSED GEOMETRIC FIGURE EXCEEDING A HORIZONTAL CLOSURE OF 1:10,000.
- THERE WAS NO ATTEMPT TO LOCATE ANY SUBSURFACE FOUNDATIONS.
- NO UNDERGROUND UTILITIES WERE LOCATED OR SHOWN HEREON.
- THIS SURVEY IS NOT VALID WITHOUT THE ORIGINAL SIGNATURE AND SEAL OF A FLORIDA LICENSED SURVEYOR UNLESS DIGITALLY SIGNED.
- THIS SURVEY WAS DONE IN THE FIELD UTILIZING GLOBAL POSITIONING SYSTEM (G.P.S.) WITH REAL TIME KINEMATIC (R.T.K.) ALL DISTANCES GIVEN ARE GRID DISTANCES. THE SCALE FACTOR IS 1.000008157.
- THIS PROPERTY IS LOCATED IN FEDERAL FLOOD ZONES X AND AE (EL 5), REFERENCE FEMA MAP COMMUNITY NO. 120165, PANEL 0134, SUFFIX H, EFFECTIVE DATE FEBRUARY 19, 2020. NO SEARCH FOR MAP MODIFICATIONS HAS BEEN DONE BY THIS SURVEYOR.
- THIS TIDAL WATER SURVEY COMPLIES WITH CHAPTER 177.39, FLORIDA STATUTES. THE MEAN HIGH WATER LINE AS SHOWN HEREON BASED ON THE LOCATION OF ELEVATION (-)0.38 FEET N.A.V.D. 88. THE MEAN HIGH WATER ELEVATION WAS INTERPOLATED FROM TIDAL DATUM ELEVATIONS AT THE SITE AND WAS PROVIDED BY THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION.
- LAST DATE OF FIELD DATA ACQUISITION WAS CARRIED OUT ON JANUARY 26, 2023.
- THIS SURVEY WAS DONE WITH THE BENEFIT OF A TITLE COMMITMENT PERFORMED BY CHICAGO TITLE INSURANCE COMPANY, REFERENCE ISSUING OFFICE FILE NUMBER 402101606TS, CUSTOMER FILE NUMBER CF #21-638399-NA, ORDER NUMBER 10027339, DATED NOVEMBER 12, 2021 AT 11:00 PM, REFERENCE THE FOLLOWING EXCEPTIONS IN SCHEDULE BII:
 - Right of Way Easement in favor of Southern Bell Telephone and Telegraph Company, recorded in Official Records Book 458, page 1317. (RESPONSE: AFFECTS THE PARCEL. SHOWN ON SURVEY.)
 - Easement in favor of Florida Power & Light Company, recorded in Official Records Book 2520, Page 2274, (as to Parcel D). (RESPONSE: AFFECTS THE PARCEL, SHOWN ON SURVEY.)

LEGAL DESCRIPTION

PARCEL A:

South 100 feet of the North 743.41 feet of the West 220.00 feet of Government Lot 7, Section 5, Township 38 South, Range 41 East, lying West of Frazier Creek.

PARCEL B:

Start at the Northwest corner of Government Lot 7, Section 5, Township 38 South, Range 41 East, thence run South along the West line of said Government Lot 7, a distance of 763.41 feet; thence run East 33.00 feet to the East right of way of State Road No. 5 (U.S. 1) for the point of beginning; thence run North along said East right of way a distance of 20.00 feet; thence run East a distance of 187.00 feet; thence run South a distance of 20.00 feet; thence run West a distance of 187.00 feet to the point of beginning.

PARCEL C:

Start at the Northwest corner of Government Lot 7, Section 5, Township 38 South, Range 41 East, thence run South 0°0'3" East, along the West line of said Lot 7, a distance of 643.41 feet; thence run North 89°54' East a distance of 220 feet to the Point of Beginning; thence run South 0°0'3" East, a distance of 100 feet; thence run North 89°54' East a distance of 167.09 feet to the Southwesterly right of way line of Frazier Creek right of way as recorded in Deed Book 16, Pages 587 and 589, Public Records of Martin County, Florida; thence run Northwesterly 132.27 feet along arc of curved right of way line, said curve having a radius of 732 feet and being concave to the Northeast and chord of said arc being 132.09 feet in length with a bearing of North 40°53'44" West, to the Point of Intersection with a line bearing North 89°54' East from the Point of Beginning; thence run South 89°54' West, along lastly described line, a distance of 80.61 feet to the Point of Beginning.

PARCEL D:

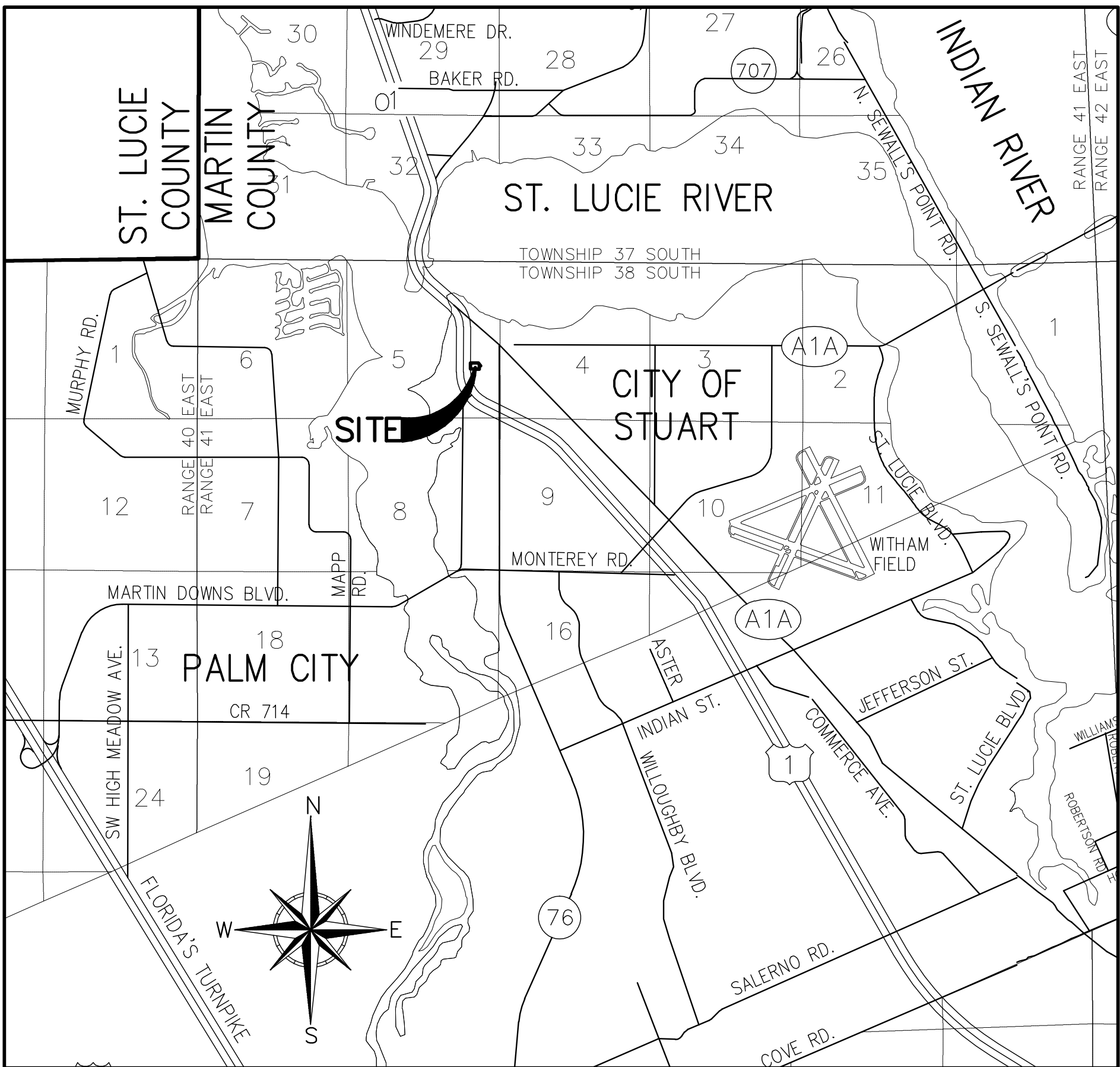
The West 119.10 feet of the following described parcel:

Start at the Northwest corner of Government Lot 7, Section 5, Township 38 South, Range 41 East, thence run South along the West line of said Government Lot 7, a distance of 763.41 feet; thence run East 220 feet to the point of beginning; thence run North 20 feet; thence run East 161 feet; more or less to the waters of Frazier Creek thence meander Southeasterly the waters of Frazier Creek a distance of 195 feet; more or less, to a line which bears East and is 102 feet South of the point of beginning; thence run West a distance of 319 feet, more or less, to a point 102 feet South of the point of beginning; thence run North 102 feet to the point of beginning.

PARCEL E:

Start at the Northwest corner of Government Lot 7, Section 5, Township 38 South, Range 41 East, thence run South along the West line of said Government Lot 7 a distance of 865.41 feet; thence run East 33.00 feet to the East right of way of State Road 5, the Point of Beginning. Thence run North along said East right of way a distance of 102.00 feet; thence run East a distance of 187.00 feet; thence run South a distance of 102.00 feet; thence run West a distance of 187.00 feet to the Point of Beginning, subject to a 10 feet street right of way easement along South Lat line, lying and being in Martin County, Florida.

CONTAINING 68,891 SQUARE FEET OR 1.58 ACRES, MORE OR LESS.



LOCATION MAP
(NOT TO SCALE)

SHEET INDEX

- | | |
|---------|-------------------------------|
| SHEET 1 | COVER |
| SHEET 2 | BOUNDARY AND EASEMENT DETAILS |
| SHEET 3 | TOPOGRAPHIC DETAILS |

ABBREVIATIONS

A/C	AIR CONDITIONING
BFP	BACKFLOW PREVENTOR
BL	BETSY LINDSAY, INC.
BLDG.	BUILDING
(C)	COMPUTED PER FOUND MONUMENTATION
CLF	CHAINLINK FENCE
CM	CONCRETE MONUMENT
CONC.	CONCRETE
(D)	PER DEED
D.B.	DEED BOOK
EL.	ELEVATION
F.D.O.T.	FLORIDA DEPARTMENT OF TRANSPORTATION
F.F.E.	FINISHED FLOOR ELEVATION
FND.	FOUND
FPL	FLORIDA POWER & LIGHT COMPANY
GVMT.	GOVERNMENT
HDPE	HIGH DENSITY POLYETHYLENE PIPE
INV.	INVERT
IR	IRON ROD
LB	LICENSED BUSINESS
MNW	MAG NAIL & WASHER
NO.	NUMBER
O.R.B.	OFFICIAL RECORDS BOOK
P.B.	PLAT BOOK
PG.	PAGE
PK	PARKER KALON NAIL
P.L.S.	PROFESSIONAL LAND SURVEYOR
P.O.C.	POINT OF COMMENCEMENT
P.O.B.	POINT OF BEGINNING
PT.	POINT
R/W	RIGHT OF WAY
S.B.T.	SOUTHERN BELL TELEPHONE
TBM	TEMPORARY BENCHMARK
TRAV.	TRAVERSE
W/	WITH

SYMBOL LEGEND

- | | |
|---------------|--|
| × 15.25 | FIELD LOCATED POINT WITH ELEVATION (HARD SURFACES) |
| × 15.2 | FIELD LOCATED POINT WITH ELEVATION (SOFT SURFACES) |
| ○ RISER | TELEPHONE RISER |
| [TV] | CABLE TELEVISION RISER |
| [G] | GAS RISER |
| [WM] | WATER METER |
| [V] | GATE VALVE |
| [F] | FIRE HYDRANT |
| [C] CLEAN OUT | SANITARY CLEANOUT |
| [L] | CONCRETE LIGHT POLE |
| [M] | METAL LIGHT POLE |
| [W] | WOOD LIGHT POLE |

LINE TYPE LEGEND

- | | |
|---------|---------------------|
| — GAS — | BURIED GAS LINE |
| — WL — | BURIED WATER LINE |
| — CLS — | CENTERLINE OF SWALE |
| — TOB — | TOP OF BANK |
| — TOE — | TOE OF SLOPE |

SURVEYOR'S CERTIFICATE

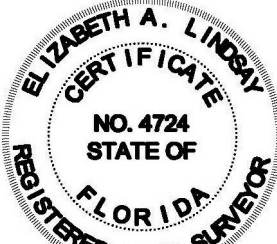
I HEREBY CERTIFY THAT THE "BOUNDARY SURVEY" AS SHOWN HEREON IS A TRUE AND CORRECT REPRESENTATION OF A FIELD SURVEY MADE UNDER MY DIRECTION AND CHARGE ON JANUARY 26, 2023 AND SAID "BOUNDARY SURVEY" IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. IT IS FURTHER CERTIFIED THAT THIS "BOUNDARY SURVEY" COMPLIES WITH THE STANDARDS OF PRACTICE FOR "BOUNDARY SURVEY" SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES.

BETSY LINDSAY, INC.
SURVEYING AND MAPPING

ELIZABETH A. LINDSAY, P.L.S.
FLORIDA REGISTRATION NO. 4724

NOT VALID WITHOUT THE ORIGINAL SIGNATURE
AND SEAL OF A FLORIDA LICENSED SURVEYOR
AND MAPPER UNLESS DIGITALLY SIGNED

THE SEAL APPEARING ON THIS DOCUMENT WAS AUTHORIZED BY ELIZABETH A. LINDSAY, P.L.S. 4724 ON March 29, 2023



BETSY LINDSAY, INC.
SURVEYING AND MAPPING

7997 SW JACK JAMES DRIVE
STUART, FLORIDA 34997
(772) 286-5753 (772) 286-5933 FAX
LICENSED BUSINESS NO. 6862

DATE	REVISIONS
03/29/2023	REVISE PER CLIENT

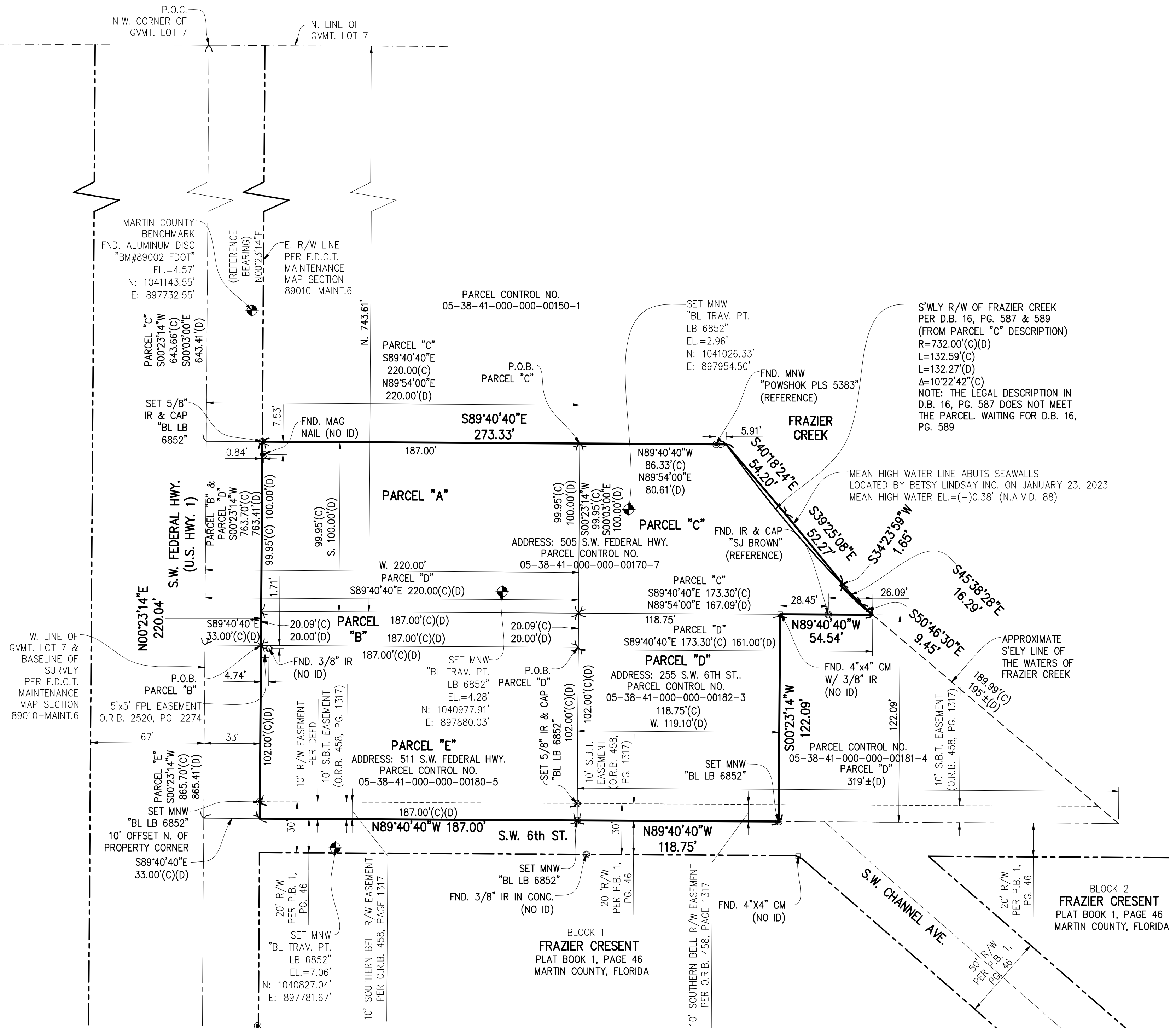
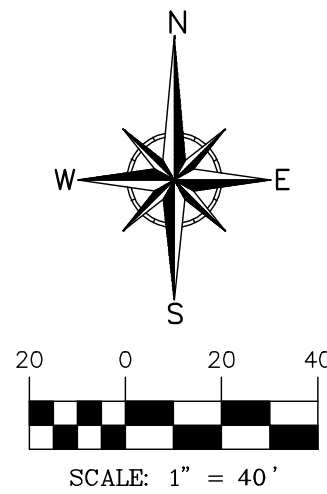
DATE 01/26/2023
SCALE AS SHOWN
FIELD BK. STUART 40 & MARTIN 66
DRAWN BY D.B.
CHECKED BY E.A.L.

A PORTION OF GOVERNMENT LOT 7, SECTION 5, TOWNSHIP 38
SOUTH, RANGE 41 EAST, MARTIN COUNTY, FLORIDA

BOUNDARY SURVEY
SEACOAST HOTELS

SHEET NO. 1
OF 3 SHEETS
PROJECT NO. 23-01

THIS DOCUMENT MAY BE REPRODUCED UPON REQUEST IN AN
ALTERNATIVE FORMAT BY CONTACTING THE COUNTY ADA
COORDINATOR (772) 320-3131, THE COUNTY ADMINISTRATION
OFFICE (772) 288-5400, FLORIDA RELAY 711, OR BY
COMPLETING OUR ACCESSIBILITY FEEDBACK FORM AT
www.martin.fl.us/accessibility-feedback



B

BETSY LINDSAY, INC.

SURVEYING AND MAPPING

7997 S.W. JACK JAMES DRIVE
STUART, FLORIDA 34997
(772)286-5753 (772)286-5933 FAX
LICENSED BUSINESS NO. 6852

DATE	REVISIONS
03/29/2023	REVISE PER CLIENT

DATE 01/26/2023

SCALE 1"=40'

FIELD BK. #1, MARTIN CO.

DRAWN BY D.B.

CHECKED BY E.A.L.

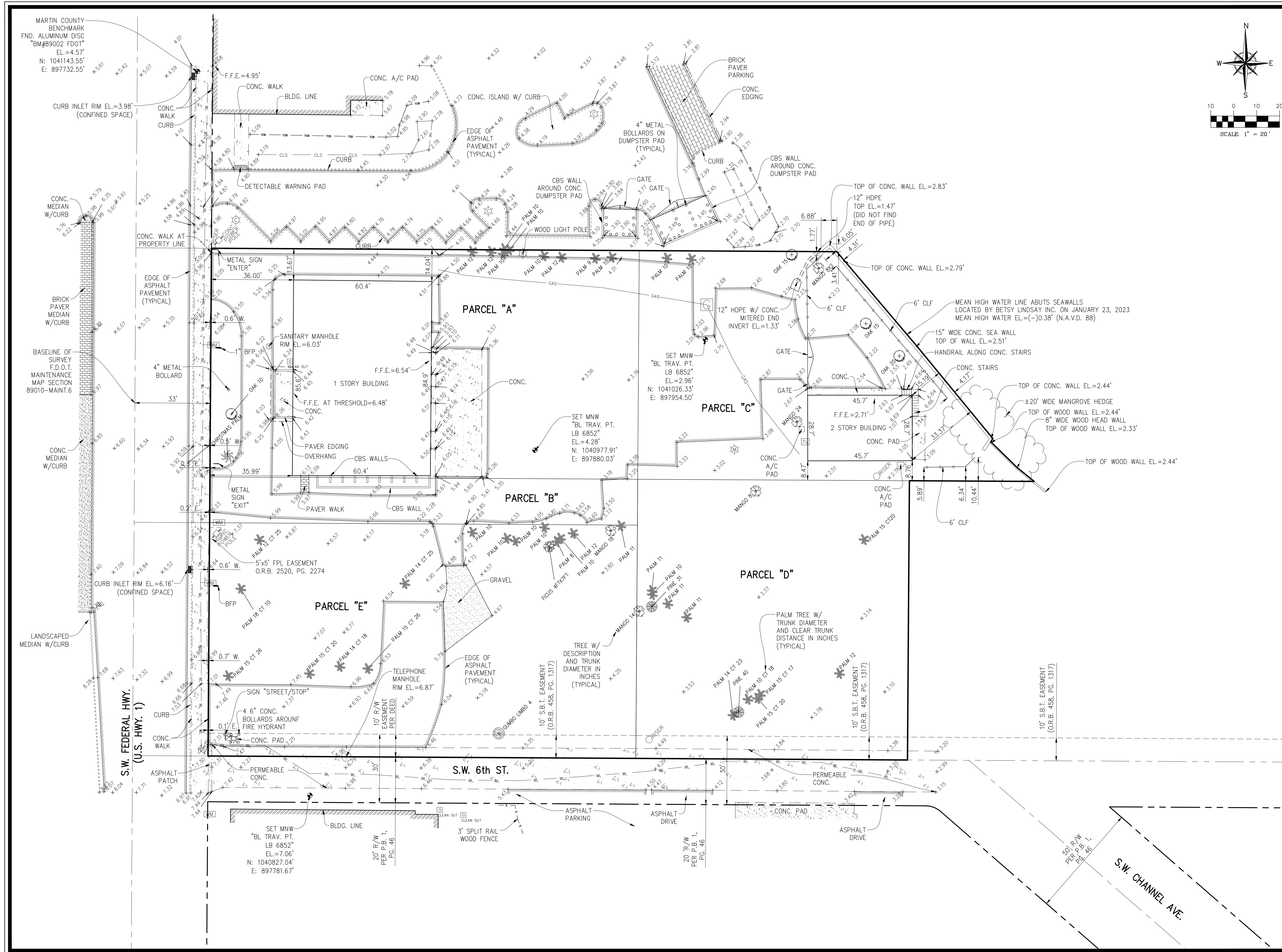
A PORTION OF GOVERNMENT LOT 7, SECTION 5, TOWNSHIP 38 SOUTH, RANGE 41 EAST, MARTIN COUNTY, FLORIDA

BOUNDARY SURVEY
SEACOAST HOTELS

SHEET NO. 2

OF 3 SHEETS

PROJECT NO. 23-01



B BETSY LINDSAY, INC.
SURVEYING AND MAPPING

7997 S.W. JACK JAMES DRIVE STUART, FLORIDA 34997
(772)286-5753 (772)286-5933 FAX
LICENSED BUSINESS NO. 6852

DATE	REVISIONS
03/29/2023	REVISE PER CLIENT

DATE 01/26/2023
SCALE 1"=20'
FIELD BK. STUART 40 & 41, MARTIN 66
DRAWN BY D.B.
CHECKED BY E.A.L.

A PORTION OF GOVERNMENT LOT 7, SECTION 5, TOWNSHIP 38
SOUTH, RANGE 41 EAST, MARTIN COUNTY, FLORIDA

BOUNDARY SURVEY

SEACOAST HOTELS

SHEET NO. 3
OF 3 SHEETS
PROJECT NO.
23-01

FAIRFIELD INN & SUITES

Stuart, Florida

TRAFFIC IMPACT STATEMENT

PREPARED FOR:

Seacoast Hotels, Inc.
3235 NW Stoney Creek Avenue
Jensen Beach, Florida 34957

JOB NO. 23-013

DATE: 02/07/2023
REVISED: 01/26/2024

Bryan G. Kelley, Professional Engineer, State of Florida, License No. 74006

This item has been digitally signed and sealed by Bryan G. Kelley, P.E., on 01/26/24.

Printed Copies of this document are not considered signed and sealed and the signature must be verified on any electronic copies.

**Bryan
Kelley**

Digitally signed
by Bryan Kelley
Date:
2024.01.26
16:06:54 -05'00'

TABLE OF CONTENTS

PAGE 3

- 1.0 SITE DATA
- 2.0 TRAFFIC GENERATION
- 3.0 TRAFFIC ANALYSIS

PAGE 4

- 4.0 TURN LANES
- 5.0 CONCLUSION

1.0 SITE DATA

The subject parcel is located at 505 SW Federal Highway in the City of Stuart, Florida and contains 0.81 acres. The existing site consists of two buildings totaling 7,768 S.F. that was previous used as a funeral home. The proposed plan of development consists of demolishing the existing structures and constructing a 94-room all suites hotel with a project buildout of 2028. The purpose of this traffic statement is to address the traffic impacts of the proposed development to the surrounding roadway network. Access to the site is existing via two right in, right out only driveway connections to US-1/Federal Highway. The proposed access consists of closing the southerly driveway connection so that only the existing northerly right in, right out only driveway connection is utilized. For additional information concerning site layout, please refer to the Site Plan prepared by George White Architect.

2.0 TRAFFIC GENERATION

The traffic to be generated by the proposed use is calculated in accordance with the rates provided in the ITE Trip Generation Manual, 11th Edition as shown on Table 1, Table 2, and Table 3 attached with this report. Table 1 shows the daily traffic generation associated with the proposed use. Tables 2 and 3 show the A.M. and P.M. peak hour traffic generation, respectively. Note to be conservative, no discount was taken for the existing funeral home since it not operational. The traffic generation associated with the proposed use may be summarized as follows:

<u>Proposed Development</u>		
Daily Traffic Generation	=	414 tpd
A.M. Peak Hour Traffic Generation	=	32 pht (17 In/15 Out)
P.M. Peak Hour Traffic Generation	=	34 pht (17 In/17 Out)

3.0 TRAFFIC ANALYSIS

The Trip Distribution and Assignment attached to the report as Figure 1 depicts the estimated trip distribution on surrounding roadway network. The project significance calculations are shown in Table 4 for the study roadways. The peak hour, peak direction LOS thresholds were taken from the Martin County 2021 Roadway LOS Inventory Report. As shown in Table 4, the project will have an insignificant impact on all major roadways. Note the significance threshold is 2% per the Martin County Land Development Regulations. Therefore, only the immediately accessed roadway link was analyzed per the Martin County Land Development Regulations. The peak hour roadway link analysis for Federal Highway is provided in Table 5. The As shown in Table 5, all study roadway segments meet the required LOS standards inclusive of the proposed development.

4.0 TURN LANES

The AM and PM peak hour volumes at the project entrances for the overall development with no reduction for pass by credits are shown in Tables 2 and 3 and may be summarized as follows:

**DIRECTIONAL
DISTRIBUTION
(TRIPS IN/OUT)**

AM = 17 / 15
PM = 17 / 17

The Driveway Volumes figure presents the AM and PM peak turning movement volume assignments at the project driveway. As previously mentioned, site access is proposed via a right in, right out only driveway connection to Federal Highway. The FDOT Access Management Guidebook recommends right turn lanes when traffic volumes exceed 80 peak hour right turns for roadways with a posted speed limit of 45 mph or less. Federal Highway has a posted speed limit of 35 mph at the subject site and only 17 peak hour right turns are projected. Therefore, no turn lanes are warranted or recommended. Since the access is restricted to right in, right out only, a left turn lane analysis was not conducted.

5.0 CONCLUSION

The proposed plan of development will result in trips per day, 32 AM peak hour trips, and 34 PM peak hour trips at project build out in 2028. A review of the traffic data revealed that the surrounding roadway network will continue to function at an acceptable Level of Service and the project will have an insignificant impact.

BK/dh: x:\docs\trafficdrainage&structural\tis.23013I

FAIRFIELD INN SUITES

PROPOSED DEVELOPMENT

TABLE 1 - Daily Traffic Generation

Landuse	ITE Code	Intensity	Rate/Equation	Dir Split In Out	Gross Trips	Internalization % Total	External Trips	Pass-by % Trips	Net Trips
All Suites Hotel	311	94	4.4		414	0	414	0%	414
		Rooms							
		Grand Totals:			414	0.0%	414	0%	414

TABLE 2 - AM Peak Hour Traffic Generation

Landuse	ITE Code	Intensity	Rate/Equation	Dir Split In Out	Gross Trips	Internalization % Total	External Trips	Pass-by % Trips	Net Trips
All Suites Hotel	311	94	0.34	0.53 0.47	17 15 32	0.0%	17 15 32	0%	17 15 32
		Rooms							
		Grand Totals:			17 15 32	0.0%	17 15 32	0%	17 15 32

TABLE 3 - PM Peak Hour Traffic Generation

Landuse	ITE Code	Intensity	Rate/Equation	Dir Split In Out	Gross Trips	Internalization % Total	External Trips	Pass-by % Trips	Net Trips
All Suites Hotel	311	94	0.36	0.49 0.51	17 17 34	0.0%	17 17 34	0%	17 17 34
		Rooms							
		Grand Totals:			17 17 34	0.0%	17 17 34	0%	17 17 34

All Suites Hotel (311)

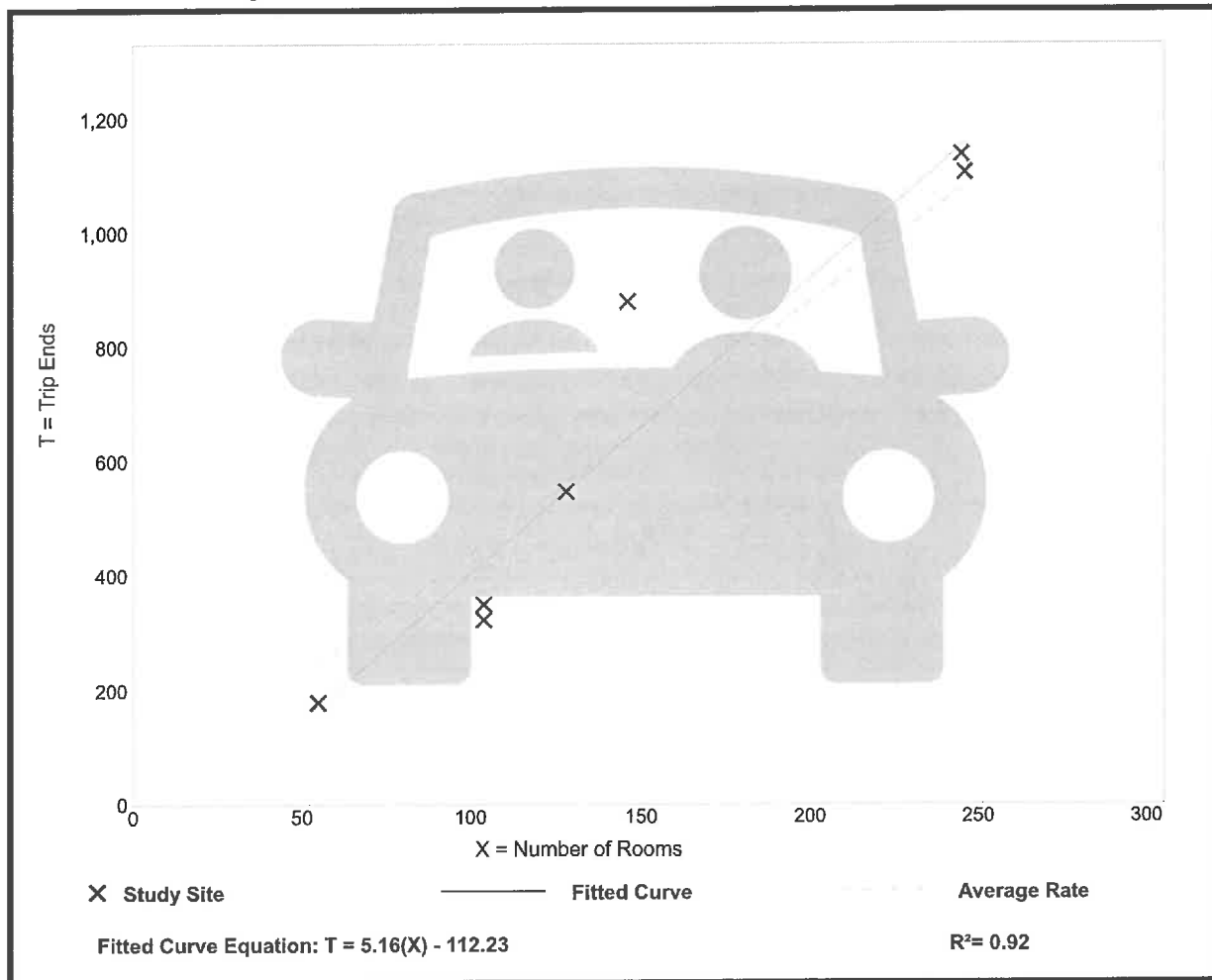
Vehicle Trip Ends vs: Rooms
On a: Weekday

Setting/Location: General Urban/Suburban
Number of Studies: 7
Avg. Num. of Rooms: 147
Directional Distribution: 50% entering, 50% exiting

Vehicle Trip Generation per Room

Average Rate	Range of Rates	Standard Deviation
4.40	3.11 - 6.02	0.93

Data Plot and Equation



All Suites Hotel (311)

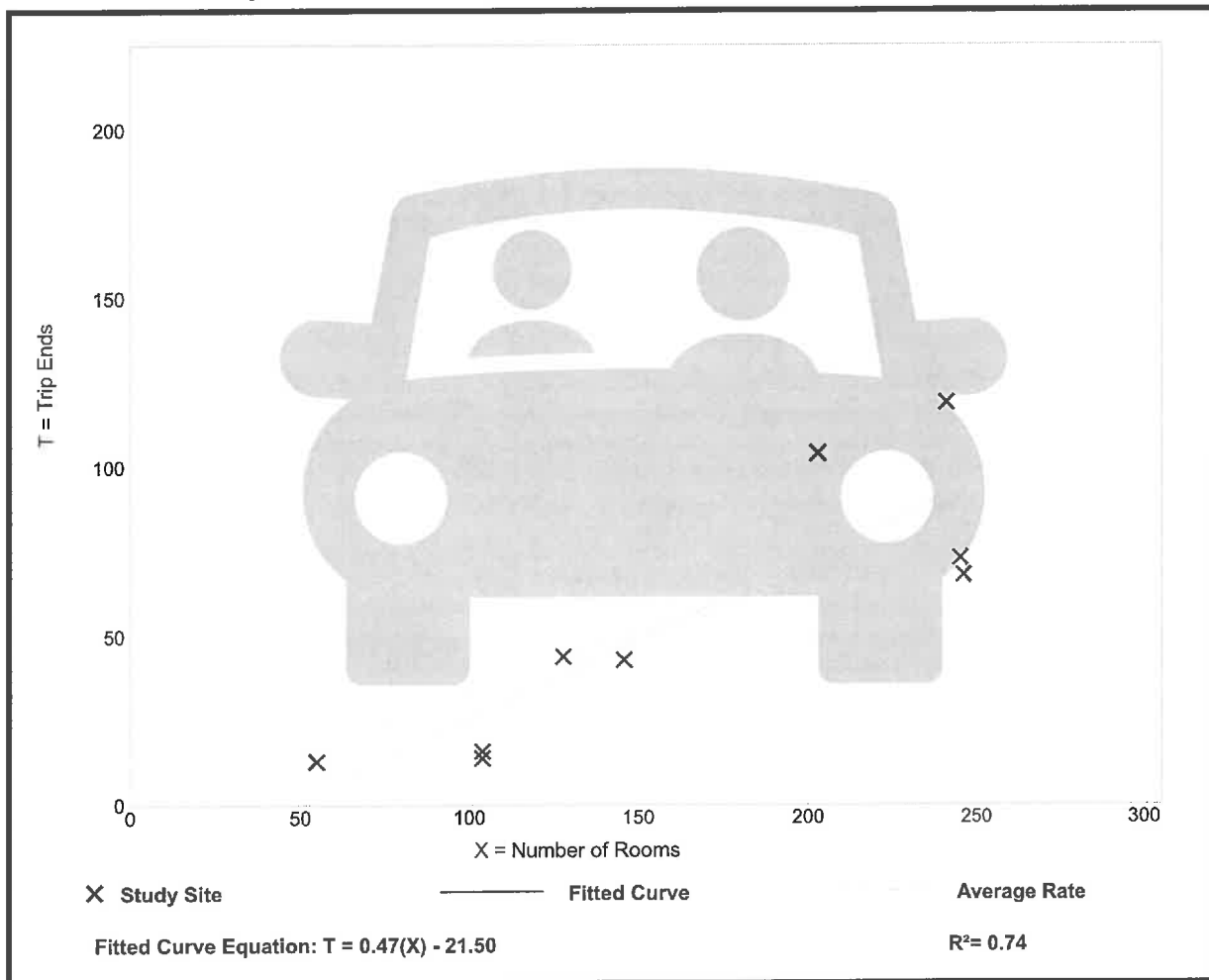
Vehicle Trip Ends vs: Rooms
On a: Weekday,
Peak Hour of Adjacent Street Traffic,
One Hour Between 7 and 9 a.m.

Setting/Location: General Urban/Suburban
 Number of Studies: 9
 Avg. Num. of Rooms: 164
 Directional Distribution: 53% entering, 47% exiting

Vehicle Trip Generation per Room

Average Rate	Range of Rates	Standard Deviation
0.34	0.13 - 0.51	0.13

Data Plot and Equation



All Suites Hotel (311)

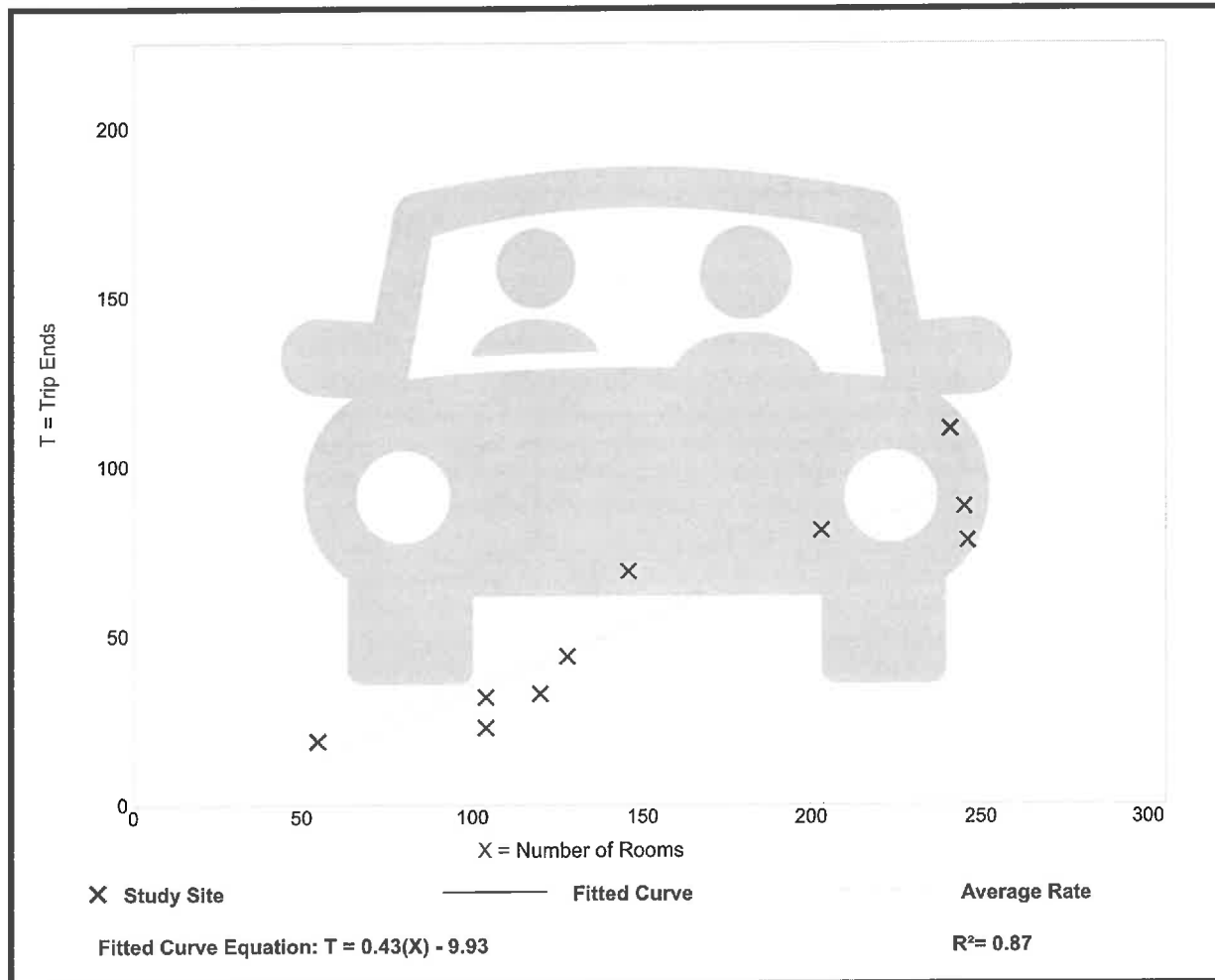
Vehicle Trip Ends vs: Rooms
On a: Weekday,
Peak Hour of Adjacent Street Traffic,
One Hour Between 4 and 6 p.m.

Setting/Location: General Urban/Suburban
 Number of Studies: 10
 Avg. Num. of Rooms: 159
 Directional Distribution: 49% entering, 51% exiting

Vehicle Trip Generation per Room

Average Rate	Range of Rates	Standard Deviation
0.36	0.22 - 0.47	0.08

Data Plot and Equation



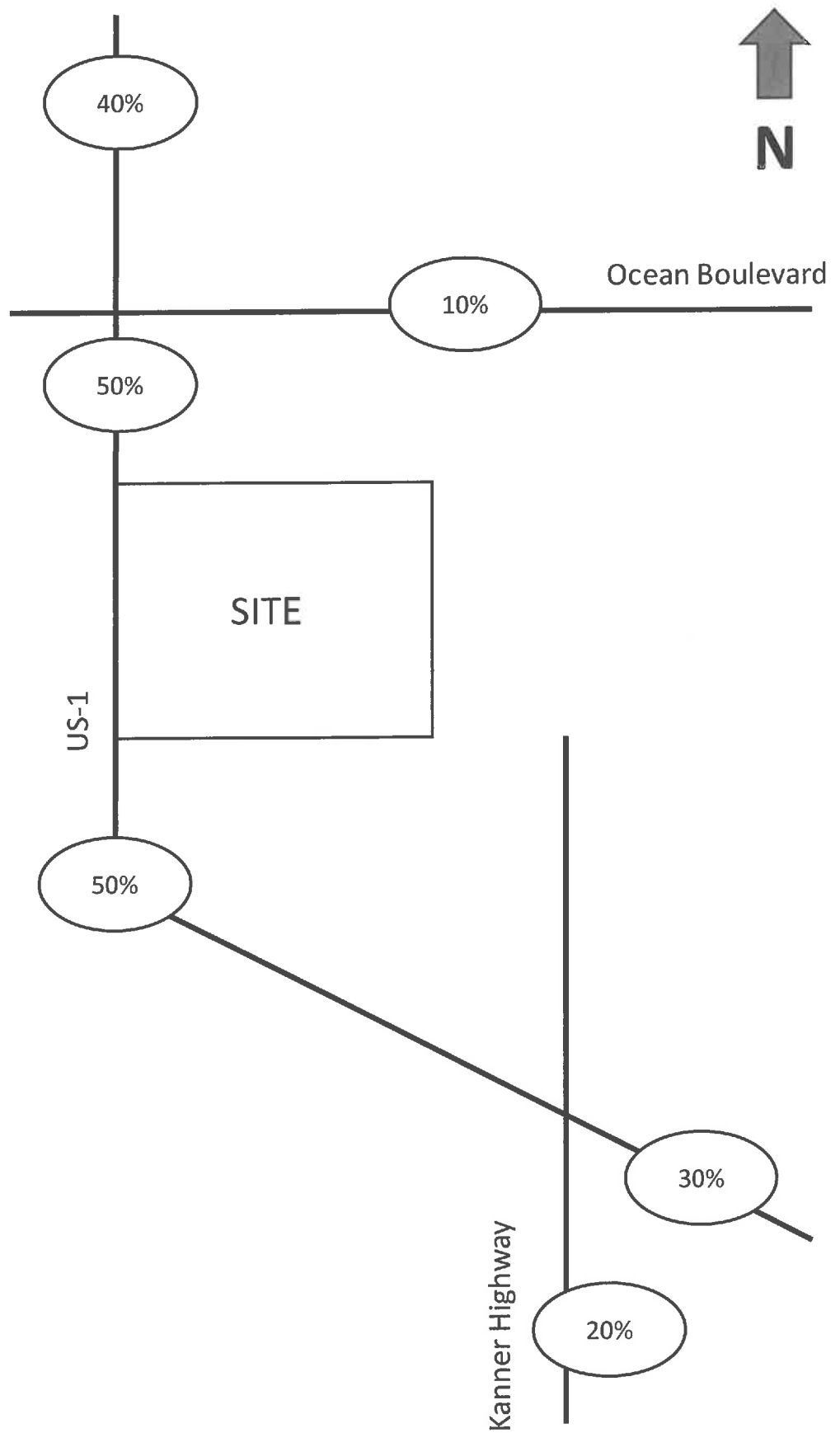
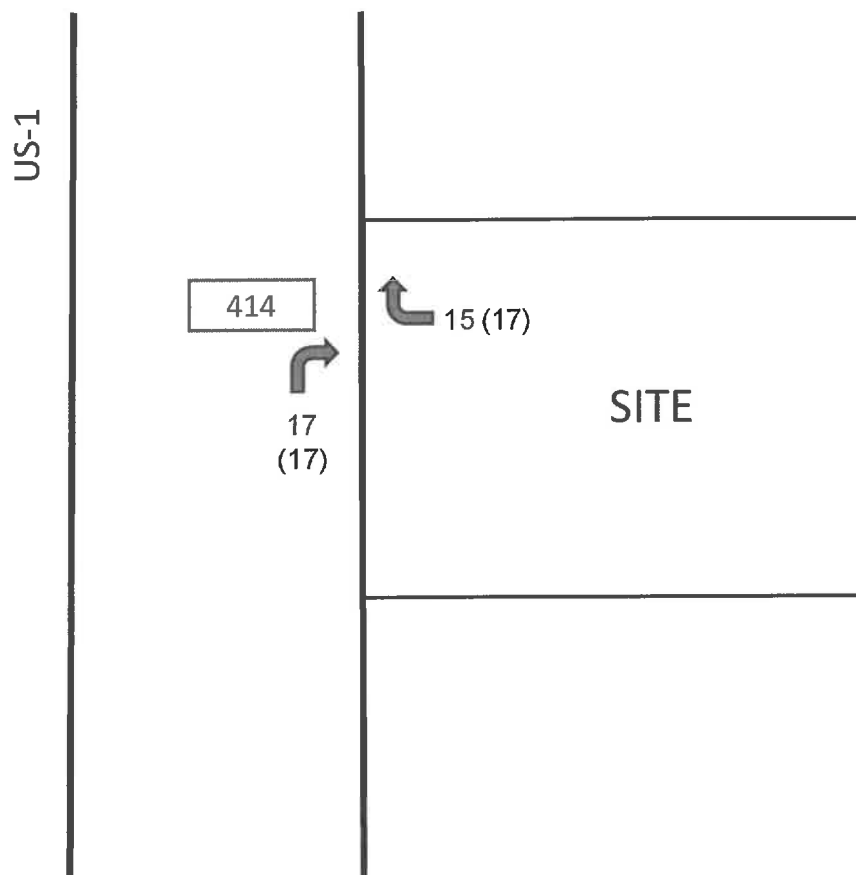


Figure 1 – Trip Distribution
 Fairfield Inn & Suites
 Project # 23-013



Legend	
XX	AM Peak Hour
(XX)	PM Peak Hour
XXX	ADT

Figure 2 – Turning Movement Worksheet
Fairfield Inn & Suites
Project # 23-013

FAIRFIELD INN SUITES

TABLE 4
ROADWAY SEGMENT - PROJECT SIGNIFICANCE CALCULATION
PM PEAK HOUR

2028 BUILD OUT
TOTAL PM PEAK HOUR PROJECT TRIPS (ENTE)17
TOTAL PM PEAK HOUR PROJECT TRIPS (EXIT)17

ROADWAY	FROM	TO	PM PEAK HOUR					LOS D	TOTAL PROJECT IMPACT	PROJECT SIGNIFICANT
			PROJECT DISTRIBUTION	PROJECT TRIPS	EXISTING LANES	CLASS	STANDARD			
US-1	SR 5A (CUT OFF ROAD)	SR 76	30%	5	6D	I	3020	0.17%	NO	NO
US-1	SR 76	PALM CITY ROAD	50%	9	6D	II	2520	0.36%	NO	NO
US-1	PALM CITY ROAD	OCEAN BOULEVARD	50%	9	6D	II	2520	0.36%	NO	NO
US-1	OCEAN BOULEVARD	JOAN JEFFERSON WAY	40%	7	6D	II	2520	0.28%	NO	NO
OCEAN BOULEVARD	US-1	COLORADO AVENUE	10%	2	2	II	675	0.30%	NO	NO
KANNER HIGHWAY	SR 714	US-1	20%	3	6D	I	3020	0.10%	NO	NO

Note:
Ocean Boulevard LOS D volume threshold reduced by 10% for non-state road reduction.

TABLE 5

YES

The LOS D volume threshold is taken directly from the 2021 Martin County Roadway LOS Inventory Report

Martin County 2021 Roadway Level of Service Inventory Report

Road Name	From	To	Type	Generalized Service Capacity	2021 Average Annual Daily Traffic	2021 Peak Hour Directional Volume	2021 Generalized LOS	Avg. Annual Growth Rate
Baker Rd	SR-5	CR-723	Class II: 2-Ln Undivided	750	4,838	233	C	0.9%
Berry Ave	Golden Bear Wy	CR-714	Class II: 2-Ln Undivided	750	3,506	182	C	0.6%
Berry Ave	CR-714	Sunset Tr	Class II: 2-Ln Undivided	750	1,832	97	C	0.5%
Britt Rd	Pine Lake Dr	SR-5	Class II: 2-Ln Undivided	750	4,356	210	C	0.5%
Citrus Blvd.	CR-714 (Martin Hwy)	Port St. Lucie Blvd.	Transitional 2-Ln Uninter /Undivided Flow	1160	6,214	510	A/B	6.6%
Commerce Ave	Salerno Rd	Monroe St	Class II: 2-Ln Undivided	750	7,672	643	D	5.0%
Commerce Ave	Monroe St	Indian St	Class II: 2-Ln Undivided	750	5,946	390	D	0.5%
Country Club Dr	Palm Beach County	Island Way	Class II: 2-Ln Undivided	750	2,986	135	C	1.4%
Country Club Dr	Island Way	Little Club Dr	Class II: 2-Ln Undivided	750	3,772	177	C	2.9%
County Line Rd	Little Club Dr	SR-5	Class II: 2-Ln Undivided	750	2,750	127	C	1.4%
Cove Rd	SR-76	Willoughby Blvd	Class I: 2-Ln Undivided	880	13,725	883	F	0.7%
Cove Rd	Willoughby Blvd	SR-5	Class I: 2-Ln Undivided	880	15,299	694	C	0.5%
Cove Rd	CR-A1A	End	2-Ln Undivided Non-State	675	5,259	239	C	0.8%
CR-609 (Allapattah Rd)	SR-710	CR-714	Uninterrupted Rural Hwy: 2-Ln Undivided	730	1,970	105	A/B	2.7%
CR-609 (Allapattah Rd)	CR-714	St Lucie County	Uninterrupted Rural Hwy: 2-Ln Undivided	730	1,868	114	A/B	1.4%
CR-707 (Beach Rd)	Palm Beach County	CR-708	2-Ln Undivided Non-State	675	1,801	123	C	2.6%
CR-707 (Indian River Dr)	CR-707 (Dixie Hwy)	CR-707A (Jensen Beach Blvd.)	2-Ln Undivided Non-State	675	10,965	666	D	0.5%
CR-707 (Indian River Dr)	SR-732	St. Lucie County	2-Ln Undivided Non-State	675	5,987	272	C	5.3%
CR-707A (Jensen Beach Blvd)	CR-723	Skyline Dr	Class II: 4-Ln Divided	1630	21,151	909	D	1.9%
CR-707A (Jensen Beach Blvd)	Skyline Dr	Pineapple Way	Class II: 4-Ln Divided	1630	19,355	849	D	0.5%
CR-707A (Jensen Beach Blvd)	Pineapple Wy	CR-707	2-Ln Undivided Non-State	675	8,923	375	D	0.5%

Segments with shaded LOS require additional analysis.
The peaks are: Cove Rd (AM/EB) and Murphy Rd (PM/NB).

Martin County 2021 Roadway Level of Service Inventory Report

Road Name	From	To	Type	Generalized Service Capacity	2021 Average Annual Daily Traffic	2021 Peak Hour Directional Volume	2021 Generalized LOS	Avg. Annual Growth Rate
CR-708 (Bridge Rd)	SR-76	CR-711	Uninterrupted Rural Hwy: 2-Ln Undivided	730	1,110	90	A/B	8.0%
CR-708 (Bridge Rd)	CR-711	I-95	Uninterrupted Rural Hwy: 2-Ln Undivided	730	4,769	300	C	8.0%
CR-708 (Bridge Rd)	I-95	Powerline Ave	Transitional 2-Ln Uninter /Undivided Flow	1160	9,391	562	C	3.4%
CR-708 (Bridge Rd)	Powerline Ave	SR-5	Class I: 2-Ln Undivided	880	10,771	627	C	2.9%
CR-708 (Bridge Rd)	Gomez Ave	CR-707	Class II: 2-Ln Undivided	750	4,633	272	C	0.6%
CR-711 (Pratt Whitney Rd)	Palm Beach County	CR-708	Uninterrupted Rural Hwy: 2-Ln Undivided	730	3,820	336	C	2.7%
CR-711 (Pratt Whitney Rd)	CR-708	South Fork High School	Class I: Transitional 2-Ln Undivided	800	4,564	315	C	0.6%
CR-711 (Pratt Whitney Rd)	South Fork High School	SR-76	Class I: Transitional 2-Ln Undivided	800	5,922	283	C	3.4%
CR-713 (High Meadow Ave)	I-95	CR-714	2-Ln Uninter /Undivided Flow	1200	13,858	896	D	1.6%
CR-713 (High Meadow Ave)	CR-714	SR-714	Class I: 2-Ln Undivided	880	10,703	528	C	1.9%
CR-713 (High Meadow Ave)	SR-714	Murphy Rd	2-Ln Uninter /Undivided Flow	1200	11,617	734	C	1.4%
CR-714 (Martin Hwy)	SR-710	Fox Brown Rd	Uninterrupted Rural Hwy: 2-Ln Undivided	730	3,585	160	A/B	3.5%
CR-714 (Martin Hwy)	Fox Brown Rd	CR-609	Uninterrupted Rural Hwy: 2-Ln Undivided	730	3,990	201	A/B	6.1%
CR-714 (Martin Hwy)	CR-609	I-95	Uninterrupted Rural Hwy: 2-Ln Undivided	730	6,145	282	C	4.3%
CR-714 (Martin Hwy)	Florida's Turnpike	CR-713	Class I: 4-Ln Divided	2000	21,701	1,439	C	0.5%
CR-714 (Martin Hwy)	CR-713	Mapp Rd	Class I: 4-Ln Divided	2000	22,972	1,172	C	2.8%
CR-714 (Veteran's Memorial Bridge)	Mapp Rd	SR-76	Class I: 4-Ln Divided	2000	24,349	1,430	C	1.6%
CR-723 (Savanna Rd)	CR-707	NE 24th St	Class I: 2-Ln Undivided	880	8,458	383	C	0.5%
CR-723 (Savanna Rd)	NE 24th St	CR-707A (Jensen Beach Blvd.)	Class I: 2-Ln Undivided	880	9,388	446	C	0.5%
CR-726 (Citrus Blvd)	SR-710	Greenridge Ln	Uninterrupted Rural Hwy: 2-Ln Undivided	730	3,039	152	A/B	3.5%
CR-726 (Citrus Blvd)	Greenridge Ln	CR-76A	Uninterrupted Rural Hwy: 2-Ln Undivided	730	2,816	141	A/B	4.4%

Segments with shaded LOS require additional analysis.
The peaks are: Cove Rd (AM/EB) and Murphy Rd (PM/NB).

Martin County 2021 Roadway Level of Service Inventory Report

Road Name	From	To	Type	Generalized Service Capacity	2021 Average Annual Daily Traffic	2021 Peak Hour Directional Volume	2021 Generalized LOS	Avg. Annual Growth Rate
CR-76A (Citrus Blvd.)	CR-726	SR-714	Transitional 2-Ln Uninter /Undivided Flow	1160	4,629	219	A/B	4.7%
CR-76A (SW 96th St)	CR-726	Pennsylvania Ave	Transitional 2-Ln Uninter /Undivided Flow	1160	4,323	203	A/B	3.4%
CR-76A (SW 96th St)	Pennsylvania Ave	SR-76	Class I: Transitional 2-Ln Undivided	800	8,572	420	C	1.4%
CR-A1A (Dixie Hwy)	SR-5	CR-708	Class II: 2-Ln Undivided	750	3,747	183	C	2.9%
CR-A1A (Dixie Hwy)	CR-708	Osprey St	Class I: 2-Ln Undivided	880	7,350	465	C	1.8%
CR-A1A (Dixie Hwy)	Osprey St	Heritage Blvd	2-Ln Uninter /Undivided Flow	1200	6,620	369	A/B	0.7%
CR-A1A (Dixie Hwy)	Heritage Blvd	Cove Rd	2-Ln Uninter /Undivided Flow	1200	7,140	345	A/B	0.9%
CR-A1A (Dixie Hwy)	St Lucie Blvd	Jefferson St	Class II: 2-Ln Undivided	750	13,729	686	D	0.5%
CR-A1A (Dixie Hwy)	Indian St	SR-714	Class I: 4-Ln Divided	2000	14,613	737	C	1.5%
CR-A1A (Dixie Hwy)	SR-714	SE Fifth St	2-Ln Undivided Non-State	675	6,657	338	D	0.5%
Farm Rd	Dr Martin Luther King Jr Dr	Palm Wy	Class II: 2-Ln Undivided	750	3,099	160	C	4.8%
Fox Brown Rd	SR-710	CR-714	Uninterrupted Rural Hwy: 2-Ln Undivided	730	495	27	A/B	4.1%
Goldenrod Rd	Britt Rd	SR-732	Class II: 4-Ln Divided	1630	4,905	259	A/B	0.5%
Goldenrod Rd	SR-732	SR-5	Class II: 2-Ln Undivided	750	6,788	352	C	1.4%
Goldenrod Rd	SR-5	Westmoreland Blvd	Class II: 2-Ln Undivided	750	4,337	280	C	0.5%
Gomez Ave	CR-708	Crossrip St	Class II: 2-Ln Undivided	750	3,563	181	C	0.7%
Gomez Ave	Crossrip St	Osprey St	Class II: 2-Ln Undivided	750	1,142	65	C	0.5%
Green River Parkway	Dixie Hwy	Baker Rd	Class II: 2-Ln Undivided	750	7,952	574	D	3.5%
Green River Parkway	Baker Rd	SR-732	Class I: 2-Ln Undivided	880	8,553	602	C	2.2%
Green River Parkway	SR-732	St. Lucie County	2-Ln Uninter /Undivided Flow	1200	9,012	461	A/B	0.9%
Horseshoe Point Rd	CR-A1A	Kubin Ave	2-Ln Undivided Non-State	675	5,578	268	C	0.5%

Segments with shaded LOS require additional analysis.
The peaks are: Cove Rd (AM/EB) and Murphy Rd (PM/NB).

Martin County 2021 Roadway Level of Service Inventory Report

Road Name	From	To	Type	Generalized Service Capacity	2021 Average Annual Daily Traffic	2021 Peak Hour Directional Volume	2021 Generalized LOS	Avg. Annual Growth Rate
Indian St	SR-76	Willoughby Blvd	Class I: 4-Ln Divided	2000	30,495	1,644	C	2.7%
Indian St	Willoughby Blvd	SR-5	Class I: 4-Ln Divided	2000	28,241	1,400	C	1.3%
Indian St	SR-5	Commerce Ave	Class I: 4-Ln Divided	2000	24,880	1,258	C	0.5%
Indian St	Commerce Ave	CR-A1A	Class I: 4-Ln Divided	2000	23,644	1,070	C	0.5%
Indian River Dr	Palmer St	CR-707	Class II: 2-Ln Undivided	750	7,526	414	D	0.7%
Island Way	Palm Beach County	Jupiter Road	Transitional 2-Ln Uninter /Undivided Flow	1160	4,756	267	A/B	3.1%
Island Way	Jupiter Road	Country Club Dr	Class II: 2-Ln Undivided	750	5,389	252	C	8.0%
Jack James Rd	SR-76	Blue Water Wy	Class II: 2-Ln Undivided	750	4,095	245	C	3.7%
Lares St	CR-708	CR-A1A	2-Ln Undivided Non-State	675	2,598	147	C	0.5%
Little Club Wy	Country Club Dr	Wooden Bridge Wy	2-Ln Undivided Non-State	675	2,397	109	C	0.5%
Locks Rd	Canal St	SR-76	2-Ln Undivided Non-State	675	3,706	155	C	1.0%
MacArthur Blvd	Sailfish Point	SR-A1A	2-Ln Undivided Non-State	675	5,635	313	C	5.3%
Mapp Rd	South End	CR-714	Class II: 2-Ln Undivided	750	5,051	231	C	0.5%
Mapp Rd	SR-714	Matheson Ave	Class II: 2-Ln Undivided	750	4,531	231	C	0.5%
Mapp Rd	Matheson Ave	North End	Class II: 2-Ln Undivided	750	7,412	344	C	0.5%
Market Pl	SR-5	Commerce Ave	Class II: 2-Ln Undivided	750	5,192	266	C	3.8%
Matheson Ave	SR-714	Mapp Rd	Class II: 2-Ln Undivided	750	6,177	337	C	0.6%
Monroe St	SR-5	Commerce Ave	Class II: 2-Ln Undivided	750	2,338	128	C	6.8%
Murphy Rd	Mapp Rd	High Meadow Ave	Class II: 2-Ln Undivided	750	5,103	304	C	2.3%
Murphy Rd	High Meadow Ave	St Lucie County	Class II: 2-Ln Undivided	750	8,442	797	E	1.7%
Ocean Blvd	Flagler Ave	Palm Beach Rd	Class II: 2-Ln Divided	790	9,014	514	D	0.5%

Segments with shaded LOS require additional analysis.
The peaks are: Cove Rd (AM/EB) and Murphy Rd (PM/NB).

Martin County 2021 Roadway Level of Service Inventory Report

Road Name	From	To	Type	Generalized Service Capacity	2021 Average Annual Daily Traffic	2021 Peak Hour Directional Volume	2021 Generalized LOS	Avg. Annual Growth Rate
Ocean Blvd	Palm Beach Rd	SR-714	4-Ln Divided Non-State	1465	14,331	663	D	0.6%
Osprey St	SR-5	CR-A1A	Class II: 2-Ln Undivided	750	4,794	207	C	1.2%
Osprey St	CR-A1A	Gomez Ave	Class II: 2-Ln Undivided	750	2,042	111	C	0.5%
Palm Beach Rd	SR-714	Ocean Blvd	2-Ln Divided Non-State	710	7,493	361	D	0.5%
Palm City Rd	SR-714	SR-5	Class II: 2-Ln Undivided	750	6,893	408	D	1.9%
Palmer St	CR-707	Indian River Dr	Class II: 2-Ln Undivided	750	3,254	244	C	1.7%
Pineapple Wy	CR-707A(Jensen Beach Blvd.)	SR-732	Class II: 2-Ln Undivided	750	11,208	509	D	0.5%
Pomeroy St	SR-76	Willoughby Blvd	Class II: 2-Ln Divided	790	9,042	436	D	0.5%
Pomeroy St	Willoughby Blvd	SR-5	Class II: 2-Ln Divided	790	8,766	415	D	1.0%
Salerno Rd	SR-76	Willoughby Blvd	Class I: 2-Ln Undivided	880	7,618	397	C	0.8%
Salerno Rd	Willoughby Blvd	SR-5	Class II: 2-Ln Divided	790	8,749	509	D	0.5%
Salerno Rd	Commerce Ave	CR-A1A	Class II: 2-Ln Undivided	750	7,758	376	D	0.5%
Seabranh Blvd	Doubletree Dr	SR-5	Class I: 4-Ln Divided	2000	6,011	313	C	0.5%
Sewalls Pt Rd	SR-A1A	Palmer St	2-Ln Undivided Non-State	675	9,874	469	D	3.7%
Skyline Dr	CR-707A	CR-707	2-Ln Undivided Non-State	675	1,780	82	C	0.5%
SR-5 (US-1)	Palm Beach County	CR-A1A	Transitional 4-Ln Uninter /Divided Flow	3120	21,041	974	A/B	1.1%
SR-5 (US-1)	CR-A1A	CR-708	Class I: 4-Ln Divided	2000	18,214	1,190	C	1.4%
SR-5 (US-1)	CR-708	Osprey St	Class I: 4-Ln Divided	2000	24,897	1,405	C	1.0%
SR-5 (US-1)	Osprey St	Seabranh Blvd	Class I: 4-Ln Divided	2000	23,633	1,330	C	0.5%
SR-5 (US-1)	Seabranh Blvd	Cove Rd	Class I: 6-Ln Divided	3020	29,876	1,397	C	0.5%
SR-5 (US-1)	Cove Rd	Salerno Rd	Class I: 6-Ln Divided	3020	31,597	1,450	C	0.5%

Segments with shaded LOS require additional analysis.
The peaks are: Cove Rd (AM/EB) and Murphy Rd (PM/NB).

Martin County 2021 Roadway Level of Service Inventory Report

Road Name	From	To	Type	Generalized Service Capacity	2021 Average Annual Daily Traffic	2021 Peak Hour Directional Volume	2021 Generalized LOS	Avg. Annual Growth Rate
SR-5 (US-1)	Salerno Rd	Monroe St	Class I: 6-Ln Divided	3020	39,541	1,772	C	0.5%
SR-5 (US-1)	Monroe St	Indian St	Class I: 6-Ln Divided	3020	41,523	1,758	C	0.5%
SR-5 (US-1)	Indian St	SR-714	Class I: 6-Ln Divided	3020	44,715	2,228	C	0.5%
SR-5 (US-1)	SR-714	SR-5A	Class I: 6-Ln Divided	3020	36,179	1,811	C	0.5%
SR-5 (US-1)	SR-5A(Cut-off Rd)	SR-76	Class I: 6-Ln Divided	3020	35,674	1,492	C	0.5%
SR-5 (US-1)	SR-76	Palm City Rd	Class II: 6-Ln Divided	2520	46,838	1,936	D	0.5%
SR-5 (US-1)	Palm City Rd	Joan Jefferson Wy	Class II: 6-Ln Divided	2520	54,328	2,244	D	0.5%
SR-5 (US-1)	Joan Jefferson Wy	Wright Blvd	Class I: 6-Ln Divided	3020	58,367	2,942	D	0.5%
SR-5 (US-1)	Wright Blvd	Baker Rd	Class I: 6-Ln Divided	3020	49,301	2,071	C	0.5%
SR-5 (US-1)	Baker Rd	Britt Rd	Class I: 6-Ln Divided	3020	46,774	2,182	C	0.5%
SR-5 (US-1)	Britt Rd	SR-732	Class I: 7-Ln Divided	3530	54,949	2,708	C	0.5%
SR-5 (US-1)	SR-732	Westmoreland Blvd	Class I: 8-Ln Divided	4040	64,467	2,992	C	0.5%
SR-5 (US-1)	Westmoreland Blvd	St Lucie County	Class I: 8-Ln Divided	4040	62,434	2,565	C	0.5%
SR-710 (Warfield Blvd)	Okeechobee County	Fox Brown Rd	Uninterrupted Rural Hwy: 2-Ln Undivided	670	7,023	341	C	3.2%
SR-710 (Warfield Blvd)	Fox Brown Rd	CR-609 (Allapattah)	2-Ln Uninter /Undivided Flow	890	8,333	344	A/B	3.2%
SR-710 (Warfield Blvd)	CR-609 (Allapattah)	Van Buren	Class I: 2-Ln Undivided	870	13,345	764	C	3.4%
SR-710 (Warfield Blvd)	Van Buren	CR-726 (Citrus)	Class II: 4-Ln Divided	1710	13,345	764	D	3.4%
SR-710 (Warfield Blvd)	CR-726	SR-76 (Kanner)	Transitional 4-Ln Uninter /Divided Flow	2470	11,931	581	A/B	3.4%
SR-710 (Warfield Blvd)	SR-76	Palm Beach County	Transitional 4-Ln Uninter /Divided Flow	2470	8,867	434	A/B	4.4%
SR-714 (Martin Hwy)	I-95	CR-76A (Citrus)	Transitional 2-Ln Uninter /Undivided Flow	1160	14,739	732	C	4.3%
SR-714 (Martin Hwy)	CR-76A (Citrus)	Florida's Turnpike	Class I: 4-Ln Divided	2000	22,526	1,209	C	4.3%

Segments with shaded LOS require additional analysis.
The peaks are: Cove Rd (AM/EB) and Murphy Rd (PM/NB).

Martin County 2021 Roadway Level of Service Inventory Report

Road Name	From	To	Type	Generalized Service Capacity	2021 Average Annual Daily Traffic	2021 Peak Hour Directional Volume	2021 Generalized LOS	Avg. Annual Growth Rate
SR-714 (Martin Downs Blvd)	Florida's Turnpike	CR-713	Class I: 4-Ln Divided	2000	21,933	1,200	C	1.0%
SR-714 (Martin Downs Blvd)	CR-713	Matheson Ave	Class I: 4-Ln Divided	2000	24,856	1,262	C	0.5%
SR-714 (Martin Downs Blvd)	Matheson Ave	Mapp Rd	Class I: 4-Ln Divided	2000	31,964	1,694	C	0.5%
SR-714 (Palm City Bridge)	Mapp Rd	SR-76	Class I: 4-Ln Divided	2000	34,006	1,809	C	0.5%
SR-714 (Monterey Rd)	SR-76	Willoughby Blvd	Class I: 4-Ln Divided	2000	22,348	1,353	C	0.5%
SR-714 (Monterey Rd)	Willoughby Blvd	Monterey Extension	Class I: 4-Ln Divided	2000	24,222	1,184	C	0.5%
SR-714 (Monterey Rd)	Monterey Extension	SR-5	Class I: 4-Ln Divided	2000	18,597	931	C	1.1%
SR-714 (Monterey Rd)	SR-5	CR-A1A	Class II: 4-Ln Divided	1630	21,659	1,076	D	0.5%
SR-714 (Monterey Rd)	CR-A1A	SR-A1A	Class I: 4-Ln Divided	1910	18,954	870	C	4.4%
SR-732 (Causeway Blvd)	CR-707	SR-A1A	2-Ln Uninter /Undivided Flow	1200	13,844	734	C	0.6%
SR-732 (Jensen Beach Blvd)	SR-5	Green River Pkwy	Class I: 4-Ln Divided	2000	25,451	1,259	C	0.5%
SR-732 (Jensen Beach Blvd)	Green River Pkwy	CR-723	Class I: 4-Ln Divided	2000	27,587	1,069	C	1.4%
SR-76 (Kanner Hwy)	SR-15	SR-710	Uninterrupted Rural Hwy: 2-Ln Undivided	730	2,244	109	A/B	2.2%
SR-76 (Kanner Hwy)	SR-710	CR-708	Uninterrupted Rural Hwy: 2-Ln Undivided	730	3,692	190	A/B	1.2%
SR-76 (Kanner Hwy)	CR-708	CR-711/CR-76A	Transitional 2-Ln Uninter /Undivided Flow	1160	3,093	169	A/B	0.5%
SR-76 (Kanner Hwy)	CR-711/CR76A	Locks Rd	Class I: 4-Ln Divided	2000	13,064	810	C	0.9%
SR-76 (Kanner Hwy)	Locks Rd	Jack James	Class I: 4-Ln Divided	2000	18,816	900	C	0.5%
SR-76 (Kanner Hwy)	Jack James	Cove Rd	Class I: 6-Ln Divided	3020	47,218	2,361	C	1.5%
SR-76 (Kanner Hwy)	Cove Rd	Salerno Rd	Class I: 6-Ln Divided	3020	35,531	1,581	C	1.8%
SR-76 (Kanner Hwy)	Salerno Rd	Indian St	Class I: 6-Ln Divided	3020	32,389	1,454	C	2.8%
SR-76 (Kanner Hwy)	Indian St	SR-714	Class I: 6-Ln Divided	3020	23,296	1,102	C	1.1%

Segments with shaded LOS require additional analysis.
The peaks are: Cove Rd (AM/EB) and Murphy Rd (PM/NB).

Martin County 2021 Roadway Level of Service Inventory Report

Road Name	From	To	Type	Generalized Service Capacity	2021 Average Annual Daily Traffic	2021 Peak Hour Directional Volume	2021 Generalized LOS	Avg. Annual Growth Rate
SR-76 (Kanner Hwy)	SR-714	SR-5	Class I: 6-Ln Divided	3020	24,660	986	C	0.5%
SR-A1A (Ocean Blvd)	SR-714	St Lucie Blvd	Class II: 4-Ln Divided	1630	20,251	1,104	D	1.7%
SR-A1A (Ocean Blvd)	St Lucie Blvd	Sewalls Point Rd	Class I: 4-Ln Divided	2000	22,826	1,165	C	0.5%
SR-A1A (Ocean Blvd)	Sewalls Point Rd	MacArthur Blvd	Class I: 2-Ln Divided	925	13,192	599	C	1.4%
SR-A1A (Ocean Blvd)	MacArthur Blvd	SR-732	2-Ln Uninter /Undivided Flow	1200	8,198	398	A/B	1.0%
SR-A1A (Ocean Blvd)	SR-732	St Lucie County	2-Ln Uninter /Undivided Flow	1200	15,360	845	C	0.5%
St Lucie Blvd	CR-A1A	Indian St	2-Ln Undivided Non-State	675	3,610	187	C	1.2%
St Lucie Blvd	Indian St	SR-A1A	2-Ln Undivided Non-State	675	6,476	353	D	1.7%
Westmoreland Blvd	St Lucie County	SR-5	Class II: 2-Ln Divided	790	11,223	531	D	0.5%
Willoughby Blvd	Cove Rd	Salerno Rd	Class I: 2-Ln Undivided	880	3,862	206	C	4.0%
Willoughby Blvd	Salerno Rd	Pomeroy St	Class I: 2-Ln Undivided	880	8,072	432	C	2.7%
Willoughby Blvd	Pomeroy St	Indian St	Class I: 4-Ln Divided	2000	9,833	462	C	7.7%
Willoughby Blvd	Indian St	SR-714	Class I: 4-Ln Divided	2000	10,075	497	C	0.8%
Wright Blvd	SR-5	Dixie Highway	Class II: 2-Ln Undivided	750	10,236	464	D	2.7%

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Basic Info

PIN 05-38-41-000-000-00170-7	AIN 22111	Situs Address 505 SW FEDERAL HWY STUART FL	Website Updated 2/7/23
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General Information

Property Owners

PETERSON PROPERTY INVESTMENTS
LLC

Parcel ID

05-38-41-000-000-00170-7

Use Code/Property Class

7600 - 7600
Mort./cemeteries/cremat

Mailing Address

8047 HOBBS WAY
PALM BEACH GARDENS FL 33418

Account Number

22111

Neighborhood

30300 Fed Hwy S of Roosevelt
Bridge

Tax District

STUART

Property Address

505 SW FEDERAL HWY STUART FL

Legal Acres

0.8105

Legal Description

S 100' OF N 743.41' & S 20' OF N
763.41'...

Ag Use Size (Acre\Sq Ft)

N/A

Current Value

Year	Land Value	Improvement Value	Market Value	Value Not Taxed	Assessed Value	Total County Exemptions	County Taxable Value
2022	\$ 353,050	\$ 594,240	\$ 947,290	\$ 252,892	\$ 694,398	\$ 0	\$ 694,398

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

Current Sale

Sale Date

3/3/22

Grantor (Seller)

PIERCE HOLDINGS (FLORIDA), INC

Doc Num

2947760

Sale Price

\$ 1,700,000

Deed Type

Special Purpose Deed

Book & Page

3299 38

Legal Description

S 100' OF N 743.41' & S 20' OF N 763.41' OF W 220' OF GOV LOT 7 W OF CREEK (LESS R/W)

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

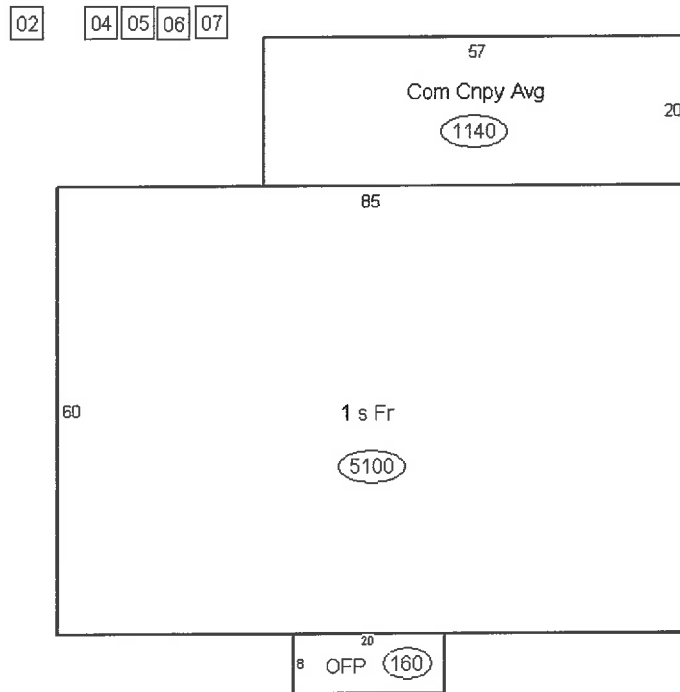
Improvements

PIN 05-38-41-000-000-00170-7	AIN 22111	Situs Address 505 SW FEDERAL HWY STUART FL	Website Updated 2/7/23
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Use Code/Property Class 7600 - 7600 Mort./cemeteries/cremat	Total Finished Area 7,768 SF	Max Stories 2
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Building Information (1 of 2)

Building Type Mortuary	Finished Area 5,100 SF	Exterior Cover Brick with Block Back-up	Roof Cover N/A
Year Built 1968	Wall Class C - Fire Resistant	Number of Units 1	Wall Height 9
Bedrooms N/A	Full Baths 2	Half Baths 0	



Sketched Area Legend

Sub Area	Description	Area	Finished Area
COMCNPYA	Commercial Canopy - Average	1,140	0
OFF	Open Frame Porch	160	0
MORTUARY	Mortuary (342)(GCM)	5,100	5,100

Building Information (2 of 2)

Building Type

Mortuary

Year Built

1975

Bedrooms

N/A

Finished Area

2,668 SF

Wall

Class C - Fire Resistant

Full Baths

0

Exterior Cover

Block with Stucco

Number of Units

0

Half Baths

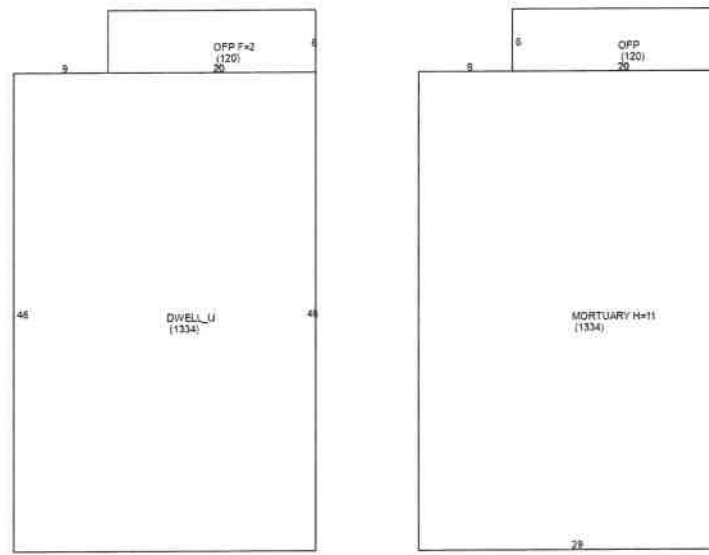
0

Roof Cover

Com Built-up

Wall Height

11



Sketched Area Legend

Sub Area	Description	Area	Finished Area
MORTUARY	Mortuary (342)(GCM)	1,334	1,334
OFP	Open Frame Porch	120	0
DWELL_U	Dwelling Upper	1,334	1,334
OFP	Open Frame Porch	120	0

Features/Yard Items

Type	Qty	Size	Unit of Measure	Year Blt
BULKHD2 Treated Wood	1	126	Linear Feet	1996
Fencing - Chain Link	1	600	Linear Feet	2017
Incadescent Lights	1	4	Per Each	1968
PAVING Asphalt	1	10500	Square Feet	1968
WALL BLOCK MASONRY	1	360	Square Feet	1968

Sales History

PIN	AIN	Situs Address	Website Updated
05-38-41-000-000-00170-7	22111	505 SW FEDERAL HWY STUART FL	2/7/23

Sale Date	Sale Price	Grantor (Seller)	Deed Type	Doc Num	Book & Page
3/3/22	\$ 1,700,000	PIERCE HOLDINGS (FLORIDA), INC	Special Purpose Deed	2947760	<u>3299 38</u>
1/25/89	\$ 3,200,000	SELLER - see file for name	Special Warranty Deed		<u>0797 0440</u>
1/1/01	\$ 0	SELLER - see file for name			

This section is not intended to be a chain of title. Sales do not generally appear until approximately 1 to 3 weeks after the closing date. If a recent sale does not show up in this list, please allow more time for the sale record to be processed.

Value History

PIN	AIN	Situs Address	Website Updated
05-38-41-000-000-00170-7	22111	505 SW FEDERAL HWY STUART FL	2/7/23

Year	Land Value	Improvement Value	Market Value	Value Not Taxed	Assessed Value	County Exemptions	County Taxable Value
2022	\$ 353,050	\$ 594,240	\$ 947,290	\$ 252,892	\$ 694,398	\$ 0	\$ 694,398
2021	\$ 282,440	\$ 501,420	\$ 783,860	\$ 152,589	\$ 631,271	\$ 0	\$ 631,271
2020	\$ 282,440	\$ 501,420	\$ 783,860	\$ 209,977	\$ 573,883	\$ 0	\$ 573,883
2019	\$ 282,440	\$ 500,710	\$ 783,150	\$ 261,437	\$ 521,713	\$ 0	\$ 521,713
2018	\$ 282,440	\$ 457,440	\$ 739,880	\$ 265,596	\$ 474,284	\$ 0	\$ 474,284
2017	\$ 282,440	\$ 458,450	\$ 740,890	\$ 310,433	\$ 430,457	\$ 0	\$ 430,457
2016	\$ 282,440	\$ 130,940	\$ 413,380	\$ 0	\$ 413,380	\$ 0	\$ 413,380
2015	\$ 282,440	\$ 126,850	\$ 409,290	\$ 0	\$ 409,290	\$ 0	\$ 409,290
2014	\$ 282,440	\$ 127,010	\$ 409,450	\$ 0	\$ 409,450	\$ 0	\$ 409,450
2013	\$ 282,440	\$ 140,450	\$ 422,890	\$ 0	\$ 422,890	\$ 0	\$ 422,890
2012	\$ 282,440	\$ 142,620	\$ 425,060	\$ 0	\$ 425,060	\$ 0	\$ 425,060

WARNING: Significant tax increases often occur when sold. The Taxable Value and Taxes, noted above, may reflect exemptions, classifications and value limitations that will be removed at the time of sale. Homestead exemptions, agricultural classifications, and assessed value limitations are NOT transferable to the new owner. Following a sale, a property's assessed value is reset to the market value & the new owner must reapply for homestead exemption & agricultural classification.

FAIRFIELD INN & SUITES HOTEL

BY POLK STREET HOTELS, INC.
CITY OF STUART,
MARTIN COUNTY, FLORIDA

LEGAL DESCRIPTION:

PARCEL A:

South 100 feet of the North 743.41 feet of the West 220.00 feet of Government Lot 7, Section 5, Township 38 South, Range 41 East, lying West of Frazier Creek.

PARCEL B:

Start of the Northwest corner of Government Lot 7, Section 5, Township 38 South, Range 41 East, thence run South 00°03' East, along the West line of said Government Lot 7, a distance of 643.41 feet; thence run North 89°54' East a distance of 220 feet to the Point of Beginning; thence run South 00°03' East, a distance of 100 feet; thence run North 89°54' East a distance of 167.09 feet to the Southeastly right of way line of Frazier Creek right of way as recorded in Deed Pages 367 and 368, Public Records of Martin County, Florida; thence run North 73°09' West 132.27 feet to the Point of Beginning.

PARCEL C:

Start of the Northwest corner of Government Lot 7, Section 5, Township 38 South, Range 41 East, thence run South 00°03' East, along the West line of said Lot 7, a distance of 643.41 feet; thence run North 89°54' East a distance of 220 feet to the Point of Beginning; thence run South 00°03' East, a distance of 100 feet; thence run North 89°54' East a distance of 167.09 feet to the Southeastly right of way line of Frazier Creek right of way as recorded in Deed Pages 367 and 368, Public Records of Martin County, Florida; thence run North 73°09' West 132.27 feet to the Point of Beginning.

PARCEL D:

The West 119.10 feet of the following described parcel:

Start of the Northwest corner of Government Lot 7, Section 5, Township 38 South, Range 41 East, thence run South 00°03' East, along the West line of said Government Lot 7, a distance of 643.41 feet; thence run North 89°54' East a distance of 220 feet to the Point of Beginning; thence run South 00°03' East, a distance of 100 feet; thence run North 89°54' East a distance of 167.09 feet to the Southeastly right of way line of Frazier Creek right of way as recorded in Deed Pages 367 and 368, Public Records of Martin County, Florida; thence run North 73°09' West 132.27 feet to the Point of Beginning.

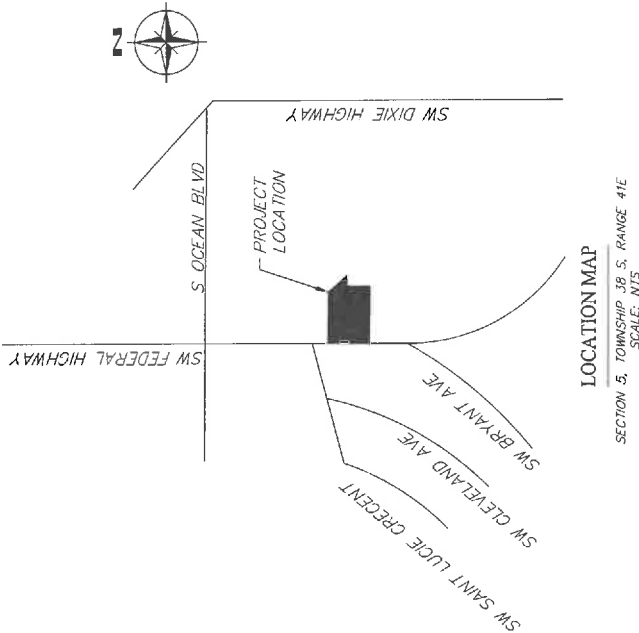
PARCEL E:

Start of the Northwest corner of Government Lot 7, Section 5, Township 38 South, Range 41 East, thence run South 00°03' East, along the West line of said Government Lot 7, a distance of 643.41 feet; thence run North 89°54' East a distance of 220 feet to the Point of Beginning; thence run South 00°03' East, a distance of 100 feet; thence run North 89°54' East a distance of 167.09 feet to the Southeastly right of way line of Frazier Creek right of way as recorded in Deed Pages 367 and 368, Public Records of Martin County, Florida; thence run North 73°09' West 132.27 feet to the Point of Beginning.

CONTAINING 66,891 SQUARE FEET OR 1.58 ACRES, MORE OR LESS.

INDEX OF SHEETS:

SHEET NO.	DESCRIPTION
C-000	COVER SHEET
C-100	GENERAL NOTES
C-200	PAVING, GRADING, & DRAINAGE PLAN
C-300	UTILITIES PLAN
C-400	UTILITY DETAILS
C-500	UTILITY DETAILS
C-600	PAVEMENT MARKING & SIGNAGE PLAN
C-700	STORMWATER POLLUTION PREVENTION PLAN
C-800	BEST MANAGEMENT PRACTICES NOTES



PLANS PREPARED BY:



EA3 CIVIL ENGINEERING

EA3 CIVIL ENGINEERING, INC.
9050 PINES BLVD., STE. 415-415
PEMBROKE PINES, FL 33024

CERTIFICATE OF AUTHORIZATION NO.: 32522

PLANS ENGINEER OF RECORD:

ERIC ARENCIBIA, P.E.

P.E. NO.: 82291



NOTE: ALL ELEVATIONS SHOWN HEREON ARE REFERENCED TO NORTH AMERICAN VERTICAL DATUM, MAYD 1988.

Sheet C-000
DATE: 06/20/2024
REVISION:

B. ALL OPEN TRENCHES AND HOLES ADJACENT TO ROADWAYS OR WALKWAYS SHALL BE PROPERLY MARKED AND BARRICADED TO ASSURE THE SAFETY OF BOTH VEHICULAR AND PEDESTRIAN TRAFFIC.

C. NO TRENCHES OR HOLES NEAR WALKWAYS, IN ROADWAYS, OR THEIR SHOULDERS ARE TO BE LEFT OPEN DURING NIGHTTIME HOURS WITHOUT THE EXPRESS PERMISSION OF THE CITY OF STUART PUBLIC WORKS DEPARTMENT.

VII. PROJECT CLOSE-OUT

1. UPON COMPLETION OF THE PROJECT SITE AND ALL ADJACENT AREAS SHALL BE MAINTAINED IN A NEAT, CLEAN MANNER, AND UPON FINAL CLEAN-UP, PROJECT SITE SHALL BE LEFT CLEAR OF ALL SURPLUS MATERIAL OR TRASH. THE PAVED AREAS SHALL BE BROOM CLEAN.

B. THE CONTRACTOR SHALL RESTORE OR REPLACE, WHEN AND AS DIRECTED, ANY PUBLIC OR PRIVATE PROPERTY DAMAGED BY HIS/HER WORK, EQUIPMENT, AND/OR EMPLOYEES TO A CONDITION AT LEAST EQUAL TO THAT EXISTING IMMEDIATELY PRIOR TO THE BEGINNING OF OPERATIONS.

C. THE CONTRACTOR SHALL REPLACE ALL PAVING, STABILIZED EARTH, CURBS, DRIVEWAYS, SIDEWALKS, FENCES, MAILBOXES, SIGNS, AND ANY OTHER IMPROVEMENTS REMOVED DURING CONSTRUCTION WITH THE SAME TYPE OF MATERIAL AND TO THE CONDITION WHICH EXISTED PRIOR TO THE BEGINNING OF OPERATIONS.

D. WHERE MATERIAL OR DEBRIS HAVE WASHED OR FLOWED INTO, OR HAVE BEEN PLACED IN WATER COURSES, DITCHES, DRAINS, CATCH BASINS, OR ELSEWHERE AS A RESULT OF THE CONTRACTOR'S OPERATIONS, SUCH MATERIAL OR DEBRIS SHALL BE REMOVED AND SATISFACTORILY DISPOSED OF DURING THE PROGRESS OF THE WORK, AND THE AREA KEPT IN A CLEAN AND NEAT CONDITION.

E. ALL DISPOSAL OF EXCESS AND UNSUITABLE EXCAVATED MATERIAL, DEMOLITION, VEGETATION, RUBBISH AND DEBRIS SHALL BE MADE OUTSIDE THE LIMITS OF CONSTRUCTION AT A LEGAL DISPOSAL SITE PROVIDED BY THE CONTRACTOR AT HIS/HER OWN EXPENSE WITH THE PRIOR APPROVAL OF THE ENVIRONMENTAL ENGINEER. MATERIAL CLEARED FROM THE SITE SHALL NOT BE DEPOSITED ON ADJACENT AND/OR NEARBY PROPERTY.

F. IMMEDIATELY PRIOR TO GRAND OPENING, CONTRACTOR IS TO SWEEP ENTIRE SITE, ELIMINATE ALL DEBRIS AND FUMIGATE THE LANDSCAPE AREAS AND PRESSURE CLEAN THE SITE ASPHALT, CURBS, SIDEWALKS, AND CONCRETE PAVES.

2. ALL PROPERTY MONUMENTS OR PERMANENT REFERENCES, REMOVED OR DESTROYED BY THE CONTRACTOR DURING CONSTRUCTION SHALL BE RESTORED BY A STATE OF FLORIDA REGISTERED LAND SURVEYOR AT THE CONTRACTOR'S EXPENSE.

3. PROJECT RECORD DOCUMENTS

A. DURING THE DAILY PROGRESS OF THE JOB, THE CONTRACTOR SHALL RECORD ON HIS SET OF CONSTRUCTION DRAWINGS THE EXACT LOCATION, LENGTH, AND ELEVATION OF ANY FACILITY NOT BUILT EXACTLY ACCORDING TO PLANS.

B. THE CONTRACTOR SHALL PROVIDE THE ENGINEER WITH AS-BUILT GRADES AND LOCATIONS OF GRADES SHALL BE OBTAINED BY A LICENSED SURVEYOR REGISTERED TO PRACTICE IN THE STATE OF FLORIDA, AND SHALL DOCUMENT THE INTENT OF THE PROPOSED GRADES SHOWN ON THE PLANS. THIS SHALL BE DONE AT NO COST TO THE OWNER.

4. CONTRACTOR TO REPLACE ALL FOUND PIPES WITH MAIL AND DISKS.

5. REFER TO CITY OF STUART STANDARDS FOR ADDITIONAL CLOSE-OUT REQUIREMENTS.

VIII. PAVING

1. ALL UNDERGROUND UTILITIES SHALL BE COMPLETED PRIOR TO CONSTRUCTION OF LIMELOCK BASE.

B. ALL EXISTING PAVEMENT CUT OR DAMAGED BY CONSTRUCTION, SHALL BE PROPERLY RESTORED AT THE CONTRACTOR'S EXPENSE.

C. WHERE ANY PROPOSED PAVEMENT IS TO BE CONNECTED TO EXISTING PAVEMENT, THE EXISTING EDGE OF PAVEMENT SHALL BE SAWCUT.

D. PROPOSED ASPHALT PAVEMENT SHALL BE CONNECTED TO EXISTING AS PER CITY OF STUART AND MARTIN COUNTY STANDARDS. CONTRACTOR SHALL MATCH EXISTING ELEVATIONS ON NEW SIDEWALK OR NEW PAVEMENT.

E. CONTRACTOR SHALL REMOVE AND DISPOSE OF THE EXISTING CONCRETE CURB, CURB & GUTTERS, SIDEWALK, AND ASPHALT WHERE NEW SIDEWALK, CURB & GUTTER, AND MEDIAN IS PROPOSED TO BE CONSTRUCTED.

F. NONE OF THE EXISTING LIMELOCK BASE THAT IS REMOVED IS TO BE INCORPORATED INTO THE PROPOSED LIMELOCK BASE.

THE PRESIDE OF GROUNDWATER SHOULD BE CONNECTED TO THIS PROJECT. THE CONTRACTOR'S BID SHALL INCLUDE THE COST OF GROUNDWATER MONITORING AND TESTING. THE CONTRACTOR SHALL OBTAIN A GROUNDWATER PERMIT FROM THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT AND THE MARTIN COUNTY UTILITIES DEPARTMENT.

2. UPON THE RECEIPT OF THE "NOTICE TO PROCEED", THE CONTRACTOR SHALL CONTACT THE ENGINEER OF RECORD AND ARRANGE A PRE-CONSTRUCTION CONFERENCE TO INCLUDE ALL INVOLVED GOVERNMENTAL AGENCIES, UTILITY OWNERS, THE OWNER, AND THE ENGINEER(S) OF RECORD, AS APPLICABLE.

3. THE CONTRACTOR SHALL APPLY FOR AND OBTAIN ALL PERMITS AND LICENSES, PAY ALL CHARGES, TAXES, ROYALTIES & FEES, AND GIVE ALL NOTICES NECESSARY TO COMPLETE THIS PROJECT.

4. THE CONTRACTORS SHALL COORDINATE WITH UTILITY COMPANIES TO ARRANGE FOR ANY REMOVAL, RELOCATION, AND TEMPORARY SUPPORT OF UTILITY TRENCHES, ETC. AS NECESSARY TO COMPLETE THE WORK, IF APPLICABLE.

5. THE LOCATIONS OF THE UTILITIES SHOWN IN THE PLANS ARE APPROXIMATE ONLY. THE CONTRACTOR SHALL LOCATE AND EXPOSE ALL EXISTING UTILITIES TO BE CONNECTED SUFFICIENTLY AHEAD OF CONSTRUCTION TO ALLOW REDISBUR BY THE ENGINEER IF SUCH UTILITIES ARE FOUND TO BE DIFFERENT THAN THOSE SHOWN ON THE PLANS.

III. TYPICAL ENGINEER OBSERVATIONS AND AND PAVEMENT TESTS REQUIRED

1. TYPICAL ENGINEER OBSERVATIONS: CONTRACTOR SHALL NOTIFY ENGINEER 48 HOURS IN ADVANCE OF THE FOLLOWING ACTIVITIES:

A. SANITARY SEWER SYSTEM - INFILTRATION/EXFILTRATION TEST OF THE NEW SANITARY SEWER COLLECTION SYSTEM UP TO THE POINT OF CONNECTION WITH THE EXISTING SYSTEM, AND INCLUDING ALL NEW SERVICE LATERALS.

B. SANITARY SEWER MAINS - LAPPING OF NEW SANITARY SEWER MAINS BETWEEN ALL NEW MANHOLES UP TO AND INCLUDING THE CONNECTION MANHOLE ON THE EXISTING SYSTEM.

C. EXISTING WATER DISTRIBUTION MAINS

1) LIVE TAP CONNECTIONS TO EXISTING MAINS

2) PRESSURE TEST IN ACCORDANCE WITH APPA STANDARD C600

D. STORM DRAINAGE

1) DRAINAGE WELLS - COMPLETED WELL PUMP TEST

2) DRAINAGE PIPE AND STRUCTURES - PRIOR TO BACKFILL

E. LIMELOCK BASE - PRIOR TO AND DURING PLACEMENT OF LIMELOCK BASE

F. FINISHED PAVEMENT - PRIOR TO PLACEMENT OF ANY FINISHED ASPHALT, CONCRETE, AND/OR BRICK PAVING.

G. SUBSEQUENT CONSTRUCTION

H. FINAL INSPECTION

REGARDLESS OF WHETHER OR NOT THE ABOVE ARE WITNESSED BY OTHERS, IF THE CONTRACTOR FAILS TO NOTIFY THE ENGINEER OF RECORD AT LEAST 48 HOURS PRIOR AND THESE ARE COMPLETED WITHOUT THE ENGINEER OF RECORD PRESENT, THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE COST OF RE-TESTING. OTHERWISE, THE ENGINEER OF RECORD RESERVES THE RIGHT TO REFUSE ISSUANCE OF ANY CERTIFICATIONS.

2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR COORDINATING AND CALLING FOR ANY TESTING AND INSPECTIONS REQUIRED BY CITY, COUNTY, STATE, AND FEDERAL AGENCIES HAVING JURISDICTION OVER THE CONTRACTOR'S WORK.

IV. SHOP DRAWINGS

PRIOR TO FABRICATION OF CONSTRUCTION SHOP DRAWINGS SHALL BE SUBMITTED TO THE ENGINEER OF RECORD FOR REVIEW OF THE FOLLOWING ITEMS:

A. DRAINAGE: DRAINAGE INLETS, CATCH BASINS, MANHOLES, AND STRUCTURES, INCLUDING TOP/BOTTOM SLABS, FRAMES, GRATES, RIMS, AND POLLUTANT RETARDANT BATTLES.

B. DRAINAGE WELLS: DRAINAGE WELLS, CHAMBERS, MANHOLES, GRATES, OUTLETS, ETC.

C. DRAINAGE WELL STRUCTURES, CHAMBERS, AND GRATES.

D. DRAINAGE PIPE AND FITTINGS.

E. CLEANOUTS

F. WATER DISTRIBUTION

A. VALVES AND AIR RELEASE VALVES

B. FIRE HYDRANTS

C. DRAINAGE WELLS AND AIR RELEASE VALVES

D. WATER MAINS & BODIES

E. TAPPING SAFETIES AND CORPORATION STOPS

F. SANITARY SEWER

A. MANHOLES, INCLUDING STRUCTURES, TOP/BOTTOM SLABS, FRAMES AND RIMS

B. PIPE AND FITTINGS

C. VALVES AND AIR RELEASE VALVES

D. PUMP STATION AND ALL RELATED EQUIPMENT

E. ASSESSMENT

F. SBRIDGE AND LIMELOCK BASE SECTIONS TO BE INCLUDED

G. TEMPORARY FACILITIES

A. TEMPORARY FACILITIES

B. IT IS THE CONTRACTOR'S RESPONSIBILITY TO COORDINATE MAINTENANCE OF TRAFFIC CIRCULATION FOR THE ADJACENT PROPERTY DURING CONSTRUCTION.

C. THE CONTRACTOR SHALL MAINTAIN AT LEAST ONE ACCESS ENTRANCE TO COMMERCIAL PROPERTIES AT ALL TIMES, IF APPLICABLE.

GENERAL NOTES AND SPECIFICATIONS:

1. APPLICABLE CODES

A. ALL WORK AND MATERIALS SHALL CONFORM TO CURRENT CITY OF CAPE CORAL BUILDING DEPARTMENT AND PUBLIC WORKS DEPARTMENT, CITY OF CAPE CORAL TRANSPORTATION DEPARTMENT, CITY OF STUART PUBLIC WORKS DEPARTMENT, MARTIN COUNTY, STATE, AND NATIONAL CODES AND REGULATORY REQUIREMENTS, AS APPLICABLE.

B. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND LICENSES, PAY ALL CHARGES, TAXES, ROYALTIES & FEES, AND GIVE ALL NOTICES NECESSARY TO COMPLETE THIS PROJECT.

C. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND LICENSES, PAY ALL CHARGES, TAXES, ROYALTIES & FEES, AND GIVE ALL NOTICES NECESSARY TO COMPLETE THIS PROJECT.

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F. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND LICENSES, PAY ALL CHARGES, TAXES, ROYALTIES & FEES, AND GIVE ALL NOTICES NECESSARY TO COMPLETE THIS PROJECT.

G. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND LICENSES, PAY ALL CHARGES, TAXES, ROYALTIES & FEES, AND GIVE ALL NOTICES NECESSARY TO COMPLETE THIS PROJECT.

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I. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND LICENSES, PAY ALL CHARGES, TAXES, ROYALTIES & FEES, AND GIVE ALL NOTICES NECESSARY TO COMPLETE THIS PROJECT.

J. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND LICENSES, PAY ALL CHARGES, TAXES, ROYALTIES & FEES, AND GIVE ALL NOTICES NECESSARY TO COMPLETE THIS PROJECT.

K. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND LICENSES, PAY ALL CHARGES, TAXES, ROYALTIES & FEES, AND GIVE ALL NOTICES NECESSARY TO COMPLETE THIS PROJECT.

L. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND LICENSES, PAY ALL CHARGES, TAXES, ROYALTIES & FEES, AND GIVE ALL NOTICES NECESSARY TO COMPLETE THIS PROJECT.

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P. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND LICENSES, PAY ALL CHARGES, TAXES, ROYALTIES & FEES, AND GIVE ALL NOTICES NECESSARY TO COMPLETE THIS PROJECT.

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R. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND LICENSES, PAY ALL CHARGES, TAXES, ROYALTIES & FEES, AND GIVE ALL NOTICES NECESSARY TO COMPLETE THIS PROJECT.

S. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND LICENSES, PAY ALL CHARGES, TAXES, ROYALTIES & FEES, AND GIVE ALL NOTICES NECESSARY TO COMPLETE THIS PROJECT.

T. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND LICENSES, PAY ALL CHARGES, TAXES, ROYALTIES & FEES, AND GIVE ALL NOTICES NECESSARY TO COMPLETE THIS PROJECT.

U. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND LICENSES, PAY ALL CHARGES, TAXES, ROYALTIES & FEES, AND GIVE ALL NOTICES NECESSARY TO COMPLETE THIS PROJECT.

V. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND LICENSES, PAY ALL CHARGES, TAXES, ROYALTIES & FEES, AND GIVE ALL NOTICES NECESSARY TO COMPLETE THIS PROJECT.

W. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND LICENSES, PAY ALL CHARGES, TAXES, ROYALTIES & FEES, AND GIVE ALL NOTICES NECESSARY TO COMPLETE THIS PROJECT.

X. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND LICENSES, PAY ALL CHARGES, TAXES, ROYALTIES & FEES, AND GIVE ALL NOTICES NECESSARY TO COMPLETE THIS PROJECT.

Y. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND LICENSES, PAY ALL CHARGES, TAXES, ROYALTIES & FEES, AND GIVE ALL NOTICES NECESSARY TO COMPLETE THIS PROJECT.

Z. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND LICENSES, PAY ALL CHARGES, TAXES, ROYALTIES & FEES, AND GIVE ALL NOTICES NECESSARY TO COMPLETE THIS PROJECT.



GENERAL NOTES

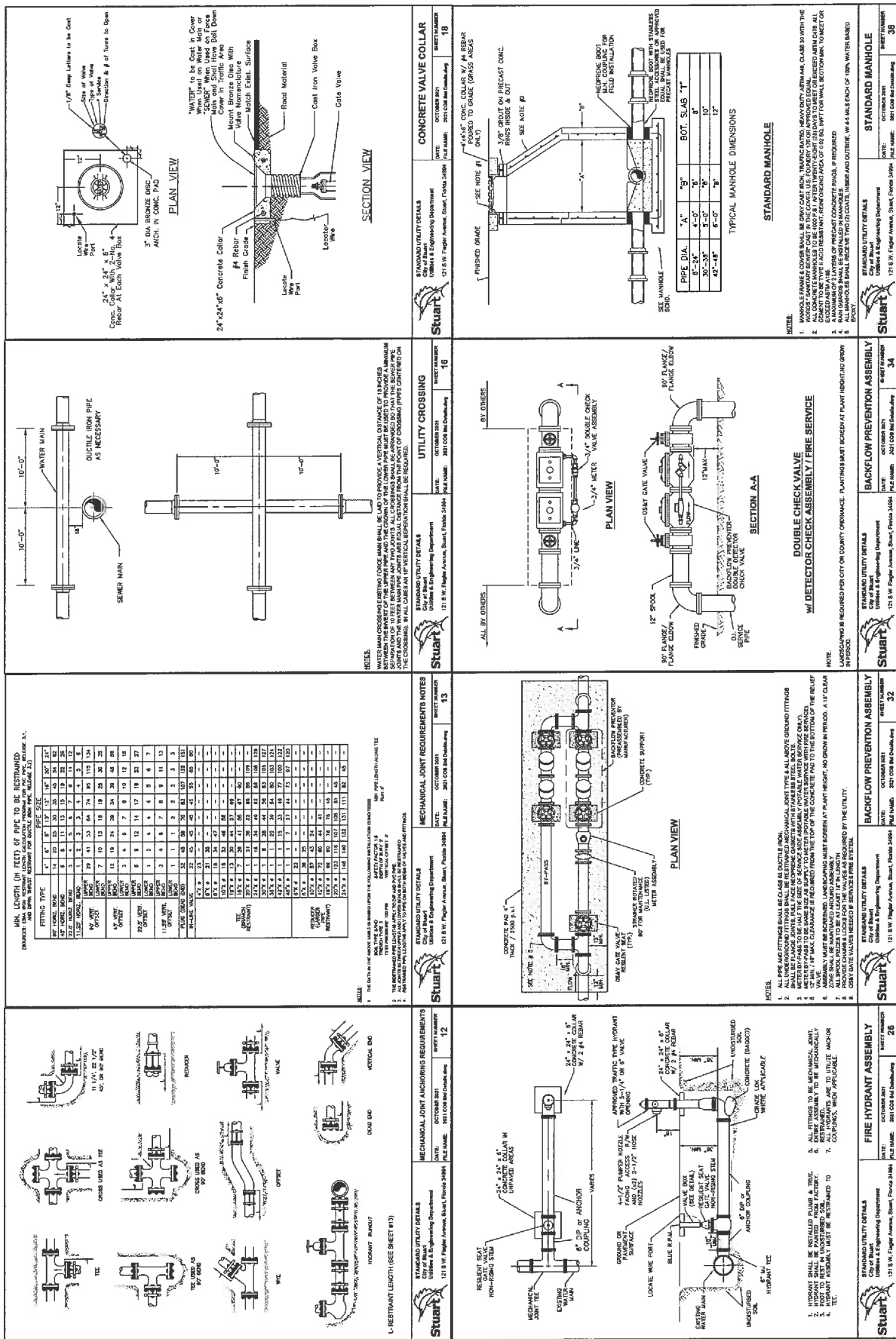
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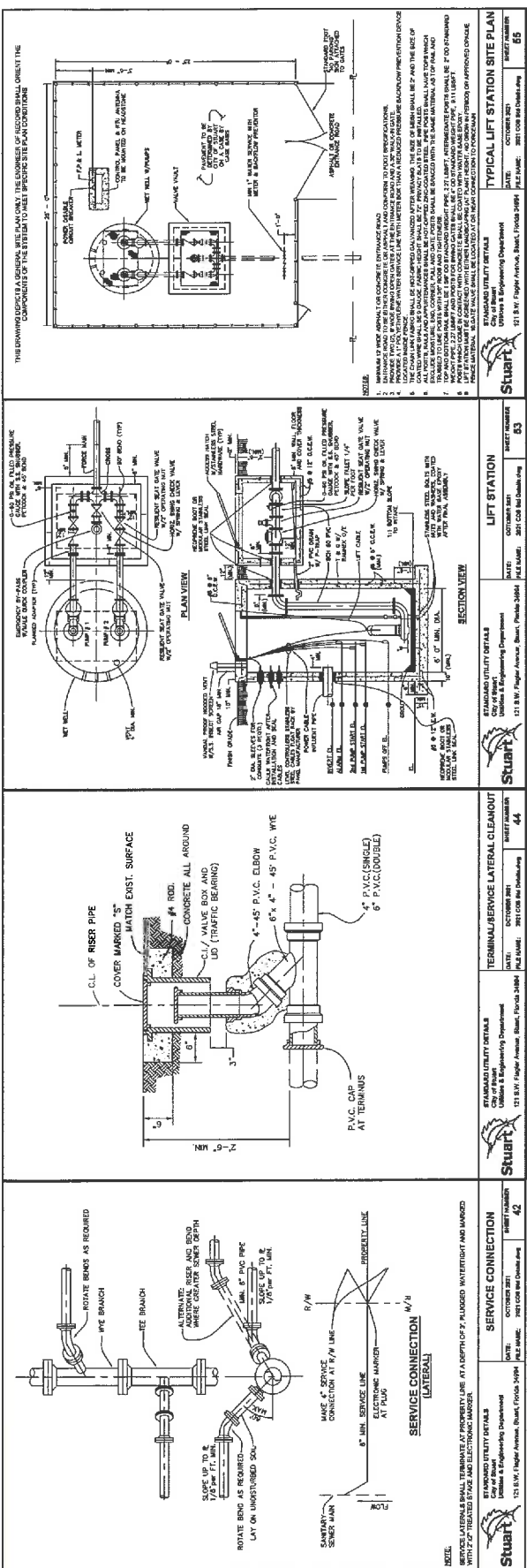
EAS CIVIL ENGINEERING, INC.
10000 W. US HWY 1, SUITE 200
FORT MYERS, FL 33907
OFFICE: 941-771-7793
CELL: 941-771-7793
FAX: 941-771-7793
EAS CIVIL ENGINEERING, INC.
P.O. BOX 12345
FORT MYERS, FL 33907



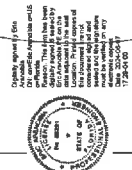
1. PRECONSTRUCTION RESPONSIBILITIES

THE INFORMATION PROVIDED IN THESE PLANS IS TO ASSESS THE CONTRACTOR IN ASSESSING THE NATURE AND EXTENT OF THE WORK TO BE PERFORMED. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND LICENSES, PAY ALL CHARGES, TAXES, ROYALTIES & FEES, AND GIVE ALL NOTICES NECESSARY TO COMPLETE THIS PROJECT.



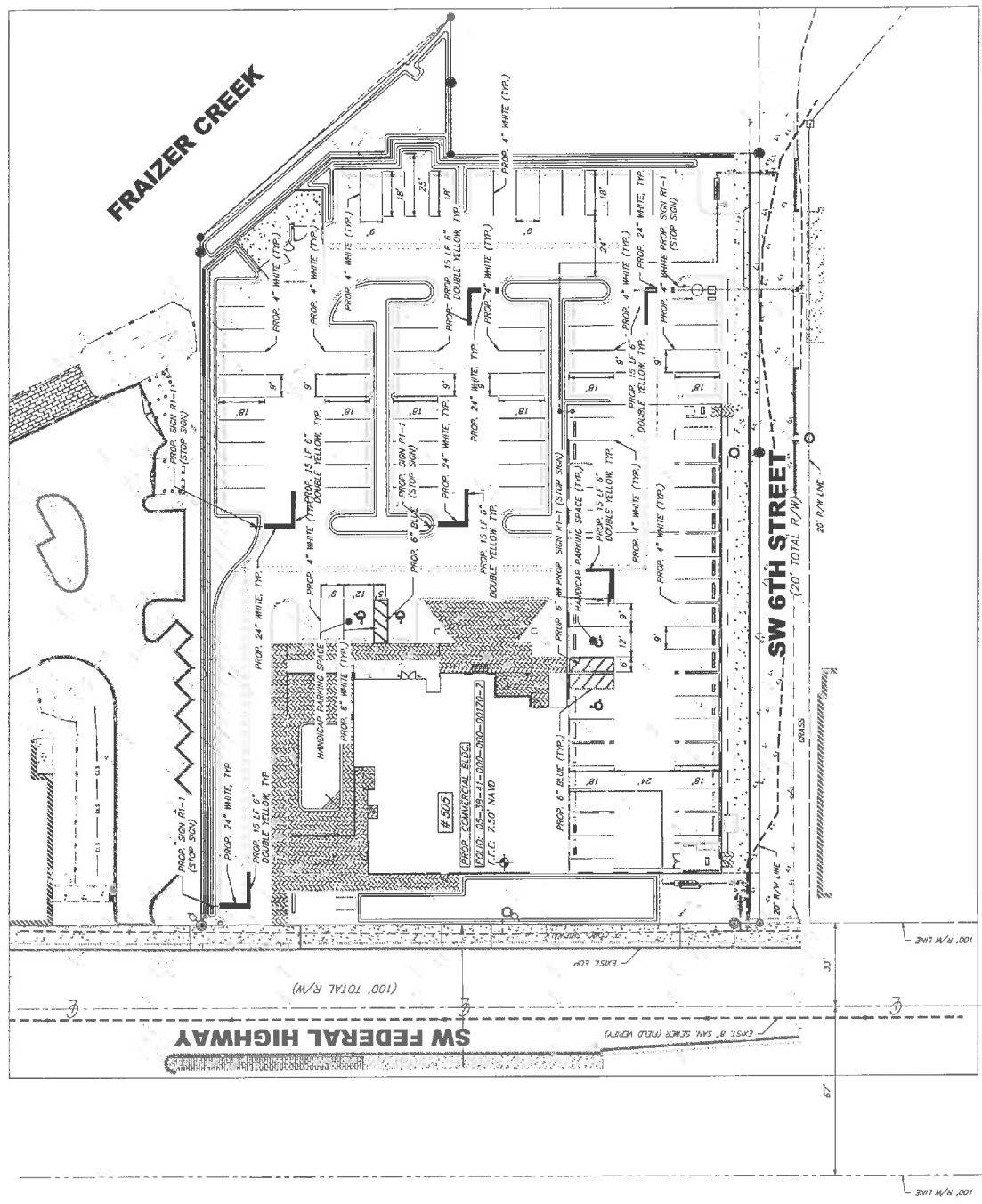


Date: 02/20/2024
 Project #: 24000000000000000000
 Project Name: FAIRFIELD INN & SUITES HOTEL
 Project Location: 505 SW FEDERAL HIGHWAY, CITY OF STUART, FLORIDA
 Project Description: PAVEMENT MARKINGS & SIGNAGE PLAN
 Revision: 1



George White ARCHITECT
 505 SW FEDERAL HIGHWAY, CITY OF STUART, FLORIDA
 6127 C. DURHAM DRIVE, LAKE WORTH, FLORIDA 33467 561-997-6698

PAVEMENT MARKINGS & SIGNAGE PLAN
 C600



LEGEND

- Center Line
- Right-of-Way
- Property Line
- Exist. Elevation (ft-MVD)
- Exist. Waterway Lines

EAS CIVIL ENGINEERING
 EAS CIVIL ENGINEERING, INC.
 1000 RING BLVD., SUITE 110
 FORT LAUDERDALE, FL 33304
 PHONE: 954.377.7777
 WWW.EASCI.COM
 CA NO. 35232
 FL NO. 12577
 EAS, FORT LAUDERDALE, FL

Sunshine
 CALL 877-666-6666 or visit us online at www.sunshine.com
 We are the leading provider of professional engineering services in the state of Florida.
 Check our website for more information.

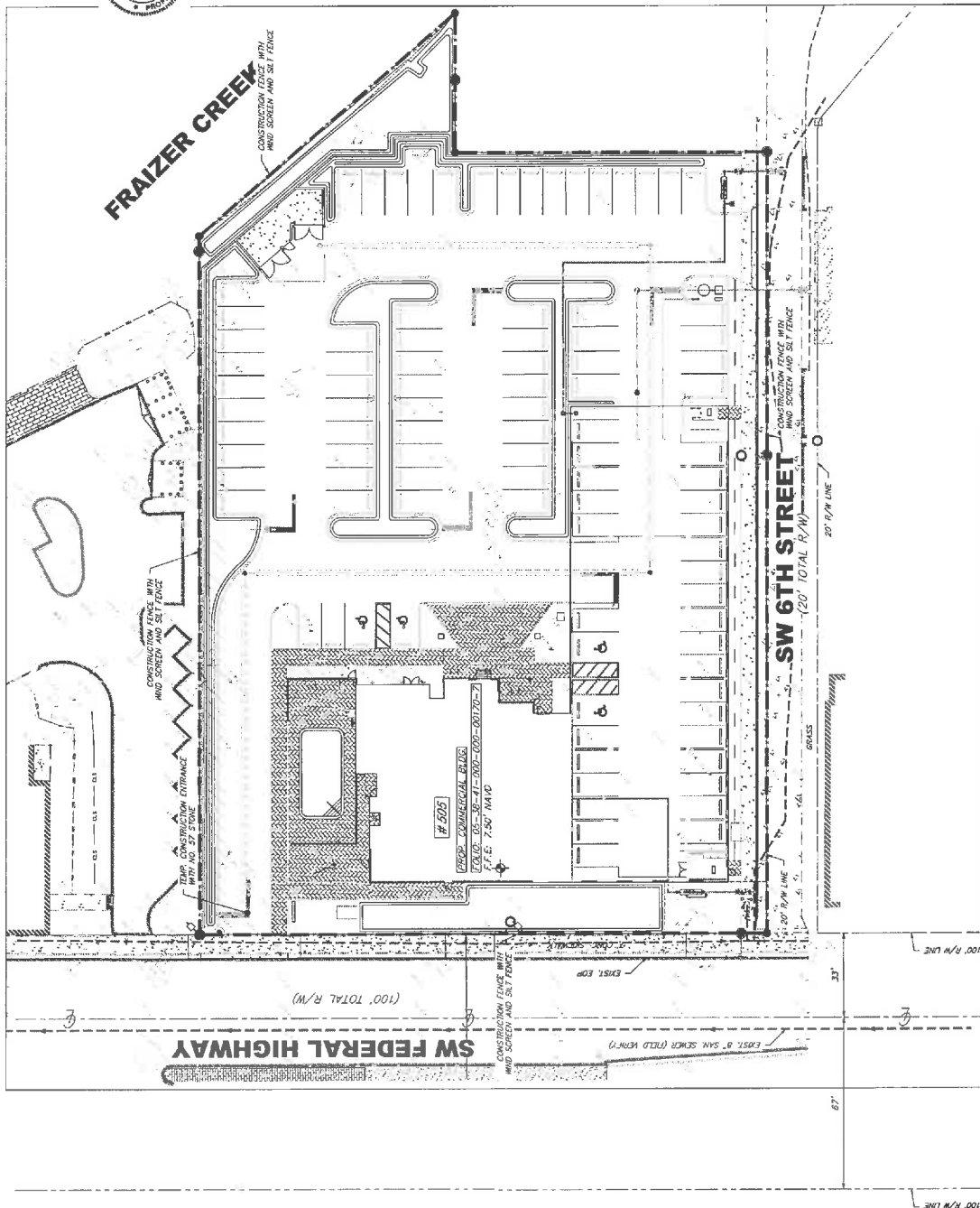
Date: 02/23/2024
 Project #: 2024000001
 Project Name: FAIRFIELD INN & SUITES HOTEL
 Project Location: 505 SW FEDERAL HIGHWAY, CITY OF STUART, FLORIDA
 Project Description: STORMWATER POLLUTION PREVENTION PLAN
 Project Engineer: ARGO0009531
 Project Manager: ARGO0009531
 Project Status: IN PROGRESS



George White ARCHITECT
 505 SW FEDERAL HIGHWAY, CITY OF STUART, FLORIDA
 6127 C. DURHAM DRIVE, LAKE WORTH, FLORIDA 33467 561-997-6698

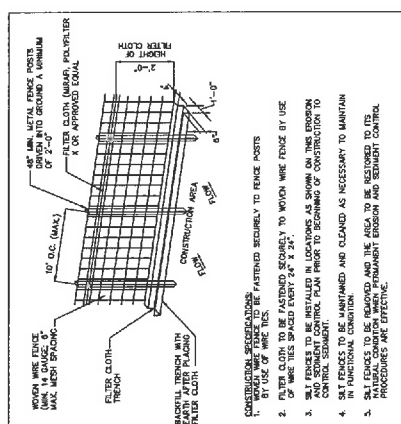
STORMWATER
 POLLUTION
 PREVENTION
 PLAN

C700



LEGEND

- CENTER LINE
- RIGHT-OF-WAY
- PROPERTY LINE
- STANDED SILT FENCE



EAS
 EAS CIVIL ENGINEERING
 1000 W. 10th Ave., Suite 100
 Fort Lauderdale, FL 33304
 Phone: 954.561.1111
 Fax: 954.561.1112
 Email: info@eas-civil.com
 Website: www.eas-civil.com

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 underground utilities located before you dig.
 One-Stop Service for All Your Digging Needs.

STORMWATER POLLUTION AND PREVENTION PLAN
 SCALE: 1" = 10'-0"

THIS PLAN HAS BEEN PREPARED TO ENSURE COMPLIANCE WITH APPROPRIATE CONDITIONS OF THE MARTIN COUNTY REGULATIONS, THE RULES OF THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION (FDEP), CHAPTER 17-25, F.A.C., AND THE SOUTH FLORIDA WATER MANAGEMENT DISTRICT (SFWMD), CHAPTER 400-4, F.A.C., AND THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY (EPA) DOCUMENT NO. EPA 832/P-92-005 (SEPTEMBER 1992). THE PLAN ADDRESSES THE FOLLOWING:

- [illegible]

[illegible]

- A. TIE-UPS, SLACKS AND LEAKS PREVENTION
- B. PREVENT/REDUCE PESTS AND EQUIPMENT
- C. PREVENT/REDUCE WASHING AND STEAM CLEANING
- D. PREVENT/REDUCE WASTE
- E. PREVENT/REDUCE UNLOADING OF MATERIALS
- F. PREVENT/REDUCE OUTDOOR STORAGE OF RAW MATERIALS, PRODUCTS, AND BY-PRODUCTS
- G. HAZARDOUS WASTE MANAGEMENT
- H. CONCRETE WASTE MANAGEMENT
- I. WASTE MANAGEMENT
- J. STRUCTURE CONSTRUCTION AND PAINTING
- K. PEST PREVENTION AND CONTROL
- L. WASTE MANAGEMENT
- M. SANITARY/SPECIFIC WASTE MANAGEMENT
- N. WASTE WATER CONTROL
- O. WASTE WATER MANAGEMENT

4. ADDITIONAL BEST MANAGEMENT PRACTICES SHALL BE IMPLEMENTED AS DICTATED BY CONDITIONS AT NO ADDITIONAL COST TO THE OWNER THROUGHOUT ALL PHASES OF CONSTRUCTION.

4. BEST MANAGEMENT PRACTICES (BMPs) AND CONTROLS SHALL CONFORM TO FEDERAL, STATE, OR LOCAL REQUIREMENTS OR MANUAL OF PRACTICE, AS APPLICABLE. CONTRACTOR SHALL IMPLEMENT ADDITIONAL CONTROLS AS DIRECTED BY PERMITTING AGENCY OR OWNER.

5. SITE MAP MUST CLEARLY DELINEATE ALL STATE WATERS. CONTRACTOR MUST MAINTAIN ALL PERMITS FOR ANY CONSTRUCTION ACTIVITY IMPACTING STATE WATERS OR REGULATED WETLANDS ON SITE AT ALL TIMES.

- [illegible]

1. CONTRACTORS OR SUBCONTRACTORS WILL BE RESPONSIBLE FOR REMOVING SEDIMENT FROM DETENTION POUNDS AND ANY SEDIMENT THAT MAY HAVE COLLECTED IN THE STORM SEWER DRAINAGE SYSTEMS IN CONJUNCTION WITH THE STABILIZATION OF THE SITE.

2. SLOPES SHALL BE LEFT IN A ROUGHENED CONDITION DURING THE GRADING PHASE TO REDUCE RUNOFF VELOCITIES AND EROSION.

3. DUE TO THE GRADE CHANGES DURING THE DEVELOPMENT OF THE PROJECT, THE CONTRACTOR SHALL BE RESPONSIBLE FOR ADJUSTING THE EROSION CONTROL MEASURES (COMPOST SOCK DEVICES, ETC.) TO PREVENT FROSTING.

4. WHERE PRACTICAL, STORMWATER SHALL BE CONVEYED BY SWALES.
5. EROSION CONTROL MEASURES SHALL BE EMPLOYED TO MINIMIZE TURBIDITY OF SURFACE WATERS LOCATED DOWNSTREAM OF ANY CONSTRUCTION ACTIVITY. WHILE THE VARIOUS MEASURES REQUIRED WILL BE SITE SPECIFIC, THEY SHALL BE EMPLOYED AS NEEDED IN ACCORDANCE WITH THE FOLLOWING:

4. IN GENERAL, PROSOM SHALL BE CONTROLLED AT THE EARLIEST PRACTICAL PROSOM LOCATION.

- [illegible]

SHALL BE IN ACCORDANCE WITH DEP DOCUMENT NO. 62-621,300(4)(a)

SHALL BE IN ACCORDANCE WITH DEP DOCUMENT NO. 62-621,300(4)(a)

STRUCTURAL NOTES:

SHALL BE IN ACCORDANCE WITH DEP DOCUMENT NO. 62-621,300(4)(a)

1. WASTE MATERIALS - ALL WASTE MATERIALS SHALL BE COLLECTED AND STORED IN A METAL DUMPSTER WITH A SECURE LID IN ACCORDANCE WITH ALL LOCAL AND STATE LAWS. ALL TRASH AND CONSTRUCTION DEBRIS FROM THE SITE SHALL BE

- DEPOSITED IN THE DUMPSTER. THE SUPERINTENDENT SHALL COORDINATE WITH THE LOCAL UTILITIES TO AVOID THE DUMPSTER BEING FULLER THAN ONE WEEK AND THE WASTE TAKEN TO AN APPROPRIATE LANDFILL. NO CONSTRUCTION WASTE SHALL BE DEPOSITED IN THE DUMPSTER. THE SUPERINTENDENT SHALL BE RESPONSIBLE FOR POSTING AND MAINTAINING WASTE MANAGEMENT PROCEDURES.
1. HAZARDOUS WASTE MATERIALS SHALL BE DISPOSED OF IN ACCORDANCE WITH ALL LOCAL AND STATE LAWS OR AS DIRECTED BY THE MANUFACTURER. THE SUPERINTENDENT SHALL ORGANIZE THE PROPER TRAINING FOR ALL EMPLOYEES TO PROPERLY HANDLE AND DISPOSE OF HAZARDOUS WASTE MATERIALS. PROCEDURES SHALL BE DEVELOPED FOR THE BEST PRACTICES WHEN DEALING WITH HAZARDOUS WASTE MATERIALS.
2. SANITARY WASTE – SANITARY WASTE SHALL BE COLLECTED AND DEPOSITED IN ACCORDANCE WITH ALL LOCAL AND STATE LAWS. AT LEAST THREE TIMES A WEEK, WASTE SHALL BE PLACED INTO THE SANITARY WASTE CONTAINER.
3. SANITARY WASTE – SANITARY WASTE SHALL BE COLLECTED AND DEPOSITED IN ACCORDANCE WITH ALL LOCAL AND STATE LAWS. AT LEAST THREE TIMES A WEEK, WASTE SHALL BE PLACED INTO THE SANITARY WASTE CONTAINER.
4. RUBBISH, TRASH, CARGAGE, LITTER, OR OTHER SUCH MATERIALS SHALL BE DEPOSITED INTO SEAMED CONTAINERS. DRAINAGE, TRUCKS, OR OTHERS OF THE SAME TYPE SHALL BE USED TO REMOVE THE WASTE FROM THE SITE.

ALL MEASURES STATED ON THIS EROSION AND SEDIMENT CONTROL PLAN, AND IN THE EROSION CONTROL PREVENTION PLAN, SHALL BE MAINTAINED IN FULLY FUNCTIONAL CONDITION UNTIL NO LONGER REQUIRED FOR COMPLETION OF THE WORK OR FINAL STABILIZATION OF THE SITE. ALL EROSION AND SEDIMENTATION CONTROL MEASURES SHALL BE CHECKED BY A QUALIFIED PERSON AT LEAST ONCE EVERY SEVEN CALENDAR DAYS AND WITHIN 24 HOURS OF THE END OF A 0.5" RAINFALL EVENT, AND CLEANED AND REPAIRED AS NECESSARY WITH THE FOLLOWING:

1. BULLET PROTECTION DEVICES AND BARRIERS SHALL BE REPAIRED OR REPLACED IF THEY SHOW SIGNS OF UNDERMINING, OR ARE DAMAGED.
2. ALL SEDIMENT AREAS SHALL BE CHECKED REGULARLY TO SEE THAT A GOOD STAND IS MAINTAINED. AREAS SHOULD BE FERTILIZED, WATERED, AND RESEDED AS NEEDED.
3. ALL CONSTRUCTION MATERIALS SHALL BE COVERED, ESPECIALLY FOR HEAVY OF SEDIMENT AND CONDITION OF THE CONSTRUCTION MATERIALS SHALL BE REPAIRED TO ORIGINAL CONDITION. SEDIMENT SHALL BE REMOVED FROM THE CONCRETE COMPOST SOCK WHEN IT REACHES ONE-THIRD THE HEIGHT OF THE COMPOST SOCK.
4. THE CONSTRUCTION ENTRANCES SHALL BE MAINTAINED IN A CONDITION WHICH WILL PREVENT TRACKING OR FLOW OF MUD AND DIRT ONTO ADJACENT AREAS.
5. THE CONSTRUCTION ENTRANCES OF "WASH" SHALL REQUIRE "FEDERAL" TYPING OF DISCHARGE ENFORCEMENTS AS A CONDITION OF DISCHARGE.

5. THE TRUCKS SHALL BE KEPT IN GOOD CONDITION (SUITABLE FOR PARKING AND STORAGE). THIS MAY REQUIRE PRESSING OF THE TEMPORARY PARKING ON CONDITIONS DEMAND. ALL TRUCKS SHALL BE MAINTAINED IN A CLEAN AND WELL-MAINTAINED MANNER. THE SEDIMENT BASINS/TRIGLES SHALL BE CHECKED MONTHLY FOR DEPTH OF SEDIMENT. SEDIMENT SHALL BE REMOVED FROM THE SEDIMENT BASIN OR TRAPS WHEN THE DESIGN CAPACITY HAS BEEN REDUCED BY 10% AND AFTER CONSTRUCTION IS COMPLETE.
6. ALL MAINTENANCE OPERATIONS SHALL BE DONE IN A TIMELY MANNER, BUT NO LATER THAN SEVEN CALENDAR DAYS FOLLOWING THE INSPECTION. DIVERSION DICES SHALL BE INSPECTED MONTHLY, ANY BRACHES SHALL BE PROMPTLY REPAIRED.
7. THE MONTHLY INSPECTION REPORT SHALL BE COMPLETED AFTER EACH INSPECTION OF THE SEDIMENT AND DIVERSION CONTROL METHODS. THE REPORTS SHALL BE FILED IN AN ORGANIZED MANNER AND REMAINED ON-SITE DURING CONSTRUCTION. AFTER CONSTRUCTION IS COMPLETED, THE REPORTS SHALL BE SAVED FOR AT LEAST THREE YEARS. THE REPORTS SHALL BE SUBMITTED TO THE DISTRICT ENGINEER WITHIN TWO WEEKS OF THE END OF THE CONSTRUCTION PERIOD.
8. ALL REPAIRS MUST BE MADE WITHIN 24 HOURS OF REPORT.

11. SILT FENCES SHALL BE REPAIRED TO THEIR ORIGINAL CONDITIONS IF DAMAGED. SEDIMENT SHALL BE REMOVED FROM THE SILT FENCES WHEN IT REACHES ONE-HALF THE HEIGHT OF THE SILT FENCE.

[illegible]

THE FOLLOWING ARE THE MATERIAL MANAGEMENT PRACTICES THAT WILL BE USED TO REDUCE THE RISK OF SPILLS OR OTHER ACCIDENTAL EXPOSURE OF MATERIALS AND SUBSTANCES TO STORM WATER RUNOFF.

- G. ALL SUBSISTANCES SHOULD BE USED BEFORE DISPOSAL OF CONTAINER.
- H. ALL MATERIALS SHOULD BE ORGANIZED AND IN THE PROPER CONTAINER AND, IF POSSIBLE, STORED IN A ROOT OR PROTECTIVE COVER.
- I. PRODUCTS SHALL NOT BE MIXED UNLESS DIRECTED BY THE MANUFACTURER.
- F. ALL PRODUCTS SHALL BE USED AND DISPOSED OF ACCORDING TO THE MANUFACTURER'S RECOMMENDATIONS.

A. MATERIALS SHOULD BE KEPT IN ORIGINAL CONTAINER WITH LABELS UNLESS THE ORIGINAL CONTAINERS CANNOT BE RESEALED. IF ORIGINAL CONTAINERS CANNOT BE USED, LABELS AND PRODUCT INFORMATION SHALL BE SAVED.

B. PROPER DISPOSAL PRACTICES SHALL ALWAYS BE FOLLOWED IN ACCORDANCE WITH MANUFACTURER AND LOCAL/STATE REGULATIONS.

- A. PETROLEUM PRODUCTS MUST BE STORED IN PROPER CONTAINERS AND CLEANLY LABELED. VEHICLES CONTAINING PETROLEUM PRODUCTS SHALL BE PERIODICALLY INSPECTED FOR LEAKS.
- B. PREPARATIONS SHALL BE TAKEN TO AVOID LEAKAGE OF PETROLEUM PRODUCTS ON-SITE.
- C. FERTILIZER SHALL BE USED AND MIXED INTO THE SOIL IN THE MANNER SPECIFIED ON THE LABEL.
- D. THE MINIMUM AMOUNT OF FERTILIZER SHALL BE STORED IN PROPER CONTAINERS TO STORE WATER. FERTILIZERS SHALL BE STORED IN PARTIALLY USED BAGS OF FERTILIZER TO AVOID SPILLS.
- E. THE MINIMUM AMOUNT OF FERTILIZER SHALL BE STORED IN A SEALABLE PLASTIC BIN TO AVOID SPILLS.
- F. FERTILIZER SHALL BE STORED IN A SEALABLE PLASTIC BIN TO AVOID SPILLS.
- G. CONCRETE TRUCKS SHALL NOT BE ALLOWED TO WASH OUT OR DISCHARGE SUPPLUS WASH WATER ON THE SITE.

IN ADDITION TO THE GOOD HOUSEKEEPING AND MATERIAL MANAGEMENT PRACTICES DISCUSSED ABOVE, THE FOLLOWING PRACTICES SHALL BE FOLLOWED FOR SPILL PREVENTION AND CLEANUP:

1. SPILL CLEANUP INFORMATION SHALL BE POSTED ON SITE TO INFORM EMPLOYEES ABOUT CLEANUP PROCEDURES AND RESOURCES.
2. THE FOLLOWING CLEANUP EQUIPMENT MUST BE KEPT ON-SITE NEAR THE MATERIAL STORAGE AREA: GLOVES, MOPS, RAGS, BROOMS, DUST PANS, SAND, SAWDUST, LIQUID ABSORBER, COGGLES, AND TROUS CONTAINERS.

3. SUFFICIENT OIL AND GREASE ABSORBING MATERIALS AND FLOTATION BOOMS SHALL BE AVAILABLE TO CONTAIN AND CLEAN-UP SPILLS OF OIL OR CHEMICAL SPILLS AND LEAKS.
4. ALL SPILLS SHALL BE CLEANED UP AS SOON AS POSSIBLE.
5. VENTILATED AND THE EMPLOYEE SHALL WEAR PROPER PROTECTIVE COVERING TO PREVENT INJURY.
6. TOXIC SPIES MUST BE REPORTED TO THE PROPER AUTHORITY REGARDLESS OF THE SIZE OF THE SPILL.
7. AFTER A SPILL, THE PREVENTION PLAN SHALL BE REVIEWED AND CHANGED TO PREVENT FURTHER SIMILAR SPILLS FROM OCCURRING. THE CAUSE OF THE SPILL, MEASURES TO PREVENT IT, AND THE SUPERINTENDENT SHALL BE THE SPILL PREVENTION AND CLEANUP COORDINATOR AND IS RESPONSIBLE FOR THE DAY-TO-DAY SITE OPERATIONS. THE SUPERINTENDENT ALSO OVERSEES THE SPILL PREVENTION AND CLEANUP PROCEDURES.

1. WIND EROSION SHALL BE CONTROLLED BY EMPLOYING THE FOLLOWING METHODS AS NECESSARY AND APPROPRIATE:

- [illegible]

Sunshine811
Call 811 or visit www.sunshine811.com two full
business days before digging to have
buried facilities located and marked.
Quick problem response. Cost. Safety. You say!

Sign Specifications

According to Ordinance 2266-2013

Sections 11.01.08.6.A.2, 11.01.08.9.A.3, 11.01.09.6.B, 11.01.09.9.B, and 11.02.02

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

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

- The sign shall be installed perpendicular to, and clearly visible from, the nearest public street in a location approved by the Development Department in advance of installation.
- The sign shall not be less than 36 by 48 inches in dimension when adjacent to arterial roads and not less than 24 by 36 inches in dimension when adjacent to non-arterial roads.
- The sign shall have a uniform "City blue" background.
- The sign shall have white lettering of a legible font size.
- The sign shall be double-sided and waterproof.

The sign is required to be installed at least 15 days before the public hearing, or before **December 23, 2024**. After installation of the sign, please complete the included *Affidavit Attesting to Notification by Posting* form and return it to the City of Stuart Development Department. Please include a photo of the sign after it has been installed.

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

Should you have any questions regarding the signposting, please contact me at (772) 288-5328, or by email at jnentwick@ci.stuart.fl.us.

Sign Specifications

48" Arterial Road

(36" Non-Arterial Road)

NOTICE OF PUBLIC HEARING

REZONING REQUEST

FOR PROJECT NO. Z24080011

LOCATED AT: 255 SW 6th STREET

Parcel ID Number:

05-38-41-000-000-00182-3 (0.33-acres)

**REQUEST TO CONSIDER A REZONING FROM
URBAN WATERFRONT (UW) ZONING DISTRICT TO
URBAN HIGHWAY (UH) ZONING DISTRICT**

STUART LOCAL PLANNING AGENCY (LPA)

January 16, 2025 AT 5:30 PM

STUART CITY COMMISSION

February 10, 2025 AT 5:30 PM

February 24, 2025 AT 5:30 PM

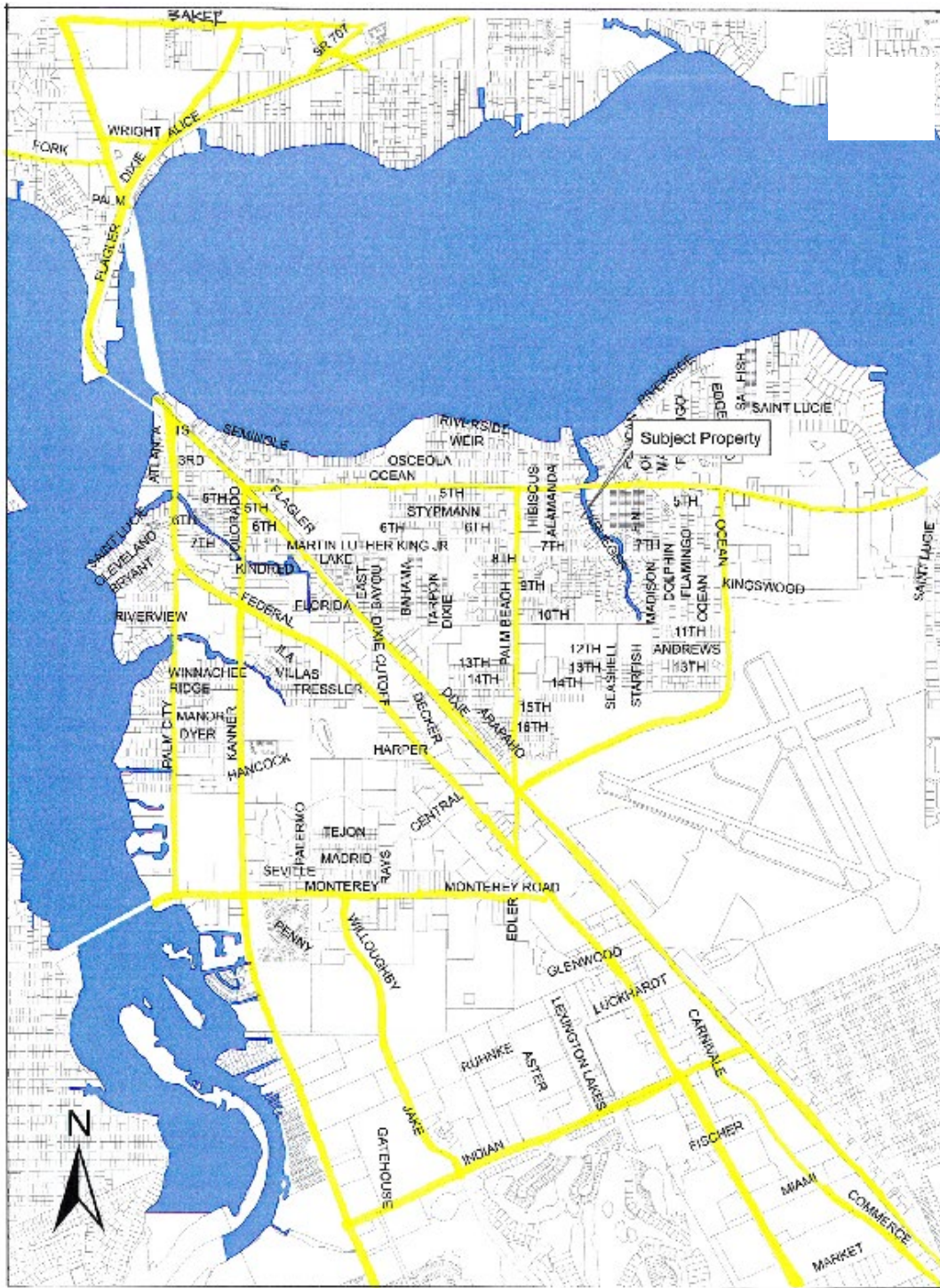
STUART CITY HALL 121 SW FLAGLER AVE 772-288-5326 8:30 AM-4:00 PM
VISIT WWW.CITYOFSTUART.US FOR MORE INFORMATION

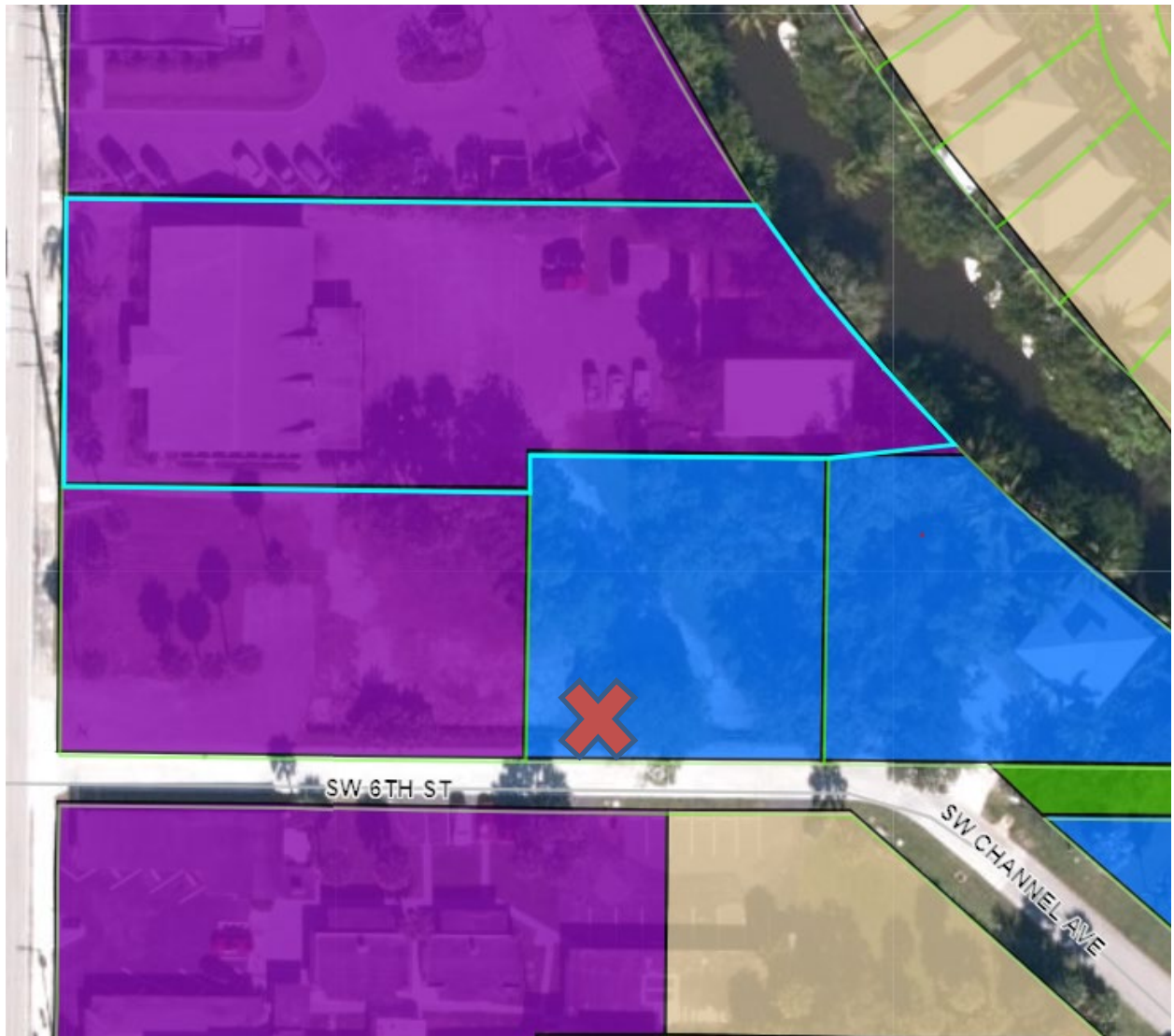
36" Arterial Road

(24" Non-Arterial)

Sign Specifications

Arterial Roads





Notice to Surrounding Property Owners within 300 Feet

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

Petitioner: **Polk Street Hotels Inc.**

Parcel Address: **2970 SE Dominica Terrace, Stuart, FL 34997**

Parcel ID Number(s): **05-38-41-000-000-00182-3 (0.33-acres)**

Proposed Request: **Request to consider rezoning from Urban Waterfront (UW) Zoning Designation to Urban Highway (UH) Zoning Designation.**

Dear Property Owner:

Please be advised that the City of Stuart will conduct a public hearing before the City Local Planning Agency (LPA) on **Thursday, January 16, 2025, at 5:30 PM** to consider the above request.

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

All interested parties and citizens may appear and be heard as to any, and all matters pertinent to the request. A copy of the application is available for inspection at the Office of the City Development Department located at 121 S.W. Flagler Avenue in Stuart. If you have any questions regarding this notice, please feel free to call me at (772) 288-5328, M-F 8:30 A.M. – 5:00 P.M.

Sincerely,

Jodi Kugler

Jodi Kugler
Development Director
jnentswick@ci.stuart.fl.us

City of Stuart
Development Department
121 SW Flagler Avenue
Stuart, FL 34994

**LOCAL PLANNING AGENCY
AFFIDAVIT ATTESTING
TO NOTIFICATION**

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

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

Project ID# Z24080011
Project Name: Polk Street Hotles, Inc.
Parcel ID Number: 52-38-41-013-000-0002-6

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

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

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

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

SIGNED (PROPERTY OWNER / AUTHORIZED AGENT)

SIGNED (PROPERTY OWNER / AUTHORIZED AGENT)

STATE OF FLORIDA, COUNTY OF _____

Sworn and subscribed before me by means of ____ physical presence or ____ online notarization, this _____ day of _____, _____ By

Personally Known OR Produced Identification

Type of Identification Produced:

Notary Public, State of ____
(Notary Seal)

My Commission expires:

CITY OF STUART, FLORIDA

AGENDA ITEM REQUEST

City Commission

Meeting Date: 1/27/2025

Prepared by: Lee Baggett

Title of Item:

REPEAL OF ARTICLE IX, EXPANDED POLYSTYRENE AND PLASTICS REGULATION (RC):

ORDINANCE No. 2538-2025; AN ORDINANCE OF THE CITY OF STUART, FLORIDA, REPEALING ARTICLE IX, EXPANDED POLYSTYRENE AND PLASTICS REGULATION, OF CHAPTER 20 OF THE CODE OF ORDINANCES; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

Summary Explanation/Background Information on Agenda Request:

The City Commission adopted Ordinance Nos. 2413-2019 and 2416-2019 creating Article IX, Expanded Polystyrene and Plastics Regulation, of Chapter 20 of the Code of Ordinances on October 28, 2019, which regulated the distribution of expanded polystyrene and single-use plastics on City-owned property and rights-of-way, and commercial use and distribution of single-use plastic straws.

The City Commission has directed staff to rescind Section 20, Article IX for several reasons including claims that some paper straws used PFOA or PFAS substances for water protection and the regulation has not resulted in the reduction of polystyrene use or disposable plastic containers within the community.

The City Commission directed staff to schedule the repeal of Article IX, Expanded Polystyrene and Plastics Regulation, in Section 20 of the Code of Ordinances for the agenda.

Funding Source:

N/A

Recommended Action:

Motion to approve Ordinance No.: 2538-2025 at first reading.

ATTACHMENTS:

1. 2538-2025 Repeal of Article IX
2. 2538-2025 Exhibit A
ARTICLE_IX.___EXPANDED_POLYSTYRENE_AND_PLASTICS_REGULATION (Strikethrough)
3. 2413-2019 - Ordinance
4. 2416-2019 -Ordinance
5. 2538-2025 Business Impact Estimate Repeal of Straw Ordinance



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

ORDINANCE NUMBER 2538-2025

AN ORDINANCE OF THE CITY OF STUART, FLORIDA, REPEALING ARTICLE IX, EXPANDED POLYSTYRENE AND PLASTICS REGULATION, OF CHAPTER 20 OF THE CODE OF ORDINANCES; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Commission for the City of Stuart, Florida is authorized by provisions in Chapter 166, Florida Statutes, to establish and adopt ordinances which are intended to serve and provide public benefit to the residents and visitors of the City of Stuart; and

WHEREAS, the City Commission adopted Ordinance Nos. 2413-2019 and 2416-2019 creating Article IX, Expanded Polystyrene and Plastics Regulation, of Chapter 20 of the Code of Ordinances on October 28, 2019 which regulated the distribution of expanded polystyrene and single-use plastics on City-owned property and rights-of-way, and commercial use and distribution of single-use plastic straws with the intent on being beneficial to the environment; and

WHEREAS, the City subsequently learned that alternative disposable food service articles and straws currently being used are made from paper and/or bamboo containing PFAS chemicals, which can stay in the environment for decades, contaminate water supplies, and are associated with health problems, and as a result, the City ceased enforcing Article IX, Expanded Polystyrene and Plastics Regulation, of Chapter 20 of the Code of Ordinances; and

WHEREAS, from time to time, the City Commission updates its regulations to be consistent with its intent and to benefit the community.

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

SECTION 1: Recitals. The foregoing recitals are hereby ratified and incorporated as the legislative intent of this Ordinance.

SECTION 2: That Article IX, Expanded Polystyrene and Plastics Regulation, of Chapter 20 of the Code of Ordinances is hereby repealed and reserved for future use in its entirety. A copy of Article IX of Chapter 20 is attached hereto as **Exhibit “A.”**

SECTION 3: All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 4: This Ordinance shall take effect immediately upon adoption.

First read on the ____ day of January, 2025.

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:

CAMPBELL RICH, MAYOR
CHRISTOPHER COLLINS, VICE MAYOR
EULA CLARKE, COMMISSIONER
LAURA GIOBBI, COMMISSIONER
SEAN REED, COMMISSIONER

YES	NO	ABSENT	ABSTAIN

ADOPTED on second and final reading this ____ day of _____, 2025.

ATTEST:

MARY R. KINDEL, MMC
CITY CLERK

CAMPBELL RICH
MAYOR

APPROVED AS TO FORM
AND CORRECTNESS:

LEE J. BAGGETT, ESQ
CITY ATTORNEY

ARTICLE IX. EXPANDED POLYSTYRENE AND PLASTICS REGULATION

DIVISION 1. IN GENERAL

Sec. 20-201. Findings and intent.

The city commission finds that the reasonable control of the distribution of expanded polystyrene products (sometimes called Styrofoam, a Dow Chemical Co. trademarked form of polystyrene foam insulation) and single-use non-recyclable plastics in response to the growing issue of these items ending up in overburdened landfills, waterways, preserves and other public lands is required to protect the public health, safety, and welfare of the residents. It is the intent and purpose of this article to provide and maintain, for the citizens and visitors of the city, healthy and aesthetically pleasing experiences, while simultaneously advancing the city's sustainability goals and contributing to its long-term economic vitality by reducing the introduction of these non-biodegradable and environmentally deleterious products into surrounding ecosystems and landfills. The provisions of this article are not intended and shall not be construed as superseding or conflicting with any statutory provisions relating to, or rules and regulations promulgated by, the state department of agriculture and consumer services, but shall be construed as implementing and assisting the enforcement thereof.

(Ord. No. 2413-2019, § 1, 10-28-2019)

Sec. 20-202. Definitions.

As used in this article, the following words and phrases shall have the following meanings ascribed to them respectively, regardless of whether or not the words and phrases are capitalized:

Biodegradable materials shall mean manufactured products made entirely from natural materials, like uncoated paper or plant fibers, that will undergo a natural process of deterioration.

Bioplastics shall mean a type of biodegradable plastic derived from biological substances rather than from petroleum, which have a rate of biodegradation that is exponentially faster than traditional plastics.

City contractor shall mean any person in privity of contract with the city conducting business on city-owned property or within the city right-of-way, including but not limited to: contractors, vendors, lessees, licensees, concessionaires, and operators of a city facility or property.

Distribute shall mean to sell, offer for sale or provide as an amenity to a product being sold or given to consumers.

Drive-through food order shall mean food and/or beverage items that a customer purchases via a drive-through at a food service establishment and consumes away from the premises.

Expanded polystyrene shall mean blown polystyrene and expanded and extruded foams that are thermoplastic petrochemical materials utilizing a styrene monomer and processed by any number of techniques including, but not limited to, fusion of polymer spheres (expandable bead foam), injection molding, foam molding and extrusion-blown molding (extruded foam polystyrene).

Expanded polystyrene product shall mean food containers, plates, bowls, cups, lids, trays, coolers, ice chests, "clamshells," and all similar articles that consist of expanded polystyrene.

~~*Food-service establishment* shall mean any vendor within the city that sells food and/or beverages for consumption by customers on, near, or off its premises.~~

~~*Food-service provider* shall mean any person listed in section 20-203 of this article that distributes food or beverages.~~

~~*Plastic* shall mean a synthetic material derived from petroleum or a biologically based source.~~

~~*Plastic bag* shall mean a bag provided to a customer, typically at the point of sale or distribution, for the purpose of transporting food-service related items, and is made predominantly of nonwoven, flexible plastic that is less than ten mils thick.~~

~~*Plastic straw* shall mean a tube intended for transferring a beverage from its container to the mouth of the drinker, or for mixing a beverage in its container, which is made predominantly of plastic.~~

~~*Polystyrene* shall mean a synthetic resin which is a polymer of styrene, used chiefly as lightweight rigid foam and films.~~

~~*Polystyrene products* shall mean disposable food-service articles including protective packaging, containers, cups and lids.~~

~~*Recyclable materials* shall mean raw or processed materials that are accepted and processed by the city recycling program.~~

~~*Single-use plastics*, for purposes of this policy, single-use plastics include polystyrene and expanded polystyrene products, plastic straws, and any un-numbered plastic products designed with the intent of being used one time and then disposed of, as defined herein.~~

~~(Ord. No. 2413-2019, § 1, 10-28-2019)~~

~~**DIVISION 2. REGULATION OF EXPANDED POLYSTYRENE AND SINGLE-USE PLASTICS ON CITY-OWNED PROPERTY AND CITY RIGHTS-OF-WAY**~~

~~**Sec. 20-203. Prohibition of the distribution of single-use plastic products on city-owned property or rights-of-way.**~~

- ~~(a) — No person or entity within the parameter of a permitted event, may bring or otherwise distribute any single-use plastics on city property. The city encourages the use of compostable products for food items including plates, bowls, cups, silverware, bags and napkins. Compostable items will be accepted on city property.~~
- ~~(b) — Beverages may be served in recyclable cups, cans or bottles.~~
- ~~(c) — It is the intention of the city to encourage reuse when possible and to reduce plastic pollution through the use of alternative products.~~
- ~~(d) — In addition to permitted events, the following persons/entities shall not distribute any single-use food service plastic products in conjunction with the provision of food or beverage services on city-owned property, or within or abutting the city right-of-way:
 - ~~(1) — Sidewalk café permittees;~~
 - ~~(2) — City contractors;~~
 - ~~(3) — Pushcart vending permittees;~~
 - ~~(4) — Mobile food establishment permittees;~~~~

-
- (5) ~~Food truck rally permittees;~~
 - (6) ~~Park and public facility permittees;~~
 - (7) ~~Outdoor special events and public assembly permittees;~~
 - (8) ~~Minor easement permittees;~~
 - (9) ~~Vendors providing services or engaged in commercial activity on city-owned property in direct privity with the city or on behalf of a permittee or licensee.~~
 - (e) ~~These regulations regarding polystyrene and single use plastics are intended to supplement section 30-3 of the City Code and are not intended to rescind or replace same.~~
 - (f) ~~The city shall maintain a list of approved providers of compostable products which the city believes are acceptable substitutes for plastics.~~
- (Ord. No. 2413-2019, § 1, 10-28-2019)

~~Sec. 20-204. Contracts, permits, and licenses.~~

Applicable contracts, permits, and licenses related to use of city property or rights-of-way shall include a provision that plastic products shall not be permitted on city property as provided in this division.

(Ord. No. 2413-2019, § 1, 10-28-2019)

~~Sec. 20-205. Revocation.~~

The city may revoke or cancel any permit for non-compliance with this division, and may use past non-compliance as grounds for the denial of renewal or reissuance of a permit. Where applicable, the city may pursue appropriate contractual remedies for non-compliance with this division.

(Ord. No. 2413-2019, § 1, 10-28-2019)

~~Sec. 20-206. Exemption.~~

- (a) ~~The following are exempt from the prohibition set forth herein:~~
 - (1) ~~Pre-packaged foods that food service providers distribute to their customers and that have been filled and sealed prior to receipt by the food service provider.~~
 - (2) ~~Single-use products used for pre-packaged food that have been filled and sealed prior to receipt by the city contractor or permittee, or for packaging.~~
- (Ord. No. 2413-2019, § 1, 10-28-2019)

~~Sec. 20-207. Enforcement; penalties.~~

- (a) ~~Any permit issued prior to the effective date of the ordinance from which this division is derived shall be informed of the ordinance however, it shall be exempt from enforcement.~~
- (b) ~~The following code violations shall be issued by the city for a violation of article IX, division 2:~~
 - (1) ~~Other communities have staggered violations based upon size and impact of event.~~
 - (2) ~~First violation. The violator shall pay a fine of \$250.00.~~

-
- (3) ~~Second violation.~~ The violator shall pay a fine of \$500.00.
 - (4) ~~Third violation and any subsequent violation.~~ The violator shall pay a fine of \$1,000.00.
 - (5) ~~Any violation shall serve as grounds to revoke the deposit for the permitted event.~~
 - (6) ~~A violation may also serve as grounds for refusal to issue a permit for the event or to the applicant for any event in the future.~~
 - (c) ~~Nothing stated herein shall be construed as a limitation to the city's remedies available to it through its contract, lease, permit, or other relationship with a vender, licensee, tenant or other entity in violation of this Code.~~
- (Ord. No. 2413-2019, § 1, 10-28-2019)

~~Sec. 20-208. Reserved.~~

~~DIVISION 3. REGULATION OF SINGLE-USE PLASTIC STRAWS~~

~~Sec. 20-209. Distribution of single-use plastic straws.~~

- (a) ~~Until December 31, 2020:~~
 - (1) ~~No commercial business operating as a food service establishment shall distribute or provide as a display for self-dispensing any single-use plastic straw to any customer.~~
 - (2) ~~Straws may be provided but only after specific request from the consumer.~~
 - (3) ~~Business operating with a drive through window are allowed to provide a straw to the customer without receiving a request.~~
- (b) ~~Beginning January 1, 2021:~~
 - (1) ~~No commercial business operating as a food service establishment shall distribute or provide as a display for self-dispensing a single-use plastic straw to any customer.~~
 - (2) ~~After January 1, 2021, straws derived from any material shall only be available upon request by the consumer or patron. Under no circumstances shall they include plastic straws.~~
 - (3) ~~Business operating with a drive through window are allowed to provide a non-plastic straw to the customer without receiving a request.~~

(Ord. No. 2416-2019, 10-28-2019)

~~Sec. 20-210. Enforcement; penalties.~~

- (a) ~~From January 1, 2020 until December 31, 2020, the commercial establishments shall receive warnings in order to provide awareness and allow the business to exhaust the plastic straw inventories.~~
- (b) ~~Beginning January 1, 2021, the following civil citations shall be issued for a violation of chapter 20, article IX, division 3.~~
 - (1) ~~Each violation: A fine of \$25.00.~~
 - (2) ~~Second violation: A fine of \$50.00.~~

~~(3) — *Third violation:* A minimum fine of \$50.00 and a mandatory appearance with the city magistrate. The magistrate shall have the authority to enter a maximum fine of \$1,000.00 and assess administrative costs.~~

~~(Ord. No. 2416-2019, 10-28-2019)~~

~~Sec. 20-211. Exemptions.~~

~~The following businesses shall be exempt from the provisions of this division of the article and shall therefore be allowed to distribute plastic straws when necessary:~~

~~(1) — Medical and dental facilities.~~

~~(2) — Assisted living facilities/nursing homes.~~

~~(3) — Pre-packaged outside the city, provided such beverage is not altered, packaged or repackaged within the city, by supermarkets, convenience retailers and restaurant suppliers.~~

~~(Ord. No. 2416-2019, 10-28-2019)~~

~~Sec. 20-212. Reserved.~~



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

ORDINANCE NUMBER 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 AND SINGLE-USE PLASTICS ON CITY-OWNED PROPERTY AND RIGHTS-OF-WAY; PROVIDING FOR A SEVERABILITY CLAUSE AND A CONFLICT CLAUSE; PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES

WHEREAS, the City of Stuart declares that it is in the interest of the public health, safety and welfare of its residents and visitors to reduce litter and pollutants on the land and in the waters of the City; and

WHEREAS, it is the City's intent to maintain and enhance Stuart's quality of life, natural beauty and small-town waterfront character, its stable residential neighborhoods, and its status as the commercial/institutional hub for greater Martin County; and

WHEREAS, Element IV, Objective A4 of the City's Comprehensive Plan commits to ongoing monitoring and reduction of solid waste collection through its Residential Single Stream Recycling Program and a voluntary Commercial Recycling Program; and

WHEREAS, the City Commission calls for the citywide goals of zero waste and the protection and enhancement of the city's environment by implementing policies

that reduce hazardous materials like polystyrene; and

WHEREAS, the City Commission wishes to continue the City's legacy of environmental leadership by adopting "green" ordinances and policies that will act to conserve natural resources, contribute to the long-term economic vitality of the St. Lucie River region as well as its tributaries, and reduce waste and pollution in the environment; and

WHEREAS, expanded polystyrene is neither biodegradable nor feasibly recyclable within the current city recycling program. Instead, it fragments into microbeads, which are then ingested by marine life and other wildlife, thus endangering their life and wellbeing; and

WHEREAS, expanded polystyrene products have little value and constitute a portion of the litter and pollution in the City's waterways, rights-of-way, parks, and other public places; and

WHEREAS, the City of Stuart will serve as a leader in environmental protection by prohibiting the distribution and use of expanded polystyrene and non-recyclable, single-use plastic food service articles by its contractors, vendors, and special event permittees in City facilities and rights of way and on City property including but not limited to in City parks and at City marinas, piers, and docks as well as future leases for entities doing business on City owned property.

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

SECTION 1: The Stuart City Code is hereby amended by adding regulations to Article IX to Chapter 20, to read as follows:

ARTICLE IX. EXPANDED POLYSTYRENE AND PLASTICS REGULATION

Sec. 20-201. Findings and Intent.

The City Commission finds that the reasonable control of the distribution of expanded polystyrene products (sometimes called Styrofoam, a Dow Chemical Co. trademarked form of polystyrene foam insulation) and single-use non-recyclable plastics in response to the growing issue of these items ending up in overburdened landfills, waterways, preserves and other public lands is required to protect the public health, safety, and welfare of the residents. It is the intent and purpose of this Article to provide and maintain, for the citizens and visitors of the City, healthy and aesthetically-pleasing experiences, while simultaneously advancing the City's sustainability goals and contributing to its long-term economic vitality by reducing the introduction of these non-biodegradable and environmentally deleterious products into surrounding ecosystems and landfills. The provisions of this Article are not intended and shall not be construed as superseding or conflicting with any statutory provisions relating to, or rules and regulations promulgated by, the State Department of Agriculture and Consumer Services, but shall be construed as implementing and assisting the enforcement thereof.

Sec 20-202. Definitions.

As used in this Article, the following words and phrases shall have the following meanings ascribed to them respectively, regardless of whether or not the words and phrases are capitalized:

"Biodegradable materials" are manufactured products made entirely from natural materials, like uncoated paper or plant fibers, that will undergo a natural process of deterioration.

"Bioplastics" are a type of biodegradable plastic derived from biological substances rather than from petroleum, which have a rate of biodegradation that is exponentially faster than traditional plastics.

"City contractor" shall mean any person in privity of contract with the City conducting business on City-owned property or within the City right-of-way, including but not limited to: contractors, vendors, lessees, licensees, concessionaires, and operators of a City facility or property.

"Distribute" shall mean to sell, offer for sale or provide as an amenity to a product being sold or given to consumers.

"Drive-through food order" shall mean food and/or beverage items that a customer purchases via a drive-through at a food service establishment and consumes away from the premises.

"Expanded polystyrene" shall mean blown polystyrene and expanded and extruded foams that are thermoplastic petrochemical materials utilizing a styrene monomer and processed by any number of techniques including, but not limited to, fusion of polymer spheres (expandable bead foam), infection molding, foam molding and extrusion-blown molding (extruded foam polystyrene).

"Expanded polystyrene product" shall mean food containers, plates, bowls, cups, lids, trays, coolers, ice chests, "clamshells," and all similar articles that consist of expanded polystyrene.

"Food service establishment" shall mean any vendor within the City of Stuart that sells food and/or beverages for consumption by customers on, near, or off its premises.

"Food service provider" shall mean any person listed in Section 20-203 of this

Division that distributes food or beverages.

"Plastic" is a synthetic material derived from petroleum or a biologically based source.

"Plastic bag" is a bag provided to a customer, typically at the point of sale or distribution, for the purpose of transporting food-service related items, and is made predominantly of nonwoven, flexible plastic that is less than 10 mils thick.

"Plastic straw" is a tube intended for transferring a beverage from its container to the mouth of the drinker, or for mixing a beverage in its container, which is made predominantly of plastic.

"Polystyrene" is a synthetic resin which is a polymer of styrene, used chiefly as lightweight rigid foam and films.

"Polystyrene products" are disposable food service articles including protective packaging, containers, cups and lids.

"Recyclable materials" are raw or processed materials that are accepted and processed by the City of Stuart recycling program.

"Single-use plastics" For purposes of this policy, single-use plastics include polystyrene and expanded polystyrene products, plastic straws, and any un-numbered plastic products designed with the intent of being used one time and then disposed of, as defined herein.

DIVISION A. – REGULATION OF EXPANDED POLYSTYRENE AND SINGLE-USE PLASTICS ON CITY-OWNED PROPERTY AND CITY RIGHT-OF-WAY

Sec. 20-203. Prohibition of the distribution of single-use plastic products on City-owned property or rights-of-way.

- a. No person or entity within the parameter of a permitted event, may bring

or otherwise distribute any single-use plastics on City property. The City encourages the use of compostable products for food items including plates, bowls, cups, silverware, bags and napkins. Compostable items will be accepted on City property.

- b. Beverages may be served in recyclable cups, cans or bottles.
- c. It is the intention of the City to encourage reuse when possible and to reduce plastic pollution through the use of alternative products.
- d. In addition to permitted events, the following persons/entities shall not distribute any single-use food service plastic products in conjunction with the provision of food or beverage services on City-owned property, or within or abutting the City right-of-way:
 - i. Sidewalk café permittees
 - ii. City Contractors
 - iii. Pushcart vending permittees
 - iv. Mobile food establishment permittees
 - v. Food truck rally permittees
 - vi. Park and public facility permittees
 - vii. Outdoor special events and public assembly permittees
 - viii. Minor easement permittees
 - ix. Vendors providing services or engaged in commercial activity on City owned property in direct privity with the City or on behalf of a permittee or licensee.
- e. These regulations regarding polystyrene and single use plastics are intended

to supplement Sec. 30-3 of the City Code and are not intended to rescind or replace same.

- f. The City shall maintain a list of approved providers of compostable products which the City believes are acceptable substitutes for plastics.

Sec. 20-204. Applicable contracts, permits, and licenses related to use of City Property or Rights of Way shall include a provision that plastic products shall not be permitted on City property as provided in this ordinance.

Sec. 20-205. Revocation. The City may revoke or cancel any permit for non-compliance with this ordinance, and may use past non-compliance as grounds for the denial of renewal or reissuance of a permit. Where applicable, the City may pursue appropriate contractual remedies for non-compliance with this ordinance.

Sec. 20-206. Exemption

- a. The following are exempt from the prohibition set forth herein:
 - i. Pre-packaged foods that food service providers distribute to their customers and that have been filled and sealed prior to receipt by the food service provider.
 - ii. Single-use products used for pre-packaged food that have been filled and sealed prior to receipt by the City contractor or permittee, or for packaging.

Sec. 20-207. Enforcement; penalties.

- a. Any permit issued prior to the effective date of this ordinance shall be informed of the ordinance however, it shall be exempt from enforcement.

b. The following code violations shall be issued by the City for a violation of Article IX, Section A:

- a. *Other communities have staggered violations based upon size and impact of event.*
 - b. *First violation. The violator shall pay a fine of \$250.00.*
 - c. *Second violation. The violator shall pay a fine of \$500.00.*
 - d. *Third violation and any subsequent violation. The violator shall pay a fine of \$1,000.00.*
 - e. *Any violation shall serve as grounds to revoke the deposit for the permitted event.*
 - f. *A violation may also serve as grounds for refusal to issue a permit for the event or to the applicant for any event in the future.*
- c. Nothing stated herein shall be construed as a limitation to the City's remedies available to it through its contract, lease, permit, or other relationship with a vender, licensee, tenant or other entity in violation of this code.

Sec. 20-208. Reserved.

SECTION 2: All ordinances or parts of ordinances herewith are hereby repealed to the extent of such conflict.

SECTION 3: 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.

SECTION 4: The provision of this ordinance shall be codified.

SECTION 5: This ordinance shall take effect on January 1, 2021.

Passed on first reading the 14th day of October, 2019.

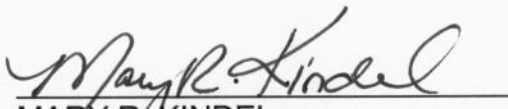
Commissioner GLASS LEIGHTON offered the foregoing Ordinance and moved its adoption. The motion was seconded by Commissioner MATHESON and upon being put to a roll call vote, the vote was as follows:

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

YES	NO	ABSENT	ABSTAIN
Y			
Y			
Y			
Y			
Y			

ADOPTED on second and final reading this 28th day of October, 2019.

ATTEST:


MARY R. KINDEL
CITY CLERK


REBECCA S. BRUNER
MAYOR

APPROVED AS TO FORM
AND CORRECTNESS:


MICHAEL J. MORTELL
CITY ATTORNEY





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

ORDINANCE NUMBER 2416-2019

AN ORDINANCE OF THE CITY OF STUART, CREATING DIVISION B IN ARTICLE IX, CHAPTER 20 OF THE CITY CODE RELATED TO REGULATIONS FOR THE DISTRIBUTION OF SINGLE-USE PLASTIC STRAWS BY FOOD SERVICE ESTABLISHMENTS; PROVIDING FOR A SEVERABILITY CLAUSE AND A CONFLICT CLAUSE; PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES

WHEREAS, the City of Stuart declares that it is in the interest of the public health, safety and welfare of its residents and visitors to reduce litter and pollutants on the land and in the waters of the City; and

WHEREAS, it is the City's intent to maintain and enhance Stuart's quality of life, natural beauty and small-town waterfront character, its stable residential neighborhoods, and its status as the commercial/institutional hub for greater Martin County; and

WHEREAS, Element IV, Objective A4 of the City's Comprehensive Plan commits to ongoing monitoring and reduction of solid waste collection through its Residential Single Stream Recycling Program and a voluntary Commercial Recycling Program; and

WHEREAS, the City Commission calls for the citywide goals of zero waste and the protection and enhancement of the city's environment by implementing policies that reduce hazardous materials like polystyrene and straws; and

WHEREAS, the City Commission wishes to continue the City's legacy of environmental leadership by adopting "green" ordinances and policies that will act to conserve natural resources, contribute to the long-term economic vitality of the St. Lucie River region as well as its tributaries, and reduce waste and pollution in the environment; and

WHEREAS, the City Commission recognizes that while certain single-use straws may be defined as recyclable, it has been determined that the current city recycling facilities cannot process any plastic straws including those that are labeled as recyclable. In addition, most of these items are not recycled and often end up in overburdened landfills, waterways and wetlands; and

WHEREAS, improperly discarded plastic straws and stirrers are the fifth most common plastic in ocean clean-ups, posing a direct threat to marine life because they fragment into microplastics, which are then ingested by marine life and other wildlife, endangering their life and wellbeing; and

WHEREAS, the City finds that there are alternatives to plastic straws which are reasonable, less harmful to the natural environment, and can be composted or biodegrade in landfill; and

WHEREAS, single-use plastic straws have little value and constitute a portion of the litter and pollution in the City's waterways, rights-of-way, parks, and other public places; and

WHEREAS, the City of Stuart will serve as a leader in environmental protection by prohibiting the distribution of plastic drinking straws within the geographical borders of the City of Stuart.

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

ARTICLE IX, CHAPTER 20

DIVISION B. – REGULATION OF SINGLE-USE PLASTIC STRAWS

Sec. 20-209. Distribution of Single-Use Plastic Straws

a. Until December 31, 2020:

- i. No commercial business operating as a food service establishment shall distribute or provide as a display for self-dispensing any single-use plastic straw to any customer.
- ii. Straws may be provided but only after specific request from the consumer.
- iii. Business operating with a drive through window are allowed to provide a straw to the customer without receiving a request.

b. Beginning January 1, 2021:

- i. No commercial business operating as a food service establishment shall distribute or provide as a display for self-dispensing a single-use plastic straw to any customer.
- ii. After January, 1, 2021, straws derived from any material shall only be available upon request by the consumer or patron. Under no circumstances shall they include plastic straws.
- iii. Business operating with a drive through window are allowed to provide a non-plastic straw to the customer without receiving a request.
- iv.

Sec. 20-210. Enforcement; penalties.

- a. From January 1, 2020 until December 31, 2020, the commercial establishments shall receive warnings in order to provide awareness and allow the business to exhaust the plastic straw inventories.
- b. Beginning January 1, 2021, the following civil citations shall be issued for a violation of Article IX, Chapter 20, Division B.
 - i. *Each violation:* A fine of \$25.00.
 - ii. *Second violation:* A fine of \$50.00.
 - iii. *Third violation:* A minimum fine of \$50.00 and a mandatory appearance with the City Magistrate. The magistrate shall have the authority to enter a maximum fine of \$1,000.00 and assess administrative costs.

Sec. 20-211. Exemptions. The following businesses shall be exempt from the provisions of this Division of the Ordinance and shall therefore be allowed to distribute plastic straws when necessary:

- a. Medical and Dental Facilities
- b. Assisted Living Facilities / Nursing Homes
- c. Pre-packaged outside the City, provided such beverage is not altered, packaged or repackaged within the City, by supermarkets, convenience retailers and restaurant suppliers.

Sec. 20-212. Reserved.

SECTION 2: All ordinances or parts of ordinances herewith are hereby repealed to the extent of such conflict.

SECTION 3: 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.

SECTION 4: The provision of Sections 1 of this ordinance shall be codified.

SECTION 5: This ordinance shall take effect upon adoption.

Passed on first reading the 14th day of October, 2019.

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

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

YES	NO	ABSENT	ABSTAIN
Y			
Y			
Y			
Y			
Y			

ADOPTED on second and final reading this 28th day of October, 2018.

ATTEST:


MARY R. KINDEL
CITY CLERK


REBECCA S. BRUNER
MAYOR

APPROVED AS TO FORM
AND CORRECTNESS:


MICHAEL J. MORTELL
CITY ATTORNEY





Business Impact Estimate

Proposed ordinance's title/reference:

Repeal Plastic Straw Ordinance

This Business Impact Estimate is provided in accordance with section 166.041(4), Florida Statutes. If one or more boxes are checked below, this means the City of Stuart is of the view that a business impact estimate is not required by state law¹ for the proposed ordinance, but the City is, nevertheless, providing this Business Impact Estimate as a courtesy and to avoid any procedural issues that could impact the enactment of the proposed ordinance. This Business Impact Estimate may be revised following its initial posting.

- ☐ The proposed ordinance is required for compliance with Federal or State law or regulation;
- ☐ The proposed ordinance relates to the issuance or refinancing of debt;
- ☐ The proposed ordinance relates to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget;
- ☐ The proposed ordinance is required to implement a contract or an agreement, including, but not limited to, any Federal, State, local, or private grant or other financial assistance accepted by the municipal government;
- ☐ The proposed ordinance is an emergency ordinance;
- ☐ The ordinance relates to procurement; or
- ☐ The proposed ordinance is enacted to implement the following:
 - a. Part II of Chapter 163, Florida Statutes, relating to growth policy, county and municipal planning, and land development regulation, including zoning, development orders, development agreements and development permits;
 - b. Sections 190.005 and 190.046, Florida Statutes, regarding community development districts;
 - c. Section 553.73, Florida Statutes, relating to the Florida Building Code; or
 - d. Section 633.202, Florida Statutes, relating to the Florida Fire Prevention Code.

In accordance with the provisions of controlling law, even notwithstanding the fact that an exemption noted above may apply, the City of Stuart hereby publishes the following information:

¹ See Section 166.041(4)(c), Florida Statutes.

1. Summary of the proposed ordinance:

The City of Stuart finds that the adoption of Ordinance nos. 2416-2019 and 2413-2019 creating Article IX, Expanded Polystyrene and Plastics Regulation, of Chapter 20 of the Code of Ordinances on October 28, 2019 which regulated the commercial use and distribution of polystyrene foam insulation and single-use plastic straws with the intent on being beneficial to the environment had unintended consequences. The alternative products used by commercial business in the city are made of paper and/or bamboo containing PFAS chemicals which can stay in the environment for decades, contaminating the water supply and associated with health problems for consumers.

2. Estimate of the direct economic impact of the proposed ordinance on private, for-profit businesses in the City including:

- (a) An estimate of direct compliance costs that businesses may reasonably incur.
- (b) Any new charge or fee imposed by the proposed ordinance or for which businesses will be financially responsible; and
- (c) An estimate of the City's regulatory costs, including estimated revenues from any new charges or fees to cover such costs.

Staff did not identify any financial impacts to existing businesses because the proposed ordinance would lift a regulation on the use of single-use plastics.

3. Good faith estimate of the number of businesses likely to be impacted by the proposed ordinance:

Not applicable.

4. Additional information the governing body deems useful:

None.

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

Meeting Date: 1/27/2025

Prepared by: Lee Baggett

Title of Item:

AUTHORIZATION TO SCHEDULE ATTORNEY-CLIENT SESSION (RC):

RESOLUTION No. 18-2025; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA AUTHORIZING THE CITY ATTORNEY TO SCHEDULE AN ATTORNEY-CLIENT SESSION WITH THE CITY COMMISSION, CITY MANAGER, CITY ATTORNEY, AND OUTSIDE LEGAL COUNSEL REGARDING PENDING LITIGATION MATTERS PURSUANT TO FLORIDA STATUTES, §286.011(8); PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Summary Explanation/Background Information on Agenda Request:

Pursuant to Florida Statutes s. 286.011(8), the City Commission and the City Manager may meet in private (aka a "Shade Meeting") with the City's attorney(s) to discuss pending litigation to which the City is presently a party before a court, provided that the following conditions are met:

- (a) The City Attorney shall advise the City Commission at a public meeting that he desires advice concerning litigation.
- (b) The subject matter of the meeting shall be confined to settlement negotiations or strategy sessions related to litigation expenditures.
- (c) The entire session shall be recorded by a certified court reporter. The reporter shall record the times of commencement and termination of the session, all discussion and proceedings, the names of all persons present at any time, and the names of all persons speaking. No portion of the session shall be off the record. The court report's notes shall be fully transcribed and filed with the entity's clerk within a reasonable time after the meeting.
- (d) The entity shall give reasonable public notice of the time and date of the attorney-client session and the names of persons who will be attending the session. The session shall commence at an open meeting at which the persons chairing the meeting shall announce the commencement and estimated length of the attorney-client session and the names of the persons attending. At the conclusion of the attorney-client session, the meeting shall be reopened, and the person chairing the meeting shall announce the termination of the session.
- (e) The transcript shall be made part of the public record upon conclusion of the litigation.

In conformance of Florida Statutes s. 286.011 (8), the City Attorney hereby requests an attorney-client session with the City Commission to discuss the following pending litigation:

1. City of Stuart v. Northpoint Ventures, LLC; Fourth District Court of Appeal, Case No. 4D24-0011
2. Behavioral Health Centers, LLC v. City of Stuart; U.S. District Court for the Southern District of Florida, Case No. 24-CV-14316-DMM
3. Giant Oil, Inc. v. City of Stuart; Martin County Circuit Court, Case No. 2023CA000949

The Attorney-Client Session will be scheduled at a mutually convenience time for the City Commission, City Manager, City Attorney and outside counsel.

Funding Source:

N/A

Recommended Action:

Approval to have an Attorney-Client shade meeting and provide availability.

ATTACHMENTS:

1. R18-2025 Authorization to schedule Attorney-Client Session



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

RESOLUTION NUMBER 18-2025

**A RESOLUTION OF THE CITY COMMISSION
OF THE CITY OF STUART, FLORIDA
AUTHORIZING THE CITY ATTORNEY TO
SCHEDULE AN ATTORNEY-CLIENT
SESSION WITH THE CITY COMMISSION,
CITY MANAGER, CITY ATTORNEY, AND
OUTSIDE LEGAL COUNSEL REGARDING
PENDING LITIGATION MATTERS
PURSUANT TO FLORIDA STATUTES §
286.011(8); PROVIDING AN EFFECTIVE
DATE; AND FOR OTHER PURPOSES.**

* * * * *

WHEREAS, pursuant to Florida Statutes § 286.011(8), the City Commission and the City Manager may meet in private (aka a "Shade Meeting") with the City's Attorney(s) to discuss pending litigation to which the City is presently a party before a court, provided that the following conditions are met:

- (a) The City Attorney shall advise the City Commission at a public meeting that he desires advice concerning litigation.
- (b) The subject matter of the meeting shall be confined to settlement negotiations or strategy sessions related to litigation expenditures.
- (c) The entire session shall be recorded by a certified court reporter. The reporter shall record the times of commencement and termination of the session, all discussion and proceedings, the names of all persons present at any time, and the names of all persons speaking. No portion of the session shall be off the record. The court

report's notes shall be fully transcribed and filed with the entity's clerk within a reasonable time after the meeting.

- (d) The entity shall give reasonable public notice of the time and date of the attorney-client session and the names of persons who will be attending the session. The session shall commence at an open meeting at which the persons chairing the meeting shall announce the commencement and estimated length of the attorney-client session and the names of the persons attending. At the conclusion of the attorney-client session, the meeting shall be reopened, and the person chairing the meeting shall announce the termination of the session.
- (e) The transcript shall be made part of the public record upon conclusion of the litigation.

WHEREAS, in conformance of Florida Statutes § 286.011 (8), the City Attorney is requesting an attorney-client session with the City Commission to discuss the following pending litigation:

- 1) City of Stuart v. Northpoint Ventures, LLC; Fourth District Court of Appeal, Case No. 4D24-0011;
- 2) Behavioral Health Centers, LLC v. City of Stuart; U.S. District Court for the Southern District of Florida, Case No. 24-CV-14316-DMM; and
- 3) Giant Oil, Inc. v. City of Stuart; Martin County Circuit Court, Case No. 2023CA000949.

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

SECTION 1: The above-stated recitals are true and correct and are incorporated herein by this reference.

SECTION 2: The City Commission adopts this Resolution and authorizes the City Attorney to coordinate and schedule an Attorney-Client meeting with the City Commission, City Manager, City Attorney, and outside counsel to discuss the three pending cases in litigation that is mutually convenient for all parties.

SECTION 3: This Resolution shall take effect upon adoption.

Res No. 18-2025; Authorization to Schedule an Atty-Client Session

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:

CAMPBELL RICH, MAYOR
CHRISTOPHER COLLINS, VICE MAYOR
EULA R. CLARKE, COMMISSIONER
LAURA GIOBBI, COMMISSIONER
SEAN REED, COMMISSIONER

YES	NO	ABSENT	ABSTAIN

ADOPTED this _____ day of January, 2025.

ATTEST:

MARY R. KINDEL, MMC
CITY CLERK

CAMPBELL RICH
MAYOR

APPROVED AS TO FORM
AND CORRECTNESS:

LEE J. BAGGETT, ESQ.
CITY ATTORNEY