



A G E N D A

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

CITY COMMISSION

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

ADMINISTRATIVE

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

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

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

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

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

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

ROLL CALL

PLEDGE OF ALLEGIANCE

1. ARTS MOMENT - TREASURE COAST LINE DANCERS, DANCING A PATRIOTIC K STEP BOOGIE.

PROCLAMATIONS

PRESENTATIONS

2. SCHOOL DISTRICT'S LEGISLATIVE PRIORITIES BY CHRISTIA LI ROBERTS, SCHOOL BOARD CHAIR.

COMMENTS BY CITY COMMISSIONERS

COMMENTS BY CITY MANAGER

APPROVAL OF AGENDA

COMMENTS FROM THE PUBLIC (5 min. max)

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

CONSENT CALENDAR

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

3. APPROVAL OF 10/28/2019 CCM MINUTES (RC)

4. PLAT OF "SEASIDE" (RC):

RESOLUTION No. 100-2019; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA TO APPROVE A PLAT TITLED "SEASIDE", WITH LANDS SITUATED IN SECTION 9, TOWNSHIP 38 SOUTH, RANGE 41 EAST, CONTAINING 7.46 ACRES, PREPARED BY RONNIE L. FURNISS OF CAULFIELD AND WHEELER, INC., A FLORIDA REGISTERED LAND SURVEYOR AND MAPPER NO. 6272, PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

5. PBA CONTRACT RATIFICATION (RC):

RESOLUTION No. 107-2019; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA RATIFYING REOPENERS FOR THE SECOND FISCAL YEAR OF THE THREE-YEAR COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY AND THE PALM BEACH COUNTY POLICE BENEVOLENT ASSOCIATION, INC. (PBA) EFFECTIVE OCTOBER 1, 2019 THROUGH SEPTEMBER 30, 2021; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

END OF CONSENT CALENDAR

COMMISSION ACTION

6. CHANGE OF USE TO ALLOW THE CONVERSION TO RESIDENTIAL APARTMENTS AT SOUTHWIND MOTEL, 603 SW FEDERAL HIGHWAY. (QUASI-JUDICIAL)(RC):

RESOLUTION No. 103-2019; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, CONSIDERING A MAJOR URBAN CODE CONDITIONAL USE APPROVAL TO IOANNA LAS LLC, (CONTRACT PURCHASER) FOR THE PROPERTY LOCATED AT 603 SW FEDERAL HWY, TO ALLOW A DENSITY OF 24 UNITS PER ACRE; PROVIDING AN EFFECTIVE DATE; PROVIDING FOR A TIMETABLE OF DEVELOPMENT; PROVIDING FOR CONDITIONS OF APPROVAL; AND FOR OTHER PURPOSES.

7. SUPPORT REPLACEMENT OF RAIL BRIDGE (RC):

RESOLUTION No. 108-2019; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, SUPPORTING THE FLORIDA DEPARTMENT OF TRANSPORTATION IN PARTNERSHIP WITH FEC RAILWAY AND VIRGIN TRAINS USA FOR REPLACEMENT OF THE ST. LUCIE RIVER RAIL BRIDGE WITH A NEW DOUBLE TRACK BRIDGE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

ORDINANCE FIRST READING

8. TRILLIUM RPUD - (QUASI-JUDICIAL)(RC):

ORDINANCE No. 2419-2019; AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, AMENDING THE FUTURE LAND USE MAP OF THE CITY'S COMPREHENSIVE PLAN THEREBY CHANGING THE FUTURE LAND USE DESIGNATION FROM "COMMERCIAL" TO "MULTI-FAMILY RESIDENTIAL" FOR A 9.45 ACRE PORTION OF A 49.43 ACRE PARCEL ANNEXED BY ORDINANCE NO. 1527-97, OWNED BY TED GLASRUDD ASSOCIATES FL LLC, LOCATED ON THE SOUTH OF SE MIAMI STREET ABUTTING THE NORTH SIDE OF WAL-MART AND EAST OF STUART LANDINGS, SAID LAND BEING MORE FULLY DESCRIBED IN EXHIBIT "A" ATTACHED; AND FURTHER PROVIDING THAT SAID LANDS SHALL CONCURRENTLY BE REZONED FROM COMMERCIAL PLANNED UNIT DEVELOPMENT "CPUD" TO RESIDENTIAL PLANNED UNIT DEVELOPMENT "RPUD" ON THE CITY'S OFFICIAL ZONING MAP; ESTABLISHING THE TRILLIUM RPUD CONSISTING OF SEVENTY SIX (76) ATTACHED HOMES; APPROVING A MASTER SITE PLAN; PROVIDING FOR DEVELOPMENT CONDITIONS AND A TIMETABLE FOR DEVELOPMENT, DECLARING THE PLAN TO BE CONSISTENT WITH THE CITY'S COMPREHENSIVE PLAN; PROVIDING DIRECTIONS TO THE CITY CLERK; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

9. AMENDMENT TO THE NEW AVONLEA PLANNED UNIT DEVELOPMENT (PUD) / KINDIG

PROFESSIONAL OFFICES (QUASI-JUDICIAL)(RC):

(REQUEST TO CONTINUE TO NOVEMBER 25, 2019)

ORDINANCE No. 2420-2019; AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, BEING THE SECOND AMENDMENT OF ORDINANCE NO. 2307-2015, ALSO KNOWN AS THE "NEW AVONLEA PLANNED UNIT DEVELOPMENT (PUD)" CONSISTING OF 12.40 ACRES ZONED RESIDENTIAL PLANNED UNIT DEVELOPMENT (RPUD), 16.24 ACRES ZONED COMMERCIAL PLANNED UNIT DEVELOPMENT (CPUD), AND 20.4 ACRES OF WETLAND/UPLAND PRESERVE ZONED RPUD, FOR A TOTAL OF 49.04 ACRES; SAID PUD BEING GENERALLY LOCATED BETWEEN NE DIXIE HIGHWAY TO THE SOUTH, LAND ON BOTH SIDES OF GREEN RIVER PARKWAY ON THE WEST, LAND ON BOTH SIDES OF CARDINAL AVENUE ON THE EAST AND THE CITY BOUNDARY TO THE NORTH, BEING MORE FULLY DESCRIBED BY EXHIBIT "A" ATTACHED; AMENDING SAID PUD TO PROVIDE FOR THE APPROVAL OF THE MASTER PARCEL SITE PLAN FOR THE AVONLEA CROSSING A (PARCEL 1), TO BE KNOWN AS KINDIG PROFESSIONAL OFFICES; PROVIDING FOR A MASTER OFF-SITE INFRASTRUCTURE PLAN FOR THE ENTIRE PUD; PROVIDING FOR REVISED AND ADDITIONAL DEVELOPMENT CONDITIONS OF APPROVAL; PROVIDING FOR AMENDED AND NEW TIMETABLES FOR DEVELOPMENT, DECLARING THE PLAN TO BE CONSISTENT WITH THE CITY'S COMPREHENSIVE PLAN; PROVIDING DIRECTIONS TO THE CITY CLERK; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

ORDINANCE SECOND READING

10. THE HOPE CENTER FOR AUTISM CPUD (QUASI-JUDICIAL)(RC):

ORDINANCE No. 2418-2019; AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, AMENDING THE CITY'S OFFICIAL ZONING MAP, THEREBY APPLYING A LAND DEVELOPMENT ZONING DESIGNATION OF CPUD 'COMMERCIAL PLANNED UNIT DEVELOPMENT' TO A PARCEL OF LAND TOTALING 1.22 ACRES, OWNED BY KPL HOLDINGS LLC, LOCATED AT 2580 SE WILLOUGHBY BLVD., BEING MORE FULLY DESCRIBED IN EXHIBIT 'A' ATTACHED; ESTABLISHING 'THE HOPE CENTER FOR AUTISM' COMMERCIAL PLANNED UNIT DEVELOPMENT (CPUD) CONSISTING OF AN EXISTING LIGHT INDUSTRIAL/OFFICE BUILDING IN THE B-4 LIMITED BUSINESS/MANUFACTURING ZONING DISTRICT; ALLOWING FOR THE RELOCATION OF A CHARTER ELEMENTARY SCHOOL TO SAID LOCATION; PROVIDING FOR APPROVAL OF A MASTER SITE PLAN; PROVIDING FOR DEVELOPMENT CONDITIONS, DECLARING THE PROJECT TO BE CONSISTENT WITH THE CITY'S COMPREHENSIVE PLAN; PROVIDING DIRECTIONS TO THE CITY CLERK; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE, PROVIDING FOR ACCEPTANCE BY THE APPLICANT AND FOR OTHER PURPOSES.

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

DISCUSSION AND DELIBERATION

ADJOURNMENT

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

Meeting Date: 11/12/2019

Prepared by: Mary Kindel, City Clerk

Title of Item:

ARTS MOMENT - TREASURE COAST LINE DANCERS, DANCING A PATRIOTIC K STEP BOOGIE.

Summary Explanation/Background Information on Agenda Request:

N/A

Funding Source:

N/A

Recommended Action:

Enjoy!

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

Meeting Date: 11/12/2019

Prepared by: Mary Kindel, City Clerk

Title of Item:

SCHOOL DISTRICT'S LEGISLATIVE PRIORITIES BY CHRISTIA LI ROBERTS, SCHOOL BOARD CHAIR.

Summary Explanation/Background Information on Agenda Request:

N/A

Funding Source:

N/A

Recommended Action:

N/A

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

Meeting Date: 11/12/2019

Prepared by: Mary Kindel, City Clerk

Title of Item:

APPROVAL OF 10/28/2019 CCM MINUTES (RC)

Summary Explanation/Background Information on Agenda Request:

N/A

Funding Source:

N/A

Recommended Action:

Approve Minutes.

ATTACHMENTS:

Description	Upload Date	Type
10/28/2019 CCM Minutes	11/1/2019	Attachment

MINUTES
REGULAR MEETING OF THE STUART CITY COMMISSION
HELD October 28, 2019
AT 5:30 PM Commission Chambers
121 SW FLAGLER AVE.
STUART, FLORIDA 34994

CITY COMMISSION

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

ADMINISTRATIVE

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



5:34 PM ROLL CALL

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

PLEDGE OF ALLEGIANCE

PROCLAMATIONS

1. 19TH ANNUAL BIBLE READING MARATHON (11/11 - 11/15/19)

Pastors Eddie and Joanne Rodrigues came forward to accept the Proclamation and announced the event, inviting all to come out and attend.

PRESENTATIONS

2. SERVICE AWARDS - OCTOBER

Kris Johnson – 30 Years

Public Works Department; Sanitation Division. Kris came forward for the award and thanked the City and his co-workers for making it enjoyable to come to work every day.

3. EMPLOYEE OF THE MONTH - OCTOBER

Police Chief Tumminelli presented the Employee of the Month award to Captain Derek Ortado.

4. UNITED WAY OF MARTIN COUNTY CAMPAIGN WITH THE CITY OF STUART PRESENTED BY POLICE CHIEF JOSEPH TUMMINELLI AND CAROL HOUWAART-DIEZ OF THE UNITED WAY OF MARTIN COUNTY.

Carol Houwaart-Diez presented on the United Way of Martin County campaign and the benefits and impacts on the community. Each Commissioner was presented with a United Way tee-shirt. Volunteer opportunities always available.

Police Chief Tumminelli announced the campaign kick-off on October 21st and the various activities that will run through November 22nd.

COMMENTS BY CITY COMMISSIONERS

Commissioner Glass Leighton

- **Commented on a fatal boating accident that happened and would like to ask that staff check into solar light boxes for channel markers and the possible FIND grant funding options available.**

Commissioner Matheson

- **Thanked Fire Chief Felicione and Operation 300 for their efforts in the Bahamas hurricane relief.**
- **Thanked Stuart Main Street for hosting the Hobgoblins event, found it enjoyable.**

Commissioner Meier

- **Commented on keeping up the momentum of the plastics ordinances and think about scheduling other workshops next year on housing, up-zoning/ mother-in-law cottages, sustainability report/goal from the committee, and a business development industry jobs workshop.**

Vice Mayor Clarke

- **Commented on a congratulatory and thankful letter she received about the City's public safety staff.**
- **Requested information on the fixed route of the trolley system and the Commissioner Christmas Caroling plan.**

Mayor Bruner

- Commented that she attended a Mayors American Flood and Sea Level Rise Conference on Washington D.C.
- Notices people are using less straws and commented that while attending a performance at Star Struck, children wrote comments in a pamphlet and more than half wrote about cleaning up plastics.

COMMENTS BY CITY MANAGER

No Comments.

APPROVAL OF AGENDA

 **6:05 PM Motion: Move approval of the Agenda.**
Moved by: Commissioner Glass Leighton
Seconded by: Vice Mayor Clarke
Motion passed unanimously.

COMMENTS FROM THE PUBLIC (5 min. max)

- 1) Faye James – Florida Street; Thanked the Commission for their assistance with FPL and a streetlight that was out on Florida Street. Some graffiti had occurred and now that they light is on, it is safer.
- 2) Albert Brinkley – Central Avenue; Commented on cars that speed near JD Parker Elementary School and feels something needs to be done before someone gets killed; vehicles do not obey crossing guards and would like to see new signage.

Police Chief Tumminelli came forward and noted that he will look into the situation.

- 3) Jerry Gore – Lake Street; Invited all to a cleanup on Nov. 16th to 821 Bahama Ave. as they have recently adopted three streets, and all are invited to help.

CONSENT CALENDAR

5. APPROVAL OF 10/14/2019 CCM MINUTES

END OF CONSENT CALENDAR

 **6:16 PM Motion: Move approval of the Agenda.**
Moved by: Commissioner Glass Leighton
Seconded by: Vice Mayor Clarke
Motion passed unanimously.

COMMISSION ACTION

6. THE PELICAN CAFE LEASE, 351 SW FLAGLER AVENUE:

RESOLUTION No. 71-2019; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA TO AUTHORIZE THE EXECUTION OF A LEASE AGREEMENT BETWEEN THE CITY OF STUART AND THE PELICAN CAFÉ, LLC FOR THE PROPERTY LOCATED AT 351 SW FLAGLER AVENUE, STUART; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Brief discussion reviewing the language of the lease agreement.



6:23 PM Motion: Approve the lease agreement as provided to us.

Moved by: Vice Mayor Clarke

Seconded by: Commissioner Glass Leighton

Motion passed unanimously.

ORDINANCE FIRST READING

7. THE HOPE CENTER FOR AUTISM CPUD - FIRST READING (QUASI-JUDICIAL):

ORDINANCE No. 2418-2019; AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, AMENDING THE CITY'S OFFICIAL ZONING MAP, THEREBY APPLYING A LAND DEVELOPMENT ZONING DESIGNATION OF CPUD 'COMMERCIAL PLANNED UNIT DEVELOPMENT' TO A PARCEL OF LAND TOTALING 1.22 ACRES, OWNED BY KPL HOLDINGS LLC, LOCATED AT 2580 SE WILLOUGHBY BLVD., BEING MORE FULLY DESCRIBED IN EXHIBIT 'A' ATTACHED; ESTABLISHING 'THE HOPE CENTER FOR AUTISM' COMMERCIAL PLANNED UNIT DEVELOPMENT (CPUD) CONSISTING OF AN EXISTING LIGHT INDUSTRIAL/OFFICE BUILDING IN THE B-4 LIMITED BUSINESS/MANUFACTURING ZONING DISTRICT; ALLOWING FOR THE RELOCATION OF A CHARTER ELEMENTARY SCHOOL TO SAID LOCATION; PROVIDING FOR APPROVAL OF A MASTER SITE PLAN; PROVIDING FOR DEVELOPMENT CONDITIONS, DECLARING THE PROJECT TO BE CONSISTENT WITH THE CITY'S COMPREHENSIVE PLAN; PROVIDING DIRECTIONS TO THE CITY CLERK; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE, PROVIDING FOR ACCEPTANCE BY THE APPLICANT AND FOR OTHER PURPOSES.

3 people sworn; Kevin Freeman of the City of Stuart Development Department, Doug Fitzwater of Lucido and Associates and Joanne Sweazey of the Hope Center for Autism.

Joanne Sweazey and Doug Fitzwater presented the proposed changes for the Hope Center for Autism.



6:40 PM Motion: Move approve of Ordinance No. 2418-2019.

Moved by: Commissioner Meier
Seconded by: Commissioner Glass Leighton
Motion passed unanimously.

ORDINANCE SECOND READING

 **6:42 PM 8. ZONING TEXT CHANGE TO ESTABLISH REGULATIONS ON FRONT YARD FENCES IN THE R-2 ZONING DISTRICT:**

ORDINANCE No. 2406-2019; AN ORDINANCE OF THE CITY OF STUART, FLORIDA AMENDING CHAPTER 6, SECTION 6.09.05, "FENCES, WALLS, HEDGES AND ENCLOSURES" OF THE CITY'S LAND DEVELOPMENT CODE; PROVIDING FOR REGULATIONS THAT SHALL LIMIT THE HEIGHT, TYPE AND LOCATION OF FENCES IN THE FRONT YARD OF RESIDENTIAL SINGLE FAMILY/DUPLEX (R-2) DISTRICT PROPERTY; PROVIDING FOR A SEVERABILITY CLAUSE, A CONFLICT CLAUSE AND CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

 **6:43 pm Motion: Move approve of Ordinance No. 2406-2019 on Second Reading.**
Moved by: Commissioner Glass Leighton
Seconded by: Vice Mayor Clarke
Motion passed unanimously.

9. ANNEXATION OF PROPERTY NORTH-WEST KANNER HIGHWAY AND INDIAN STREET (QUASI-JUDICIAL):

ORDINANCE No. 2415-2019; AN ORDINANCE OF THE CITY OF STUART, FLORIDA, ANNEXING A PARCEL OF LAND ON THE NORTHWEST CORNER OF STATE ROAD 76 (AKA KANNER HIGHWAY) AND SW MARTIN HIGHWAY, CONSISTING OF 15.88 ACRES, SAID PARCELS BEING MORE FULLY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO; 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.

4 People sworn; Kevin Freeman and Stephen Mayer of the Development Department, Troy Holloway, Holloway & Gentile, and Marcella Camblor.

City Attorney clarified for the record, all that is before the Commission is land annexation, that parcel would be declared in the City of Stuart. The zoning that remains on the land is the same as it is zoned in Martin County currently. In the event the developer wants to pursue a site plan, they would need to file a petition with the City for a land use change, go before the Land Planning Agency Board, two Commission meetings for approval and notice to all within 300 feet of the property. The sole issue before the Commission with this Ordinance is the annexation of property itself.

Public Comment:

- 1) Daniel Koler – Kanner Hwy.; Opposed to annexation.**
- 2) Debbie Dever – Kanner Hwy.; Concerned about the density, opposed to annexation.**
- 3) Bill Batigneini – Kanner Hwy.; Commented on difficult access to property, opposed to annexation.**
- 4) Don Barber – Kanner Hwy.; Commented that according to the 300 feet noted in the code, most residents of Riverland will not be notified, opposed to annexation.**



6:46 PM Motion: Approve the lease agreement as provided to us.

Moved by: Commissioner Glass Leighton

Seconded by: Vice Mayor Clarke

Motion passed 4/1.

Bruner – YES

Clarke – YES

Glass Leighton – YES

Matheson – NO

Meier - YES

10. SINGLE-USE PLASTICS AND POLYSTYRENE PRODUCTS:

ORDINANCE No. 2413-2019; AN ORDINANCE OF THE CITY OF STUART, FLORIDA, CREATING A NEW ARTICLE IX IN CHAPTER 20 OF THE CITY CODE ENTITLED “EXPANDED POLYSTYRENE AND PLASTICS REGULATION”; PROVIDING FINDINGS, INTENT AND DEFINITIONS; CREATING DIVISION (A) RELATED TO REGULATIONS FOR THE DISTRIBUTION OF EXPANDED POLYSTYRENE AND 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.



7:04 PM Motion: Move approve of Ordinance No. 2413-2019.

Moved by: Commissioner Glass Leighton

Seconded by: Commissioner Matheson

Motion passed unanimously.

11. PROHIBITION OF PLASTIC STRAWS WITHIN CITY LIMITS:

ORDINANCE No. 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.

 7:07 PM Motion: Move to approve but looking for staff to come up with a marketing campaign.

Moved by: Commissioner Matheson

Seconded by: Commissioner Glass Leighton

Motion passed unanimously.

DISCUSSION AND DELIBERATION

 7:07 PM ADJOURNMENT

Mary R. Kindel, City Clerk

Rebecca S. Bruner, Mayor

Minutes to be approved at the Regular Commission
Meeting this 12th day of November, 2019.

CITY OF STUART, FLORIDA AGENDA ITEM REQUEST CITY COMMISSION

Meeting Date: 11/12/2019

Prepared by: Tom Reetz

Title of Item:

PLAT OF "SEASIDE" (RC):

RESOLUTION No. 100-2019; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA TO APPROVE A PLAT TITLED "SEASIDE", WITH LANDS SITUATED IN SECTION 9, TOWNSHIP 38 SOUTH, RANGE 41 EAST, CONTAINING 7.46 ACRES, PREPARED BY RONNIE L. FURNISS OF CAULFIELD AND WHEELER, INC., A FLORIDA REGISTERED LAND SURVEYOR AND MAPPER NO. 6272, PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Summary Explanation/Background Information on Agenda Request:

On July 22, 2019 the City Commission adopted Ordinance 2410-2019, allowing for development of 75 attached homes (Townhomes) located on the south side of Central Parkway approximately midway between its intersection with S. Kanner Highway to the west and U.S. Highway one to the east.

Exhibit C, Development Conditions, condition #37 of the approving ordinance requires plat approval prior to any development activity. The owner now seeks approval of a plat for the "Seaside" project.

The City's Consultant, Northstar Geometrics has reviewed the plat for consistency with Chapter 177, Florida Statutes and the City's Land Development Code and provided comments which the applicant has addressed. See NorthStar final approval comments attached.

Funding Source:

N/A

Recommended Action:

Move to approve Resolution No. 100-2019.

ATTACHMENTS:

Description	Upload Date	Type
□ Resolution No. 100-2019	10/20/2019	Resolution add to Y drive
□ Seaside Plat	10/20/2019	Backup Material
□ Boundary Survey & Topographic Survey	10/20/2019	Backup Material
□ Final Review comment by Gregory Flemming of Northstar Geomatics	10/20/2019	Backup Material



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

RESOLUTION No. 100-2019

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA TO APPROVE A PLAT TITLED “SEASIDE”, WITH LANDS SITUATED IN SECTION 9, TOWNSHIP 38 SOUTH, RANGE 41 EAST, CONTAINING 7.46 ACRES, PREPARED BY RONNIE L. FURNISS OF CAULFIELD AND WHEELER, INC., A FLORIDA REGISTERED LAND SURVEYOR AND MAPPER NO. 6272, PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

* * * * *

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

SECTION 1: That certain plat titled “SEASIDE” prepared by Ronnie L. Furniss, A Florida Professional Surveyor, a copy of which was initially filed with the City Development Department on August 8, 2019, is hereby approved by the City Commission as being in compliance with the requirements for platting in Chapter 177, Florida Statutes and with local laws relative thereto.

SECTION 2: This resolution shall take effect upon adoption.

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

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

YES	NO	ABSENT	ABSTAIN

ADOPTED this 12TH day of November, 2019.

ATTEST:

MARY R. KINDEL
CITY CLERK

REBECCA S. BRUNER
MAYOR

APPROVED AS TO FORM
AND CORRECTNESS:

MICHAEL MORTELL
CITY ATTORNEY

ACCEPTANCE AND AGREEMENT

BY SIGNING THIS ACCEPTANCE AND AGREEMENT, THE UNDERSIGNED HEREBY ACCEPTS AND AGREES TO ALL OF THE TERMS AND CONDITIONS CONTAINED IN THE FOREGOING RESOLUTION 100-2019, AND ALL EXHIBITS, ATTACHMENTS AND DEVELOPMENT DOCUMENTS, INTENDING TO BE BOUND THEREBY, AND THAT SUCH ACCEPTANCE AND AGREEMENT IS DONE FREELY, KNOWINGLY, AND WITHOUT ANY RESERVATION, AND FOR THE PURPOSES EXPRESSED WITHIN THE FOREGOING ORDINANCE. IF IT IS LATER DISCOVERED THAT THE UNDERSIGNED, OR ITS SUCCESSORS OR ASSIGNS HAVE FAILED IN ANY MATERIAL WAY TO DEVELOP THIS RESIDENTIAL PLANNED UNIT DEVELOPMENT ACCORDING TO THIS ORDINANCE, ITS CONDITIONS, AND THE DEVELOPMENT DOCUMENTS, THE UNDERSIGNED UNDERSTANDS AND AGREES THAT THIS ORDINANCE MAY BE AMENDED OR REPEALED BY THE CITY COMMISSION, AND THAT OTHER ADMINISTRATIVE ACTIONS AND PENALTIES MAY BE TAKEN AGAINST THE UNDERSIGNED, ITS SUCCESSORS OR ASSIGNS, BY THE CITY, INCLUDING BUT NOT LIMITED TO SANCTIONS DESCRIBED IN THIS ORDINANCE, CODE ENFORCEMENT ACTIONS, PERMIT AND LICENSING SUSPENSIONS OR REVOCATIONS, AND ANY OR ALL OTHER APPLICABLE CIVIL AND CRIMINAL ACTIONS. IN WITNESS WHEREOF THE UNDERSIGNED HAS EXECUTED THIS ACCEPTANCE AND AGREEMENT:

WITNESSES:

Print Name: _____

Stuart Development, LLC

Print Name: _____

Name: Mark Spirtis
Title: Owner

OWNERS ACKNOWLEDGMENT

The above Acceptance and Agreement of Resolution 100-2019 was acknowledged before me this ____ day of _____, 2019 by Mark Spirtis, the owner of Stuart Development, LLC.

Notary Public, State of _____
My Commission Expires:

Notary Seal

Personally Known

OR Produced Identification

Type of ID _____

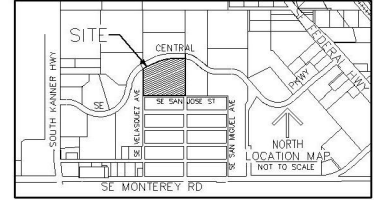
SEASIDE
BEING A OF PORTION OF
THE NORTH EAST 1/4 OF SECTION 9,
TOWNSHIP 38 SOUTH, RANGE 41 EAST,
CITY OF STUART, MARTIN COUNTY, FLORIDA.

THIS INSTRUMENT PREPARED BY
RONNIE L FURNISS
OF
CAULFIELD and WHEELER, INC.
SURVEYORS-ENGINEERS-PLANNERS
7900 GLADES ROAD, SUITE 100
BOCA RATON, FLORIDA 33434
(561) 392-1191
SEPTEMBER - 2019

SUBDIVISION PARCEL CONTROL NUMBER

CLERK'S RECORDING CERTIFICATE:
I, CAROLYN TIMMANN, CLERK OF THE CIRCUIT COURT OF MARTIN COUNTY, FLORIDA, HEREBY CERTIFY THAT THIS PLAT WAS FILED FOR RECORD IN PLAT BOOK _____ PAGE _____ MARTIN COUNTY, FLORIDA, PUBLIC RECORDS, THIS _____ DAY OF _____, 2019.
CAROLYN TIMMANN
CIRCUIT COURT
MARTIN COUNTY, FLORIDA
BY: _____
DEPUTY CLERK
(CIRCUIT COURT SEAL)
FILE NO. _____

SHEET 1 OF 5



LEGAL DESCRIPTION:

A PARCEL OF LAND LYING IN SECTION 9, TOWNSHIP 38 SOUTH, RANGE 41 EAST, MARTIN COUNTY, FLORIDA,
BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 9; THENCE SOUTH 00°22'03" WEST ALONG THE EAST LINE OF SAID SOUTHWEST QUARTER A DISTANCE OF 746.37 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY OF CENTRAL PARKWAY AND THE POINT AND PLACE OF BEGINNING; THENCE CONTINUING SOUTH 00°22'03" WEST A DISTANCE OF 580.16 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY OF SAN JOSE STREET; THENCE NORTH 89°16'18" WEST A DISTANCE OF 660.71 FEET TO A POINT; THENCE NORTH 00°21'26" EAST A DISTANCE OF 414.03 FEET TO A POINT OF CURVE AND THE SOUTH RIGHT-OF-WAY OF CENTRAL PARKWAY, SAID CURVE BEING CONCAVE TO THE SOUTH HAVING A RADIUS OF 445.00 FEET, A CENTRAL ANGLE OF 10°59'51"; THENCE IN A CLOCKWISE DIRECTION ALONG THE ARC OF SAID CURVE AND RIGHT-OF-WAY A DISTANCE OF 89.41 FEET TO A POINT; THENCE NORTH 66°34'15" EAST A DISTANCE OF 204.53 FEET TO A POINT OF CURVE, SAID CURVE BEING CONCAVE TO THE SOUTH, HAVING A RADIUS OF 445.00 FEET, A CENTRAL ANGLE OF 23°49'37"; THENCE IN A CLOCKWISE DIRECTION ALONG THE ARC OF SAID CURVE A DISTANCE OF 185.06 FEET TO A POINT; THENCE SOUTH 89°36'08" EAST CONTINUING ALONG SAID SOUTH RIGHT-OF-WAY A DISTANCE OF 219.46 FEET TO THE POINT AND PLACE OF BEGINNING.

LESS AND EXCEPT THE LANDS CONVEYED TO THE CITY OF STUART IN SPECIAL WARRANTY DEED RECORDED IN OFFICIAL RECORDS BOOK 2363, PAGE 1564.

LANDS SITUATED IN SECTION 9, TOWNSHIP 38 SOUTH, RANGE 41 EAST, MARTIN COUNTY, FLORIDA

CONTAINING 7.4634 ACRES MORE OR LESS.

CERTIFICATE OF OWNERSHIP AND DEDICATION.

MERITAGE HOMES OF FLORIDA, INC., A FLORIDA CORPORATION, BY AND THROUGH ITS UNDERSIGNED DIVISION PRESIDENT, HEREBY CERTIFIES THAT IT IS THE OWNER OF THE PROPERTY DESCRIBED ON THE PLAT OF SEASIDE AND HEREBY DEDICATES AS FOLLOWS:

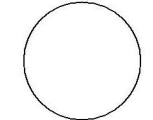
- TRACT "R" SHOWN ON THIS PLAT OF SEASIDE AND DESIGNATED AS PRIVATE IS HEREBY DECLARED TO BE THE PROPERTY OF SEASIDE RESIDENTIAL COMMUNITY ASSOCIATION, INC., A FLORIDA NOT-FOR-PROFIT CORPORATION, (HERINAFTER "ASSOCIATION"), AND THE PRIVATE ROAD TRACT BE CONVEYED BY THIS PLAT TO THE ASSOCIATION FOR ACCESS AND UTILITY PURPOSES (INCLUDING CATV), AND SHALL BE MAINTAINED, REPAIRED AND REPLACED BY THE ASSOCIATION. THE CITY OF STUART SHALL HAVE ACCESS TO SAID TRACT "R" FOR EMERGENCY VEHICLES AND PERSONNEL, BUT SHALL BEAR NO RESPONSIBILITY, DUTY OR LIABILITY FOR THE STREET AND RIGHT-OF-WAY TRACT R DESIGNATED AS SUCH ON THIS PLAT.
- TRACT "RW" SHOWN ON THIS PLAT OF SEASIDE AND DESIGNATED AS PUBLIC STREET IS HEREBY DEDICATED TO THE CITY OF STUART FOR THE USE AND BENEFIT OF THE PUBLIC AND SHALL BE CONVEYED BY THIS PLAT TO THE CITY OF STUART.
- ALL PLATTED UTILITY EASEMENTS SHALL PROVIDE THAT SUCH EASEMENTS SHALL ALSO BE EASEMENTS FOR THE CONSTRUCTION, INSTALLATION, MAINTENANCE, AND OPERATION OF CABLE TELEVISION SERVICES, PROVIDED, HOWEVER, NO SUCH CONSTRUCTION, INSTALLATION, MAINTENANCE, AND OPERATION OF CABLE TELEVISION SERVICES SHALL INTERFERE WITH THE FACILITIES AND SERVICES OF AN ELECTRIC, TELEPHONE, GAS, OR OTHER PUBLIC UTILITY. IN THE EVENT A CABLE TELEVISION COMPANY DAMAGES THE FACILITIES OF A PUBLIC UTILITY, IT SHALL BE SOLELY RESPONSIBLE FOR THE DAMAGES. THIS SECTION SHALL NOT APPLY TO THOSE PRIVATE EASEMENTS GRANTED TO OR OBTAINED BY A PARTICULAR ELECTRIC, TELEPHONE, GAS, OR OTHER PUBLIC UTILITY. SUCH CONSTRUCTION, INSTALLATION, MAINTENANCE, AND OPERATION SHALL COMPLY WITH THE NATIONAL ELECTRICAL SAFETY CODE AS ADOPTED BY THE FLORIDA PUBLIC SERVICE COMMISSION. THE CITY OF STUART HAS REGULATORY AUTHORITY OVER BUT SHALL BEAR NO RESPONSIBILITY, DUTY OR LIABILITY FOR, ANY UTILITY EASEMENT DESIGNATED AS SUCH ON THIS PLAT.
- TRACT "REC" SHOWN ON THIS PLAT OF SEASIDE AND DESIGNATED AS PRIVATE IS HEREBY DECLARED TO BE THE PROPERTY OF ASSOCIATION, AND THE PRIVATE "REC" TRACT BE CONVEYED BY DEED TO THE ASSOCIATION, FOR OPEN SPACE, PARK, AND RECREATIONAL PURPOSES, ALONG WITH THE CONSTRUCTION, MAINTENANCE, REPAIR, AND REPLACEMENT OF DRAINAGE LINES THEREIN, AND SHALL BE MAINTAINED, REPAIRED AND REPLACED BY THE ASSOCIATION, WITHOUT RECOURSE TO THE CITY OF STUART.
- TRACTS "O" AND "O-1" AS SHOWN ON THIS PLAT OF SEASIDE ARE HEREBY DECLARED TO BE THE PROPERTY OF THE ASSOCIATION, AND ARE FURTHER DECLARED TO BE OPEN SPACE AREAS, WHICH SHALL BE CONVEYED BY THIS PLAT TO THE ASSOCIATION FOR OPEN SPACE, DRAINAGE, UTILITY AND LANDSCAPING PURPOSES, INCLUDING CONSTRUCTION, MAINTENANCE, REPAIR AND REPLACEMENT OF A BUFFER WALL AND RELATED IMPROVEMENTS AND SHALL BE MAINTAINED BY THE ASSOCIATION. THE CITY OF STUART HAS REGULATORY AUTHORITY OVER, BUT SHALL BEAR NO RESPONSIBILITY, DUTY OR LIABILITY FOR TRACTS "O" AND "O-1" DESIGNATED AS SUCH ON THIS PLAT.
- TRACT "W" AS SHOWN ON THIS PLAT OF SEASIDE IS HEREBY DECLARED TO BE THE PROPERTY OF THE ASSOCIATION, WHICH SHALL BE CONVEYED BY DEED TO THE ASSOCIATION FOR DRAINAGE AND RETENTION PURPOSES, AND SHALL BE MAINTAINED BY THE ASSOCIATION. THE CITY OF STUART HAS AUTHORITY OVER, BUT SHALL BEAR NO RESPONSIBILITY, DUTY OR LIABILITY FOR TRACT "W" DESIGNATED AS SUCH ON THIS PLAT.
- LAKE MAINTENANCE EASEMENT (LME) AS SHOWN ON THIS PLAT OF SEASIDE IS HEREBY DEDICATED TO THE ASSOCIATION, FOR ACCESS AND LAKE MAINTENANCE PURPOSES AND SHALL BE MAINTAINED BY THE ASSOCIATION. THE CITY OF STUART HAS REGULATORY AUTHORITY OVER, BUT SHALL BEAR NO RESPONSIBILITY, DUTY OR LIABILITY FOR THE LAKE MAINTENANCE EASEMENT DESIGNATED AS SUCH ON THIS PLAT.
- DRAINAGE EASEMENTS (DE) AS SHOWN ON THIS PLAT OF SEASIDE, AND DESIGNATED AS SUCH ON THE PLAT, ARE HEREBY DEDICATED TO BE THE PROPERTY OF THE ASSOCIATION, AND SHALL BE CONVEYED BY DEED TO THE ASSOCIATION FOR DRAINAGE PURPOSES AND ALL DRAINAGE FACILITIES LOCATED THEREIN SHALL BE MAINTAINED, REPAIRED, AND REPLACED BY THE ASSOCIATION. THE CITY OF STUART HAS REGULATORY AUTHORITY OVER, BUT SHALL BEAR NO RESPONSIBILITY, DUTY OR LIABILITY FOR ANY PRIVATE DRAINAGE EASEMENTS DESIGNATED AS SUCH ON THIS PLAT.
- THE BUFFER WALL EASEMENT, AS SHOWN HEREON AND DESIGNATED AS "BWE", IS HEREBY DEDICATED TO THE ASSOCIATION, INC., ITS SUCCESSORS AND ASSIGNS, FOR CONSTRUCTION, MAINTENANCE, REPAIR AND REPLACEMENT OF A BUFFER WALL AND RELATED IMPROVEMENTS AND SHALL BE THE PERPETUAL MAINTENANCE OBLIGATION OF SAID ASSOCIATION, ITS SUCCESSORS AND ASSIGNS, WITHOUT RECOURSE TO THE CITY OF STUART.

SIGNED THIS _____ DAY OF _____, 2019, ON BEHALF OF SAID CORPORATION BY ITS DIVISION PRESIDENT.

MERITAGE HOMES OF FLORIDA, INC., A FLORIDA CORPORATION.

WITNESS BY: _____
JUSTIN COOK
DIVISION PRESIDENT
WITNESS BY: _____
PRINT NAME: _____

SEASIDE RESIDENTIAL
COMMUNITY ASSOCIATION, INC.



ACKNOWLEDGMENT:

STATE OF FLORIDA
COUNTY OF _____

BEFORE ME PERSONALLY APPEARED JUSTIN COOK, DIVISION PRESIDENT, WHO IS PERSONALLY KNOWN TO ME OR HAS PRODUCED AS IDENTIFICATION, AND WHO EXECUTED THE FOREGOING CERTIFICATE OF OWNERSHIP AND DEDICATION AS DIVISION PRESIDENT OF MERITAGE HOMES OF FLORIDA, INC., A FLORIDA CORPORATION, AND SEVERALLY ACKNOWLEDGED TO AND BEFORE ME THAT HE EXECUTED SUCH CERTIFICATE OF OWNERSHIP AND DEDICATION AS DIVISION PRESIDENT OF SAID CORPORATION, AND THAT SAID INSTRUMENT IS THE FREE ACT AND DEED OF SAID CORPORATION.

WITNESS MY HAND AND OFFICIAL SEAL THIS _____ DAY OF _____, 2019.

MY COMMISSION EXPIRES: _____ NOTARY PUBLIC
COMMISSION NUMBER: _____ PRINT NAME

ACCEPTANCE OF DEDICATION:

SEASIDE RESIDENTIAL COMMUNITY ASSOCIATION, INC., A FLORIDA, NOT-FOR-PROFIT CORPORATION, HEREBY ACCEPTS THE DEDICATIONS OR RESERVATIONS TO SAID ASSOCIATION AS STATED AND SHOWN HEREON, AND HEREBY ACCEPTS ITS MAINTENANCE OBLIGATIONS FOR SAME.
DATED THIS _____ DAY OF _____, 2019.

WITNESS: _____
BY: _____
PRINT NAME: _____ DANTE FRAEGARI
TITLE: VICE PRESIDENT
WITNESS: _____
PRINT NAME: _____

ACKNOWLEDGEMENT:

STATE OF FLORIDA
COUNTY OF _____

BEFORE ME PERSONALLY APPEARED DANTE FRAEGARI, WHO IS PERSONALLY KNOWN TO ME OR HAS PRODUCED AS IDENTIFICATION, AND WHO EXECUTED THE FOREGOING ACCEPTANCE OF DEDICATIONS AS VICE PRESIDENT OF SEASIDE RESIDENTIAL COMMUNITY ASSOCIATION, INC., A FLORIDA, NOT-FOR-PROFIT CORPORATION, AND SEVERALLY ACKNOWLEDGED TO AND BEFORE ME THAT HE EXECUTED SUCH INSTRUMENT AS DIRECTOR OF SAID CORPORATION, AND THAT SAID INSTRUMENT IS THE FREE ACT AND DEED OF SAID CORPORATION.

WITNESS MY HAND AND OFFICIAL SEAL THIS _____ DAY OF _____, 2019.

MY COMMISSION EXPIRES: _____ NOTARY PUBLIC
COMMISSION NUMBER: _____ PRINT NAME

APPROVAL BY CITY OF STUART:

THIS PLAT IS HEREBY APPROVED BY THE UNDERSIGNED ON THE DATES INDICATED

DATE _____ GREGORY S. FLEMING CITY SURVEYOR AND MAPPER REVIEWER
DATE _____ CITY ENGINEER
DATE _____ MICHAEL J. MORTELL CITY ATTORNEY
DATE _____ BECKY BRUNER MAYOR
DATE _____ MARY KINDEL CITY CLERK

TITLE CERTIFICATION:

- DAVID BARKER A MEMBER OF THE FLORIDA BAR, HEREBY CERTIFY THAT AS OF _____, 2019.
- RECORD TITLE TO THE LANDS DESCRIBED AND SHOWN ON THIS PLAT IS IN THE NAME OF MERITAGE HOMES OF FLORIDA, INC., A FLORIDA CORPORATION EXECUTING THE CERTIFICATE OF OWNERSHIP AND DEDICATION HEREON.
- ALL MORTGAGES NOT SATISFIED OR RELEASED OF RECORD, ENCUMBERING THE LAND DESCRIBED HEREON ARE AS FOLLOWS:
a) NONE
- ALL TAXES THAT ARE DUE AND PAYABLE PURSUANT TO SECTION 197.192, F.S., HAVE BEEN PAID.

DATED: THIS _____ DAY OF _____, 2019.

DAVID BARKER, ATTORNEY
FLORIDA BAR NO.: _____
_____, FLORIDA

SURVEY NOTES:

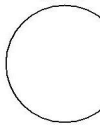
- NO BUILDINGS OR ANY KIND OF CONSTRUCTION OR TREES OR SHRUBS SHALL BE PLACED ON ANY EASEMENT WITHOUT PRIOR WRITTEN CONSENT OF ALL EASEMENT BENEFICIARIES AND ALL APPLICABLE COUNTY APPROVALS OR PERMITS AS REQUIRED FOR SUCH ENCROACHMENTS.
- APPROVAL OF LANDSCAPING ON UTILITY EASEMENT, (EXCLUDING WATER AND SEWER) SHALL ONLY BE WITH APPROVAL OF ALL UTILITIES OCCUPYING SAID EASEMENT.
- BEARINGS ARE BASED ON A GRID BEARING OF N37°47'57"W ALONG THE EAST RIGHT OF WAY LINE OF S.W. LOST RIVER ROAD, RELATIVE TO THE FLORIDA STATE PLANE COORDINATE SYSTEM, EAST ZONE, NORTH AMERICAN DATUM OF 1983 (2007 ADJUSTMENT).
- LINES INTERSECTING CURVES ARE NON-RADIAL UNLESS SHOWN OTHERWISE.
- THIS PLAT, AS RECORDED IN ITS GRAPHIC FORM, IS THE OFFICIAL DEPICTION OF THE SUBDIVIDED LANDS DESCRIBED HEREIN AND WILL, IN NO CIRCUMSTANCES BE SUPPLANTED IN AUTHORITY BY ANY OTHER GRAPHIC OR DIGITAL FORM OF THE PLAT. THERE MAY BE ADDITIONAL RESTRICTIONS THAT ARE NOT RECORDED ON THIS PLAT THAT MAY BE FOUND IN THE PUBLIC RECORDS OF THIS COUNTY.
- IN THOSE CASES WHERE EASEMENTS OF DIFFERENT TYPES CROSS OR OTHERWISE CONCLUDE, DRAINAGE EASEMENTS SHALL HAVE THE FIRST PRIORITY, UTILITY EASEMENTS SHALL HAVE SECOND PRIORITY, ACCESS EASEMENTS SHALL HAVE THIRD PRIORITY, AND ALL OTHER EASEMENTS SHALL BE SUBORDINATE TO THESE WITH THEIR PRIORITY BEING DETERMINED BY USE RIGHTS GRANTED.

CERTIFICATE OF SURVEYOR AND MAPPER:

I, RONNIE L. FURNISS, HEREBY CERTIFY THIS PLAT WAS PREPARED UNDER MY DIRECTION AND SUPERVISION AND THAT THE PLAT COMPLIES WITH ALL OF THE SURVEY REQUIREMENTS OF CHAPTER 177, FLORIDA STATUTES, AND APPLICABLE ORDINANCES OF THE CITY OF STUART, FLORIDA.

DATED: _____ BY: _____
RONNIE L. FURNISS
PROFESSIONAL SURVEYOR AND MAPPER #5272
STATE OF FLORIDA
CAULFIELD AND WHEELER, INC.
SURVEYORS - ENGINEERS - PLANNERS
7900 GLADES ROAD, SUITE 100
(561)-392-1191
CERTIFICATION OF AUTHORIZATION NO. LB 3591

SURVEYOR

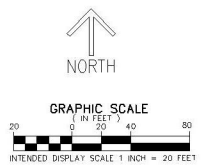
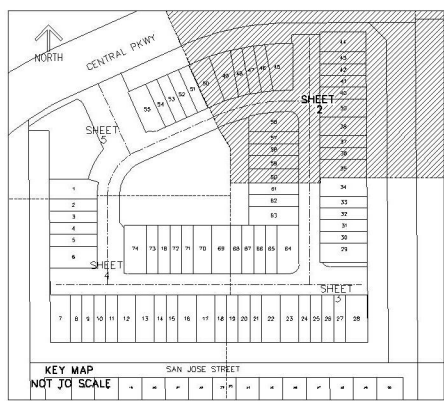


SEASIDE

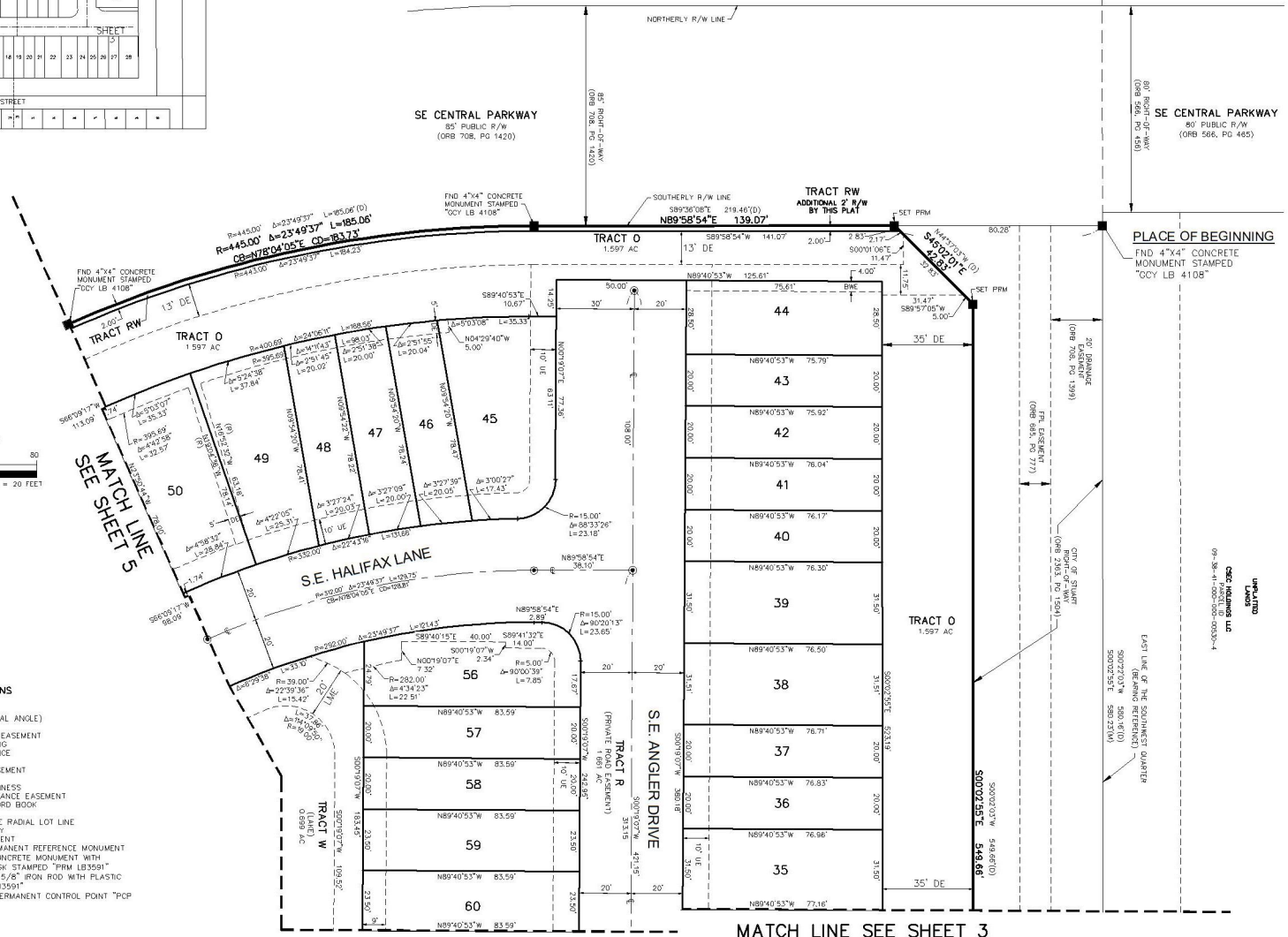
BEING A OF PORTION OF
THE NORTH EAST 1/4 OF SECTION 9,
TOWNSHIP 38 SOUTH, RANGE 41 EAST,
CITY OF STUART, MARTIN COUNTY, FLORIDA.

THIS INSTRUMENT PREPARED BY
RONNIE L. FURNISS
OF
CAULFIELD AND WHEELER, INC.
SURVEYORS-ENGINEERS-PLANNERS
7900 GLADES ROAD, SUITE 100
BOCA RATON, FLORIDA 33434
(561) 392-1991
SEPTEMBER - 2019

POINT OF COMMENCEMENT
NORTHEAST CORNER OF THE NORTHWEST-
QUARTER OF THE NORTHWEST QUARTER OF
THE SOUTHWEST QUARTER OF SAID SECTION
9, TOWNSHIP 38 SOUTH, RANGE 41 EAST



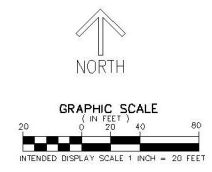
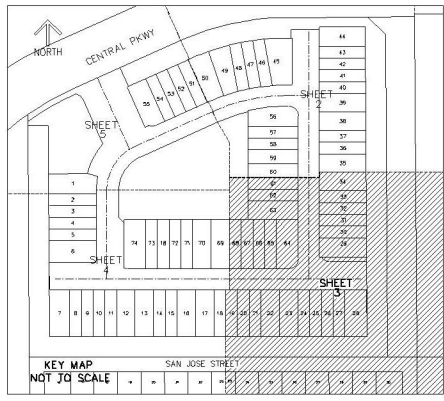
- LEGEND/ABBREVIATIONS
- CL - CENTERLINE
 - Δ - DELTA (CENTRAL ANGLE)
 - AC - ACERS
 - BWE - BUFFER WALL EASEMENT
 - CB - CHORD BEARING
 - CH - CHORD DISTANCE
 - (U) - DEED
 - DE - DRAINAGE EASEMENT
 - L - ARC LENGTH
 - LB - LICENSED BUSINESS
 - LME - LAKE MAINTENANCE EASEMENT
 - ORB - OFFICIAL RECORD BOOK
 - R - RADIUS
 - (R) - INDICATES LINE RADIAL LOT LINE
 - R/W - RIGHT-OF-WAY
 - UE - UTILITY EASEMENT
 - PRM - DENOTES PERMANENT REFERENCE MONUMENT
 - 4"x4" CONCRETE MONUMENT WITH ALUMINUM DISK STAMPED "PRM LB3591"
 - - DENOTES SET 5/8" IRON ROD WITH PLASTIC CAP "C&W LB3591"
 - ⊙ - DENOTES SET PERMANENT CONTROL POINT "PCP LB3591"



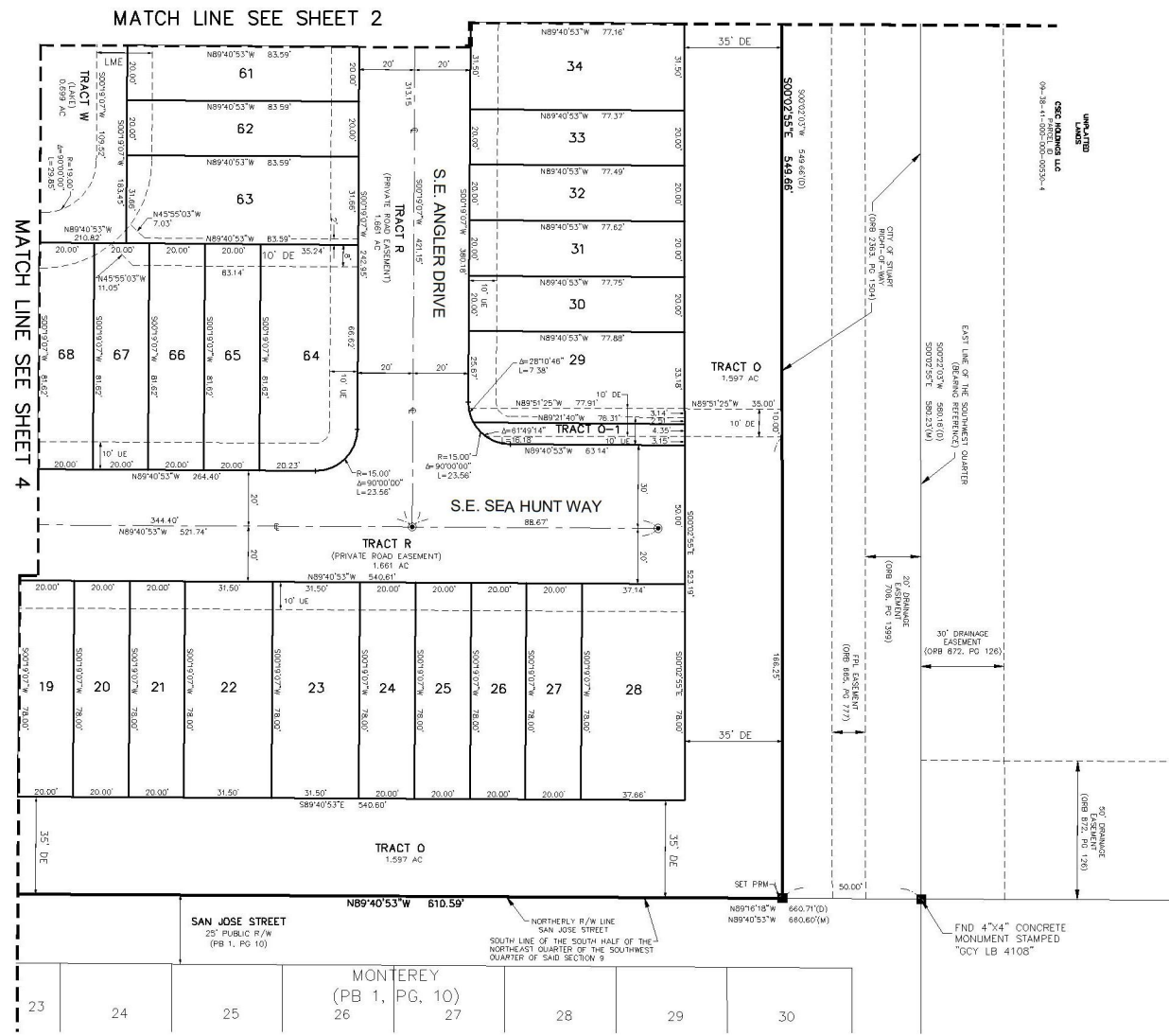
CAULFIELD AND WHEELER, INC.
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SEASIDE
BEING A OF PORTION OF
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- LEGEND/ABBREVIATIONS**
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 - 4"X4"X24" CONCRETE MONUMENT WITH ALUMINUM DISK STAMPED "PRM LB3591"
 - - DENOTES SET 5/8" IRON ROD WITH PLASTIC CAP "C&W LB3591"
 - ⊙ - DENOTES SET PERMANENT CONTROL POINT "PCP LB3591"



BEING A OF PORTION OF
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TOWNSHIP 38 SOUTH, RANGE 41 EAST,
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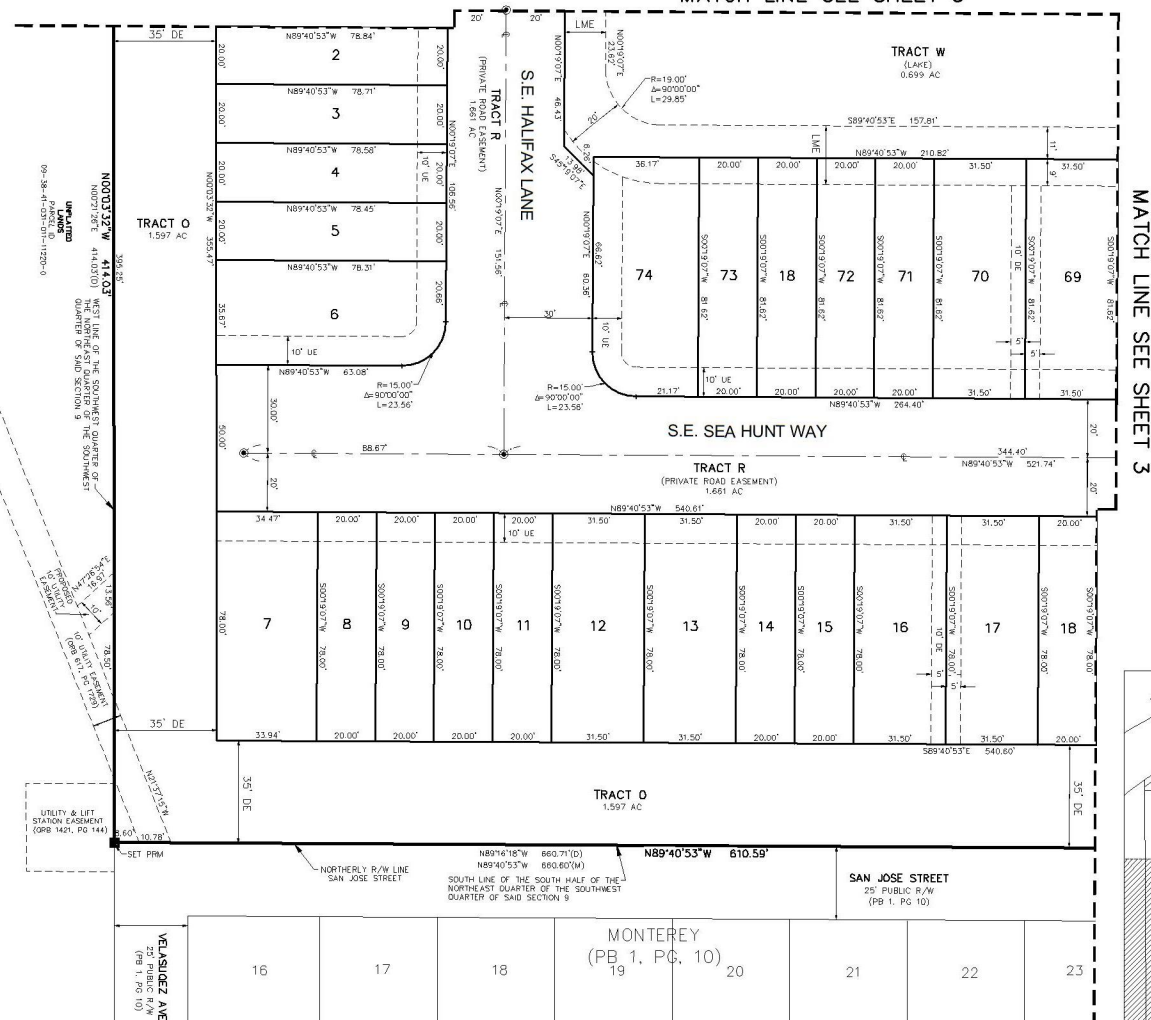
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MATCH LINE SEE SHEET 5

PLAT BOOK _____

PAGE _____

SHEET 4 OF 5



MATCH LINE SEE SHEET 3



GRAPHIC SCALE

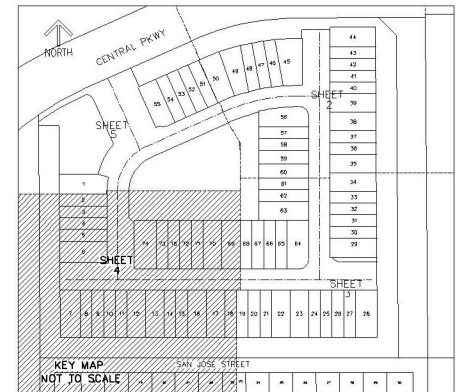
(IN FEET)

20 0 20 40 80

INTENDED DISPLAY SCALE 1 INCH = 20 FEET

LEGEND/ABBREVIATIONS

- Δ - CENTERLINE
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- PRM - DENOTES PERMANENT REFERENCE MONUMENT
- - "14"x14" CONCRETE MONUMENT WITH ALUMINUM DISK STAMPED "PRM 13591"
- - DENOTES SET 5/8" IRON ROD WITH PLASTIC CAP "CARB 13591"
- ◎ - DENOTES SET PERMANENT CONTROL POINT "PCP 13591"



SEASIDE

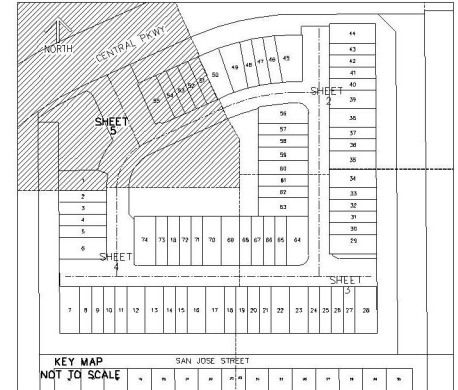
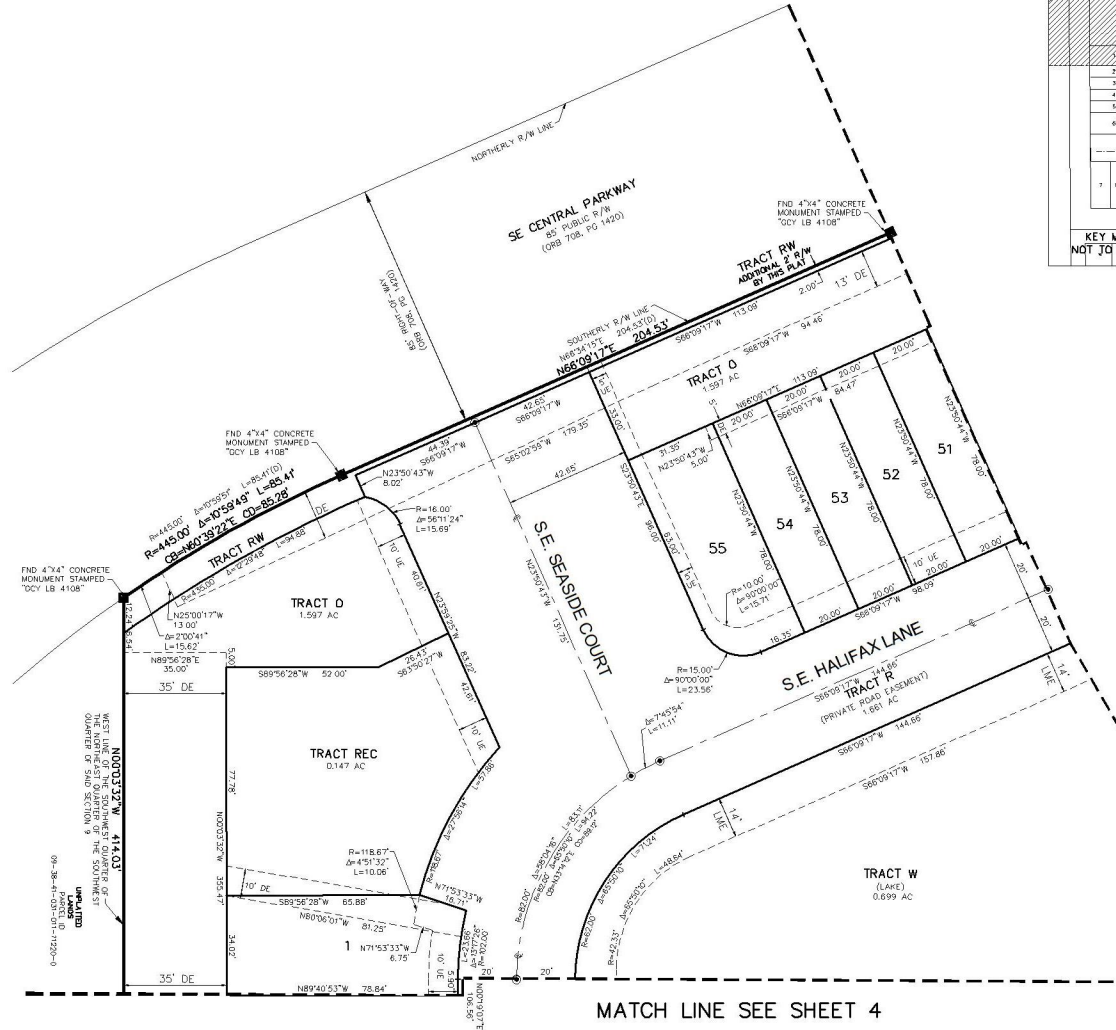
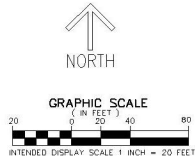
BEING A PORTION OF
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RONNIE L. FURNISS
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PLAT BOOK _____

PAGE _____

SHEET 5 OF 5



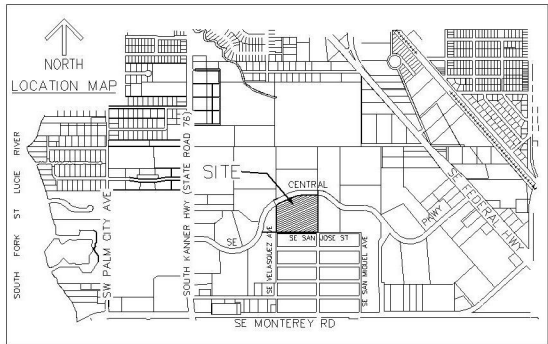
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- ⊙ - DENOTES SET PERMANENT CONTROL POINT "PCP LB3591"

ALTA/NSPS LAND TITLE SURVEY

STUART CENTRAL

A PARCEL OF LAND LYING IN SECTION 9, TOWNSHIP 38 SOUTH, RANGE 41 EAST, MARTIN COUNTY, FLORIDA,



THE FOLLOWING IS A PARTIAL LIST OF NUMBERED EXCEPTIONS WHICH CORRESPOND TO THE NUMBERED EXCEPTIONS CONTAINED IN SCHEDULE "BII" OF FIDELITY NATIONAL TITLE INSURANCE COMPANY COMMITMENT FOR TITLE INSURANCE HAVING A FILE NO.: 18-00447, WITH AN COMMITMENT DATE OF OCTOBER 21, 2018 @ 11:00 P.M.

DESCRIPTION:

A PARCEL OF LAND LYING IN SECTION 9, TOWNSHIP 38 SOUTH, RANGE 41 EAST, MARTIN COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 9; THENCE SOUTH 09°22'03" WEST ALONG THE EAST LINE OF SAID SOUTHWEST QUARTER A DISTANCE OF 746.37 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY OF CENTRAL PARKWAY AND THE POINT AND PLACE OF BEGINNING; THENCE CONTINUING SOUTH 02°22'03" WEST A DISTANCE OF 580.16 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY OF SAN JOSE STREET; THENCE NORTH 89°17'18" WEST A DISTANCE OF 660.73 FEET TO A POINT; THENCE NORTH 00°21'26" EAST A DISTANCE OF 414.03 FEET TO A POINT OF CURVE AND THE SOUTH RIGHT-OF-WAY OF CENTRAL PARKWAY, SAID CURVE BEING CONVEX TO THE SOUTH HAVING A RADIUS OF 445.00 FEET, A CENTRAL ANGLE OF 10°59'51"; THENCE IN A CLOCKWISE DIRECTION ALONG THE ARC OF SAID CURVE AND RIGHT-OF-WAY A DISTANCE OF 65.41 FEET TO A POINT; THENCE NORTH 66°24'16" EAST A DISTANCE OF 204.53 FEET TO A POINT OF CURVE, SAID CURVE BEING CONVEX TO THE SOUTH, HAVING A RADIUS OF 445.00 FEET, A CENTRAL ANGLE OF 23°49'37"; THENCE IN A CLOCKWISE DIRECTION ALONG THE ARC OF SAID CURVE A DISTANCE OF 182.06 FEET TO A POINT; THENCE SOUTH 89°16'06" EAST CONTINUING ALONG SAID SOUTH RIGHT-OF-WAY A DISTANCE OF 219.46 FEET TO THE POINT AND PLACE OF BEGINNING.

LESS AND EXCEPT THE LANDS CONVEYED TO THE CITY OF STUART IN SPECIAL WARRANTY DEED RECORDED IN OFFICIAL RECORDS BOOK 2363, PAGE 1504.

LANDS SITUATED IN SECTION 9, TOWNSHIP 38 SOUTH, RANGE 41 EAST, MARTIN COUNTY, FLORIDA.

CONTAINING 7.4634 ACRES MORE OR LESS.

SCHEDULE "BII" EXCEPTIONS

6. Mineral Reservations contained in Deed from the Trustees of the Internal Improvement Fund of the State of Florida granted to Florida Power & Light Company, recorded in Official Records Book 42, Page 175. NOTE: The right of entry has been released by the provisions of Florida Statute 270.11(2).
AFFECTS-NO PLOTTABLE ITEMS
7. Terms, covenants, conditions, restrictions, and easement(s) granted to Florida Power & Light Company, recorded in Official Records Book 42, Page 116, Official Records Book 340, Page 1550 and Official Records Book 465, Page 177, of the Public Records of Martin County, Florida.
AFFECTS-PLOTTED
8. Terms, covenants, conditions, easement rights, and obligations as set forth in that certain Declaration of Non-Exclusive Utility Easement filed in Official Records Book 815, Page 2546, of the Public Records of Martin County, Florida.
DOES NOT AFFECTS
9. Limited Matters contained in that certain document entitled "Planned Unit Development Zoning Agreement", recorded in Official Records Book 539, Page 274, amended in the following Official Records Book 554, Page 967, Official Records Book 574, Page 1375, Official Records Book 611, Page 625, Official Records Book 664, Page 1093, Official Records Book 789, Page 687, Official Records Book 818, Page 408, Official Records Book 977, Page 3, Official Records Book 977, Page 5, Official Records Book 1088, Page 1345, Official Records Book 1137, Page 1626, Official Records Book 1271, Page 648, Official Records Book 1375, Page 87, Official Records Book 1578, Page 1463, Official Records Book 1685, Page 407, Official Records Book 1745, Page 2804, Official Records Book 1911, Page 2454 and Official Records Book 2050, Page 634, of the Public Records of Martin County, Florida.
AFFECTS-NO PLOTTABLE ITEMS
10. Limited Terms, covenants, conditions, easement rights, and obligations as set forth in that certain Utility Easement to City of Stuart filed in Official Records Book 617, Page 1729 and Official Records Book 617, Page 1723, of the Public Records of Martin County, Florida.
AFFECTS-PLOTTED
11. A. Terms, covenants, conditions, easement rights, and obligations as set forth in that certain Utility Easement to Martin County filed in Official Records Book 708, Page 158, of the Public Records of Martin County, Florida.
DOES NOT AFFECTS
12. Matters contained in that certain document entitled "Agreement of Covenants and Restrictions", between Stuart Land Associates, L14, and The Babcock Company recorded in Official Records Book 708, Page 1426, of the Public Records of Martin County, Florida.
AFFECTS-NO PLOTTABLE ITEMS

SCHEDULE "BII" EXCEPTIONS

12. Matters contained in that certain document entitled "Agreement of Covenants and Restrictions", between Stuart Land Associates, L14, and The Babcock Company recorded in Official Records Book 708, Page 1426, of the Public Records of Martin County, Florida.
AFFECTS-NO PLOTTABLE ITEMS
13. Matters contained in that certain document entitled "Common Area Maintenance Agreement", between Stuart Land Associates, L14, and The Babcock Company recorded in Official Records Book 708, Page 1444, of the Public Records of Martin County, Florida.
AFFECTS-NO PLOTTABLE ITEMS
14. Terms, covenants, conditions, easement rights, and obligations as set forth in that certain Declaration of Non-Exclusive Utility Easement filed in Official Records Book 815, Page 2546, of the Public Records of Martin County, Florida.
DOES NOT AFFECTS
15. Terms, covenants, conditions, easement rights, and obligations as set forth in that certain Easement to Martin County filed in Official Records Book 872, Page 126 and Official Records Book 872, Page 1404, of the Public Records of Martin County, Florida.
DOES NOT AFFECTS
16. Covenants, conditions, restrictions and/or easements (deleting therefrom any restrictions indicating any preference, limitation or discrimination based on race, color, religion, sex, handicap, familial status or national origin) contained in certain Deed recorded in Official Records Book 708, Page 1420, of the Public Records of Martin County, Florida.
AFFECTS-PLOTTED
17. Terms, covenants, conditions, easement rights, and obligations as set forth in that certain Permanent Easement for road and drainage purposes filed in Deed Book 26, Page 254, and Decedent recorded in Official Records Book 708, Page 1404, of the Public Records of Martin County, Florida.
DOCUMENT IS ILLEGIBLE
18. Resolutions by the City of Stuart amended Development Plan recorded in Official Records Book 1088, Page 1342, and Official Records Book 1271, Page 648, of the Public Records of Martin County, Florida.
AFFECTS-NO PLOTTABLE ITEMS
19. Terms, covenants, conditions, easement rights, and obligations as set forth in that certain Permanent Easement between Weyerhoeuser Real Estate Company and Kori Thomas filed in Official Records Book 1421, Page 144, of the Public Records of Martin County, Florida.
AFFECTS-PLOTTED

SCHEDULE "BII" EXCEPTIONS

20. Resolution No. 02-9-42 recorded in Official Records Book 1885, Page 27, of the Public Records of Martin County, Florida.
AFFECTS-NO PLOTTABLE ITEMS
21. Matters contained in that certain document entitled "City of Stuart Development Department Administrative Variance Permit", recorded in Official Records Book 2268, Page 2937, of the Public Records of Martin County, Florida.
AFFECTS-NO PLOTTABLE ITEMS
22. Matters contained in that certain document entitled "Vingsport Estates Planned Unit Development Zoning Agreement", recorded in Official Records Book 2050, Page 637, of the Public Records of Martin County, Florida.
AFFECTS-NO PLOTTABLE ITEMS
23. Matters contained in that certain document entitled "Ordinance of City Commission of the City of Stuart", recorded in Official Records Book 2030, Page 2522, of the Public Records of Martin County, Florida.
AFFECTS-NO PLOTTABLE ITEMS
24. Interlocal Agreement between the City of Stuart and Martin County recorded in Official Records Book 2473, Page 240.
AFFECTS-NO PLOTTABLE ITEMS

INDEX:

- SHEET 1: COVER SHEET
- SHEET 2: ALTA/NSPS LAND TITLE & TOPOGRAPHIC SURVEY
- SHEET 3: TREE SURVEY

NOTES

1. REPRODUCTIONS OF THIS SKETCH ARE NOT VALID UNLESS SEALED WITH AN EMBOSSED SURVEYOR'S SEAL.
2. SURVEY MAP OR THE COPIES THEREOF ARE NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED PROFESSIONAL LAND SURVEYOR.
3. LANDS SHOWN HEREON WERE ABSTRACTED BY FIDELITY NATIONAL TITLE INSURANCE COMPANY, COMMITMENT FILE NO.: 18-00447, EFFECTIVE DATE OCTOBER 21, 2018 AT 11:00 P.M. AND ALL PLOTTABLE EXCEPTIONS ARE SHOWN HEREON.
4. BEARINGS SHOWN HEREON ARE RELATIVE TO EAST LINE OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 9, TOWNSHIP 38 SOUTH, RANGE 41 EAST, SAID EAST LINE HAVING A GRID BEARING OF S50°02'55.1" E. BEARINGS ARE BASED ON GPS RTK MEASUREMENTS, THE STONE/PLATH RESURVEY No. 4 OF TOWNSHIP 38 SOUTH, RANGE 40 EAST AS RECORDED AND AS TRANSFORMED TO THE NORTH AMERICAN DATUM OF 1983, WITH THE 1989 ADJUSTMENT.
5. THE DESCRIPTION SHOWN HEREON PROVIDED BY FIDELITY NATIONAL TITLE INSURANCE COMPANY, EXHIBIT "A" OF THE TITLE COMMITMENT.
6. ADDITIONS OR DELETIONS TO SURVEY MAPS BY OTHER THAN THE SIGNING PARTY OR PARTIES IS PROHIBITED WITHOUT WRITTEN CONSENT OF THE SIGNING PARTY OR PARTIES.
7. FLOOD ZONE INFORMATION OBTAINED FROM MARTIN COUNTY AND FEMA, PANEL 120850501610 EFFECTIVE FLOOD ZONE 4, (MARCH 15, 2015).
8. ORIGIN BENCHMARK: MARTIN COUNTY SURVEY CONTROL BENCHMARK NAME CPW-2, PK. NAIL AND WATSON STAMPS "N.C. BENCHMARK CPW-2" DATUM NAVD83 ELEVATION=71.6, BENCHMARK LOCATED IN THE WEST SIDE OF A CONCRETE CATCH BASIN ON THE NORTH SIDE OF CENTRAL PARKWAY, 20' +/- EAST OF THE CENTERLINE OF THE ENTRANCE OF CITY OF STUART POPLETON CREEK PARK, 309 SE CENTRAL PARKWAY.
9. THERE ARE NOT GAPS, CORRES OR HANDLES, THE TRACTS ARE CONTIGUOUS ALONG THEIR BOUNDARIES.
10. TREES PLANTED ON THIS SURVEY ARE NATIVE SPECIES 4" DIAMETER AT BREAST HEIGHT AND TAGGED WITH CORRESPONDING TAG NUMBER AS SHOWN IN THE TREE TABLE. TREES WERE LOCATED BY SURVEY FIELD CREW NOT TRAINED IN SPECIES IDENTIFICATION. IDENTIFICATION SHOULD BE VERIFIED BY A TRAINED BOTANIST.

CERTIFIED TO:

MERITAGE HOMES OF FLORIDA, INC.
MATHSON WHITTLES, LLP
FIDELITY NATIONAL TITLE INSURANCE COMPANY

CERTIFICATE:

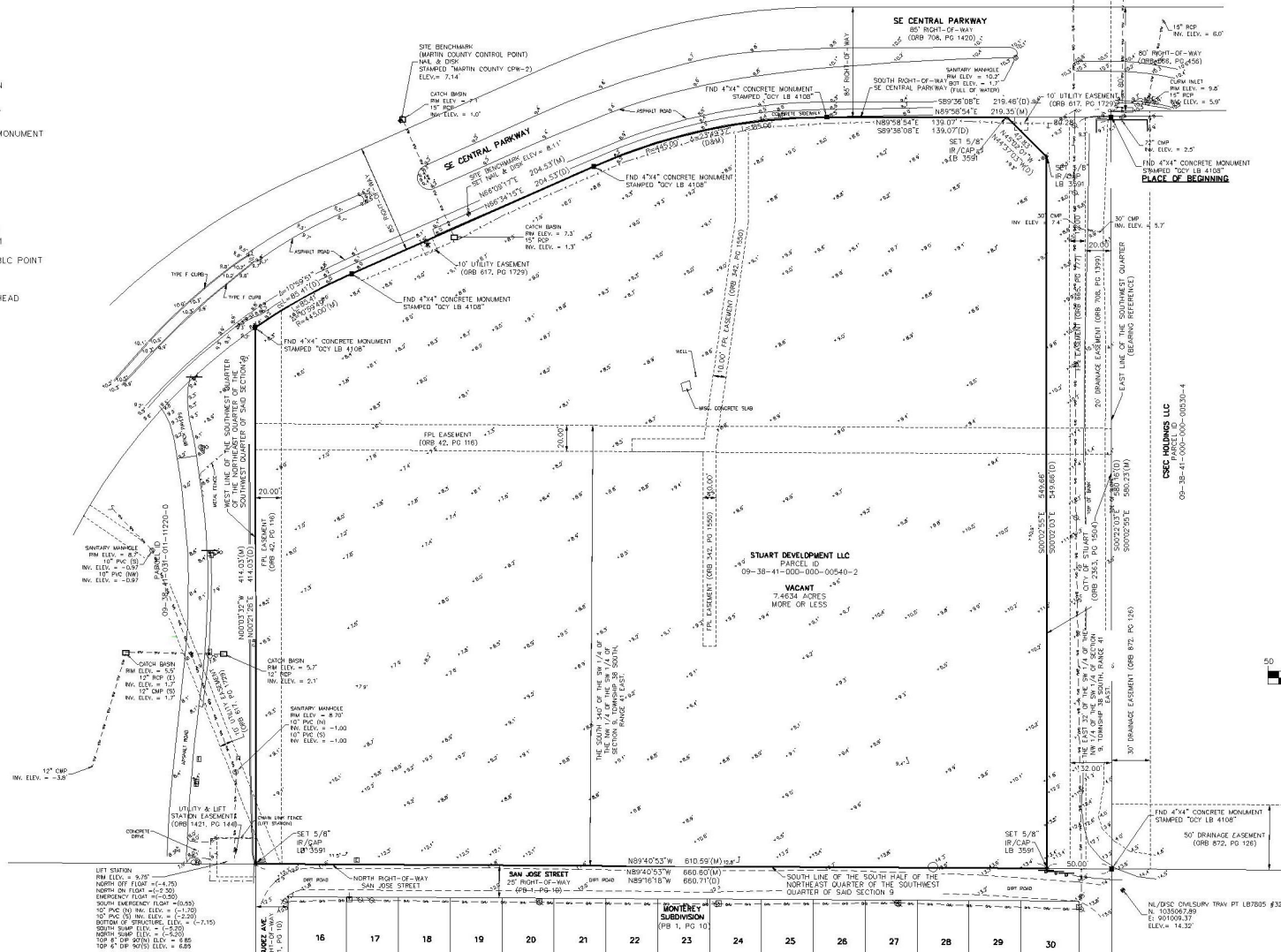
I HEREBY CERTIFY THAT THE ATTACHED ALTA/NSPS LAND TITLE SURVEY OF THE HEREON DESCRIBED PROPERTY IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AS SURVEYED UNDER MY DIRECTION ON NOVEMBER 26, 2018. I FURTHER CERTIFY THAT THIS ALTA/NSPS LAND TITLE SURVEY MEETS THE STANDARDS OF PRACTICE SET FORTH IN CHAPTER 6-17 ADOPTED BY THE FLORIDA BOARD OF SURVEYORS AND MAPPERS, PURSUANT TO FLORIDA STATUTES 472.027.

Ronnie
Furniss
RONNIE L. FURNISS, PSM
PROFESSIONAL SURVEYOR & MAPPER #6272
STATE OF FLORIDA - LB #3591

- ALUM - ALUMINUM
- ¢ - CENTERLINE
- CLF - CHAIN LINK FENCE
- CONC - CONCRETE
- (D) - DEED RECORD DIMENSION
- DE - DRAINAGE EASEMENT
- ELEV - ELEVATION
- EMST - EASEMENT
- EXIST - EXISTING
- FHD - FOUND
- FPL - FLORIDA POWER & LIGHT
- INV - INVERT
- IR/CAP - IRON ROD & CAP
- LR - LENGTH
- LB - LICENSE BUSINESS
- (M) - MEASURED
- ORB - OFFICIAL RECORD BOOK
- (P) - PLAT RECORD DIMENSION
- PB - PLAT BOOK
- POB - POINT OF BEGINNING
- POC - POINT OF COMMENCEMENT
- PG - PAGE(S)
- PRM - PERMANENT REFERENCE MONUMENT
- PRO - PROPOSED
- R - RADIUS
- RB - RADIAL BEARING
- RGE - RANGE
- R/W - RIGHT-OF-WAY
- SEC - SECTION
- SO FT - SQUARE FEET
- TWP - TOWNSHIP
- Δ - TYPICAL
- Δ - DELTA (CENTRAL ANGLE)
- IR/CAP LB 3591 - IRON ROD & CAP LB 3591
- Δ - SET NAIL & DISK LB 3591
- Δ - FOUND FOOT CONC MON BLC POINT
- Δ - CONCRETE POWER POLE
- Δ - IRON POWER POLE
- ← - ANCHOR
- WIRE - ELECTRICAL WIRES OVERHEAD
- Δ - EXISTING ELEVATION
- Δ - TRAFFIC SIGN
- Δ - ELECTRIC HAND HOLE
- Δ - LIGHT POLE
- Δ - MAIL BOX
- Δ - FIRE HYDRANT
- Δ - WATER VALVE
- Δ - TELEPHONE RISER
- - TRUE LOCATION

STUART CENTRAL

A PARCEL OF LAND LYING IN SECTION 9, TOWNSHIP 38 SOUTH, RANGE 41 EAST, MARTIN COUNTY, FLORIDA.



REVISIONS			DATE	BY

CAULFIELD & WIELEL, INC.
CIVIL ENGINEERING
LANDSCAPE ARCHITECTURE - SURVEYING
7900 GLADES ROAD - SUITE 100
BOCA RATON, FLORIDA 33434
PHONE (561) 392-1991 / FAX (561) 750-1452

STUART CENTRAL
ALTA/NSPS LAND TITLE
& TOPOGRAPHIC SURVEY

DATE	11/28/1
DRAWN BY	RL
F.B./ PG.	ELEC
SCALE	AS SHOWN

7

JOB # 8396
SHEET NO. 2
OF 3 SHEETS

STUART CENTRAL
A PARCEL OF LAND LYING IN SECTION 9, TOWNSHIP 38 SOUTH, RANGE 41 EAST, MARTIN COUNTY, FLORIDA,



LEGEND

ALUM = ALUMINUM
C = CENTERLINE
CLF = CHAIN LINK FENCE
CONC = CONCRETE
D = DEED RECORD DIMENSION
DE = DRAINAGE EASEMENT
ELEV = ELEVATION
FSMT = FLOOD EASEMENT
EXIST = EXISTING
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FPL = FLOOD POWER & LIGHT
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R/L = RAIL LENGTH
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S = SET 5/8" IR/CAP LB 3591
Δ = SET NAIL IR/CAP LB 3591
P = FOUND FOOT CONC MON BOLT POINT
Δ = CONCRETE POWER POLE
TS = WOOD POWER POLE
— = ANCHOR
— = ELECTRICAL WIRES OVERHEAD
ELEV = EXISTING ELEVATION
ELECTR = ELECTRICAL SIGN
— = ELECTRIC HAND HOLE
Δ = LIGHT POLE
Δ = MAIL BOX
FIRE HYDRANT
— = WATER VALVE
— = TELEPHONE RISER
OW = TRUE LOCATION

JOB # 8396
SHEET NO. 3
OF 3 SHEETS



**NORTHSTAR
GEOMATICS**

SURVEYING/MAPPING • GIS • ASSET INVENTORY
October 14, 2019

Mr. Thomas Reetz
Senior Planner
City of Stuart Development Department
Via email

RE: Plat Review # 2 (final) – SEASIDE

Dear Mr. Reetz:

As you requested, I have reviewed the above referenced plat for conformance with Florida Statutes Chapter 177 and City of Stuart Ordinance No. 1804-01 and Article IV Subdivisions. My review of this plat does not include verifying accuracy of legal descriptions, plat geometry, mathematical calculations or acreages shown on this plat.

Regarding my prior comments dated September 26, 2019:

The Permanent Reference Inspection was successfully completed on October 14, 2019.
The platting surveyor has agreed to add a dimension on lot 50 to the drainage easement.

I have no further comments related to this plat and I have no objection to final adoption at City Commission public hearing.

Reviewed By:

Gregory S. Fleming
For NorthStar Geomatics, Inc.

CITY OF STUART, FLORIDA AGENDA ITEM REQUEST CITY COMMISSION

Meeting Date: 11/12/2019

Prepared by: Roz Johnson, Human Resources Director

Title of Item:

PBA CONTRACT RATIFICATION (RC):

RESOLUTION No. 107-2019; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA RATIFYING REOPENERS FOR THE SECOND FISCAL YEAR OF THE THREE-YEAR COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY AND THE PALM BEACH COUNTY POLICE BENEVOLENT ASSOCIATION, INC. (PBA) EFFECTIVE OCTOBER 1, 2019 THROUGH SEPTEMBER 30, 2021; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Summary Explanation/Background Information on Agenda Request:

Pursuant to Florida Statute, Chapter 447, the City of Stuart, Florida and the Palm Beach County Police Benevolent Association, Inc. commenced contract negotiations of their Collective Bargaining Agreement on May 10, 2019. Negotiations concluded on October 7, 2019, and members of the PBA ratified the Agreement on October 25, 2019. Details are provided in Exhibit A.

Funding Source:

General Fund

Recommended Action:

Motion to approve Res. 107-2019 to ratify agreement.

ATTACHMENTS:

Description	Upload Date	Type
□ Resolution 107-2019 PBA Ratification	11/6/2019	Resolution add to Y drive
□ Exhibit A, PBA Negotiations Summary	11/1/2019	Exhibit



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

RESOLUTION NUMBER 107-2019

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA RATIFYING REOPENERS FOR THE SECOND FISCAL YEAR OF THE THREE-YEAR COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY AND THE PALM BEACH COUNTY POLICE BENEVOLENT ASSOCIATION, INC. (PBA) EFFECTIVE OCTOBER 1, 2019 THROUGH SEPTEMBER 30, 2021; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

* * * * *

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

SECTION 1: The City Commission hereby ratifies the re-openers for the second fiscal year of the current three-year Collective Bargaining Agreement (CBA) between the City and the Palm Beach County Police Benevolent Association, Inc. (PBA) effective October 1, 2019 through September 30, 2021 by authorizing the City Manager and City Clerk to execute the Agreement. A summary of the amended Article is attached hereto as Exhibit A.

SECTION 2: This resolution shall take effect upon adoption.

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

REBECCA BRUNER, MAYOR
EULA CLARKE, VICE MAYOR
KELLI GLASS LEIGHTON, COMMISSIONER
MERRITT MATHESON, COMMISSIONER
MICHAEL MEIER, COMMISSIONER

YES	NO	ABSENT	ABSTAIN

ADOPTED this ____ day of _____, 2019.

ATTEST:

MARY R. KINDEL
CITY CLERK

REBECCA BRUNER
MAYOR

APPROVED AS TO FORM
AND CORRECTNESS:

MICHAEL MORTELL
CITY ATTORNEY

**CITY OF STUART
SUMMARY OF AMENDED ARTICLE
EXHIBIT 'A'**

TITLE: PBA COLLECTIVE BARGAINING AGREEMENT
Contract re-openers effective October 1, 2019 – September 30, 2021

Pursuant to Florida Statute, Chapter 447, the City of Stuart, Florida and the Palm Beach County Police Benevolent Association, Inc. commenced contract negotiations of their Collective Bargaining Agreement on May 10, 2019. Negotiations concluded on October 7, 2019, and members of the PBA ratified the Agreement on October 25, 2019. A summary follows.

Article 28 (Rate of Pay – Career Progression):

- “Probationary Officer in Training” removed in favor of only one “Probationary Officer” classification
- Pay ranges adjusted for bargaining unit classifications to align with market comparables
 - Range maximums adjusted for all classifications except “Probationary Officer”
 - Range minimums adjusted only for Sergeant and Master Sergeant
- Language added to prohibit exceeding the maximum of a pay range
- Number of education hours required in each rank to promote reduced
- Number of years required in each rank to promote reduced
- Performance expectations for Master Officer I, Master Officer II, Sergeant, and Master Sergeant further articulated for pre and post-promotion opportunities
- Participation as a Big Brother or Big Sister in the “Bigs in Blue Program” added to the career progression program as an approved activity to earn hours toward promotion
- Table A within Article 28 edited to embrace the reduction in hours and years required to promote, resulting in changes to the incremental promotional increases effective October 1, 2019.

~End

CITY OF STUART, FLORIDA AGENDA ITEM REQUEST CITY COMMISSION

Meeting Date: 11/12/2019

Prepared by: Kev Freeman

Title of Item:

CHANGE OF USE TO ALLOW THE CONVERSION TO RESIDENTIAL APARTMENTS AT SOUTHWIND MOTEL, 603 SW FEDERAL HIGHWAY. (QUASI-JUDICIAL)(RC):

RESOLUTION No. 103-2019; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, CONSIDERING A MAJOR URBAN CODE CONDITIONAL USE APPROVAL TO IOANNA LAS LLC, (CONTRACT PURCHASER) FOR THE PROPERTY LOCATED AT 603 SW FEDERAL HWY, TO ALLOW A DENSITY OF 24 UNITS PER ACRE; PROVIDING AN EFFECTIVE DATE; PROVIDING FOR A TIMETABLE OF DEVELOPMENT; PROVIDING FOR CONDITIONS OF APPROVAL; AND FOR OTHER PURPOSES.

Summary Explanation/Background Information on Agenda Request:

This item was presented to the Community Redevelopment Board on November 7th, 2019. Comments from that Board will be presented by staff.

The property is subject to a contract to purchase and the applicant is seeking a determination of whether the density increase to allow conversion of use of the existing motel building for apartments is acceptable. Subsequent development improvements will be subject to building and site plan applications and permits. If so minded by the Commission, a condition that required those subsequent improvements to be approved by the CRB and City Commission can be added if deemed necessary.

This is a request to consider a Major Urban Code Conditional Use approval to allow a change of use from the existing 19 room hotel/motel use to 19 residential apartments. The conversion to residential will not increase the footprint of the building but will require an increase in density. Therefore, the applicant has requested a density of 24 units per acre. The maximum density allowed without City Commission approval is 15 dwelling units per acre.

The applicant is the contract purchaser of the property, located at 603 SW Federal Highway, and if granted, the conditional use would allow for the conversion of the existing hotel/motel use to residential apartments. Additional building permit and site plan application will be required to undertake construction and will need to comply with, fire, public works, building and zoning codes. These will be reviewed at staff level.

Funding Source:

N/A

Recommended Action:

Motion to find the application in compliance, subject to stated conditions or modifications, and forward the request to the City Commission for final action.

ATTACHMENTS:

Description	Upload Date	Type
▣ Staff Report	10/29/2019	Staff Report
▣ Resolution R103-2019	10/29/2019	DRAFT RESOLUTION
▣ Application Form	10/29/2019	Backup Material
▣ Boundary Survey	11/1/2019	Backup Material

CITY OF STUART, FLORIDA
COMMUNITY REDEVELOPMENT BOARD
STAFF REPORT

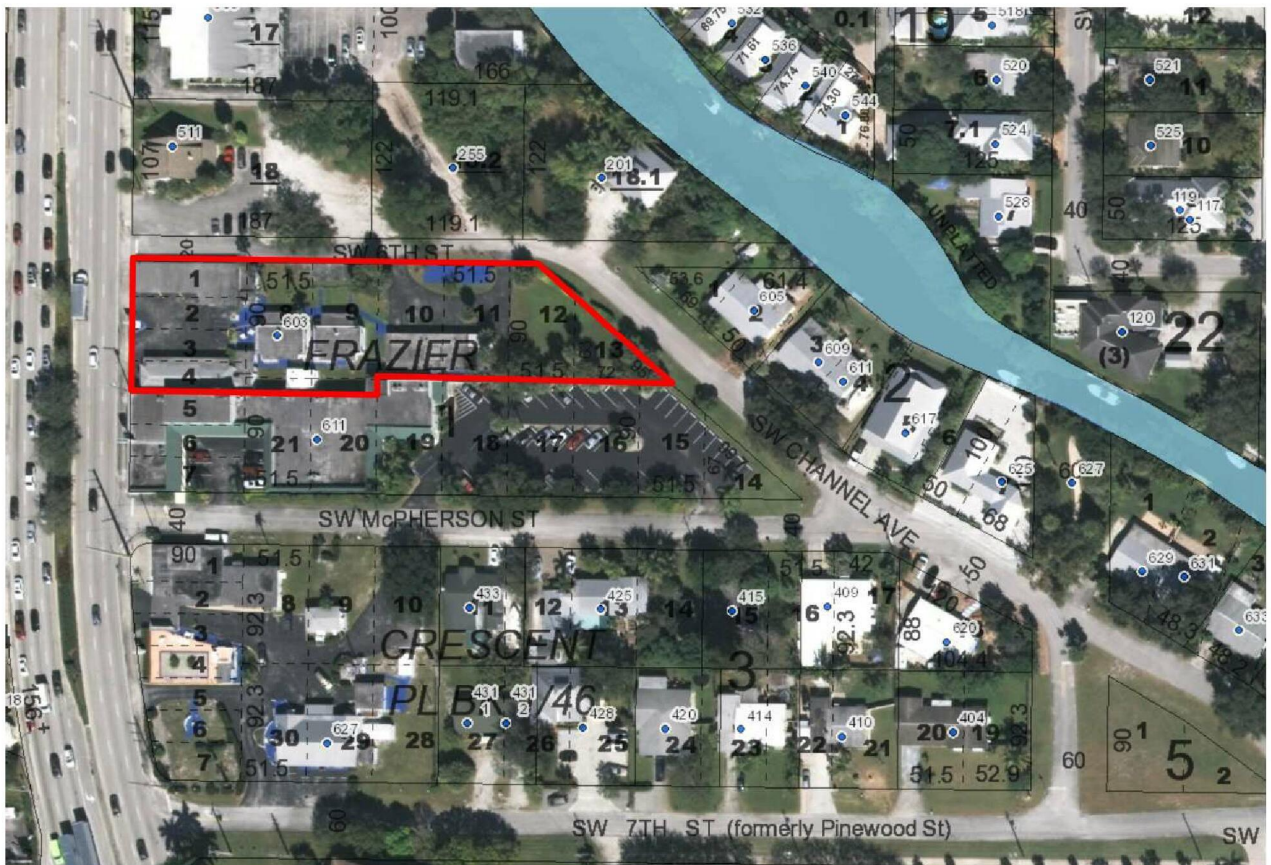
MEETING DATE: November 6th, 2019

PREPARED BY: Kev Freeman
Development Director

PROJECT NAME: 603 Place – IONANNA LAS LCC

TITLE OF ITEM:

Request to consider a Major Urban Code Conditional Use approval to allow a change of use from the existing 19 room hotel/motel use to 19 residential apartments. The conversion to residential will not increase the footprint of the building but will require an increase in density. Therefore, the applicant has requested a density of 24 units per acre. The maximum density allowed without City Commission approval is 15 dwelling units per acre.



LOCATION OF APPLICATION SITE

I. APPLICATION SUMMARY

The applicant, IOANNA LAS, LLC, is requesting a major urban code conditional use approval as per Section 3.01.06 of the City of Stuart Land Development Code. The applicant is the contract purchaser of the property, located at 603 SW Federal Highway, and if granted, the conditional use would allow for the conversion of the existing hotel/motel use to residential apartments.

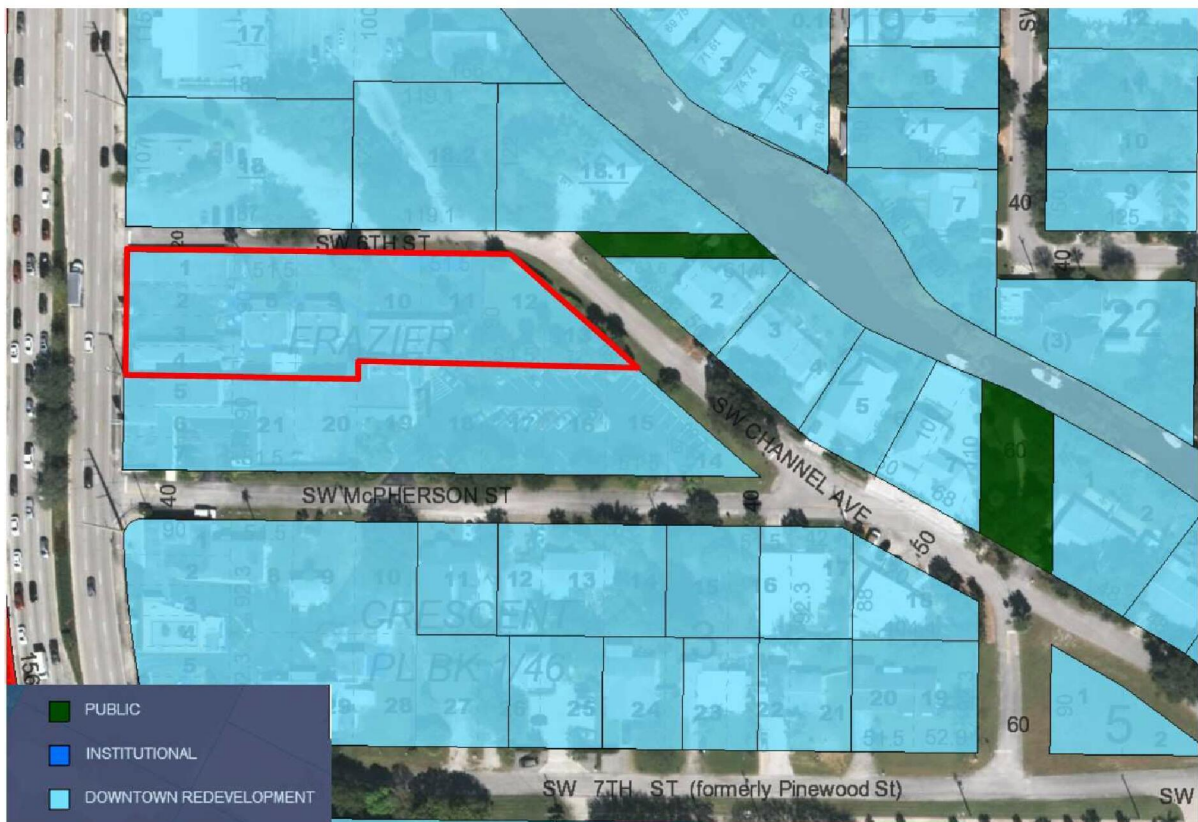
The applicant is required to request a Major Urban Code Conditional use due to the resultant residential density of 24 units per acre.

II. HISTORY

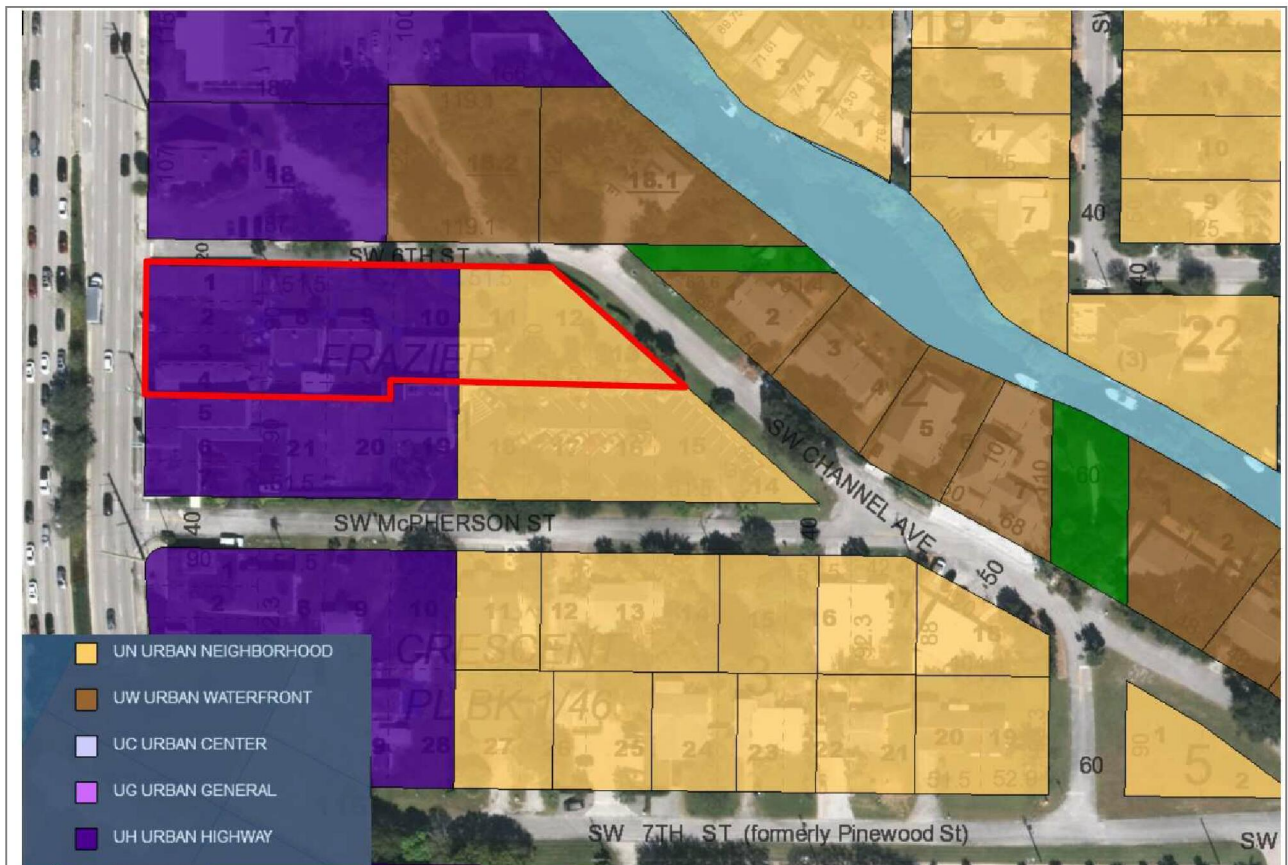
The property is currently known as the 'Southwind Motel'.

III. ZONING AND LAND USE

Site Location	603 SW Federal Hwy
Parcel Size (area)	0.82 Acres



Subject Property Land Use	Downtown Redevelopment	
Adjacent FLU (Future Land Use)	<i>North</i>	Downtown Redevelopment
	<i>South</i>	Downtown Redevelopment
	<i>East</i>	Downtown Redevelopment
	<i>West</i>	Commercial



Subject Zoning	Property	Overlay	Urban Highway/Urban Neighborhood
		<i>North</i>	Urban Neighborhood/Urban Waterfront
		<i>South</i>	Urban Highway/Urban Neighborhood
		<i>East</i>	Urban Waterfront/Public
		<i>West</i>	B-2 Business
Proposed Use			19 Residential apartments within the existing building footprint
Present Use			Hotel/Motel
Land Use Plan			Downtown Redevelopment
ROADWAY AND UTILITIES			
Street Functional Classifications			US-1
Utilities			The provision of water and sewer service to the new apartment use will be discussed at site plan review.

IV. EXISTING CONDITIONS:



VIEW FROM US-1



VIEW FROM SW 6th STREET

V. PUBLIC NOTIFICATION:

The legal notification requirements have been met for this request of a **Major Urban Code Conditional Use** approval. In accordance with the requirements set forth in Section 11 of the City of Stuart's Land Development Code. Documentation of the public notice is part of the record as well as on file within the City Development Department.



II. STANDARDS FOR URBAN CODE CONDITIONAL USE REVIEW: LAND DEVELOPMENT CODE – SECTION 3.01.06

- 1. The proposed use is not contrary to the established land uses in the immediate area.**

The property is situated within the City of Stuart Community Redevelopment Area (CRA). The list of permitted uses included in the Urban Code are applicable to all property situated within the CRA and includes residential uses. The proposed conversion to residential use will be in compliance with the uses list in the Urban Code and is consistent with the established land uses.

- 2. The proposed use would not significantly depart from the densities or intensities of use in the surrounding area and thereby increase or overtax the load on public facilities such as schools, utilities, and streets and other public infrastructure.**

Approval of the urban code conditional use would allow for the increase of density to 24 units per acre (19 units) which is currently not consistent with the surrounding area. However, due to the small nature of the site (0.82 acres) and previous use, would not increase or overtax the load on public utilities and facilities. The applicant is requesting a density that is allowed by an urban code conditional use in Chapter 2 (Densities and Intensities) of the Land Development Code.

- 3. The proposed use will not be contrary to the proposed land use plan and will not have an adverse effect on the goals, policies and objectives of the comprehensive plan.**

Approval of the urban code conditional use would not be contrary to the adopted land use plan or other relevant goals, objectives, and policies concerning residential use. The Downtown Future Land Use references individual projects and sites consisting of single uses.

- 4. The existing district boundaries are illogically drawn in relation to existing conditions on the property proposed for change.**

There are no proposed changes to the existing district boundary.

- 5. The proposed use will not create or excessively increase traffic congestion or otherwise affect public safety.**

The proposed project will rely on existing infrastructure and is located within the Transportation Concurrency Exception Area (TCEA).

6. The proposed use will not create drainage or a storm water quality problem.

The conversion of the use of the site will be performed in accordance with approved building permits, which will meet applicable code to ensure that the required drainage and stormwater quality is obtained.

7. The proposed use will not significantly reduce light or air to adjacent areas.

The proposal will be a conversion of an existing single-story building that will utilize existing building footprint and structure.

8. The proposed use is less burdensome on neighboring properties and on public infrastructure than uses permitted by right in the district.

The uses are permitted throughout the CRA district.

9. The proposed use is not out of scale with the uses permitted by right in the district and with the existing uses in the neighborhood.

The use of the building will be in accordance with uses permitted within the Community Redevelopment Area.

10. There are no other adequate sites for the proposed use in districts in which the proposed use is permitted by right within the city.

The proposal is to convert an existing building.

IX. CONDITIONAL USE REVIEW FACTORS TO BE CONSIDERED BY THE DECISION MAKER: SEC. 11.01.10(G)(6)

In applying the above standards, the decision-maker will consider each of the following factors:

1. Ingress and egress to the property and the proposed structures to be located thereon, if any, including considerations of automotive and pedestrian safety and convenience, of traffic flow and control, and of access in case of fire or catastrophe.

The resultant site plan will be reviewed by Fire Department and Public Works reviewers and will be required to meet applicable access requirements.

VIII. STAFF RECOMMENDATION

Based upon compliance with the City of Stuart's Comprehensive Plan and the pertinent standards found within Section 3.01.06 of the City of Stuart's Urban Code, staff recommends **APPROVAL** of the applicant's request to consider a **MAJOR URBAN CODE CONDITIONAL USE** to allow an increase in density to 24 dwelling units per acre in accordance with the conditions attached the draft Resolution 103-2019.

Staff is requesting the Community Redevelopment Board consider the merits of the proposal and recommend the application be forwarded to the City Commission for final action.



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

RESOLUTION NUMBER 77-2018

RESOLUTION NUMBER 103-2019: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, CONSIDERING A MAJOR URBAN CODE CONDITIONAL USE APPROVAL TO IOANNA LAS LLC, (CONTRACT PURCHASER) FOR THE PROPERTY LOCATED AT 603 SW FEDERAL HWY, TO ALLOW A DENSITY OF 24 UNITS PER ACRE; PROVIDING AN EFFECTIVE DATE; PROVIDING FOR A TIMETABLE OF DEVELOPMENT; PROVIDING FOR CONDITIONS OF APPROVAL; AND FOR OTHER PURPOSES.

* * * * *

WHEREAS, the City Commission of Stuart, Florida, has adopted and administers Section 3.01.06 of the Land Development Code; and

WHEREAS, the applicant, Spiro Laskaris of IOANNA LAS, LLC (The “Contract Purchaser”) filed an application on October 3rd, 2019, for a Major Urban Code Conditional Use Permit to allow a residential density of twenty-four (24) dwelling units per acre for the purpose of a change the use from hotel to residential apartments at the property known as Southwind Motel and located at 603 SW Federal Highway, Stuart, Florida.

WHEREAS, the City Commission held a properly noticed hearing on _____, to consider the application for an increase in residential density as a conditional use; and

WHEREAS, at a public hearing the applicant has shown by substantial competent evidence that the proposed use does not create any detrimental effects on adjacent properties, within three hundred (300) feet of the proposed location; and

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

SECTION 1: Subject to the conditions attached hereto, the City Commission hereby grants a Major Urban Code Conditional Use Approval to IOANNA LAS, LLC, as the contract purchaser of the property known as Southwind Motel at 603 SW Federal Highway, Stuart, Florida. This conditional use is not assignable or transferable.

SECTION 2: A legal description of the Property is set forth in **Exhibit A** of this Resolution. A map depicting the property and location of the property is attached hereto as **Exhibit B** and made a part hereof by reference; and

SECTION 3: The site is defined on the attached boundary survey dated October 12th, 2019 by Cristian Fenex and Associates, LLC and attached hereto as **Exhibit C**.

SECTION 4: This resolution shall take effect upon adoption.

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

Resolution #103-2019
603 SE Federal Hwy
Conditional Use Approval

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

YES	NO	ABSENT	ABSTAIN

ADOPTED this ____ day of _____, 2019.

ATTEST:

MARY R. KINDEL
CITY CLERK

REBECCA S. BRUNER
MAYOR

APPROVED AS TO FORM
AND CORRECTNESS:

MICHAEL MORTELL
CITY ATTORNEY

STATE OF _____

COUNTY OF _____

ACCEPTANCE AND AGREEMENT

BY SIGNING THIS ACCEPTANCE AND AGREEMENT, THE UNDERSIGNED HEREBY ACCEPTS AND AGREES TO ALL OF THE TERMS AND CONDITIONS CONTAINED IN THE FOREGOING RESOLUTION, AND ALL EXHIBITS, ATTACHMENTS AND DEVELOPMENT DOCUMENTS, INTENDING TO BE BOUND THEREBY, AND THAT SUCH ACCEPTANCE AND AGREEMENT IS DONE FREELY, KNOWINGLY, AND WITHOUT ANY RESERVATION, AND FOR THE PURPOSES EXPRESSED WITHIN THE FOREGOING RESOLUTION. IF IT IS LATER DISCOVERED THAT THE UNDERSIGNED, OR ITS SUCCESSORS OR ASSIGNS HAVE FAILED IN ANY MATERIAL WAY, ITS CONDITIONS, AND THE DEVELOPMENT DOCUMENTS, THE UNDERSIGNED UNDERSTANDS AND AGREES THAT THIS RESOLUTION MAY BE AMENDED OR REPEALED BY THE CITY COMMISSION, AND THAT OTHER ADMINISTRATIVE ACTIONS AND PENALTIES MAY BE TAKEN AGAINST THE UNDERSIGNED, ITS SUCCESSORS OR ASSIGNS, BY THE CITY, INCLUDING BUT NOT LIMITED TO SANCTIONS DESCRIBED IN THIS RESOLUTION, CODE ENFORCEMENT ACTIONS, PERMIT AND LICENSING SUSPENSIONS OR REVOCATIONS, AND ANY OR ALL OTHER APPLICABLE CIVIL AND CRIMINAL ACTIONS.

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

WITNESSES:

IOANNA LAS, LLC

Print Name: _____

By: _____
Spiro Lazkaris

Print Name: _____

OWNERS ACKNOWLEDGMENT

The above Acceptance and Agreement of Resolution No. 103-2019 was acknowledged before me this ____ day of _____, 2019, IOANNA LAS, LLC.

Notary Public, State of Florida

My Commission Expires:
Notary Seal

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

Exhibit A – Legal Description

Lots 1, 2, 3, 4, 8, 9, 10, 11, 12, AND 13, AND THE NORTH 12.5 FEET OF LOTS 20 AND 21, BLOCK 1 FRAZIER CRESCENT SUBDIVISION, AS RECORDED IN PLAT BOOK 1, PAGE 46, MARTIN COUNTY, FLORIDA PUBLIC RECORDS.

Exhibit B
Location Map



Exhibit C

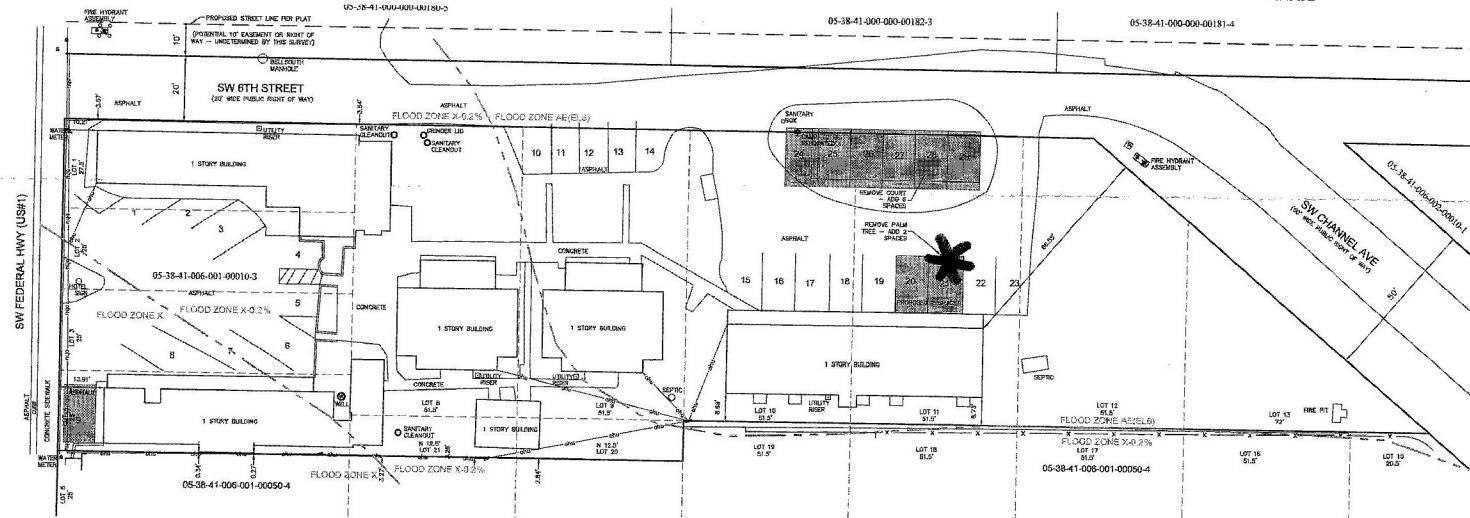
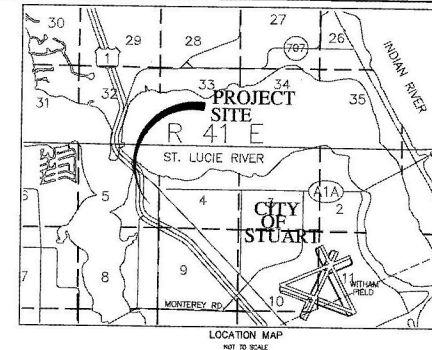
Conditions of Approval

1. The use of the site will be for residential apartments at a maximum density of 24 units per acre.
2. Building permits will not be issued until building permit applications, deemed sufficient for permit review under City codes and standards, for building improvements has been submitted.
3. Interior build-out construction plans will be subject to compliance with fire codes and standards.
4. A detailed site plan, which complies with City of Stuart Urban Code identifying; architectural improvements, landscaping, dumpster location and parking provision will be submitted and approved prior to certificate of occupancy.
5. A building permit shall be obtained no later than 12 months from the approval date of the major urban code conditional use and a certificate of occupancy shall be obtained no later than 30 months from the issuance of a building permit.
6. Prior to the certificate of occupancy, a dumpster enclosure will be required which will include provision for recycling. Detailed plans and location for the dumpster shall be delineated on the site plan.

Exhibit D

BOUNDARY SURVEY

SOUTHWIND MOTEL
603 SW FEDERAL HWY



PARKING SPACE NOTES:

THERE ARE 20 DESIGNATED PARKING SPACES. THERE IS 1 SPACE NOT DESIGNATED. THERE ARE 6 SPACES PROPOSED. THIS GIVES 29 TOTAL SPACES.
EXISTING SPACES 1 THROUGH 6, 10 THROUGH 18, 22 & 23.
NOT DESIGNATED, BUT EXISTING IS SPACE 9 (SHADED).
PROPOSED SPACES 20 & 21, 24 THROUGH 29 (SHADED).

SURVEYOR'S NOTES:

1. BEARINGS REFER TO STATE PLANE FLORIDA EAST ZONE 801, NAD83.
2. (P) = PLAT MEASUREMENT; (W) = FIELD MEASUREMENT; (C) = CALCULATED MEASUREMENT
3. PROPERTY LIES IN FLOOD ZONE X, X(0.2%), & AE(1) PER FEMA MAP #22000134C, 3-16-15.
4. THE LANDS SHOWN HEREON WERE NOT ABSTRACTED FOR RIGHT-OF-WAYS, EASEMENTS, OR OTHER ENCUMBRANCES BY THIS FIRM.
5. UNDERGROUND UTILITIES WERE NOT LOCATED.
6. (E) = ELEVATION. ELEVATIONS REFER TO NAVD83.
7. (R/W) = CENTERLINE OF ROAD; (R/W) = RIGHT-OF-WAY; (P.B. PD) = PLAT BOOK & PAGE
8. (U) = UTILITY RISER; (W) = WATER METER/VALVE; (NAD83) = NORTH AMERICAN DATUM 1983
9. (C) = WOOD POWER POLE & GUYS; (O) = OVERHEAD UTILITIES.

LEGAL DESCRIPTION

LOTS 1, 2, 3, 4, 5, 6, 9, 10, 11, 12 AND 13, AND THE NORTH 12.5 FEET OF LOTS 20 AND 21, BLOCK 1, PHAZER CRESCENT SUBDIVISION, AS RECORDED IN PLAT BOOK 1, PAGE 48, MARTIN COUNTY, FLORIDA PUBLIC RECORDS.

NOTES TO SCHEDULE B(1) OF TITLE COMMITMENT #784708.

EFFECTIVE DATE 10/12/2018 AT 11:00PM
ITEMS 1 THROUGH 5: NOT A MATTER OF SURVEY
ITEM 6: MATTERS OF PLAT SHOWN ON SURVEY
ITEM 7: VARIANCE PER C.R. BOOK 1535, PAGE 2405 DOES NOT AFFECT SUBJECT PROPERTY. VARIANCE PER D.R. BOOK 1757, PAGE 2841 REFERS TO PROPOSED SECOND STORY ADDITION NOT PRESENT.
ITEM 8: NOT A MATTER OF SURVEY

CERTIFIED TO

KOL HOLDINGS, LLC, A FLORIDA LIMITED LIABILITY COMPANY
JOSEPH D. GRUSO, JR., P.E.
OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY
CAMDEN GROUP, LLC

CHRISTIAN FENEX AND ASSOCIATES, LLC
PROFESSIONAL SURVEYING AND MAPPING
ENVIRONMENTAL CONSULTING
3601 SW 72ND AVE., PALM CITY, FLORIDA
P.O. BOX 2625, PALM CITY, FL 34901
PH: (772) 283-1977 EMAIL: FENEX@FENEXANDASSOCIATES.COM
LICENSED BUSINESS # 6688

FLORIDA REGISTRATION #6102
CHRISTIAN FENEX

KF



**CITY OF STUART, FLORIDA
DEVELOPMENT DEPARTMENT
URBAN CODE CONDITIONAL USE APPLICATION**

Reviewed By: _____

Application must be legible with all relevant fields completed.

Project ID# 219100001
(Staff Entry)

Pre-App Conference Date:	Application Date:
Project Name: <u>603 PLACE</u>	
Parcel ID# <u>05-38-41-006-001-00010-3</u>	Project Address: <u>603 SW Federal Hwy</u>
Zoning/CRA Sub-district:	
Subdivision:	Lot(s): <u>FRAZIER CRESCENT LOTS 1104 LOT 8013 10E + N 12.5' of LOTS 20+21</u>
Fee: \$1,574.00 – Major Urban Code Conditional Use Permit (Community Redevelopment Board and City Commission Approval) Fee: \$524.00 – Minor Urban Code Conditional Use Permit (Community Redevelopment Board) (This does not include fees that may be charged as a result of application reviews by the City's consultants or any required recording fees)	
A Minor Urban Code Conditional Use Permit shall be required for relief from the following regulations of the urban code; paint colors; public art, and architectural materials. A Major Urban Code Conditional Use Permit shall be required for relief from the following regulations of the urban code; density, permitted uses, setbacks, location of parking, location of buildings and structures, conflicts with utilities, curb cuts, historic buildings, pitched roofs in the old downtown district, number of stories, building height not to exceed 45 feet, parking located within a building envelope, location of a formula business, and architectural requirements.	
Submittal Requirements: A completed application form, one (1) copy of all documents on a PDF formatted disc electronically signed and sealed, the payment of fees, and pertinent information per application type as determined by the Development Director.	
Approving Authority: The Development Director is required to prepare a staff report and recommendation concerning this application for the Community Redevelopment Board (CRB) public hearing followed by a recommendation to the City Commission.	
Justification: Please provide justification supporting the request for an Urban Code Conditional Use Permit (include additional pages if needed). Allow a density increase to 24 dwelling units per acre to allow a Change of use from motel/hotel use to residential apartments	
(over)	

General Information

(Please Print or Type)

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

Name:	SPIRO LASKARIS
Title:	
Company:	IOANNA LAS LLC
Company Address:	1177 NE KUBIN AVE

City/State/Zip Code:	JENSEN BEACH FL 34957
Telephone Number:	772-260-6925
Facsimile Number:	772-934-6491
Email Address (optional):	SPIRO.LASKARIS@gmail.com

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

Name:	
Title:	
Company:	
Company Address:	

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

3. The Undersigned, as the Property Owner, Lessee, Contract Purchaser, or Applicant (circle one), acknowledges responsibility for all City expenses associated with the referenced application (s) including time spent by the City's consultants and further acknowledges that payment of consultant fees will be made prior to the receipt of the consultant comments.

Name:	SPIRO LASKARIS
Title:	
Company:	IOANNA LAS LLC
Company Address:	1177 NE KUBIN AVE

City/State/Zip Code:	JENSEN BEACH FL 34957
Telephone Number:	772-260-6925
Facsimile Number:	
Email Address (optional):	SPIRO.LASKARIS@gmail.com

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

4. Signed this 3 day of Oct, 2019.

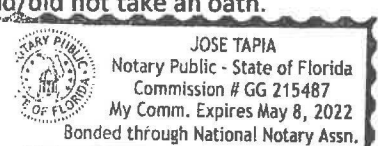
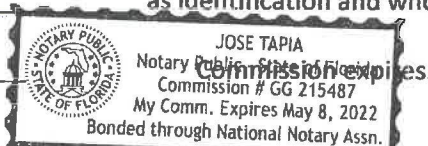
Signature of Property Owner, Lessee, Contract Purchaser or Applicant (circle one)

State of Florida, Martin County The foregoing instrument was acknowledged before me on this 3 day of Oct by Spiro Laskaris who is personally known to me, or who has produced

Known

as identification and who did/did not take an oath.

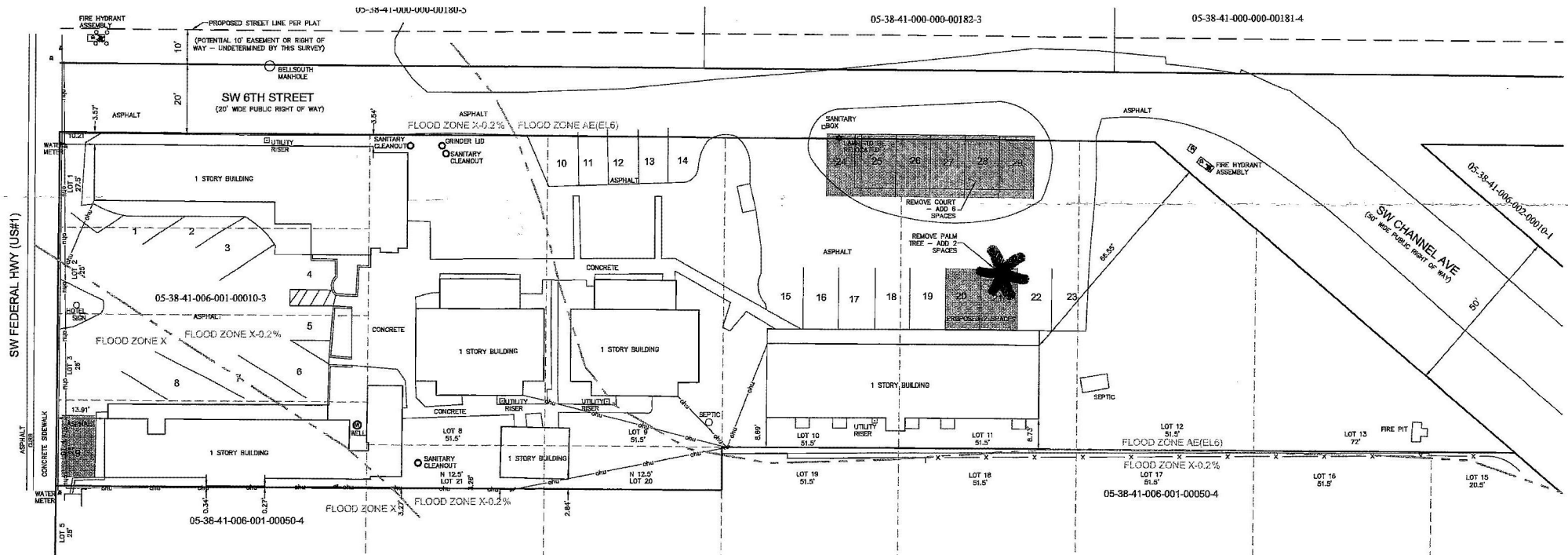
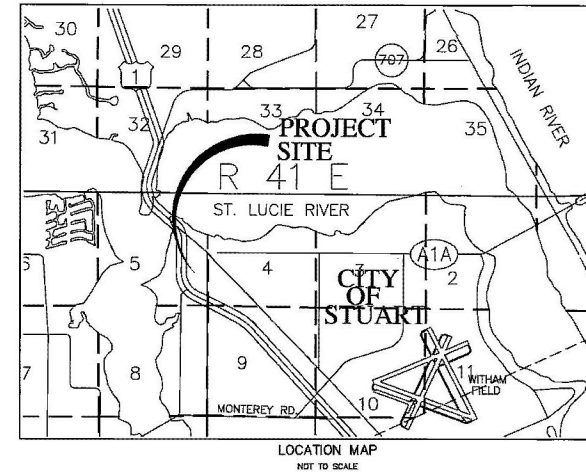
Notary Signature



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

BOUNDARY SURVEY

SOUTHWIND MOTEL
603 SW FEDERAL HWY



PARKING SPACE NOTES:

THERE ARE 20 DESIGNATED PARKING SPACES. THERE IS 1 SPACE NOT DESIGNATED. THERE ARE 8 SPACES PROPOSED. THIS GIVES 29 TOTAL SPACES.
EXISTING SPACES 1 THROUGH 6, 10 THROUGH 19, 22 & 23.
NOT DESIGNATED, BUT EXISTING IS SPACE 9 (SHADED).
PROPOSED SPACES 20 & 21, 24 THROUGH 29 (SHADED).

SURVEYOR'S NOTES:

1. BEARINGS REFER TO STATE PLANE FLORIDA EAST ZONE 801, NAD83.
2. (P)=PLAT MEASUREMENT; (M)=FIELD MEASUREMENT; (C)=CALCULATED MEASUREMENT
3. PROPERTY LIES IN FLOOD ZONE X, (X-0.2%), & AE(6) PER FEMA MAP #12085C01340, 3-15-15.
4. THE LANDS SHOWN HEREON WERE NOT ABSTRACTED FOR RIGHT-OF-WAYS, EASEMENTS, OR OTHER ENCUMBRANCES BY THIS FIRM.
5. UNDERGROUND UTILITIES WERE NOT LOCATED.
6. EL = ELEVATION; ELEVATIONS REFER TO NAVD83.
7. C = CENTERLINE OF ROAD; R/W = RIGHT-OF-WAY; PL. PG. = PLAT BOOK & PAGE
8. U = UTILITY RISER; W = WATER METER/VALVE; NAD83 = NORTH AMERICAN DATUM 1983
9. "C" = WOOD POWER POLE & GUY; ---OHU--- = OVERHEAD UTILITIES.

LEGAL DESCRIPTION

LOTS 1, 2, 3, 4, 5, 9, 10, 11, 12 AND 13, AND THE NORTH 12.5 FEET OF LOTS 20 AND 21, BLOCK 1, FRAZIER CRESCENT SUBDIVISION, AS RECORDED IN PLAT BOOK 1, PAGE 46, MARTIN COUNTY, FLORIDA PUBLIC RECORDS.

NOTES TO SCHEDULE BIL OF TITLE COMMITMENT #784709.

EFFECTIVE DATE 10/12/2019 at 11:00PM

- ITEMS 1 THROUGH 5: NOT A MATTER OF SURVEY
ITEM 6: MATTERS OF PLAT SHOWN ON SURVEY
ITEM 7: VARIANCE PER O.R. BOOK 1626, PAGE 2405 DOES NOT AFFECT SUBJECT PROPERTY; VARIANCE PER O.R. BOOK 1757, PAGE 2841 REFERS TO PROPOSED SECOND STORY ADDITION NOT PRESENT.
ITEM 8: NOT A MATTER OF SURVEY

CERTIFIED TO

KOL HOLDINGS, LLC, A FLORIDA LIMITED LIABILITY COMPANY
JOSEPH D. GROSSO, JR., P.A.
OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY
CAMDEN GROUP, LLC

CHRISTIAN FENEX AND ASSOCIATES, LLC

PROFESSIONAL SURVEYING AND MAPPING
ENVIRONMENTAL CONSULTING
3401 SW 72ND AVE, PALM CITY, FLORIDA
P.O. BOX 2533, PALM CITY, FL 34991
PH. (772) 283-2977 EMAIL FENEX@BELLSSOUTH.NET
LICENSED BUSINESS # 6808

FLORIDA REGISTRATION #5102
CHRISTIAN FENEX

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPING

CITY OF STUART, FLORIDA AGENDA ITEM REQUEST CITY COMMISSION

Meeting Date: 11/12/2019

Prepared by: Michael Mortell, City Attorney

Title of Item:

SUPPORT REPLACEMENT OF RAIL BRIDGE (RC):

RESOLUTION No. 108-2019; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, SUPPORTING THE FLORIDA DEPARTMENT OF TRANSPORTATION IN PARTNERSHIP WITH FEC RAILWAY AND VIRGIN TRAINS USA FOR REPLACEMENT OF THE ST. LUCIE RIVER RAIL BRIDGE WITH A NEW DOUBLE TRACK BRIDGE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Summary Explanation/Background Information on Agenda Request:

Virgin Trains USA and Florida East Coast Railway (FEC) are pursuing the feasibility of replacing the current 100-year-old bridge with a new double-track bridge that will provide greater vertical and horizontal clearances for boaters during railroad operations.

Currently, the clearance is between 5-6 feet when the Rail Bridge is down. If the proposed bridge is constructed, the clearance will be approximately 18 feet and will allow approximately 90 percent of the current marine traffic to pass even when the bridge is down. In addition, the design will provide for a better flow of tidal waters and will almost triple the navigable portion for marine traffic. It is likely that doubling the capacity of the bridge will result in a significant reduction in trains being forced to stop and block traffic crossings while waiting for a train traveling the other direction to utilize the bridge. The proposed resolution supports the pursuit of grants and funding for the bridge and doesn't obligate the City of Stuart for any actual or direct costs.

Funding Source:

N/A

Recommended Action:

Move approval of Resolution.

ATTACHMENTS:

Description	Upload Date	Type
□ R108-2019 Support RR Bridge	11/6/2019	Attachment



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

RESOLUTION NUMBER 108-2019

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, SUPPORTING THE FLORIDA DEPARTMENT OF TRANSPORTATION IN PARTNERSHIP WITH FEC RAILWAY AND VIRGIN TRAINS USA FOR REPLACEMENT OF THE ST. LUCIE RIVER RAIL BRIDGE WITH A NEW DOUBLE TRACK BRIDGE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

* * * * *

WHEREAS, Virgin Trains USA has begun construction of phase two of their intercity passenger rail project between Miami and Orlando and is expected to begin transporting passengers in late 2022, operating up to 32 trains daily through the City of Stuart and across the St. Lucie River; and

WHEREAS, the addition of passenger rail to existing freight rail traffic will result in additional closures of the St. Lucie River rail bridge; and

WHEREAS, Virgin Trains USA and Florida East Coast Railway (FEC) have been exploring the feasibility of replacing the current 100-year-old bridge with a new double-track bridge that will provide greater vertical and horizontal clearances for boaters during railroad operations; and

WHEREAS, the efficient movement of freight and passenger rail traffic through Stuart will be facilitated with a double-track rail bridge, and will eliminate potential highway congestion and bottlenecks downtown; and

WHEREAS, the FEC Railway corridor is designated by the Florida Department of Transportation as a Strategic Intermodal System corridor, Florida's high priority network of transportation facilities important to the state's economy and mobility, and a primary focus for implementing the long-range Florida Transportation Plan; and

WHEREAS, a new double-track raised bridge will improve rail movement while also benefiting commercial and recreational marine traffic; and

WHEREAS, the City of Stuart finds that this project is consistent with the long-stated desires by the residents of the City of Stuart to facilitate unrestricted navigation and improve river water quality.

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

SECTION 1: The recitals are true and correct and adopted by reference and incorporated as if fully set forth in this section.

SECTION 2: The City of Stuart supports the FEC – Virgin Train's plan to replace the St. Lucie River rail bridge with a bridge that facilitates improved navigation and rail mobility.

SECTION 3: The City of Stuart supports Florida Department of Transportation and Martin County in partnership with FEC Railway and Virgin Trains USA, in seeking federal grants or other funding mechanisms to supplement private financing for design and construction of the new bridge.

SECTION 4: The Resolution shall take place upon adoption and the City Manager is directed to send a copy of this resolution to Martin County and our federal elected representatives signifying the City of Stuart's support for this initiative.

Resolution No. 108-2019
Supporting the Replacement of the St. Lucie River Rail Bridge

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

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

YES	NO	ABSENT	ABSTAIN

ADOPTED this 12th day of November, 2019.

ATTEST:

MARY R. KINDEL
CITY CLERK

REBECCA S. BRUNER
MAYOR

APPROVED AS TO FORM
AND CORRECTNESS:

MICHAEL J. MORTELL, ESQ.
CITY ATTORNEY

CITY OF STUART, FLORIDA AGENDA ITEM REQUEST CITY COMMISSION

Meeting Date: 11/12/2019

Prepared by: Tom Reetz

Title of Item:

TRILLIUM RPUD - (QUASI-JUDICIAL)(RC):

ORDINANCE No. 2419-2019; AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, AMENDING THE FUTURE LAND USE MAP OF THE CITY'S COMPREHENSIVE PLAN THEREBY CHANGING THE FUTURE LAND USE DESIGNATION FROM "COMMERCIAL" TO "MULTI-FAMILY RESIDENTIAL" FOR A 9.45 ACRE PORTION OF A 49.43 ACRE PARCEL ANNEXED BY ORDINANCE NO. 1527-97, OWNED BY TED GLASRUD ASSOCIATES FL LLC, LOCATED ON THE SOUTH OF SE MIAMI STREET ABUTTING THE NORTH SIDE OF WAL-MART AND EAST OF STUART LANDINGS, SAID LAND BEING MORE FULLY DESCRIBED IN EXHIBIT "A" ATTACHED; AND FURTHER PROVIDING THAT SAID LANDS SHALL CONCURRENTLY BE REZONED FROM COMMERCIAL PLANNED UNIT DEVELOPMENT "CPUD" TO RESIDENTIAL PLANNED UNIT DEVELOPMENT "RPUD" ON THE CITY'S OFFICIAL ZONING MAP; ESTABLISHING THE TRILLIUM RPUD CONSISTING OF SEVENTY SIX (76) ATTACHED HOMES; APPROVING A MASTER SITE PLAN; PROVIDING FOR DEVELOPMENT CONDITIONS AND A TIMETABLE FOR DEVELOPMENT, DECLARING THE PLAN TO BE CONSISTENT WITH THE CITY'S COMPREHENSIVE PLAN; PROVIDING DIRECTIONS TO THE CITY CLERK; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

Summary Explanation/Background Information on Agenda Request:

On October 17, 2019 the Local Planning Agency recommended denial for the Trillium Project because change from a commercial land use to a residential land would result in a land use that is not compatible with the surrounding area. The final vote was 4 (four) members in favor and 1 (one) member in opposition to the motion for denial. The draft minutes from that meeting are attached.

In respect of housing provision in the City the Commission should be aware of the City of Stuart Housing Report of May, 2018. (attached to this item). Relevant extracts are below:

'Traditional measures of housing affordability ignore transportation costs. Typically, a household's second-largest expenditure, transportation costs, are largely a function of the characteristics of the neighborhood in which a household chooses to live. Compact and dynamic neighborhoods with walkable streets and high access to jobs, transit, and a wide variety of businesses are more efficient, affordable, and sustainable.'

'A focus on the development of new housing in areas adjacent to employment centers & transportation options will help build walkable, urban living environment to which millennials and young professionals are attracted.'

'Consider Underlying Multifamily Residential Zoning of Commercial Property: The demise of the "big box" store or 1970's era strip center continues to be an issue. The city could amend their comprehensive land use plans and zoning codes to assign property in each commercial category a multifamily residential zoning overlay (i.e., allowing for redevelopment without a comprehensive land use plan change or rezoning), but only if a predesignated percentage of those units will be used for attainable housing, preferably creating a mixed income scenario.'

Commission should also be aware that on July 1, 2019, several new laws related to development became effective. These include "inclusionary zoning" (affordable housing). Florida Statute 125.01055 states that a government may adopt an Ordinance for the purpose of increasing the supply of affordable housing which requires a developer to provide a specified number or percentage of affordable housing units to be included (or other alternatives in lieu of building the actual units). However, the government must provide incentives to **fully offset** all costs to the developer. The incentives may include but are not limited to:

- a. Allowing the developer density or intensity bonus incentives.
- b. Reducing or waving fees such as impact or sewer and water
- c. Granting other incentives.

Commission would need to instruct staff to create such ordinance for use in the City.

In addition the City of Stuart Economic Development Strategy 2016-2017, states:

'Objective 2: Focus the development of new housing in areas adjacent to employment centers & transportation options.

Tactic 1: Determine which housing types and mixed-use concepts should be adjacent to major employment centers.

Tactic 2: Partner with housing developers to promote investment and redevelopment in these designated areas.

Tactic 3: Create incentive programs to ensure that any new developments in these areas provide housing that is attainable for area employees.'

The property currently has a commercial future land use designation and was the subject of a prior PUD amendment which consolidated the upland preserve offsite in anticipation of the development of the property. The applicant is requesting to change the land use from commercial to multi-family residential to allow for 76-unit attached townhome community.

The project is located south of SE Miami Street, east of SE Federal Highway, west of SE Commerce Avenue and abutting Walmart Supercenter. The Trillium RPUD project proposes 76 attached townhome units within 13 buildings with a gross density of 8.05 units per acre.

The residential community is appropriate for the area due to the proximity of the existing Aldi grocery store, Walmart and other retail shops. The retail proximity will allow for residents of the townhome development to walk to the surrounding retail. Additionally, there are many commercial businesses located along SE Commerce Avenue and the nearby business park that could provide jobs for future residents.

The developer's architect has submitted contemporary elevations for the Town Home community. Site elements such as a cabana and pool area with connecting sidewalks make for a pedestrian friendly neighborhood. Other amenities include a centrally located lake with native plantings at the lake's perimeter. PVC fencing and native landscaping with a minimum width of 25 feet will buffer the project from the surrounding commercial businesses. Staff recommends the developer install littoral planting around the proposed wet retention pond and the existing lake to help maintain a healthy habitat.

Ordinance NO. 2263-2018 was approved by the City Commission which terminated the obligation for the proposed Trillium development to provide 3.64 acres of on-site upland preserve. The ordinance provided for the transfer for the obligation to a nearby undeveloped parcel with superior native habitat. **See Ordinance No. 2263-2018 attached.**

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

Funding Source:

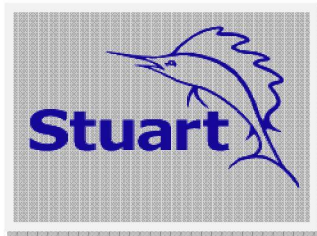
N/A

Recommended Action:

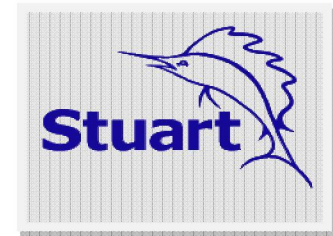
Motion to recommend approval of Ordinance No. 2419-2019 at First Reading.

ATTACHMENTS:

Description	Upload Date	Type
▣ Staff Report	10/23/2019	Staff Report
▣ Staff Review	10/8/2019	Backup Material
▣ Ordinance No. 2419-2019	10/8/2019	Ordinance add to Y drive
▣ Ordinance No. 2419-2019 Exhibit D	10/8/2019	Ordinance add to Y drive
▣ Ordinance No. 2419-2019 Exhibit D1	10/8/2019	Ordinance add to Y drive
▣ Consultant comments with applicant response	10/8/2019	Backup Material
▣ City Comments	10/8/2019	Backup Material
▣ Final Consultant Approval letter	10/8/2019	Backup Material
▣ Ordinance No.2263-2019 termination of on-site upland preserve requirement	10/8/2019	Backup Material
▣ DRAFT LPA minutes	11/1/2019	Backup Material
▣ Housing Report 2018	11/1/2019	Backup Material



CITY OF STUART
City Commission
 November 12th, 2019



Project Name: Trillium RPUD - FLU & Zoning Change	Property Owner: Stuart Development LLC
Project No.: Z19070004	Applicant/Petitioner: Ted Glasrud Associates FL, LLC, Dante Fraegari
Ordinance No: 2419-2019	Agent/Representative: Doug Fitzwater – Lucido & Associates
	Case Planner: Tom Reetz
Location: South side of SE Miami Street, west of SE Commerce Blvd. and east of SE Federal Highway.	



PROJECT SUMMARY	
Property Size (area)	9.45 Acres
Present Use	Undeveloped

<i>Subject Property Land Use</i>		Multi-Family
<i>Adjacent FLU</i>	<i>North</i>	Commercial
	<i>South</i>	Commercial
	<i>East</i>	Commercial
	<i>West</i>	Commercial (comp plan change is necessary)
<i>Subject Property Zoning</i>		CPUD (Commercial Planned Unit Development)
<i>Adjacent Zoning</i>	<i>North</i>	B-2 Business General
	<i>South</i>	CPUD (Commercial Planned Unit Development)
	<i>East</i>	CPUD (Commercial Planned Unit Development)
	<i>West</i>	CPUD (Commercial Planned Unit Development)
<i>Proposed Use</i>		Attached homes (up to 8) – See Ordinance 2410-2019
<i>City Approvals</i>		Building Department – No comments at this time. Fire Department – See attached comments Public Works – See attached comments
<i>Brief Explanation</i>		The intent of this application is to request an amendment to the existing CPUD by changing the land use from commercial to multi-family and the zoning from CPUD to RPUD. The subject property is 9.45 acres. The property is currently undeveloped. The intent of this project is to allow 76 attached homes to be developed on the site while upgrading the drainage and enhancing the buffers and creating a centrally located lake with Littoral plantings.
<i>Staff Recommendation:</i> Staff recommends approval for the land use and zoning change for 76 town-home units and master site plan approval.		

STAFF REPORT AND RECOMMENDATION

I. LEGAL NOTICE REQUIREMENTS

A. Requirements for Application – The applications to change the land use and to rezone to RPUD have been noticed in accordance with the requirements set forth in Sections 11.01.02, 11.01.09, and 11.02.00 of the Land Development Regulations.

B. Site Posting Date: 10-02-2019

C. Mail Notice Postmark: 10-02-2019 to property owners within 300 feet

D. Publication Date: 10 days prior to Second Reading

II. MAJOR AMENDMENT TO THE RPUD ORDINANCE NO. 2319-2019

III. APPLICATION: Dated July 11, 2019

IV. HISTORY OF THE SITE

The +/-9.45-acre site is located on the south side of SE Miami Street, west of SE Commerce Blvd. and east of SE Federal Highway. The development is proposed for 13 multi-family buildings consisting of 76 individual residences considered Multifamily Housing. Access to the proposed development is a single entrance via the connector road between Miami Street and Walmart. The developer will build an 8-foot sidewalk on the east side of the connector road from Miami Street to Walmart.

V. STAFF ANALYSIS

Site and Area Characteristics

The subject property consists of one parcel totaling 9.45 acres in size, located on the South side of SE Miami Street, west of SE Commerce Blvd. and east of SE Federal Highway.

Project Description

The site is located at the southern portion of the City of Stuart limits. The parcel to the west has been developed commercially with Aldi grocery as the anchor with supporting uses.

A Master Site Plan has been laid out with 76 attached units strategically placed around a centrally located lake with native plantings. The site includes a gated entry with generous landscaping a decorative fence at the projects entrance. A pool and cabana nestled at the project's entrance and surrounded by native landscaping.

The developer has submitted attractive two-story townhome models with a Contemporary design

for this community.

Site elements such as a streetscape scheme including foxtail palms which allows the private road to be lined with decorative trees and sidewalk on both sides of the streets. Other amenities include a lake with littoral planting (requested by staff). Buffer plantings and upland preserve creating a natural buffer between existing communities and roadways.

Future Land Use Amendment and Comprehensive Plan Consistency Review

A review of the Comprehensive Plan finds that the proposed list of uses that are consistent with the proposed Low-Density Future Land Designation:

This land-use category allows for one or two dwelling units per building. Includes single family detached, duplex/townhomes, patio homes, garden homes, and adult living facilities, foster homes and zero-lot-line residences. Also, public facilities, churches day care centers, schools and electric distribution substations are allowed.

Section 11.01.05G.1 (large-Scale Comprehensive Plan Amendments) of the Land Development Code requires the Local Planning Agency to consider the following criteria prior to making an advisory recommendation to the City Commission:

1. *The existing land use pattern;*

The existing land use pattern surrounding the project area consists of commercial properties along SE Federal Highway. And, to the east the existing businesses, as well as the business park to the south will provide job opportunities for the residents.

2. *The possible creation of an isolated land use classification unrelated to adjacent and nearby classifications;*

No, the proposed residential community would not create an isolated land use classification. Although, the residential community would be a separate land use to the surrounding commercial properties, the nearby businesses will provide grocery, dining and job opportunities for the residential project.

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

No. The multifamily land use and the proposed project will rely on Martin County Utilities for services which have sufficient capacity to service the proposed project. The school capacity will be coordinated with the Martin County school board and concurrency will be reserved at the time of construction plan permitting for the Trillium RPUD. The streets have adequate capacity.

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

The property will not connect to the City's sewage collection, treatment and disposal facilities. The property is within the Martin County Utilities service district.

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

All development on the site would be required to comply with applicable City of Stuart stormwater management requirements with review and permitting from the South Florida Water Management District.

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

There are no issues in this regard.

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

The county/city has shown a trend toward development of residential uses and the need for housing to support the local workforce and young professionals.

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

The type and intensity of development that would be feasible on the subject property would not create an adverse impact to nearby neighborhoods.

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

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

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

The change in land use designation from commercial to residential would likely result in an increase in property values in the adjacent area by allowing for a local customer base for the surrounding commercial properties.

11. *The existence of other adequate sites in the City for the proposed land use classifications already permitting such use.*

There are few vacant properties in this area of Stuart with a land use of multifamily to provide town home units to existing and future residents.

A. Technical Review by Other Agencies

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

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

VI. LOCAL PLANNING AGENCY BOARD RECOMMENDATION

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

VII. STAFF RECOMMENDATION (APPROVAL WITH CONDITIONS)

Staff has determined that the proposed major amendment to the RPUD is consistent with the goals, objectives and policies of the Comprehensive Plan and the regulations in the Land Development Code. Staff offers no objection to the requests.

Residential PUD

Project:	Trillium RPUD
Date	10.17.2019

Adjacent N	Car Dealership - Wallace
Adjacent S	Walmart
Adjacent E	Preserve
Adjacent W	Stuart Landings (Aldi and Burger King)
Total Floor Space (sq.ft)	81022 SQ ft 1.8 Acres bldg footprint tot.

LDR Reference	Land Development Regulations	RPUD REVIEW STATUS
2.07.00 D.1	Land Use Designation	COMPLY
2.07.00 D.2 a	Uses	COMPLY
2.07.00 D.2 b	Compatible Residential Uses	COMPLY
2.07.00 D.2 c	Commercial (<30%)	NOT APPLICABLE
2.07.00.D.2.d	Commercial Uses (<30%) vertical	NOT APPLICABLE
2.07.00.D.3	Density	COMPLY
2.07.03 D.4.b	Open Space (>30%)	EXCEPTION REQUESTED
2.07.03 D.4.c	FAR	COMPLY
2.07.03.D.4.d	Native Vegetaion (>25%)	NOT APPLICABLE

AREA, IMPERVIOUS SURFACE, SETBACK AND HEIGHT

2.04.03	Supplemental impervious surface	COMPLY
2.04.04	Supplemental setback requirements	COMPLY
2.04.05	Waterfront setbacks	NOT APPLICABLE
2.04.06	Certain street setbacks	NOT APPLICABLE
2.04.07	Supplemental building height	COMPLY
2.06.00	Supplemental Use standards	NOT APPLICABLE

4.04.01	Traffic Concurrency	COMPLY
4.09.00	School Concurrency	TO BE REVIEWED

RESOURCE PROTECTION

5.02.00	Environmental Assessment	COMPLY
5.03.02	Wetland Protection	COMPLY
5.04.00	Environmentally sensitive lands	COMPLY
5.04.03	Monitoring & Maintenance	REVIEWED AT SITE PLAN
5.05.01	Tree Survey	COMPLY
5.05.02	Tree removal	COMPLY

5.06.00	Mangrove & Shoreline	NOT APPLICABLE
5.07.00	Floodplain Management	COMPLY
Comp Plan	Comprehensive Plan	COMPLY

TRANSPORTATION

6.01.04	Sidewalks/bikeways	COMPLY
6.01.05	Bike Ped (LCD)	COMPLY
6.01.06	Access	COMPLY
6.01.07	Drive-through	NOT APPLICABLE
6.01.08	Vehicular Access	NOT APPLICABLE
6.01.09	Parking Code	COMPLY
6.01.18	Off-Street Loading	TO BE REVIEWED
6.01.19	PILOP	NOT APPLICABLE

STORMWATER

6.03.01	Generally	TO BE REVIEWED
6.03.04	Management	TO BE REVIEWED
6.03.08	Erosion	TO BE REVIEWED

LANDSCAPING

6.04.02	General Standards	COMPLY
6.04.02 A.1	Native Landscaping	COMPLY
6.06.02 A.2	Shade Trees Required	COMPLY
6.06.02 A.4	Banyan, Ficus & Rubber Trees	NOT APPLICABLE
6.06.02 A.5	Proximity to power lines	COMPLY
6.06.02 A.6	Shrubs	COMPLY
6.06.02 A.7	Hedges	COMPLY
6.06.02 A.8	Vines	NOT APPLICABLE
6.06.02 A.9	Ground cover	COMPLY
6.06.02 A.10	Grass Area	COMPLY
6.06.02 B	Irrigation	REVIEWED AT SITE PLAN

LANDSCAPE DESIGN

6.04.03 A	Utility Lines (Existing and Proposed)	COMPLY
6.04.03 B.1	Landscaped Area >20%	COMPLY
6.04.03 B.2	Interior landscaping >50%	COMPLY
6.04.03 B.3	location of impervious	COMPLY
6.04.03 B.4	Mulch	COMPLY
6.04.03 B.5	Shoreline protection	NOT APPLICABLE
6.04.03 B.6	Visibility triangles	TO BE REVIEWED

6.04.06	Land Use Transitions	COMPLY
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LANDSCAPING - PARKING AREAS

6.04.07 A.1	Landscaped strip adjacent to street	COMPLY
6.04.07 A.2	Landscaped strip length linear feet	COMPLY
6.04.07 A.2a	Parking area adjacent to street	COMPLY
6.04.07 A.2b	Hedge/wall/berm on outside of strip	COMPLY
6.04.07 A.2c	Other Landscaping	COMPLY
6.06.07 A.2d	Grass	COMPLY
6.04.07 A.3	Shrubs/ground cover	COMPLY
6.04.07 B	parking screened from private property	NOT APPLICABLE
6.04.07 B.1	Landscaped strip adjacent to private property	NOT APPLICABLE
6.04.07 B.2a	Parking area adjacent to private property	NOT APPLICABLE
6.04.07 B.2b	Hedge/wall/berm on outside of strip	NOT APPLICABLE
6.04.07 B.2c	Other Landscaping	NOT APPLICABLE
6.04.07 B.2d	Grass	NOT APPLICABLE
6.04.07 B.3	Shrubs/ground cover	NOT APPLICABLE
6.04.07 C.1	Parking Area (Major Dev't only)	COMPLY
6.04.07 C.2	Parking area rear and sides of building	COMPLY
6.04.07 C.3	Interior trees	COMPLY
6.04.07 C.4	Vehicle encroachment	COMPLY
6.04.07 C.5	Interior landscaped islands	COMPLY
6.04.07 C.6	Terminal landscaped islands	COMPLY
6.04.07 C.7	Interior landscaped medians	COMPLY
6.04.07 C.8	Interior shade trees	COMPLY
6.04.07 D	Visibility triangles	REVIEWED AT SITE PLAN
6.04.08	Tree Requirements	COMPLY
6.04.10	Loading Storage	NOT APPLICABLE

COMMERCIAL DEVELOPMENT STANDARDS

6.05.02 B	Building Location	NOT APPLICABLE
6.05.02 C	Building Orientation	NOT APPLICABLE
6.05.02 D	Façade Design	NOT APPLICABLE
6.05.02 E	Massing	NOT APPLICABLE
6.05.02 F	Other Features	NOT APPLICABLE
6.05.02 G	Transitional Elevations	NOT APPLICABLE
6.05.03 B	Blank Wall Area	NOT APPLICABLE
6.05.03 C	Repeating Façade	NOT APPLICABLE
6.05.04	Additional Façade	NOT APPLICABLE

6.05.05	Roof Treatments	NOT APPLICABLE
6.05.06	Entryways and customer entrance	NOT APPLICABLE
6.05.07	Materials and Color	NOT APPLICABLE
6.06.00	Green Development	NOT APPLICABLE
6.07.00	Lighting	NOT APPLICABLE
6.08.00	Dumpster & Recycling	NOT APPLICABLE
6.09.05	Fences	NOT APPLICABLE
6.11.00	Signs	TO BE REVIEWED



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

ORDINANCE NUMBER 2419-2019

*** * * * ***

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, AMENDING THE FUTURE LAND USE MAP OF THE CITY'S COMPREHENSIVE PLAN THEREBY CHANGING THE FUTURE LAND USE DESIGNATION FROM "COMMERCIAL" TO "MULTI-FAMILY RESIDENTIAL" FOR A 9.45 ACRE PORTION OF A 49.43 ACRE PARCEL ANNEXED BY ORDINANCE NO. 1527-97, OWNED BY TED GLASRUD ASSOCIATES FL LLC, LOCATED ON THE SOUTH OF SE MIAMI STREET ABUTTING THE NORTH SIDE OF WAL-MART AND EAST OF STUART LANDINGS, SAID LAND BEING MORE FULLY DESCRIBED IN EXHIBIT "A" ATTACHED; AND FURTHER PROVIDING THAT SAID LANDS SHALL CONCURRENTLY BE REZONED FROM COMMERCIAL PLANNED UNIT DEVELOPMENT "CPUD" TO RESIDENTIAL PLANNED UNIT DEVELOPMENT "RPUD" ON THE CITY'S OFFICIAL ZONING MAP; ESTABLISHING THE TRILLIUM RPUD CONSISTING OF SEVENTY SIX (76) ATTACHED HOMES; APPROVING A MASTER SITE PLAN; PROVIDING FOR DEVELOPMENT CONDITIONS AND A TIMETABLE FOR DEVELOPMENT, DECLARING THE PLAN TO BE CONSISTENT WITH THE CITY'S COMPREHENSIVE PLAN; PROVIDING DIRECTIONS TO THE CITY CLERK; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

* * * * *

WHEREAS, the City Commission held a properly noticed hearing at a regularly scheduled City Commission to consider the application by Lucido and Associates and Meritage Homes representing Ted Glasrud Associates Fl, LLC (owner), for a 9.45 acre parcel of land located on the south side of S.E. Miami Street abutting the north side of Walmart and east of Stuart Landings; and

WHEREAS, the City of Stuart has determined the need to change the Future Land Use and Land Development zoning district for said lands; and

WHEREAS, the City Commission, has considered the Petitioner's voluntary request for land use and zoning designations, and has also considered the recommendation of the City staff.

WHEREAS, the Applicant has committed to the City that its development will comply with all development codes, plans, standards and conditions approved by the City Commission; and that it will bind its successors in title to any such commitments made upon approval of the RPUD; and

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

WHEREAS, the RPUD development will be in harmony with surrounding properties and their anticipated development;

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

WHEREAS, the property is legally described in “**Exhibit A**” of this ordinance. A map depicting the property is attached hereto as **Exhibit “B”** and made a part hereof by reference; and development conditions including a timetable for construction attached hereto as **Exhibit “C”**;

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

SECTION 1: The following new documents are on file as public records of the City, at the office of the City Clerk in City Hall, and attached hereto as **Exhibit “D”**, hereinafter the “Development Documents”, shall be deemed a part of the development conditions, and shall supplement any earlier approvals:

- a. **Master Site Plan, Sheet SP-1, prepared by Lucido & Associates, dated 07.10.19, resubmitted on 09.06.19.**
- b. **Boundary & Topographic Survey, Sheets 1 & 2 of 2, by Caulfield and Wheeler, Inc, dated 04.15.19.**
- c. **ALTA/NSPS Land Title Tree Survey, Sheets 1 & 2 of 2, by Caulfield and Wheeler, Inc, dated 04.15.19.**
- d. **The Landscape Plan & Plant Schedule, Master Plant Schedule, Tree Mitigation Plan, Tree Table, Landscape Details, and Landscape Specifications, Sheets CV, LA-1, LA-2, LA-3, LA-4, LA-5, LA-6, LA-7, LA-8, prepared by Lucido & Associates, dated 02.13.19, and response to comments dated 07. 10.19, resubmitted on 09.06.19, and response to comments on 10.04.19 and 10.07.19.**
- e. **Architectural Elevations for Building BHHB, Contemporary Elevation, Left, Right and Rear, by Fieldstone Architecture & Engineering for Meritage Homes, no date.**
- f. **Trillium Environmental Assessment Report by EW Consultants, Inc., dated September 2019.**

SECTION 2: The Future Land Use designation in the City's Comprehensive Land Use Plan shall be established as "Multi-Family Residential". The Land Development (Zoning) District designation on the City of Stuart Official Zoning Map shall be established as "RPUD" Residential Planned Unit Development amended by this ordinance to allow for 76 attached townhome units.

SECTION 3: This ordinance becomes effective upon adoption.

SECTION 4: Except as otherwise provided herein, no development permits, site permits, or building permits shall be issued by the City except in compliance with the City's Land Development Code.

SECTION 5: All ordinances or parts of ordinances in conflict with this ordinance or any part thereof is hereby repealed to the extent of such conflict. If any provision of this ordinance conflicts with any contractual provision between the City and the developer of the site, this ordinance shall prevail.

SECTION 6: If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared severable.

SECTION 7: This ordinance shall be effective upon the following to occur: adoption by the City Commission, and proper execution and acceptance by the Owner.

SECTION 8: 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 9: Upon complete execution of this Ordinance, including the Acceptance and Agreement by the Owner, the City Clerk is directed to record a Certified Copy of the same in the Public Records of Martin County, Florida.

Passed on first reading the 12th day of November 2019.

Commissioner _____ offered the foregoing Ordinance and moved its adoption.

The motion was seconded by Commissioner _____ and upon being put to a roll call vote, the vote was as follows:

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

YES	NO	ABSENT	ABSTAIN

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

ATTEST:

MARY R. KINDEL
CITY CLERK

REBECCA S. BRUNER
MAYOR

APPROVED AS TO FORM

AND CORRECTNESS:

MICHAEL MORTELL
CITY ATTORNEY

ACCEPTANCE AND AGREEMENT

BY SIGNING THIS ACCEPTANCE AND AGREEMENT, THE UNDERSIGNED HEREBY ACCEPTS AND AGREES TO ALL OF THE TERMS AND CONDITIONS CONTAINED IN A RESIDENTIAL PLANNED UNIT DEVELOPMENT AND IN ALL EXHIBITS, ATTACHMENTS AND DEVELOPMENT DOCUMENTS, INTENDING TO BE BOUND THEREBY, AND THAT SUCH ACCEPTANCE AND AGREEMENT IS DONE FREELY, KNOWINGLY, AND WITHOUT ANY RESERVATION, AND FOR THE PURPOSES EXPRESSED WITHIN THE ABOVE ORDINANCE. IF IT IS LATER DISCOVERED THAT THE UNDERSIGNED, OR ITS SUCCESSORS OR ASSIGNS HAVE FAILED IN ANY MATERIAL WAY TO DEVELOP THIS RESIDENTIAL PLANNED UNIT DEVELOPMENT ACCORDING TO THIS ORDINANCE, ITS CONDITIONS, AND THE DEVELOPMENT PLANS AND DOCUMENTS, THE UNDERSIGNED UNDERSTANDS AND AGREES THAT THIS ORDINANCE MAY BE AMENDED OR REPEALED BY THE CITY COMMISSION, AND THAT OTHER ACTIONS MAY BE TAKEN AGAINST THE UNDERSIGNED BY THE CITY, INCLUDING BUT NOT LIMITED TO CODE ENFORCEMENT ACTIONS, PERMIT AND LICENSING REVOCATIONS, AND ALL APPLICABLE CIVIL AND CRIMINAL ACTIONS.

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

WITNESSES:

Ted Glasrud Associates FL, LLC

Print Name: _____

By: _____
Theodore G. Glasrud (President of Glasrud
Management, Inc.)

Print Name: _____

OWNERS ACKNOWLEDGMENT

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

Notary Public, State of Florida
My Commission Expires:

Notary Seal

Personally Known _____ OR Produced Identification _____

Type of Identification Produced _____

CITY'S ACKNOWLEDGMENT

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

Notary Public, State of Florida

My Commission Expires:

Notary Seal

Personally Known _____ OR Produced Identification _____

Type of Identification Produced _____

EXHIBIT A – LEGAL DESCRIPTION

Trillium RPUD

PARCEL 6:

Parcel 6A. Tracts 153, 154, 155, 156, 157 and 158 lying West of SE Commerce Avenue and South of SE Miami Street, Sewall's Point Land Company Subdivision, according to the map or plat thereof, as recorded in Plat Book 3, Page 7 of the Public Records of Palm Beach (now Martin) County, Florida.

less and excepting lands conveyed to Harbor Federal Savings Bank recorded in Official Records Book 1693, Page 1280

and

less and excepting lands conveyed to Wal-Mart Stores East, LP recorded in Official Records Book 1948, Page 557

and

less and excepting lands conveyed to DKC Stuart Landings LLC recorded in Official Records Book 2823, Page 1546.

TOGETHER WITH:

Parcel 6B. "Nonexclusive easements contained in Access Easement Agreement between Wal-Mart Stores East LP and Industrial Development Corp recorded in Official Records Book 1948 page 594";

EXHIBIT B – LOCATION MAP



EXHIBIT C – DEVELOPMENT CONDITIONS

Approved Plans and Documents

1. The Trillium RPUD project and use thereof shall comply with the following drawings:
 - a. **Master Site Plan, Sheet SP-1, prepared by Lucido & Associates, dated 07.10.19, resubmitted on 09.06.19.**
 - b. **Boundary & Topographic Survey, Sheets 1 & 2 of 2, by Caulfield and Wheeler, Inc, dated 04.15.19.**
 - c. **ALTA/NSPS Land Title Tree Survey, Sheets 1 & 2 of 2, by Caulfield and Wheeler, Inc, dated 04.15.19.**
 - d. **The Landscape Plan & Plant Schedule, Master Plant Schedule, Tree Mitigation Plan, Tree Table, Landscape Details, and Landscape Specifications, Sheets CV, LA-1, LA-2, LA-3, LA-4, LA-5, LA-6, LA-7, LA-8, prepared by Lucido & Associates, dated 02.13.19, and response to comments dated 07. 10.19, resubmitted on 09.06.19, and response to comments on 10.04.19. and 10.07.19.**
 - e. **Architectural Elevations for Building BHBB, Contemporary Elevation, Left, Right and Rear, by Fieldstone Architecture & Engineering for Meritage Homes, no date.**
 - f. **Trillium Environmental Assessment Report by EW Consultants, Inc., dated September 2019.**
1. Any modifications to the Master RPUD Site Plan that exceeds 10% of the approved building footprint, building setbacks, gross square footage, building location, parking size, location and number of parking, drainage areas, and location of landscaping may be approved by the City's Development Director, provided however, the Development Director may refer the matter to the City Commission for approval via a public hearing.
2. Development of the Subject Property as a RPUD shall include an impervious area of not more than 286,352 sf or 6.57 acres (69% of the site) within the RPUD. The maximum

building height within the RPUD shall be 2 stories or 30 feet. Height shall be measured from the lowest permissible finished first floor elevation to the surface of a flat roof or to the eave of a pitched roof. The peak of a pitched roof may not exceed 15 feet above the maximum building height.

3. The developer shall construct an 8 (eight) foot wide sidewalk with curbing along the entire front of the project (minus the entry) abutting the east side of the 50 wide unnamed connector road to be completed before the last certificate of occupancy is issued.
4. The developer shall post a sign at the mailboxes located along perpendicular stalls reserving spaces specifically for mail delivery and pick-up only.

Landscaping

5. The common areas including the projects cabana and pool area shall be provided with landscaping with an irrigation system of enough capacity to maintain the landscaping in a healthy growing condition.
6. The City's landscape inspector shall have the opportunity to inspect all trees and/or landscape material with the landscape architect prior to installation. The developer shall bear the pass-thru fee for landscape consulting fees not to exceed \$1,500.00.
7. A Landscape maintenance plan, executed in accordance with the Land Development Regulations, shall be submitted to the Development Department and approved prior to the issuance of a certificate of occupancy.

Required Pervious and Native Preserve Area

8. Not less than 17.0% (1.10 acres) of the RPUD or shall be open space that may include landscaped buffer areas as depicted on the Master Site Plan by Lucido and Associates as described in Exhibit C.

Tree Mitigation

9. The project shall comply with project's tree mitigation plan, Sht. LA-5 by Lucido and Associates.

Prior to Issuance of Site Permits

10. Applicant shall provide a digital boundary survey and civil plan prior to the issuance of a site permit.
11. Civil Plans shall be reviewed and approved by all applicable City departments prior to the issuance of a site permit.
12. All regulatory agency permits, including but not limited to the South Florida Water Management District and Army Corp of Engineers, shall be obtained by the applicant and copies provided to the City prior to the commencement of any development activities.
13. All development activities shall comply with the City's Concurrency Management System prior to the issuance of building permits.

Development and Construction

14. The Developer shall construct the project's infrastructure in one phase and is required to control the sales of lots in blocks and will create a lot sales and construction plan which shall be provided to the City's Development Department for review and approval prior to application for the first building permit. The last building's townhouse unit shall obtain a certificate of occupancy by December 30, 2023.

15. The developer shall obtain a grading easement from the commercial development owner to the west (Stuart Landings) for the construction of drainage outfall piping near the connection to the manhole as currently shown on the plans.
16. The Developer shall install landscaping and gates at the development's entry as shown on the landscaping plan prior to the first certificate of occupancy for a residential unit. The entry gates shall be made operational with gate code coordination for accessibility by the City's Public Works Department for trash pickup and meter reading prior to issuance of the third certificate of occupancy.
17. The proposed cabana and pool landscaping shall be completed before the certificate of occupancy has been issued for the 10th residential unit or within 12 months from the start of any development activity.
18. The developer shall eradicate all invasive vegetation for the entire site to be completed and inspected prior the first building permit being issued.
19. The property owner shall provide easements for licensed television services. Preserve area easements shall be dedicated to state agencies with the City of Stuart having the option to have those same easements.
20. Water and Sewer Services shall be provided by Martin County Utilities. Additionally, the development shall use reclaimed water (Purple Pipe) for watering common areas and make available to individual lots if made available by Martin County.
21. The Developer shall provide a six-foot decorative aluminum fence acceptable to the Development Department at the project's entry up to the proposed swale.
22. In the event of any conflict in the provisions of Exhibit 'C' Development Conditions and attached exhibits, Exhibit 'C' shall prevail.

23. Prior to certificate of occupancy of the last building, the applicant shall provide an engineer's written confirmation attesting that the RPUD's storm water system is in place and functioning in compliance with all approved plans and specifications.
24. Erosion and dust control measures to be implemented during construction shall be provided on the civil plans and submitted during site permit review. Water trucks shall be provided by the applicant as necessary during construction in order to reduce dust generated on-site.
25. All utility improvements constructed by the developer within City's right-of-way, shall be constructed in a manner and form acceptable to the City Public Works department.
26. The developer shall provide both transponders and individual gate access codes for Public Works sanitation pickup.
27. The project's Native Planting schemes at the lake will be designed using Low Impact Development "(LID) Techniques as described in the University of Florida IFSA Extension publication LID Practices: Integration Wetlands and Enhancing Storm water Basins".
28. Temporary or freestanding storage units are prohibited on the property once construction is complete.
29. The installation of a Knox key switch to operate the gate is required for City of Stuart fire rescue and Martin County Fire Rescue and the gate codes are to be posted with the City's Police Department.
30. A lighting plan shall be included on the Landscape plan for the community's common areas including any street lighting at permitting. All lights at the common areas shall be limited to 15 feet in height and shielded from neighboring property.

31. Site work including but not limited to land preparation, lake excavation, clearing and grading, drainage and water, sewer and irrigation lines, and private road shall be reviewed and approved by the City's Public Works department and the city's engineering consultant prior to permitting. Specifically,
- a. Private Road & R.O.W. including pedestrian sidewalk
 - b. Proposed Lake
 - c. Cabana and Pool
32. The developer shall make provision for a pedestrian gate from the development to the existing retention pond before the final Certificate of occupancy is issued.

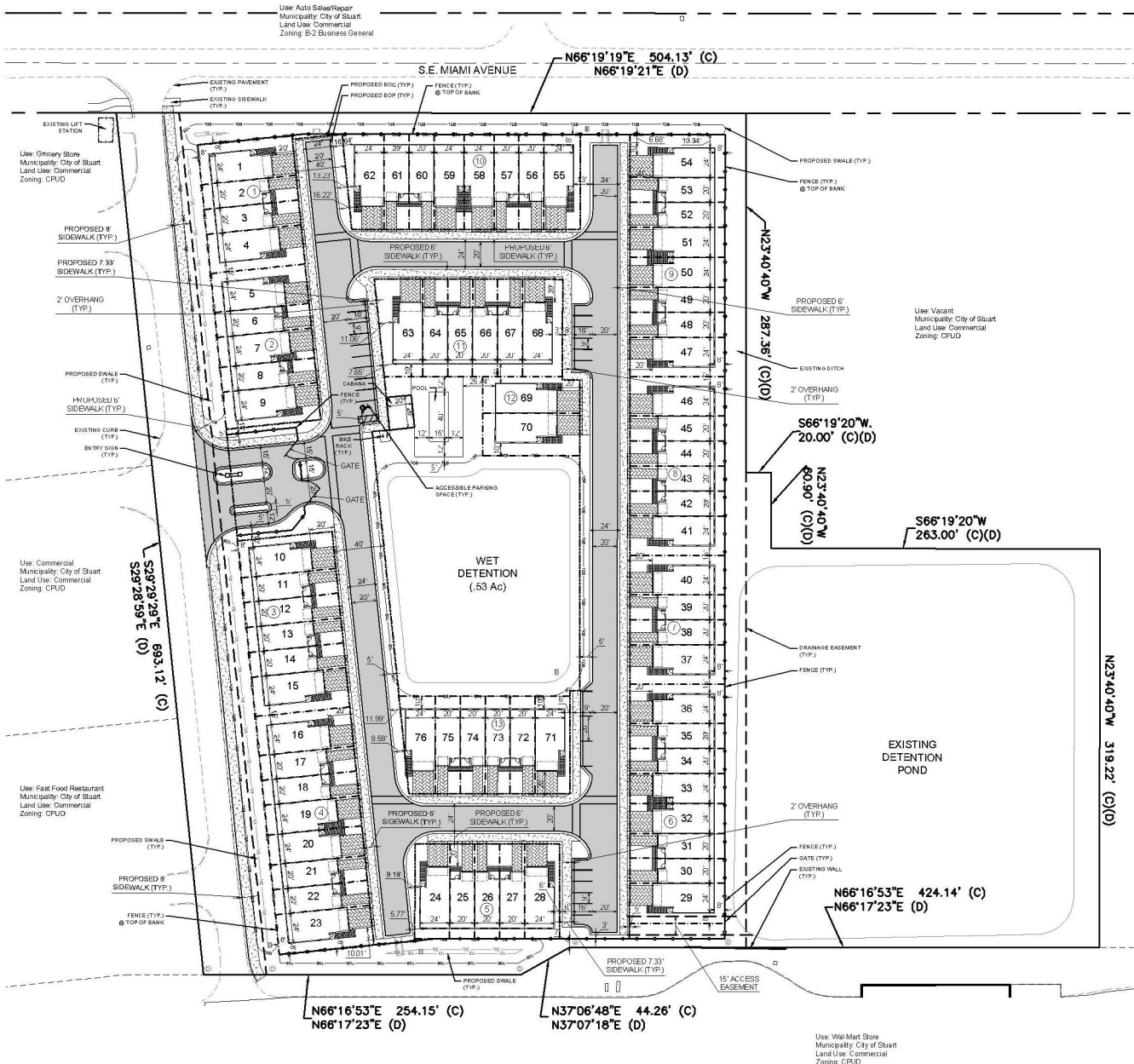
Signage

33. All signs throughout the PUD must have a consistent treatment, as to number, location, size, height, lighting, and materials with a unified theme throughout the Planned Unit Development. The development's monument sign shall adhere to the City of Stuart Land Development Code.

Platting- HOA Requirements & Future Amendments

34. Plat approval per Section 11.01.06.1 shall occur prior to any future development permit for any development activity, no permit for development including site work and infrastructure, shall be issued by the City unless and until a plat has been approved by the City Commission and recorded in the public records.
35. The PUD may be conveyed to 76 separate homeowners without further amendment to this Ordinance. Prior to application for any development, the applicant/developer shall form a HOA (Homeowners Association) or other similar entity acceptable to the City Attorney, which shall be singularly responsible for the perpetual maintenance of the common site features and include restrictions regarding boats, boat trailers, sheds, etc.

36. City of Stuart waste receptacles, including recycle shall be stored in garages only. The developments HOA shall be responsible for enforcing this waste receptable policy. The receptacles at the amenity areas shall be stored inside the clubhouse or outside in an approved enclosure. The developments HOA shall be responsible for enforcing this waste receptable policy. The property-owners association shall pay for initial bins (one trash bin and one recycle bin) for each unit including the clubhouse for a total of 77 trash bins and 77 recycle bins at the time of permitting. The City will provide a single bill to the POA for trash pick-up.
37. There shall be no on street parking on trash/recycle collection days. The developer and home-owners association shall request and consent to law enforcement entry to property and enforcement of state and city laws to include traffic enforcement. Additionally, the City of Stuart Police Department shall have authority to enforce city laws and all conditions of development of Ordinance 2419-2019.
38. No yard waste shall be placed in the street.
39. All new fences shall be maintained by the Trillium Home-Owners Association. Both sides of the existing partial wall at the rear of Walmart separating the two properties shall be maintained by the Walmart. Trillium shall grant easement to Walmart for maintenance of the partial existing wall separating the two properties.
40. Any applications to amend this Ordinance shall be limited to the developer or the Home-Owners Association.
41. The Home-Owner's Association shall regulate any permits for guest parking.



Site Data:

Existing Future Land Use:	Commercial
Proposed Future Land Use:	Multifamily
Existing Zoning:	CPUD
Proposed Zoning:	RPUD
Total Units:	76 Units
Gross Density:	8.05 DU/ac.
Area (Total Site):	411,484 sf 9.45 ac.
Impervious Area:	288,352 sf 6.57 ac. (69.0%)
Roofing:	91,842 sf 2.08 ac.
Paved/Impervious (PDA, Curb, Driveway, & Sidewalk):	112,548 sf 2.58 ac.
Lake:	60,000 sf 1.38 ac.
Wet Detention:	20,000 sf 0.45 ac.
Previous Area:	125,132 sf 2.88 ac. (31%)
Landscape Area:	125,132 sf 2.88 ac.

Building Data:

Product Type:	Townhomes
Maximum Height:	2 Stories - 30'
Building Coverage:	19%

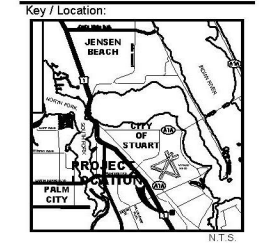
Parking Calculations:

Total Parking Spaces Required	152 Spaces
76 - Two bedroom or greater units @ 2 Spaces per unit: 152 Spaces	
Total Parking Spaces Provided	177 Spaces
Standard Spaces:	22 Spaces (1 Accessible Space)
Parallel Spaces:	3 Spaces
Garage Spaces:	111 Spaces
Driveway Spaces:	41 Spaces

General Notes:

- Refer to Landscape Plan for landscape details and specifications.
- A Certificate of Occupancy (Plumbing Permit) will be provided with the final site plan application.
- The applicant will require in writing, prior to any land clearing, that a field inspection be performed to determine if utilities have been properly installed on the site.
- All signs will be reviewed for compliance with the applicable regulations at the time the sign permit is issued.
- The property owner shall be required to provide adequate easements to ensure non-exclusive access to duly licensed cable television services to persons residing in this development. The easement shall specifically provide for the use by the franchised cable television system.
- The parking area, shown hereon as private and will be owned and maintained by the homeowners' association.
- Water and sewer service shall be provided by Martin County Utilities.
- Photometric site lighting plans shall be provided to the City of Stuart for review and approval prior to site development permit approval.

lucido & associates
701 SE Ivanhoe Blvd., Stuart, Florida 34984 (772) 224-2100 Fax: (772) 224-0220



Project Team:

Client & Property Owner:	Mortgage Homes 6037 Milena Lake Blvd., Suite 410 Orlando, Florida 32839
Land Planner / Landscape Architect:	Lucido & Associates 701 East Ocean Boulevard Stuart, Florida 34984
Engineer:	The Miller Group, Inc. 10076 SE Federal Highway Hialeah 33010, Florida 33488
Surveyor:	Cadfield & Whelan, Inc. 7800 Shalimar Blvd., Suite 100 Boca Raton, Florida 33484

Trillium RPUD
City of Stuart, Martin County, Florida

Master Site Plan

Date	By	Description
07.10.19	J.J.	Initial Submittal
09.06.19	J.J.	First Resubmittal

Scale: 1" = 40'
0 20' 40' 80'

Legend:

Designer	J.J.	Sheet
Manager	U.P.	
Project Number	19-111U	
Municipal Number	---	
Computer File	19-111U Trillium Townhomes - Site Plan.dwg	

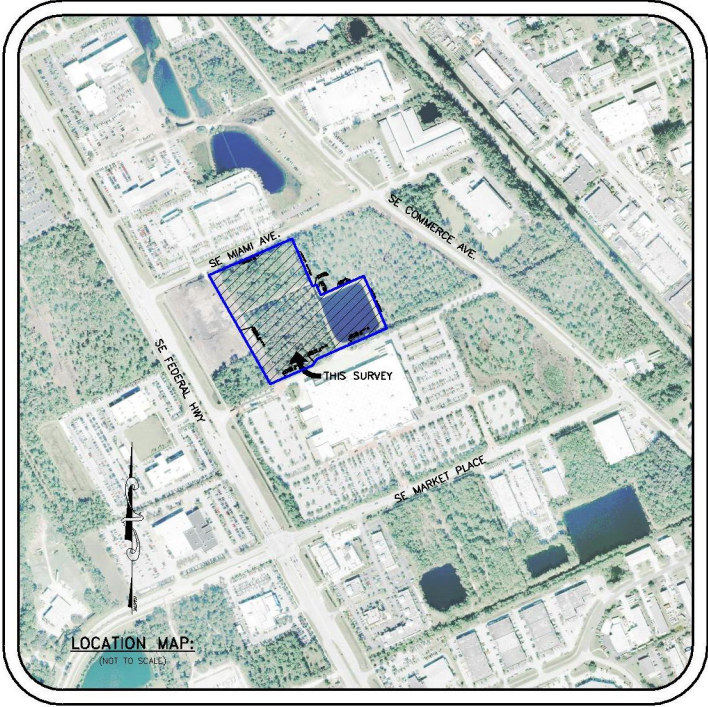
SP-1

LEGAL DESCRIPTION:

PARCEL 6-B
TRACTS 153, 154, 155, 156, 157, AND 158 LYING WEST OF S.E. COMMERCE AVENUE AND SOUTH OF SE MIAMI STREET, SEWALL'S POINT LAND COMPANY SUBDIVISION, ACCORDING TO THE MAP OR PLAT THEREOF, AS RECORDED IN PLAT BOOK 3, PAGE 7 OF THE PUBLIC RECORDS OF PALM BEACH (NOW MARTIN) COUNTY, FLORIDA, AND BEING FURTHER DESCRIBED AS FOLLOWS:
-LESS AND EXCEPTING LANDS CONVEYED TO HARBOR FEDERAL SAVINGS BANK, RECORDED IN OFFICIAL RECORDS BOOK 1693, PAGE 1280.
-AND LESS
LESS AND EXCEPTING LANDS CONVEYED TO WAL-MART STORES EAST, LP RECORDED IN OFFICIAL RECORDS BOOK 1946, PAGE 557.
-AND LESS
LESS AND EXCEPTING LANDS CONVEYED TO DKC STUART LANDINGS LLC, RECORDED IN OFFICIAL RECORDS BOOK 2623, PAGE 1546.
-AND LESS
A PARCEL OF LAND LYING IN A PORTION OF TRACTS 153, 154, 155, AND 156, SEWALL'S POINT LAND COMPANY SUBDIVISION, AS RECORDED IN PLAT BOOK 3, PAGE 7, OF THE PUBLIC RECORDS OF PALM BEACH (NOW MARTIN) COUNTY, FLORIDA, AND BEING FURTHER DESCRIBED AS FOLLOWS:
BEGINNING AT THE INTERSECTION OF THE SOUTH RIGHT-OF-WAY LINE OF S.E. MIAMI AVENUE, DESCRIBED IN OFFICIAL RECORDS BOOK 631, PAGE 1627, HAVING AN 80 FOOT RIGHT-OF-WAY, AND THE SOUTHWEST RIGHT-OF-WAY LINE OF S.E. COMMERCE AVENUE, ALSO DESCRIBED IN OFFICIAL RECORDS BOOK 631, PAGE 1627, HAVING AN 80 FOOT RIGHT-OF-WAY; THENCE ON A NON-TANGENT CURVE, CONCAVE TO THE NORTHEAST AND HAVING A RADIAL BEARING OF NORTH 07°36'25" EAST, A RADIUS OF 7460.00 FEET, A CENTRAL ANGLE OF 02°22'74", TRAVEL COUNTER-CLOCKWISE, ALONG THE ARC OF SAID NON-TANGENT CURVE, AND SAID 80 FOOT RIGHT-OF-WAY LINE, FOR A DISTANCE OF 306.63 FEET; THENCE SOUTH 50°29'07" EAST, ALONG SAID 80 FOOT RIGHT-OF-WAY LINE, FOR A DISTANCE OF 127.93 FEET TO A POINT ON A TANGENT CURVE, CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 7460.00 FEET, AND A CENTRAL ANGLE OF 02°35'09"; THENCE TRAVEL CLOCKWISE, ALONG THE ARC OF SAID TANGENT CURVE, AND SAID 80 FOOT RIGHT-OF-WAY LINE, FOR A DISTANCE OF 336.67 FEET TO A POINT ON THE NORTH LINE OF A NON-EXCLUSIVE ACCESS EASEMENT AS DESCRIBED IN OFFICIAL RECORDS BOOK 1946, PAGE 594; THENCE, DEPARTING SAID TANGENT CURVE, AND SAID SOUTHWEST RIGHT-OF-WAY LINE OF S.E. COMMERCE AVENUE, SOUTH 86°16'53" WEST, ALONG SAID NORTH LINE OF THE NON-EXCLUSIVE ACCESS EASEMENT AS DESCRIBED IN OFFICIAL RECORDS BOOK 1946, PAGE 594, FOR A DISTANCE OF 592.21 FEET, TO A POINT OF INTERSECTION WITH THE WEST LINE OF SAID TRACT 155, THENCE NORTH 23°40'40" WEST, ALONG THE WEST LINE OF SAID TRACT 155, FOR A DISTANCE OF 319.22 FEET; THENCE, DEPARTING SAID WEST LINE, SOUTH 60°19'20" WEST, FOR A DISTANCE OF 483.00 FEET, THENCE NORTH 23°40'40" WEST, FOR A DISTANCE OF 60.90 FEET; THENCE SOUTH 60°19'20" WEST, FOR A DISTANCE OF 20.00 FEET, TO A POINT OF INTERSECTION WITH THE WEST LINE OF SAID TRACT 156; THENCE NORTH 23°40'40" WEST, ALONG THE WEST LINE OF SAID RIGHT-OF-WAY LINE OF SAID S.E. MIAMI AVENUE; THENCE, NORTH 60°19'21" EAST, ALONG SAID SOUTH RIGHT-OF-WAY LINE, FOR A DISTANCE OF 484.39 FEET TO THE POINT OF BEGINNING OF SAID PARCEL.

LEGEND:

⊙	BACKFLOW PREVENTOR
(C)	CALCULATED DIMENSION FROM FIELD MEASUREMENTS
C.B.S.	CONCRETE BLOCK STRUCTURE
C/L	CENTERLINE
⊙	CLEANOUT
CMP	CORRUGATED METAL PIPE
(D)	DEED DIMENSION
Δ	DELTA (CENTRAL ANGLE)
⊙	DRAINAGE MANHOLE
DP	DUCTILE IRON PIPE
E	ELECTRICAL JUNCTION BOX
ELEV.	ELEVATION
⊙	FIRE HYDRANT
F.F.	FINISH FLOOR
FND	FOUND
GPS	GLOBAL POSITIONING SYSTEM
I	CUY ANCHOR
H.D.P.E.	HIGH DENSITY POLYETHYLENE
INV.	INVERT
⊙	LIGHT POLE
NAD	NORTH AMERICAN DATUM
NAVD	NORTH AMERICAN VERTICAL DATUM
O.R.B.	OFFICIAL RECORDS BOOK
— O.U. —	OVERHEAD UTILITY LINE
P.C.	PAGE
P.B.	PLAT BOOK
(P)	PLATTED DIMENSION
P.O.B.	POINT OF BEGINNING
P.O.C.	POINT OF COMMENCEMENT
PVC	POLYVINYL CHLORIDE PIPE
RCP	REINFORCED CONCRETE PIPE
R/W	RIGHT-OF-WAY
⊙	SANITARY SEWER MANHOLE
— S.S. —	SANITARY SEWER LINE
⊙	SANITARY SEWER VALVE
— S.S. —	SINGLE SUPPORT SIGN
— S.S. —	STORM SEWER LINE
⊙	TELEPHONE PEDESTAL
⊙	UTILITY POLE
⊙	WATER VALVE
⊙	WATER METER



ELEVATIONS SHOWN HEREON
ARE ON NORTH AMERICAN
VERTICAL DATUM 1988.

SURVEYOR'S NOTES:

1. THE SURVEY DATE IS APRIL 15, 2019.
2. THIS IS A BOUNDARY AND TOPOGRAPHIC SURVEY, AS DEFINED IN CHAPTER 54-17.05(1) OF THE FLORIDA ADMINISTRATIVE CODE.
3. THIS SURVEY MAP AND REPORT OR THE COPIES THEREOF ARE NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
4. ADDITIONS OR DELETIONS TO SURVEY MAPS OR REPORTS BY OTHER THAN THE SIGNING PARTY OR PARTIES IS PROHIBITED WITHOUT WRITTEN CONSENT OF THE SIGNING PARTY OR PARTIES.
5. BEARINGS SHOWN HEREON ARE BASED ON GRID NORTH, AND ARE REFERENCED TO THE FLORIDA STATE PLANE COORDINATE SYSTEM, EAST ZONE, NORTH AMERICAN DATUM OF 1983, 2011 ADJUSTMENT. THE BEARING BASE FOR THIS SURVEY IS THE EAST RIGHT OF WAY LINE OF SE FEDERAL HIGHWAY. SAID LINE BEARS N02°29'27"W AND ALL OTHER BEARINGS ARE RELATIVE THERETO.
6. ELEVATIONS SHOWN HEREON ARE REFERENCED TO THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD 88), AS ESTABLISHED BY NOS CONTROL POINT DESIGNATION "1403" HAVING A PUBLISHED ELEVATION OF 15.27' (NAVD88). ELEVATION DEPICTED ON THIS SURVEY WERE OBTAINED USING REAL TIME KINEMATIC (RTK) GPS METHODS WITH AN EXPECTED ACCURACY OF +/- 0.1'. A CONVERSION OF NAVD88 + 1.45 TO NAVD08, AN EXAMPLE, FOR A DATUM-SHIFT VALUE OF -1.45, AN ELEVATION OF 15.27 FEET IN NAVD88 WOULD BE 16.72 FEET IN NAVD08.
7. THIS SURVEY DOES NOT HAVE THE BENEFIT OF A CURRENT TITLE COMMITMENT, OPINION, OR ABSTRACT DURING THE COURSE OF THE SURVEY SOME SEARCHES OF THE PUBLIC RECORDS WERE MADE, BUT THESE SEARCHES WERE NOT EXHAUSTIVE AND SHOULD NOT BE CONSIDERED A SUBSTITUTE FOR A PROPER TITLE COMMITMENT, OPINION, OR ABSTRACT OBTAINED FROM A TITLE AGENCY OR OTHER TITLE PROFESSIONAL.
8. THIS SURVEY DELINEATES THE LOCATIONS OF THE LEGAL DESCRIPTIONS ON THE GROUND, BUT DOES NOT DETERMINE OWNERSHIP OR PROPERTY RIGHTS.
9. UNDERGROUND IMPROVEMENTS, IF ANY, WERE NOT LOCATED EXCEPT AS SHOWN.
10. ADJOINING PROPERTY INFORMATION WAS OBTAINED FROM MARTIN COUNTY PROPERTY APPRAISER OFFICE.
11. AERIAL IMAGERY SHOWN HEREON WAS OBTAINED FROM THE LAND BOUNDARY INFORMATION SYSTEM (LABINS) DATED 2016 AND IS SHOWN FOR INFORMATIONAL PURPOSES ONLY.
12. SUBJECT PROPERTY IS LOCATED IN FLOOD ZONE X PER FEMA MAP NUMBER 12085C, PANEL NUMBER 01630, WITH AN EFFECTIVE DATE OF 03/16/15.

CERTIFICATION:

I HEREBY CERTIFY THAT THE ATTACHED SURVEY IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AND THAT IT MEETS THE STANDARDS OF PRACTICE SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 54-17, FLORIDA ADMINISTRATIVE CODE.

FOR THE BENEFIT OF THE FOLLOWING PARTIES ONLY:

- 1) TED OLARUD ASSOCIATES FL LLC
- 2) INDUSTRIAL DEVELOPMENT CORP.
- 3) COMMONWEALTH LAND TITLE INSURANCE COMPANY
- 4) RICHARD G. COYER JR., P.A.

RONNIE L. FURNISS, PSM
PROFESSIONAL SURVEYOR & MAPPER #6272
STATE OF FLORIDA - LB #3591

CALLFIELD & WHEELER, INC.
CIVIL ENGINEERING & SURVEYING
LANDSCAPE ARCHITECTURE
7900 GLADES ROAD - SUITE 100
BOCA RATON, FLORIDA 33434
PHONE (561) 361-1991 FAX (561) 361-4642



BY:

REVISIONS:

DATE:

DATE 04/15/19

DWG 6456-SUR

SHEET 1 OF 2

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ELEVATIONS SHOWN HEREON
ARE ON NORTH AMERICAN
VERTICAL DATUM 1988.



ALTA/NSPS LAND TITLE SURVEY
SE MIAMI AVENUE
STUART, FLORIDA 34997

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SCALE: 1" = 20'

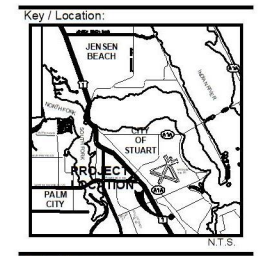
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REG. # 1018
Thomas P. Lucido

Designer	J.J.	Sheet
Manager	D.F.	
Project Number	18-1110	
Municipal Number	---	
Computer File	18-1110 Trillium Townships - Code Land	

LA-1

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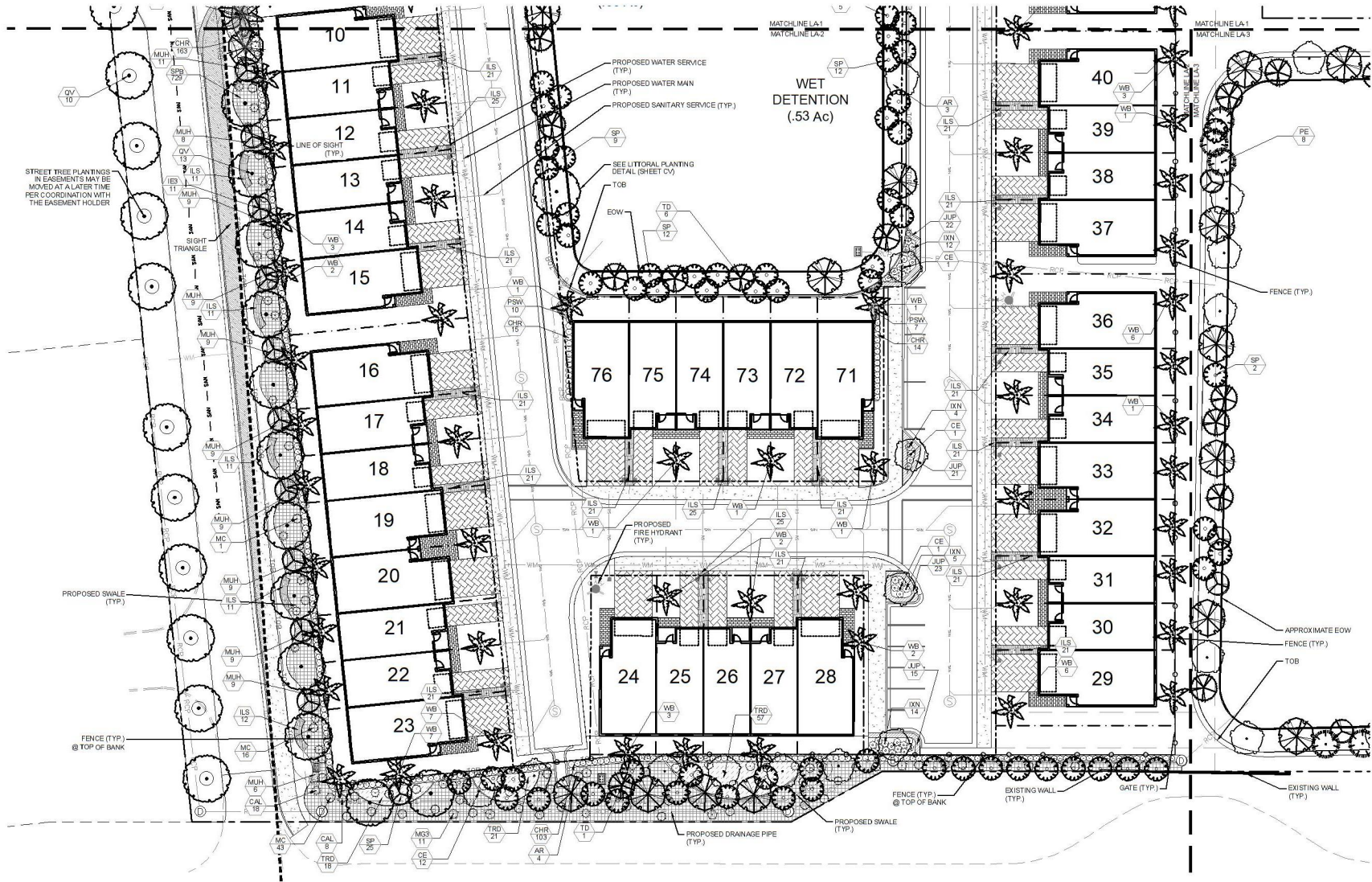


Surveyor: **Caufield & Wheeler, Inc.**
7000 Glades Road - Suite 100
Boca Raton, Florida 33434

[illegible]

Designer	J.J.	Sheet	LA-1
Manager	D.F.		
Project Number	18-1110		
Municipal Number	---		
Computer File	18-1110 Trillium Townhomes - Code Landscap		

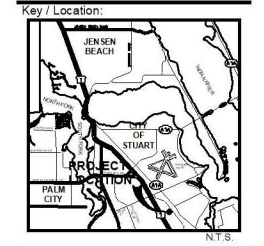
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PLANT SCHEDULE LA-2

NO.	SYMBOL	PLANT SPECIES	COMMON NAME	PLANT SIZE	PLANT QUANTITY	PLANT NOTES	PLANT CODE
101	○	SP. 1	SP. 1	SP. 1	SP. 1	SP. 1	SP. 1
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104	○	SP. 4	SP. 4	SP. 4	SP. 4	SP. 4	SP. 4
105	○	SP. 5	SP. 5	SP. 5	SP. 5	SP. 5	SP. 5
106	○	SP. 6	SP. 6	SP. 6	SP. 6	SP. 6	SP. 6
107	○	SP. 7	SP. 7	SP. 7	SP. 7	SP. 7	SP. 7
108	○	SP. 8	SP. 8	SP. 8	SP. 8	SP. 8	SP. 8
109	○	SP. 9	SP. 9	SP. 9	SP. 9	SP. 9	SP. 9
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114	○	SP. 14	SP. 14	SP. 14	SP. 14	SP. 14	SP. 14
115	○	SP. 15	SP. 15	SP. 15	SP. 15	SP. 15	SP. 15
116	○	SP. 16	SP. 16	SP. 16	SP. 16	SP. 16	SP. 16
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NO.	SYMBOL	PLANT SPECIES	COMMON NAME	PLANT SIZE	PLANT QUANTITY	PLANT NOTES	PLANT CODE
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146	○	SP. 46	SP. 46	SP. 46	SP. 46	SP. 46	SP. 46
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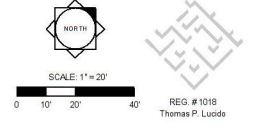
Project Team:
Client & Property Owner: Melange Homes
1501 Marine Lake Blvd., Suite 410
Orlando, Florida 32839
Land Planner / Landscape Architect: Lucido & Associates
701 East Ocean Boulevard
Stuart, Florida 34954
Engineer: The Miron Group, Inc.
100% SE Federal Highway
Hialeah, Florida 33015
Surveyor: Carlisle & Wheeler, Inc.
7000 Ocean Road, Suite 100
Boca Raton, Florida 33434

Trillium RPUD

City of Stuart, Martin County, Florida

Landscape Plan & Plant Schedule

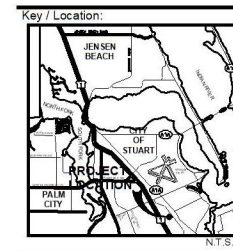
Date	By	Description
07.10.19	J.J.	Initial Submittal
09.06.19	J.J.	First Resubmittal
10.04.19	B.W.	Response to Comments
10.07.19	B.W.	Response to Comments



REG. # 1018
Thomas P. Lucido

Designer: J.J. Sheet
Manager: D.F.
Project Number: 18-1110
Municipal Number: ---
Computer File: 18-1110 Trillium Townhomes - Code Landscape Plan.d

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Project Team:
 Client & Property Owner: Meritage Homes
 5327 Meritage Lake Blvd., Suite 410
 Orlando, Florida 32839
 Land Planner / Landscape Architect: Lucido & Associates
 701 East Ocean Boulevard
 Stuart, Florida 34954
 Engineer: The Miron Group, Inc.
 100% SE Federal Highway
 Hialeah, Florida 33015
 Surveyor: Canfield & Wheeler, Inc.
 7800 Ocean Road, Suite 100
 Boca Raton, Florida 33434

Trillium RPUD

City of Stuart, Martin County, Florida

Landscape Plan & Plant Schedule

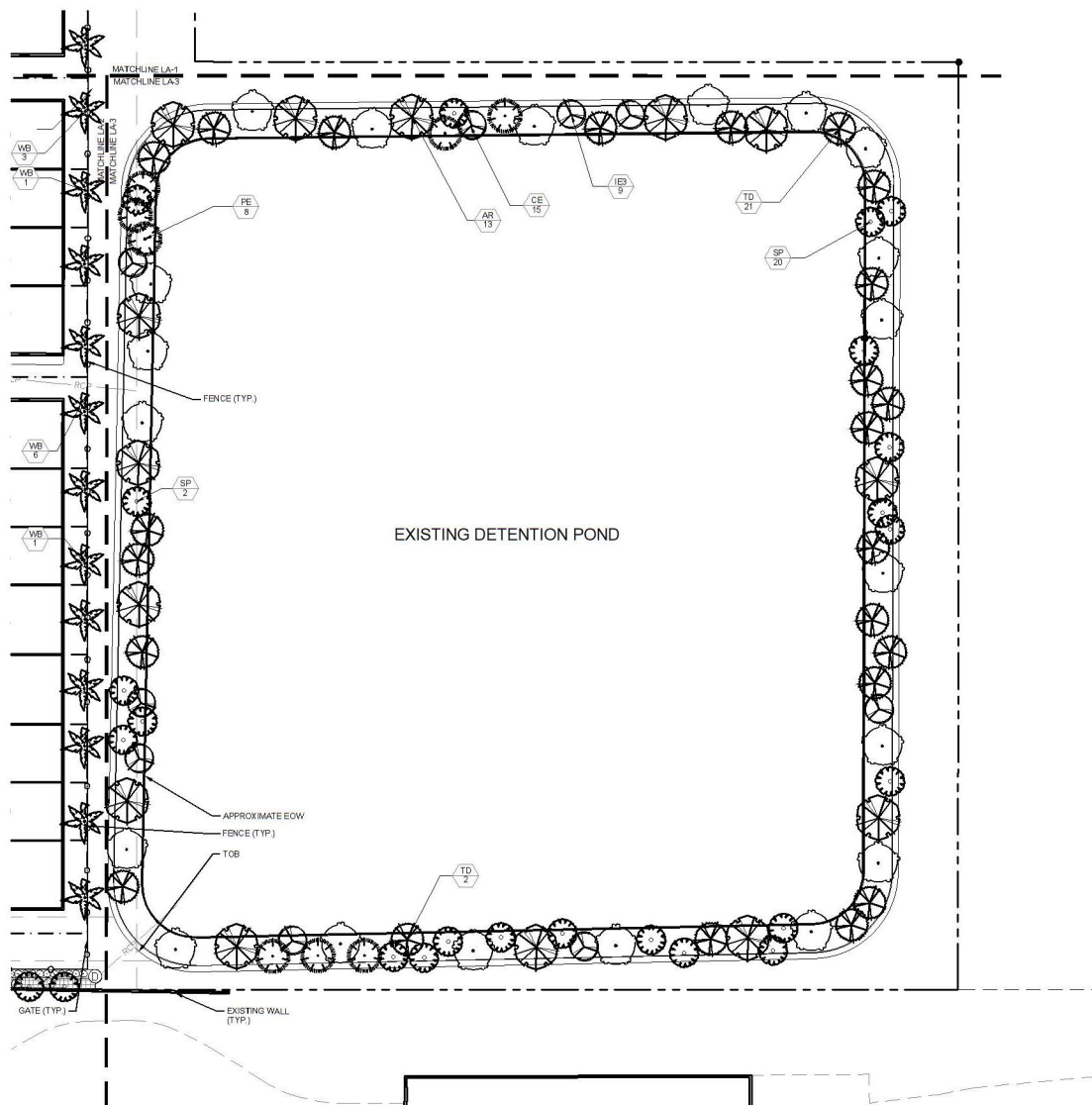
Date	By	Description
07.10.19	J.J.	Initial Submittal
09.06.19	J.J.	First Resubmittal
10.04.19	B.W.	Response to Comments
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 Project Number: 18-1110
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LA-3

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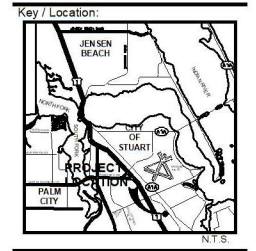
PLANT SCHEDULE LA-3

TREES	CODE	QTY	BOTANICAL NAME	COMMON NAME	CONTAINER	HEIGHT	WIDTH	NOTES	NATIVE	SALES
AR	14	Aster rubrum	Red Maple	FG	14 HT	7' SP	F, SP	Native	2.5' DBH	
CE	20	Coccoloba verticillata	Green Buttonwood	FG	14 HT	7' SP	F, SP	Native	2.5' DBH	
IE3	9	Ilex alternata 'Engelmann'	Engelmann Holly	FG	14 HT	6' SP	4 CT, F, SP	Native	2.5' DBH	
PE	8	Pinus elliotii var. densa	Slash Pine	FG	14 HT	7' W		Native	2.5' DBH	
TD	23	Taxodium distichum	Bald Cypress	FG	14 HT	7' SP	F, SP	Native	2.5' DBH	
PALMS	CODE	QTY	BOTANICAL NAME	COMMON NAME	CONTAINER	HEIGHT	WIDTH	NOTES	NATIVE	SALPER
SP	22	Sabal palmetto	Sabal Palm	FG	17 CT			HOV CAL, SP	Native	

GROUND COVERS	CODE	QTY	BOTANICAL NAME	COMMON NAME	CONTAINER	HEIGHT	WIDTH	NOTES	NATIVE
PAG	9,736 sf	Paspalum notatum 'Argentine'	Bahia Grass	GOO					

PLANT SCHEDULE MASTER

TREES	CODE	QTY	BOTANICAL NAME	COMMON NAME	CONTAINER	HEIGHT	WIDTH	NOTES	NATIVE	CALIPER
	AR	24	Acer rubrum	Red Maple	FG	14' HT	7' SPR	F, SP	Native	2.5" DBH
	CE	34	Conocarpus erectus	Green Buttonwood	FG	14' HT	7' SPR	F, SP	Native	2.5" DBH
	CS	11	Conocarpus erectus 'Sericeus'	Silver Buttonwood	30G	10' HT	4' SPR		Native	1.5" Caliper
	IE3	45	Ilex attenuata 'Eagleston'	Eagleston Holly	FG	14' HT	6' SPR	4' CT, F, SP	Native	2.5" DBH
	LN2	16	Lagerstroemia indica 'Natchez'	Natchez Crape Myrtle	FG	12' HT	6' SPR	M, SP	Non-native	2.5" DBH
	PE	8	Pinus elliotii var. Dense	Slash Pine	FG	14' HT	7' W		Native	2.5" DBH
	QV	37	Quercus virginiana	Southern Live Oak	FG	16', 18' HT	8' SPR	F, SP	Native	4.5" DBH
	TD	34	Taxodium distichum	Bald Cypress	FG	14' HT	7' SPR	F, SP	Native	2.5" DBH
PALMS	CODE	QTY	BOTANICAL NAME	COMMON NAME	CONTAINER	HEIGHT	WIDTH	NOTES	NATIVE	CALIPER
	RO	9	Roystonea regia	Florida/Cuban Royal Palm	FG	20' CT		F, SP, No Scars	Native	
	SP	122	Sabal palmetto	Sabal Palm	FG	17' CT		HVY CAL, SP	Native	
	WB	116	Wodyetia bifurcata	Foxtail Palm	FG	16' CT		Full Head, Str, Specimen	Non-native	
SHRUBS	CODE	QTY	BOTANICAL NAME	COMMON NAME	CONTAINER	HEIGHT	WIDTH	NOTES	NATIVE	
	CAL	74	Callicarpa americana	American Beautyberry	3G	24" HT	18"W	F	Native	
	CHR	575	Chrysobalanus icaco 'Red Tip'	Red Tip Cocoplum	3G	24" HT	18"W	FTB	Native	
	CLU	54	Clusia guiliera	Small-Leaf Clusia	15G	5' HT	4"W	FTB	Non-native	
	COD	83	Codiaeum variegatum 'Mammey'	Mammey Croton	3G	18" HT	18"W	FTB, SP	Non-native	
	CRI	21	Citrus sp.	Green Citrus	7G	30" OA		F, SP	Non-native	
	IXN	54	Ixora coccinea 'Nora Grant'	Red Ixora	3G	24" OA		FTB	Non-native	
	MC	100	Myrica cerifera	Wax Myrtle	3G	24" OA		FTB, SP	Native	
	MG3	11	Myrsine guianensis	Mysaine	3G	24" HT	18"W		Native	
	SAR	89	Schefflera arboricola	Green Schefflera	3G	24" HT	24"W	F	Non-native	
GRASSES	CODE	QTY	BOTANICAL NAME	COMMON NAME	CONTAINER	HEIGHT	WIDTH	NOTES	NATIVE	SPACING
	MUH	316	Muhlenbergia capillaris	Pink Muhly	3G	18" OA		F	Native	24" o.c.
	PSW	186	Pennisetum setaceum 'White'	White Fountain Grass	3G	24" OA		F	Non-native	24" o.c.
	SPB	1,247	Spartina bakeri	Sand Cordgrass	1G	18" OA		F	Native	36" o.c.
	TRD	96	Tripsacum dactyloides	Fakahatchee Grass	3G	24" OA		Full	Native	42" o.c.
GROUND COVERS	CODE	QTY	BOTANICAL NAME	COMMON NAME	CONTAINER	HEIGHT	WIDTH	NOTES	NATIVE	SPACING
	GIF	530	Ficus microcarpa 'Green Island'	Green Island Ficus	1G	12" HT	12"W	Full	Non-native	18" o.c.
	ILS	998	Ilex vomitoria 'Stokes Dwarf'	Dwarf Yaupon	1G	12" HT	12"W	Full	Native	24" o.c.
	JUP	139	Juniperus chinensis 'Parsoni'	Parsons Juniper	1G	10" HT	15" SPR	Full	Non-native	24" o.c.
	PAS	77,168 sf	Paspalum notatum 'Argentine'	Bahiagrass	SOD					
	STF	23,483 sf	Stenotaphrum secundatum 'Floratum'	Floratum St. Augustine Sod	SOD					



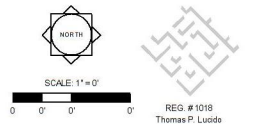
Project Team:
 Client & Property Owner: Melange Homes
 5327 Melange Lake Blvd., Suite 410
 Orlando, Florida 32839
 Land Planner / Landscape Architect: Lucido & Associates
 701 East Ocean Boulevard
 Stuart, Florida 34954
 Engineer: The Miron Group, Inc.
 100% SE Federal Highway
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 Surveyor: Canfield & Wheeler, Inc.
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Trillium RPUD

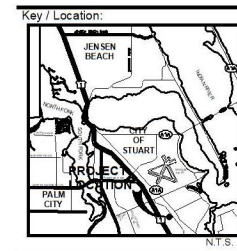
City of Stuart, Martin County, Florida

Master Plant Schedule

Date	By	Description
07.10.19	J.J.	Initial Submittal
09.06.19	J.J.	First Resubmittal
10.04.19	B.W.	Response to Comments
10.07.19	B.W.	Response to Comments



Designer: J.J. Sheet
 Manager: D.F.
 Project Number: 18-1110
 Municipal Number: ---
 Computer File: 18-1110 Trillium Townhomes - Code Landscape Plan.d



Project Team:
Client & Property Owner: Meritage Homes
15201 Meritage Lake in Tract 410
Orlando, Florida 32839
Land Planner / Landscape Architect: Lucido & Associates
701 East Ocean Boulevard
Stuart, Florida 34954
Engineer: The Miron Group, Inc.
100% SE Federal Highway
Hialeah, Florida 33015
Surveyor: Cairfield & Wheeler, Inc.
7800 Ocean Road, Suite 100
Boca Raton, Florida 33434

TREE MITIGATION CALCULATIONS

**Pine Calculation			
Total Inches Removed:	1527 inches (x) 1.5 =	2290.5	Inches
Total Inches Required (2.5" DBH min.)		2290.5	Inches
Total Inches Provided for Mitigation:			
37	Quercus virginiana (4.5" DBH)	166.5	Inches
8	Pinus elliotii var. densa (2.5" DBH)	20	Inches
45	Ilex x attenuata 'Eagleston' (2.5" DBH)	112.5	Inches
34	Taxodium distichum (2.5" DBH)	85	Inches
34	Conocarpus erectus (2.5" DBH)	85	Inches
24	Acer rubrum (2.5" DBH)	60	Inches
116	Wodyetia bifurcata (16 CT, 6.5")*	754	Inches
9	Roystonia regia (20 CT, 10.5")*	94.5	Inches
122	Sabal palmetto (17 CT, 7.5")*	915	Inches
**Note: 14 CT Palm = 4.5" DBH			
16 CT Palm = 6.5" Mitigation Provided (4.5" + 2" (1" add'l per 1" add'l CT))			
17 CT Palm = 7.5" Mitigation Provided (4.5" + 3" (1" add'l per 1" add'l CT))			
20 CT Palm = 10.5" Mitigation Provided (4.5" + 6" (1" add'l per 1" add'l CT))			
**Note: See Sheet LA-6 for Existing Tree Table			

TREE MITIGATION LEGEND

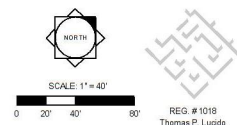
X₂₀₀ EXISTING TREE TO BE REMOVED
O₂₀₀ EXISTING TREE (NO MITIGATION REQUIRED)

Trillium RPUD

City of Stuart, Martin County, Florida

Tree Mitigation Plan

Date	By	Description
07.10.19	J.J.	Initial Submittal
09.06.19	J.J.	First Resubmittal
10.04.19	B.W.	Response to Comments
10.07.19	B.W.	Response to Comments



Designer: J.J. Sheet
Manager: D.F.
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TREE TABLE

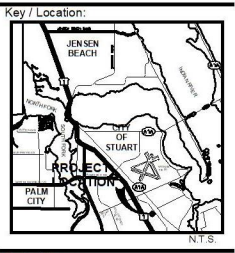
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225	12"	PINE TREE	REMOVE
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227	14"	PINE TREE	REMOVE
228	5"	PINE TREE	REMOVE
229	4"	PINE TREE	REMOVE
230	4"	PINE TREE	REMOVE
231	5"	PINE TREE	REMOVE
232	8"	PINE TREE	REMOVE
233	4"	PINE TREE	REMOVE
234	16"	PINE TREE	REMOVE
235	14"	PINE TREE	REMOVE
236	10"	PINE TREE	REMOVE
237	8"	PINE TREE	REMOVE
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POINT ID	DIAMETER	TREE TYPE	STATUS
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324	6"	PINE TREE	REMOVE
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422	12"	PALM TREE	REMOVE

POINT ID	DIAMETER	TREE TYPE	STATUS
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425	5"	PINE TREE	REMOVE
426	5"	PINE TREE	REMOVE
427	5"	PINE TREE	REMOVE
428	4"	PINE TREE	REMOVE
429	10"	PINE TREE	REMOVE
430	14"	PALM TREE	REMOVE
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517	6"	PINE TREE	REMOVE
518	6"	PINE TREE	REMOVE
519	14"	PALM TREE	REMOVE
520	10"	PINE TREE	REMOVE
521	6"	PINE TREE	REMOVE
522	4"	PINE TREE	REMOVE
523	6"	PINE TREE	REMOVE
524	8"	PINE TREE	REMOVE
525	8"	PINE TREE	REMOVE
526	4"	PINE TREE	REMOVE
527	4"	PINE TREE	REMOVE
528	10"	PINE TREE	REMOVE
529	6"	PINE TREE	REMOVE
530	6"	PINE TREE	REMOVE
531	8"	PINE TREE	REMOVE
532	8"	PINE TREE	REMOVE
533	4"	PINE TREE	REMOVE
534	10"	PINE TREE	REMOVE
535	10"	PINE TREE	REMOVE
536	6"	PINE TREE	REMOVE
537	8"	PINE TREE	REMOVE
538	6"	PINE TREE	REMOVE
539	10"	PINE TREE	REMOVE
540	10"	PINE TREE	REMOVE
541	10"	PINE TREE	REMOVE
542	4"	PALM TREE	REMOVE
543	6"	PINE TREE	REMOVE
544	6"	PINE TREE	REMOVE
545	6"	PINE TREE	REMOVE
546	4"	PINE TREE	REMOVE
547	4"	PINE TREE	REMOVE
548	4"	PINE TREE	REMOVE
549	4"	PINE TREE	REMOVE
550	6"	PINE TREE	REMOVE
551	8"	PINE TREE	REMOVE
552	8"	PINE TREE	REMOVE
553	8"	PINE TREE	REMOVE
554	12"	PALM TREE	REMOVE
555	5"	PINE TREE	REMOVE
556	8"	PINE TREE	REMOVE
557	4"	PINE TREE	REMOVE
558	10"	PINE TREE	REMOVE
559	10"	PINE TREE	REMOVE
560	10"	PINE TREE	REMOVE

POINT ID	DIAMETER	TREE TYPE	STATUS
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562	6"	PINE TREE	REMOVE
563	6"	PINE TREE	REMOVE
564	8"	PINE TREE	REMOVE
565	8"	PINE TREE	REMOVE
566	6"	PINE TREE	REMOVE
567	8"	PINE TREE	REMOVE
568	4"	PINE TREE	REMOVE
569	10"	PINE TREE	REMOVE
570	12"	PINE TREE	REMOVE
571	12"	PINE TREE	REMOVE
572	12"	PINE TREE	REMOVE
573	5"	PINE TREE	REMOVE
574	14"	PALM TREE	REMOVE
575	4"	PINE TREE	REMOVE
576	8"	PINE TREE	REMOVE
577	4"	PINE TREE	REMOVE
578	8"	PINE TREE	REMOVE
579	4"	PINE TREE	REMOVE
580	8"	PINE TREE	REMOVE
581	4"	PINE TREE	REMOVE
582	4"	PINE TREE	REMOVE
583	14"	PALM TREE	REMOVE
584	10"	PINE TREE	REMOVE
585	10"	PINE TREE	REMOVE
586	12"	PINE TREE	REMOVE
587	4"	PINE TREE	REMOVE
588	8"	PINE TREE	REMOVE
589	14"	PINE TREE	REMOVE
590	6"	PINE TREE	REMOVE
591	4"	PINE TREE	REMOVE
592	4"	PINE TREE	REMOVE
593	4"	PINE TREE	REMOVE
594	6"	PINE TREE	REMOVE
595	4"	PINE TREE	REMOVE
596	4"	PINE TREE	REMOVE
597	4"	PINE TREE	REMOVE
598	6"	PINE TREE	REMOVE
599	6"	PINE TREE	REMOVE
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601	5"	PINE TREE	REMOVE
602	4"	PINE TREE	REMOVE
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604	7"	PINE TREE	REMOVE
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607	5"	PINE TREE	REMOVE
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611	4"	PINE TREE	REMOVE
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614	4"	PINE TREE	REMOVE
615	4"	PINE TREE	REMOVE
616	6"	PINE TREE	REMOVE
617	4"	PINE TREE	REMOVE
618	5"	PINE TREE	REMOVE
619	8"	PINE TREE	REMOVE
620	4"	PINE TREE	REMOVE
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628	6"	PINE TREE	REMOVE
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640	8"	PINE TREE	REMOVE
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647	7"	PINE TREE	REMOVE
648	8"	PINE TREE	REMOVE
649	7"	PINE TREE	REMOVE
650	7"	PINE TREE	REMOVE
651	8"	PINE TREE	REMOVE
652	6"	PINE TREE	REMOVE
653	5"	PINE TREE	REMOVE
654	7"	PINE TREE	REMOVE
655	10"	PINE TREE	REMOVE
656	4"	PINE TREE	REMOVE
657	6"	PINE TREE	REMOVE
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660	5"	PINE TREE	REMOVE

<



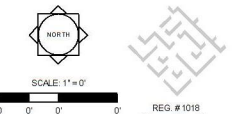
Project Team:	
Client & Property Owner:	Melissa Holmes 1020 Marine Ave. Ste. 410 Orlando, Florida 32839
Land Planner / Landscape Architect:	Lucido & Associates 701 East Green Boulevard Stuart, Florida 34964
Engineer:	The Miron Group, Inc. 100% SE Federal Highway Hialeah, Florida 33155
Surveyor:	Cairfield & Wheeler, Inc. 7800 Green Road, Suite 100 Boca Raton, Florida 33434

Trillium RPUD

City of Stuart, Martin County, Florida

Landscape Specifications

Date	By	Description
07/10/19	J.J.	Initial Submittal
09/06/19	J.J.	First Resubmittal
10/04/19	B.W.	Response to Comments
10/27/19	B.W.	Response to Comments



Designer	J.F.	Sheet
Manager	D.J.	
Project Number	18-1110	
Municipal Number	---	
Computer File	18-1110 Trillium Townhomes - C-code Landscape Plan.d	

LA-8

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SOUTH FLORIDA REGIONAL TOWNHOMES

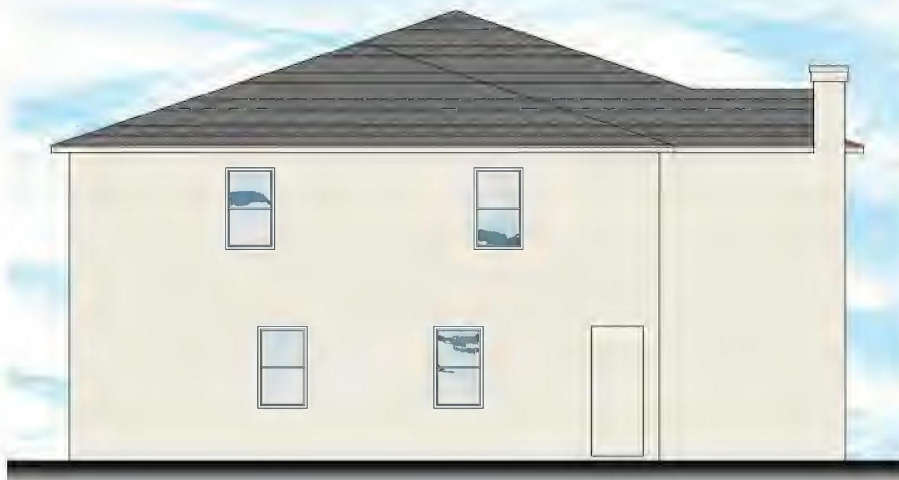


CONTEMPORARY ELEVATION

FRONT

BUILDING BHHB

SOUTH FLORIDA REGIONAL TOWNHOMES



LEFT



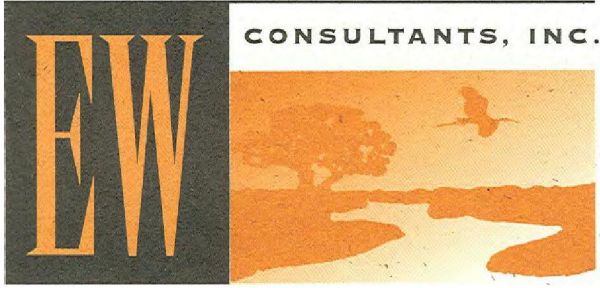
RIGHT

BUILDING BHHB

SOUTH FLORIDA REGIONAL TOWNHOMES



BUILDING BHHB



TRILLIUM

Environmental Assessment Report

Prepared for:

Meritage Homes

Prepared by:

EW Consultants, Inc.

September 2019

INTRODUCTION

This Environmental Assessment Report documents and summarizes natural resource features present on an approximately 9.5 +/- acre property (Parcel 6) located within the City of Stuart. The site is located east of Federal Highway (US1), west of Commerce Avenue, south of and adjacent to Miami Avenue.

The site is situated within Hanson Grant, Township 38 South, Range 41 East, within the municipal limits of the City of Stuart, Martin County, Florida. A Location Map (Figure 1), USGS Quad Map (Figure 2), and Aerial Photo (Figure 3) depicting the site boundaries and immediate surrounding area are provided in the Appendix.

SOILS

A U.S. Department of Agriculture (USDA) Natural Resources Conservation Service (NRCS) Soil Resource Report was generated for the subject property and is provided in the Appendix. This report contains a soils map with the boundary of the property depicted as well as additional information and descriptions of soil types on the subject property. According to the soil survey data, two soil types are found on the subject property.

It is important to note that the description of these soils, in their natural state, according to the NRCS, was generated in the early 1970s, and therefore predates land alterations that have occurred since the publication of the Soil Survey. Namely, the excavated pond is not reflected as “water” as it is typically depicted on soils map.

NATURAL COMMUNITIES AND LAND COVER

The following is a summary of the land cover types and vegetative communities found on the subject site. Land cover and vegetative community classifications are mapped based on the Florida Land Use, Cover and Forms Classification System (FLUCFCS) developed by the Florida Department of Transportation. Field reconnaissance and aerial imagery interpretation were employed in the mapping of the vegetative communities on the subject property. The vegetative community descriptions include discussions of potential wildlife habitat provided by the various resources present in those communities. Detailed observations and occurrences of wildlife are discussed in subsequent sections of this report.

There were six different FLUCFCS classifications observed on the site which are described below. A land cover map of the observed community types is included as Figure 4 in the Appendix of this report. The land cover types observed on the property are described as follows:

#411 – Pine Flatwoods (Disturbed)

The vegetated upland areas found on site are pine flatwoods habitat albeit disturbed by invasive exotic vegetation. The canopy stratum is heavily infested by invasive exotic trees such as java plum, Brazilian pepper, earleaf acacia, and melaleuca. There remain scattered slash pines, laurel oaks, and cabbage palms throughout this habitat. The sub-canopy is also heavily infested by Brazilian pepper shrubs and earleaf acacia saplings. Scattered clumps of saw palmetto, gallberry, and rusty lyonia remain throughout the property. The groundcover is devoid of vegetation, covered in leaf litter from invasive exotic trees or shaded by the sub-canopy vegetation. Limited signs of wildlife utilization have been observed on site including raccoons, opossum, and several common birds. Several vagrant camps were also observed on site and thus, this activity may also be contributing to limit some wildlife usage.

#510 – Ditches

Two man-made ditches are found on site. The first one crosses the site east-west, connecting the on-site excavated pond to off-site drainage. This ditch was constructed at the time the on-site pond was excavated. This ditch exhibits open water and some emergent vegetation, and thus offers some opportunities for wildlife foraging. This activity is likely transient in nature. The second ditch extends north from the northwest corner of the pond and terminates at Miami Avenue. This ditch is located under a canopy of Brazilian pepper shrubs and offers limited value for wildlife. Signs of wildlife usage included raccoon tracks.

#534 – Reservoir less than 10 acres

A pond has been previously excavated in the southeast portion of the site. This feature is part of an overall drainage system for this property and adjacent parcels located within the Stuart Business Park commercial Planned Unit Development.

#641 – Freshwater marsh

An herbaceous wetland is found in the southern portion of the site. This wetland exhibits maidencane, beakrush, and spikerush but has been severely encroached by melaleuca trees. Potential for wildlife usage is limited to small or medium mammals, and due to the dense exotic tree canopy, usage by wading birds is severely limited.

An informal wetland determination was issued on August 28, 2019, indicating that the property contains one wetland. A copy of the approved informal wetland determination is included in the Appendix.

#740 – Disturbed lands

This non-native land cover is comprised of the access and maintenance areas for the drainage ditch and pond system. It exhibits a regularly mowed ruderal herbaceous ground cover.

#814 – Roads

This land cover corresponds to the existing cross-access paved drive built under the 2012 SFWMD permit, connecting Miami Avenue to the Walmart property to the south.

WILDLIFE EVALUATION

The site reconnaissance conducted between January and March 2019 and July 2019 found indicators of common wildlife species including raccoons, opossum, and several common birds such as blue jays and crows.

With regard to protected species and their potential for occurrence on the site, the following table summarizes the likelihood of occurrence of such species based on the observed habitat characteristics and field reconnaissance efforts.

Table 1 Known and Potentially Occurring Listed Faunal Species

Common Name	Scientific Name	Preferred Habitat	Sampling Method	Occurrence*	Listed Status**
					State/Federal
American alligator	<i>Alligator mississippiensis</i>	Wetland and aquatic habitat	Pedestrian transects	L	FT(S/A)
Audubon's Crested Caracara	<i>Polyborus plancus audubonii</i>	Open prairies and rangeland	Pedestrian transects	L	FT
Bald Eagle	<i>Haliaeetus leucocephalus</i>	Nest in tall trees (usually pine) near coasts, rivers, lakes, and wetlands	Pedestrian transects	L	No longer listed, Nest trees protected
Burrowing Owl	<i>Athene cunicularia</i>	Sandhills, ruderal communities, dry prairies	Pedestrian transects	L	ST
Eastern indigo snake	<i>Drymarchon corais couperi</i>	A diversity of upland/low land habitat, agricultural lands	Pedestrian transects	L	FT
Florida Grasshopper Sparrow	<i>Ammodramus savannarum floridanus</i>	Open prairies and rangeland	Pedestrian transects and playback tapes	L	FE

Common Name	Scientific Name	Preferred Habitat	Sampling Method	Occurrence*	Listed Status**
Florida panther	<i>Felis concolor coryi</i>	Large wilderness areas	Pedestrian transects	L	FE
Florida Sandhill Crane	<i>Grus canadensis pratensis</i>	Breed in emergent palustrine wetlands; forage pastures/prairies	Pedestrian transects; aerial nest survey	L	ST
Snail Kite	<i>Rostrhamus sociabilis plumbeus</i>	Long hydroperiod wetlands/aquatic systems with <i>Pomacea</i> snails	Pedestrian transects	L	FE
Florida Pine Snake	<i>Pituophis melanoleucus mugitus</i>	Well drained sandy soils, moderate to open canopy	Pedestrian transects; inspection of burrow entrances	L	ST
Gopher tortoise	<i>Gopherus polyphemus</i>	Sandhills, xeric oak scrub, sand pine scrub, scrubby flatwoods; agricultural lands	Burrow survey of suitable habitat	M	ST
Sherman's Fox Squirrel	<i>Sciurus niger shermani</i>	Longleaf pine, turkey oak, sandhills, and flatwoods	Pedestrian transects	L	SSC
Little Blue Heron	<i>Egretta caerulea</i>	Breeding: marshes, swamps, ponds, estuaries, rivers; nest in shrubs and small trees	Pedestrian transects	L	ST
Red-cockaded Woodpecker	<i>Picoides borealis</i>	Mature pine woodlands	Pedestrian transects	L	FE
Roseate Spoonbill	<i>Platalea ajaja</i>	Breeding: marshes, swamps, ponds, estuaries, rivers; nest in shrubs and small trees	Pedestrian transects	L	ST

Common Name	Scientific Name	Preferred Habitat	Sampling Method	Occurrence*	Listed Status**
Southeastern American Kestrel	<i>Falco sparverius paulus</i>	Sandhill and open rangeland nest in cavities of dead trees and abandoned woodpecker nests	Pedestrian transects	L	ST
Tricolored Heron	<i>Egretta tricolor</i>	Breeding: marshes, swamps, ponds, estuaries	Pedestrian transects	L	ST
Whooping Crane	<i>Grus americana</i>	Breed in emergent palustrine wetlands; forage in pastures	Pedestrian transects	L	“Experimental population”
Wood Stork	<i>Mycteria americana</i>	Estuarine or freshwater wetlands; nest in tops of trees in cypress or mangrove swamps	Pedestrian transects	L	FT

¹ Observed transient

² Observed nesting and/or resident

*O= Observed; H= High probability; M= Medium; L= Low; FE = Federally Endangered; FT = Federally Threatened; FT(S/A) = Federally Threatened due to similarity of appearance; ST = State Threatened; SSC = State Species of Special Concern

Based on this summary, the likelihood of occurrence of any State or Federally designated threatened or endangered species on the site is low. There are no confirmed observations of any such species or indicators of their presence.

The preferred nesting habitat for Florida sandhill cranes is native freshwater marsh habitat. While this habitat is present on site it is heavily infested with melaleuca trees and thus not suitable for sandhill crane foraging or nesting. The pond and ditches shorelines offer some potential for foraging however, this activity by sandhill cranes on the property would be transient in nature.

Bald eagles, while no longer listed, remain protected under the Bald and Golden Eagle Protection Act. No bald eagles were observed on site. According to the FFWCC database the closest documented bald eagle nests are located approximately 2.3 miles west, 2.3 miles north, and 3.7 miles southeast of the subject property.

Although the subject site is within the consultation area of the Audubon's crested caracara, use of the site by caracara for foraging and the potential of caracara nesting on site or in the areas surrounding the site is unlikely. Caracara nesting habitat is not present on the site or in the surrounding areas. No crested caracara or crested caracara nests were observed during the site reviews.

The wood stork is a federally listed threatened species that nests in natural forested wetlands and forages in shallow open waters. No wood storks have been observed on site. The property does not provide suitable nesting habitat. The excavated pond and ditch do provide some suitable forage habitats. The site is within the 18.6-mile core forage area of wood stork rookeries as per USFWS database.

The site does not provide suitable nesting habitat for State Threatened wading birds. Any occurrence of these species would be transient in nature.

The burrowing owl is a small ground-dwelling owl often found in open, treeless fields, where it spends most of its time on the ground, perching on dirt mounds, small posts, fences, or short shrubs. The site does not provide nesting habitat for burrowing owls and no burrowing owls or burrowing owl burrows were observed during the site reconnaissance.

Gopher tortoises are listed as a Threatened species by the State of Florida. No gopher tortoises, burrows, or signs thereof were found on the property. While not directly observed on the subject property, this species has a moderate potential of being present on the site. As such, in advance of any land development activity, a 100% survey of potential habitat areas will be required and any gopher tortoises present will be relocated in accordance with FFWCC permitting requirements.

The eastern indigo snake ranges widely over a diversity of upland and wetland habitats, and is known to occupy gopher tortoise burrows which may occur on the property. Nevertheless, the isolated nature of the site by surrounding development is such that indigo snakes are not likely to occur on the subject property. Standardized and specific construction awareness and notification procedures will be implemented for the protection of this species during site development.

Given the surrounding urban development and activity, the dominance of non-native vegetation and habitat, the property provides significantly reduced foraging and/or nesting habitat for state and/or federally listed wildlife species. Coordination with the USFWS has been initiated via the issuance of a Public Notice by the U.S. Army Corps of Engineers as part of the permit application review process. Coordination with the Florida Fish and Wildlife Conservation Commission will be initiated by the SFWMD at the time of application for an Environmental Resource permit.

WETLAND EVALUATION

The informal wetland determination issued on August 28, 2019, indicates that the property contains one wetland. The informal wetland determination also indicates that the property received an Environmental Resource Permit (ERP) in 2012 that authorized the impacts to the on site wetland. In order to receive an ERP from the SFWMD, an applicant had to demonstrate that efforts to eliminate and reduce (avoid and minimize) wetland impacts have been made and that no further elimination or reduction of impacts was feasible for the project. The issuance of the ERP by the SFWMD indicates that the state requirements for elimination and reduction (avoidance and minimization) of wetland impacts have been addressed. The 2012 permit and required mitigation authorized the impact to the on site wetland. Compensatory wetland mitigation has been completed with the purchase of 0.45 herbaceous wetland mitigation credits from the Bluefield Ranch Mitigation Bank (BRMB) on November 28, 2012. Please refer to the attached memorandum from BRMB indicating the completion of the purchase of the credits and the removal of 0.45 credits from the BRMB ledger maintained by the SFWMD.

PRESERVE AREA AND UPLAND BUFFER EVALUATION

The subject property is part of a larger assemblage of parcels for which a comprehensive off site upland preserve area plan was approved by the City of Stuart to provide for a contiguous, larger, and higher quality upland preserve. This off site upland preserve area was approved as Ordinance number 2361-2018 by the City Commission on February 26, 2018 (copy attached in Appendix). In accordance with this ordinance, there is no on site upland preserve required for this site.

SUMMARY

Vegetation

Preservation requirements for the on-site native habitat have been met through the establishment of an approved off-site upland preserve area.

Wetlands

There is one jurisdictional wetland on the property as demonstrated by an informal wetland determination completed in August 2019 by South Florida Water Management District. The wetland determination also confirmed that the wetland had previously been authorized for impact and that 0.45 herbaceous mitigation credits have been purchased. The compensatory wetland mitigation was addressed and fulfilled the requirements of the state. As such there is no requirement for wetland preservation or mitigation.

Listed Species

No signs of gopher tortoises were observed on the property. The gopher tortoise is listed by the Florida Fish and Wildlife Conservation Commission (FWWCC) as threatened, thus any development of the subject site that may impact gopher tortoises and/or their burrows would require FWWCC authorization. Prior to the commencement of construction activities, a 100% habitat survey of the site is recommended to confirm the findings of this assessment.

APPENDIX



MARTIN COUNTY AERIALS DATED 2019

0 200
SCALE IN FEET



TRILLIUM TOWNHOMES AERIAL

TRILLIUM TOWNHOMES.dwg AERIAL



EW CONSULTANTS, INC.
1000 SE MONTEREY COMMONS BLVD., SUITE 208
STUART, FL 34996
772-287-8771 FAX 772-287-2988
WWW.EWCONSULTANTS.COM

SEPT 2019

FIGURE

3



MARTIN COUNTY AERIALS DATED 2019

LEGEND

- 411 - PINE FLATWOODS (4.6± AC)
- 510 - DITCHES (0.1± AC)
- 534 - RESERVOIRS LESS THAN 10 ACS (1.4± AC)
- 641 - FRESHWATER MARSHES (1.4± AC)

- 740 - DISTURBED LANDS (1.0± AC)
- 814 - ROADS (0.9± AC)
- SITE (9.4± AC)



TRILLIUM TOWNHOMES FLUCFCS MAP



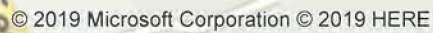
EW CONSULTANTS, INC.
1800 NE University-Corridor Blvd., Suite 100
Orlando, FL 32810
774-447-1111
www.ewconsultants.com

SEPT 2019

FIGURE

4

11122019 CCM



A horizontal scale bar with a vertical tick mark at the left end labeled '0' and another vertical tick mark at the right end labeled '1,000 Feet'. The bar is a solid black line.

3

EW CONSULTANTS, INC.

SEPT 2019

T

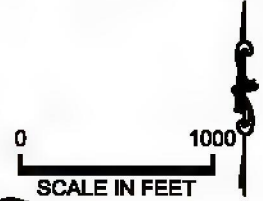




USGS QUAD MAP "ST LUCIE INLET", HANSON GRANT, TOWNSHIP 38 SOUTH, RANGE 41 EAST, CITY OF STUART, MARTIN COUNTY, FLORIDA, LATITUDE 27°09'30.34" LONGITUDE -80°13'12.10"

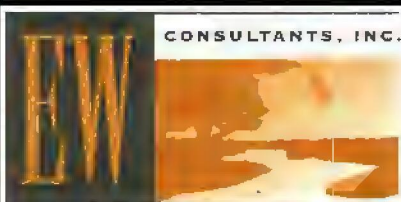
LEGEND

 - SITE (9.4± AC)



**TRILLIUM TOWNHOMES
QUAD**

TRILLIUM TOWNHOMES.dwg QUAD



EW CONSULTANTS, INC.
1000 SE MONTEREY COMMONS BLVD., SUITE 208
STUART, FL 34996
772-287-8771 FAX 772-287-2988
WWW.EWCONSULTANTS.COM

SEPT 2019
FIGURE
2

Soil Map—Martin County, Florida (TRILLIUM TOWNHOMES)



Soil Map—Martin County, Florida
(TRILLIUM TOWNHOMES)

MAP LEGEND

Area of Interest (AOI)

 Area of Interest (AOI)

Soils

 Soil Map Unit Polygons

 Soil Map Unit Lines

 Soil Map Unit Points

Special Point Features



Blowout



Borrow Pit



Clay Spot



Closed Depression



Gravel Pit



Gravelly Spot



Landfill



Lava Flow



Marsh or swamp



Mine or Quarry



Miscellaneous Water



Perennial Water



Rock Outcrop



Saline Spot



Sandy Spot



Severely Eroded Spot



Sinkhole



Slide or Slip



Sodic Spot



Spoil Area



Stony Spot



Very Stony Spot



Wet Spot



Other



Special Line Features

Water Features



Streams and Canals

Transportation



Rails



Interstate Highways



US Routes



Major Roads



Local Roads

Background



Aerial Photography

MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:20,000.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service

Web Soil Survey URL:

Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Martin County, Florida

Survey Area Data: Version 17, Sep 17, 2018

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Feb 14, 2015—May 8, 2015

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Map Unit Legend

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
4	Waveland and Immokalee fine sands	4.8	51.0%
5	Waveland and Lawnwood fine sands, depressional	4.6	49.0%
Totals for Area of Interest		9.4	100.0%





SOUTH FLORIDA WATER MANAGEMENT DISTRICT

August 28, 2019

** Delivered via email*

Meritage Homes Of Florida, Inc *
Ted Glasrud Associates FI, LLC *
See Attached for Addresses

Subject: Meritage Homes
Application No. 190820-1700
Informal Wetland Determination No. 43-101930-P
Martin County

Dear Mr. Glasrud and Mr. Fraiegari:

The District reviewed your request for an informal determination of the jurisdictional wetland boundaries, as defined in Chapter 62-340, Florida Administrative Code, within the subject property located as shown on the attached Exhibit No. 1.0. The purpose of this request is to revise the jurisdictional wetland boundaries for the 9.4-acre parcel as described in Application No. 181226-1080 (Permit No. 43-100937-P) to instead reflect the wetland limits depicted in the 2012 permit issued by the District (Application No. 120614-2, Permit No. 43-00014-S). The 2012 permit authorized impacts to a total of 1.38 acres of wetlands occurring on the property at that time. Although the entirety of the wetland impacts were not completed, mitigation for the total 1.38 acres of onsite wetlands was addressed and fulfilled through the purchase of 0.45 credits at Bluefield Ranch Mitigation Bank.

Based on the information provided, the District has made a determination to honor the wetland boundaries as delineated pursuant to the 2012 permit. As a result, this informal wetland determination shall supersede the 2018 delineation regarding this parcel only. Please note, although wetland impacts have been mitigated for, a new permit will still be needed to reauthorize wetland impacts and development of the site. Exhibit No. 2, attached, identifies the boundaries of the subject property and the approximate landward limits of the wetlands.

This correspondence is an informal jurisdictional wetland determination pursuant to Section 373.421(6), Florida Statutes, and Section 7.3 of Environmental Resource Permit Applicant's Handbook Volume I. It does not bind the District, its agents or employees, nor does it convey any legal rights, expressed or implied. Persons obtaining this informal jurisdictional determination are not entitled to rely upon it for purposes of compliance with provision of law or District rules.

Sincerely,

A handwritten signature in black ink that reads "Barbara Conmy".

Barbara Conmy
Section Leader

c: Arnaud Roux, EW Consultants, Inc *
Edward Weinberg, EW Consultants, Inc *

Meritage Homes
Application No. 190820-1700 / Permit No. 43-101930-P
Page 2

Addresses:

Dante Fraiegari
Meritage Homes Of Florida, Inc
1127 Gateway Boulevard
Boynton Beach, FL 33426

Theodore Glasrud
Ted Glasrud Associates FI, LLC
759 SW Federal Highway Suite 217
Stuart, FL 34994

Exhibits

The following exhibits to this permit are incorporated by reference. The exhibits can be viewed by clicking on the links below or by visiting the District's ePermitting website (<http://my.sfwmd.gov/ePermitting>) and searching under this application number 190820-1700.

[Exhibit No. 1.0 Location Map](#)

[Exhibit No. 2.0 Wetland Map](#)

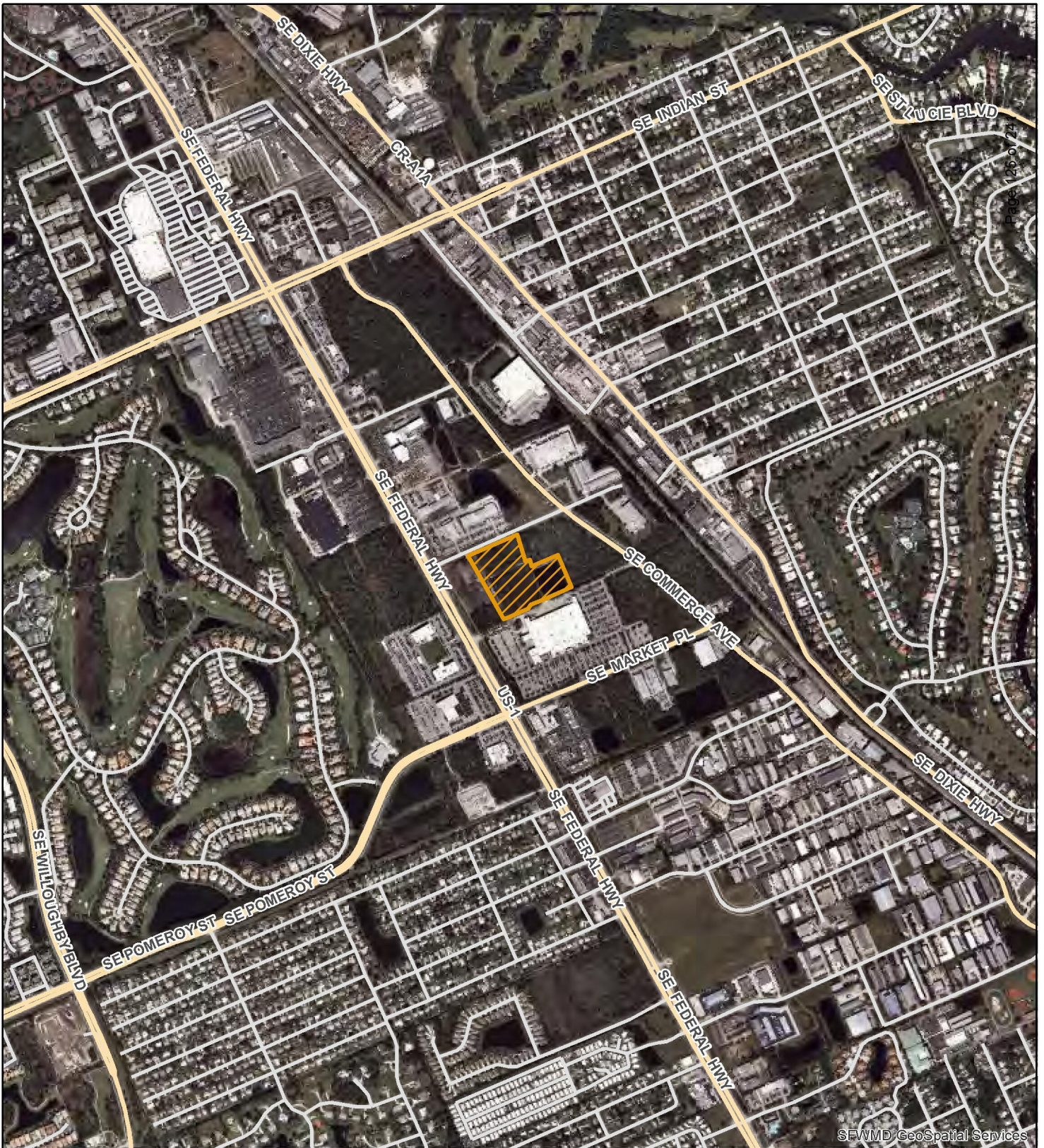


Exhibit No:1.0	Exhibit Created On: 2019-08-21	MARTIN COUNTY, FL	 Application
REGULATION DIVISION Project Name: Meritage Homes 0 1,150 2,300  Feet N			11122019 CCM Application Number: 190820-1700 Created by IT GIS Section South Florida Water Management District



MARTIN COUNTY AERIALS DATED 2019

0 150
SCALE IN FEET

MERITAGE HOMES WETLAND MAP



EW CONSULTANTS, INC.
1000 SE MONTEREY COMMONS BLVD., SUITE 208
STUART, FL 34956
772-207-0771 FAX 772-207-2885
WWW.EWCONSULTANTS.COM

JULY 2019

FIGURE

4

Bluefield Ranch Mitigation Bank

David McIntosh, Trustee
901 North Olive Avenue
West Palm Beach, FL 33401
P (772) 708-1776
Dave@BluefieldRanch.com

Page 127 of 241

Memorandum by email

To: Ms. Anita Bain, Bureau Chief, Environmental Resource Permitting
South Florida Water Management District
ABain@SFWMD.gov

From: Dave McIntosh

Subject: Industrial Development Corporation:
Stuart Business Park cross access drive
App# 120614-2; Permit # 43-00014-S
Wetland mitigation at Bluefield Ranch Mitigation Bank

Date: November 28, 2012

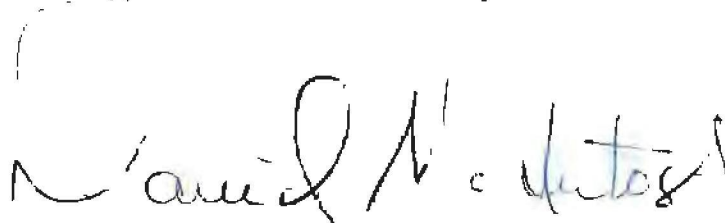
Dear Ms. Bain:

On October 26, 2012, I advised you that Industrial Development Corporation had reserved forty-five one hundredths of one (0.45) herbaceous wetland mitigation credit for its use at its Stuart Business Park's cross access drive project.

I now advise you that Industrial Development Corporation has completed all of its contract obligations for the purchase of that partial credit. Therefore, I authorize and request that you remove that fort-five one hundredths of one (0.45) herbaceous wetland mitigation credit from the Bluefield Ranch Mitigation Bank ledger that you maintain and that you immediately and permanently associate that same partial credit with the above-referenced Application and Permit of Industrial development Corporation for its Stuart Business Park cross access drive project.

If you have any questions, please contact me directly.

Thank you.



Copy: Mr. Brad Dubner, VP, Industrial Development Corp. (bdub99@bellsouth.net)

11/22/2019 CCM

FINANCE NUMBERS 2361-2018 AND 2362-2018; APPROVING CERTAIN CONDITIONS OF DEVELOPMENT; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; PROVIDING FOR ACCEPTANCE BY THE APPLICANT; AND PROVIDING FOR DIRECTIONS TO THE CITY CLERK.

Any person deciding to appeal any decision made by the Commission at the public hearing will need to ensure that a verbatim record of the proceedings is made. In compliance with the Americans with Disabilities Act (ADA), anyone who needs a special accommodation for this meeting should contact the City's ADA coordinator at 288 5206 at least 48 hours in advance of the meeting, excluding Saturday and Sunday.

STUART CITY COMMISSION
2/16/2018

0900309612-01



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

ORDINANCE NUMBER 2363-2018

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA TO AMENDING A COMMERCIAL PLANNED UNIT DEVELOPMENT(CPUD) AGREEMENT, ADOPTED BY ORDINANCE NO. 1533-97, THEREBY TERMINATING AN OBLIGATION CONTAINED THEREIN TO PROVIDE A TOTAL OF APPROXIMATELY 3.64 ACRES OF ON-SITE UPLAND PRESERVE ON PARCEL 6, AS DEPICTED BY EXHIBIT "A" ATTACHED; PROVIDING FOR THE TRANSFER FOR THE SAID OBLIGATION TO A NEARBY UNDEVELOPED PARCEL 6A, CONSISTING OF SUPERIOR QUALITY HABITAT, ALSO DEPICTED BY EXHIBIT "A" ATTACHED AND GOVERNED BY CPUD ORDINANCE NO. 2363-2018; PROVIDING THE BOUNDARY AND LEGAL DESCRIPTION OF THE REQUIRED UPLAND PRESERVE FOR A TOTAL OF APPROXIMATELY 8.29 ACRES ON PARCEL 6A, AS DEPICTED BY EXHIBIT "C" ATTACHED; THEREBY SATISFYING THE OBLIGATION TO PROVIDE THE REQUIRED UPLAND PRESERVE OF APPROXIMATELY 3.64 ACRES OF PARCEL 6 AND NEARBY UNDEVELOPED PARCELS, GOVERNED BY CPUD ORDINANCE NOS. 2361-2018 AND 2362-2018; APPROVING CERTAIN CONDITIONS OF DEVELOPMENT; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; PROVIDING FOR ACCEPTANCE BY THE APPLICANT; AND PROVIDING FOR DIRECTIONS TO THE CITY CLERK.

*** * * * ***

WHEREAS, the City Commission approved Ordinance No. 1533-97 which granted Commercial Planned Unit Development (CPUD) zoning for the subject property for that certain 55.83 acre of land located on the East side of SE Federal Highway between SE Miami Street and SE Market Place; and

WHEREAS, the City Commission approved major amendment to the CPUD by Ordinance No. 1915-2003 for development of Walmart Supercenter on a portion of a parcel; and

WHEREAS, the City Commission approved major amendment to the CPUD by Ordinance No. 2313-2015 for development of Aldi Food Store on a portion of a parcel; and

WHEREAS, an application for a major amendment to Ordinance No. 1533-97 was properly filed on behalf of the petitioner, Ted Glasrud (Owner) of Ted Glasrud Associates FL, LLC.

WHEREAS, the applicant, Ted Glasrud, recently purchased several large, scattered parcels including Parcels 6 and 6A, located on the East side of SE Federal Highway between SE Miami Street and SE Market Place and are legally described as set forth in **Exhibit "A"**; and

WHEREAS, the City's consultant, EW Consultants, Inc., has prepared an Environmental Inventory and Evaluation dated August 4, 2017 for the 10 parcels to provide the existing habitat characteristics and calculations of preservation requirements on each parcel and the basis to aggregate conservation areas in higher quality existing habitat and concurrently free up areas of lower ecological quality; and

WHEREAS, the consultant finds it advantageous to consolidate the required native upland preservation areas in order to increase ecological functions; and

WHEREAS, the applicant is seeking to terminate an obligation to provide a total of approximately 3.64 acres of on-site upland preserve on Parcel 6 and transfer of said obligation to adjacent undeveloped Parcel 6A,

WHEREAS, the applicant is seeking to provide aggregation of upland preservation for a total of approximately 8.29 acres on Parcel 6A consisting of superior quality habitat and satisfying the obligation to provide the required upland preserve of approximately 3.64 acres of Parcel 6 and nearby undeveloped parcels governed by Ordinance No. 2361-2018 and Ordinance No. 2362-2018 and as depicted on a Parcel Map in **Exhibit "B"** of this ordinance; and

WHEREAS, the Applicant has committed to the City that its development will comply with all development codes, plans, standards and conditions approved by the City Commission; and that it will bind its successors in title to any such commitments made upon approval of the CPUD amendment; and

WHEREAS, City's Local Planning Agency held a properly noticed public hearing at a regularly scheduled meeting on January 18, 2018, to consider a major amendment to Ordinance 2363-2018, and recommended approval to the City Commission; and

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

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

WHEREAS, the CPUD is consistent with the Stuart Comprehensive Plan and the development will be in harmony with surrounding properties and their anticipated development.

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 laws.

SECTION 2: The legal description of the Parcels 6 and 6A is set forth in **Exhibit "A"** attached hereto and made a part hereof by reference. A Parcel Map is attached hereto as **Exhibit "B"** and made a part hereof by reference. The conditions of development for the property are attached hereto as **Exhibit "C"** and made a part hereof by reference, and each shall constitute one of the development documents.

SECTION 3: The Owners' written acceptance of this Ordinance shall constitute an agreement with the City for the purposes expressed herein, but the same shall not be construed as a "Development Agreement," as provided in Section 163.3221, Florida Statutes.

SECTION 4: Except as otherwise provided herein, no development permits, site permits, or building permits shall be issued by the City except in compliance with the City's Land Development Code. The failure of the owner to comply with the Development with any term or condition of development set forth in this ordinance, shall be deemed a zoning violation and no further permits, or other development approvals or orders shall be issued by the City to the owner until the violation has been resolved, and the matter may become the subject of a code enforcement action brought by the City. This section shall not impair the due process or other legal rights of the Owner to seek administrative or judicial redress.

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

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

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

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

SECTION 6: All ordinances or parts of ordinances in conflict with this ordinance or any part thereof is hereby repealed to the extent of such conflict. If any provision of this ordinance conflicts with any contractual provision between the City and the developer of the site, this ordinance shall prevail.

SECTION 7: If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared severable.

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

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

SECTION 10: Upon complete execution of this Ordinance, including the Acceptance and Agreement by the Owners', the City Clerk is directed to record a Certified Copy of the same in the Public Records of Martin County, Florida.

PASSED on First Reading this 12th day of FEBRUARY, 2018.

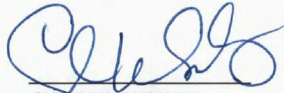
Commissioner CAMPENNI offered the following ordinance and moved its adoption. The motion was seconded by Commissioner CLARKE and upon being put to a roll call vote, the vote was as follows:

KELLI GLASS-LEIGHTON, MAYOR
BECKY BRUNER, VICE MAYOR
EULA R. CLARK, COMMISSIONER
THOMAS CAMPENNI, COMMISSIONER
TROY A. MCDONALD, COMMISSIONER

YES	NO	ABSENT
X		
X		
X		
X		
X		

ADOPTED on second reading this 26th day of February, 2018.

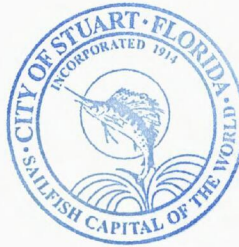
ATTEST:


CHERYL WHITE
CITY CLERK


KELLI GLASS-LEIGHTON
MAYOR

APPROVED AS TO FORM
AND CORRECTNESS:


MICHAEL MORTELL
CITY ATTORNEY



ACCEPTANCE AND AGREEMENT

BY SIGNING THIS ACCEPTANCE AND AGREEMENT, THE UNDERSIGNED HEREBY ACCEPTS AND AGREES TO ALL OF THE TERMS AND CONDITIONS CONTAINED IN THE FOREGOING ORDINANCE, AND ALL EXHIBITS, ATTACHMENTS AND DEVELOPMENT DOCUMENTS, INTENDING TO BE BOUND THEREBY, AND THAT SUCH ACCEPTANCE AND AGREEMENT IS DONE FREELY, KNOWINGLY, AND WITHOUT ANY RESERVATION, AND FOR THE PURPOSES EXPRESSED WITHIN THE FOREGOING ORDINANCE. IF IT IS LATER DISCOVERED THAT THE UNDERSIGNED, OR ITS SUCCESSORS OR ASSIGNS HAVE FAILED IN ANY MATERIAL WAY TO DEVELOP THIS COMMERCIAL PLANNED UNIT DEVELOPMENT ACCORDING TO THIS ORDINANCE, ITS CONDITIONS, AND THE DEVELOPMENT DOCUMENTS, THE UNDERSIGNED UNDERSTANDS AND AGREES THAT THIS ORDINANCE MAY BE AMENDED OR REPEALED BY THE CITY COMMISSION, AND THAT OTHER ADMINISTRATIVE ACTIONS AND PENALTIES MAY BE TAKEN AGAINST THE UNDERSIGNED, ITS SUCCESSORS OR ASSIGNS, BY THE CITY, INCLUDING BUT NOT LIMITED TO SANCTIONS DESCRIBED IN THIS ORDINANCE, CODE ENFORCEMENT ACTIONS, PERMIT AND LICENSING SUSPENSIONS OR REVOCATIONS, AND ANY OR ALL OTHER APPLICABLE CIVIL AND CRIMINAL ACTIONS.

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

WITNESSES:

Alicia Fisher
Print Name: Alicia Fisher

[Signature]
Print Name: [Signature]

Ted Glasrud Associates FL, LLC.

By: [Signature]
Ted Glasrud, Property Owner

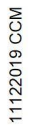
OWNERS ACKNOWLEDGMENT

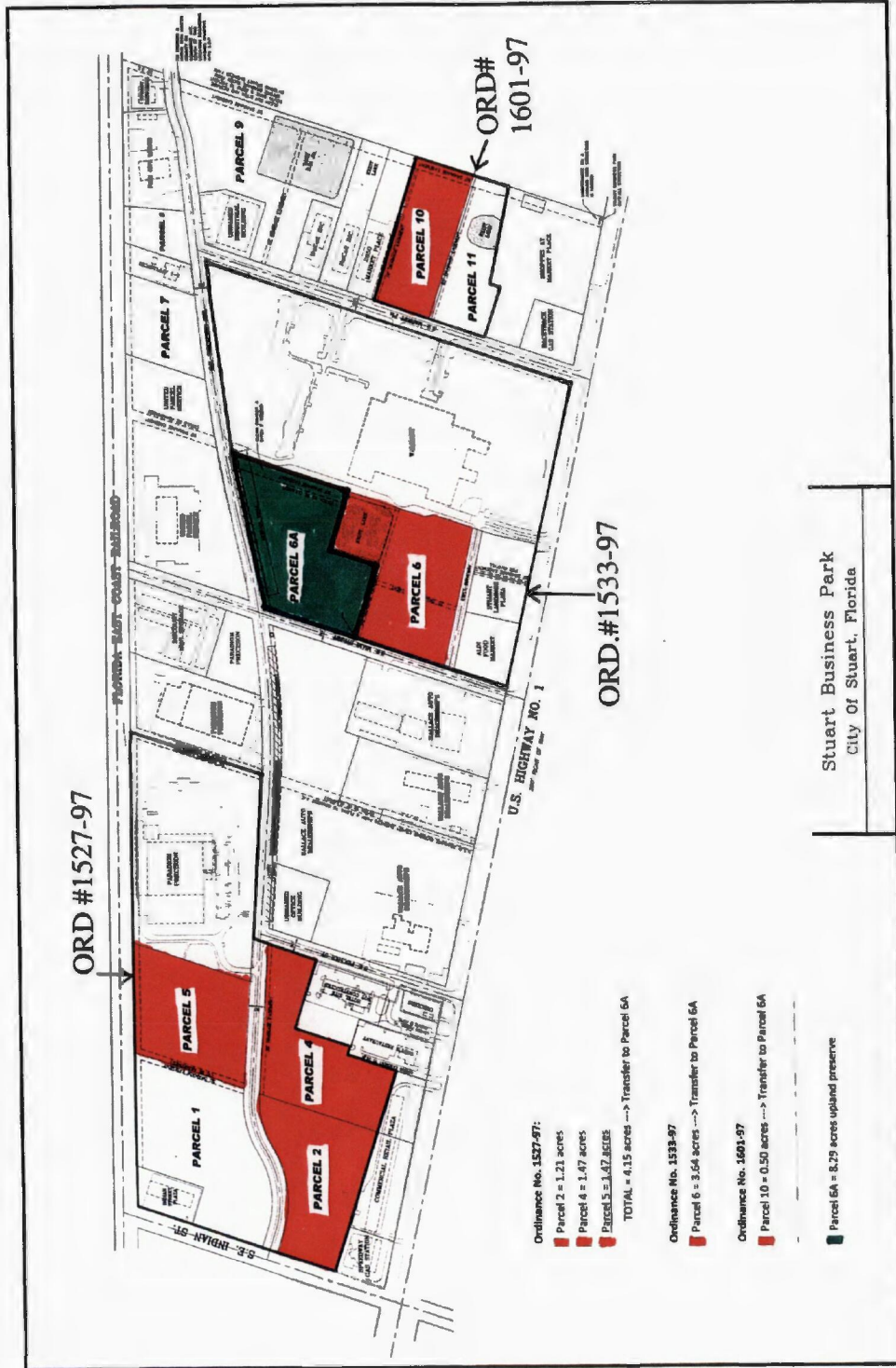
The above Acceptance and Agreement of Ordinance No. 2363-2018 KB was acknowledged before me this 13th day of March, 2018, by Ted Glasrud, Property Owner of Ted Glasrud Associates FL, LLC.



Kristen A Brown
Notary Public, State of Florida
My Commission Expires:
Notary Seal

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





"EXHIBIT C"
DEVELOPMENT CONDITIONS
(Amendment to Ordinance No. 1527-97)

Page 139 of 241

Amendment to the Ordinance Section:

SECTION 7: DEVELOPMENT STANDARDS. Review of the final development plan prior to adoption of the Rezoning Ordinance shall be governed by the following standards:

- a. CPUD standards regarding circulation, parking, utilities, drainage, open space and all other applicable standards shall apply as described in the LDR except as may be modified as provided in the Rezoning Ordinance.
- b. Not less than 25% of the CPUD shall be open space as defined in the LDR. Required open space may include native vegetation areas and required landscape buffers between the CPUD and adjacent property; however, other required landscaping shall not count towards the open space requirement. In the event less than 25% of the CPUD is comprised of native vegetation area, then all existing native vegetation area shall be maintained as part of the required open space.

Amendment to the Master Commercial Planned Unit Development Agreement Development Conditions:

8. Excluding wetlands defined by the South Florida Water Management District, the required total of approximately 3.64 acres of on-site upland preserve on Parcel 6 shall be transferred to adjacent undeveloped Parcel 6A, consisting on 8.29 acres of superior quality habitat.
9. Prior to the development of other sites (Parcel 2, 4, 5, 6 and 10), the applicant shall prepare a Preservation Area Management Plan (PAMP) for the upland preserve area of approximately 8.29 acres on Parcel 6A that is acceptable to the City and shall be submitted no later than 12 months of this approval. The upland preserve area shall be maintained by the property owner, including removal of any exotic vegetation. The upland preserve area shall be deeded to the City. The City reserves the right to assign a future land use designation of "Conservation" for the off-site upland preservation as described in the deed.



City of Stuart

121 SW Flagler Avenue • Stuart • Florida 34994
Telephone (772) 288-3599
Fax (772) 288-5305

Page 140 of 241

City Clerk Department
Mary R. Kindel
Deputy City Clerk

mkindel@ci.stuart.fl.us

March 22, 2018

Clerk of the Circuit Court
Attn: Recording
P.O. Box 9016
Stuart, FL 34995

RE: PLEASE RECORD:

Ordinance No. 2363-2018 Amending Ordinance No. 1533-97; Upland Preserve/Ted Glasrud Associates FL, LLC

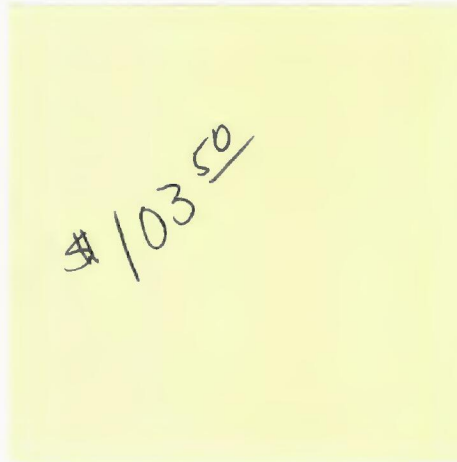
Please record the above named documents into the public records of Martin County. Upon completion, please return the original document back to my attention via inter-office mail.

Should you have any questions or comments, please do not hesitate to contact me at 772-288-3599 or mkindel@ci.stuart.fl.us.

Thank you,

Mary R. Kindel
Deputy City Clerk

Enc.



11122019 CCM

The Palm Beach Post

Palm Beach Daily News



ADVERTISING INVOICE

BILLED ACCOUNT NUMBER	BILLING DATE	TOTAL AMOUNT DUE	STATEMENT #
47003	02/19/2018	\$450.64	
BILLING PERIOD	TERMS OF PAYMENT		PAGE #
2/19/2018	Upon Receipt		1 of 1
ADVERTISER CLIENT #	ADVERTISER/CLIENT NAME		
47003	Stuart City Clerk, City of		

Page 14 of 24

Stuart City Clerk, City of
Cherie White
121 SW Flagler Ave
Stuart, FL 34994

For questions concerning this bill call 855-333-2676
If paid, please disregard. Thank You

Start/Stop	Newspaper Reference	Product	Description - Other Comments/Charges	Ad Size Billed Units	Times Run	Gross Amount	Net Amount
02/16/2018 02/26/2018	100308614-02182016	The Palm Beach Post	NOTICE OF PROPOSED ORDINANCES AND SECOND PUBLIC ADOPTION HEARING NOTICE is hereby given as required by Chapter 166.041 Florida Statutes that the following Ord Legals Page B 9	1 x 131 L 131	1	\$450.64	\$450.64
2/19/2018		Total Amount Due					\$450.64

ORD.
2361-18
2362-18
2363-18

INVOICE ORDER	PC
ENDORNO	1173
DEPARTMENT	001 ACCT 1208100
PROJECT NAME	
PROJECT ACCT	
APPROVED BY	<i>[Signature]</i>

PLEASE DETACH AND RETURN LOWER PORTION WITH YOUR REMITTANCE

PAYMENT COUPON

STATEMENT #	BILLING DATE	TERMS OF PAYMENT	ADVERTISER CLIENT #	ADVERTISER/CLIENT NAME
	02/18/2018	Upon Receipt	47003	Stuart City Clerk, City of

Please send your payment to:

CMG - PBN Remittance Address
PO BOX 645098
CINCINNATI, OH 45264-5098

47003
Stuart City Clerk, City of
121 SW Flagler Ave
Stuart, FL 34994

TOTAL AMOUNT	AMOUNT ENCLOSED
\$450.64	

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11122019 CCM

PROOF OF PUBLICATION STATE OF FLORIDA

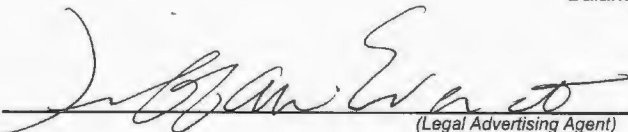
PUBLIC NOTICE

Before the undersigned authority, personally appeared Tiffani Everett, who on oath, says that he/she is a Legal Advertising Representative of The Palm Beach Post, a daily and Sunday newspaper, published in West Palm Beach and distributed in Palm Beach County, Martin County, and St. Lucie County, Florida; that the attached copy of advertising for a Legal - Public Hearing was published in said newspaper on: first date of Publication 02/16/2018 and last date of Publication 02/16/2018. Affiant further says that the said The Palm Beach Post is a newspaper published in West Palm Beach, in said Palm Beach County, Florida and that the said newspaper has heretofore been continuously published in said Palm Beach County, Florida, daily and Sunday and has been entered as second class mail matter at the post office in West Palm Beach, in said Palm Beach County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he/she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in said newspaper.

STUART CITY CLERK, CITY OF
121 SW FLAGLER AVE
STUART, FL 34994

Invoice/Order Number:	0000309614
Ad Cost:	\$450.64
Paid:	\$0.00
Balance Due:	\$450.64

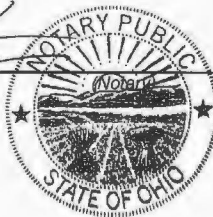
Signed


(Legal Advertising Agent)

Sworn or affirmed to, and subscribed before me, this 19th day of February, 2018 in Testimony whereof, I have hereunto set my hand and affixed my official seal, the day and year aforesaid.

Signed

Please see Ad on following page(s).



JUSTIN PETERSON, Notary Public
in and for the State of Ohio
My Commission Expires July 31, 2019

Page 1 of 3

Invoice/Order Number: 0000306614
Ad Cost: \$450.64
Paid: \$0.00
Balance Due: \$450.64

Page 4 of 241

**NOTICE OF PROPOSED ORDINANCES
AND SECOND
PUBLIC ADOPTION HEARING**

NOTICE is hereby given as required by Chapter 165.041 Florida Statutes that the following Ordinances will be produced in writing and adopted at a meeting of the City Commission of the City of Stuart, at City Hall, 121 SW Flagler Avenue on February 26, 2018 at 5:30 p.m. A full copy of said Ordinance, entitled hereafter, may be inspected at the Office of the City Clerk during regular business hours from this date forward. All interested parties may attend said meeting and be heard or send comments to the office mentioned above.

ORDINANCE No. 2361-2018: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA TO AMENDING A COMMERCIAL PLANNED UNIT DEVELOPMENT (CPUD) AGREEMENT, ADOPTED BY ORDINANCE NO. 1527-97, THEREBY TERMINATING AN OBLIGATION CONTAINED THEREIN TO PROVIDE A TOTAL OF APPROXIMATELY 4.15 ACRES OF ON-SITE UPLAND PRESERVE ON PARCELS 2, 4 AND 5, AS DEPICTED BY EXHIBIT "A" ATTACHED; PROVIDING FOR THE TRANSFER FOR THE SAID OBLIGATION TO A NEARBY UNDEVELOPED PARCEL 6A, CONSISTING OF SUPERIOR QUALITY HABITAT, ALSO DEPICTED BY EXHIBIT "A" ATTACHED AND GOVERNED BY CPUD ORDINANCE NO. 2363-2018; APPROVING CERTAIN CONDITIONS OF DEVELOPMENT; REPEALING ALL ORDINANCES IN CONFLICT HERewith; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; PROVIDING FOR ACCEPTANCE BY THE APPLICANT; AND PROVIDING FOR DIRECTIONS TO THE CITY CLERK.

ORDINANCE No. 2362-2018: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA TO AMENDING A COMMERCIAL PLANNED UNIT DEVELOPMENT (CPUD) AGREEMENT, ADOPTED BY ORDINANCE NO. 1501-97, THEREBY TERMINATING AN OBLIGATION CONTAINED THEREIN TO PROVIDE A TOTAL OF APPROXIMATELY .50 ACRES OF ON-SITE UPLAND PRESERVE ON PARCEL 10, AS DEPICTED BY EXHIBIT "A" ATTACHED; PROVIDING FOR THE TRANSFER FOR THE SAID OBLIGATION TO A NEARBY UNDEVELOPED PARCEL 6A, CONSISTING OF SUPERIOR QUALITY HABITAT, ALSO DEPICTED BY EXHIBIT "A" ATTACHED AND GOVERNED BY CPUD ORDINANCE NO. 2363-2018; APPROVING CERTAIN CONDITIONS OF DEVELOPMENT; REPEALING ALL ORDINANCES IN CONFLICT HERewith; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; PROVIDING FOR ACCEPTANCE BY THE APPLICANT; AND PROVIDING FOR DIRECTIONS TO THE CITY CLERK.

ORDINANCE No. 2363-2018: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA TO AMENDING A COMMERCIAL PLANNED UNIT DEVELOPMENT (CPUD) AGREEMENT, ADOPTED BY ORDINANCE NO. 1533-97, THEREBY TERMINATING AN OBLIGATION CONTAINED THEREIN TO PROVIDE A TOTAL OF APPROXIMATELY 3.64 ACRES OF ON-SITE UPLAND PRESERVE ON PARCEL 6, AS DEPICTED BY EXHIBIT "A" ATTACHED; PROVIDING FOR THE TRANSFER FOR THE SAID OBLIGATION TO A NEARBY UNDEVELOPED PARCEL 6A, CONSISTING OF SUPERIOR QUALITY HABITAT, ALSO DEPICTED BY EXHIBIT "A" ATTACHED AND GOVERNED BY CPUD ORDINANCE NO. 2363-2018; PROVIDING THE BOUNDARY AND LEGAL DESCRIPTION OF THE REQUIRED UPLAND PRESERVE FOR A TOTAL OF APPROXIMATELY 8.29 ACRES ON PARCEL 6A, AS DEPICTED BY EXHIBIT "C" ATTACHED; THEREBY SATISFYING THE OBLIGATION TO PROVIDE THE REQUIRED UPLAND PRESERVE OF APPROXIMATELY 3.64 ACRES OF PARCEL 6 AND NEARBY UNDEVELOPED PARCELS, GOVERNED BY CPUD ORDINANCE NO. 2363-2018.



October 4, 2019

Hand Delivery

Tom Reetz, Senior Planner
City of Stuart Development Department
121 SW Flagler Avenue
Stuart, FL 34994

RE: Trillium RPUD
Our reference number: 18-1110

Dear Tom:

Please accept this correspondence as our formal resubmittal in response to the staff comments received on October 1, 2019. Please find enclosed the original resubmittal packet containing the revised documents and plans referenced below, a CD with PDF copies of the resubmitted materials, and an additional copy of the 24 x 36 plans. The enclosed revised materials are listed as follows:

1. Highlighted engineering plans;
2. Revised landscape plan.

Itemized responses:

Zoning and Development

Fire Rescue- Cawley

1. All work shall conform with the most current edition of the Florida Fire Prevention Code.
Response: Agree.

Utilities- Rogolino

1. In reviewing the above reference project, this Department does approved the proposed RPUD. Please address the following comments:
 - A. Individual carts are approved with the understanding a single/ one bill will be required for all proposed units/ clubhouse.
Response:
Agree. The property owner's association will be responsible for paying for all individual carts within the community, so the City will provide a single bill to the POA.
 - B. Further review will be required. This review is not for construction.
Noted. The further review will occur with the site permit plan application.
Agree.

Engineering Review- Landscape

Overall

1. Plans sheets are difficult to read. Suggest increasing scale or editing line weights to help clarity.
Response: *Noted. The plans have been updated for better legibility.*
2. Confirm all fencing, light poles, utilities, etc. are shown on the plans to avoid conflicts with the landscape.
Response: *Noted. All fencing, utilities, etc. have been confirmed. Light poles will be coordinated with the FPL at the time of construction.*
3. Per plans LA-5 and LA-6, trees are called to be preserved. Please show approximate canopy spread for all existing trees to remain.
Response: *Trees shown as preserved are offsite. The trees shall remain undisturbed during construction.*
4. Confirm proposed trees/palms meet FPL required setbacks from overhead utilities using FPL's Right Tree Right Place.
Response: *Proposed trees have been confirmed in compliance with the FPL Right Tree in the Right Place.*
5. Label and provide clearances for all fire hydrants
Response: *No hydrants will be obstructed by the landscape.*
6. Please adjust match line labels so that they are legible.
Response: *Match labels have been adjusted.*

CV Landscape Plan

7. Provide table/calculations as to how the site is meeting required buffer, interior, native, and overall site Landscape Requirements.
Response:
This project is a townhome residential community and therefore does not fit within the commercial landscape requirements for interior landscaping.
Buffer: *From the back of the unit to the sidewalk is 25' and is heavily landscaped. The City of Stuart landscape code requires 25' when adjacent to commercial properties.*
Native Requirement: *The City requires at least 50% of the landscape to be native landscape. The trees provided are 92% native, the palms are 52% native, the shrubs are 72% native and the accent grasses are 90% native and the groundcovers excluding turf are 60% native.*
Overall Site Requirements: *The City requires not less than 20% of the site to be landscaped, and the site exceeds the requirement by providing 31% of the site as landscaped area.*

8. The xeriscape chart is not the current version per code 6.04.05.C; you cannot have 2 lines referring to mulch and gain 15 points. Please update and provide how you are meeting the required 50 points.

Response:

The xeriscape chart has been updated.

LA-1 Landscape Plan

9. Along northwest property (behind units 55-62), tree locations are shown in conflict with the fence, please revise.

Response:

Acknowledged, the trees have been revised.

10. Along northeast property (behind units 45-54), an unidentified proposed line runs through the property. This line conflicts with Foxtail palms proposed behind these units. Please identify what this line is and if necessary, revise proposed landscape to avoid conflict.

Response:

Acknowledged, the line has been removed.

11. Repeat Comment: Proposed Green Buttonwood trees along northwest property looks in conflict with overhead utility lines. Please confirm that the trees are in accordance with FPL's Right Tree Right Place 30' setback clearance.

Response:

The landscape in this area has been revised.

12. Provide additional shrubs or sod along units, 4, 9, and 55.

Response:

Sod has been provided.

13. Label littoral and upland plantings.

Response:

The littoral plantings have been removed from the plan.

14. What are unidentified black arched lines adjacent to southwest street trees? Please identify.

Response:

The arched lines have been removed from the plan.

15. Revised plans to remove all conflicts between plant callouts and labels.

Response:

Noted.

16. Include root barrier where proposed trees are located within 5' of utility lines.

Response:

No root barrier is proposed. Root barrier is not required by Martin County Utilities, the utility provider.

17. What are unidentified black arched lines adjacent to southwest street trees? Please identify. Please revise plans to eliminate all conflicts between plant callouts and labels.

Response:

The line has been removed from the landscape plan.

LA-2 Landscape Plan:

18. Along northeast property (behind units 29-40), an unidentified proposed line runs through the property. This line conflicts with Foxtail palms proposed behind these units. Please identify what this line is and if necessary, revise proposed landscape to avoid conflict.

Response:

The line has been removed.

19. In the eastern corner of the property, Green Buttonwood's are proposed within a few feet of an existing concrete wall. Consider revising the location of the proposed trees to allow for the Green Buttonwood to have ample root and canopy growing conditions.

Response:

Noted.

20. Include root barrier locations where proposed trees are located within 5' of utility lines.

Response:

No root barrier is proposed. Root barrier is not required by Martin County Utilities, the utility provider.

LA-3 Landscape Plan:

21. Please remove existing tree identification number and location markers for trees to be removed. Eastern corner of detention area has a Bald Cypress located within a foot of a proposed storm line and inlet. Please revise plans to eliminate the conflict.

Response:

Acknowledged.

22. An unidentified proposed line encircles the detention area, provide label or delete.

Response:

Acknowledged.

23. Please provide exhibit to the arrangement of littoral and upland planting design. Many of the proposed species have different optimal growing elevations in relation to the typical water elevation and the species placement is not clear per the landscape plan hatch. For example, *Iris virginica* has an optimal growing condition of 0.5 feet above and 0.5 feet below the typical water elevation while *Nymphaea odorata* has an optimal growing condition of 3.0 to 5.0 feet below the typical water elevation.

Response:

Littoral plantings have been removed.

LA-4 Master Plant Schedule:

24. Per section 6.04.02.A.6, shrubs shall be a minimum 24" height with 12" spread or in a 3-gallon pot. Some plant specifications still do not meet the code requirement, please revise. Please include within the master schedule a littoral and upland buffer plant schedule. The schedule needs to include botanical and common name, container size, plant size, and spacing.

Response:

The plant schedule has been revised to have all shrubs at 3-gallon size except for saw palmetto.

25. Please clarify the callout for trees that do not require mitigation, species identified on LA-6 are listed as 'Pine'.

Response:

Noted.

26. Trees 665-678 are called to be preserved, please provide tree protection around those trees on the plans.

Response:

Trees 665-678 are offsite.

27. Please revise plans to eliminate conflicts with tree identification number labels. Pine mitigation calculations are incorrect, please revise and ensure tree mitigation credits is met.

Response:

Pine mitigation table has been updated.

28. Bursera simaruba is not proposed in the landscape schedule, therefore, it cannot be used for mitigation. Revise calculations to meet minimum tree credit calculation

Response:

Noted. Bursera simaruba has been removed.

LA-6 Landscape Details:

29. Please provide common and botanical names in the tree table.

Response:

Botanical name is not necessary for the tree mitigation calculations- the notation of pine tree is sufficient.

30. What does the box around some trees indicate? Please provide a key to clarify

Response:

The box signifies trees that meet the threshold of a specimen tree in the City and therefore require mitigation.

Environmental Review- Comply

Section 5.01.00 – Complete. Avoidance and Minimization and Other Environmental Impacts – An Environmental Assessment Report (EA) prepared by EW Consultants, Inc. dated September 2019, was provided with the September 11, 2019 response letter. The EA includes a map indicating wetland limits, and provides information regarding compliance with avoidance, minimization and mitigation requirements.

Section 5.02.00 – Complete. Environmental Assessment Report - The EA describes FLUCFCS codes of cover types occurring on site, provides a breakdown of their acreage, and provide a figure delineating the land use types.

The EA includes a wetland delineation map as approved by the South Florida Water Management District and documents completion of wetland mitigation.

The EA explains that the upland preserve requirements are being met off-site, per City of Stuart Ordinance Number 2361-2018.

The EA states that coordination with the Florida Fish and Wildlife Conservation Commission (FWC) and the US Fish and Wildlife Service (USFWS) will occur as part of the in-process or upcoming state and federal permit application processes.

Section 5.03.00 – Complete. Wetlands – The EA includes a map indicating wetland limits, and provides information regarding compliance with avoidance, minimization and mitigation requirements

Traffic Review- Comply

Kimley-Horn has reviewed the Traffic Impact Analysis (revised August 2019) prepared by The MilCor Group Inc. related to the above-mentioned project. The subject project is located generally on the south side of SE Miami Avenue, west of SE Commerce Boulevard, and east of SE Federal Highway in the City of Stuart, Florida. The proposed development consists of 76 single family dwelling units and access to the project will be provided via an existing 50-foot unnamed access road located between the proposed development and commercial properties fronting US 1.

Based on the analysis provided, the project has the potential to generate 534 net new daily trips, 37 net new AM peak hour trips (8 in / 28 out), and 46 net new PM peak hour trips (29 in / 17 out). The analysis demonstrates that adjacent impacted roadways have sufficient capacity available to support the proposed project trips and no ingress turn lanes are warranted. We have no further comments for the applicant at this time.

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

Engineering Review

Master Drainage Plan

1. The construction of drainage out fall from the commercial development to the west appears to cross the property line near the connection to the existing manhole. Construction of the pipe as currently shown will require a grading easement from that property owner.

Response:

Acknowledged.

2. Show how the swales on the north and south sides of the site will be connected to the pond and drainage system.

Response: Acknowledged, a connection from the north and south swales to the lake has been shown. Please note that the final drainage system will be designed and submitted with the site construction application, and the current swale connections may be revised to tie into the final drainage system. Please see the revised plan.

Please feel free to contact me if you have any questions or need any additional materials.

Sincerely,



Doug Fitzwater
Copy to team

DATE: 08/23/2019
TIME: 16:43:13

CITY OF STUART
PLAN REVIEW STOP REPORT

PAGE NUMBER: 1
MODULE : zdplnrevrpt

SELECTION CRITERIA: appl_no='Z19070004'

PROJECT NO.: Z19070004 APPLICANT NAME: GLASRUDD ASSOC INC, DBA
OWNER NAME: DKC STUART LANDINGS LLC APPLICATION DATE: 07/25/19
PROJECT TYPE: MAJOR RPUD - MAJOR RESIDENTIAL PLANNED UNIT DEVELOPEME
PARCEL: 383841002153000009 3963 SE FEDERAL HWY
STUART, FL 34994

REVIEW STOP: F - FIRE PROTECTION SYSTEMS
REV NO: 1 STATUS: F DATE: 08/09/19 CONT ID:
REVIEW SENT BY: mcawley DATE: 08/09/19 TIME: 08:53 TIME SPENT: 0.00
REV RECEIVD BY: mcawley DATE: 08/07/19 TIME: 16:32 SENT TO:

08/09/2019 NFPA 1 18.2.3.4.1.1 Fire department access roads shall
have an unobstructed width of not less than 20 feet.

Submit Autoturn using Stuart Fire Rescue truck
specifications. Contact mcawley@ci.stuart.fl.us for
specs.

REVIEW STOP: PD - POLICE DEPARTMENT
REV NO: 1 STATUS: DATE: CONT ID:
REVIEW SENT BY: DATE: TIME: TIME SPENT: 0.00
REV RECEIVD BY: treetz DATE: 08/07/19 TIME: 16:32 SENT TO:

REVIEW NOTES: *** NONE ***

REVIEW STOP: PW - PUBLIC WORKS
REV NO: 1 STATUS: F DATE: 08/16/19 CONT ID:
REVIEW SENT BY: mrogolin DATE: 08/15/19 TIME: TIME SPENT: 0.00
REV RECEIVD BY: mrogolin DATE: 08/07/19 TIME: 16:32 SENT TO:

08/16/2019

08/16/2019 Date: 8-15-2019

To: Tom Reetz

Subject: 3963 SE Federal Hwy. Major RPUD Permit
#Z19070004

In reviewing the above referenced project, this
Department does not approve the proposed RPUD. Please
address the following comments:

M-^U SANITATION-

After further review of the proposed site, the Public
Works Dept. Director mandates the use of three double
dumpster enclosures (located at dead-ends) or a
centralized compactor due to the fact individual
M-^Ssanitation onlyM-^T accounts cannot be established with
the tenants. Please call-out proposed enclosure
locations. (Orient dumpster enclosures to permit full
mechanically assisted pick-up by front end loading
trucks. Please insure all turning radius are adequate
for sanitation truck to service dumpsters, sanitation
trucks are approx. 42 ft in length.)

DATE: 08/23/2019
TIME: 16:43:13

CITY OF STUART
PLAN REVIEW STOP REPORT

PAGE NUMBER: 2
MODULE : zdplnrevrpt

SELECTION CRITERIA: appl_no='Z19070004'

M-^U Provide an AutoTurn exhibit utilizing a 42 ft.
frontloading sanitation truck.

M-^U Water & sanitary sewer service to be provided to the
site by Martin County.

M-^U Further review will be required.

Please forward comments to applicant. If there are any
questions, please contact me at your earliest
convenience at (772) 221-4700.

REVIEW STOP:	Z - ZONING				
REV NO:	1	STATUS:	F	DATE:	CONT ID:
REVIEW SENT BY:		DATE:		TIME:	TIME SPENT: 0.00
REV RECEIVD BY:	treetz	DATE:	08/07/19	TIME:	16:32 SENT TO:

08/23/2019 Refer to Kimley Horn comments dated August 21 and
respond in writing to each and resubmit with revised
drawings.



To: Tom Reetz
Senior Planner
City of Stuart Development Department

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

Date: October 8, 2019

Re: **Trillium Townhomes – Stuart, Florida – 3rd review**
RPUD Amendment Application and Small Scale Land Use Amendment Review –
Engineering and Landscape

Dear Mr. Reetz,

Kimley-Horn has reviewed the re-submittal of the RPUD Amendment Application and the Small Scale Land Use Amendment Application and associated documents, dated October 4, 2019, provided to Kimley Horn on October 4, 2019, prepared by Lucido and Associates for the proposed Trillium Townhomes development in Stuart, Florida. Additional landscape plans and response to 2 comments were provided on October 7, 2019.

Based on the updated materials and response letters, we have no further comments.

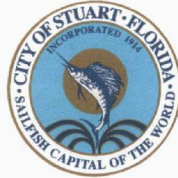
Thank you for the opportunity to assist the City of Stuart in reviewing the noted project. Please contact us if you have any questions or need additional information.

Sincerely,

Kimley-Horn and Associates, Inc.

A handwritten signature in blue ink, appearing to read "Kevin M. Roberson".

Kevin M. Roberson, P.E.
Vice President



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

ORDINANCE NUMBER 2363-2018

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA TO AMENDING A COMMERCIAL PLANNED UNIT DEVELOPMENT(CPUD) AGREEMENT, ADOPTED BY ORDINANCE NO. 1533-97, THEREBY TERMINATING AN OBLIGATION CONTAINED THEREIN TO PROVIDE A TOTAL OF APPROXIMATELY 3.64 ACRES OF ON-SITE UPLAND PRESERVE ON PARCEL 6, AS DEPICTED BY EXHIBIT "A" ATTACHED; PROVIDING FOR THE TRANSFER FOR THE SAID OBLIGATION TO A NEARBY UNDEVELOPED PARCEL 6A, CONSISTING OF SUPERIOR QUALITY HABITAT, ALSO DEPICTED BY EXHIBIT "A" ATTACHED AND GOVERNED BY CPUD ORDINANCE NO. 2363-2018; PROVIDING THE BOUNDARY AND LEGAL DESCRIPTION OF THE REQUIRED UPLAND PRESERVE FOR A TOTAL OF APPROXIMATELY 8.29 ACRES ON PARCEL 6A, AS DEPICTED BY EXHIBIT "C" ATTACHED; THEREBY SATISFYING THE OBLIGATION TO PROVIDE THE REQUIRED UPLAND PRESERVE OF APPROXIMATELY 3.64 ACRES OF PARCEL 6 AND NEARBY UNDEVELOPED PARCELS, GOVERNED BY CPUD ORDINANCE NOS. 2361-2018 AND 2362-2018; APPROVING CERTAIN CONDITIONS OF DEVELOPMENT; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; PROVIDING FOR ACCEPTANCE BY THE APPLICANT; AND PROVIDING FOR DIRECTIONS TO THE CITY CLERK.

*** * * * ***

WHEREAS, the City Commission approved Ordinance No. 1533-97 which granted Commercial Planned Unit Development (CPUD) zoning for the subject property for that certain 55.83 acre of land located on the East side of SE Federal Highway between SE Miami Street and SE Market Place; and

WHEREAS, the City Commission approved major amendment to the CPUD by Ordinance No. 1915-2003 for development of Walmart Supercenter on a portion of a parcel; and

WHEREAS, the City Commission approved major amendment to the CPUD by Ordinance No. 2313-2015 for development of Aldi Food Store on a portion of a parcel; and

WHEREAS, an application for a major amendment to Ordinance No. 1533-97 was properly filed on behalf of the petitioner, Ted Glasrud (Owner) of Ted Glasrud Associates FL, LLC.

WHEREAS, the applicant, Ted Glasrud, recently purchased several large, scattered parcels including Parcels 6 and 6A, located on the East side of SE Federal Highway between SE Miami Street and SE Market Place and are legally described as set forth in **Exhibit "A"**; and

WHEREAS, the City's consultant, EW Consultants, Inc., has prepared an Environmental Inventory and Evaluation dated August 4, 2017 for the 10 parcels to provide the existing habitat characteristics and calculations of preservation requirements on each parcel and the basis to aggregate conservation areas in higher quality existing habitat and concurrently free up areas of lower ecological quality; and

WHEREAS, the consultant finds it advantageous to consolidate the required native upland preservation areas in order to increase ecological functions; and

WHEREAS, the applicant is seeking to terminate an obligation to provide a total of approximately 3.64 acres of on-site upland preserve on Parcel 6 and transfer of said obligation to adjacent undeveloped Parcel 6A,

WHEREAS, the applicant is seeking to provide aggregation of upland preservation for a total of approximately 8.29 acres on Parcel 6A consisting of superior quality habitat and satisfying the obligation to provide the required upland preserve of approximately 3.64 acres of Parcel 6 and nearby undeveloped parcels governed by Ordinance No. 2361-2018 and Ordinance No. 2362-2018 and as depicted on a Parcel Map in **Exhibit "B"** of this ordinance; and

WHEREAS, the Applicant has committed to the City that its development will comply with all development codes, plans, standards and conditions approved by the City Commission; and that it will bind its successors in title to any such commitments made upon approval of the CPUD amendment; and

WHEREAS, City's Local Planning Agency held a properly noticed public hearing at a regularly scheduled meeting on January 18, 2018, to consider a major amendment to Ordinance 2363-2018, and recommended approval to the City Commission; and

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

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

WHEREAS, the CPUD is consistent with the Stuart Comprehensive Plan and the development will be in harmony with surrounding properties and their anticipated development.

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 laws.

SECTION 2: The legal description of the Parcels 6 and 6A is set forth in **Exhibit “A”** attached hereto and made a part hereof by reference. A Parcel Map is attached hereto as **Exhibit “B”** and made a part hereof by reference. The conditions of development for the property are attached hereto as **Exhibit “C”** and made a part hereof by reference, and each shall constitute one of the development documents.

SECTION 3: The Owners’ written acceptance of this Ordinance shall constitute an agreement with the City for the purposes expressed herein, but the same shall not be construed as a “Development Agreement,” as provided in Section 163.3221, Florida Statutes.

SECTION 4: Except as otherwise provided herein, no development permits, site permits, or building permits shall be issued by the City except in compliance with the City’s Land Development Code. The failure of the owner to comply with the Development with any term or condition of development set forth in this ordinance, shall be deemed a zoning violation and no further permits, or other development approvals or orders shall be issued by the City to the owner until the violation has been resolved, and the matter may become the subject of a code enforcement action brought by the City. This section shall not impair the due process or other legal rights of the Owner to seek administrative or judicial redress.

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

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

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

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

SECTION 6: All ordinances or parts of ordinances in conflict with this ordinance or any part thereof is hereby repealed to the extent of such conflict. If any provision of this ordinance conflicts with any contractual provision between the City and the developer of the site, this ordinance shall prevail.

SECTION 7: If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared severable.

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

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

SECTION 10: Upon complete execution of this Ordinance, including the Acceptance and Agreement by the Owners', the City Clerk is directed to record a Certified Copy of the same in the Public Records of Martin County, Florida.

PASSED on First Reading this 12th day of FEBRUARY, 2018.

Commissioner CAMPENNI offered the following ordinance and moved its adoption. The motion was seconded by Commissioner CLARKE and upon being put to a roll call vote, the vote was as follows:

KELLI GLASS-LEIGHTON, MAYOR
BECKY BRUNER, VICE MAYOR
EULA R. CLARK, COMMISSIONER
THOMAS CAMPENNI, COMMISSIONER
TROY A. MCDONALD, COMMISSIONER

YES	NO	ABSENT
X		
X		
X		
X		
X		

ADOPTED on second reading this 26th day of February, 2018.

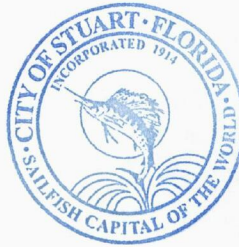
ATTEST:


CHERYL WHITE
CITY CLERK


KELLI GLASS-LEIGHTON
MAYOR

APPROVED AS TO FORM
AND CORRECTNESS:


MICHAEL MORTELL
CITY ATTORNEY



ACCEPTANCE AND AGREEMENT

BY SIGNING THIS ACCEPTANCE AND AGREEMENT, THE UNDERSIGNED HEREBY ACCEPTS AND AGREES TO ALL OF THE TERMS AND CONDITIONS CONTAINED IN THE FOREGOING ORDINANCE, AND ALL EXHIBITS, ATTACHMENTS AND DEVELOPMENT DOCUMENTS, INTENDING TO BE BOUND THEREBY, AND THAT SUCH ACCEPTANCE AND AGREEMENT IS DONE FREELY, KNOWINGLY, AND WITHOUT ANY RESERVATION, AND FOR THE PURPOSES EXPRESSED WITHIN THE FOREGOING ORDINANCE. IF IT IS LATER DISCOVERED THAT THE UNDERSIGNED, OR ITS SUCCESSORS OR ASSIGNS HAVE FAILED IN ANY MATERIAL WAY TO DEVELOP THIS COMMERCIAL PLANNED UNIT DEVELOPMENT ACCORDING TO THIS ORDINANCE, ITS CONDITIONS, AND THE DEVELOPMENT DOCUMENTS, THE UNDERSIGNED UNDERSTANDS AND AGREES THAT THIS ORDINANCE MAY BE AMENDED OR REPEALED BY THE CITY COMMISSION, AND THAT OTHER ADMINISTRATIVE ACTIONS AND PENALTIES MAY BE TAKEN AGAINST THE UNDERSIGNED, ITS SUCCESSORS OR ASSIGNS, BY THE CITY, INCLUDING BUT NOT LIMITED TO SANCTIONS DESCRIBED IN THIS ORDINANCE, CODE ENFORCEMENT ACTIONS, PERMIT AND LICENSING SUSPENSIONS OR REVOCATIONS, AND ANY OR ALL OTHER APPLICABLE CIVIL AND CRIMINAL ACTIONS.

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

WITNESSES:

Alicia Fisher
Print Name: Alicia Fisher

[Signature]
Print Name: [Signature]

Ted Glasrud Associates FL, LLC.
By: [Signature]
Ted Glasrud, Property Owner

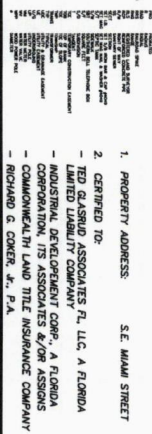
OWNERS ACKNOWLEDGMENT

The above Acceptance and Agreement of Ordinance No. 2363-2018 KB was acknowledged before me this 13th day of March, 2018, by Ted Glasrud, Property Owner of Ted Glasrud Associates FL, LLC.



Kristen R Brown
Notary Public, State of Florida
My Commission Expires:
Notary Seal

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



- NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
- STEPHEN J. BROWN, INC
- STEPHEN J. BROWN, PROFESSIONAL SURVEYOR AND MAPPER
REGISTRATION NO. 0004, STATE OF FLORIDA

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

[illegible]

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**COMMONWEALTH LAND TITLE COMMITTEES
SCHEDULE B SECTION B EXCEPTIONS**
(effects property, not national)

March 14, 1995 The U.S. Supreme Court in *Clinton v. City of New York*, 505 U.S. 461, 115 S.Ct. 1995, 118 L.Ed.2d 496, held that the President's power to pardon is not subject to congressional control. The Court held that the President's power to pardon is a constitutional power that is not subject to congressional control. The Court held that the President's power to pardon is a constitutional power that is not subject to congressional control. The Court held that the President's power to pardon is a constitutional power that is not subject to congressional control.

LEGAL DESCRIPTION



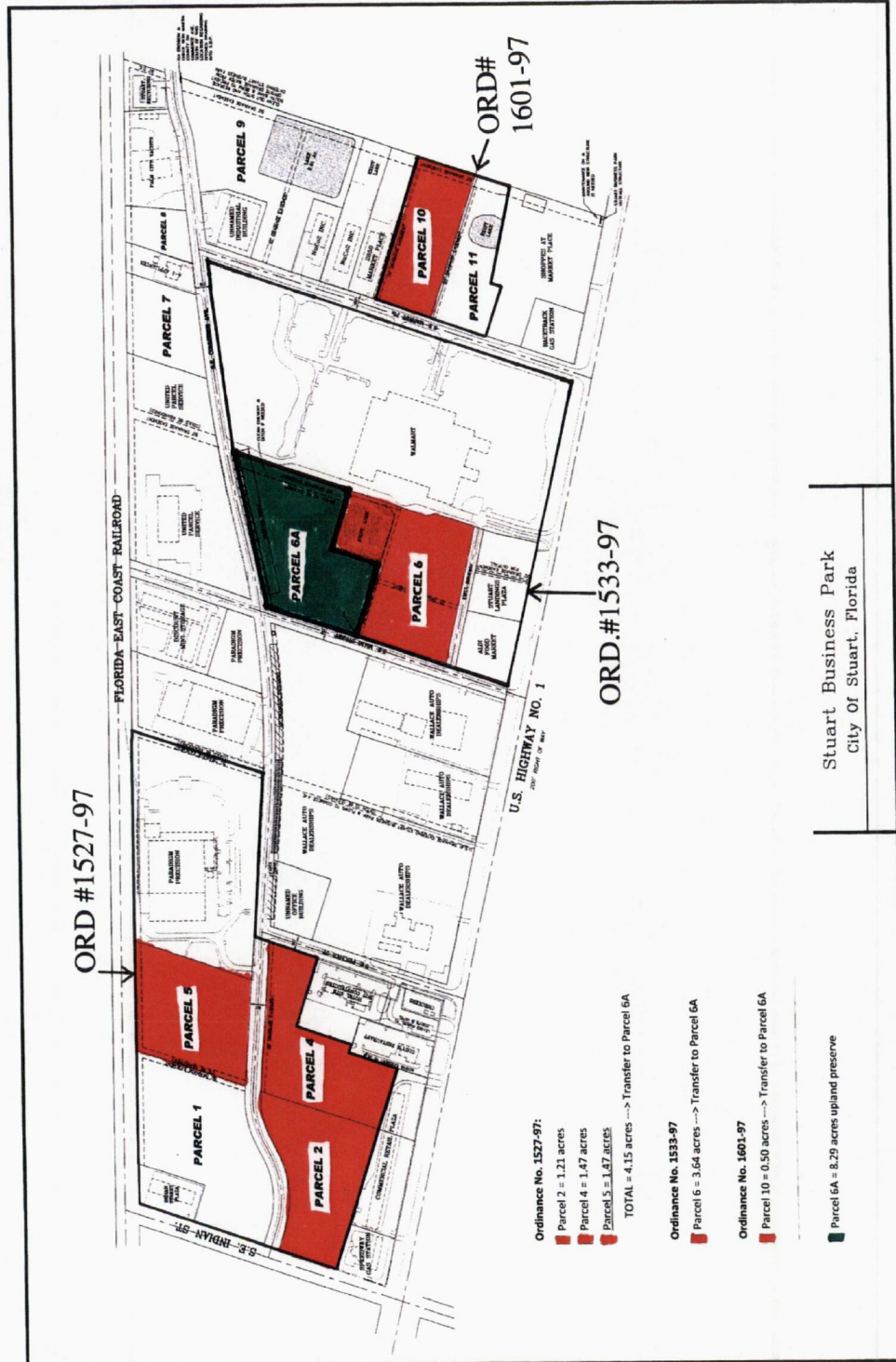
PREPARED FOR: TED GLASRUD ASSOCIATES FL, LLC

STEPHEN J. BROWN, INC
SURVEYORS • DESIGNERS • L

LICENSED BUSINESS NUMBER 6484
PLANNERS • CONSULTANTS

SURVEYORS • DESIGNERS • LANDPLANNERS • CONSULTANTS
619 EAST 5TH STREET, STUART, FLORIDA 34994 EMAIL: sjbinc@bellsouth.net PHONE: (772)-286-7176

DATE 02/17/2017
S.J.B.
ONE 1" = 80'
S.J.B.
ONE 6986-06-01
ONE



Stuart Business Park
City of Stuart, Florida

“EXHIBIT C”
DEVELOPMENT CONDITIONS
(Amendment to Ordinance No. 1527-97)

Amendment to the Ordinance Section:

SECTION 7: DEVELOPMENT STANDARDS. Review of the final development plan prior

to adoption of the Rezoning Ordinance shall be governed by the following standards:

- a. CPUD standards regarding circulation, parking, utilities, drainage, open space and all other applicable standards shall apply as described in the LDR except as may be modified as provided in the Rezoning Ordinance.
- b. Not less than 25% of the CPUD shall be open space as defined in the LDR. Required open space may include native vegetation areas and required landscape buffers between the CPUD and adjacent property; however, other required landscaping shall not count towards the open space requirement. In the event less than 25% of the CPUD is comprised of native vegetation area, then all existing native vegetation area shall be maintained as part of the required open space.

Amendment to the Master Commercial Planned Unit Development Agreement Development Conditions:

8. Excluding wetlands defined by the South Florida Water Management District, the required total of approximately 3.64 acres of on-site upland preserve on Parcel 6 shall be transferred to adjacent undeveloped Parcel 6A, consisting on 8.29 acres of superior quality habitat.

9. Prior to the development of other sites (Parcel 2, 4, 5, 6 and 10), the applicant shall prepare a Preservation Area Management Plan (PAMP) for the upland preserve area of approximately 8.29 acres on Parcel 6A that is acceptable to the City and shall be submitted no later than 12 months of this approval. The upland preserve area shall be maintained by the property owner, including removal of any exotic vegetation. The upland preserve area shall be deeded to the City. The City reserves the right to assign a future land use designation of “Conservation” for the off-site upland preservation as described in the deed.



City of Stuart

121 SW Flagler Avenue • Stuart • Florida 34994
Telephone (772) 288-3599
Fax (772) 288-5305

City Clerk Department
Mary R. Kindel
Deputy City Clerk

mkindel@ci.stuart.fl.us

March 22, 2018

Clerk of the Circuit Court
Attn: Recording
P.O. Box 9016
Stuart, FL 34995

RE: PLEASE RECORD:

**Ordinance No. 2363-2018 Amending Ordinance No. 1533-97; Upland Preserve/Ted
Glasrud Associates FL, LLC**

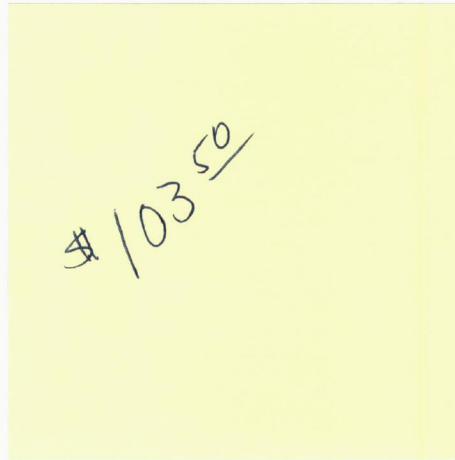
Please record the above named documents into the public records of Martin County. Upon completion, please return the original document back to my attention via inter-office mail.

Should you have any questions or comments, please do not hesitate to contact me at 772-288-3599 or mkindel@ci.stuart.fl.us.

Thank you,

Mary R. Kindel
Deputy City Clerk

Enc.



The Palm Beach Post

Palm Beach Daily News



ADVERTISING INVOICE

BILLED ACCOUNT NUMBER	BILLING DATE	TOTAL AMOUNT DUE	STATEMENT #
47003	02/19/2018	\$450.64	
BILLING PERIOD	TERMS OF PAYMENT		PAGE #
2/16/2018	Upon Receipt		1 of 1
ADVERTISER CLIENT #	ADVERTISER/CLIENT NAME		
47003	Stuart City Clerk, City of		

Stuart City Clerk, City of
Cherie White
121 SW Flagler Ave
Stuart, FL 34994

For questions concerning this bill call 855-333-2676
If paid, please disregard. Thank You

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02/16/2018 02/26/2018	100309614-02162018	The Palm Beach Post	NOTICE OF PROPOSED ORDINANCES AND SECOND PUBLIC ADOPTION HEARING NOTICE is hereby given as required by Chapter 166.041 Florida Statutes that the following Ord Legals Page B 9	1 x 131 L 131	1	\$450.64	\$450.64
2/19/2018		Total Amount Due					\$450.64

ORD.
2361-18
2362-18
2363-18

ENDORSEMENT	PS
ENDORNO	1173
DEPARTMENT	001 ACCT 208100
PROJECT NAME	
PROJECT ACCT	
APPROVED BY	<i>[Signature]</i>

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47003
Stuart City Clerk, City of
121 SW Flagler Ave
Stuart, FL 34994

TOTAL AMOUNT	AMOUNT ENCLOSED
\$450.64	

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PROOF OF PUBLICATION STATE OF FLORIDA

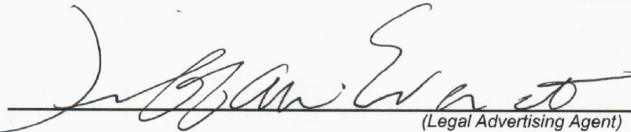
PUBLIC NOTICE

Before the undersigned authority, personally appeared Tiffani Everett, who on oath, says that he/she is a Legal Advertising Representative of The Palm Beach Post, a daily and Sunday newspaper, published in West Palm Beach and distributed in Palm Beach County, Martin County, and St. Lucie County, Florida; that the attached copy of advertising for a Legal - Public Hearing was published in said newspaper on: first date of Publication 02/16/2018 and last date of Publication 02/16/2018. Affiant further says that the said The Palm Beach Post is a newspaper published in West Palm Beach, in said Palm Beach County, Florida and that the said newspaper has heretofore been continuously published in said Palm Beach County, Florida, daily and Sunday and has been entered as second class mail matter at the post office in West Palm Beach, in said Palm Beach County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he/she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in said newspaper.

STUART CITY CLERK, CITY OF
121 SW FLAGLER AVE
STUART, FL 34994

Invoice/Order Number:	0000309614
Ad Cost:	\$450.64
Paid:	\$0.00
Balance Due:	\$450.64

Signed


(Legal Advertising Agent)

Sworn or affirmed to, and subscribed before me, this 19th day of February, 2018 in Testimony whereof, I have hereunto set my hand and affixed my official seal, the day and year aforesaid.

Signed


NOTARY PUBLIC
STATE OF OHIO

JUSTIN PETERSON, Notary Public
in and for the State of Ohio
My Commission Expires July 31, 2019

Please see Ad on following page(s).

Page 1 of 3

Invoice/Order Number: 0000309614
Ad Cost: \$450.64
Paid: \$0.00
Balance Due: \$450.64

**NOTICE OF PROPOSED ORDINANCES
AND SECOND
PUBLIC ADOPTION HEARING**

NOTICE is hereby given as required by Chapter 166.041 Florida Statutes that the following Ordinances will be produced in writing and adopted at a meeting of the City Commission of the City of Stuart, at City Hall, 121 SW Flagler Avenue on February 26, 2018 at 5:30 p.m. A full copy of said Ordinance, entitled hereafter, may be inspected at the Office of the City Clerk during regular business hours from this date forward. All interested parties may attend said meeting and be heard or send comments to the office mentioned above.

ORDINANCE No. 2361-2018: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA TO AMENDING A COMMERCIAL PLANNED UNIT DEVELOPMENT (CPUD) AGREEMENT, ADOPTED BY ORDINANCE NO. 1527-97, THEREBY TERMINATING AN OBLIGATION CONTAINED THEREIN TO PROVIDE A TOTAL OF APPROXIMATELY 4.15 ACRES OF ON-SITE UPLAND PRESERVE ON PARCELS 2, 4 AND 5, AS DEPICTED BY EXHIBIT "A" ATTACHED; PROVIDING FOR THE TRANSFER FOR THE SAID OBLIGATION TO A NEARBY UNDEVELOPED PARCEL 6A, CONSISTING OF SUPERIOR QUALITY HABITAT, ALSO DEPICTED BY EXHIBIT "A" ATTACHED AND GOVERNED BY CPUD ORDINANCE NO. 2363-2018; APPROVING CERTAIN CONDITIONS OF DEVELOPMENT; REPEALING ALL ORDINANCES IN CONFLICT HERewith; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; PROVIDING FOR ACCEPTANCE BY THE APPLICANT; AND PROVIDING FOR DIRECTIONS TO THE CITY CLERK.

ORDINANCE No. 2362-2018: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA TO AMENDING A COMMERCIAL PLANNED UNIT DEVELOPMENT (CPUD) AGREEMENT, ADOPTED BY ORDINANCE NO. 1601-97, THEREBY TERMINATING AN OBLIGATION CONTAINED THEREIN TO PROVIDE A TOTAL OF APPROXIMATELY .50 ACRES OF ON-SITE UPLAND PRESERVE ON PARCEL 10, AS DEPICTED BY EXHIBIT "A" ATTACHED; PROVIDING FOR THE TRANSFER FOR THE SAID OBLIGATION TO A NEARBY UNDEVELOPED PARCEL 6A, CONSISTING OF SUPERIOR QUALITY HABITAT, ALSO DEPICTED BY EXHIBIT "A" ATTACHED AND GOVERNED BY CPUD ORDINANCE NO. 2363-2018; APPROVING CERTAIN CONDITIONS OF DEVELOPMENT; REPEALING ALL ORDINANCES IN CONFLICT HERewith; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; PROVIDING FOR ACCEPTANCE BY THE APPLICANT; AND PROVIDING FOR DIRECTIONS TO THE CITY CLERK.

ORDINANCE No. 2363-2018: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA TO AMENDING A COMMERCIAL PLANNED UNIT DEVELOPMENT (CPUD) AGREEMENT, ADOPTED BY ORDINANCE NO. 1533-97, THEREBY TERMINATING AN OBLIGATION CONTAINED THEREIN TO PROVIDE A TOTAL OF APPROXIMATELY 3.64 ACRES OF ON-SITE UPLAND PRESERVE ON PARCEL 6, AS DEPICTED BY EXHIBIT "A" ATTACHED; PROVIDING FOR THE TRANSFER FOR THE SAID OBLIGATION TO A NEARBY UNDEVELOPED PARCEL 6A, CONSISTING OF SUPERIOR QUALITY HABITAT, ALSO DEPICTED BY EXHIBIT "A" ATTACHED AND GOVERNED BY CPUD ORDINANCE NO. 2363-2018; PROVIDING THE BOUNDARY AND LEGAL DESCRIPTION OF THE REQUIRED UPLAND PRESERVE FOR A TOTAL OF APPROXIMATELY 8.29 ACRES ON PARCEL 6A, AS DEPICTED BY EXHIBIT "C" ATTACHED; THEREBY SATISFYING THE OBLIGATION TO PROVIDE THE REQUIRED UPLAND PRESERVE OF APPROXIMATELY 3.64 ACRES OF PARCEL 6 AND NEARBY UNDEVELOPED PARCELS, GOVERNED BY CPUD ORDINANCE NO. 2363-2018.

NANCE NUMBERS 2361-2018 AND 2362-2018; APPROVING CERTAIN CONDITIONS OF DEVELOPMENT; REPEALING ALL ORDINANCES IN CONFLICT HERewith; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; PROVIDING FOR ACCEPTANCE BY THE APPLICANT; AND PROVIDING FOR DIRECTIONS TO THE CITY CLERK.

Any person deciding to appeal any decision made by the Commission at the public hearing will need to ensure that a verbatim record of the proceedings is made. In compliance with the Americans with Disabilities Act (ADA), anyone who needs a special accommodation for this meeting should contact the City's ADA coordinator at 288-5306 at least 48 hours in advance of the meeting, excluding Saturday and Sunday.

STUART CITY COMMISSION
2-16-2018

0900309614-01



MINUTES

**LOCAL PLANNING AGENCY/PLANNING ADVISORY BOARD
TO BE HELD OCTOBER 17, 2019 AT 5:30PM
COMMISSION CHAMBERS
121 SW FLAGLER AVE.
STUART, FL 34994**

LOCAL PLANNING AGENCY

**Chair – Michael Herbach
Vice Chair – Ryan Strom
Board Member – Li Roberts
Board Member – Larry Massing
Board Member – Campbell Rich
Board Member – Bill Mathers
Board Member – Christina de la Vega
Ex Officio – Garrett Grabowski**

ADMINISTRATIVE

**Development Director – Kev Freeman
Board Secretary – Jordan Pinkston**

**3. TRILLIUM RPUD - FIRST READING (QUASI-JUDICIAL)(RC):
ORDINANCE No. 2419-2019: AN ORDINANCE OF THE CITY COMMISSION OF
THE CITY OF STUART, FLORIDA, AMENDING THE FUTURE LAND USE MAP
OF THE CITY'S COMPREHENSIVE PLAN THEREBY CHANGING THE
FUTURE LAND USE DESIGNATION FROM "COMMERCIAL" TO "MULTI-
FAMILY RESIDENTIAL" FOR A 9.45 ACRE PORTION OF A 49.43 ACRE
PARCEL ANNEXED BY ORDINANCE NO. 1527-97, OWNED BY TED
GLASRUDD ASSOCIATES FL LLC, LOCATED ON THE SOUTH OF SE MIAMI**

STREET ABUTTING THE NORTH SIDE OF WALMART AND EAST OF STUART LANDINGS, SAID LAND BEING MORE FULLY DESCRIBED IN EXHIBIT "A" ATTACHED; AND FURTHER PROVIDING THAT SAID LANDS SHALL CONCURRENTLY BE REZONED FROM COMMERCIAL PLANNED UNIT DEVELOPMENT "CPUD" TO RESIDENTIAL PLANNED UNIT DEVELOPMENT "RPUD" ON THE CITY'S OFFICIAL ZONING MAP; ESTABLISHING THE TRILLIUM RPUD CONSISTING OF SEVENTY SIX (76) ATTACHED HOMES; APPROVING A MASTER SITE PLAN; PROVIDING FOR DEVELOPMENT CONDITIONS AND A TIMETABLE FOR DEVELOPMENT, DECLARING THE PLAN TO BE CONSISTENT WITH THE CITY'S COMPREHENSIVE PLAN; PROVIDING DIRECTIONS TO THE CITY CLERK; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

PRESENTATION: Doug Fitzwater, Lucido & Associates
Donte Fegary, Meritage Homes  6:43 PM
Tom Reetz, Senior Planner  6:54 PM

BOARD COMMENT:  **6:57 PM**

Cristina de la Vega would like to know how much commercial land we have available in the City of Stuart that we are so willing to let commercial land turn into commercial. This request is taking commercial property that brings in tax dollars into multifamily residential.

Kev Freeman said that there is a transition happening across the country in terms of land use. The city has a housing deficit. Staff have attended workshops and have been instructed by city commission to recognize that we need to supply more housing in town for people that are working in town. The market is transitioning, and we are seeing applications that are looking to transfer from commercial to residential FLU are in locations that lend themselves to this transition, to be more of a mixed-use city that has more of a balanced revenue.

Cristina de la Vega said that she agreed, but that there are a lot of high intense commercial things in this area and it is not a fuzzy location where people want to live. She said that the applicant is going with industrial chic to blend in with the other companies around. She said that this is the center for commercial industry in Stuart. She is concerned about the weather and environment not being suited for the design of housing.

Li Roberts said she noticed on page 123 of 128, number 7 said she does not think the average price point that they are suggesting is going to support young professionals. She asked about the calculations of the parking indicated in the specific site plan.

Doug Fitzwater discussed how the parking calculation was done.

Li Roberts said that the way parking is distributed needs to be revisited. She is concerned about how much property will be in the back of each property only being 8 feet and thinks that is way too tight with a privacy fence, plants and air conditioning. She said she is assuming staff is satisfied with the firetruck turn and auto turn calculation, but the plan is missing a gate and fence diagram, lighting and mail kiosk.

Donte Fegary said that in regards to lighting, FPL will not look at any site plan until it is approved. They will meet all of their standards in the meantime.

Li Roberts said the pieces of lighting that are attached to the building need to be shown.

Donte Fegary said that they will have that reviewed during the building permit process.

Li Roberts asked about mail pickup.

Donte Fegary said that the mail kiosk will be similar to the Seaside project and will be where the cabana and pool are located. There will be plenty of parking spaces available for people to pick up their mail and there will be a specified parking sign for the mail carrier.

Li Roberts recommended that staff require a few parking spaces be designated for mail pickup only. She is concerned because she has observed what has happened in our area and people are stopping as close as they can on the streets to get their mail.

Donte Fegary said that there will be a sign posted in these spots.

Li Roberts reiterated that if the project moves forward than there will need to be designated parking spots.

Tom Reetz asked for an exact number.

Li Roberts said she does not know, but that is something that needs to be worked out. She said she would bet money that people will park in the road if there are no spaces. She said that the site plan needs to indicate where you have stop signs. She asked if there is anyone living there right now.

Donte Fegary said that there are no homes located on the site, but there are some folks currently living there. He said they are working with code enforcement and the property owner. He said it is a concern for Meritage Homes and displacing those folks but the seller will be managing that.

Kev Freeman said we make them aware that services are available, and we will notify and advise the property owner that those are available.

Li Roberts said on page 210 of 228 at the bottom there is a note and she wanted to make sure that was correct and requested where to find it.

Tom Reetz said that he included all review comments in process, and it came to individual pickup. It will be in the final Public Works review and brought up Dave Peters to clarify.

Dave Peters said that as long as the property owner's association agrees to pay for trash pickup and not individuals, we are ok with it. Since water and sewer services are provided by Martin County, we have no control.

Tom Reetz said that was included in the condition.

Li Roberts asked how wide the single car garage is.

Donte Fegary said that he did not recall, but the containers will be stored in garages.

Li Roberts said that she appreciates the need for housing and the price point, but the justification for work force housing is not at the right price point. She thinks the number of units is way too high.

Donte said that the base units will start at \$250, and that is attainable. He said it is the same pricing as Seaside project.

Li Roberts said that she understood, but Seaside is different because it wasn't being built as workforce housing.

Tom Reetz clarified how many units per acre and what our code allows.

Li Roberts said that in doing the 15 by acre by right, which is multi-family, has setback requirements.

Tom Reetz confirmed that was correct and we do have some flexibility because it is a PUD. Some of those would be the upland preserve and open space.

Li Roberts asked for confirmation about the by-right code for the development. She suggested that if they are trying to get 76 units then maybe they should go up with the parcel.

Kev Freeman said that the market is showing that people want to buy this type of unit. The preference is small homes, limited yard space, home ownership, proximity to amenities and that is why this parcel is attractive. This is where the shortfall is in the City of Stuart. He does not believe that the price point is too far off from what the SHIP housing table would show.

Larry Massing said that no one is arguing with that, but the location of where this is trying to be squeezed into will cause people to complain.

Donte Fegary said that they spent a lot of time on looking at data and researching on what we should do and how we need to do it for highest and best use. All data pointed to this

buyer profile. He said in Palm Beach County they have a work force housing ordinance, which is completely different and explained the buyer profile he has witnessed.

Cristina de la Vega said that he is choosing the most commercial hub in the city to build this and it is a high industrial site.

Donte Fegary said that he lives in a place that is similar in Boynton Beach and he likes the convenience of being close to everything.

Cristina de la Vega confirmed that he is asking for a zoning change.

Campbell Rich asked Li Roberts what she would consider a reasonable house pricing.

Li Roberts said less than \$200,000.

Campbell Rich said that maybe the City has to make more of an effort to provide affordable housing.

Larry Massing said he would not believe the controversy the Flamingo affordable housing project created.

Discussion about past affordable housing projects occurred.

Campbell Rich said that if they are going to build then they should go up.

Donte Fegary said they are not able to do that because they do not have a three-story product. He said the buyer profile is different, so it is a completely different type of living than a condo. He described why they made the design plan they did for the community.

Campbell Rich asked about the Blue Field Ranch memorandum regarding the Industrial Development Corporation.

Donte Fegary said there was a previous property owner before Glassrud and they must have purchased it from them.

Campbell Rich asked about the means of mitigating the water basin.

Kev agreed the order of criteria.

Campbell Rich asked if we try to find a more desirable means of mitigating it.

Kev Freeman explained that is why they bring it to the board.

Campbell Rich asked about the letter on August 28, 2019 that references the 2012 letter.

Ed Weinberg, environmental consultant on the project said that the letter was dated back to 2012 when industrial corporation paid for the mitigation related to Aldi all the way to Walmart. At the time, it was required to be mitigated since it was a much larger property. He said the City had mitigation in place for seven years without having impact the wetland. He discussed the watersheds and the benefits and locations of them.

Cristina de la Vega asked about changing the runoff.

Ed Weinberg explained why that could not be changed.

Doug Fitzwater said regarding open space, the Walmart pond is part of the Trillium project and is being purchased.

Cristina de la Vega confirmed that they are purchasing the Walmart pond which is already existing.

Doug Fitzwater explained the open space that they are claiming.

Campbell Rich asked if Walmart was required to have something that large.

Melissa Corbett from the Milcor Group and the civil engineer for the project said that storm water system was a master system which its retention pond serves Aldi, Walmart, Aspen Dental. She said the South Florida Water Management District permit states that any additional parcel within the center must provide their own on-site stormwater management system that is why we built it this way.

Campbell Rich asked about the dates in a letter regarding wetlands.

Ed Weinberg said that when Ted Glassrud purchased the properties there was a different consultant who secured an informal wetland determination from SFWMD, that did not reflect the wetland line that was already approved. It is only a matter of how the line was shifted to reflect a previous approved line. He said as of today it is 1.38 acres.

Campbell Rich questioned the timeline and laws of the boundaries.

Kev Freeman said this is a legal matter and he does not have research at hand to speak on the matter.

Ed Weinberg clarified the order of process to secure a wetland line at the South Florida Water Management District.

Michael Herbach said that this happens a lot and went on to explain the process.

Cristina de la Vega asked if they have found any golfer tortoises on the property.

Ed Weinberg said not yet, but they have not completed a full survey. He said the surveys only last 90 days and we are still far out in the planning process.

Campbell Rich asked what a standard practice is to see what animals are on the premises.

Ed Weinberg said the standard practice is to spend a day or two each of the months given. We updated the report in July and went back to the site to update our observations to reflect that date.

Campbell Rich asked about gofer tortoises being mentioned in the report.

Ed Weinberg said that just because they did not see them, there is still potential of occurrence due to the habitat on the land. There is a survey methodology that requires parallel transects that are less than 10 meters apart that is a 100% habitat survey and will happen much closer to development and requires a City of Stuart authorization. They have done 25-30% of the survey.

Campbell Rich asked if the City of Stuart hired him to do this.

Ed Weinberg said that Meritage Homes did.

Campbell Rich asked about the process of doing the environmental surveys and their timeline.

Ed Weinberg confirmed the process of how the surveys have been conducted.

Campbell Rich asked why parcel 6A, the preserve is superior habitat according to Ed's report.

Ed described why the parcel was considered superior.

Cristina de la Vega added that it was adjacent to the Walmart preserve.

Campbell Rich asked about an attachment to the ordinance regarding the Preserve Area Management Plan.

Tom Reetz said explained why the 12 months passed and the City did not notify the owner of that condition that required the PAMP since then the parcel has been deeded to the City. At this point it is the City's responsibility to create a PAMP plan and we still need to do it.

Campbell Rich confirmed that we do own the property and asked for the value of the piece that was given.

Tom Reetz said that he was not sure, but probably 10 million plus.

Michael Herbach shared his thoughts about waste receptacle placement.

Donte Fegary explained the reasoning behind why they designed it that way and that those conditions will be in HOA documents.

Michael Herbach asked if they were going to restrict having satellite dishes on the buildings.

Donte Fegary said that as developers they hire out a management company and they sit on the Homeowners Association board. It helps them enforce and navigate through the deed restrictions.

Michael Herbach said that he does not mind the development as it is on paper, he only minds the area. He is concerned about Walmart unloading trucks at night and does not think it is the proper site for this type of development.

Donte Fegary said the burden will be left on us if the public does not want it.

Donte Fegary gave an example of where he lives and thinks that some people won't mind that in a surrounding area based on the studies they have done.

Michael Herbach asked where the school bus stop would be.

Donte Fegary said that it would stop on the street next to the sidewalk like other areas.

Cristina de la Vega asked if the road behind Aldi was public.

Donte Fegary said they are doing some road work for that road and are still in working discussion for improvements.

Campbell Rich asked what the minimum number of parking spaces required.

Tom said it would be in the site plan.

Doug Fitzwater said that it would be two parking spaces for the size of the units that we have. It requires 152 spaces; we are providing 177 spaces and parking does not include the driveway parking for two-bedroom units.

Li Roberts confirmed they are 16% above the minimum. She asked staff what happens if she did not approve this project in a motion what would happen to the project.

Tom Reetz confirmed that the boards role is to make a recommendation of approval or not, but if you happen to not approve the project the applicant can still go to the City Commission with non-approval.

Li Roberts asked if at that point if the City Commission doesn't approve them, they would have to come back with a new project. She said on the other hand, if the applicant withdrew in order to fix something there is the possibility they would get it.

Kev Freeman said there are options, from what he has observed the question is, is this land use change acceptable and supported by the LPA. He said he doesn't think there is anything the applicant/hoe builder could do to propose a commercial development at this location.

Li Roberts said that there are some conditions under which she thinks this land use change would be acceptable.

Kev Freeman said that if she has an idea of what would be acceptable he would recommend putting that in the motion.

Li Roberts said she thought the applicant was more qualified to make that decision. She said for example, it would be acceptable to have greater setbacks and not be as dense. She said for me to be specific that puts me in a role that is not appropriate and is for an applicant to decide.

Kev Freeman said it would be to ask the applicant if they would come back and address the boards concerns and continue with a new site plan.

Li Roberts asked the applicant to come forward and say that they will address some of these concerns and come back.

Kev said right now there are three options. One, recommend approval. Two, recommend denial. Three, speak with applicant to see if they would agree to a continuous.

Campbell Rich said regardless of what we decide they could still say they will take their chances at City Commission.

Li Roberts confirmed that this would have to happen before the vote.

Donte Fegary said that they have exceeded the parking requirement and they are below the density so he would like to know how many units are acceptable.

Li Roberts said that it is more about the setbacks and density. She would like to know how they plan to mitigate that.

Donte Fegary went on to explain how the setbacks will be designed and asked for a number from Li Roberts of how many units would be acceptable. He said at the end of the day it is a financial matter, although he wants to work through it with the board because it is a good project.

Michael Herbach said the board recommends the applicant to say that they are going to redo the site plan to have bigger setbacks and lower density footprint.

Li Roberts said that she is about to vote and if they want the board's approval then they need to jump in and work with the board.

Donte Fegary said that he is trying to understand and find the happy medium. He asked if staff would reduce the front setback.

Kev Freeman said that they can rotate where the townhomes are located.

Donte Fegary said that will create other problems and that they have looked into it before.

Kev Freeman said the front of the homes would act like a wall or fence, behind the homes would be the gated community.

Michael Herbach said that they need to have a bigger back patio, move the pool and 10 ft brick wall to block Walmart noise and replace with townhomes. The board is agreeing to that, he said he was not saying the applicant needs to do that, but it seems to be what the board wants.

Cristina de la Vega suggested that the board make a motion because they can't reconstruct the plan in five minutes.

Donte Fegary addressed some of the boards concerns. He said the plan was well planned out and they took staff recommendations and he is willing to continue to take suggestions. If the center pond on our site was not required it would not be as confined of a site. In the end, we thought we were considerate when putting the plan together and is the best use of the site. He said that he still needs a magic number for density concerns.

Kev Freeman asked the applicant what he meant by front setback.

Cristina de la Vega made her motion.

Donte Fugary asked if she was denying it because of strictly land use.

Michael Herbach said that it is tightness outside the townhomes that do not allow for Florida amenities, such as a place to BBQ. There are multiple concerns more than land use change it is the location of the site with surrounding commercial buildings.

Donte Fegary said that he respected the opinions of the board, but there are projects and developments that are within this same predicament. He said that when residents purchase a home they are aware of what is going on around them. As an example, the homes that were built across the street is doing well.

Cristina de la Vega said that it is not in an industrial park and explained the issues she had with it.

Donte Fegary confirmed the motion.

PUBLIC COMMENTS: None.

MOTION:

Action: Deny because to change from commercial to residential it is not a compatible land use for the surrounding area.

Moved by: Cristina de la Vega

Second by: Larry Massing

Motion passed with Li Roberts opposing.



City of Stuart Housing Report

Suzanne Cabrera Consulting
May 15, 2018

Background

The City of Stuart received the Department of Economic Opportunity (DEO) Competitive Florida Partnership Grant, which is a two-year program that provides technical assistance and support from the DEO to improve the communities through an asset-based economic development strategy.

One portion of that grant requires development of an affordable action housing plan recognizing the inextricable link between housing and economic development. Without a sufficient supply of affordable housing, employers can be at a competitive disadvantage because of their subsequent difficulty attracting and retaining workers. Housing costs are among the top five factors affecting where households choose to live and work.

The cost of housing in most urban areas in the U.S. has increased at a significantly faster rate than incomes in the last few decades. This trend has created a jobs/housing mismatch that is a big concern for business considering relocation to the area or in some cases away from the area if the expanded workforce cannot be adequately housed. The jobs/housing mismatch has more severe consequences for low-wage employees, who may be forced to choose either substandard housing or face long commute times which affects their quality of life.

To help curb this problem, business and housing groups need to work together to plan for adequate housing. Local, state, and federal policies should also advocate for housing policies that facilitate the development of housing units serving their workforce. This report will detail best practices and recommend strategies that will further the goal of supporting economic growth and development while providing housing that is appropriate, affordable and sustainable for its workforce.

Defining the Issue

Defining the population covered by “affordable” or “workforce” housing is important to understanding the issue. The term “affordable” housing carries the connotation of public or Section 8 housing. Many low wage earners fit in this category and have access to resources for housing through a public housing authority development/voucher or be able to qualify for a LIHTC (Low Income Housing Tax Credit) development. The “workforce” category more broadly covers wage earners who may not have access to any type of assistance or subsidy, but are often cost burdened. The term “attainable” housing has come into favor because it covers all housing types and simply refers to the notion that an “attainable” home is one where people spend no more than 30% of their income on housing. The chart below defines the most commonly used definitions and income levels for various categories.

Martin County AMI (Area Median Income) for 2018 is \$ 60,500*

Income Category	Top AMI %	1 person	Top Price	Family of 4	Top Price
Extremely Low Income	30% AMI	\$ 12,750	\$ 38,250	\$ 25,100	\$ 75,300
Very Low Income	50% AMI	\$ 21,200	\$ 63,600	\$ 30,250	\$ 90,750
Low Income	80% AMI	\$ 33,900	\$ 101,700	\$ 48,400	\$ 145,200
Moderate	120% AMI	\$ 50,880	\$ 152,640	\$ 72,600	\$ 217,800
Workforce	140% AMI	\$ 59,360	\$ 178,080	\$ 84,700	\$ 254,100

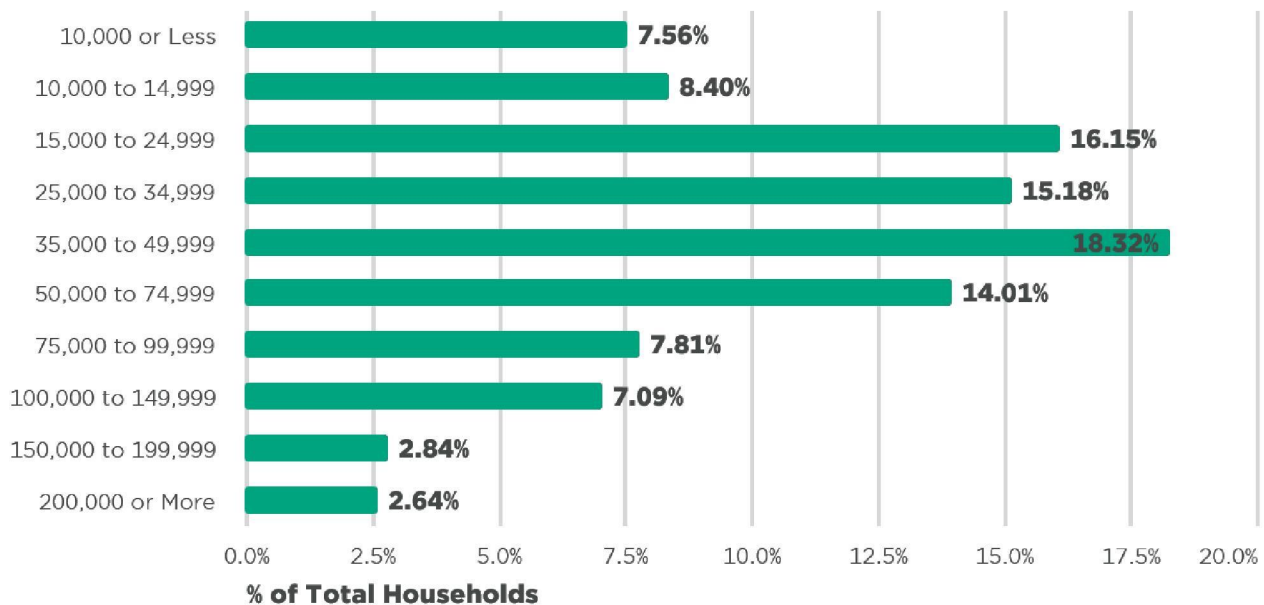
The average home price in Martin County in March of 2018 was \$370,000 and for Stuart it was \$221,657. The standard guideline for housing costs is 3 times your annual salary although some sources say this is not accurate for Florida due to insurance costs. This means the average home in Martin County is unaffordable to the workforce and the average home in Stuart is barely affordable to the highest workforce category. Even when the City attempts to attract high wage jobs, the housing costs make relocating to the area a challenge. The essential workforce needed to support those jobs (teachers, childcare workers, retail, etc.) are extremely cost burdened and effectively priced out of the homeownership market and struggle in the rental market.

**As calculated by HUD for median family income (reference HUD Data Sets 2018)*

Homeownership Affordability Challenges

Like many municipalities in South Florida, Stuart has a lack of housing that is affordable to those making the average household income, usually well below the median income, which is currently \$36,500 for the City.

Household Income



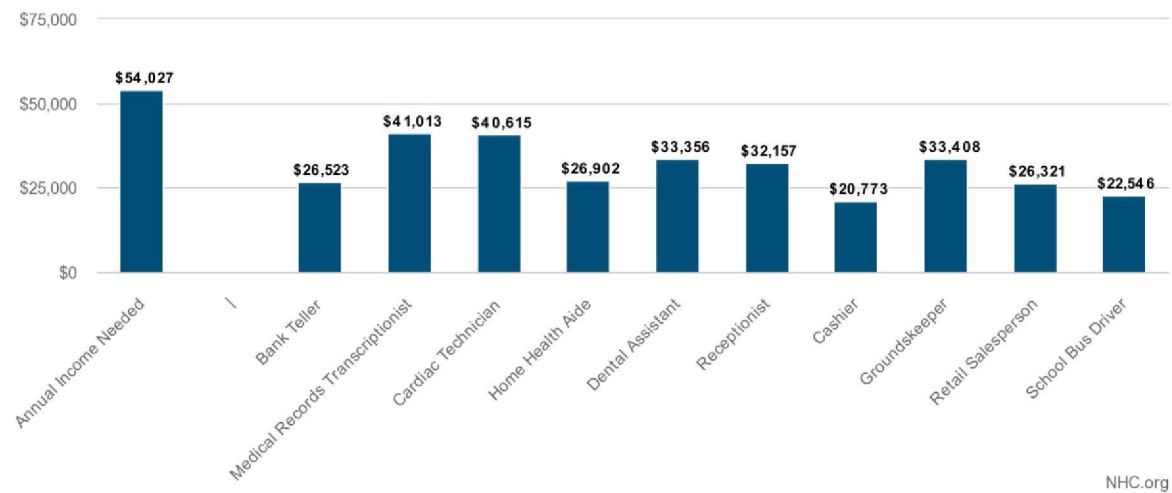
■ Stuart, FL

mySidewalk.com · US Census 2011-2015 ACS

Homeownership is out of reach for the average family which needs approximately \$54,000 to afford even a modestly priced home in the City. The problem is compounded by the fact that Stuart is surrounded by wealthy communities such as Palm City and Sewalls Point which makes the Area Median Income (AMI) much higher. This is important to Stuart households because many of the down payment assistance (DPA) and subsidy programs are based on the county's AMI, not average wages.

A survey of occupations show that leading categories are priced out of the homeownership market. Allied health professionals make up a large percentage of the jobs in the city but with the exception of doctors and nurses, most of these occupations are priced out of the market.

Homeownership Affordability Chart

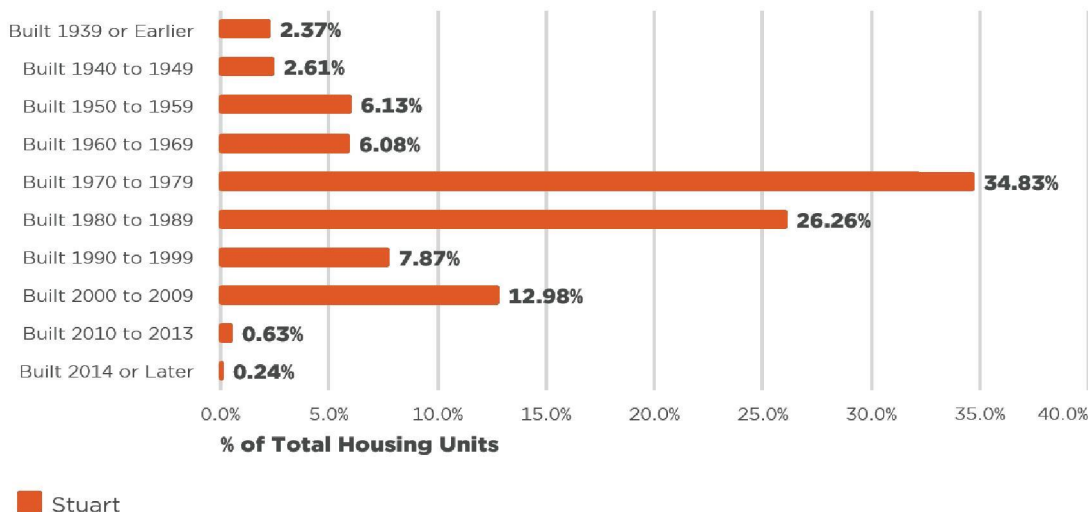


Existing Housing Stock

There are opportunities to buy “attainable” older homes in areas of the City but those present challenges. The existing housing stock is older with 78 percent of the stock being built prior to 1989 meaning the average home is more than 30 years old. Many of the homes require rehabilitation and renovation. They also require hardening to meet updated codes. Building codes changed significantly in 1992 and have been continually updated to meet the severity of storms impacting the area.

Building Age of Housing Units

Stuart



mySidewalk.com - US Census 2011-2015 ACS

Lending Challenges

Lenders will not typically approve a loan on home unless they meet a minimal standard. Buying an older home almost ensures that significant renovations will be required before the lender will offer a conventional loan at competitive prices. A specialty lending product, such as FHA 203K loan, is required to be able to purchase a home that needs even moderate renovation. Becoming a new homeowner is challenging but the added complication of undertaking purchase rehab is almost impossible for buyers of modest means or first time buyers at any income level. They will typically have to pay rent and the mortgage while the home is under renovation increasing their housing costs for a period of time. There are lending products that offer a combined mortgage/renovation loan such as Fannie Mae's *Homestyle* loan which also offers a loan based on the value of the fully renovated home. These products also offer one closing and less fees making purchase/renovation possible but a survey of banks showed that no local lenders currently offer this type of product. Some lenders indicated they would look into offering these products if there is enough demand.

Rental Affordability Challenges

Affordable rental housing presents a special challenge to Stuart residents because of the method in which rent is calculated. Rent levels are typically based on the Area Median Income for the geographic area or MSA (Metropolitan Statistical Area). Stuart is in the middle of some very wealthy areas, such as Palm City, where the household income is over \$107,000. This has the effect of keeping rents weighted on the higher side even for subsidized units. The cost for a two bedroom apartment, even in a tax credit subsidized apartment, will be \$1,360 per month. The cost for a market rate apartment will be substantially higher. Once again many of the average employees are cost burdened in the rental market paying well beyond the recommended 30% of their income.

Rent Limits for SHIP Program

County (Metro)	Percentage Category	Rent Limit by Number of Bedrooms in Unit					
		0	1	2	3	4	5
Martin County	30%	318	365	519	681	843	968
(PSL MSA)	50%	530	567	681	786	877	968
	80%	847	908	1,090	1,258	1,403	1,549
Median: 60,500	120%	1,272	1,362	1,635	1,888	2,106	2,325
	140%	1,484	1,589	1,907	2,203	2,457	2,712

Rent limit chart from the Florida Housing Finance Corporation

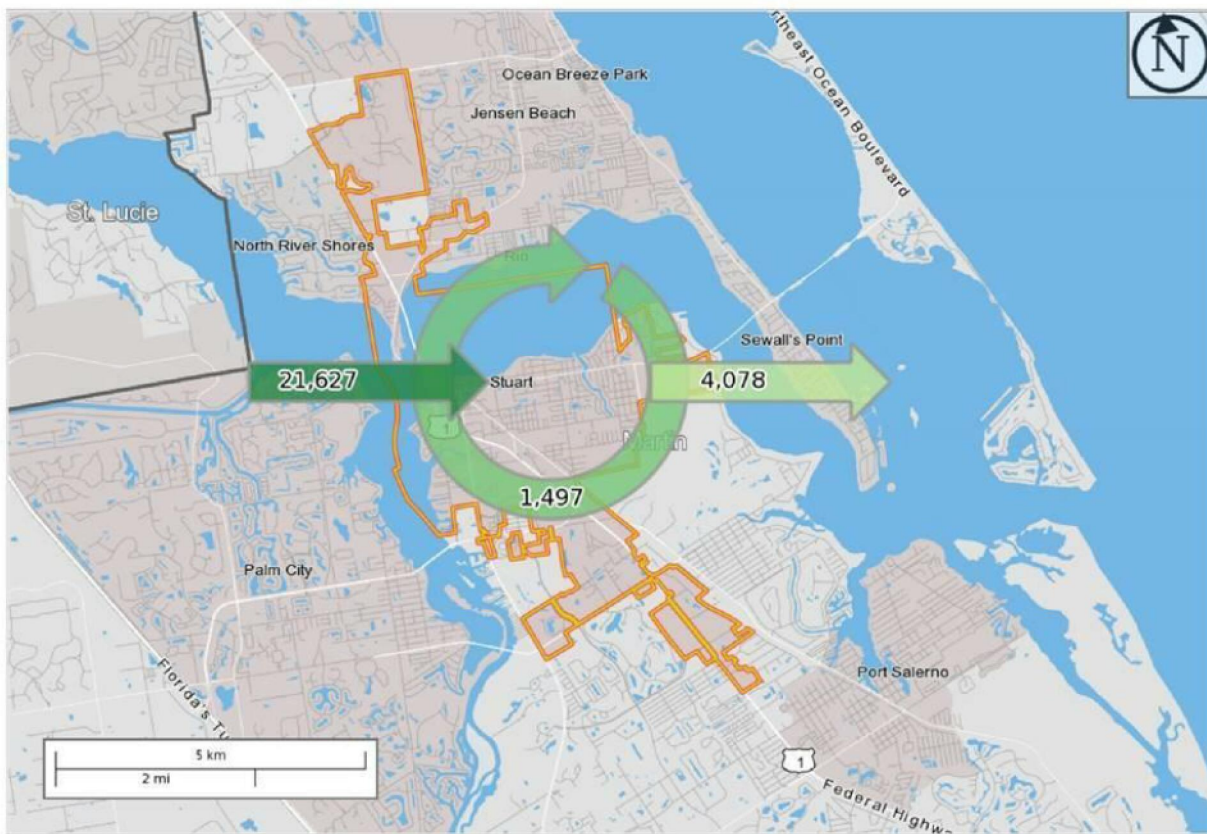
Rental units are particularly important in attracting new business and their employees. Residents who are new to the area will typically rent as a first step in relocating to the area. New, high quality units are important in attracting residents to the community. The rental market is also challenging for many of the leading occupations in the City. An average salary of \$41,360 is required to afford a two bedroom unit. The average rent for a 2-bedroom unit in 2018 is \$1,363 per month.

Housing and Transportation

By taking into account the cost of housing as well as the cost of transportation, H+T calculation provides a more comprehensive understanding of the affordability of an area. This is important for the City of Stuart because a majority of workers commute to jobs within the City.

Inflow/Outflow Counts of Primary Jobs for Selection Area in 2014

All Workers



Map Legend

Selection Areas

★ Analysis Selection

Inflow/Outflow

◆ Employed and Live in Selection Area
 ◆ Employed in Selection Area, Live Outside
 ◆ Live in Selection Area, Employed Outside
 Note: Overlay arrows do not indicate directionality of worker flow between home and employment locations.

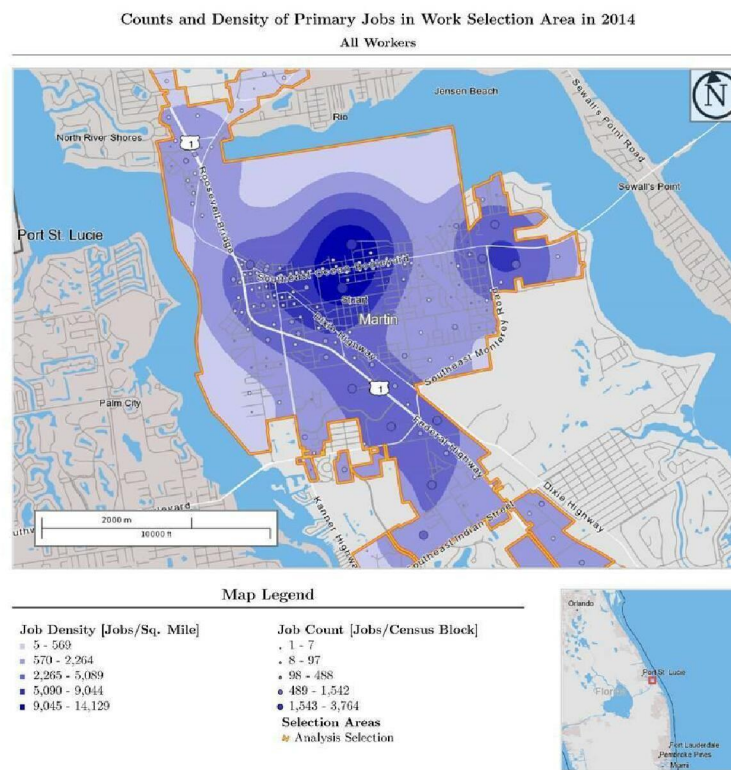


Traditional measures of housing affordability ignore transportation costs. Typically a household's second-largest expenditure, transportation costs, are largely a function of the characteristics of the neighborhood in which a household chooses to live. Compact and dynamic neighborhoods with walkable streets and high access to jobs, transit, and a wide variety of businesses are more efficient, affordable, and sustainable.

While housing alone is traditionally deemed affordable when consuming no more than 30% of income, the H+T Index incorporates transportation costs—usually a household’s second-largest expense—to show that location-efficient places can be more livable and affordable.

Martin County Housing and Transportation Index

Costs	Percent of Income
Housing Costs as a Percent of Income	38% of Total Income
Transportation Costs as a Percent of Income	27% of Total Income
Housing + Transportation as a Percent of Income	64% of Total Income



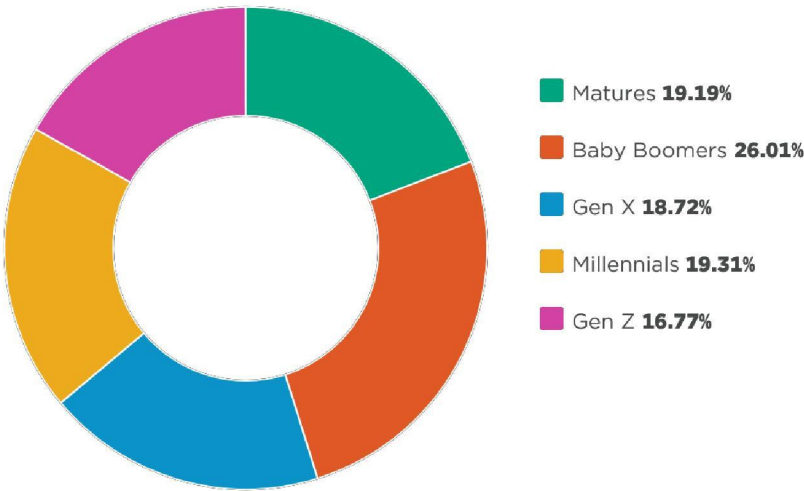
Characteristics of Target Populations

The median age of Stuart’s population is 45.7, several years younger than Martin County’s overall median age of 50.7, but still older than Florida’s overall median age of 41.4. This suggests that Stuart’s urban lifestyle is more appealing to younger residents. Over 45% of Stuart’s residents belong to either the Baby Boomer or Mature generations.

As these generations age, Stuart will need to attract prime working age professionals in order to maintain its economic vitality. In order to attract this younger demographic, affordable and varied housing options will be required.

Generations

Stuart



mySidewalk.com - US Census 2011-2015 ACS

Recommendations

Recommendations were driven by the factors listed above in this report and also take into account feedback from City Commissioners, City and County Staff, the Business Community, non-profits, and residents.

1. Education: Elected officials are expected to be experts on a wide variety of topics but are also challenged with limited time for training and research. The amount of information on housing issues can be overwhelming but critical to making informed decisions about housing policy. A focused training with community experts would be a way for elected officials to learn about the role and legal responsibilities in addressing affordable housing. Issues that could be highlighted include:

- Why affordable/workforce housing is critical to the community and economic development
- The continuum of affordable/workforce housing options
- Federal, state and local funding sources that can be used to fund a housing strategy
- NIMBYism (Not in My Backyard) and how to combat it
- Tools that can be used to create greater affordable housing opportunities

A great example of an educational program for elected officials was a program conducted by the Institute for Good Government. The Treasure Coast Regional Planning Council (TCRPC) and the SFRPC (South Florida Regional Planning Council) are interested in bringing this type of program to the Treasure Coast area. A full agenda and more information on the program is included as an exhibit.

2. Housing Symposium: In conducting interviews for this report many people expressed an interest in learning about new ideas and concepts in housing in order to be able to offer diverse housing choices that appeal to a wide range of incomes, ages, culture and lifestyles. It would also be an opportunity to educate and garner interest/support among the community including residents, employers and housing stakeholder (Realtors, Housing Counselors, Lenders, etc.) Surrounding communities have done similar events and have offered assistance with recruiting speakers for an event of this type. Martin County staff members have also expressed interest in an event of this type so it could be a regional effort. Information on similar events is included as an exhibit.
3. Workforce Housing Survey: This will help quantify the needs of the workforce in the community. A survey of top employers should be undertaken to determine housing needs for current and future employees. A survey of housing preferences (rental, for-sale, amenities, and tradeoffs) should also be conducted among current and potential employees of existing and target businesses. The results of a thorough study will help inform housing policy. A sample proposal for funding is included as an exhibit.
4. Loan Pool for Buyer Assistance/Renovation: Renovation and redevelopment of infill housing offers the best opportunity for enhancing housing options since the City is approaching buildout. Unfortunately the traditional lending products used for these types of activities such as the 203k loan are not offered by many lenders. Local lenders should be approached about creating a loan pool to provide funding for down payment assistance and renovation. If created, this loan pool should generate enough income to become self-sustaining. In the meantime an effort should be made to encourage lenders to offer products like FHA's 203K or Fannie Mae's Homestyle product which are not ideal for first time homebuyers but still can be used for renovation loans. Information on specialty renovation/purchase products is included as an exhibit.

5. TOD – Transit Oriented Development: A focus on the development of new housing in areas adjacent to employment centers & transportation options will help build walkable, urban living environment to which millennials and young professionals are attracted. Research into what types of housing and mixed use projects thrive in similar environments should be conducted. The Workforce Housing Survey, if conducted, would provide critical input into what current and future employees desire in terms of housing and amenities. Incentive programs should be developed to encourage the type of development desired and to promote the inclusion of workforce units.
6. Consider Underlying Multifamily Residential Zoning of Commercial Property: The demise of the “big box” store or 1970’s era strip center continues to be an issue. The city could amend their comprehensive land use plans and zoning codes to assign property in each commercial category a multifamily residential zoning overlay (i.e., allowing for redevelopment without a comprehensive land use plan change or rezoning), but only if a predesignated percentage of those units will be used for attainable housing, preferably creating a mixed income scenario. This same concept should be explored for other nonresidential zoning categories. Information on the conversion of “strip malls” is included as an exhibit.
7. Model Affordable / Workforce Housing Codes: Instead of dealing with affordable/ workforce issues on a piecemeal basis, municipalities should address their concerns on a comprehensive basis and adopt comprehensive housing codes. For example, density could be offered as an incentive for developers who are willing to include a percentage of below market rate units as part of their residential projects. In this manner, the City could design a code that would support the types of housing policy the City wants to promote. A model code is included as an exhibit.

8. Continued Support of CRA Redevelopment Activities: Redevelopment plays a critical role in the economic development opportunities for the City. Tax increment revenues are a source of funding for these efforts which were discussed and supported in previous economic development workshops:

- Increasing variety of housing options available
- Focusing on street level neighborhood improvements
- Expand and better market existing housing rehabilitation programs such as the CRA paint up and façade improvement programs, in order to ensure that the City's housing stock remains viable for its future as well as current residents.
- Continue to offer grants and loans for historic façade restoration through the CRA

9. Preservation/Creation of Affordable Housing Assets: A continued focus on the improvement and preservation of existing affordable housing assets will provide housing options for the service economy that supports economic development. Housing for workers making 30 percent or less of AMI (\$25,100 for a family of four) is critical to providing essential services to the community. This includes occupations such as childcare workers, health aides, retail and hospitality, landscaping, etc. Strategies for this recommendation include:

- Workshop/Collaboration with the Stuart Housing Authority which provides an important source of affordable rentals for low wage professions.
- Continue to partner with Habitat for Humanity to build new affordable homes and create new opportunities for homeownership in the City of Stuart.
- Partnership with the Housing Solutions Taskforce, a nonprofit planning to undertake affordable housing development.

10. Funding to Coordinate Housing Efforts: The City of Stuart recognizes that housing and neighborhood renewal play an important role in maintaining and enhancing the economic health and vibrancy of the overall community. Given this recognition, resources should be committed to a coordinated housing effort. The current staff will not have the capacity/time to implement recommendations so the last recommendation that either a staff person be hired or and an RFP be created to hire a consultant to coordinate housing activities.

Regional Housing Collaboration

Regionalism is important to the housing discussion. Shared investment and responsibility has to be the hallmark of regional cooperation ensuring housing costs will not be a barrier to retention and recruitment of business. Costs have been increasing in areas that have traditionally provided workforce housing such as Port St. Lucie. Emerging areas such as Indiantown may provide some units but not all potential employers will want to commute to a “bedroom community” and gas prices always effect the willingness to commute. Workforce housing must be a shared responsibility in order to ensure the economic viability of Stuart and all of Martin County. A list of Guiding Principles & Actions for regional housing efforts is included as an attachment.

Research and Input

The plan had a very tight timeframe due to staff turnover and difficulty in locating a consultant to complete the work in a short time frame. In creating this Housing Report, comprehensive review of the relevant reports and data was conducted. Stakeholder engagement was limited due to time constraints. Due to the limited timeframe the consultant had a phone interview with all City Commissioners. Meeting were held with city staff and county staff, several non-profits, two developers and several city residents. Existing documents and studies were reviewed to incorporate previous research and stakeholder input.

Documents Reviewed include:

- City of Stuart Economic Development Strategy Plan
- DEO Data Mapping
- Martin County LHAP (Local Affordable Housing Plan)
- SHIP Brochure
- City of Stuart Comprehensive Plan –Housing Element
- City of Stuart Strategic Goals

Report Submitted by:

Suzanne Cabrera Consulting

Suzanne Cabrera – President

www.suzannecabreraconsulting.com

suzannecabreraconsulting@gmail.com

Exhibits

Exhibit #	Title
1	Martin County Board of Realtors Monthly Market Summary March 2018
2	ALICE Report (Asset Limited Income Constrained Employed) Martin
3	Housing & Transportation Report Summary
4	Good Government Training (Article and Agenda for Housing)
5	Housing Summit (Program for May 31, 2017 Event)
6	Housing Preference Survey Proposal
7	Renovation/Rehab Loan Products (203K and HomeStyle)
8	Key Guidelines for Developing Adaptive-Reuse Projects
9	Strip Mall Redevelopment
10	Workforce Housing: Barriers, Solutions, and Model Programs
11	Housing Incentive Strategy Report
12	Guiding Principles and Actions for Regional Efforts

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

Meeting Date: 11/12/2019

Prepared by: Stephen Mayer

Title of Item:

AMENDMENT TO THE NEW AVONLEA PLANNED UNIT DEVELOPMENT (PUD) / KINDIG PROFESSIONAL OFFICES (QUASI-JUDICIAL)(RC):

(REQUEST TO CONTINUE TO NOVEMBER 25, 2019)

ORDINANCE No. 2420-2019; AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, BEING THE SECOND AMENDMENT OF ORDINANCE NO. 2307-2015, ALSO KNOWN AS THE “NEW AVONLEA PLANNED UNIT DEVELOPMENT (PUD)” CONSISTING OF 12.40 ACRES ZONED RESIDENTIAL PLANNED UNIT DEVELOPMENT (RPUD), 16.24 ACRES ZONED COMMERCIAL PLANNED UNIT DEVELOPMENT (CPUD), AND 20.4 ACRES OF WETLAND/UPLAND PRESERVE ZONED RPUD, FOR A TOTAL OF 49.04 ACRES; SAID PUD BEING GENERALLY LOCATED BETWEEN NE DIXIE HIGHWAY TO THE SOUTH, LAND ON BOTH SIDES OF GREEN RIVER PARKWAY ON THE WEST, LAND ON BOTH SIDES OF CARDINAL AVENUE ON THE EAST AND THE CITY BOUNDARY TO THE NORTH, BEING MORE FULLY DESCRIBED BY EXHIBIT “A” ATTACHED; AMENDING SAID PUD TO PROVIDE FOR THE APPROVAL OF THE MASTER PARCEL SITE PLAN FOR THE AVONLEA CROSSING A (PARCEL 1), TO BE KNOWN AS KINDIG PROFESSIONAL OFFICES; PROVIDING FOR A MASTER OFF-SITE INFRASTRUCTURE PLAN FOR THE ENTIRE PUD; PROVIDING FOR REVISED AND ADDITIONAL DEVELOPMENT CONDITIONS OF APPROVAL; PROVIDING FOR AMENDED AND NEW TIMETABLES FOR DEVELOPMENT, DECLARING THE PLAN TO BE CONSISTENT WITH THE CITY’S COMPREHENSIVE PLAN; PROVIDING DIRECTIONS TO THE CITY CLERK; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

Summary Explanation/Background Information on Agenda Request:

At the October 17, 2019, Local Planning Agency (LPA) meeting, the LPA agreed with staff and recommended approval of the Ordinance with the condition that applicant work with staff to modify the off-site infrastructure plan, which incorporates the expected off-site improvements for the entire New Avonlea master PUD. The city requests a continuance of the first reading to November 25th, in order to provide additional time to complete this important planning instrument. The applicant has made initial steps in the right direction to complete this task, but a final document could not be recommended by staff at the time of this agenda.

Funding Source:

N/A

Recommended Action:

Motion to recommend continuance of the first reading of Ordinance 2420-2019 from November 12, 2019 to November 25, 2019.

CITY OF STUART, FLORIDA AGENDA ITEM REQUEST CITY COMMISSION

Meeting Date: 11/12/2019

Prepared by: Tom Reetz

Title of Item:

THE HOPE CENTER FOR AUTISM CPUD (QUASI-JUDICIAL)(RC):

ORDINANCE No. 2418-2019; AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, AMENDING THE CITY'S OFFICIAL ZONING MAP, THEREBY APPLYING A LAND DEVELOPMENT ZONING DESIGNATION OF CPUD 'COMMERCIAL PLANNED UNIT DEVELOPMENT' TO A PARCEL OF LAND TOTALING 1.22 ACRES, OWNED BY KPL HOLDINGS LLC, LOCATED AT 2580 SE WILLOUGHBY BLVD., BEING MORE FULLY DESCRIBED IN EXHIBIT 'A' ATTACHED; ESTABLISHING 'THE HOPE CENTER FOR AUTISM' COMMERCIAL PLANNED UNIT DEVELOPMENT (CPUD) CONSISTING OF AN EXISTING LIGHT INDUSTRIAL/OFFICE BUILDING IN THE B-4 LIMITED BUSINESS/MANUFACTURING ZONING DISTRICT; ALLOWING FOR THE RELOCATION OF A CHARTER ELEMENTARY SCHOOL TO SAID LOCATION; PROVIDING FOR APPROVAL OF A MASTER SITE PLAN; PROVIDING FOR DEVELOPMENT CONDITIONS, DECLARING THE PROJECT TO BE CONSISTENT WITH THE CITY'S COMPREHENSIVE PLAN; PROVIDING DIRECTIONS TO THE CITY CLERK; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE, PROVIDING FOR ACCEPTANCE BY THE APPLICANT AND FOR OTHER PURPOSES.

Summary Explanation/Background Information on Agenda Request:

On October 28, 2019, the City Commission unanimously approved the rezoning to allow The Hope Center for Autism Elementary Charter School at its First Reading.

The Hope Center for Autism as the contract purchaser of property is seeking a re-zoning on a 1.22 acre parcel of land with an existing warehouse/office building in order to relocate the Hope Center for Autism Charter Elementary School.

The site is located within the Willoughby Business Park, on SE Poma Way, a private road with its only access via Willoughby Blvd. The applicant proposes access to the site provided SE Poma Way via two access points, one existing and one proposed. The additional driveway will allow for a bus drop-off loop for the school. A total of 43 parking spaces (30 existing and 13 proposed) will satisfy parking needs for 32 morning session and 33 afternoon session staff members. A traffic impact analysis has been prepared showing less than a 2.00% AM increase in trips while the PM peak hours result in a reduction of peak hourly trip rates and a decrease in overall daily trips.

The project proposes to add approximately 1,900 square feet of imperviousness to the existing site. A storm-water analysis has been submitted by the projects engineer of record with evidence of a Willoughby Business Park master system designed to provide treatment and attenuation for existing and future lots with up to 76% imperviousness. The proposed driveway and additional parking spaces proposed create only 68% impervious condition for the project.

The school proposes to replace six oak trees with six new East Palatka Holly trees that will wrap around the rear of the building. Six foot wide sidewalk currently exist on both sides of SE Poma Way connecting to sidewalk along SE Willoughby Blvd.

Funding Source:

N/A

Recommended Action:

Motion to adopt Ordinance No. 2418-2019 at Second Reading.

ATTACHMENTS:

Description	Upload Date	Type
▢ Ordinance 2418-2019 - Hope for Autism	11/5/2019	Ordinance add to Y drive
▢ Ordinance 2418-2019 Exhibit D	10/18/2019	Ordinance add to Y drive
▢ Commercial PUD Staff Review	10/22/2019	Backup Material
▢ Aerial Map	10/7/2019	Backup Material
▢ Re-zoning application	10/6/2019	Backup Material
▢ Property owner's authorization	10/6/2019	Backup Material
▢ Property Appraisers summary and aerial	10/6/2019	Backup Material
▢ Stormwater Drainage Statement	10/6/2019	Backup Material
▢ Traffic Statement	10/6/2019	Backup Material



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

ORDINANCE NUMBER 2418-2019

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, AMENDING THE CITY'S OFFICIAL ZONING MAP, THEREBY APPLYING A LAND DEVELOPMENT ZONING DESIGNATION OF CPUD 'COMMERCIAL PLANNED UNIT DEVELOPMENT' TO A PARCEL OF LAND TOTALING 1.22 ACRES, OWNED BY KPL HOLDINGS LLC, LOCATED AT 2580 SE WILLOUGHBY BLVD., BEING MORE FULLY DESCRIBED IN EXHIBIT 'A' ATTACHED; ESTABLISHING 'THE HOPE CENTER FOR AUTISM' COMMERCIAL PLANNED UNIT DEVELOPMENT (CPUD) CONSISTING OF AN EXISTING LIGHT INDUSTRIAL/OFFICE BUILDING IN THE B-4 LIMITED BUSINESS/MANUFACTURING ZONING DISTRICT; ALLOWING FOR THE RELOCATION OF A CHARTER ELEMENTARY SCHOOL TO SAID LOCATION; PROVIDING FOR APPROVAL OF A MASTER SITE PLAN; PROVIDING FOR DEVELOPMENT CONDITIONS, DECLARING THE PROJECT TO BE CONSISTENT WITH THE CITY'S COMPREHENSIVE PLAN; PROVIDING DIRECTIONS TO THE CITY CLERK; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE, PROVIDING FOR ACCEPTANCE BY THE APPLICANT AND FOR OTHER PURPOSES.

*** * * * ***

WHEREAS, the City Commission held a properly noticed hearing at a regularly scheduled City Commission to consider the application made by Hope Center for Autism, Inc. with permission of K.P.L. Holdings, LLC of a 1.22-acre parcel of developed land located in phase one of the Willoughby Business Park on a privately maintained road west of Willoughby Blvd; and

WHEREAS, the City of Stuart has determined the need to assign CPUD zoning to said lands; and

WHEREAS, the Local Planning Agency board held a properly noticed hearing at a regularly scheduled meeting to consider amending the city's official zoning map and approving a master site plan for the existing office/warehouse building to be used as a charter school; and

WHEREAS, on October 28, 2018, the City Commission held a properly noticed hearing at a regularly scheduled City Commission to consider the application by the contract purchaser of the property, amending the city's official zoning map and approving a master site plan, and

WHEREAS, at the hearing the applicant showed by substantial competent evidence that the application does not create any detrimental effects on adjacent land uses within three hundred (300) feet of the proposed location; and

WHEREAS, the owners have committed to the City that its development must 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 this ordinance; and

WHEREAS, the City Commission, has considered the Owner's voluntary request for a new zoning designation, and has also considered the recommendation of the City staff.

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

WHEREAS, this CPUD development will be in harmony with surrounding properties and their anticipated development; and

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

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

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

SECTION 1: The following new documents are on file as public records of the City, at the office of the City Clerk in City Hall, and attached hereto as **Exhibit “D”**, hereinafter the “Development Documents”, shall be deemed a part of this ordinance:

- 1. Master Site Plan, Sheet 1 of 1, by Lucido & Associates, dated 08.13.19, las revised on 10.18.19.**
- 2. Boundary Survey, by Betsy Lindsay, Surveying and Mapping, Sheet 1 of 1, dated 08.22.2019.**
- 3. Landscape Plan, Landscape Details, and Landscape Specifications, by Lucido & Associates, Sheets 1, 2, & 3 of 3, dated 09.16.19.**

SECTION 2: The Zoning designation of the subject property shall be established as “CPUD” Commercial Planned Unit Development on the City of Stuart’s Official Zoning Map.

SECTION 3: Except as otherwise provided herein, no development permits, site permits, or building permits shall be issued by the City except in compliance with the City’s Land Development Code.

SECTION 4: All ordinances or parts of ordinances in conflict with this ordinance or any part thereof is hereby repealed to the extent of such conflict. If any provision of this

ordinance conflicts with any contractual provision between the City and the developer of the site, this ordinance shall prevail.

SECTION 5: 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 6: Following the adoption and acceptance of this ordinance by the Owners, and in addition to any other action for failure to complete development or otherwise comply with the Development Documents, the City Development Director may obtain a hearing before the City Commission, and shall thereupon give at least five (5) days written notice of the time, date and location of the hearing, along with specific notice of the alleged breach. At the hearing before the City Commission the developer may appear, and may contest the allegation of breach or explain the reason or reasons for the breach. Upon a finding of a material breach of the Development Documents and therefore, the Ordinance(s) adopting the same, the City Commission may impose or do any or all of the following:

- a. Initiate the process to amend or repeal this or any other ordinance pertaining to the development.
- b. Direct the City Development Director to initiate the process to rezone the PUD property or any portion of the PUD 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 PUD ordinance by the developer shall be considered a zoning violation subject to any remedies provided herein, or as otherwise provided by law. In the event a violation found continues from day to day, each day the violation is found to continue shall be deemed a separate violation.

SECTION 7: This ordinance and agreement shall be effective upon the last of the following to occur: adoption by the City Commission, and proper execution and acceptance by the Owners.

SECTION 8: 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 9: Upon complete execution of this Ordinance, including the Acceptance and Agreement by the Owners, the City Clerk is directed to record a Certified Copy of the same in the Public Records of Martin County, Florida.

PASSED on First Reading this 28th day of October, 2019.

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

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

YES	NO	ABSENT	ABSTAIN

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

ATTEST:

 MARY R. KINDEL
 CITY CLERK

 REBECCA BRUNER
 MAYOR

APPROVED AS TO FORM
 AND CORRECTNESS:

 MICHAEL MORTELL
 CITY ATTORNEY

CITY'S ACKNOWLEDGMENT

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

 Notary Public, State of Florida, at large

My Commission Expires:
 Notary Seal

ACCEPTANCE AND AGREEMENT

BY SIGNING THIS ACCEPTANCE AND AGREEMENT, THE UNDERSIGNED HEREBY ACCEPTS AND AGREES TO ALL OF THE TERMS AND CONDITIONS CONTAINED IN A COMMERCIAL PLANNED UNIT DEVELOPMENT AND IN ALL EXHIBITS, ATTACHMENTS AND DEVELOPMENT DOCUMENTS, INTENDING TO BE BOUND THEREBY, AND THAT SUCH ACCEPTANCE AND AGREEMENT IS DONE FREELY, KNOWINGLY, AND WITHOUT ANY RESERVATION, AND FOR THE PURPOSES EXPRESSED WITHIN THE ABOVE ORDINANCE. IF IT IS LATER DISCOVERED THAT THE UNDERSIGNED, OR ITS SUCCESSORS OR ASSIGNS HAVE FAILED IN ANY MATERIAL WAY TO DEVELOP THIS COMMERCIAL PLANNED UNIT DEVELOPMENT ACCORDING TO THIS ORDINANCE, ITS CONDITIONS, AND THE DEVELOPMENT PLANS AND DOCUMENTS, THE UNDERSIGNED UNDERSTANDS AND AGREES THAT THIS ORDINANCE MAY BE AMENDED OR REPEALED BY THE CITY COMMISSION, AND THAT OTHER ACTIONS MAY BE TAKEN AGAINST THE OWNER OF RECORD BY THE CITY, INCLUDING BUT NOT LIMITED TO CODE ENFORCEMENT ACTIONS, PERMIT AND LICENSING REVOCATIONS, AND ALL APPLICABLE CIVIL AND CRIMINAL ACTIONS.

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

WITNESSES:

**KPL Holdings LLC, a Florida
limited liability company**

By: _____

Print Name: _____

Klaus P. Luloh, Manager

Print Name: _____

OWNER'S ACKNOWLEDGMENT

The above Ordinance, Acceptance and Agreement was acknowledged before me this _____ day of _____, 2019, by Klaus P. Luloh, Manager of KPL Holdings, LLC, a Florida limited liability company, on behalf of the Company.

Personally Known ____ OR Produced Identification ____ Type of Identification Produced

Notary Public, State of Florida, at large
My Commission Expires:

Notary Seal

Exhibit A – Legal Description

LOT 7 WILLOUGHBY BUSINESS PARK According to the map or plat thereof as recorded in Plat Book
14, Page(s) 80, Public Records of Martin County, Florida.

EXHIBIT C – DEVELOPMENT CONDITIONS

Approved Plans and Documents (Exhibit D)

1. The Hope Center for Autism project and use thereof shall comply with the following drawings.
 - a. **Master Site Plan, Sheet 1 of 1, by Lucido & Associates, dated 08.13.19 last revised on 10.18.19.**
 - b. **Boundary Survey, by Betsy Lindsay, Surveying and Mapping, Sheet 1 of 1, dated 08.22.2019.**
 - c. **Landscape Plan, Landscape Details, and Landscape Specifications, by Lucido & Associates, Sheets 1, 2, & 3 of 3, dated 09.16.19**

Prior to Issuance of Site Permits

2. Applicant shall provide a digital boundary survey and civil plan prior to the issuance of any site permits.
3. Final Development plans and/or Construction Drawings and Building Plans shall be submitted, reviewed, and approved by the City prior to the issuance of any Development Permits.
4. Civil Plans shall be reviewed and approved by all applicable City departments prior to the issuance of a site permit.
5. All regulatory agency permits, including but not limited to the South Florida Water Management District and Army Corp of Engineers, shall be obtained by the applicant and copies provided to the City prior to the commencement of any development activities.

Development and Site Construction

1. Except as otherwise set forth in the Hope Center for Autism project CPUD, development shall comply with the City Land Development Code. Any modifications to the Master Site Plan that exceeds 10% of the approved building footprint, building setbacks, gross square footage,

building location, parking size, location and number of parking, drainage areas, and location of landscaping, may be approved by the City's Development Director, provided however, the Development Director may refer the matter to the City Commission for approval via public hearing.

2. All applicable state or federal permits must be obtained before the commencement any development activities. Issuance of this development order/permit/approval by the City of Stuart does not in any way create any right on the part of an applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the City of Stuart for the issuance of this order/permit/approval if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law.
3. In the event of any conflict in the provisions of Exhibit 'C' Development Conditions and attached exhibits, Exhibit 'C' shall prevail.
4. Prior to certificate of occupancy for the charter school, the applicant shall provide an engineer's written confirmation attesting that the CPUD's storm water system is in place and functioning in compliance with all approved plans and specifications.
5. Construction activity shall be limited from 7:00 am to 6:00 pm Monday – Saturday.
6. Any existing infrastructure, sidewalk or private property that is damaged during construction shall be repaired or replaced prior to the issuance of a Certificate of Occupancy.
7. Temporary or freestanding storage units are prohibited on the property once construction is complete.
8. Not less than 32.0% of the CPUD shall be pervious area as depicted on the Master Site Plan by Lucido and Associates as described in Exhibit C.

Landscaping

9. The common buffer and other common areas shall be provided with landscaping with an irrigation system of sufficient capacity to maintain the landscaping in a healthy growing condition.

10. “Hat racking” of trees is prohibited on the property.
11. The City’s landscape inspector shall have the opportunity to inspect all trees and/or landscape material with the landscape architect prior to installation.

Allowable Uses

12. The following uses shall be permitted:
 - a. Charter School

Prohibited

13. No temporary or modular buildings are permitted on the property except for permitted temporary construction/leasing trailers.
14. Billboards are prohibited on the property.
15. Banners and any other sign or advertising device not in accordance with the City’s Land Development Regulations are prohibited.

LEISURE VILLAGE MOBILE HOME PARK

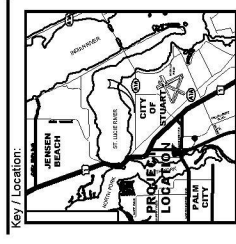
Site Data:	
Existing Future Land Use:	Commercial
Existing Zoning:	B-4
Proposed Zoning:	CPUD
Existing Use:	Commercial
Proposed Use:	Charter School
Area (Total Site):	53,129 sf
Impervious Area:	36,098 sf
Roofs:	0.23 ac.
Paved:	14,000 sf
Other:	2,287 sf
Other:	7,981 sf
Previous Area:	17,063 sf
Landscaped Area:	0.24 ac.

Parking Requirements:	
Elementary School (Special PUD Parking Requirements)	
Morning Session (32 Staff Members) =	32 Spaces
Afternoon Session (33 Staff Members) =	33 Spaces
Total Maximum Parking Spaces Required:	33 Spaces
Total Parking Spaces Provided:	43 Spaces

- General Notes:**
- Refer to Landscape Plan for landscape details and specifications.
 - Refer to the City of Stuart for all applicable codes and regulations.
 - All signs will be reviewed for compliance with the applicable regulations of the City of Stuart.
 - The parking area shown herein is preliminary and all use owned and maintained by the Hope Center for Autism.
 - Refer to the City of Stuart for all applicable codes and regulations.
 - Refer to the City of Stuart for all applicable codes and regulations.



701 E. Ocean Blvd., Suite 100, Stuart, FL 34954
(888) 444-4444, (888) 444-4444, (888) 444-4444
www.huedo.com, www.huedo.com, www.huedo.com



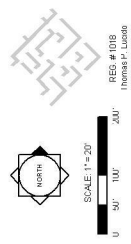
Project Team:

Project Manager:	Thomas P. Lucido
Project Engineer:	Thomas P. Lucido
Landscaper:	Thomas P. Lucido
Engineer:	Thomas P. Lucido
Surveyor:	Thomas P. Lucido
Traffic Engineer:	Thomas P. Lucido

Hope Center for Autism

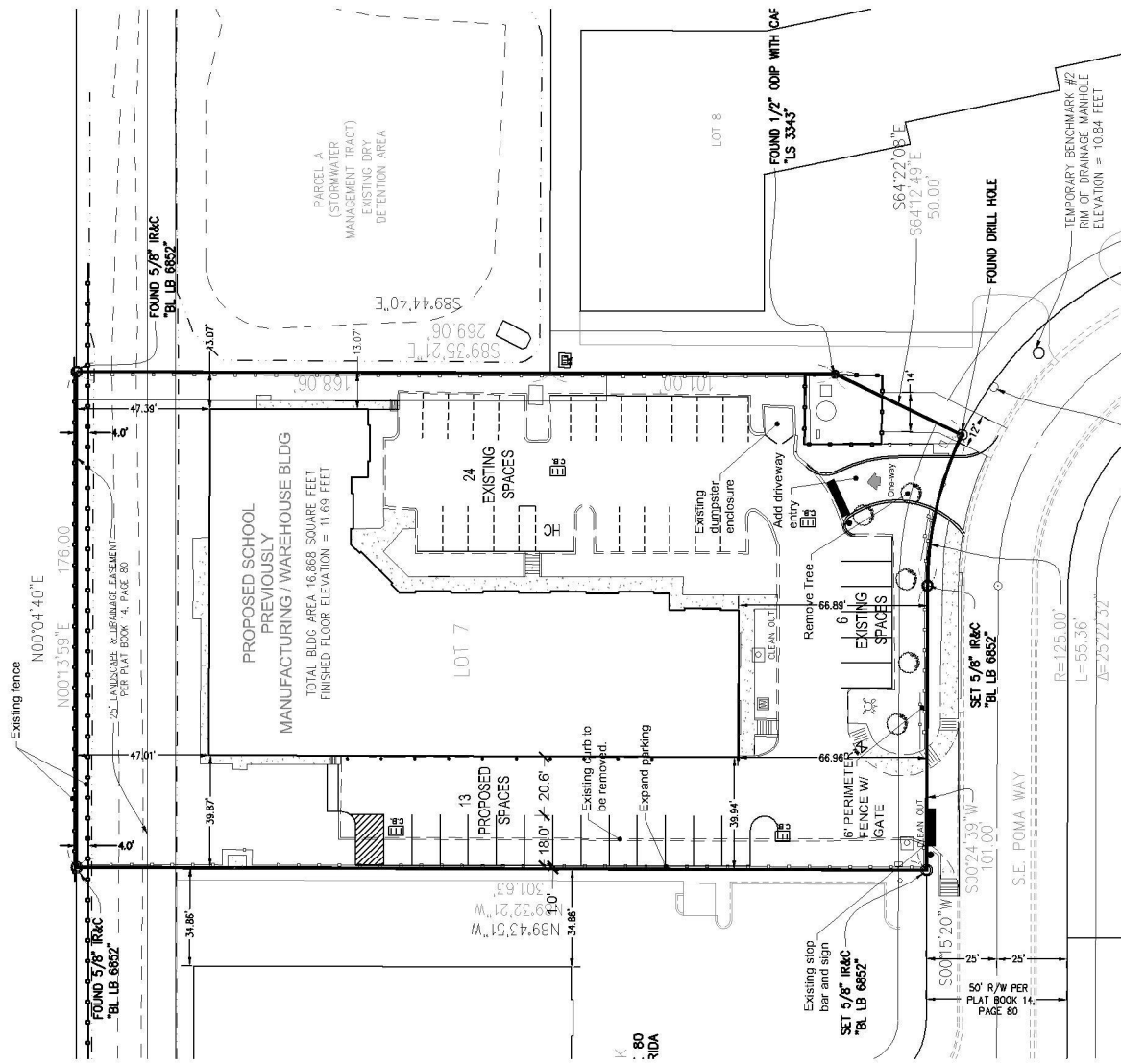
City of Stuart, Florida
Master Site Plan

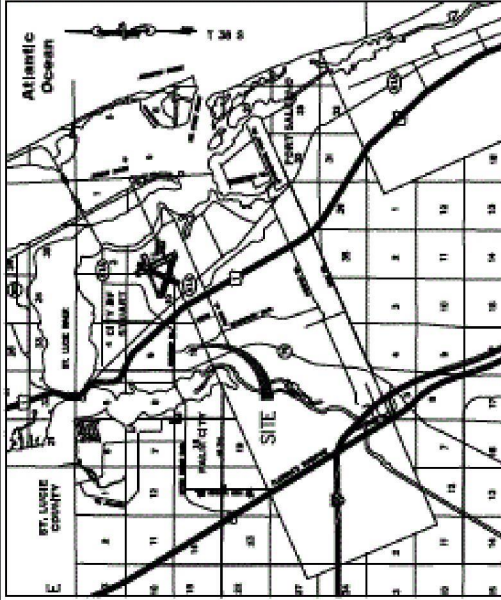
Date	By	Description
8/13/19	Initial Application	
10/18/19	Revisions Per LPA	



Designer:	SLCS
Checker:	SLCS
Project Number:	06-000
Municipal Number:	06-000
Computer File:	Hope Center Site Plan.dwg

Sheet
1 of 1
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Location Map

ABBREVIATIONS

10-11	12-13	14-15	16-17	18-19	20-21	22-23	24-25	26-27	28-29	30-31	32-33	34-35	36-37	38-39	40-41	42-43	44-45	46-47	48-49	50-51	52-53	54-55	56-57	58-59	60-61	62-63	64-65	66-67	68-69	70-71	72-73	74-75	76-77	78-79	80-81	82-83	84-85	86-87	88-89	90-91	92-93	94-95	96-97	98-99	100-101	102-103	104-105	106-107	108-109	110-111	112-113	114-115	116-117	118-119	120-121	122-123	124-125	126-127	128-129	130-131	132-133	134-135	136-137	138-139	140-141	142-143	144-145	146-147	148-149	150-151	152-153	154-155	156-157	158-159	160-161	162-163	164-165	166-167	168-169	170-171	172-173	174-175	176-177	178-179	180-181	182-183	184-185	186-187	188-189	190-191	192-193	194-195	196-197	198-199	200-201	202-203	204-205	206-207	208-209	210-211	212-213	214-215	216-217	218-219	220-221	222-223	224-225	226-227	228-229	230-231	232-233	234-235	236-237	238-239	240-241	242-243	244-245	246-247	248-249	250-251	252-253	254-255	256-257	258-259	260-261	262-263	264-265	266-267	268-269	270-271	272-273	274-275	276-277	278-279	280-281	282-283	284-285	286-287	288-289	290-291	292-293	294-295	296-297	298-299	300-301	302-303	304-305	306-307	308-309	310-311	312-313	314-315	316-317	318-319	320-321	322-323	324-325	326-327	328-329	330-331	332-333	334-335	336-337	338-339	340-341	342-343	344-345	346-347	348-349	350-351	352-353	354-355	356-357	358-359	360-361	362-363	364-365	366-367	368-369	370-371	372-373	374-375	376-377	378-379	380-381	382-383	384-385	386-387	388-389	390-391	392-393	394-395	396-397	398-399	400-401	402-403	404-405	406-407	408-409	410-411	412-413	414-415	416-417	418-419	420-421	422-423	424-425	426-427	428-429	430-431	432-433	434-435	436-437	438-439	440-441	442-443	444-445	446-447	448-449	450-451	452-453	454-455	456-457	458-459	460-461	462-463	464-465	466-467	468-469	470-471	472-473	474-475	476-477	478-479	480-481	482-483	484-485	486-487	488-489	490-491	492-493	494-495	496-497	498-499	500-501	502-503	504-505	506-507	508-509	510-511	512-513	514-515	516-517	518-519	520-521	522-523	524-525	526-527	528-529	530-531	532-533	534-535	536-537	538-539	540-541	542-543	544-545	546-547	548-549	550-551	552-553	554-555	556-557	558-559	560-561	562-563	564-565	566-567	568-569	570-571	572-573	574-575	576-577	578-579	580-581	582-583	584-585	586-587	588-589	590-591	592-593	594-595	596-597	598-599	600-601	602-603	604-605	606-607	608-609	610-611	612-613	614-615	616-617	618-619	620-621	622-623	624-625	626-627	628-629	630-631	632-633	634-635	636-637	638-639	640-641	642-643	644-645	646-647	648-649	650-651	652-653	654-655	656-657	658-659	660-661	662-663	664-665	666-667	668-669	670-671	672-673	674-675	676-677	678-679	680-681	682-683	684-685	686-687	688-689	690-691	692-693	694-695	696-697	698-699	700-701	702-703	7
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DATE	DESCRIPTION	AMOUNT	BALANCE
1/1/20	OPENING BALANCE		100.00
1/15/20	PAYROLL	50.00	50.00
1/20/20	RENT	25.00	25.00
1/25/20	UTILITIES	10.00	15.00
2/1/20	CLOSING BALANCE		15.00

STAFF NOTES

- [illegible]

SUPPLEMENT'S CERTIFICATION

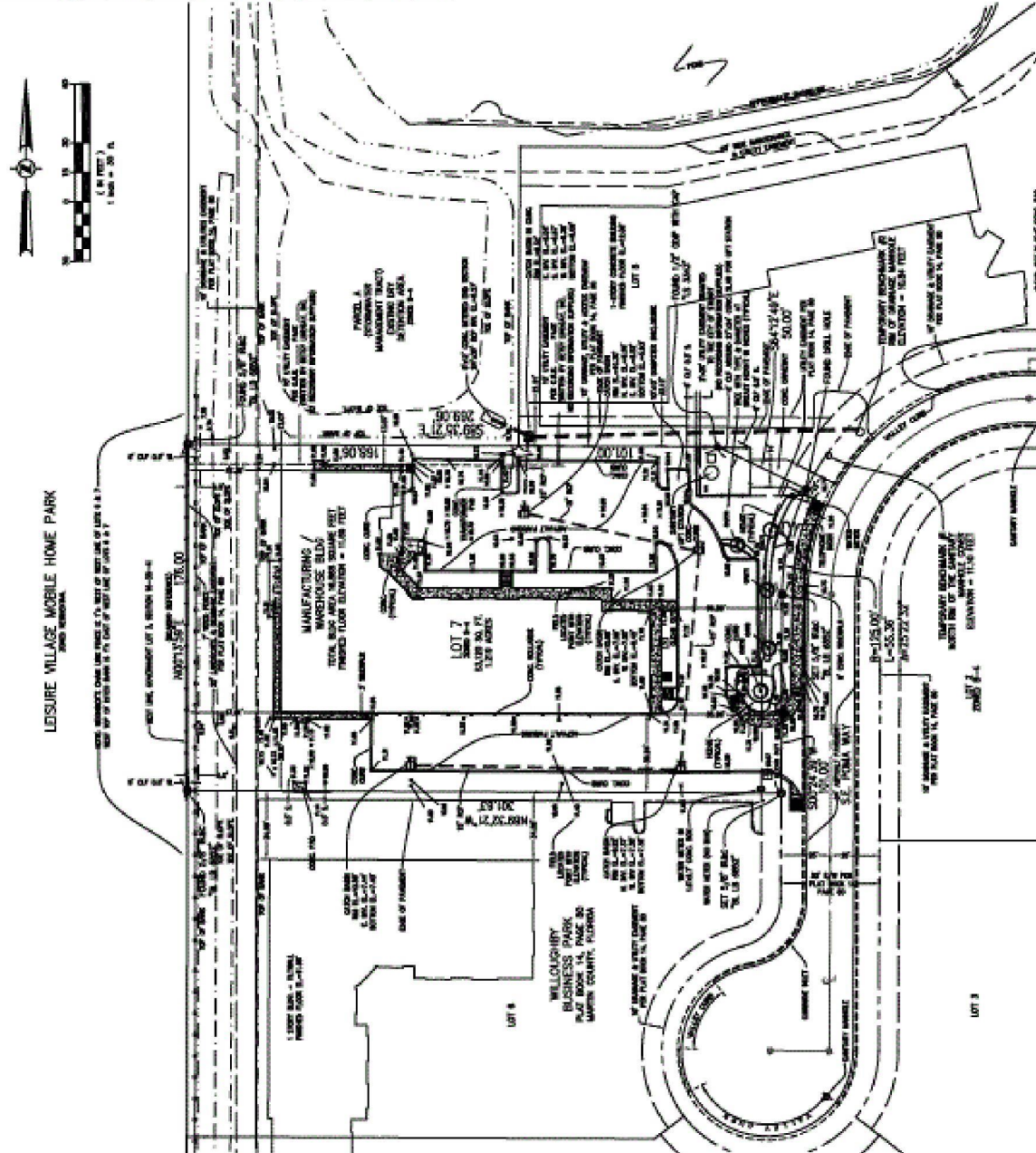
1. HUSBAND CONFIRMS THAT "BOUNDARY SURVEY" AT SHORE HARBOR IS A TRUE AND CORRECT REPRESENTATION OF A FIELD SURVEY MADE UNDER HIS SUPERVISION AND CHARGE ON AUGUST 22, 2010 AND SAID "BOUNDARY SURVEY" IS TRUE AND ACCURATE TO THE BEST OF HIS KNOWLEDGE AND BELIEF. IT IS FURTHER CONFIRMED THAT THIS "BOUNDARY SURVEY" COMPLIED WITH THE STANDARDS OF PRACTICE FOR "BOUNDARY SURVEY" SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS, SURVEYORS AND MAPPERS IN CHAPTER 6A-15, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 475.001, FLORIDA STATUTES.

NOT VALID WITHOUT THE SIGNATURE
AND ORIGINAL EASED SEAL OF A
FLORIDA LICENSED SURVEYOR AND MAPPER
UNDER EXISTING BOARD

EDMUND L. URSCH, P.E.
FLORIDA REGISTRATION NO. 4294

EDMUND L. URSCH, INC.
SURVEYING AND MAPPING

Page 2 of 2

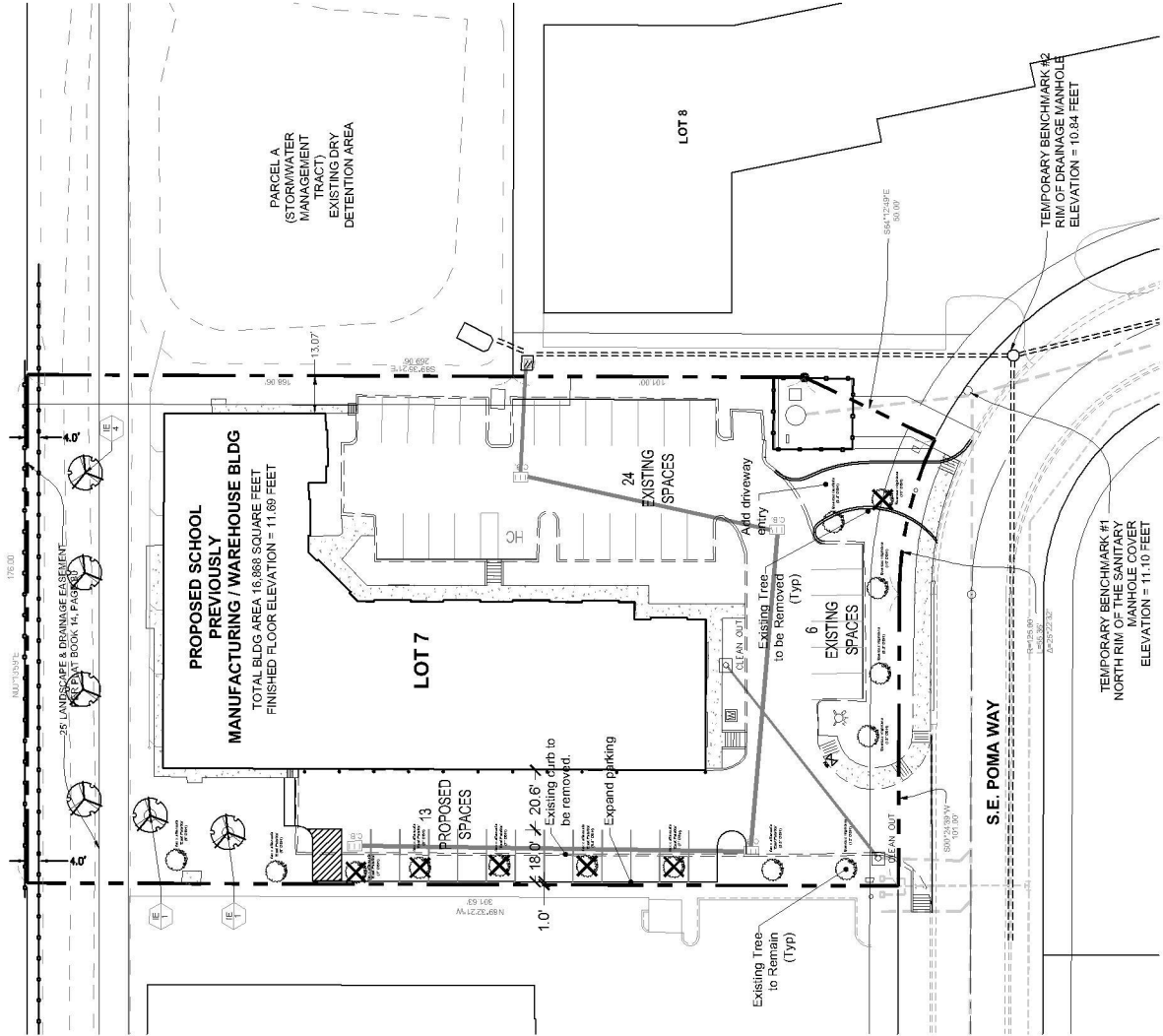


LEGAL DISPOSITION
LET 3, MILWAUKEE BUSINESS PARK, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 14, PAGE 80, PUBLIC RECORDS OF HARRIS COUNTY, TEXAS.

SAD LOT CONTAINING 53,120 SQUARE FEET OF 3.79 ACRES MORE OR LESS.

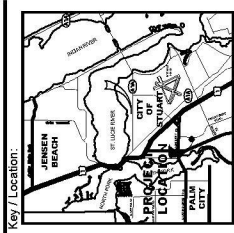
SAD LOT SUBJECT TO APPLICABLE EASEMENTS, ENCUMBRANCES, RESTRICTIONS AND INTERESTS.

LEISURE VILLAGE MOBILE HOME PARK



lucido & associates

3916 Chandler Blvd., Suite 100, Phoenix, AZ 85018
(602) 998-4500, Fax (602) 998-4501
1000 North Central Expressway, Suite 100, Phoenix, AZ 85012
(602) 998-4500, Fax (602) 998-4501



Project Team:
Project Owner: Hope Center for Autism
1000 North Central Expressway, Suite 100, Phoenix, AZ 85012
Project Architect: Lucido & Associates
1000 North Central Expressway, Suite 100, Phoenix, AZ 85012
Engineer: The Miller Group, Inc.
1000 North Central Expressway, Suite 100, Phoenix, AZ 85012
Surveyor: Miller Surveying, Inc.
1000 North Central Expressway, Suite 100, Phoenix, AZ 85012
Traffic Engineer: The Miller Group, Inc.
1000 North Central Expressway, Suite 100, Phoenix, AZ 85012

Landscape Data:
Existing Trees Removed: 6 Trees
Proposed Replacement Trees: 6 Trees

Plant Schedule:

TREES	CODE	QTY	BOTANICAL NAME	COMMON NAME	CONTAINER	HEIGHT	METHOD	NATIVE	CALIBER
	IE	6	Red A. stamens 'East Palms'	East Palms Holly	FG	14 HT	7 SPR	Native	4" Caliber

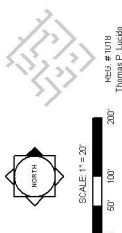
Landscape Notes:

- Alternative plant species and advanced landscaping beyond minimum standards shall be subject to review and approval by the City of Stuart prior to installation.
- Only Landscape shown within each phase of development (and on the Plant List for each phase) will be required to be installed to obtain a Certificate of Occupancy for the respective phase.
- All trees shown on this plan shall be installed and maintained as indicated and approved by the City of Stuart prior to the issuance of a Certificate of Occupancy.
- No Cypress Mulch is to be used on site.
- Where existing vegetation meets minimum City of Stuart standards, this vegetation may be retained toward landscape requirements.
- Existing vegetation may be relocated outside of construction limits.
- Proposed vegetation may be relocated due to unforeseen site conditions or in order to preserve existing vegetation.
- All proposed trees shall be installed and maintained as indicated and approved by the City of Stuart prior to the issuance of a Certificate of Occupancy.
- See engineer's plan for all overhead & underground utility locations.
- This plan has been designed to meet with the tree planting requirements contained within the P.L. document entitled "Plant the right tree in the right place".
- For existing or proposed utilities, no tree shall be planted where it could, at maturity, height conflict with overhead power lines. Large trees (height at maturity of more than 30') shall be planted at a minimum distance of 20' from overhead power lines. Medium trees (height at maturity of 20' and 30') shall be planted at a minimum distance of 10' from overhead power lines. Small trees (height at maturity of less than 20') require no offset.
- No tree snags, stumps or vines shall be planted within 5' of an existing or proposed power line. Large trees (height at maturity of more than 30') shall be planted at a minimum distance equal to or greater than the average trunk length plus two (2) feet from power lines. Tree species shall be selected as to minimize conflicts with existing or proposed utilities.
- All above ground utilities shall be screened in accordance with City of Stuart requirements.
- All plant material to be Potted No. 1 quality and standards or better.

**Hope Center
for Autism**

City of Stuart, Florida
Landscape Plan

Date	By	Description
9-16-19		Initial application



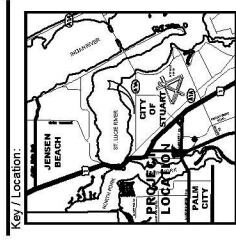
Sheet
S.L.S.
S.D.G.
Project Number 06-0000
Municipal Number 06-000
Computer File Hope Center - Landscape Plan.dwg
1 of 3

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701 E Ocean Blvd., Suite, Florida 33594
(772) 229-2100, Fax (772) 229-9229

100 Avenue A Suite 2A, Fort Pierce, Florida 34950
(772) 467-4398, Fax (772) 467-4500

827 North Thurston Avenue, O'Falls, Florida 32063
(407) 398-0533, Fax (407) 398-3768



Project Team:
Client & Property Owner:
Hope Center for Autism
1005 SE Indian Street
Stuart, Florida 34907

Land Planner /
Landscape Architect:
Lucido & Associates
701 East Ocean Boulevard
Stuart, Florida 34984

Surveyor:
Betsy Lindsay, Inc.
7807 SW 4th James Drive
Stuart, Florida 34907

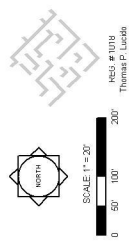
Traffic Engineer:
The Meiss Group, Inc.
10975 SE Federal Highway
Stuart, Florida 34925

1100

**Hope Center
for Autism**

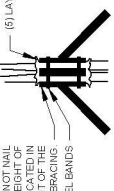
City of Stuart, Florida

Landscape Details

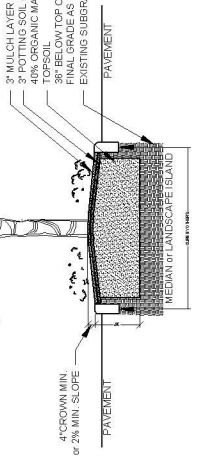
[illegible]

Designer: S.L.S. Sheet
 Manager: S.D.G. **2 of 3**
 Project Number: 06-0000
 Municipal Number: 06-000
 Computer File: Hope Center - Landscape Plan.dwg

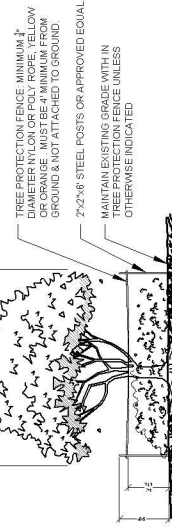
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MULTI-TRUNK PLANTING & GUYING



DRAINAGE TESTING DETAIL



E. WHEN BACKFILLING PLANTING PITS WITH NATIVE TOPSOIL,

SOL MIX THE SAME THROUGHOUT THE PLANTING PIT AND DRAINAGE CHANNEL.

Commercial PUD

Project:	Hope Center for Autism CPUD
Date	17-Oct-19

Adjacent N	Professional Medical Offices
Adjacent S	Willoughby Business Park Condo Ph II
Adjacent E	Willoughby Business Park Condo Ph II
Adjacent W	Leisure Village a Cooperative
Total Floor Space (sq.ft)	16,933

LDR Reference	Land Development Regulations	CPUD REVIEW STATUS
2.07.00 E.1	Land Use Designation	COMPLY
2.07.00 E.2 a	Uses	COMPLY
2.07.00 E.2 b	Residential (<30%)	NOT APPLICABLE
2.07.00 E.2 c	Commercial Residential (<30%)	NOT APPLICABLE
2.07.00 E.2 c	Commercial Uses	COMPLY
2.07.03 E.3.b	Open Space (>25%)	NOT APPLICABLE
2.07.03 E.3.c	Native Vegetation (>25%)	NOT APPLICABLE

AREA, IMPERVIOUS SURFACE, SETBACK AND HEIGHT

2.04.03	Supplemental impervious surface	COMPLY
2.04.04	Supplemental setback requirements	COMPLY
2.04.05	Waterfront setbacks	NOT APPLICABLE
2.04.06	Certain street setbacks	NOT APPLICABLE
2.04.07	Supplemental building height	COMPLY
2.06.00	Supplemental Use standards	NOT APPLICABLE

4.04.01	Traffic Concurrency	TO BE REVIEWED
4.09.00	School Concurrency	TO BE REVIEWED

RESOURCE PROTECTION

5.02.00	Environmental Assessment	NOT APPLICABLE
5.03.02	Wetland Protection	NOT APPLICABLE
5.04.00	Environmentally sensitive lands	NOT APPLICABLE
5.04.03	Monitoring & Maintenance	NOT APPLICABLE
5.05.01	Tree Survey	NOT APPLICABLE
5.05.02	Tree removal	TO BE REVIEWED
5.06.00	Mangrove & Shoreline	NOT APPLICABLE
5.07.00	Floodplain Management	TO BE REVIEWED
Comp Plan	Comprehensive Plan	COMPLY

DEVELOPMENT STANDARDS

6.00.03	Principles of Design	TO BE REVIEWED
6.00.04.A	Qualitative Design	TO BE REVIEWED
6.00.04.B	Qualitative Design Standards	TO BE REVIEWED

TRANSPORTATION

6.01.02	Streets	COMPLY
6.01.03	Rights of Way	COMPLY
6.01.04	Sidewalks/bikeways	TO BE REVIEWED
6.01.05	Bike Ped (LCD)	TO BE REVIEWED
6.01.06	Access	COMPLY
6.01.07	Drive-through	NOT APPLICABLE
6.01.08	Vehicular Access	NOT APPLICABLE
6.01.09	Parking Code	TO BE REVIEWED
6.01.18	Off-Street Loading	TO BE REVIEWED
6.01.19	PILOP	NOT APPLICABLE

STORMWATER

6.03.01	Generally	COMPLY
6.03.04	Management	TO BE REVIEWED
6.03.08	Erosion	TO BE REVIEWED

LANDSCAPING

6.04.02	General Standards	COMPLY
6.04.02 A.1	Native Landscaping	COMPLY
6.06.02 A.2	Shade Trees Required	COMPLY
6.06.02 A.4	Banyan, Ficus & Rubber Trees	NOT APPLICABLE
6.06.02 A.5	Proximity to power lines	NOT APPLICABLE
6.06.02 A.6	Shrubs	NOT APPLICABLE
6.06.02 A.7	Hedges	NOT APPLICABLE
6.06.02 A.8	Vines	NOT APPLICABLE
6.06.02 A.9	Ground cover	NOT APPLICABLE
6.06.02 A.10	Grass Area	NOT APPLICABLE
6.06.02 B	Irrigation	NOT APPLICABLE

LANDSCAPE DESIGN

6.04.03 A	Utility Lines (Existing and Proposed)	NOT APPLICABLE
6.04.03 B.1	Landscaped Area >20%	NOT APPLICABLE
6.04.03 B.2	Interior landscaping >50%	NOT APPLICABLE
6.04.03 B.3	location of impervious	COMPLY
6.04.03 B.4	Mulch	NOT APPLICABLE

6.04.03 B.5	Shoreline protection	NOT APPLICABLE
6.04.04 B.7	Min number of Parking Spaces required	EXCEPTION REQUESTED
6.04.03 B.8	Visibility triangles	NOT APPLICABLE
6.04.06	Land Use Transitions	NOT APPLICABLE

LANDSCAPING - PARKING AREAS

6.04.07 A.1	Landscaped strip adjacent to street	NOT APPLICABLE
6.04.07 A.2	Landscaped strip length linear feet	COMPLY
6.04.07 A.2a	Parking area adjacent to street	COMPLY
6.04.07 A.2b	Hedge/wall/berm on outside of strip	COMPLY
6.04.07 A.2c	Other Landscaping	NOT APPLICABLE
6.06.07 A.2d	Grass	COMPLY
6.04.07 A.3	Shrubs/ground cover	COMPLY
6.04.07 B	parking screened from private property	COMPLY
6.04.07 B.1	Landscaped strip adjacent to private property	COMPLY
6.04.07 B.2a	Parking area adjacent to private property	COMPLY
6.04.07 B.2b	Hedge/wall/berm on outside of strip	COMPLY
6.04.07 B.2c	Other Landscaping	NOT APPLICABLE
6.04.07 B.2d	Grass	COMPLY
6.04.07 B.3	Shrubs/ground cover	COMPLY
6.04.07 C.1	Parking Area (Major Dev't only)	COMPLY
6.04.07 C.2	Parking area rear and sides of building	COMPLY
6.04.07 C.3	Interior trees	COMPLY
6.04.07 C.4	Vehicle encroachment	COMPLY
6.04.07 C.5	Interior landscaped islands	COMPLY
6.04.07 C.6	Terminal landscaped islands	COMPLY
6.04.07 C.7	Interior landscaped medians	COMPLY
6.04.07 C.8	Interior shade trees	COMPLY
6.04.07 D	Visibility triangles	COMPLY
6.04.08	Tree Requirements	COMPLY
6.04.10	Loading Storage	NOT APPLICABLE

COMMERCIAL DEVELOPMENT STANDARDS

6.05.02 B	Building Location	NOT APPLICABLE
6.05.02 C	Building Orientation	NOT APPLICABLE
6.05.02 D	Façade Design	NOT APPLICABLE
6.05.02 E	Massing	NOT APPLICABLE
6.05.02 F	Other Features	NOT APPLICABLE
6.05.02 G	Transitional Elevations	NOT APPLICABLE
6.05.03 B	Blank Wall Area	NOT APPLICABLE
6.05.03 C	Repeating Façade	NOT APPLICABLE

6.05.04	Additional Façade	NOT APPLICABLE
6.05.05	Roof Treatments	NOT APPLICABLE
6.05.06	Entryways and customer entrance	NOT APPLICABLE
6.05.07	Materials and Color	NOT APPLICABLE
6.06.00	Green Development	NOT APPLICABLE
6.07.00	Lighting	TO BE REVIEWED
6.08.00	Dumpster & Recycling	TO BE REVIEWED
6.09.05	Fences	TO BE REVIEWED
6.11.00	Signs	TO BE REVIEWED

[illegible]



City of Stuart
121 SW Flagler Ave
Stuart, FL 34994

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

(772) 288-5326

Application to Rezone Real Property (including Planned Unit Developments)

Project ID# _____
(Staff Entry)

Pre-App Conference Date:		Application Date:	
Project Name: THE HOPE CENTER FOR AUTISM			
Parcel ID# 16-38-41-012-000-00070-0		Project Address: 2580 SE WILLOUGHBY BLVD., STUART	
Current Zoning: B-1		Current Land Use: COMMERCIAL	
Proposed Zoning: CPUD		Proposed Land Use: NOT APPLICABLE	
Present Use: VACANT WAREHOUSE		Site Area/Acreage: 1.22 ACRES	
Fees (check box): This does not include fees that may be charged as a result of application review by the City's consultants			
Rezoning to CPUD	\$3,584.00	☒	Site space must be greater than 20,000 sq. ft.
Rezoning to RPUD	\$3,584.00	☐	Site area must be greater than .5 acre
Rezoning to MXPUD	\$3,584.00	☐	Site area must be greater than .5 acre
Rezoning to Industrial IPUD	\$3,584.00	☐	Site area must be greater than 1 acre
Rezoning to Public Service PSPUD	\$3,584.00	☐	Site area must be greater than 2.5 acres
Non-PUD District Rezoning	\$1,433.00	☐	
Submittal Requirements: A completed application form, the payment of fees, one (1) copy of all documents on a PDF formatted disc electronically signed and sealed, and a site plan. (Note: A concept plan may, at the discretion of the applicant, be submitted instead of a site plan. However, in doing so the applicant acknowledges that a site plan will need to be submitted for City Commission approval prior to making application for a development permit.) The data requirements for a site plan and a concept plan are available at the Development Department.			
Approving Authority: The Development Director is required to prepare a staff report and recommendation concerning this application. The Local Planning Agency (LPA) is required to hold an advertised public hearing and formulate a recommendation to the City Commission. The City Commission is also required to hold an advertised public hearing after which it may approve, approve with conditions, or deny the application.			
Written justification supporting the application and demonstrating how the application:			
(a) is consistent with the relevant components of the City of Stuart Comprehensive Plan including concurrency with adopted levels-of-service for utilities/facilities and compatibility with existing/planned uses and			
(b) complies with the relevant development standards of the City of Stuart Land Development Code (include additional pages if needed).			
(over)			

General Information

(Please Print or Type)

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

Name:	KLAUS P. LULOH
Title:	MANAGER
Company:	KPL HOLDINGS, LLC
Company Address:	2896 HIDDEN VALLEY LANE

City/State/Zip Code:	MONTECITO, CA 93108
Telephone Number:	805-665-7722
Facsimile Number:	
Email Address (optional):	

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

Name:	DOUG FITZWATER
Title:	SENIOR PROJECT MANAGER
Company:	LUCIDO & ASSOCIATES
Company Address:	701 SE OCEAN BOULEVARD

City/State/Zip Code:	STUART, FL 34994
Telephone Number:	772-220-2100
Facsimile Number:	772-223-0220
Email Address (optional):	DFITZWATER@LUCIDODESIGN.COM

3. The Undersigned, as the Property Owner, Lessee, **Contract Purchaser**, or Applicant (circle one), acknowledges responsibility for all City expenses associated with the referenced application (s) including time spent by the City's consultants and further acknowledges that payment of consultant fees will be made prior to the receipt of the consultant comments.

Name:	JOANNE SWEAZEY
Title:	DIRECTOR
Company:	THE HOPE CENTER FOR AUTISM
Company Address:	1695 SE INDIAN STREET

City/State/Zip Code:	STUART, FL 34997
Telephone Number:	772-334-3288
Facsimile Number:	
Email Address (optional):	JSWEAZEY@HOPECENTER FOR AUTISM.ORG

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

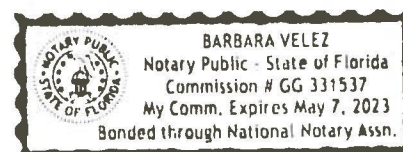
4. Signed this 12th day of August, 2019.

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

State of Florida, Martin County The foregoing instrument was acknowledged before me on this 12th day of August, 2019 by JOANNE SWEAZEY who is personally known to me, or who has produced _____ as identification and who ~~did~~ XX did not take an oath.

Barbara Velez
Notary Signature

Commission Expires:



**KPL HOLDINGS, LLC
2896 Hidden Valley Lane
Montecito, CA 93108**

City of Stuart
Development Department
Attn: Kevin Freeman, Development Director
121 SW Flagler Avenue
Stuart, FL 34994

Re: 2580 SE Willoughby Blvd., Stuart, FL
PCN: 16-38-41-012-000-00070-0

Dear Mr. Freeman,

KPL Holdings, LLC, a Florida limited liability company, (hereinafter referred to as "Seller") is the owner of the above-referenced property. Per a contract with The Hope Center for Autism, Inc. (hereinafter referred to as "Contract Purchaser"), Contract Purchaser has been authorized to seek a zoning change of the property to a category that allows its intended uses. Per the contract, the legal effectiveness of any change in zoning shall only take place if the contract closes.

Therefore, please take note that while Contract Purchaser has Seller's permission to apply for and seek a zoning change at Contract Purchaser's expense, the legal effectiveness of any zoning change must be made contingent on Seller's prior written authorization, which Seller shall not give until closing. Any ordinance or resolution associated with a zoning change (or any other change in the property's land use status) must make recording and legal effectiveness contingent on the prior written authorization of Seller.

Seller has been informed that Contract Purchaser has hired Lucido & Associates to represent Contract Purchaser as its Agent of Record during the governmental review process of the application.

If you have any questions, please contact Seller's attorney, Wm F. (Rick) Crary II at 759 SW Federal Highway, Suite 106, Stuart, FL 34994/ (772) 287-2600.

Sincerely,

KPL Holdings, LLC



Klaus P. Luloh, Manager

Parcel ID	Account #	Unit Address	Market Total Value	Website Updated
16-38-41-012-000-00070-0	138519	2580 SE WILLOUGHBY BLVD, STUART	\$1,070,900	7/27/2019

Owner(Current)	KPL HOLDINGS LLC
Owner/Mail Address	113 HILLCREST DR STUART FL 34996
Sale Date	7/17/2003
Document Book/Page	1793 0669
Document No.	1677537
Sale Price	225800

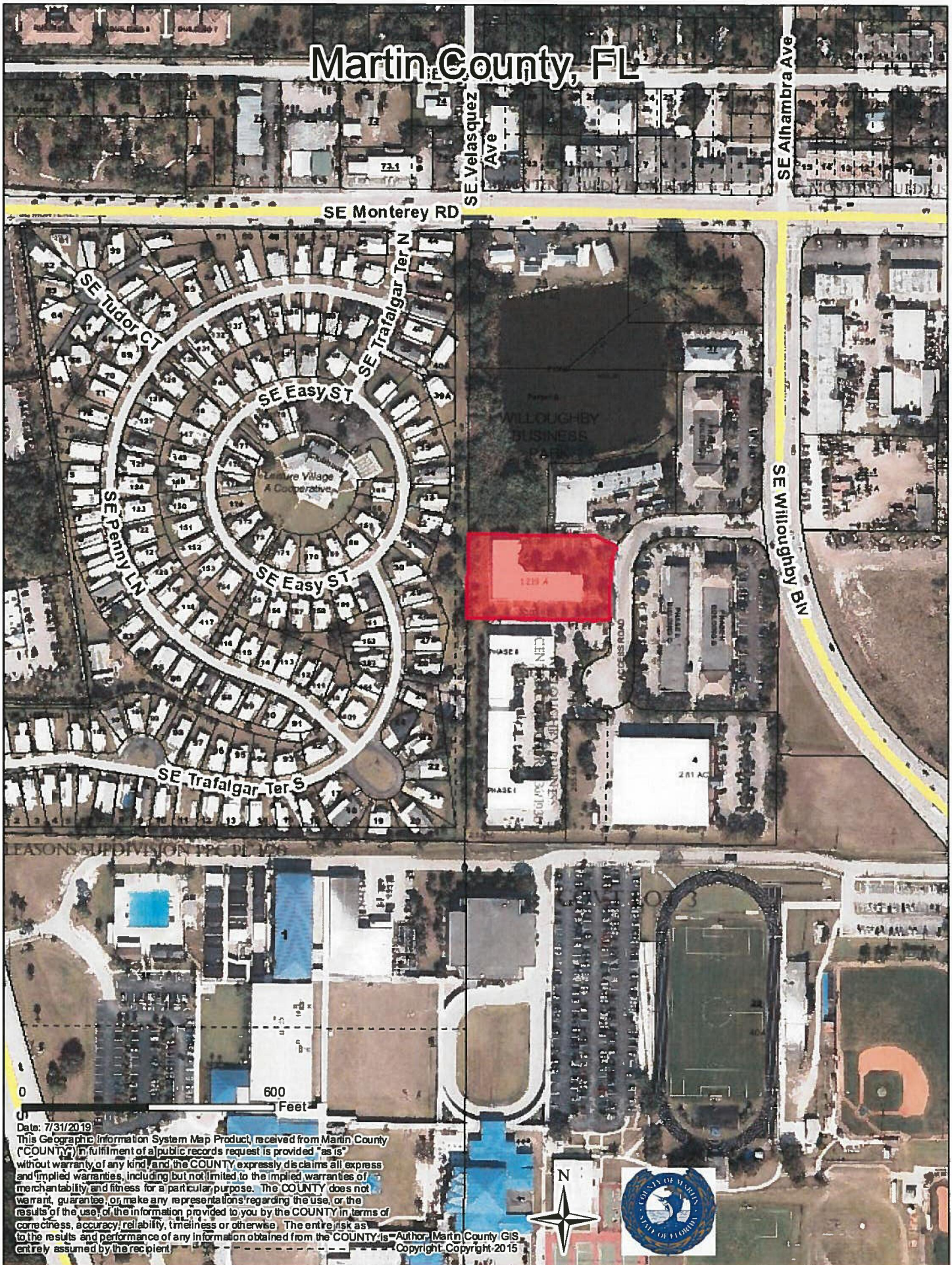
Account #	138519	Map Page No.	O-16A
Tax District	3100	Legal Description	LOT 7 WILLOUGHBY BUSINESS PARK (PB 14 PG 80)
Parcel Address	2580 SE WILLOUGHBY BLVD, STUART		
Acres	1.2195		

NOTE: Legal description as shown is not to be used on legal documents. The legal description is intended for general information only. The Property Appraiser assumes no responsibility for the consequences of inappropriate uses or interpretations of the legal description.

Use Code	4800 Warehse distribution term
Neighborhood	31400 Monterey Rd

Market Land Value	\$424,960
Market Improvement Value	\$645,940
Market Total Value	\$1,070,900

Martin County, FL



Date: 7/31/2019

This Geographic Information System Map Product, received from Martin County ("COUNTY"), in fulfillment of a public records request is provided "as is" without warranty of any kind, and the COUNTY expressly disclaims all express and implied warranties, including but not limited to the implied warranties of merchantability and fitness for a particular purpose. The COUNTY does not warrant, guarantee, or make any representations regarding the use, or the results of the use, of the information provided to you by the COUNTY in terms of correctness, accuracy, reliability, timeliness or otherwise. The entire risk as to the results and performance of any information obtained from the COUNTY is entirely assumed by the recipient.

Author: Martin County GIS
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September 17, 2019

Hope Center for Autism

STORMWATER STATEMENT

The Hope Center for Autism site is located on an existing developed lot, known as Lot 7, a 1.22 acre parcel within the 14.59 acre Willoughby Business Park. The project proposed to add approximately 1,900 square feet of imperviousness to the existing site to provide a bus drop-off loop for the project's students and additional parking area.

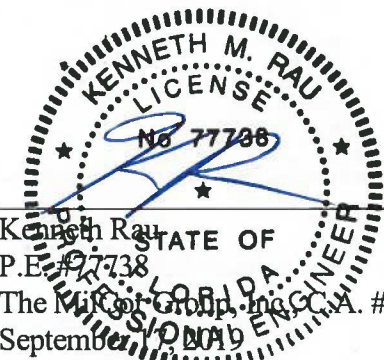
Runoff from Lot 7 is conveyed to the Willoughby Business Park (WBP) master drainage system. Per the WBP South Florida Water Management District Environmental Resource Permit (No. 43-01076-P), the WBP master system was designed to provide treatment and attenuation for eight future lots within the business park. The lots assumed to have up to 76% imperviousness. Each lot was required to obtain an Environmental Resource Permit modification prior to development.

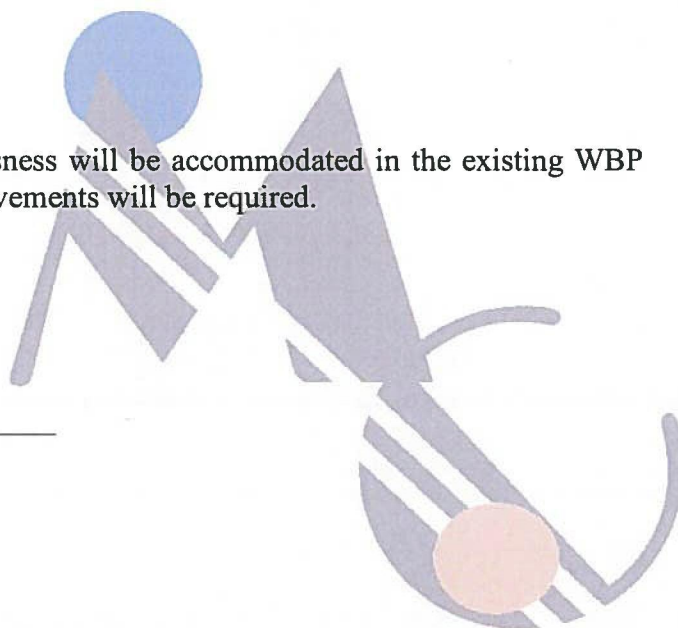
Environmental Resource Permit No. 43-01076-P-04 was issued for the development of Lot 7. The permitted and proposed land use for Lot 7 is as follows:

	Existing Permitted	Percentage	Proposed	Percentage
Building Coverage	0.33 Ac	27.0%	0.33 Ac	27.0%
Pavement	0.46 Ac	37.7%	0.50 Ac	41.0%
Pervious	0.43 Ac	35.2%	0.39 Ac	32.0%
Total	1.22 Ac	100%	1.22 Ac	100%

Existing Imperviousness: 64.7%
Proposed Imperviousness: 68.0%
Allowable Imperviousness: 76%

Therefore, the proposed additional imperviousness will be accommodated in the existing WBP master drainage system and no drainage improvements will be required.


Kenneth Rau
P.E. #77738
The MilCor Group, Inc. C.A. #28246
September 17, 2019



10975 SE
Federal Hwy
Hobe Sound
Florida
33455

Phone
772-223-8850
Fax
772-223-8851

Email
marketing@
themilcorgroup.
com

Web
www.
themilcorgroup.
com

Traffic Impact Analysis

Hope Center for Autism

Prepared for:
Hope Center for Autism, Inc.

For Review By:
City of Stuart

September 2019

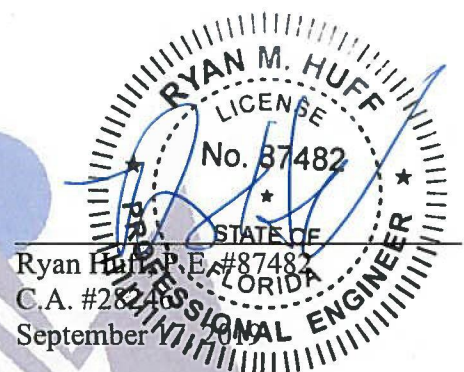
**Office Location &
Mailing Address:**

10975 SE
Federal Hwy
Hobe Sound
Florida
33455

Phone
772-223-8850
Fax
772-223-8851

Email
marketing@
themilcorgroup.
com

Web
www.
themilcorgroup.
com



Trip Generation

Introduction:

The MilCor Group, Inc. has been retained to conduct a traffic analysis for the proposed Charter school named Hope Center for Autism. It is located on a 1.22-acre lot, located within the City of Stuart, Florida. The lot parcel number is 16-38-41-012-000-00070-0. The purpose of this study is to determine which roadway links are impacted by the proposed development and what, if any, improvements will be required to meet the adopted Level of Service standards based on the requirements for the City of Stuart.

Site Data:

The site is located within the Willoughby Business Park, on SE Poma Way, which is a private road with its only access via Willoughby Blvd. as shown in Exhibit 1, location map. Access is to be provided SE Poma Way via two access points, one existing and one proposed, and access to Willoughby Blvd. is via an existing full ingress/egress opening divided by landscape island. Currently, Willoughby Blvd. is a paved four-lane divided roadway with sidewalks provided on both sides of the roadway, but does not provide a marked bike lane.

Project Traffic:

Trip Generation:

Daily, AM, and PM peak hour trip generation rates for both existing and proposed uses were calculated based on the ITE Trip Generation Manual, 10th Edition, (Exhibit 2A – 2D) for the following sections:

Existing:

Section 110: General Light Industrial
Section 712: Small Office Building

Proposed:

Section 537: Charter Elementary School

The AM Peak had the highest increased generation, with an additional 35 trips/hour on county roadways.

Trip Distribution and Assignment:

A directional distribution was developed based on a review of land use patterns and existing travel patterns, and existing peak hour directional volumes and growth rates, as provided in the Martin County 2018 Roadway Level of Service Inventory Report. 100% of the trips generated from the Hope Center for Autism will access Willoughby Blvd. in the link between Indian St. and SR-714. After subtracting the existing approved use from the proposed use, the net increase in trips is 35. This equates to a peak hour increase of 1.75% of the level of service capacity of this link. However, the PM peak hours results in a reduction to the peak hourly trip rates, as well as a decrease in the overall daily trips.

The calculations are shown in Exhibit 3 and illustrated in Exhibit 4.

Conclusion:

While the AM peak hour rates do demonstrate an increase in trips, the impact is less than 2.00% and should be considered de minimus. Considering the PM peak hour and overall daily trips are lowered when considering the proposed use, the total impact is even less significant than the AM increase would suggest. Therefore, no concurrency issues are anticipated.

Scheduled Roadway Improvements:

To the best of our knowledge, there are no scheduled improvements on any links on which the project has significant impact.

Required Improvements:

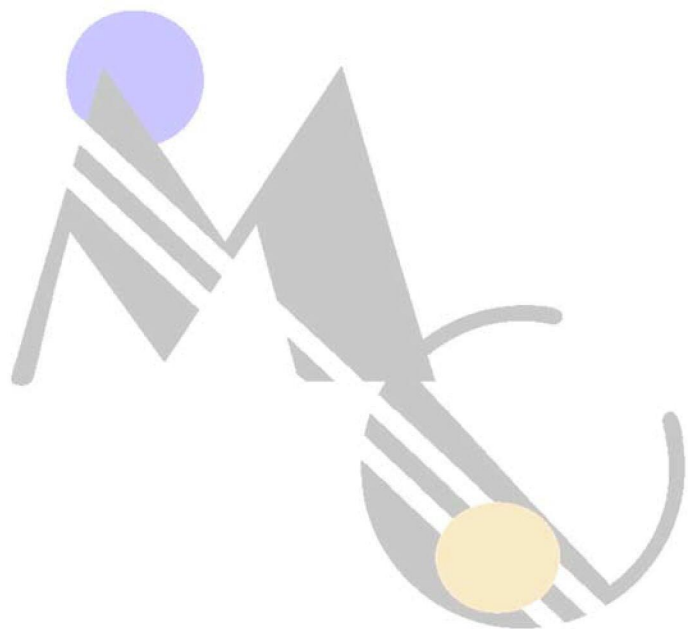
None.

Project Phasing:

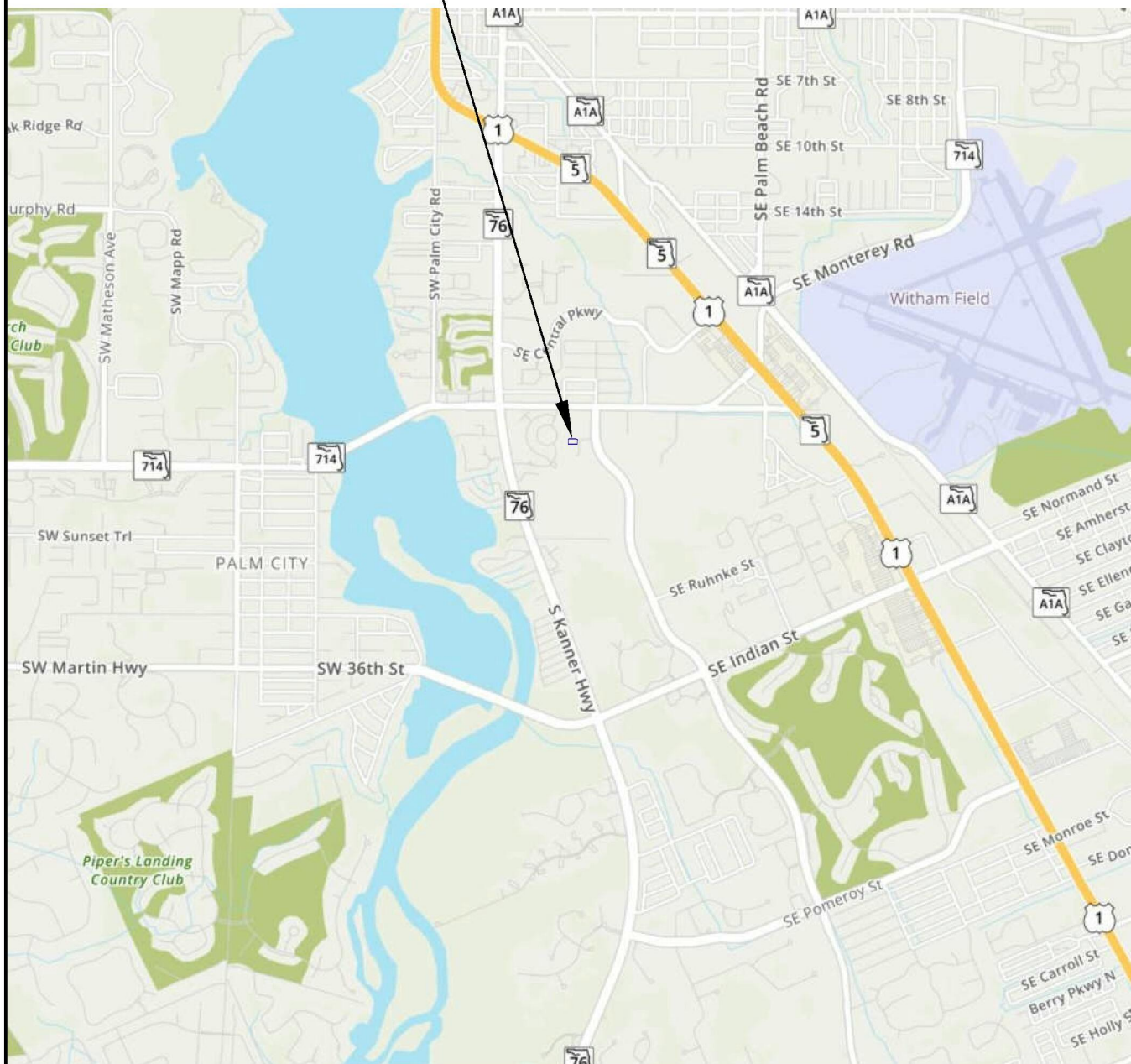
There is no phasing proposed. Construction of the infrastructure for this project will begin in 2020, and will be complete within 1 year, therefore buildout is anticipated in 2021.

Attachments:

- Exhibit 1 – Location Map
- Exhibit 2A&2B – Traffic Projections
- Exhibit 3 – Peak Hour Directional Volume Calculations
- Exhibit 4 – Peak Hour Directional Volume Distribution Map



PROJECT LOCATION

[illegible]

VERTICAL DATUM NAVD 88		9-18-2018	
DATE:	D.W.	H0002	
PROJECT:	FILE		



THE
MILCOF
GROUP
INC.

CIVIL ENGINEERS
10975 SE FEDERAL HIGHWAY
HOBE SOUND, FL 33455

725 SE PORT ST LUCIE BLVE
UNIT 104
PORT ST. LUCIE, FL 34984

PH: (772) 223-8850
FAX: (772) 223-8851

W. THEMIL CORGROU

WWW.THEMILCORGROUP.COM

CERTIFICATE OF AUTHORIZATION 26

LOCATION MAP

HOPE CENTER FOR AUTISM

STUART, FLORIDA

SHEET NO.

1

**Exhibit 2A
Traffic Projections
Hope Center for Autism
Existing (Industrial)**

Land Use:	General Light Industrial		
ITE Code:	110		
Trip Generation per 1,000 Sq Ft GFA			
X =	8.434		
Daily:	T =	3.79(X) + 57.96	
	T =	90 Total Trips	
Peak hour of adjacent Street Traffic, one Hour Between 7 and 9 a.m.			
	Ln(T) =	0.74Ln(X) + 0.39	
	Ln(T) =	1.97	
	T =	7 Total Trips	
Directional Distribution: 88% entering & 12% exiting			
	Entering:	6 Trips	
	Exiting:	1 Trips	
Peak hour of adjacent Street Traffic, one Hour Between 4 and 6 p.m.			
	Ln(T) =	0.69Ln(X) + 0.43	
	Ln(T) =	1.90	
	T =	7 Total Trips	
Directional Distribution: 13% entering & 87% exiting			
	Entering:	1 Trips	
	Exiting:	6 Trips	
The PM peak generates the highest trip counts.			

**Exhibit 2B
Traffic Projections
Hope Center for Autism
Existing (Office)**

Land Use:	Small Office Building
ITE Code:	712
Trip Generation per 1,000 Sq Ft GFA	
X =	8.434
Daily:	T = 16.19(X)
	T = 137 Total Trips
Peak hour of adjacent Street Traffic, one Hour Between 7 and 9 a.m.	
	T = 1.92(X)
	16 Total Trips
Directional Distribution: 83% entering & 18% exiting	
Entering:	13 Trips
Exiting:	3 Trips
Peak hour of adjacent Street Traffic, one Hour Between 4 and 6 p.m.	
	T = 2.45(X)
	T = 21 Total Trips
Directional Distribution: 32% entering & 68% exiting	
Entering:	7 Trips
Exiting:	14 Trips
The PM peak generates the highest trip counts.	

**Exhibit 2C
Traffic Projections
Hope Center for Autism
Proposed**

Land Use:	Charter Elementary School		
ITE Code:	537		
Trip Generation per Student			
X =	100.000		
Daily:	T =	1.85(X)	
	T =		185 Total Trips
Peak hour of adjacent Street Traffic, one Hour Between 7 and 9 a.m.			
	T =	1.17(X) - 34.68	
			82 Total Trips
Directional Distribution: 53% entering & 47% exiting			
	Entering:		44 Trips
	Exiting:		39 Trips
Peak hour of adjacent Street Traffic, one Hour Between 4 and 6 p.m.			
	T =	0.14(X)	
	T =		14 Total Trips
Directional Distribution: 35% entering & 65% exiting			
	Entering:		5 Trips
	Exiting:		9 Trips
The AM peak generates the highest trip counts.			

Exhibit 2D
Traffic Projections
Total Development

Basis	Existing Industrial	Existing Office	Proposed	Total New Proposed Trips
Weekday Daily	90	137	185	-41
Weekday AM Peak Hour - Enter	6	13	44	24
Weekday AM Peak Hour - Exit	1	3	39	35
Weekday PM Peak Hour - Enter	1	7	5	-3
Weekday PM Peak Hour - Exit	6	14	9	-11

Exhibit 3
Hope Center for Autism
Peak Hour Directional Volume Distribution

Project Total Peak Hour Directional Volume =

35 Vehicle Trips

PM Peak Hour Directional Analysis							
				Project		Service	Project
Road		Link	Lanes	% Assign	Volume	Capacity	Impact
Willoughby Blvd.		Indian St. to SR-714	4L	100%	35	2000	1.75%

SECTION 16, TOWNSHIP 38 SOUTH, RANGE 41 EAST
 PARCEL NUMBER
 16-38-41-012-000-00070-0



PROJECT LOCATION



A=100%
 V=35
 C=2000
 I=1.75%

CALL 48 HOURS
 BEFORE YOU DIG
 811

VERTICAL DATUM	NAD 83
DRAWN	D.W.
PROJECT	HOPE
FILE	EXHIBIT MAPS.dwg

THE
 MILCORP
 GROUP,
 INC.
 CIVIL ENGINEERS
 10975 SE FEDERAL HIGHWAY
 HOBE SOUND, FL 33455
 725 SE PORT ST LUCIE BLVD
 UNIT 104
 PORT ST. LUCIE, FL 34984
 PH: (772) 223-8850
 FAX: (772) 223-8851
 WWW.THEMILCORPGROUP.COM
 CERTIFICATE OF AUTHORIZATION: 28

TRAFFIC ASSIGNMENT MAP

HOPE CENTER FOR AUTISM

STUART, FLORIDA

SHEET NO.

4

A=PROJECT % ASSIGNED
 V=PROJECT VOLUME
 C=SERVICE CAPACITY
 I=PROJECT IMPACT