



City of Stuart

A G E N D A
LOCAL PLANNING AGENCY / PLANNING ADVISORY BOARD
TO BE HELD SEPTEMBER 9, 2021
AT 5:30 PM
121 SW FLAGLER AVENUE, STUART FL 34994
121 S.W. FLAGLER AVE. STUART, FLORIDA 34994

LOCAL PLANNING AGENCY

Chair - Kelly Laurine
Board Member - Margaret Bromfield
Board Member - Larry Massing
Board Member - Bill Mathers
Board Member - VACANT
Board Member - Ryan Strom
Board Member - Jackie Vitale

ADMINISTRATIVE

Development Director, Kev Freeman
Board Secretary, Jordan Pinkston

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 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.

CALL TO ORDER

ROLL CALL

Appointment of Local Planning Agency Board Member to Vice Chair.

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

APPROVAL OF MINUTES

Approval of April 8, 2021 Minutes

Approval of April 29, 2021 Minutes

COMMENTS FROM THE PUBLIC ON NON-AGENDA ITEMS (3 Minutes Max.)

COMMENTS FROM THE BOARD MEMBERS

ACTION ITEMS

1. (Request item be continued to October 14, 2021 or sooner by special meeting, if available)

ORDINANCE 2472-2021; 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 9.43 ACRE PARCEL ANNEXED BY ORDINANCE NO. 1527-97, OWNED BY TED GLASRUDD ASSOCIATES FL LLC, LOCATED ON THE SOUTH EAST CORNER OF SE INDIAN STREET AND SE COMMERCE AVENUE, 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 SILVERTHORN RPUD CONSISTING OF EIGHTY SIX (86) 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.

2. ORDINANCE 2473-2021: AN ORDINANCE OF THE CITY OF STUART AMENDING THE COMPREHENSIVE PLAN; ADDING ELEMENT 12 - A NEW PROPERTY RIGHTS ELEMENT; AMENDING ELEMENT 1 - FUTURE LAND USE ELEMENT; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

STAFF UPDATE

ADJOURNMENT

**CITY OF STUART, FLORIDA
AGENDA ITEM REQUEST
Local Planning Agency**

Meeting Date:9/9/2021

Prepared by:Jordan Pinkston

Title of Item:

Appointment of Local Planning Agency Board Member to Vice Chair.

Summary Explanation/Background Information on Agenda Request:

Elect Vice Chair.

Funding Source:

N/A.

Recommended Action:

Elect Vice Chair.

**CITY OF STUART, FLORIDA
AGENDA ITEM REQUEST
Local Planning Agency**

Meeting Date:9/9/2021

Prepared by:Jordan Pinkston

Title of Item:

Approval of April 8, 2021 Minutes.

Summary Explanation/Background Information on Agenda Request:

N/A.

Funding Source:

N/A.

Recommended Action:

Approve.

ATTACHMENTS:

Description	Upload Date	Type
📎 LPA Minutes_4.8.2021	9/1/2021	Cover Memo



MINUTES

**LOCAL PLANNING AGENCY/PLANNING ADVISORY BOARD
TO BE HELD APRIL 8, 2021 AT 5:30PM
COMMISSION CHAMBERS
121 SW FLAGLER AVE.
STUART, FL 34994**

LOCAL PLANNING AGENCY

**Chair – Kelly Laurine
Vice Chair – Christina de la Vega
Board Member – Margaret Bromfield
Board Member – Ryan Strom
Board Member – Larry Massing
Board Member – Bill Mathers
Board Member – Jackie Vitale
Ex Officio Board Member – Garrett Grabowski**

ADMINISTRATIVE

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

CALL TO ORDER  **5:30 PM**

ROLL CALL

Present: Margaret Bromfield, Kelly Laurine, Jackie Vitale, Ryan Strom, Larry Massing,
Absent: Bill Mathers, Christina de la Vega

PLEDGE OF ALLEGIENCE  **5:31 PM**

APPROVAL OF MINUTES

MOTION: Approval of February 11, 2021 LPA Minutes

Action: Approve.

Moved by: Larry Massing

Second by: Jackie Vitale

Motion passed unanimously.

MOTION: Approval of March 11, 2021 LPA Minutes

Action: Approve.

Moved by: Ryan Strom

Second by: Jackie Vitale

Motion passed unanimously.

APPROVAL OF AGENDA

Action: Approve.

Moved by: Jackie Vitale

Second by: Ryan Strom

Motion passed unanimously.

COMMENTS FROM THE PUBLIC ON NON-AGENDA ITEMS (3 minutes max): None.

COMMENTS FROM THE BOARD MEMBERS ON NON-AGENDA ITEMS: None.

Margaret Bromfield arrived to the meeting.  5:34 PM

ACTION ITEMS:

1. **PALMETTO COVE RPUD - REZONING TO RPUD (QUASI-JUDICIAL)(RC):
ORDINANCE No: 2463-2021: AN ORDINANCE OF THE CITY COMMISSION OF
THE CITY OF STUART, FLORIDA, REZONING TWO PARCELS ON EITHER
SIDE OF A 11' PUBLIC RIGHT OF WAY (ALLEY) ALONG SW PALM CITY
ROAD, ON THE SOUTHWEST INTERSECTION OF SW HALPATIOKEE STREET,
TOTALING 0.97 ACRES FROM RESIDENTIAL MULTIFAMILY/OFFICE (R-3) TO
RESIDENTIAL PLANNED UNIT DEVELOPMENT (RPUD); ESTABLISHING THE
"PALMETTO COVE" RPUD CONSISTING OF THIRTEEN (13) MULTIFAMILY
UNITS WITHIN TWO (2) INDIVIDUAL TWO-STORY TOWNHOME
BUILDINGS; WITH SAID LANDS BEING MORE FULLY DESCRIBED IN
EXHIBIT "A" ATTACHED; APPROVING A DEVELOPMENT 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: Tom Reetz, Senior Planner

Terry McCarthy, McCarthy & Associates

Michael Faulkner, Southern Landmark Homes

PUBLIC COMMENT (3 minute max):  5:45 PM

1. Michelle Narson Kassay (SW Palm City Road) – Property owner south of the development. Likes the plan but is concerned about the zoning change and potential for future growth.
2. Terry Silcox (SW St. Lucie Crescent) – Likes the look of the project but concerned about the zoning change request allowing for more flexibility. Concerned about water runoff and height requirements related to water problems.
3. James Flynn (Flora Belle Lane) – Concerned about the zoning change and asked how it works for the future. Would like to know about stormwater runoff.
4. Robin Cartwright (SE Hibiscus Ave) – Concerned about general developments not being affordable housing. Gave examples of the negative impacts this project and others will have in the surrounding community.

Bill Mathers arrived to the meeting.  5:45 PM

BOARD COMMENT:

Terry McCarthy addressed statements made during public comments. He described that the PUD is a “what you see is what you get” situation and if a change is requested it will come back before the board.

Kev Freeman reassured the neighbors that the land plan they saw is the development agreement, so that is what they will see. He addressed the concerns about storm water and assured the public that there would be future public hearings if a change is requested.

Kelly Laurine asked about the vegetation buffer exemption.

Discussion about the vegetation buffers occurred.

Jackie Vitale asked about traffic.

Mike Mortell explained that Palm City Road is a Martin County road and we cannot make any changes to traffic on that road.

PUBLIC COMMENT (3 minute max):  5:45 PM

5. Terry Silcox (SW St. Lucie Crescent) – Commented about the traffic congestion on the road and throughout her neighborhood.

BOARD COMMENT:

Jackie Vitale asked for clarification of the PUD process.

Kev Freeman explained the application process.

Larry Massing addressed that this is a small request and is a refreshing change to what the board typically sees.

Ryan Strom asked about Zoning Condition number twelve. He asked for clarification of the location of the walls and Development Condition number twenty-one regarding condo conversion being a townhome for sale.

Staff confirmed that the units will be for sale.

Margaret Bromfield commented that she believes the property is fit for this project.

Bill Mathers asked about 11 lots vs. the PUD and what the applicant is offering the city.

Terry McCarthy said they are donating right of way to the county.

Bill Mathers addressed drainage with suggestions of pervious concrete.

PUBLIC COMMENT (3-minute max):

6. Peter Silcox (SW St. Lucie Crescent) – Commented on the water retention area.

MOTION:

Action: Approve with the following conditions:

1. Denser vegetation buffers are added.
2. Applicant provides locations for (2) bike racks, EV parking space, centralized mailbox.
3. Add a six (6) foot walls along western and southern portions.
4. Remove condition #21.

Moved by: Ryan Strom

Second by: Larry Massing

Motion approved unanimously.

2. FLAMINGO AVENUE; REZONING (RC): ORDINANCE NO. 2465-2021; AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, REZONING FROM (R-1) SINGLE FAMILY TO (R-2) DUPLEX ON THE CITY'S OFFICIAL ZONING MAP FOR 15 (FIFTEEN) FEE SIMPLE OWNED PARCELS, LOCATED BETWEEN S.E. FLAMINGO AVENUE AND S.E. OCEAN AVENUE, NORTH OF S.E. 8TH STREET AND SOUTH OF S.E. OCEAN BOULEVARD; BEING MORE FULLY DESCRIBED IN EXHIBIT "A" ATTACHED; DECLARING THE REZONING 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: Tom Reetz, Senior Planner

PUBLIC COMMENT (3 minute maximum):

1. Helen McBride (Flamingo Avenue) - She explained the annexation that occurred back when she first moved into her home. She is against changing the zoning and does not think it is necessary.
2. Frank McChrystal (No address provided) – Explained the current zoning of neighboring lots. He is concerned about the architecture not matching their current single-family lots and gave examples of his concerns and statistics to support his claim.
3. Jim Rollins (SE 8th Street) – Explained his home's zoning and the reasons for purchasing their lot. Concerned about this change affecting the values of neighboring properties and the flexibility the zoning change will allow.

4. Eric Wickstrom (SE Flamingo Avenue) – Concerned about the reasons behind the request to change zoning and questioned the Comprehensive Plan’s goals.
5. Tamra Lucey (SE Flamingo Avenue) – Explained that she is concerned about the zoning change allowing commercial and taking away affordable housing. She would like her neighborhood to remain single family homes.
6. Christopher Collins (SE Flamingo Avenue) – Is opposed to more duplexes and would like more single-family homes. He wants long term residents who are invested in their property.
7. Jennifer Qador (SE Flamingo Avenue) – Explained the issues that the lots zoned R2 currently have in their neighborhood and concerned about safety regulations being followed.
8. Doug Fitzwater (Hibiscus Avenue) – Representing a current duplex owner in the neighborhood and explained the process he has been going through to try to make improvements to his property, but unable to do so due to current zoning.
9. Albert Buchegor (SE 9th Street) – Explained that they moved there for the neighborhood five years ago. Gave suggestions of what he prefers be on the lot and explained why he does not want duplexes.
10. Helen McBride (SE Flamingo Avenue) – Spoke on behalf of the grandfathered-in duplex to allow them to pull permits to make improvements.

BOARD COMMENT:

Larry Massing explained the past annexation that was done, and recommended staff investigate it.

Kelly Laurine asked staff to explain the reasoning behind the amount of properties being changed.

Mike Mortell that the law does not allow spot zoning, so staff must change the zoning on multiple parcels.

Kev Freeman explained why staff is requesting the zoning change. He said more than 50% of the lots did not conform to the current zoning. He further explained their intent for the request.

Mike Mortell explained the legal reasons behind staff’s request.

PUBLIC COMMENT (3 minute maximum):

11. Jennifer Qador (SE Flamingo Avenue) – asked why the certain lots were annexed in.

BOARD COMMENT:

The board further discussed current zoning and what is allowed for those that were annexed in the past.

Kev Freeman addressed both problems that have come before the board.

PUBLIC COMMENT (3 minute maximum):

12. Name not provided – Addressed his concerns that the neighborhood does not want more duplexes and should only accommodate those who are grandfathered in.
13. Name not provided -- Gave a handout to the board and explained why he does not want the rezoning to move forward because it will have less restrictions.

14. Kevin Logue (SE Dolphin Drive) – Commented about how the current neighborhood owners have improved their lots, but renters do not take care of their properties. Suggested everything being rezoned R1.

BOARD COMMENT:

Ryan Strom said that we do not have to change the zoning at this time.

The board agreed that grandfathered in duplexes should be allowed to make improvements.

Bill Mathers asked about the current building code.

Larry Massing explained that zoning provisions do not allow for non-conforming uses to expand.

Discussion about the process to improve the current duplexes under their current zoning occurred.

MOTION:

Action: Recommend staff not to move forward.

Moved by: Ryan Strom

Second by: Margaret Bromfield

Motion approved unanimously.

STAFF UPDATE: None.

ADJOURNMENT  **7:06 PM**

Kelly Laurine, Chair

Jordan Pinkston, Board Secretary

**CITY OF STUART, FLORIDA
AGENDA ITEM REQUEST
Local Planning Agency**

Meeting Date:9/9/2021

Prepared by:Jordan Pinkston

Title of Item:

Approval of April 29, 2021 Minutes.

Summary Explanation/Background Information on Agenda Request:

N/A.

Funding Source:

N/A.

Recommended Action:

Approve.

ATTACHMENTS:

Description	Upload Date	Type
☐ LPA Minutes 4.29.2021	9/2/2021	Cover Memo



MINUTES

**LOCAL PLANNING AGENCY/PLANNING ADVISORY BOARD
TO BE HELD APRIL 29, 2021 AT 5:30PM
COMMISSION CHAMBERS
121 SW FLAGLER AVE.
STUART, FL 34994**

LOCAL PLANNING AGENCY

**Chair – Kelly Larine
Vice Chair – Christina de la Vega
Board Member – Margaret Bromfield
Board Member – Ryan Strom
Board Member – Larry Massing
Board Member – Bill Mathers
Board Member – Jackie Vitale
Ex Officio Board Member – Garrett Grabowski**

ADMINISTRATIVE

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

CALL TO ORDER  5:32 PM

ROLL CALL

Present: Kelly Laurine, Jackie Vitale, Ryan Strom, Bill Mathers, Christina de la Vega, Margaret Bromfield

Absent: Larry Massing

PLEDGE OF ALLEGIENCE  5:33 PM

APPROVAL OF MINUTES: None.

APPROVAL OF AGENDA

Action: Approve

Moved by: Jackie Vitale

Second by: Ryan Strom

Motion passed unanimously.

COMMENTS FROM THE PUBLIC ON NON-AGENDA ITEMS (3 minutes max): None.

COMMENTS FROM THE BOARD MEMBERS ON NON-AGENDA ITEMS: None.

ACTION ITEMS:

1. **ORDINANCE NO: 2466-2020 - 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 ASSIGNING A FUTURE LAND USE DESIGNATION OF "NEIGHBORHOOD SPECIAL DISTRICT" TO THE 49+/- ACRE PROPERTY, OWNED BY NEHME HOLDINGS, LLC AND WILLOUGHBY GROUP, LLC LOCATED ALONG SR-76 KANNER HIGHWAY, SOUTH OF MARTIN COUNTY HIGH SCHOOL AND ABUTTING LYCHEE TREE NURSERY; SAID LAND, ANNEXED BY ORDINANCE No. 2327-2016 AND ORDINANCE No. 2337-2017, BEING MORE FULLY DESCRIBED IN EXHIBIT "A" ATTACHED; AND CONCURRENTLY ASSIGNING "CPUD" ZONING TO SAID LAND ON THE CITY'S OFFICIAL ZONING MAP; ESTABLISHING THE KANNER CPUD COMMERCIAL PLANNED UNIT DEVELOPMENT, CONSISTING OF 162,020 SQUARE FEET OF RETAIL, BULK MERCHANDISE, AND AUTOMOBILE REPAIR SERVICES BUILDING FOOTPRINT WITH A STAND ALONE KIOSK AND FUEL FACILITY, 398 RESIDENTIAL APARTMENT UNITS AND RETAIL AND RESTAURANT PADS PROVIDING FOR APPROVAL OF A MASTER SITE PLAN; PROVIDING FOR DEVELOPMENT CONDITIONS, INCLUDING A TIMETABLE OF DEVELOPMENT; DECLARING THE PROJECT TO BE CONSISTENT WITH THE CITY'S COMPREHENSIVE PLAN; PROVIDING DIRECTIONS TO THE CITY CLERK; REPEALING ALL ORDINANCES IN CONFLICT HERewith; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE, PROVIDING FOR ACCEPTANCE BY THE APPLICANT AND FOR OTHER PURPOSES.**

PRESENTATION: Tom Reetz, Senior Planner
Bob Raynes, Gunster Law Firm
Doug Fitzwater, Lucido & Associates
Joe Marino, M&M Realty Partners
Mark Man, Costco Representative

 5:57 PM

Margaret Bromfield arrived to the meeting.  5:43 PM

PUBLIC COMMENT (3 minute max):  5:59 PM

1. Debbie Schelmety (SW Woodland Terrace) – Live in Palm City. Supports the project for multiple reasons.

2. Michael Craig (SE Doubleton Drive) – Willoughby resident. Concerned about congestion, location, Lychee Tree sustainability, over development, traffic, road design.
3. Lisa Miller (NW Fork Road) – Martin County native. Stated that she approves of growth but is concerned about traffic and would like Costco in a different location.
4. Linda Kay Richards (SW Cabana Point Ct.) – Opposes the project. Gave examples of why she believes the project does not comply with code.
5. Jerry Kyckelhann (SW Sandpiper Way) – Opposes the project with Costco and an apartment complex. (Presented the board with the Costco Site Plan for the record). Gave examples of why he believes the project is not a PUD and does not meet code. Concerned about traffic, fire codes, traffic design, dumpster.
6. Robert Snyder (S. Kanner Highway) – Speaking on behalf of the Lychee Tree. Spoke about his meeting with the developer and how they do not support the project. Concerned about pollution, traffic, safety, and small businesses. Opposed to changing the future land use zoning, not against development on the land.
7. Doris DiPino (SE Sterling Circle) – Supports the project. Spoke about the benefits of Costco.
8. Robin Cartwright (SE Hibiscus Avenue) – Opposes the project due to the location. Explained that she does think the proposal fits with the surrounding properties and it is overdevelopment that does not meet the Comprehensive Plan.
9. Jennifer Snyder (S. Kanner Highway) – Opposes the project. Encouraged the board to do their research on the property. Concerned about the river, students, evacuation routes, traffic, ecosystem and more.
10. Tom Loyd (SW Cabana Point Circle) – Is a member of Costco but does not believe that this is the right site for the project. Addressed the single family homes on the other side of Kanner.
11. Lydia Snyder (S. Kanner Highway) – Family owns the Lychee Tree Nursery. Not opposed to development but gave examples of reasons why she does not approve of the project.
12. Nancy Bates (SW Cabana Point Circle) – Opposed to the project. Spoke about trash, traffic, pollution, and overdevelopment.
13. Kerry Sees (SW 29th Street) – No show.
14. Kelly Middleton (Islesworth Circle) – Martin County resident and teacher. Founder of Stop Costco groups. Explained their concerns and why they are not in support of the project, such as traffic, student safety, over growth, apartments, gas station, and hurricane evacuation routes.
15. Brain DiVentura (NW Canal Way) – Expressed his concerns about wetlands, environmental impacts and SFWMD permitting.
16. Sharon Storms (SE Woodlake Lane) – No show.
17. Michele Reily – General Manager of Willoughby. Expressed concerns about traffic onto Willoughby Blvd. and has been speaking with Bob Raynes regarding the concern.
18. Kimberly Everman (PO Box) – Capital Planner with Martin County School District. Requested the following entered into site plan: enhanced crossing signals at intersections, bus stop on Kanner and/or by the roundabout, full crosswalks at each curb cut of Kanner and Willoughby, concurrency analysis in the next phase.
19. Helen McBride (SE Flamingo) – Supports Costco. Concerned about greenspace, safety of students.

Break.

Meeting called back to order:  6:51 PM

PUBLIC COMMENTS VIA ZOOM

20. Carol A. Snyder – Opposes the project.

BOARD COMMENT:



6:56 PM

Bob Raynes clarified public comments that were made regarding Lychee Tree Nursery, future land use designation, the past Martin County site proposal, new project being built on the past Palm City site, and School District requests.

Kelly Laurine, Jackie Vitale, Ryan Strom, Margaret Bromfield, and Bill Mathers disclosed that they have spoken with the applicant.

Kelly Laurine asked for confirmation that fire safety was addressed and density.

Bob Raynes confirmed they are reflected on the current site plan.

Staff confirmed that the Comprehensive Plan states regarding the future land use density.

Discussion regarding the safety of students and communications with the Martin County School Administration occurred.

Ryan Strom asked for the traffic engineer to discuss the potential impacts of the development.

Susan O'Rourke explained the review process, current traffic concurrency, cross accesses, crosswalks, signage, school zones, state regulations and driveways.

Doug Birkbank explained truck loading zones, trash compactor process and locations.

Cristina de la Vega asked for confirmation of the location of the trash compactors and thinks it could be a problem for the residents behind the proposed location. She recommended using the parking spaces as a buffer and wrap around the building.

Doug Birkbank explained the reasons why they chose that layout.

Margaret Bromfield asked about the location of the roundabout.

Susan O'Rourke addressed her concerns.

Kelly Laurine asked for clarification that Kanner Highway is at 1/3 of its capacity.

Susan O'Rourke clarified the statistics determined by the County and the traffic growth potential with the project.

Jackie Vitale voiced her concerns about housing. She suggested not having a gate, affordability, and a varied housing stock to create a neighborhood feel.

Margaret Bromfield addressed affordable housing.

Mike Mortell explained a housing ordinance that was passed regarding offsetting housing costs.

Jackie Vitale addressed concerns about the applicant's tree mitigation request.

Bob Raynes clarified his proposal for tree mitigation.

EDC of Port Saint Lucie explained stormwater treatment types being used.

Jackie Vitale suggested rain gardens and voiced her concerns about removing wetlands. She spoke about connectivity and suggested 8-foot sidewalks, bike lanes and sidewalk connections.

Doug Fitzwater addressed her concerns.

Discussion continued about connectivity, pedestrian friendly stops, potential tax income.

Kev Freeman explained the levels of taxation that will come from the project and potential impact.

Ryan Strom asked about unified control.

Bob Raynes explained that unified control will be a part of the project. The roadway will be open to the public, but privately maintained.

Discussion regarding the mix of uses on the proposal occurred.

Staff clarified the density calculation based on the Comprehensive Plan.

Ryan Strom addressed proposed landscaping, open space and vegetation requirements.

Doug Fitzwater addressed vegetation areas and open space.

Staff clarified the parking calculation.

Mark Man, Warehouse Manager for Costco in Palm Beach County spoke about the potential job opportunities.

Margaret Bromfield presented concerns about an additional gas station.

Doug Birbank addressed her concerns.

Christina de la Vega asked for clarification about vegetation and landscaping proposed. She voiced her concerns about shade in the parking lot and requested a bridge across the retention lake behind the apartments.

EDC explained why they could not add a bridge and clarified the current lakes on the property.

Christina de la Vega asked about the measurements of consecutive concrete and her concerns about accessibility.

Doug Fitzwater clarified the location of access points.

Bill Mathers asked for confirmation on the ownership of the property for platting purposes. He requested engineers look into utility easements and fire lines.

EDC confirmed that they have been in discussion with the public works department and fire inspector.

Discussion about the phases of the roads, traffic signal and Marty transportation occurred.

Ryan Strom asked for confirmation that the School Board's concurrency report will happen before the Final Site Plan.

Staff confirmed the process.

The board discussed affordable and livability housing on the property.

Parking, landscaping and open space was discussed.

Staff addressed parking concerns.

Ryan Strom expressed that he does not think the residential piece is fitting.

Joe Marino addressed the board's concerns and provided them with a more detailed explanation of the proposed plan. He explained what helps make the project affordable with a high amenity project.

Kelly Laurine asked for board clarification on what they are looking for by saying "housing creativity".

Jackie Vitale clarified what she is suggesting regarding housing.

Joe Marino said that he was happy to work with staff on architecture and design.

The board continued to discuss alternatives with the design and parking.

PUBLIC COMMENTS:

21. Robin Cartwright (SE Hibiscus Avenue) – Asked for clarification of the approval process for the project.
22. Barry Lezark (SW Cherokee Street) – Opposed to the project. Concerned about traffic and conflict of interest.

Mike Mortell confirmed that being a member of Costco is not a conflict of interest.

MOTION:

Action: Approve with the following conditions:

1. Review the architectural, urban design/layout and a variety of unit styles/types/design of the residential portion to get a better sense of community. Including the connectivity through and between parts of the site; internal and external sidewalks/multimodal paths pedestrian safety etc.
2. Add shade trees in the parking area, possibly a reduction in parking spaces.
3. Review design of the lakes to make them less rectangular/formal.
4. Provide an explanation of the calculation that would be used to determine stormwater improvements.
5. Ensure all concerns made by the Martin County School Board be addressed.

Moved by: Bill Mathers
Second by: Ryan Strom
Motion passed unanimously.

STAFF UPDATE: None.

ADJOURNMENT

Action: Approve.
Moved by: Ryan Strom
Second by: Bill Mathers
Motion passed unanimously.

Kelly Laurine, Chair

Jordan Pinkston, Board Secretary

**CITY OF STUART, FLORIDA
AGENDA ITEM REQUEST
Local Planning Agency**

Meeting Date:9/9/2021

Prepared by:Tom Reetz

Title of Item:

(Request item be continued to October 14, 2021 or sooner by special meeting, if available)

ORDINANCE 2472-2021; 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 9.43 ACRE PARCEL ANNEXED BY ORDINANCE NO. 1527-97, OWNED BY TED GLASRUD ASSOCIATES FL LLC, LOCATED ON THE SOUTH EAST CORNER OF SE INDIAN STREET AND SE COMMERCE AVENUE, 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 SILVERTHORN RPUD CONSISTING OF EIGHTY SIX (86) 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:

Staff has reviewed the applicants proposal for the 86 town-home project being proposed for the 9.43 acre site located at the south east corner of SE Indian Street and SE Commerce Avenue. An environmental assessment report was prepared for the project that found no native upland habitat present on the property, however, Section 2.07.00D.4.d. of the City's Land Development Code requires not less than 25 percent of the development site to remain as undeveloped native vegetation area.

Therefore, staff is requesting the continuation of this agenda item to the next regularly scheduled board meeting on October 14, 2021 (or sooner by special meeting, if available. Re-notification of the hearing may be required) to give the applicant more time to prepare plans to meet the on site native vegetation (upland preserve) requirement.

Funding Source:

N/A.

Recommended Action:

Continue agenda item for Ordinance 2472-2021 to October 14, 2021.

CITY OF STUART, FLORIDA AGENDA ITEM REQUEST Local Planning Agency

Meeting Date:9/9/2021

Prepared by:Kev Freeman / Erin Wohlitka

Title of Item:

ORDINANCE 2473-2021: AN ORDINANCE OF THE CITY OF STUART AMENDING THE COMPREHENSIVE PLAN; ADDING ELEMENT 12 - A NEW PROPERTY RIGHTS ELEMENT; AMENDING ELEMENT 1 - FUTURE LAND USE ELEMENT; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Summary Explanation/Background Information on Agenda Request:

This text amendment to the City's Comprehensive Plan addresses two matters:

1. **Exhibit A.** The introduction of a Property Rights Element into the Comprehensive Plan. This model element is in accordance with the provisions of SB 59 (Fla. Stat. § 163.3177(6)(i)), passed during the 2021 Florida Legislative Session, signed into law by Gov. DeSantis, and incorporated into Florida's Community Planning Act.

Every city and county in Florida shall "include in its comprehensive plan a property rights element." The City must adopt this new element "by the earlier of the date of its adoption of its next proposed plan amendment that is initiated after July 1, 2021, or the date of the next scheduled evaluation and appraisal of its comprehensive plan." The text of the proposed element is based on a model element authored by the 1000 Friends of Florida. The New element also removes existing property rights policies from Element 1 (see Exhibit B) of the City's Comprehensive Plan and replaces them with equivalent language within the new element.

2. **Exhibit B.** The text amendment also proposes to fix an issue within the table of future land uses within Element 1. The proposal removes the mandatory requirement to have 25% of residential within the marine/Industrial designation by increasing the non-residential limit from 75% to 100%.

Funding Source:

N/A.

Recommended Action:

Motion to approve the Comprehensive Plan text amendment and to move the item to the City Commission.

ATTACHMENTS:

Description	Upload Date	Type
□ A.1 Ordinance 2473-2021	8/30/2021	Ordinance add to Y drive

Return to:

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

ORDINANCE No. 2473-2021

AN ORDINANCE OF THE CITY OF STUART AMENDING THE COMPREHENSIVE PLAN; ADDING ELEMENT 12 - A NEW PROPERTY RIGHTS ELEMENT; AMENDING ELEMENT 1 - FUTURE LAND USE ELEMENT; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, Section 163.3167, Florida Statutes, requires The City of Stuart to maintain a comprehensive plan to guide its future development and growth; and

WHEREAS, Section 163.3177(6)(i)1., Florida Statutes, requires The City of Stuart comprehensive plan to include a property rights element; and

WHEREAS, The City of Stuart respects judicially acknowledged and constitutionally protected private property rights; and

WHEREAS, the City of Stuart respects the rights of all people to participate in land use planning processes; and

WHEREAS, the existing Policy 1.A7.7 of the future land use element of the City of Stuart comprehensive exists to protect property owners from any unreasonable or unfair burden placed upon them by a development order issued by the City; and

WHEREAS, the existing Policy 1.A7.7 of the future land use element of the City of Stuart comprehensive plan recognizes the effectiveness of F.S. § 70.051 (Florida Land Use and Environmental Dispute Resolution Act), in resolving disputes and assuring that any potentially unreasonable or unfairly burdensome development order of the City is properly identified and that all private property rights are

given an opportunity for adequate dispute resolution, if required by law and requested by the property owner; and

WHEREAS, existing Policy 1.A7.7 of the future land use element of the City of Stuart comprehensive grants relief to property owners where a development order is disputed as being unreasonable or unfairly burdensome by a property owner; and

WHEREAS, this ordinance will amend the comprehensive plan by adding a property rights element and include all existing language from existing Policy 1.A7.7 to be within the property rights element at Policy 12.5;

WHEREAS, the Table of Land Use Densities and Intensities within the Future Land Use Element of the comprehensive plan limits the maximum non-residential development within the Marine Industrial Future Land Use category to 75%, and

WHEREAS, the requirement to include 25% residential within the Marine Industrial Future Land use may restrict the beneficial economic development of such land use by mandating a potentially incompatible use, and

WHEREAS, this amendment was presented to the Local Planning Agency at its meeting of September 9th, 2021.

WHEREAS, the City Commission, has considered the Petitioner's voluntary request for annexation, and has also considered the recommendation of the Stuart Local Planning Agency and City staff.

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

SECTION 1. Findings. The City Commission finds the above statements are true and correct and serve as a basis for consideration of this ordinance.

SECTION 2. Amendment. The City of Stuart comprehensive plan is amended by adding the property rights element attached as **EXHIBIT A** and amending the future land use element attached as **EXHIBIT B** and made a part of this ordinance as if set forth in full.

SECTION 3. Repeal of Conflicting Ordinances. All Ordinances, Resolutions or parts of Ordinances and Resolutions in conflict herewith are hereby repealed.

SECTION 4. Severability. If any word, clause, sentence, paragraph, section or part thereof contained in this Ordinance is declared to be unconstitutional, unenforceable, void or inoperative by a court of competent jurisdiction, such declaration shall not affect the validity of the remainder of this Ordinance.

SECTION 5. The effective date of this plan amendment: If the amendment is not timely challenged, shall be 31 days after the state land planning agency notifies the local government that the plan amendment package is complete. If the amendment is timely challenged, this amendment shall become effective on the date the state land planning agency or the Administration Commission enters a final order determining this adopted amendment to be in compliance. No development orders, development permits, or development dependent on this amendment may be issued or commence before it has become effective.

SECTION 9. Adoption. Upon complete execution of this Ordinance, 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 ____ day of _____,

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:

EULA R. CLARKE, MAYOR
MERRITT MATHESON, VICE MAYOR
BECKY BRUNER, COMMISSIONER
TROY MCDONALD, COMMISSIONER
MIKE MEIER, COMMISSIONER

YES	NO	ABSENT	ABSTAIN

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

ATTEST:

MARY R. KINDEL
CITY CLERK

EULA R. CLARKE
MAYOR

APPROVED AS TO FORM
AND CORRECTNESS:

MICHAEL J. MORTELL, ESQ.
CITY ATTORNEY

Exhibits

EXHIBIT A*********Element 12 – PROPERTY RIGHTS ELEMENT Goals, Objectives, and Policies City of Stuart, Florida.

Goal Statement 12 - The City of Stuart will make planning and development decisions with respect for property rights and with respect for people's rights to participate in decisions that affect their lives and property.

Objective 12 - The City of Stuart will respect judicially acknowledged and constitutionally protected private property rights.

Policy 12.1 The City of Stuart will consider in its decision-making the right of a property owner to physically possess and control his or her interests in the property, including easements, leases, or mineral rights.

Policy 12.2 The City of Stuart will consider in its decision-making the right of a property owner to use, maintain, develop, and improve his or her property for personal use or for the use of any other person, subject to state law and local ordinances.

Policy 12.3 The City of Stuart will consider in its decision-making the right of the property owner to privacy and to exclude others from the property to protect the owner's possessions and property.

Policy 12.4 The City of Stuart will consider in its decision-making the right of a property owner to dispose of his or her property through sale or gift.

Policy 12.5 It is the policy of the City of Stuart that no development order issued by the City shall be unreasonable or shall unfairly burden the land of a property owner. Accordingly, the City recognizes the effectiveness of F.S. § 70.051 (Florida Land Use and Environmental Dispute Resolution Act), in resolving disputes and assuring that any potentially unreasonable or unfairly burdensome development order of the City is properly identified and that all private property rights are given an opportunity for adequate dispute resolution, if required by law and requested by the property owner.

Policy 12.6 Where a development order is disputed as being unreasonable or unfairly burdensome

by a property owner, the use of the relief in F.S. § 70.051 is specifically encouraged as a means of identifying and resolving any unreasonable or unfair burden on the use of an owner's property.

Policy 12.7 The relief to which an owner may be entitled shall be the following:

- a. Granting of a permit for development consistent with the relief recommended by a special magistrate, or as otherwise agreed upon by the property owner and the City.

Policy 12.8 Development approved pursuant to the protections in F.S. § 70.051 shall be consistent with all other objectives and policies of the Comprehensive Plan and Land Development Code.

EXHIBIT B**ELEMENT 1 - FUTURE LAND USE ELEMENT GOALS, OBJECTIVES, AND POLICIES
CITY OF STUART, FLORIDA*************OBJECTIVE 1.A7. - FUTURE LAND USE CATEGORIES.*************TABLE OF LAND USE DENSITIES AND INTENSITIES**

		Residential			Non-Residential			
			UPUD, RPUD or Major UCE ²					
Land Use Category	In/Out CRA ¹	General	Not ALF ⁴	ALF	% Residential	General	>2.0 FAR ₃	% Non- residential
Low Density Residential	NA	<8.72 du/ac to 11.62 du/ac ⁵	<8.72 du/ac to 11.62 du/ac ⁵	none	95-100%	<0.75 FAR		0—5%
Multi-Family Residential	In	<15 du/ac	<30 du/ac	<30 du/ac	70—100%	<3.0 FAR	<20 ac	0—30%
	Out	<10 du/ac to 11.62 du/ac ⁹	<30 du/ac	<30 du/ac	70—100%	<0.5 FAR		0—30%
Commercial	In	<15 du/ac	<15	<30 du/ac	0—15%	<3.0 FAR	<50 ac	85—100%
	Out	<10 du/ac	<10	<30 du/ac	0—15%	<1.5 FAR		85—100%
Office/Residential	In	<15 du/ac	<30 du/ac	<30 du/ac	0—25%	<3.0 FAR	<10 ac	75—100%
	Out	<10 du/ac to 11.62 du/ac ⁹	<30 du/ac	<30 du/ac	0—25%	<1.5 FAR		75—100%
Industrial	In	None			0%	<3.0 FAR	<10 ac	100%
	Out	None			0%	<1.0 FAR		100%

Public		None			0%	<1.0 FAR		100%
Institutional		<10 du/ac	<30 du/ac	<30 du/ac	0%	<0.75 FAR		100%
Recreation		None				<0.5 FAR		100%
Downtown Redevelopment		<15 du/ac ⁸	<30 du/ac	<30 du/ac	0—70%	<4.0 FAR	<50 ac	0—70% ⁶
Neighborhood/Special District	In	<15 du/ac		<30 du/ac	30—90%	<3.0 FAR	<10 ac	10—70%
	Out	<15 du/ac		<30 du/ac	30—90%	<2.0 FAR		10—70%
East Stuart	NA	<17 du/ac	<30 du/ac	<30 du/ac	70—100%	<1.5 FAR		0—30%
Conservation		None			0%	<10% ISR		100%
Marine/Industrial		<15 du/ac	<15 du/ac	NA	0—25%	<3.0 FAR	<5 ac	0— 75 <u>100</u> %

Policy 1.A7.7. Property Rights: Cross reference Element 12: Property Rights Element.

~~It is the policy of the City of Stuart that no development order issued by the City shall be unreasonable or shall unfairly burden the land of a property owner. Accordingly, the City recognizes the effectiveness of F.S. § 70.051 (Florida Land Use and Environmental Dispute Resolution Act), in resolving disputes and assuring that any potentially unreasonable or unfairly burdensome development order of the City is properly identified and that all private property rights are given an opportunity for adequate dispute resolution, if required by law and requested by the property owner.~~

~~Where a development order is disputed as being unreasonable or unfairly burdensome by a property owner, the use of the relief in F.S. § 70.051 is specifically encouraged as a means of identifying and resolving any unreasonable or unfair burden on the use of an owner's property.~~

~~The relief to which an owner may be entitled shall be the following:~~

- ~~a) Granting of a permit for development consistent with the relief recommended by a special magistrate, or as otherwise agreed upon by the property owner and the city;~~

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- b) ~~Development approved pursuant to the protections in F.S. § 70.051 shall be consistent with all other objectives and policies of the Comprehensive Plan and Land Development Code.~~