City of Stuart

A G E N D A
LOCAL PLANNING AGENCY / PLANNING ADVISORY BOARD
TO BE HELD AUGUST 20, 2020
AT 5:30 PM
COMMISSION CHAMBERS & ZOOM TELECOMMUNICATIONS
121 S.W. FLAGLER AVE. STUART, FLORIDA 34994

LOCAL PLANNING AGENCY

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

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

THIS MEETING WILL BE A HYBRID IN PERSON/REMOTE MEETING.

In Person: City Hall can accommodate a small number of citizen participants.

Teleconference: Citizens can attend from the comfort of their home via telephone, computer, laptop, tablet or smartphone. Click the below link or call the below phone number to attend.

The City reserves the right to revoke anyone's virtual attendance for cause, just as the sergeant at arms would at an in person meeting.

JOIN MEETING:
By Device-
https://us02web.zoom.us/j/84970526390

If you wish to speak during public comment, click raise hand at bottom of window. Your microphone will be unmuted when you are called to speak. Your microphone will be deactivated once you have completed your comment.

By Telephone-
Meeting ID: 849 7052 6390
Dial In numbers:
+1 312 626 6799 US
+1 646 558 8656 US
+1 253 215 8782 US
+1 301 715 8592 US

If you wish to speak during public comment press *9 to raise your hand. You will be called by your partially displayed phone number so please listen for that number. The host will lower your hand and mute your line after speaking.

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES

COMMENTS FROM THE PUBLIC ON NON-AGENDA ITEMS

COMMENTS FROM THE BOARD MEMBERS

ACTION ITEMS

1. Staff update: Amended LPA meeting schedule.

ORDINANCES

2. ANNEXATION OF INDUSTRIAL PROPERTY (QUASI-JUDICIAL):

ORDINANCE No. 2443-2020; AN ORDINANCE OF THE CITY OF STUART, FLORIDA, ANNEXING TWO PARCELS OF LAND SOUTH OF SE MARKET PLACE AND EAST OF SE COMMERCE AVENUE, CONSISTING OF 2.01 AND .92 ACRES EACH, 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; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

3. FUTURE LAND USE AND IPUD DESIGNATION (QUASI-JUDICIAL):

ORDINANCE No. 2444-2020; AN ORDINANCE OF THE CITY OF STUART, FLORIDA, AMENDING THE FUTURE LAND USE MAP OF THE CITY'S COMPREHENSIVE PLAN AND THE CITY'S ZONING MAP FOR TWO PARCELS OF LAND LOCATED SOUTH OF SE MARKET PLACE AND EAST OF SE COMMERCE AVENUE, CONSISTING OF 2.01 AND .92 ACRES EACH, SAID PARCELS BEING MORE FULLY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO; THEREBY ESTABLISHING A FUTURE LAND USE DESIGNATION FOR BOTH PARCELS TO "INDUSTRIAL" AND CONCURRENTLY A ZONING DESIGNATION OF "INDUSTRIAL PLANNED UNIT DEVELOPMENT" (IPUD), WHICH SHALL BE REFLECTED ON THE CITY'S OFFICIAL ZONING MAP; APPROVING A FINAL SITE PLAN; PROVIDING DIRECTIONS TO THE CITY CLERK; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

STAFF UPDATE

ADJOURNMENT

CITY OF STUART, FLORIDA
AGENDA ITEM REQUEST
Local Planning Agency

Meeting Date: 8/20/2020 **Prepared by:** David Dyess, City Manager

Title of Item:

THIS MEETING WILL BE A HYBRID IN PERSON/REMOTE MEETING.

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Summary Explanation/Background Information on Agenda Request:

Funding Source:

Recommended Action:

1.

CITY OF STUART, FLORIDA
AGENDA ITEM REQUEST
Local Planning Agency

Meeting Date:8/20/2020 **Prepared by:**Kev Freeman

Title of Item:
Staff update: Amended LPA meeting schedule.
Summary Explanation/Background Information on Agenda Request:
The following dates are proposed in respect of Local Planning Agency (LPA) regularly scheduled meetings:

The proposed schedule will move the LPA meetings from the 3rd Thursday of each month to the 2nd Thursday of each month. The change being made in September.

The schedule would then be
September 10th, 2020
October 8th, 2020
November 12th, 2020
December 10th, 2020

Managers Note
This allows for a 10 day separation between LPA and commission meeting rather than a 3 day separation. This will assist with the new state development timelines.

Funding Source:
N/A
Recommended Action:
Note new LPA meeting dates

2.

CITY OF STUART, FLORIDA
AGENDA ITEM REQUEST
Local Planning Agency

Meeting Date: 8/20/2020 **Prepared by:** Tom Reetz

Title of Item:
ANNEXATION OF INDUSTRIAL PROPERTY (QUASI-JUDICIAL):

ORDINANCE No. 2443-2020; AN ORDINANCE OF THE CITY OF STUART, FLORIDA, ANNEXING TWO PARCELS OF LAND SOUTH OF SE MARKET PLACE AND EAST OF SE COMMERCE AVENUE, CONSISTING OF 2.01 AND .92 ACRES EACH, 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; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

Summary Explanation/Background Information on Agenda Request:

This item was continued from last month's regularly scheduled LPA meeting.

The application is concurrent to, and precedes an application for, a future land use designation of “Industrial” and a zoning designation of “Industrial Planned Unit Development (IPUD)” on the same property.

The annexation request relates to a 2.01 acre parcel together with an adjoining 0.92 acre parcel, located on the west side of SE Commerce Avenue south of SE Market Place in unincorporated Martin County.

The property has existing improvements consisting of concrete and stabilized vehicular use areas with approximately 8,371 sq.ft. metal building and 8,670 sq. ft of covered area used for sorting metal. The facility provides a much-needed service to the community as a receiving site for various metals to be sorted and processed for recycling.

COMPREHENSIVE PLAN:
Future Land Use Element: Policy A7.5. Properties that are *annexed* into the City shall be given a City land use designation as soon as possible after the *annexation* is finalized.

Future Land Use Element: Policy B1.4. *Annexation* and redevelopment strategies for infill development and redevelopment should be formulated to produce a future viable economy for the City.

Economic Development Element: Policy A1.4. The City will encourage the designation and preservation of *industrial* land for *industrial* uses.

Economic Development Element: Policy A2.1. The City will encourage the expansion of existing business and *industry* and/or development of new business and *industry* in appropriate locations, as feasible and applicable, in order to maximize the use of existing public services and infrastructure.

Capital Improvement Element: Policy A7.2. The City shall consider for *annexation* only those parcels of land which may be lawfully *annexed* pursuant to F.S. ch. 171.

The City Attorney finds the attached application to be in order and in compliance with Florida Statute Section 171.044. As called for by Florida Statute, the Martin County BOCC has been notified of the proposed annexation, future land-use amendment and zoning amendment.

Staff are aware that the property is in process of resolving a code violation with Martin County. However, because compliance was not achieved by the compliance date established in the Order Finding Violation, a fine in the amount of $50,000.00 + has accrued. The applicant's attorney has a hearing set with the county's magistrate at its August 12, 2020 meeting. Staff has informed the applicant's attorney that his client will be required to have resolved all issues including payment of any outstanding fines related to the violation before this application is passed onto the City Commission.

Funding Source:
N/A

Recommended Action:
Motion to Approve and move to City Commission subject to resolution of outstanding Martin County Code Enforcement violation.

ATTACHMENTS:

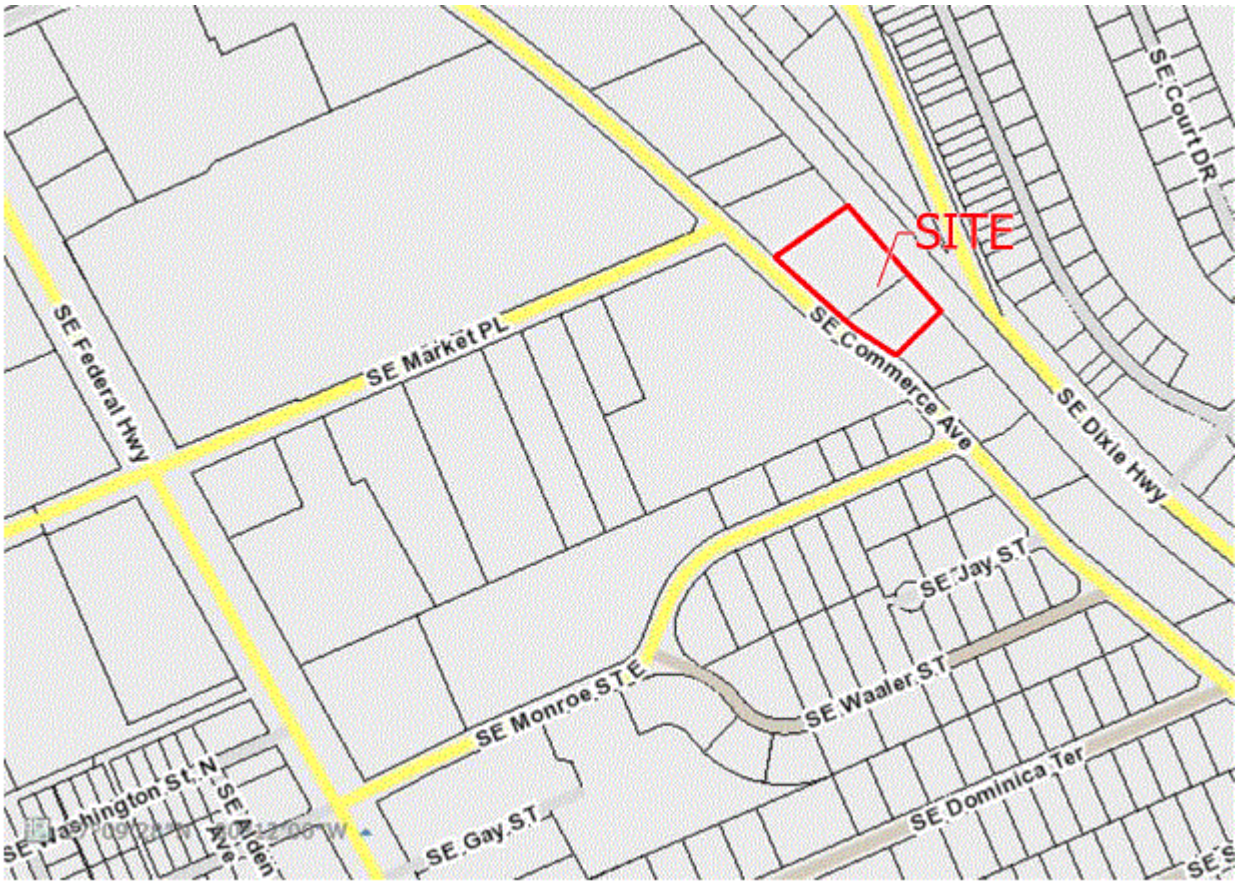
	Description	Upload Date	Type
	A. Staff Report	8/10/2020	Staff Report
	B. Ordinance No. 2443-2020	7/7/2020	Ordinance add to Y drive
	C. Annexation Application	7/7/2020	Backup Material
	D. Location Map	7/7/2020	Backup Material
	E. City Attorney Memo	7/7/2020	Backup Material

CITY OF STUART
Local Planning Agency
August 20, 2020

Project Name: Capital Scrap Metal	**Property Owner:** Barrio2Beach, LLC
Project No.: Z19120005	**Applicant/Petitioner:** Sean Harrigan
Ordinance No: 2443-2020 and 2444-2020	**Agent/Representative:** Mike McCarty
	Case Planner: Tom Reetz

Location: Parcel of land on the west side of SE Commerce Avenue and south of SE Market Place

Parcel #	Parcel ID	Address	Acreage	Current FLU	Current Zoning
1	38-38-41-002-208-0000-1	3951 SE Commerce	2.01	(MC) Ind.	(MC) M-2
2	38-38-41-002-208-00003-8	3951 SE Commerce	.92	(MC)Ind.	(MC) M-2



PROJECT SUMMARY	
Property Size (area)	Parcel 1 – 2.01 acres Parcel 2 - .92 acres TOTAL 2.93 ACRES

Present Use		Parcel 1 - Developed Parcel 2 - Undeveloped
Subject Property Land Use		Parcel 1 - Martin County - Industrial Parcel 2 - Martin County - Industrial
Adjacent FLU	*North*	Martin County- Industrial
	South	Martin County - Industrial
	East	FEC Rail system
	West	City of Stuart - Commercial
Subject Property Zoning		Parcel 1 - Martin County - M-2 Commercial Limited Parcel 2 - Martin County - M-2 Commercial Limited
Adjacent Zoning	*North*	Martin County - M-2 Commercial Limited
	South	Martin County - M-2 Commercial Limited
	East	FEC Rail system
	West	City of Stuart - CPUD
Proposed Land Use Designation & Zoning District		Industrial and Industrial Planned Unit Development (IPUD)
Proposed Use		Industrial – Existing warehouse that is 8,371 sq. ft & 8,670 sq. ft. of covered area with proposed covered Loading Dock ramp.
City Approvals		• Building Department – No comments at this time. • Fire Department – Approved with Comments • Public Works – Approved with Comments - See attached comments. • Police Department – See comments
Brief Explanation		The Capital Scrap Metal site address is 3951 SE Commerce Ave Stuart FL. The property is comprised of +/- 2.934 acres and is identified by Parcel ID number 38-38-41-002-208-00000-1 and 38-38-41-002- 208-00003-8. The parcel is currently within Martin County and has an industrial future land use designation and a zoning designation of M-2 Industrial District. The property has existing improvements consisting of concrete and stabilized vehicular use areas with approximately 8,371 sqft metal building and 8,670 sqft of covered area used for sorting metal. The applicant is proposing the installation of a truck scale and perimeter landscaping along with screening material to be installed on the perimeter chain-link fence. The facility provides a much-needed service to our community as a receiving site for various metals to be sorted and processed for recycling. The applicant has previously submitted an annexation request to the City of Stuart and the applicant requests both applications be processed concurrently.
Staff Recommendation: Subject to the attached development conditions staff offers no objection to the annexation and the Future Land Use designation to Industrial and zoning district designation to Industrial Planned Unit Development (IPUD) for the combined parcels consisting of 2.934 acres.		

STAFF REPORT AND RECOMMENDATION

I. LEGAL NOTICE REQUIREMENTS

A. Requirements for Application – The applications for annexation, Future Land Use amendment to Industrial, zoning district designation to IPUD and a final site plan 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, as well as applicable sections in F.S. Ch. 163, Part II and Ch. 171, Part II.

B. Site Posting Date: 6-3-20

C. Mail Notice Postmark: 6-3-20 to property owners within 300 feet

II. APPLICATION See Attachment to agenda

III. STAFF ANALYSIS

A. Site and Area Characteristics (Attachment C)

Direction	Current Use	Zoning	Future Land Use
North	Undeveloped	Martin County M-2 Commercial Limited	Martin County Industrial
South	Manufacturing/ Repair service shops/Warehouse (Martin County)	Martin County M-2 Commercial Limited	Martin County Industrial
East	FEC Rail	FEC Rail	FEC Rail
West	Upland Preserve for Walmart CPUD (City of Stuart)	CPUD	Commercial

B. Project Description

The Capital Scrap Metal site address is 3951 SE Commerce Ave Stuart FL. The property is comprised of +/- 2.934 acres and is identified by Parcel ID number 38-38-41-002-208-00000-1 and 38-38-41-002- 208-00003-8. The parcel is currently within Martin County and has an industrial future land use designation and a zoning designation of M-2 Industrial District. The property has existing improvements consisting of concrete and stabilized vehicular use areas with approximately 8,371 sqft metal building and 8,670 sqft of covered area used for sorting metal. The applicant is proposing the installation of a truck scale and perimeter landscaping along with screening material to be installed on the perimeter chain-link fence. The facility

provides a much-needed service to our community as a receiving site for various metals to be sorted and processed for recycling. The applicant has previously submitted an annexation request to the City of Stuart and the applicant requests both applications be processed concurrently.

The property directly to the west, across the street, was recently annexed into the City of Stuart which provides the connectivity to the City boundary. The city has annexed properties along the US Hwy 1 and Commerce Ave corridors, thereby extending the city limits in a southward direction. The proposed IPUD site plan application is consistent with the development trends in the area and surrounding uses. Capital Scrap Metal is a job provider and employs 10 people or more.

C. Annexation

i. Reason for Request

The annexation of the subject property will further the relevant goals, objectives, and policies of the City of Stuart's Comprehensive Plan and will extend opportunities for City of Stuart to continue to attract industrial and commercial users into the municipal jurisdictional limits.

The City of Stuart recently annexed property near the subject property and the proposed annexation of the subject property will continue to provide the City of Stuart with a consistent inclusion of land. The annexation of the subject property is a logical extension of the City's municipal boundaries as the subject property is bounded on the west by property located with the municipal boundaries of the City of Stuart and bounded on the east by the FEC railway. The FEC railway acts as an easterly boundary of the City's municipal limitations for much of the land south of Monterey Road and down into this area.

The Annexation application is consistent with the relevant components of the City of Stuart Comprehensive Plan, including concurrency with adopted levels-of-serve for utilities/facilities and compatibility with existing/planned uses. The Annexation application complies with the relevant development standards of the City of Stuart Land Development Code. The subject parcels are existing industrial sites and currently are provided all necessary services to support its needs and ensure compatibility with surrounding properties.

Building & Emergency Impact Services:

ii. Impact on Police and Emergency Services

The City's Police and Fire Departments have reviewed all plans and state the proposed annexation would not have a significant impact on police and fire services.

iii. Access, Drainage, and Utility Statement

1. Access: An ingress/egress access point exist on SE Commerce Avenue, which is a Martin County roadway.

iv. Intergovernmental Coordination

A copy of the application for annexation, Comprehensive Plan amendment and zoning designation and the final LPA packet was transmitted to Martin County Growth Management Department on August 14, 2020.

V. STAFF RECOMMENDATION (APPROVAL WITH CONDITIONS)

Subject to the conditions contained in the attached Ordinances and consideration before the LPA, staff offers no objection to the proposed annexation, future land use amendment to Industrial, and rezoning to an IPUD.

BEFORE THE CITY COMMISSION
CITY OF STUART, FLORIDA

ORDINANCE No. 2443-2020

AN ORDINANCE OF THE CITY OF STUART, FLORIDA, ANNEXING TWO PARCELS OF LAND SOUTH OF SE MARKET PLACE AND EAST OF SE COMMERCE AVENUE, CONSISTING OF 2.01 AND .92 ACRES EACH, 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; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

******

WHEREAS, Petitioner, Barrio2Beach LLC, constituting the fee simple title holder to the land south of SE Market Place and west of SE Commerce Avenue, consisting of 2.01 & .92 acres, more particularly described in **Exhibit "A"**, attached hereto and made a part thereof, has voluntarily requested the City of Stuart annex said land into the corporate limits of the City; and

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; that said lands are contiguous with the corporate limits of the City of Stuart, creates no enclaves, is reasonably compact, and that the City can effectively provide police, fire, and sanitary services to said land, all in compliance with the terms and requirements of Sec. 171.44, Florida Statutes, and the City of Stuart Code.

Section 2. Annexation. The City Commission has determined that development of said lands upon annexation shall be in accordance with the regulatory requirements of Martin County until such time as amendments to the City's Comprehensive Land Use Plan and Official Zoning Map become effective; and that the parcel of land more particularly described in **Exhibit "A"**, are hereby annexed into and shall be within the corporate limits of the City of Stuart, Florida, and that same shall henceforth be a part of said City as if said lands were originally a part of the City of Stuart.

Section 3. Directions to the City Clerk. The City Clerk shall cause the boundaries as set forth in the City's Charter to be amended and codified. The City Clerk shall submit such documentation as required by law to give effect to this ordinance to the Clerk of the Circuit Court, Board of County Commissioners Florida Statute 171.044(6) within 10 days prior to second reading adoption, the Chief Administrative Officer of Martin County, and the Florida Department of State within seven (7) days following adoption, in accordance with Section 171.044, Florida Statutes. 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.

Section 4. Repeal of Conflicting Ordinances. All Ordinances, Resolutions or parts of Ordinances and Resolutions in conflict herewith are hereby repealed.

Section 5. Severability. If any word, clause, sentence, paragraph, section or part thereof contained in this Ordinance is declared to be unconstitutional, unenforceable, void or inoperative by a court of competent jurisdiction, such declaration shall not affect the validity of the remainder of this Ordinance. The corporate boundary of the City shall be re-codified to include lands annexed.

Section 6. Effective Date: This ordinance shall be effective upon its adoption.

Passed on first reading the 10th day of August 2020.

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:

	YES	NO	ABSENT	ABSTAIN
MICHAEL J. MEIER, MAYOR				
EULA R. CLARKE, VICE MAYOR				
BECKY BRUNER, COMMISSIONER				
VACANT, COMMISSIONER				
MERRITT MATHESON, COMMISSIONER				

ADOPTED on second and final reading this _____day of _____, 2020.

ATTEST:

_____ _____

MARY R. KINDEL MICHAEL J. MEIER

CITY CLERK MAYOR

APPROVED AS TO FORM

AND CORRECTNESS:

_____

MICHAEL J. MORTELL

CITY ATTORNEY

CITY'S ACKNOWLEDGMENT

STATE OF FLORIDA,
COUNTY OF _____

The above Ordinance, Acceptance and Agreement was acknowledged before me by means of ☐ physical presence or ☐ online notarization, this _____day of _____, 2020, by MICHAEL J. MEIER, Mayor, and Mary R. Kindel, City Clerk, respectively, of the City of Stuart, Florida, a Florida municipal corporation.

Personally Known OR Produced Identification
Type of ID Produced _____

Signature of Notary Public: _____
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 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:

Barrio2Beach, LLC,

_____

By: _____

Print Name: _____

Sean Harrigan - Owner

_____

Print Name: _____

OWNERS ACKNOWLEDGMENT

STATE OF FLORIDA,
COUNTY OF _____

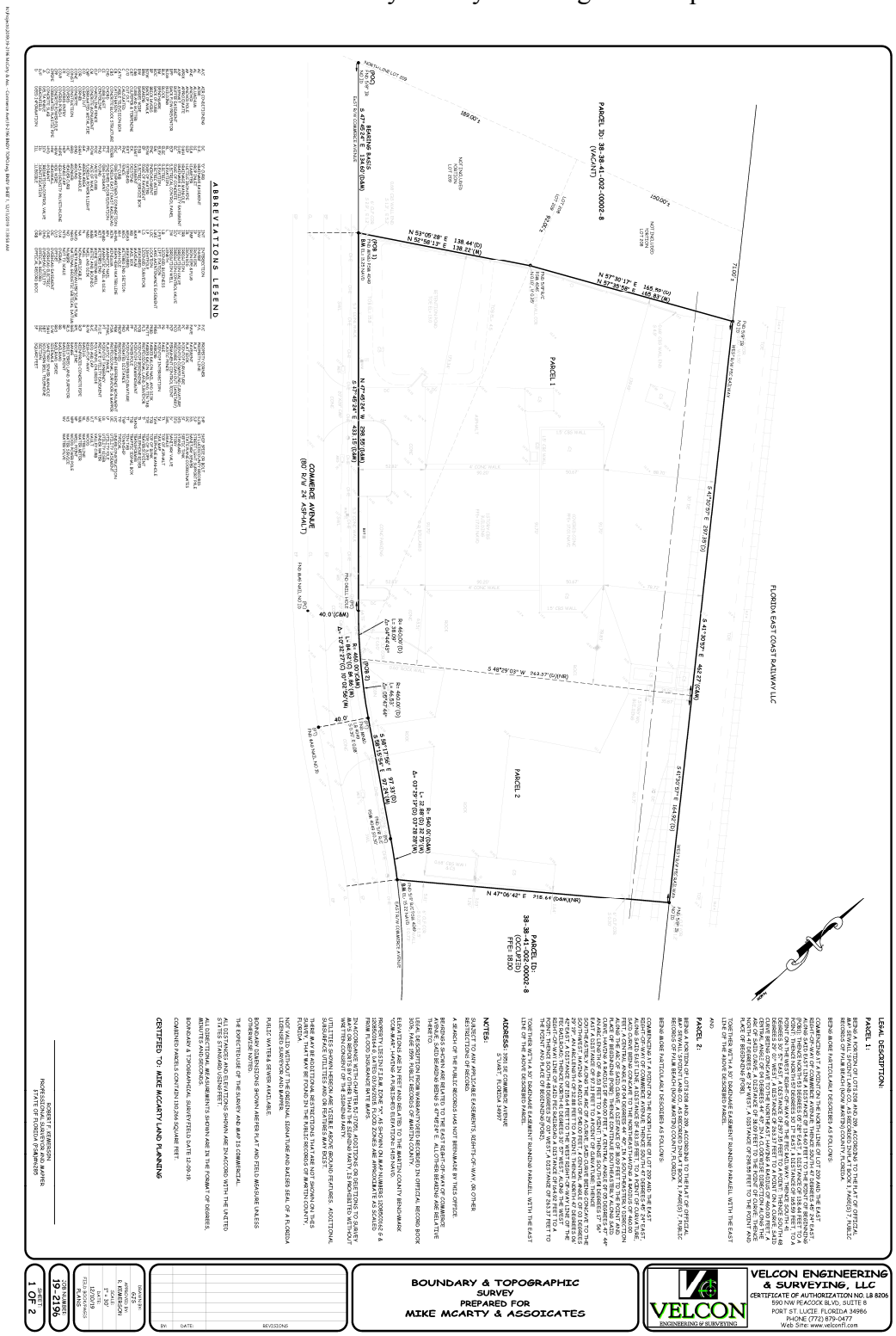
The above Ordinance, Acceptance and Agreement was acknowledged before me by means of ☐ physical presence or ☐ online notarization, this _____ day of _____, 2020, by _____

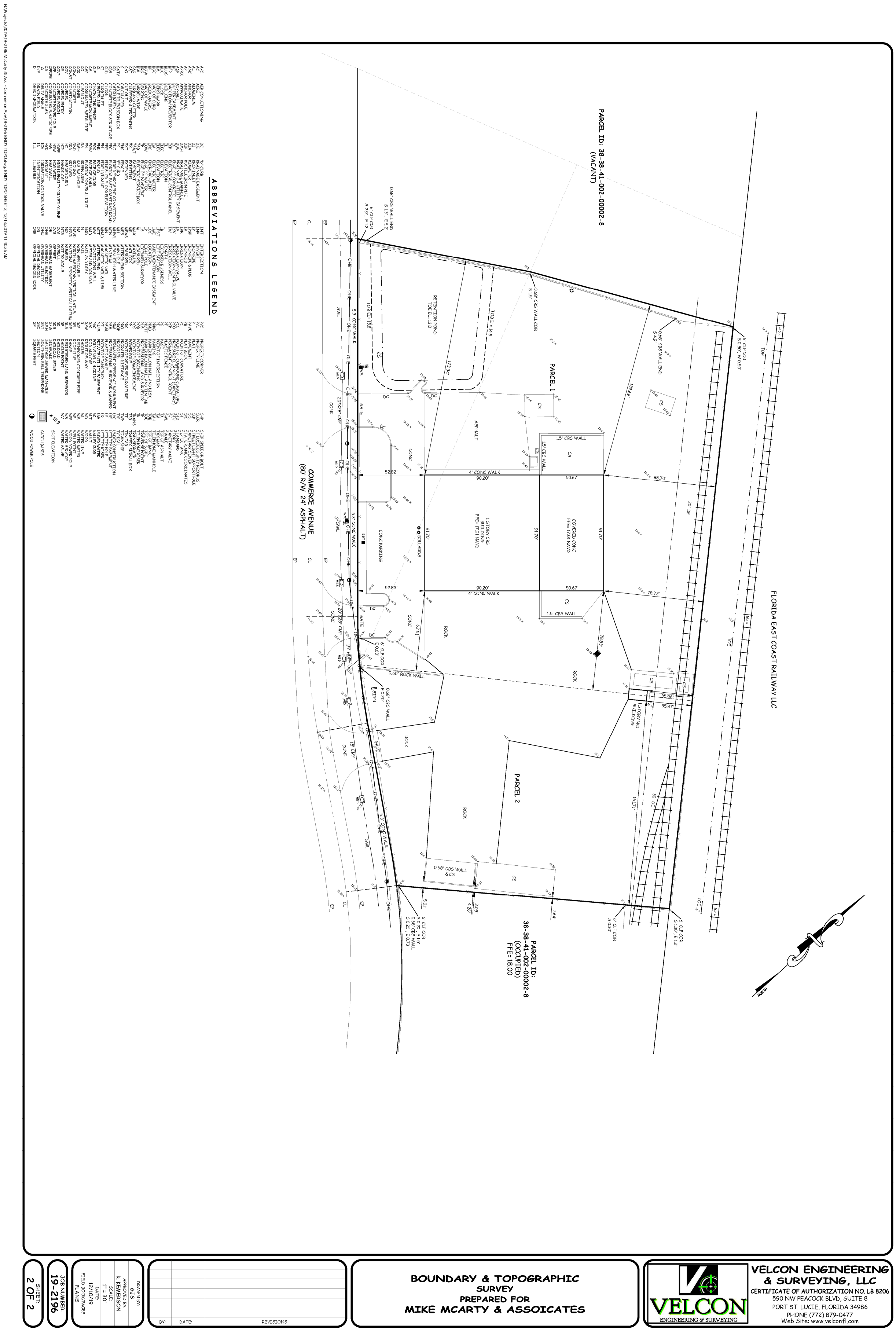
Personally Known OR Produced Identification
Type of ID Produced _____

Signature of Notary Public: _____
Commission Expires:

Notary Seal:

Exhibit A: Boundary Survey with Legal Description




PARCEL 1
PARCEL 2
COMMERCE AVENUE (80' R/W 24' ASPHALT)
FLORIDA EAST COAST RAILWAY LLC
BOUNDARY & TOPOGRAPHIC SURVEY
PREPARED FOR
MIKE MCARTY & ASSOICATES
VELCON ENGINEERING & SURVEYING, LLC
CERTIFICATE OF AUTHORIZATION NO. LB 8206
590 NW PEACOCK BLVD, SUITE 8
PORT ST. LUCIE, FLORIDA 34986
PHONE (772) 879-0477
Web Site: www.velconfl.com
JOB NUMBER 19-2196
SHEET 2 OF 2

Reviewed By: T

CITY OF STUART, FLORIDA
DEVELOPMENT DEPARTMENT
ANNEXATION APPLICATION

Application must be legible with all relevant fields completed.

Project ID#_____
(Staff Entry)

Pre-App Conference Date: October 31, 2019	Application Date:
Project Name: Capital Scraps Annexation Parcel ID# See Attached	Project Address: 3951 SE Commerce Avenue, Stuart, Florida
Zoning/CRA Sub-district: General Institutional (Martin County) **Subdivision:** Plat of Port Sewall Land Company	Lot(s): See Legal Description Attached

Fee: $1,792.00 *{this does not include fees that may be charged as a result of application review by the City's consultants or any required recording fees)*

Submittal Requirements:

A. Completed application form;
B. Payment of fees;
C. A concept plan;
D. An estimate of the direct public costs to provide capital facilities for City utilities and other municipal services required by the development;
E. An estimate of the ad valorem tax revenues to be generated by the subject property at the current millage rate both prior to and after development;
F. An estimate of the residential population increase of the City after development; and
G. Any other information as may be required by the City Development Director in order to do a thorough review of the request.
H. One (1) copy of all documents on a PDF formatted disc electronically signed and sealed.

(The data requirements for 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. For a Major PUD amendment, the Local Planning Agency (LPA) is required to hold an advertised public hearing and formulate a recommendation to the City Commission. For both types of applications, the City Commission is required to hold an advertised public hearing after which it may approve, approve with conditions, or deny the application.

Justification: Please explain how the proposed annexation would further the relevant goals, objectives, and policies of the City's comprehensive plan *(include additional pages if needed).*

See Justification Statement Attached.

(over)

General Information

(Please Print or Type)

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

Name: Sean Harrigan	City/State/Zip Code: Pompano Beach, Florida 33069
Tit l·e: Manager/ Authorized Member	Telephone Number:
Company: BARRI02BEACH LLC	Facsimile Number:
Company Address: 1610 Powerline Road	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: Tyson Waters, Esq.	City/State/Zip Code: Stuart, Florida 34994
Title: Member - Attorney	Telephone Number: 772-287-4444
Company: Fox McCluskey Bush Robison, PLLC	Facsimile Number:
Company Address: 3461 SE Willoughby Blvd.	Email Address (optional): twaters@foxmccluskey.com

3. The Undersigned, as thQ_roperty Own 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: Sean Harrigan	City/State/Zip Code: Pompano Beach, Florida 33069
Title: Manager/ Authorized Member	Telephone Number:
Company: BARRIO2BEACH LLC	Facsimile Number:
Company Address: 1610 N Powerline Road	Email Address (optional):

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

4. Signed this 27TH day of DECEMBER 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 '17 day of ::) (:1L. by '5:"'--=c.c: '1:A'H2.'5p/4 who is pel} onall¥ known to me, or who has produced as identification and who did/did not take an oath.

N 22.f?J,2

Commission Expi res·

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t.CYCOMMISSION#GG184ffl
EXPIRES:Februal'Y
Bonded1111UNatalYPublc

FOX McCLUSKEY BUSH ROBISON, PLLC

M. LANNING FOX
Board Certified Real Estate Lawyer
MICHAEL J. McCLUSKEY
Board Certified Business Litigation (2008-2019)
RAYMOND G. ROBISON
LL.M. - MasterofLaws in Taxation
J, HENRY CARTWRIGHT
Board Certified Condominium and
Planned Development Lawyer
TYSON J. WATERS
Board Certified Real Estate Lawyer
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Of Counsel:
GEORGE W. BUSH, JR (1964-2019)
Board Certified Business Litigation Lawyer
Board Certified Condominium
& Planned Development Lawyer
ROBERT A. GOLDMAN
ADAM G. SCHWARTZ

December 31, 2019

Kev Freeman
City of Stuart, Development Director
Development Department
121 SW Flagler Avenue
Stuart, Florida 34994

Dear Kev:

Please find enclosed Barrio2Beach LLC's Annexation Application for the two parcels located at 3951 SE Commerce Avenue, Stuart, Florida (Parcel Identification Numbers 38-38-41-002-208-00000-1 and 38-38-41-002-208-00003-8), as more particularly described in the enclosed documents. The filing fee of $1,792.00 for the Annexation Application is included with this application packet. In addition, the following materials are included with the Annexation Application and attached hereto:

1. Justification Statement;
2. Description of surrounding land uses and zoning;
3. Survey of the subject properties (an updated survey is being prepared and will be submitted by supplemental filing upon receipt of same);
4. Aerial photograph of the properties; and
5. Proof of parcel ownership by way of deed.

There are no anticipated direct public costs to provide capital facilities for City utilities and other municipal services required by the parcels. Based on the current millage rate and the 2019 assessed value of the subject properties, the estimated ad valorem tax revenues to be generated by the subject properties are approximately $4,880 per year, though that amount will likely increase based on the proposed operations for the subject property. Finally, as the subject properties are industrial lands, there will be no increase of the residential population of the City of Stuart after annexation of the parcels.

We would ask that City staff review the enclosed materials and process the Annexation Application in an expeditious manner.

Should there be questions or anything further required please contact me.

Sincerely

Tyson J. Waters

TJW
Enclosures

Legal Description

Parcel 1

Being a portion of Lots 208 and 209, according to the plat of Official Map Sewall's Point Land Co., as recorded in Plat Book 3, Page(s) 7, Public Records of Palm Beach (now Martin) County, Florida.

Being more particularly described as follows:

Commencing at a point on the North line of Lot 209 and the East right-of-way of Commerce Avenue;

thence South 47 degrees 45'24" East along said East line a distance of 134.60 feet to the Point of Beginning;

thence North 53 degrees 05'28" East, a distance of 138.44 feet to a point;

then North 57 degrees 30' 17" East, a distance of 165.59 feet, to a point on the West right-of-way of the F.E.C. Railway;

thence South 41 degrees 30'57" East, a distance of 297.35 feet to a point;

thence South 48 degrees 29' 03" West, a distance of 263.37 feet, to a point on a curve, said curve being concave to the Northeast, having a radius of 460.00 feet, a central angle of 04 degrees 44'43", in a clockwise direction along the arc of said curve, a distance of 38.09 feet to the Point of Curve;

thence North 47 degrees 45'24" West, a distance of 298.55 feet to the Point and Place of Beginning,

together with a 30' drainage easement running parallel with the East line of the above described parcel.

AND

Parcel 2

Being a portion of Lot 208 according to the Plat of Official Map Sewall's Point Land Co. as recorded in Plat Book 3, Page 7, according to the Public Records of Palm Beach (now Martin) County, Florida, begin more particularly described as follows:

Commencing at a point on the North line of Lot 209 and the East right-of-way of Commerce Avenue;

thence South 47 degrees 45'24" East, along said East line, a distance of 433.15 feet, to a point of curvature, said curve being concave to the northeast having a radius of 460.00 feet, a central angle of 04 degrees 44'40", in a Southeasterly direction, along the arc of said curve, a distance of 38.09 feet to a point and place of beginning;

Thence continue Southeasterly along said curve, having a radius of 460.00 feet, a central angle of 05 degrees 47'44" an arc length of 46.53 feet to a point;

Thence South 58 degrees 17' 56" East a distance of 97.33 feet to a point of curvature;

thence Southeasterly along the arc of a curve, said curve being concave to the Southwest, having a radius of 540.00 feet; a central angle of 03 degrees 29' 19", an arc length of 32.88 feet to a point;

thence North 47 degrees 06'42" East, a distance of215.64 feet to the West right of way line of the F.E.C. Railroad;

thence North 41 degrees 30'57" West, along the West right-of-way line of said F.E.C. Railroad a distance of 164.92 feet to a point;

thence South 48 degrees 29'03" West a distance of 263.37 feet to the point and place of beginning.

Together with a 30' drainage easement running parallel with the East line of the above described parcel.

JUSTIFICATION STATEMENT

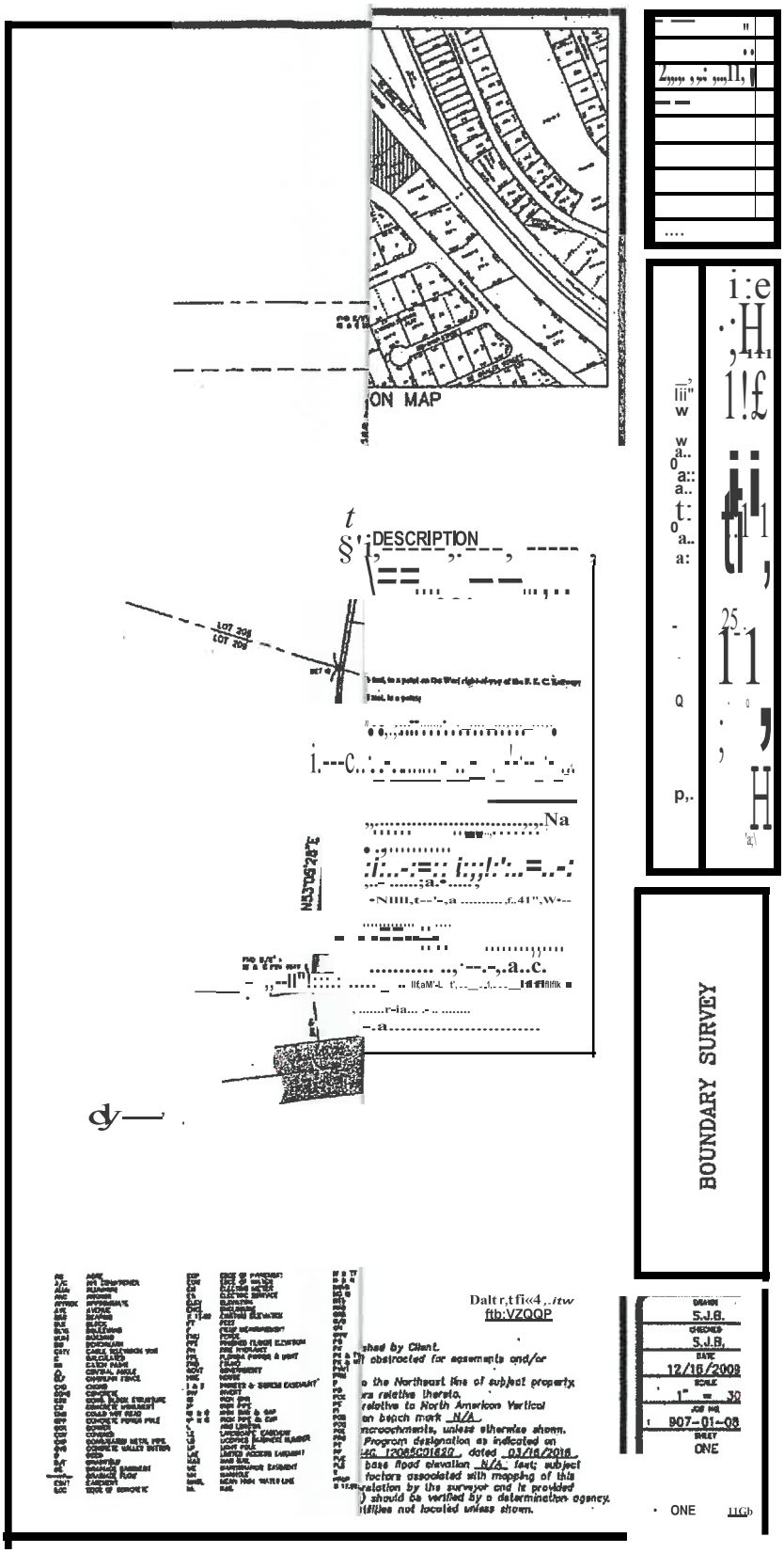
The annexation of the subject property will further the relevant goals, objectives, and policies of the City of Stuart's Comprehensive Plan and will extend opportunities for City of Stuart to continue to attract industrial and commercial users into the municipal jurisdictional limits.

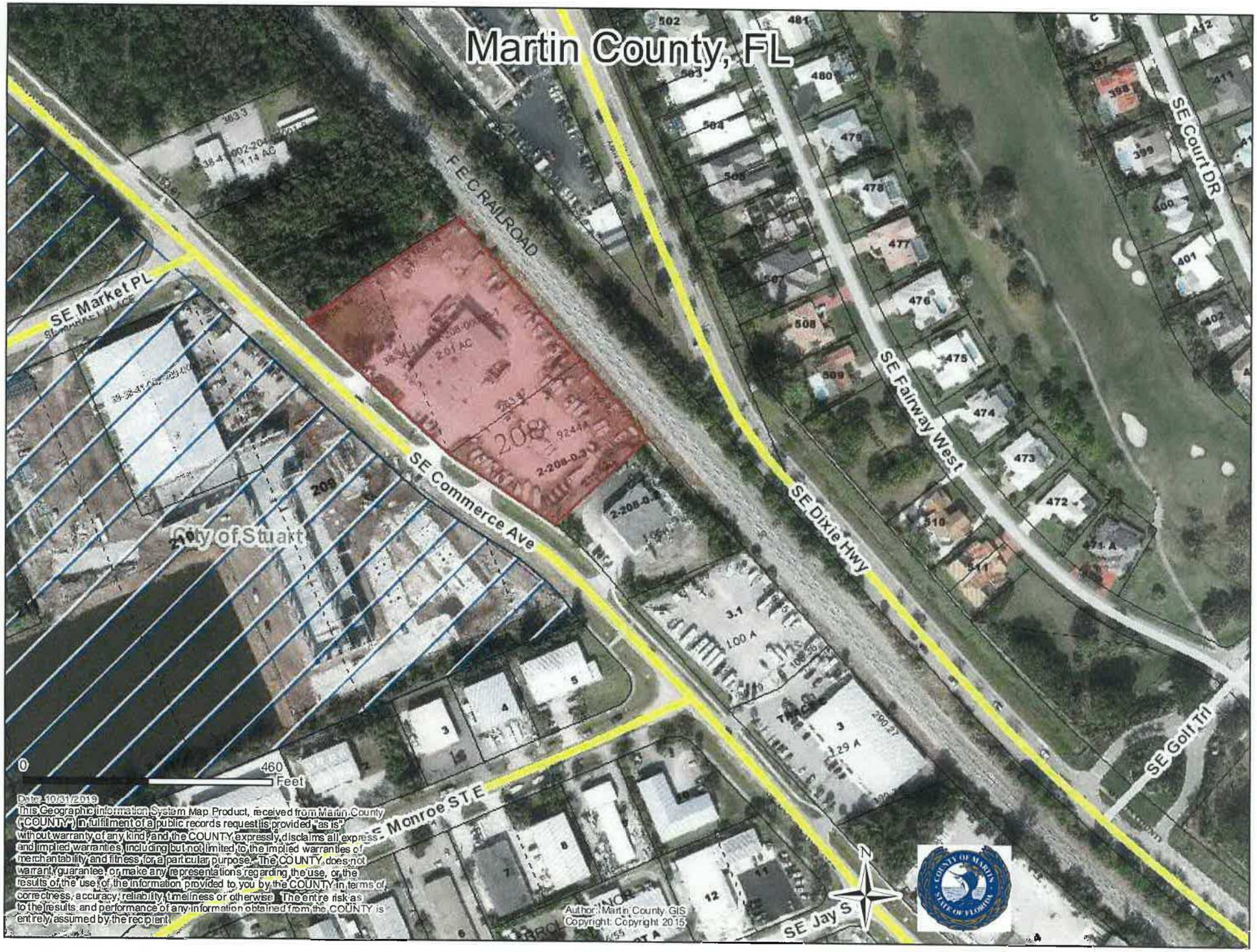
The City of Stuart recently annexed property near the subject property and the proposed annexation of the subject property will continue to provide the City of Stuart with a consistent inclusion of land. The annexation of the subject property is a logical extension of the City's municipal boundaries as the subject property is bounded on the west by property located with the municipal boundaries of the City of Stuart and bounded on the east by the FEC railway. The FEC railway acts as an easterly boundary of the City's municipal limitations for much of the land south of Monterey Road and down into this area.

The Annexation application is consistent with the relevant components of the City of Stuart Comprehensive Plan, including concurrency with adopted levels-of-serve for utilities/facilities and compatibility with existing/planned uses. The Annexation application complies with the relevant development standards of the City of Stuart Land Development Code. The subject parcels are existing industrial sites and currently are provided all necessary services to support its needs and ensure compatibility with surrounding properties.

DESCRIPTION OF SURROUNDING LAND USES AND ZONING

The subject property has an Industrial land use designation and M-2 zoning designation, with a General Institutional covenant imposed by Martin County. To the north and south of the subject property are lands with an Industrial land use and zoning designation. A portion of such properties are located within the City of Stuart municipal boundaries and some are in the unincorporated Martin County. To the east of the subject properties is the FEC railroad. Further east is a commercial parcel and SE Dixie Highway. To the west of the subject property are parcels within the City of Stuart municipal boundaries. The neighboring properties to the west are designated as commercial, with the exception of most immediate parcel to the west being recently annexed and still showing an industrial land use.


ON MAP
DESCRIPTION
BOUNDARY SURVEY
S.J.B.
S.J.B.
12/16/2009
1" = 30
907-01-05
ONE
ONE


Martin County, FL
F E C RAILROAD
SE Market PL
SE Commerce Ave
SE Dixie Hwy
SE Fairway West
SE Court DR
SE Golf Trl
SE Jay S
City of Stuart
208
2-208-0-3
0
460
Feet
Date: 10/31/2019
This Geographic Information System Map Product, received from Martin County ("COUNTY") in fulfilment 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
Copyright: Copyright 2015

Recorded in Martin County, FL 8/12/2019 4:50 PM
Carolyn Timmann, Clerk of the Circuit Court & Comptroller
Rec Fees: $27.00Deed Ta : $12,950.00
CFN#2769724 BK 3076 PG 1599 PAGE 1 of3

This Document Prepared By and Return to:
Christopher J. Twohey, ?A
844 SE Ocean Blvd. Suite A
Stuart, Florida 34994

Pored ID Number: 383841002208000001 & 383841002000038

Warranty Deed

This Indenture, Made this 6th day of August ,2019 A.O., **Between** Dream Maker Group, LLC. a Florida limited liabilltv company of the County of Martin , State of Florida , **grantor,** and BARRIO:ZBEACH. LLC, a Florida limited liability com1>11nv whose address is: 1610 N. Powerline Road, Pompano Beach, FL 33069 of the County of Broward , State of Florida , **grantees.**

Witnesseth that the GRAN'IOR, for and in consideration of the sum of **TEN DOLLARS ($10)**

and other good and valuable consideration to GRANTOR in hand paid by GRANTEES, the receipt whereof is hereby acknowledged, has granted, bargained and sold to the said GRANTEES and GRANTEES' heirs, successors and assigns forever, the following described land, situate, lying and being in the County of **Martin** State of **Florida** to wit:

SF.E F.XHIBJT "A" ATTACHED HERETO AND INCORPORATED HEREIN.

SUBJECT TO:
1. **Taxes for the year 2019, and all subsequent years;**
2. **Zoning restrictions, prohibitions and other requirements imposed by governmental authority;**
3. Restrictions and matters appearing on the **Pl11t** or otherwise common to the subdivision; and
4. **Public utility easements of record, if any.**

and the grantor does hereby fully warrant the title to said land, and will defend the same against law persons whomsoever.

In Witness Whereof, the grantor has hereunto set his hand and seal th nd ye 1rs< abov r'tren.

Signed, sealed and deliv

Printe **Name:** Christopher J. Twohey
Witness

Printed Name: Angela G. Jordan
Witness

Dream Maker Group, LLC
By: _____ (Seal)
Craig Clements, Manager
P.O. Address 1549 SW Gopher Trl., Palm City, FL 34990

State of Florida
County of Martin
The foregoing instrument was acknowledged before me this 6 day of **August** , **2019** , by **Craig Clements, Manager of Dream Maker Group, LLC, a Florida limited liability company on behalf of the limited liability company**
who is personally known to me or who has produced his DL as identification .

CHRISTOPHER J. TWOHEY
Commission # GG 000198
Expires July 28, 2020
Bonded Thru Troy Fain Insurance 800-385-7019

Printed Name: Christopher J. Twohey
Notary Public
My Commission Expires: 7-28-20

EXHIBIT "A"

Legal Description of the Land

PARCEL l:

Being a portion of Lots 208 and 209, according to the plat of Official Map Sewall's Point Land Co., as recorded in Plat Book 3, Page(s) 7, Public Records of Palm Beach (now Martin) County, Florida·.

Being more particularly described as follows:

Commencing nt a point on the North line of Lot 209 and the East **right-of-way of** Commerce Avenue;

thence South 47 degrees 45' 24" East along said East line a distance of 134.60 feet to the Point of Beginn in g.

thence North 53 degrees 05' 28"East, a distance of 13B.44 feet to a point;

thence North 57 degrees 30' 17" East, a distance of 165.59 feet, to a point on the West right-of-way of the F.E.C. Railway;

thence South 41 degrees 30'57" East, a distance *of* 297.35 feet, to a point;

thence Soutb. 48 degrees 29' 03" West, a distance of 263 .37 feet, to a point on a curve, said curve being concave to the Northeast, having a radius of 460.00 feet, a central angle of 04 degrees 44'43 ", in a clockwise direction along the arc of said curve, a distance of 38.09 feet to the Point of C u rve :

thence North 47 degrees 45'24" West, a distance of 298.55 feet to the Point and Place of Beginning,

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d::scribaj J;ErOel.

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PARCEL 2:

Being a portion of Lot 208 according to the Plat of Official Map._SewaU'.s Point Land Co. as recorded in Plat Book 3, page 7, according to the Public Records of Palm Beach (now martin) County, Florida, being more particularly described as .follows:

Commencing at a point on the North line of Lot 209 and the East right-of-way of commerce Avenue:

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Thence continue Soutl:ieasterly along said curve, having a radius of 460.00 **feet, a** central angle of 05 degl'ees 47'44" a.narc length of 46.53 feet to a point;

Thence South 58 degrees 17'56" East a distance of 97.33 feet to a point of curvature;

thence Southeasterly along the arc of a curve, said curve being concave to the Southwest, having a radius of 540.00 teet; a central angle of 03 degrees 29' 19", an arc length of 32.88 feet to a poi.n t:

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thence North 41 degrees 30' 57" West, along the West right-of-way line *of* said F.E.C, Railroad a distance of 164.9?.. feet to a point;

thence South 48 degrees 29' 03" West a distance of 263.37 feet to the point and place of beginning

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SYNovus
Synows Bank, Member FDIC
64-60/611

CAPITAL SCRAP METAL LLC
OPERATING ACCOUNT
4001 S.E. COMMERCE AVE
STUART, _FL 34997

12/27/2019

6yo1i E_ CITY OF STUART $ **1,792.00

One Thousand Seven Hundred Ninety-Two and 00/100***-**********...,******r.**********

CITY OF STUART

NOT VALID AFTER 90 DAYS

Z:oo ruae

MEMO

⑈002078⑈ ⑆061100606⑆ 2044170300⑈

CAPITAL SCRAP METAL, LLC

2078

CITY OF STUART

12/27/2019

Date	Type	Reference	Original Amt.	Balance Due	Discount	Payment
12/27/2019	Bill	111	1,792.00	1,792.00		1,792.00
					Check Amount	1,792.00

FCB - Operating Stuar 1,792.00

Capital Scrap Metal

38-38-41-002-208-00000-1
38-38-41-002-208-00003-8
3951 SE Commerce Lane
Stuart, Florida

McCarty & Associates
LAND PLANNING AND DESIGN
STUART • FT. PIERCE
772.341.9322
www.McCartyLandPlanning.com
Mike@McCartyLandPlanning.com

Location Map

CITY OF STUART
OFFICE OF THE CITY ATTORNEY

MEMORANDUM

TO: TOM REETZ, DEVELOPMENT DEPARTMENT

SUBJECT: REVIEW OF APPLICATION FOR VOLUNTARY ANNEXATION OF TWO CONTIGUOUS PARCELS OF LAND CONSISTING 2.01 ACRES AND .92 ACRES EACH FOR A TOTAL OF 2.934 ACRES LOCATED ON THE WEST SIDE OF COMMERCE AVENUE SOUTH OF S.E. MARKET PLACE

CC: DAVE DYESS, CITY MANAGER

DATE: March 19, 2020

FACTS

The City of Stuart has received a voluntary annexation request for a 2.93 acre tract of land which is made up of two parcels. The larger parcel is 2.01 acres the smaller is .92 acres. Both parcels are owned by the same entity. There is a single annexation application for a total of 2.93 acres. If you review the aerial photograph attached as Exhibit "A", you can see that there is no distinction based upon parcel and therefore it can be treated as one application.

ISSUE

Does the voluntary annexation request the City to annex land comply with Florida Statute §171.043? Specifically, Is the total area to be annexed contiguous to the City's boundaries? Is the land reasonably compact? is any part of the area to be annexed included within the boundary of another incorporated municipality? If so, will the land be used or developed for urban purposes?

DISCUSSION

Florida Statutes, §171.043 discusses the character of the area to be annexed. There are separate

procedures involuntary annexations, but the City Commission adopted a policy that it will not pursue involuntary annexations. Voluntary annexations are governed by the standards of Section 171.044 Florida Statutes. The basic requirement is stated as follows:

> *"(1) The owner or owners of real property in an unincorporated area of a county which is contiguous to a municipality and reasonably compact may petition the governing body of said municipality that said property be annexed to the municipality."*

The statute contains four (4) general requirements. First, a petition for voluntary annexation must be unanimously signed by all property owners in the area to be annexed. Second, the property proposed to be annexed must be contiguous and reasonably compact. Third, the proposed annexation cannot produce an enclave. Finally, county charters which provide for an exclusive method of municipal annexation override the Florida Statute. Martin County is not a Charter county and therefore, the fourth criteria does not apply to an annexation in the City of Stuart, Florida.

1. **Signed by all property owners in the geographic area being annexed.** ***In the present matter, the property request for annexation has been executed by Sean Harrigan, authorized member for Barrio2Beach LLC and therefore meets the criteria that the application was executed by the proper owner for both (all) parcels.***

2. **Contiguous to the Municipality:** Pursuant to Section 171.044(1), F.S., "the owner or owners of real property in an unincorporated area of a county which is contiguous to a municipality and reasonably compact may petition the governing body of said municipality that said property be annexed to the municipality." Property is deemed to be "Contiguous" under Section 171.031 (11), F.S., where a substantial part of a boundary of the territory sought to be annexed by a municipality is coterminous (sharing a common boundary) with a part of the boundary of the municipality. "Contiguous" has also been defined as "touching or adjoining in a reasonably substantial … sense." See City of Sanford v. Seminole County, 538 So. 2d 113 (Fla. 5th DCA 1989); May v. Lee County, 483 So. 2d 481 (Fla. 2d DCA 1986). The Sanford Court found that Section 171.031(11) F.S. only requires "that a substantial part of a boundary" touch municipal property as opposed to the entire perimeter of the property.

   Section 171.031(11) provides that:

   > Separation of the territory sought to be annexed from the annexing municipality by a publicly owned right-of-way for a highway, road, railroad, canal or utility or a body of water, watercourse of other minor geographical division of a similar nature, running parallel with and between the territory sought to be annexed and the annexing municipality, shall not prevent annexation under this act, provided the presence of such

> division does not, as a practical matter, present the territory sought to be annexed and the annexing municipality from becoming a unified whole with respect to municipal services or prevent inhabitants from fully associating and trading with each other socially and economically.

In the current application, the proposed annexation is coterminous with the City of Stuart. Specifically, the entire western boundary of the property borders the City of Stuart separated only by SE Commerce Avenue right of way. The portion of property "touching" the City of Stuart is significant and does not constitute a finger or minimal contact. Therefore, the property meets condition one and is contiguous to the City of Stuart.

3. Reasonably Compact

"Compactness is defined under Florida Statute §171.031(12), as a concentration of a piece of property in a single area and precludes any action which would create enclaves, pockets, or finger areas in serpentine patterns. The purpose of the compact and contiguous requirement is to assure creation of geographically unified and compact municipalities, City of Sunrise v. Broward County, 473 So. 2d 1387 (Fla. 4th DCA 1985). The court in City of Sanford v. Seminole County, 538 So. 2d 113 (Fla. 5th DCA 1989) found that our statutes do not define the term pocket but Webster's defines the term in relevant part as a small isolated area of group. *Id.* AT 115 (referencing Websters New Collegiate Dictionary, p. 879).

A review of the map and the application determines that this property is reasonably compact and meets Florida Statute §171.031(12). Annexation would not create enclaves, pockets, or finger areas in serpentine patterns as the parcels are not isolated nor do they create serpentine patterns.

4. No Enclaves

Subsection (5) of F.S. §171.044, provides that "land shall not be annexed through voluntary annexation when such annexation results in the creation of enclaves". The term "enclave" is defined under Florida Statute, §171.031(13), as "any unincorporated improved or developed area that is bounded on all sides by a single municipality or any unincorporated improved or developed area that is enclosed within and bounded by a single municipality and a natural or manmade obstacle that allows the passage of vehicular traffic to that unincorporated area only through the municipality."

The map provided as exhibit "A" delineates the property with a red outline and shows that an annexation of this parcel would not create an unincorporated geographic area bound on all sides by a single municipality. If the City Commission determines that an annexation results in an unincorporated area being bounded on all sides and a manmade obstacle prevents vehicular traffic from accessing the unincorporated property without passing through the municipality then steps must be taken to avoid the creation of an enclave.

Exhibit 'A'

4051
4001
LeMART AT PORT SEWALL
3920
208
2700
2700
2800
2820
3960
2700
2700
2700
2700
20
19
4221
4229
4233
4201
4245
4249
4241
4203
101
4203
103
4255
4263
4271
4275
4205
4279
4291
4287
4295
4283
300 m
1000 ft

Conclusion

Based upon the information provided in the application and the map attached hereto as exhibit "A", the two parcels of land qualify for review by the City Commission to be considered for annexation into the City of Stuart.

See Exhibit 'A' map on next page.

6/3/20

3.

CITY OF STUART, FLORIDA
AGENDA ITEM REQUEST
Local Planning Agency

Meeting Date:8/20/2020 **Prepared by:**Tom Reetz

Title of Item:
FUTURE LAND USE AND IPUD DESIGNATION (QUASI-JUDICIAL):

ORDINANCE No. 2444-2020; AN ORDINANCE OF THE CITY OF STUART, FLORIDA, AMENDING THE FUTURE LAND USE MAP OF THE CITY'S COMPREHENSIVE PLAN AND THE CITY'S ZONING MAP FOR TWO PARCELS OF LAND LOCATED SOUTH OF SE MARKET PLACE AND EAST OF SE COMMERCE AVENUE, CONSISTING OF 2.01 AND .92 ACRES EACH, SAID PARCELS BEING MORE FULLY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO; THEREBY ESTABLISHING A FUTURE LAND USE DESIGNATION FOR BOTH PARCELS TO "INDUSTRIAL" AND CONCURRENTLY A ZONING DESIGNATION OF "INDUSTRIAL PLANNED UNIT DEVELOPMENT" (IPUD), WHICH SHALL BE REFLECTED ON THE CITY'S OFFICIAL ZONING MAP; APPROVING A FINAL SITE PLAN; PROVIDING DIRECTIONS TO THE CITY CLERK; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

Summary Explanation/Background Information on Agenda Request:

This agenda item, along with the previous annexation item was continued from last month's regularly scheduled LPA meeting.

The applicant is requesting a future land use designation of "Industrial" and a zoning designation of "Industrial Planned Unit Development (IPUD)" and annexation for a 2.01 acre parcel and .92 acre parcel, located on the west side of SE Commerce Avenue south of SE Market Place in unincorporated Martin County. The property has existing improvements consisting of concrete and stabilized vehicular use areas with approximately 8,371 sq.ft. metal building and 8,670 sq. ft of covered area used for sorting metal. The applicant is proposing the installation of a truck scale and perimeter landscaping along with screening material to be installed on the perimeter chain-link fence. The pervious areas of the site consist of Landscape buffers and retention areas with an open space equaling 28.16 % of the site. The facility provides a much-needed service to the community as a receiving site for various metals to be sorted and processed for recycling.

COMPREHENSIVE PLAN:
Future Land Use Element: Policy A7.5. Properties that are *annexed* into the City shall be given a City land use designation as soon as possible after the *annexation* is finalized.

Future Land Use Element: Policy B1.4. *Annexation* and redevelopment strategies for infill development and redevelopment should be formulated to produce a future viable economy for the City.

Economic Development Element: Policy A1.4. The City will encourage the designation and preservation of *industrial* land for *industrial* uses.

Economic Development Element: Policy A2.1. The City will encourage the expansion of existing business and *industry* and/or development of new business and *industry* in appropriate locations, as feasible and applicable, in order to maximize the use of existing public services and infrastructure

Funding Source:
N/A
Recommended Action:
Motion to Approve subject to resolution of outstanding Martin County Code Enforcement violation.

ATTACHMENTS:

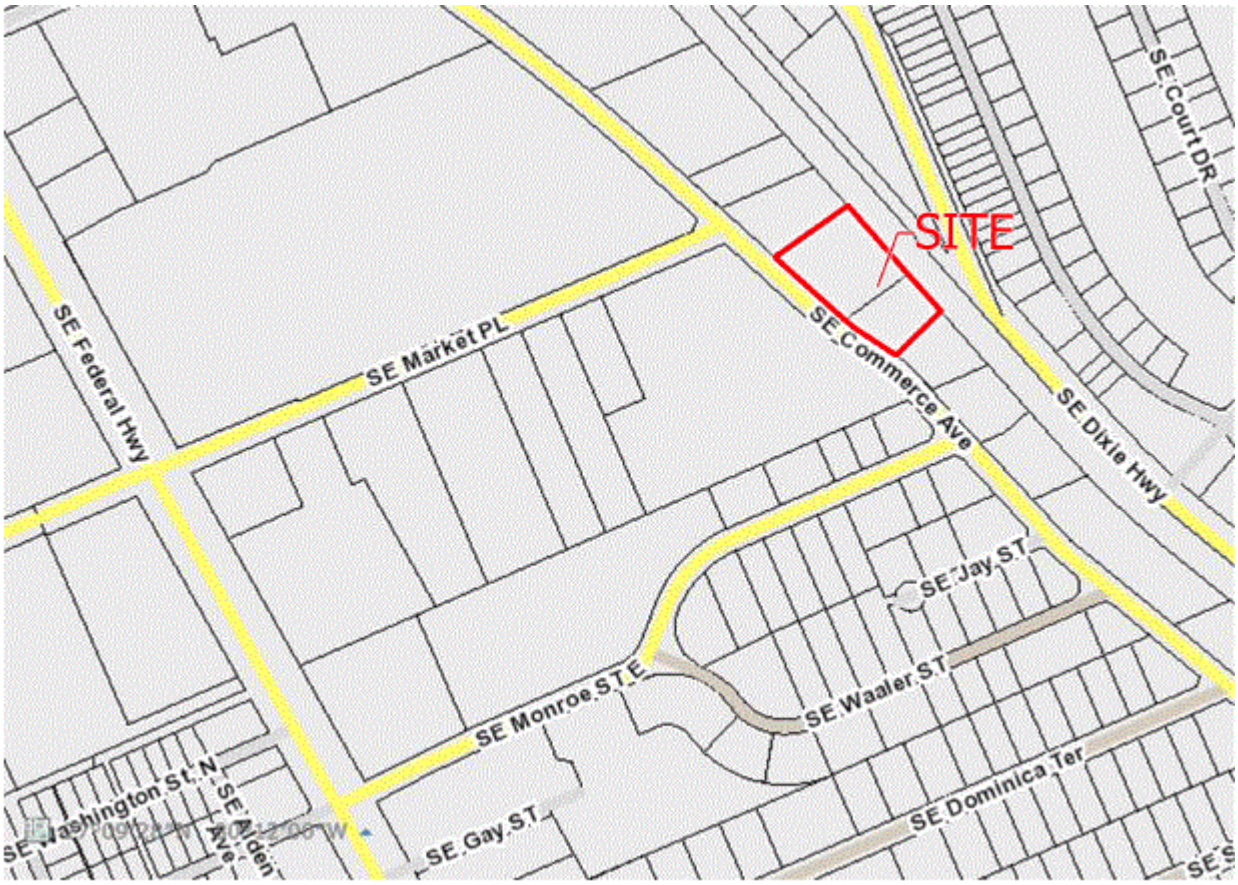
	Description	Upload Date	Type
	A. Staff Report	8/10/2020	Staff Report
	B. Ordinance No.2444-2020	8/10/2020	Ordinance add to Y drive
	C. Ordinance No. 2444-2020 Exhibit D	7/7/2020	Ordinance add to Y drive
	D. Signed application	7/7/2020	Backup Material
	E. Applicant-Justification statement	7/7/2020	Backup Material
	F. Existing Site Photos	7/7/2020	Backup Material
	G. City Attorney Memo	7/7/2020	Backup Material
	H. Martin County Stipulation	7/7/2020	Backup Material
	I. Martin County Affidavit of Compliance	7/7/2020	Backup Material

CITY OF STUART
Local Planning Agency
August 20, 2020

Project Name: Capital Scrap Metal	**Property Owner:** Barrio2Beach, LLC
Project No.: Z19120005	**Applicant/Petitioner:** Sean Harrigan
Ordinance No: 2443-2020 and 2444-2020	**Agent/Representative:** Mike McCarty
	Case Planner: Tom Reetz

Location: Parcel of land on the west side of SE Commerce Avenue and south of SE Market Place

Parcel #	Parcel ID	Address	Acreage	Current FLU	Current Zoning
1	38-38-41-002-208-0000-1	3951 SE Commerce	2.01	(MC) Ind.	(MC) M-2
2	38-38-41-002-208-00003-8	3951 SE Commerce	.92	(MC)Ind.	(MC) M-2



PROJECT SUMMARY	
Property Size (area)	Parcel 1 – 2.01 acres Parcel 2 - .92 acres TOTAL 2.93 ACRES

Present Use		Parcel 1 - Developed Parcel 2 - Undeveloped
Subject Property Land Use		Parcel 1 - Martin County - Industrial Parcel 2 - Martin County - Industrial
Adjacent FLU	*North*	Martin County- Industrial
	South	Martin County - Industrial
	East	FEC Rail system
	West	City of Stuart - Commercial
Subject Property Zoning		Parcel 1 - Martin County - M-2 Commercial Limited Parcel 2 - Martin County - M-2 Commercial Limited
Adjacent Zoning	*North*	Martin County - M-2 Commercial Limited
	South	Martin County - M-2 Commercial Limited
	East	FEC Rail system
	West	City of Stuart - CPUD
Proposed Land Use Designation & Zoning District		Industrial and Industrial Planned Unit Development (IPUD)
Proposed Use		Industrial – Existing warehouse that is 8,371 sq. ft & 8,670 sq. ft. of covered area with proposed covered Loading Dock ramp.
City Approvals		• Building Department – No comments at this time. • Fire Department – Approved with Comments • Public Works – Approved with Comments - See attached comments. • Police Department – See comments
Brief Explanation		The Capital Scrap Metal site address is 3951 SE Commerce Ave Stuart FL. The property is comprised of +/- 2.934 acres and is identified by Parcel ID number 38-38-41-002-208-00000-1 and 38-38-41-002- 208-00003-8. The parcel is currently within Martin County and has an industrial future land use designation and a zoning designation of M-2 Industrial District. The property has existing improvements consisting of concrete and stabilized vehicular use areas with approximately 8,371 sqft metal building and 8,670 sqft of covered area used for sorting metal. The applicant is proposing the installation of a truck scale and perimeter landscaping along with screening material to be installed on the perimeter chain-link fence. The facility provides a much-needed service to our community as a receiving site for various metals to be sorted and processed for recycling. The applicant has previously submitted an annexation request to the City of Stuart and the applicant requests both applications be processed concurrently.
Staff Recommendation: Subject to the attached development conditions staff offers no objection to the annexation and the Future Land Use designation to Industrial and zoning district designation to Industrial Planned Unit Development (IPUD) for the combined parcels consisting of 2.934 acres.		

STAFF REPORT AND RECOMMENDATION

I. LEGAL NOTICE REQUIREMENTS

A. Requirements for Application – The applications for annexation, Future Land Use amendment to Industrial, zoning district designation to IPUD and a final site plan 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, as well as applicable sections in F.S. Ch. 163, Part II and Ch. 171, Part II.

B. Site Posting Date: 6-3-20

C. Mail Notice Postmark: 6-3-20 to property owners within 300 feet

II. APPLICATION See Attachment to agenda

III. STAFF ANALYSIS

A. Site and Area Characteristics (Attachment C)

Direction	Current Use	Zoning	Future Land Use
North	Undeveloped	Martin County M-2 Commercial Limited	Martin County Industrial
South	Manufacturing/ Repair service shops/Warehouse (Martin County)	Martin County M-2 Commercial Limited	Martin County Industrial
East	FEC Rail	FEC Rail	FEC Rail
West	Upland Preserve for Walmart CPUD (City of Stuart)	CPUD	Commercial

B. Project Description

The Capital Scrap Metal site address is 3951 SE Commerce Ave Stuart FL. The property is comprised of +/- 2.934 acres and is identified by Parcel ID number 38-38-41-002-208-00000-1 and 38-38-41-002- 208-00003-8. The parcel is currently within Martin County and has an industrial future land use designation and a zoning designation of M-2 Industrial District. The property has existing improvements consisting of concrete and stabilized vehicular use areas with approximately 8,371 sqft metal building and 8,670 sqft of covered area used for sorting metal. The applicant is proposing the installation of a truck scale and perimeter landscaping along with screening material to be installed on the perimeter chain-link fence. The facility

provides a much-needed service to our community as a receiving site for various metals to be sorted and processed for recycling. The applicant has previously submitted an annexation request to the City of Stuart and the applicant requests both applications be processed concurrently.

The property directly to the west, across the street, was recently annexed into the City of Stuart which provides the connectivity to the City boundary. The city has annexed properties along the US Hwy 1 and Commerce Ave corridors, thereby extending the city limits in a southward direction. The proposed IPUD site plan application is consistent with the development trends in the area and surrounding uses. Capital Scrap Metal is a job provider and employs 10 people or more.

C. Annexation

i. Reason for Request

The annexation of the subject property will further the relevant goals, objectives, and policies of the City of Stuart's Comprehensive Plan and will extend opportunities for City of Stuart to continue to attract industrial and commercial users into the municipal jurisdictional limits.

The City of Stuart recently annexed property near the subject property and the proposed annexation of the subject property will continue to provide the City of Stuart with a consistent inclusion of land. The annexation of the subject property is a logical extension of the City's municipal boundaries as the subject property is bounded on the west by property located with the municipal boundaries of the City of Stuart and bounded on the east by the FEC railway. The FEC railway acts as an easterly boundary of the City's municipal limitations for much of the land south of Monterey Road and down into this area.

The Annexation application is consistent with the relevant components of the City of Stuart Comprehensive Plan, including concurrency with adopted levels-of-serve for utilities/facilities and compatibility with existing/planned uses. The Annexation application complies with the relevant development standards of the City of Stuart Land Development Code. The subject parcels are existing industrial sites and currently are provided all necessary services to support its needs and ensure compatibility with surrounding properties.

Building & Emergency Impact Services:

ii. Impact on Police and Emergency Services

The City's Police and Fire Departments have reviewed all plans and state the proposed annexation would not have a significant impact on police and fire services.

iii. Access, Drainage, and Utility Statement

1. Access: An ingress/egress access point exist on SE Commerce Avenue, which is a Martin County roadway.

iv. Intergovernmental Coordination

A copy of the application for annexation, Comprehensive Plan amendment and zoning designation and the final LPA packet was transmitted to Martin County Growth Management Department on August 14, 2020.

V. STAFF RECOMMENDATION (APPROVAL WITH CONDITIONS)

Subject to the conditions contained in the attached Ordinances and consideration before the LPA, staff offers no objection to the proposed annexation, future land use amendment to Industrial, and rezoning to an IPUD.

BEFORE THE CITY COMMISSION
CITY OF STUART, FLORIDA

ORDINANCE No. 2444-2020

AN ORDINANCE OF THE CITY OF STUART, FLORIDA, AMENDING THE FUTURE LAND USE MAP OF THE CITY'S COMPREHENSIVE PLAN AND THE CITY'S ZONING MAP FOR TWO PARCELS OF LAND LOCATED SOUTH OF SE MARKET PLACE AND EAST OF SE COMMERCE AVENUE, CONSISTING OF 2.01 AND .92 ACRES EACH, SAID PARCELS BEING MORE FULLY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO; THEREBY ESTABLISHING A FUTURE LAND USE DESIGNATION FOR BOTH PARCELS TO "INDUSTRIAL" AND CONCURRENTLY A ZONING DESIGNATION OF "INDUSTRIAL PLANNED UNIT DEVELOPMENT" (IPUD), WHICH SHALL BE REFLECTED ON THE CITY'S OFFICIAL ZONING MAP; APPROVING A FINAL SITE PLAN; PROVIDING DIRECTIONS TO THE CITY CLERK; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

******

WHEREAS, Petitioner, Barrio2beach LLC, constituting the fee simple title holder to the lands north of SE Market Place and east of SE Commerce Avenue, consisting of 2.01 & .92 acres, more particularly described in **Exhibit "A"**, attached hereto and made a part thereof, has

voluntarily requested the City of Stuart annex said lands into the corporate limits of the City; and

WHEREAS, the City of Stuart has determined the need to designate the Future Land Use and Zoning District for said land; and

WHEREAS, the City Commission, has considered the Petitioner's voluntary request for land use and zoning designation, and has also considered the recommendation of the Stuart Land 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 adopted as findings of fact and conclusions of laws.

Section 2. Land Use. The Future Land Use designation in the City's Comprehensive Land Use Plan shall be established as **"Industrial".**

Section 3. Zoning. The Zoning District on the City of Stuart Official Zoning Map shall be established as **"IPUD" Industrial Planned Unit Development.**

Section 4. The legal description of the properties, reflecting the 2.01 & .92-acre parcels, is set forth in **Exhibit "A"** attached hereto and made a part hereof by reference. A map of the Properties are 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 5. 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 6. The following "Development Documents" on file as public records of the City at the office of the City Development Department and as attached hereto as **Exhibit "D"** shall be henceforth deemed as Approved, and shall become a part of the development conditions applicable to the Subject Property, and all construction shall be in accordance therewith:

1. **Boundary and Topographic Survey by Velcon Engineering & Surveying, Sheets 1 of 2 and 2 of 2 dated 12-10-19.**
2. **Capital Scrap Metal Site Plan prepared by McCarty & Associates, Sheet S-1, dated 1.29.20.**
3. **Capital Scrap Metal Landscape Plans prepared by McCarty & Associates, Sheet L-1, and L-2 dated 2.12.20.**

Section 7. 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 8. 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 9. 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 10. 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 11. The provisions of the Future Land Use Amendment and Zoning Map shall be codified in the City of Stuart Comprehensive Plan, and official zoning map, respectively.

SECTION 12. This ordinance shall be effective upon its adoption. However, the Future Land Use Designation granted herein shall not be effective until thirty-one (31) days after adoption, and as otherwise provided by law F.S. 163.3187.

SECTION 13. 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.

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:

	YES	NO	ABSENT	ABSTAIN
MICHAEL J. MEIER, MAYOR				
EULA R. CLARKE, VICE MAYOR				
BECKY BRUNER, COMMISSIONER				
VACANT, COMMISSIONER				
MERRITT MATHESON, COMMISSIONER				

ADOPTED on second and final reading this _____day of _____, 2020.

ATTEST:

_____ _____

MARY R. KINDEL MICHAEL J. MEIER

CITY CLERK MAYOR

APPROVED AS TO FORM
AND CORRECTNESS:

_____

MICHAEL J. MORTELL
CITY ATTORNEY

CITY'S ACKNOWLEDGMENT

STATE OF FLORIDA,
COUNTY OF _____

The above Ordinance, Acceptance and Agreement was acknowledged before me by means of ☐ physical presence or ☐ online notarization, this _____day of _____, 2020, by MICHAEL J. MEIER, Mayor, and Mary R. Kindel, City Clerk, respectively, of the City of Stuart, Florida, a Florida municipal corporation.

Personally Known OR Produced Identification
Type of ID Produced _____

Signature of Notary Public: _____
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 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:

Barrio2Beach, LLC,

_____

By: _____

Print Name: _____

Sean Harrigan - Owner

_____

Print Name: _____

STATE OF FLORIDA,
COUNTY OF _____

The above Ordinance, Acceptance and Agreement was acknowledged before me by means of ☐ physical presence or ☐ online notarization, this _____ day of _____, 2020, by _____

Personally Known OR Produced Identification
Type of ID Produced _____

Signature of Notary Public: _____
Commission Expires:

Notary Seal:

Exhibit A

Legal Description

BEING A PORTION OF LOTS 208 AND 209, ACCORDING TO THE PLAT OF OFFICIAL MAP SEWALL'S POINT LAND CO., AS RECORDED IN PLAT BOOK 3, PAGE(S) 7, PUBLIC RECORDS OF PALM BEACH (NOW MARTIN) COUNTY, FLORIDA.

BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT ON THE NORTH LINE OF LOT 209 AND THE EAST RIGHT-OF-WAY OF COMMERCE AVENUE; THENCE SOUTH 47 DEGREES 45' 24" EAST, ALONG SAID EAST LINE A DISTANCE OF 134.60 FEET TO THE POINT OF BEGINNING (POB1); THENCE NORTH 53 DEGREES 05' 28" EAST, A DISTANCE OF 138.44 FEET TO A POINT; THENCE NORTH 57 DEGREES 30' 17" EAST, A DISTANCE OF 165.59 FEET, TO A POINT ON THE WEST RIGHT-OF-WAY OF THE FEC RAILWAY; THENCE SOUTH 41 DEGREES 30' 57" EAST, A DISTANCE OF 297.35 FEET TO A POINT; THENCE SOUTH 48 DEGREES 29' 03" WEST, A DISTANCE OF 263.37 FEET TO A POINT ON A CURVE, SAID CURVE BEING CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 460.00 FEET, A CENTRAL ANGLE OF 04 DEGREES 44' 43", IN A CLOCKWISE DIRECTION ALONG THE ARC OF SAID CURVE, A DISTANCE OF 38.09 FEET TO THE POINT OF CURVE; THENCE NORTH 47 DEGREES 45' 24" WEST, A DISTANCE OF 298.55 FEET TO THE POINT AND PLACE OF BEGINNING (POB1).

TOGETHER WITH A 30' DRAINAGE EASEMENT RUNNING PARALELL WITH THE EAST LINE OF THE ABOVE DESCRIBED PARCEL.

AND

BEING A PORTION OF LOTS 208 AND 209, ACCORDING TO THE PLAT OF OFFICIAL MAP SEWALL'S POINT LAND CO., AS RECORDED IN PLAT BOOK 3, PAGE(S) 7, PUBLIC RECORDS

OF PALM BEACH (NOW MARTIN) COUNTY, FLORIDA.

BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT ON THE NORTH LINE OF LOT 209 AND THE EAST RIGHT-OF-WAY OF COMMERCE AVENUE; THENCE SOUTH 47 DEGREES 45' 24" EAST, ALONG SAID EAST LINE, A DISTANCE OF 433.15 FEET, TO A POINT OF CURVATURE, SAID CURVE BEING CONCAVE TO THE NORTHEAST HAVING A RADIUS OF 460.00 FEET, A CENTRAL ANGLE OF 04 DEGREES 44' 40", IN A SOUTHEASTERLY DIRECTION ALONG THE ARC OF SAID CURVE, A DISTANCE OF 38.09 FEET TO THE POINT AND PLACE OF BEGINNING (POB2); THENCE CONTINUE SOUTHEASTERLY ALONG SAID CURVE, HAVING A RADIUS OF 460.00 FEET, A CENTRAL ANGLE OF 05 DEGREES 47' 44" AN ARC LENGTH OF 46.53 FEET TO A POINT; THENCE SOUTH 58 DEGREES 17' 56" EAST A DISTANCE OF 97.33 FEET TO A POINT OF CURVATURE; THENCE SOUTHEASTERLY ALONG THE ARC OF A CURVE, SAID CURVE BEING CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 540.00 FEET, A CENTRAL ANGLE OF 03 DEGREES 29' 19", AN ARC LENGTH OF 32.88 FEET TO A POINT; THENCE NORTH 47 DEGREES 06'

42" EAST, A DISTANCE OF 215.64 FEET TO THE WEST RIGHT-OF-WAY LINE OF THE FEC RAILROAD; THENCE NORTH 41 DEGREES 30' 57" WEST, ALONG THE WEST RIGHT-OF-WAY LINE OF SAID FEC RAILROAD A DISTANCE OF 164.92 FEET TO A POINT; THENCE SOUTH 48 DEGREES 29' 03" WEST

RIGHT-OF-WAY LINE OF SAID FEC RAILROAD A DISTANCE OF 164.92 FEET TO A POINT; THENCE SOUTH 48 DEGREES 29' 03" WEST, A DISTANCE OF 263.37 FEET TO THE POINT AND PLACE OF BEGINNING (POB2).

TOGETHER WITH A 30' DRAINAGE EASEMENT RUNNING PARALELL WITH THE EAST LINE OF THE ABOVE DESCRIBED PARCEL.

Exhibit B

Map

Exhibit "C"
Development Conditions

Approved Plans and Documents

1. **Boundary and Topographic Survey by Velcon Engineering & Surveying, Sheets 1 of 2 and 2 of 2 dated 12-10-19.**
2. **Capital Scrap Metal Site Plan prepared by McCarty & Associates, Sheet S-1, dated 1.29.20.**
3. **Capital Scrap Metal Landscape Plans prepared by McCarty & Associates, Sheet L-1, and L-2 dated 2.12.20.**

Permitted Uses

1. The project is approved as a receiving site for scrap metal recycling. The property has existing improvements consisting of concrete and stabilized vehicular use areas with approximately 8,371 sq. ft metal building and 8,670 sq. ft of covered area used for sorting metal. Outdoor storage shall be limited to material, equipment, or supplies associated with the approved permitted use. Vehicles and equipment used for dismantling of product on site is prohibited. The permitted use may be amended by a minor amendment to the PUD.

Prior to Issuance of Site Permits

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

3. The applicant is responsible for obtaining all state, federal and local permits.

4. Lighting shall comply with Section 6.07.00 of the Land Development Code and reviewed by Police for CPTED/Crime Prevention recommendations.

5. The Landscape Plan shall include site lighting.

6. A photometric lighting plan shall be submitted, reviewed and approved by the City's Police Department prior to construction plan approval.

7. Fencing at the property border shall comply with CPTED standards.

8. Prior to final construction plan approval, the applicant shall provide South Florida Water Management District Stormwater permit.

9. Unity of Title shall be provided prior to the issuance of a Certificate of Occupancy prior to the issuance of a site permit.

10. Not less than 25% of the IPUD shall be open space as defined in the City Land Development Regulations. Required open space shall include native vegetation areas and landscape buffers between the IPUD and adjacent property; however, other required landscaping shall not count towards the open space requirement.

Traffic/Roadway Improvements

11. The applicant shall obtain the appropriate Martin County permit(s) for the driveway connection and other traffic improvements on SE Commerce Avenue that may be required prior to issuance of a site permit. The County's right-of-way shall be restored according to Martin County requirements for any necessary site improvements.

Landscaping

12. All landscape areas shall be provided with an irrigation system of sufficient capacity to maintain the landscaping in a healthy growing condition.

13. 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.

14. A landscape maintenance plan, executed in accordance with the LDC, shall be submitted to the Development Department and approved prior to the issuance of a certificate of occupancy.

15. "Hat racking" of trees is prohibited on the property.

Development and Construction

16. Construction activity shall be limited from 7:00 am to 6:00 pm Monday - Saturday.

17. To the extent possible, all on-site utilities must be buried except for any existing FPL transmission lines.

18. Sanitation service is to be provided by the City of Stuart.

19. Backflow prevention devices and required above ground utilities shall be delineated on the landscape plans during final site plan review and shall be out of view or screened from the public right-of-way.

20. 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.

21. Any outdoor storage shall be located adjacent to a structure but shall not be located in the front yard setback area (along SE Commerce Avenue) and shall be screened from view while maintain CPTED requirements.

22. No loose materials such as sand, lumber, cardboard boxes, and the like which are subject to being scattered or blown about the premises by normal weather conditions shall be allowed.

23. An outdoor storage area shall be kept neat and orderly. The area shall not be permitted to take on the characteristics of a junkyard.

24. Materials stored shall not be stacked in piles higher than five feet and shall not be visible from surrounding properties or rights-of-way.

25. The applicant will ensure that if the National Weather Advisory Service identifies weather conditions which are predicted to include winds of 75 mph or greater, all materials stored as outdoor storage shall be removed from the storage bays and placed in an enclosed building at least 24 hours prior to the predicted onset of such winds or as soon as reasonably practical if less notice is provided.

26. All utility improvements constructed by the developer including all lift stations shall be constructed in a manner and form acceptable to the City of Stuart Utility Department. The developer shall grant any such utility easements necessary for this site as may be required by the City.

27. No temporary or modular buildings are permitted on the property except for permitted temporary construction trailers.

28. Any proposed signage shall comply with Section 6.11.00 of the Land Development Code. A separate permit(s) for all signs are required.

Development Timetable

29. Timetable for development shall be as follows:

- Site and Building Permit Submission – August 1, 2021
- Certificate of Occupancy – August 1, 2023

LEGAL DESCRIPTION:

PARCEL 1:

BEING A PORTION OF LOTS 208 AND 209, ACCORDING TO THE PLAT OF OFFICIAL MAP SEWALL'S POINT LAND CO., AS RECORDED IN PLAT BOOK 3, PAGE(S) 7, PUBLIC RECORDS OF PALM BEACH (NOW MARTIN) COUNTY, FLORIDA.

BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT ON THE NORTH LINE OF LOT 209 AND THE EAST RIGHT-OF-WAY OF COMMERCE AVENUE; THENCE SOUTH 47 DEGREES 45' 24" EAST, ALONG SAID EAST LINE A DISTANCE OF 134.60 FEET TO THE POINT OF BEGINNING (POB1); THENCE NORTH 53 DEGREES 05' 28" EAST, A DISTANCE OF 138.44 FEET TO A POINT; THENCE NORTH 57 DEGREES 30' 17" EAST, A DISTANCE OF 165.59 FEET, TO A POINT ON THE WEST RIGHT-OF-WAY OF THE FEC RAILWAY; THENCE SOUTH 41 DEGREES 30' 57" EAST, A DISTANCE OF 297.35 FEET TO A POINT; THENCE SOUTH 48 DEGREES 29' 03" WEST, A DISTANCE OF 263.37 FEET TO A POINT ON A CURVE, SAID CURVE BEING CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 460.00 FEET, A CENTRAL ANGLE OF 04 DEGREES 44' 43", IN A CLOCKWISE DIRECTION ALONG THE ARC OF SAID CURVE, A DISTANCE OF 38.09 FEET TO THE POINT OF CURVE; THENCE NORTH 47 DEGREES 45' 24" WEST, A DISTANCE OF 298.55 FEET TO THE POINT AND PLACE OF BEGINNING (POB1).

TOGETHER WITH A 30' DRAINAGE EASEMENT RUNNING PARALELL WITH THE EAST LINE OF THE ABOVE DESCRIBED PARCEL.

AND

PARCEL 2:

BEING A PORTION OF LOTS 208 AND 209, ACCORDING TO THE PLAT OF OFFICIAL MAP SEWALL'S POINT LAND CO., AS RECORDED IN PLAT BOOK 3, PAGE(S) 7, PUBLIC RECORDS OF PALM BEACH (NOW MARTIN) COUNTY, FLORIDA.

BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT ON THE NORTH LINE OF LOT 209 AND THE EAST RIGHT-OF-WAY OF COMMERCE AVENUE; THENCE SOUTH 47 DEGREES 45' 24" EAST, ALONG SAID EAST LINE, A DISTANCE OF 433.15 FEET, TO A POINT OF CURVATURE, SAID CURVE BEING CONCAVE TO THE NORTHEAST HAVING A RADIUS OF 460.00 FEET, A CENTRAL ANGLE OF 04 DEGREES 44' 40", IN A SOUTHEASTERLY DIRECTION ALONG THE ARC OF SAID CURVE, A DISTANCE OF 38.09 FEET TO THE POINT AND PLACE OF BEGINNING (POB2); THENCE CONTINUE SOUTHEASTERLY ALONG SAID CURVE, HAVING A RADIUS OF 460.00 FEET, A CENTRAL ANGLE OF 05 DEGREES 47' 44" AN ARC LENGTH OF 46.53 FEET TO A POINT; THENCE SOUTH 58 DEGREES 17' 56" EAST A DISTANCE OF 97.33 FEET TO A POINT OF CURVATURE; THENCE SOUTHEASTERLY ALONG THE ARC OF A CURVE, SAID CURVE BEING CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 540.00 FEET, A CENTRAL ANGLE OF 03 DEGREES 29' 19", AN ARC LENGTH OF 32.88 FEET TO A POINT; THENCE NORTH 47 DEGREES 06' 42" EAST, A DISTANCE OF 215.64 FEET TO THE WEST RIGHT-OF-WAY LINE OF THE FEC RAILROAD; THENCE NORTH 41 DEGREES 30' 57" WEST, ALONG THE WEST RIGHT-OF-WAY LINE OF SAID FEC RAILROAD A DISTANCE OF 164.92 FEET TO A POINT; THENCE SOUTH 48 DEGREES 29' 03" WEST, A DISTANCE OF 263.37 FEET TO THE POINT AND PLACE OF BEGINNING (POB2).

TOGETHER WITH A 30' DRAINAGE EASEMENT RUNNING PARALELL WITH THE EAST LINE OF THE ABOVE DESCRIBED PARCEL.

ADDRESS: 3951 SE COMMERCE AVENUE
STUART, FLORIDA 34997

NOTES:

SUBJECT TO ANY APPLICABLE EASEMENTS, RIGHTS-OF-WAY, OR OTHER RESTRICTIONS OF RECORD.

A SEARCH OF THE PUBLIC RECORDS HAS NOT BEEN MADE BY THIS OFFICE.

BEARINGS SHOWN ARE RELATED TO THE EAST RIGHT-OF-WAY OF COMMERCE AVENUE, SAID BEARING BEING S 47°45'24" E. ALL OTHER BEARING ARE RELATIVE THERETO.

LEGAL DESCRIPTION FROM WARRANTY DEED RECORDED IN OFFICIAL RECORD BOOK 3076, PAGE 1599. PUBLIC RECORDS OF MARTIN COUNTY.

ELEVATIONS ARE IN FEET AND RELATED TO THE MARTIN COUNTY BENCHMARK "COM-MAR", HAVING A PUBLISHED ELEVATION= 14.15 NAVD.

PROPERTY LIES IN F.I.R.M. ZONE "X", AS SHOWN ON MAP NUMBERS 12085C0162 G & 12085C0164 G, DATED 03/16/2015. FLOOD ZONES ARE APPROXIMATE AS SCALED FROM FLOOD INSURANCE RATE MAPS.

IN ACCORDANCE WITH CHAPTER 5J-17.051, ADDITIONS OR DELETIONS TO SURVEY MAPS OR REPORTS BY OTHER THAN THE SIGNING PARTY, IS PROHIBITED WITHOUT WRITTEN CONSENT OF THE SIGNING PARTY.

UTILITIES SHOWN HEREON ARE VISIBLE ABOVE GROUND FEATURES. ADDITIONAL SUBSURFACE UTILITIES AND OR FEATURES MAY EXIST.

THERE MAY BE ADDITIONAL RESTRICTIONS THAT ARE NOT SHOWN ON THIS SURVEY, THAT MAY BE FOUND IN THE PUBLIC RECORDS OF MARTIN COUNTY, FLORIDA.

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

PUBLIC WATER & SEWER AVAILABLE.

BOUNDARY DIMENSIONS SHOWN ARE PER PLAT AND FIELD MEASURE UNLESS OTHERWISE NOTED.

THE EXPECTED USE OF THE SURVEY AND MAP IS COMMERCIAL.

ALL DISTANCES AND ELEVATIONS SHOWN ARE IN ACCORD WITH THE UNITED STATES STANDARD USING FEET.

ALL DIRECTIONAL MEASUREMENTS SHOWN ARE IN THE FORMAT OF DEGREES, MINUTES AND SECONDS.

BOUNDARY & TOPOGRAPHICAL SURVEY FIELD DATE: 12-09-19.

COMBINED PARCELS CONTAIN 130,266 SQUARE FEET.

CERTIFIED TO: MIKE MCCARTY LAND PLANNING

ROBERT F. KEMERSON
PROFESSIONAL SURVEYOR AND MAPPER
STATE OF FLORIDA (PSM)#6285

ABBREVIATIONS LEGEND

A/C	AIR CONDITIONING	D/C	"D" CURB	INT	INTERSECTION	P/C	PROPERTY CORNER	SHP	SHIP SPIKE OR BOLT
AC	ACRE	D.E.	DRAINAGE EASEMENT	INV	INVERT	P/L	PROPERTY LINE	SLCR	ST LUCIE COUNTY RECORDS
AL	ALUMINUM	DI	DROP INLET	IP	IRON PIPE	P	PLAT	SLP	STREET LIGHT SUPPORT POLE
ANC	ANCHOR	DIA	DIAMETER	IP&P	IRON PIPE & PLUG	PAVE	PAVEMENT	S.S.	SANITARY SEWER
AP	ANCHOR POLE	DIP	DUCTILE IRON PIPE	IR	IRON ROD	PB	PLAT BOOK	SPC	STATE PLANE COORDINATES
APRX	APPROXIMATE	DMH	DRAINAGE MANHOLE	IRR	IRRIGATION	PC	POINT OF CURVATURE	ST	SEPTIC TANK
ASP	ASPHALT	DUE	DRAINAGE & UTILITY EASEMENT	IV	IRRIGATION VALVE	PCC	POINT OF COMPOUND CURVATURE	STD	STANDARD
BE	BUFFER EASEMENT	EC	EDGE OF CONCRETE	ICV	IRRIGATION CONTROL VALVE	PCO	PRESSURE CLEAN OUT (SANITARY)	STU	STORY
BFP	BACK FLOW PREVENTOR	ECP	ELECTRICAL CONTROL PANEL	IW	IRRIGATION WELL	PCP	PERMANENT CONTROL POINT	SV	SANITARY VALVE
BLDG	BUILDING	EL	ELEVATION	L	LENGTH	PF	PLASTIC FENCE	SWL	SWALE
BLK	BLOCK	ELEC	ELECTRIC	LB	LICENSED BUSINESS	PG	PAGE	TA	TOP OF ASPHALT
BM	BENCHMARK	ELEV	ELEVATION	LF&T	LIFT STATION	PI	POINT OF INTERSECTION	TM	TAX MAP
BOC	BACK OF CURB	EM	ELECTRIC METER	LME	LAKE MAINTENANCE EASEMENT	PKKG	PARKING	TMH	TELEPHONE MANHOLE
BP	BRICK PAVERS	ENC	ENCROACHMENT	LOC	LOCATION	PK&D	PARKER KALON NAIL AND DISK	TOB	TOP OF BANK
BOW	BACK OF WALK	EOW	EDGE OF WATER	LP	LIGHT POLE	PK/TT	PARKER KALON NAIL AND TIN TAB	TOE	TOE OF SLOPE
BRG	BEARING	EP	EDGE OF PAVEMENT	LS	LICENSED SURVEYOR	PLS	PROFESSIONAL LAND SURVEYOR	TP	TRAVERSE POINT
BW	BARBED WIRE	ESB	ELECTRIC SERVICE BOX	M	MEASURED	POB	POINT OF BEGINNING	TR	TELEPHONE RISER
C&G	CURB AND GUTTER	ESMT	EASEMENT	MAX	MAXIMUM	POC	POINT OF COMMENCEMENT	TRANS	TRANSFORMER
CAT	CULPEPPER & TERPENING	EX	EXISTING	MB	MAIL BOX	PP	POWER POLE	TSB	TRAFFIC SIGNAL BOX
C/O	CUT OUT	EXT	EXTENDED	MEAS	MEASURED	PRC	POINT OF REVERSE CURVATURE	TT	TIN TAB
C	CALCULATED	FNC	FENCE	MES	MITERED END SECTION	PRO	PRORATED DISTANCE	TWP	TOWNSHIP
CATV	CABLE TELEVISION BOX	FC	"F" CURB	MH	MAN HOLE	PROP	PROPOSED	TYP	TYPICAL
CB	CATCH BASIN	FDC	FIRE DEPARTMENT CONNECTION	MHWL	MEAN HIGH WATER LINE	PRM	PERMANENT REFERENCE MONUMENT	U/C	UNDER CONSTRUCTION
CBS	CONCRETE BLOCK STRUCTURE	FECRR	FLORIDA EAST COAST RAILROAD	MIN	MINIMUM	PSM	PROFESSIONAL SURVEYOR & MAPPER	U.E.	UTILITY EASEMENT
CHD	CHORD	FFE	FINISHED FLOOR ELEVATION	MN	MAGNETIC NAIL	PSWL	PLASTIC SWALE	UP	UTILITY POLE
CI	CURB INLET	FH	FIRE HYDRANT	MN&D	MAGNETIC NAIL & DISK	PT	POINT OF TANGENCY	UR	UTILITY RISER
CL	CENTERLINE	FND	FOUND	MTT	METERED END	P.U.E.	PRIVATE UTILITY EASEMENT	UW	UNDER WATER
CLF	CHAIN LINK FENCE	FOC	FACE OF CURB	MW	MONITORING WELL	PVC	POLYVINYL CHLORIDE	VC	VALLEY CURB
CM	CONCRETE MONUMENT	FOW	FACE OF WALK	M&B	METES AND BOUNDS	R/C	ROD AND CAP	VLT	VAULT
CMP	CORRUGATED METAL PIPE	FPL	FLORIDA POWER & LIGHT	N&D	NAIL AND DISK	R/W	RIGHT-OF-WAY	WD	WOOD
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CONC	CONCRETE	GND	GROUND	NAVD	NORTH AMERICAN VERTICAL DATUM	RFL	ROOF LINE	WP	WELL POINT
CONST	CONSTRUCTION	GRD	GRINDER	NGVD	NATIONAL GEODETIC VERTICAL DATUM	RGE	RANGE	WPP	WOOD POWER POLE
COV	COVERED	HC	HEADER CURB	NO	NUMBER	RLS	REGISTERED LAND SURVEYOR	WS	WATER SERVICE
CE	COVERED ENTRY	HCP	HANDI-CAP	NTS	NOT TO SCALE	RP	RADIUS POINT	WV	WATER VALVE
COVP	COVERED PORCH	HDPE	HIGH DENSITY POLYETHYLENE	O/A	OVERALL	RR	RAILROAD		
CPP	CONCRETE POWER POLE	HGW	HOG WIRE	O/S	OFF SET	RR/S	RAILROAD SPIKE		
CPPIPE	CORRUGATED PLASTIC PIPE	HW	HEADWALL	OE	OVERHEAD EASEMENT	S/W	SIDEWALK		
CS	CONCRETE SLAB	HYD	HYDRANT	OHE	OVERHEAD ELECTRIC	SMH	SANITARY SEWER MANHOLE		
Δ	DELTA ANGLE	ICV	IRRIGATION CONTROL VALVE	OHU	OVERHEAD UTILITY	SBT	SOUTHERN BELL TELEPHONE		
D/F	DRAIN FIELD	ID	IDENTIFICATION	OR	OFFICIAL RECORD	SEC	SECTION		
D	DEED INFORMATION	ILL	ILLEGIBLE	ORB	OFFICIAL RECORD BOOK	SF	SQUARE FEET		

VELCON ENGINEERING & SURVEYING, LLC
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VELCON ENGINEERING & SURVEYING

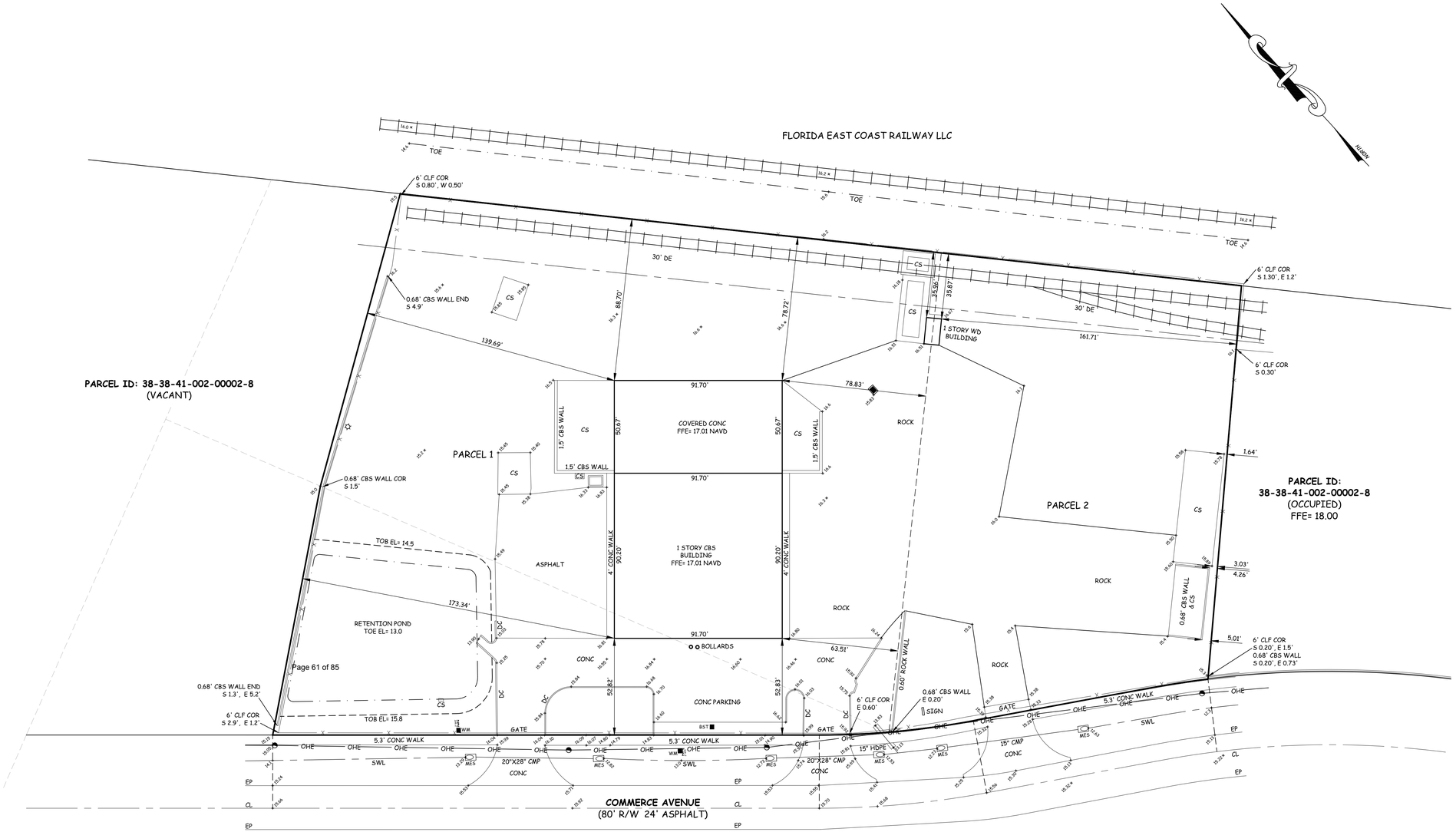
BOUNDARY & TOPOGRAPHIC SURVEY
PREPARED FOR
MIKE MCARTY & ASSOICATES

BY:	DATE:	REVISIONS

DRAWN BY: GJS
APPROVED BY: R. KEMERSON
SCALE: 1" = 30'
DATE: 12/10/19
FIELD BOOK/PAGES PLANS

JOB NUMBER: 19-2196

SHEET: 1 OF 2



ABBREVIATIONS LEGEND

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AP	ANCHOR POLE	DIP	DUCTILE IRON PIPE	IR	IRON ROD	PB	PLAT BOOK	SPC	STATE PLANE COORDINATES
APRX	APPROXIMATE	DMH	DRAINAGE MANHOLE	IRR	IRRIGATION	PC	POINT OF CURVATURE	ST	SEPTIC TANK
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BE	BUFFER EASEMENT	EC	EDGE OF CONCRETE	ICV	IRRIGATION CONTROL VALVE	PCO	PRESSURE CLEAN OUT (SANITARY)	STU	STORY
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C&T	CULPEPPER & TERPENING	EX.	EXISTING	MB	MAIL BOX	PP	POWER POLE	TSB	TRAFFIC SIGNAL BOX
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C	CALCULATED	FNC	FENCE	MES	MITERED END SECTION	PRO	PRORATED DISTANCE	TWP	TOWNSHIP
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CPP	CONCRETE POWER POLE	HOG	HOG WIRE	O/S	OFFSET	RRS	RAILROAD SPIKE	✦ 15.9	SPOT ELEVATION
CPPIPE	CORRUGATED PLASTIC PIPE	HW	HEADWALL	OE	OVERHEAD EASEMENT	S/W	SIDEWALK		
CS	CONCRETE SLAB	HYD	HYDRANT	OHE	OVERHEAD ELECTRIC	SMH	SANITARY SEWER MANHOLE	▭	CATCH BASIS
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FIELD BOOK/PAGES PLANS

JOB NUMBER: 19-2196

SHEET: 2 OF 2

Location Map

Legal Description

PARCEL 1:

BEING A PORTION OF LOTS 208 AND 209, ACCORDING TO THE PLAT OF OFFICIAL MAP SEWALL'S POINT LAND CO., AS RECORDED IN PLAT BOOK 3, PAGE(S) 7, PUBLIC RECORDS OF PALM BEACH (NOW MARTIN) COUNTY, FLORIDA.

BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT ON THE NORTH LINE OF LOT 209 AND THE EAST RIGHT-OF-WAY OF COMMERCE AVENUE; THENCE SOUTH 47 DEGREES 45' 24" EAST, ALONG SAID EAST LINE A DISTANCE OF 134.60 FEET TO THE POINT OF BEGINNING (POB1); THENCE NORTH 53 DEGREES 05' 28" EAST, A DISTANCE OF 138.44 FEET TO A POINT; THENCE NORTH 57 DEGREES 30' 17" EAST, A DISTANCE OF 165.59 FEET, TO A POINT ON THE WEST RIGHT-OF-WAY OF THE FEC RAILWAY; THENCE SOUTH 41 DEGREES 30' 57" EAST, A DISTANCE OF 297.35 FEET TO A POINT; THENCE SOUTH 48 DEGREES 29' 03" WEST, A DISTANCE OF 263.37 FEET TO A POINT ON A CURVE, SAID CURVE BEING CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 460.00 FEET, A CENTRAL ANGLE OF 04 DEGREES 44' 43", IN A CLOCKWISE DIRECTION ALONG THE ARC OF SAID CURVE, A DISTANCE OF 38.09 FEET TO THE POINT OF CURVE; THENCE NORTH 47 DEGREES 45' 24" WEST, A DISTANCE OF 298.55 FEET TO THE POINT AND PLACE OF BEGINNING (POB1).

TOGETHER WITH A 30' DRAINAGE EASEMENT RUNNING PARALELL WITH THE EAST LINE OF THE ABOVE DESCRIBED PARCEL.

PARCEL 2:

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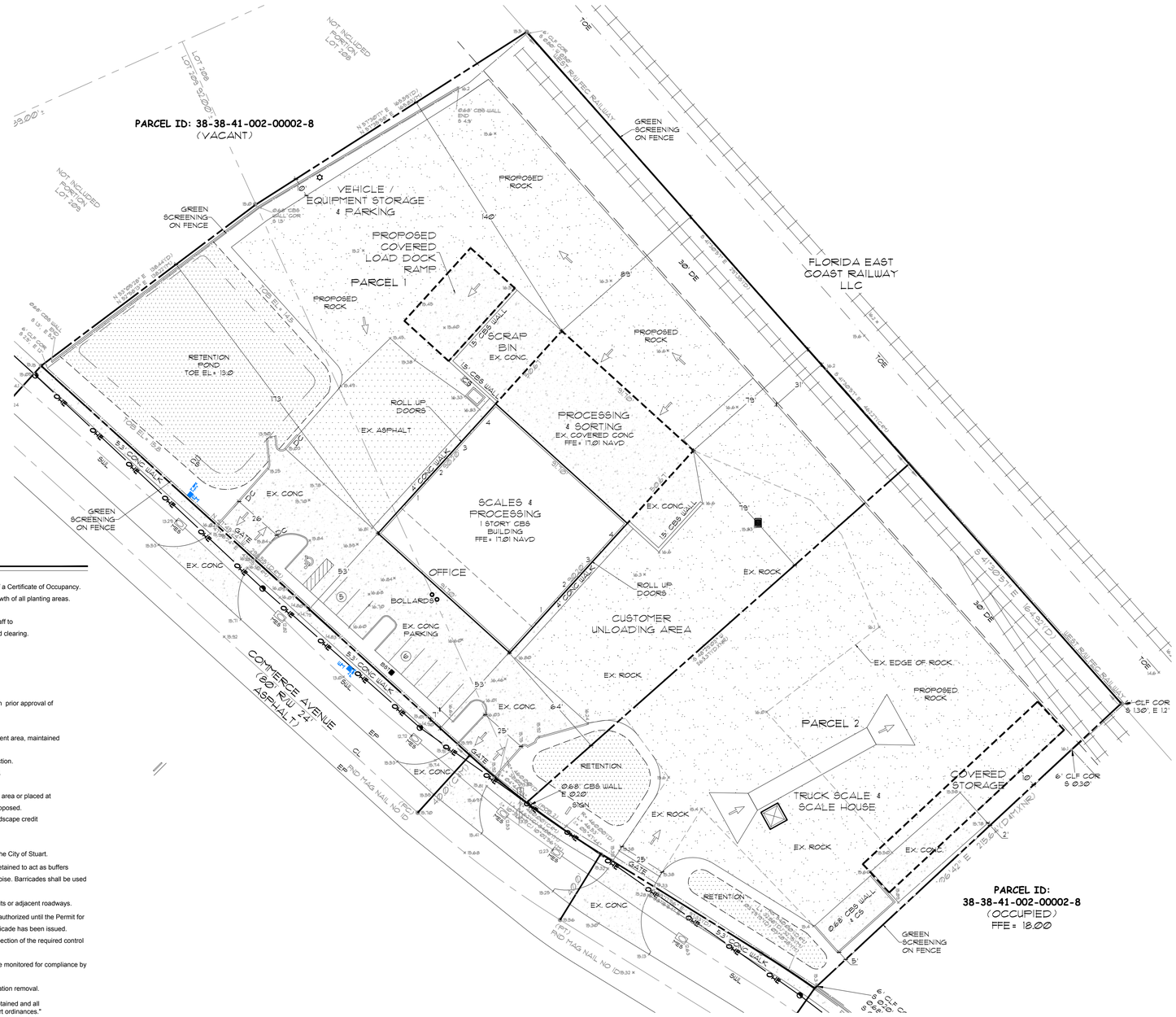
TOGETHER WITH A 30' DRAINAGE EASEMENT RUNNING PARALELL WITH THE EAST LINE OF THE ABOVE DESCRIBED PARCEL.

Site Data

PCN	PARCEL 1	38-38-41-002-208-00000-1	
	PARCEL 2	38-38-41-002-208-00003-8	
ZONING			M-2
FUTURE LAND USE			INDUSTRIAL
EXISTING LAND USE			MANUFACTURING / SERVICE
PROPOSED USE			PROCESSING / SORTING
		SF	**AC**	**%**
TOTAL SITE AREA		130,267	2.99	100.00%
PARCEL 1		89,999	2.07	69.1%
PARCEL 2		40,268	0.92	30.9%
IMPERVIOUS AREA		**93,584**	**2.148**	**71.84%**
BUILDING		8,371	0.19	6.4%
OPEN COVERED AREAS		8,670	0.20	6.7%
STABILIZED ROCK AREA		57,217	1.31	43.9%
ASPHALT		4,840	0.11	3.7%
CONCRETE, WALKS, RAMPS, ETC…		14,486	0.33	11.1%
PERVIOUS AREA		**36,683**	**0.842**	**28.16%**
LANDSCAPE BUFFERS / OPEN SPACES		24,104	0.553	18.5%
RETENTION		12,579	0.289	9.7%
PARKING		**REQ.**	**PROVIDED**	
(1/ 1000 SF FLOOR AREA)		8	11	
ADA ACCESSIBLE SPACES		1	1	



General Notes

1. All signs shall meet City of Stuart Land Developement Regulations.
2. All Invasive exotic vegetation to be removed prior to the issuance of a Certificate of Occupancy.
3. There is to be an irrigation system installed to ensure continued growth of all planting areas. Source of irrigation water to be potable water.
4. The applicant will notify the City of Stuart for a field inspection by staff to determine if barricades have been properly placed prior to any land clearing.
5. Barricades must be constructed in the following manner:
   - Rope: 1/4" diameter min, nylon or poly, yellow or orange
     - Rope must be a minimum of four (4) feet off the ground.
     - Rope may not be attached to vegetation
     - Surveyor ribbon is not acceptable
   - Poles: 2x2 or 2x4, iron rebar, PVC pipe or other materials with prior approval of Environmental Planner.
     - Lathe strips are not acceptable.
   - Silt Fence: shall be installed along all perimeters of development area, maintained during construction.
6. All Barricades must be maintained intact for the duration of construction.
7. Storage of construction materials in preserve areas is not permitted.
8. Fill is not allowed to encroach into preserve areas.
9. Barricades must be offset at least ten (10) feet outside the preserve area or placed at the dripline of the canopy trees in any area for which clearing is proposed.
10. Individual trees or groups of vegetation that are to be saved for landscape credit requirements are to be barricaded according to the guidelines.
11. Advisory or warning signs must be provided.
12. Preserve areas are not to be altered without written permission of the City of Stuart.
13. During constructions activities, existing native vegetation shall be retained to act as buffers between adjacent land uses, and to minimize nuisance dust and noise. Barricades shall be used on site to preserve the vegetation to be retained for this purpose.
14. Any proposed lighting will be directed away from any residential units or adjacent roadways.
15. No clearing, including the installation of erosion control devices, is authorized until the Permit for the Installation of Erosion Control Devices and Preserve Area Barricade has been issued.
16. No additional land clearing shall commence until a satisfactory inspection of the required control structures and barricades has been obtained.
17. All contruction barricades and silt fences will remain in place and be monitored for compliance by the permit holder during the permitted development activities.
18. Soil stabilization shall be completed within thirty (30) days of vegetation removal.
19. Proposed timetable for construction: "all building permits shall be obtained and all construction completed within time frame consistent with city of stuart ordinances."
20. Contractor shall verify all existing conditions and layout dimensions in the field. report all discrepancies immediately to the landscape architect for decision before construction.
21. Refer to the architectural drawings for all building dimensions.
22. Contractor shall verify all existing grades in the field and report any discrepancies immediately to the landscape architect for decision.
23. New earthwork shall blend smoothly into existing grade.
24. All paved areas must pitch to drain at min. of 1/8" per foot. any discrepancies not allowing this to occur shall be reported to the landscape architect prior to continuing work.
25. Contractor shall provide irrigation to, and drainage from all planters.
26. Remove all road base, shellrock, marl, coral rock, and rubble 30" min. below finish grade from all new planting areas and tree pits. backfill with suitable soil as approved by landscape architect. maintain existing grade at existing trees.

Drainage Notes

1. Match all existing grades along property lines.

2. Contractor shall be responsible for providing positive site drainage away from all structures including but not limited to planters, courtyard planting areas, hardscape surfaces and architectural elements.

3. Contractor shall provide drainage from all planters.

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NORTH
Scale: 1" = 30'
0' 15' 30' 60'

McCARTY & ASSOCIATES
LAND PLANNING AND DESIGN
STUART • FT. PIERCE
772.341.9322
www.McCartyLandPlanning.com
Mike@McCartyLandPlanning.com

Capital Scrap Metal
Stuart, Florida
Site Plan

Drawn By	DMS
Checked By	MM
Scale	1"=30'
Drawing Date	1/29/2020

S-1

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BEING A PORTION OF LOTS 208 AND 209, ACCORDING TO THE PLAT OF OFFICIAL MAP SEWALL'S POINT LAND CO., AS RECORDED IN PLAT BOOK 3, PAGE(S) 7, PUBLIC RECORDS OF PALM BEACH (NOW MARTIN) COUNTY, FLORIDA.

BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT ON THE NORTH LINE OF LOT 209 AND THE EAST RIGHT-OF-WAY OF COMMERCE AVENUE; THENCE SOUTH 47 DEGREES 45' 24" EAST, ALONG SAID EAST LINE, A DISTANCE OF 433.15 FEET, TO A POINT OF CURVATURE, SAID CURVE BEING CONCAVE TO THE NORTHEAST HAVING A RADIUS OF 460.00 FEET, A CENTRAL ANGLE OF 04 DEGREES 44' 40", IN A SOUTHEASTERLY DIRECTION ALONG THE ARC OF SAID CURVE, A DISTANCE OF 38.09 FEET TO THE POINT AND PLACE OF BEGINNING (POB2); THENCE CONTINUE SOUTHEASTERLY ALONG SAID CURVE, HAVING A RADIUS OF 460.00 FEET, A CENTRAL ANGLE OF 05 DEGREES 47' 44" AN ARC LENGTH OF 46.53 FEET TO A POINT; THENCE SOUTH 58 DEGREES 17' 56" EAST A DISTANCE OF 97.33 FEET TO A POINT OF CURVATURE; THENCE SOUTHEASTERLY ALONG THE ARC OF A CURVE, SAID CURVE BEING CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 540.00 FEET, A CENTRAL ANGLE OF 03 DEGREES 29' 19", AN ARC LENGTH OF 32.88 FEET TO A POINT; THENCE NORTH 47 DEGREES 06' 42" EAST, A DISTANCE OF 215.64 FEET TO THE WEST RIGHT-OF-WAY LINE OF THE FEC RAILROAD; THENCE NORTH 41 DEGREES 30' 57" WEST, ALONG THE WEST RIGHT-OF-WAY LINE OF SAID FEC RAILROAD A DISTANCE OF 164.92 FEET TO A POINT; THENCE SOUTH 48 DEGREES 29' 03" WEST, A DISTANCE OF 263.37 FEET TO THE POINT AND PLACE OF BEGINNING (POB2).

TOGETHER WITH A 30' DRAINAGE EASEMENT RUNNING PARALELL WITH THE EAST LINE OF THE ABOVE DESCRIBED PARCEL.

Site Data

PCN	PARCEL 1	38-38-41-002-208-00000-1	
	PARCEL 2	38-38-41-002-208-00003-8	
ZONING		M-2	
FUTURE LAND USE		INDUSTRIAL	
EXISTING LAND USE		MANUFACTURING / SERVICE	
PROPOSED USE		PROCESSING / SORTING	
	SF	AC	%
TOTAL SITE AREA	130,267	2.99	100.00%
PARCEL 1	89,999	2.07	69.1%
PARCEL 2	40,268	0.92	30.9%

Landscape Data

	REQ.	PROV.
NORTH PROPERTY LINE		273 LF
1 TREE / 30 LF & HEDGE	9	9 PLANTED TREES
SOUTH PROPERTY LINE		185 LF
1 TREE / 30 LF & HEDGE	6	6 PLANTED TREES
WEST PROPERTY LINE		512 LF
1 TREE / 30 LF & HEDGE	17	22 PLANTED TREES
LANDSCAPING		
LANDSCAPE AREA	20%	28%
TREES (1 TREE / 2,500 SF OF DEVELOPMENT SITE)	52	52
PLANT MATERIAL DATA		
NATIVE TREES	50%	100%
NATIVE SHRUBS	50%	100%

Landscape Notes

1. PLANT AND LANDSCAPE MATERIALS SHALL CONFORM TO THE STANDARDS FOR FLORIDA NO. 1, AS GIVEN IN THE GRADES AND STANDARDS FOR NURSERY PLANTS, PARTS I & II, AS PREPARED BY THE FLORIDA DEPT. OF AGRICULTURE AND CONSUMER SERVICES.

2. A 3" THICK LAYER OF ORGANIC NON-CYPRESS MULCH SHALL BE APPLIED TO ALL LANDSCAPE AND PLANTING AREAS.

3. ALL EXOTIC VEGETATION TO BE REMOVED FROM DEVELOPMENT AREA.

4. AN AUTOMATIC IRRIGATION SYSTEM SHALL BE INSTALLED THAT IS CAPABLE OF PROVIDING 100% COVERAGE TO ALL LANDSCAPE AND PLANTING AREAS AND HAVE AN AUTOMATIC MOISTURE SENSOR.

5. IRRIGATION SOURCE TO BE POTABLE WATER. IRRIGATION PLANS SHALL BE PROVIDED PRIOR TO ISSUANCE OF BUILDING PERMIT.

6. EXISTING TREES THAT ARE TO REMAIN SHALL BE BARRICADED ACCORDING TO CITY OF STUART ORDINANCES.

7. THIS PLAN HAS BEEN DESIGNED TO MEET WITH THE TREE PLANTING REQUIREMENTS CONTAINED WITHIN THE FPL DOCUMENT ENTITLED "PLANT THE RIGHT TREE IN THE RIGHT PLACE."

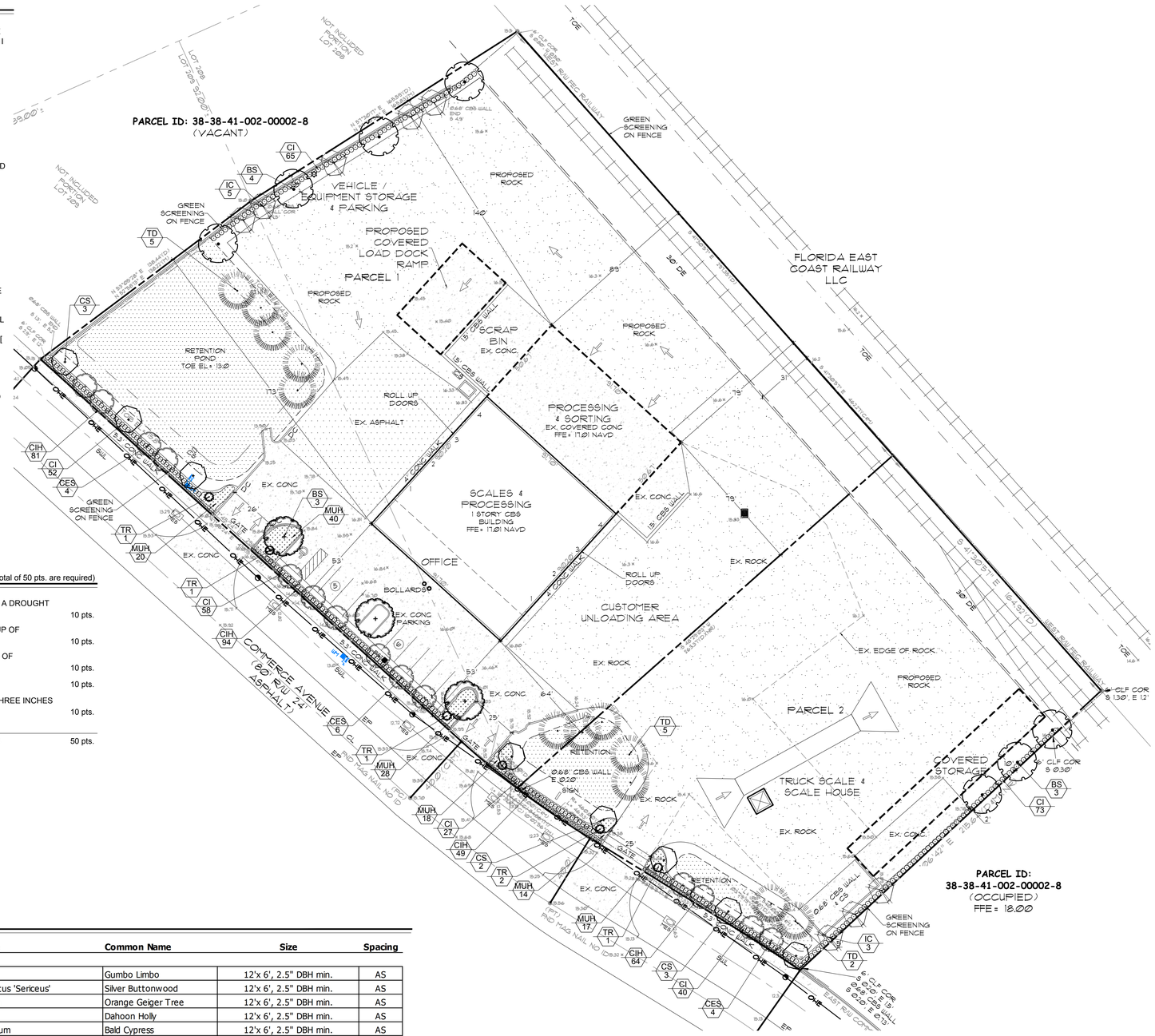
8. FOR EXISTING OR PROPOSED UTILITIES, NO TREE SHALL BE PLANTED WHERE IT COULD, AT MATURE HEIGHT, CONFLICT WITH OVERHEAD POWER LINES. LARGE TREES [HEIGHT AT MATURITY OF MORE THAN THIRTY (30) FEET] SHALL BE PLANTED NO CLOSER THAN A HORIZONTAL DISTANCE OF THIRTY (30) FEET FROM THE NEAREST OVERHEAD POWER LINE. MEDIUM HEIGHT TREE [HEIGHT AT MATURITY BETWEEN TWENTY (20) AND THIRTY (30) FEET] SHALL BE OFFSET AT LEAST TWENTY (20) FEET AND SMALL TREES [HEIGHT AT MATURITY OF LESS THAN (20) FEET] REQUIRE NO OFFSET.

9. NO TREE, SHRUBS, HEDGES OR VINES SHALL BE PLANTED WITHIN FIVE (5) FEET OF ANY EXISTING OR PROPOSED UTILITY POLE, GUY WIRE OR-PAD MOUNTED TRANSFORMER. PALMS SHOULD BE PLANTED AT A DISTANCE EQUAL TO OR GREATER THAN THE AVERAGE FRONT LENGTH PLUS TWO (2) FEET FROM POWER LINES.

Xeriscape Table

(A total of 50 pts. are required)

3. 51% OR MORE OF THE GRASS AREAS ARE MADE UP OF A DROUGHT TOLERANT SPECIES FROM THE LIST.	10 pts.
4. 51% OR MORE OF THE REQUIRED SHRUBS ARE MADE UP OF DROUGHT TOLERANT SPECIES FROM THE LIST.	10 pts.
5. 51% OR MORE OF THE REQUIRED TREES ARE MADE UP OF DROUGHT TOLERANT SPECIES FROM THE LIST.	10 pts.
7. SOD AREA LESS THAN 50% OF LANDSCAPE AREA	10 pts.
8. UTILIZATION OF COMPACTED MULCH BEDS AT LEAST THREE INCHES DEEP IN ALL PLANTED AREAS EXCEPT GROUND COVER.	10 pts.
TOTAL PROVIDED POINTS	50 pts.



Plant List

Key	Qty	Scientific Name	Common Name	Size	Spacing
TREES & PALMS					
BS*^	10	Bursera simaruba	Gumbo Limbo	12'x 6', 2.5" DBH min.	AS
CES*^	14	Conocarpus erectus 'Sericeus'	Silver Buttonwood	12'x 6', 2.5" DBH min.	AS
CS*^	8	Cordia sebestena	Orange Geiger Tree	12'x 6', 2.5" DBH min.	AS
IC*^	8	Ilex cassine	Dahoon Holly	12'x 6', 2.5" DBH min.	AS
TD*^	12	Taxodium distichum	Bald Cypress	12'x 6', 2.5" DBH min.	AS
TR*^	6	Thrinax radiata	Florida Thatch Palm	4' OA, multi trunk, full	AS
ACCENTS, SHRUBS & GROUNDCOVERS					
CI*^	316	Chrysobalanus icaco	Native Green Cocoplum	24"x 18", full	24" OC
CIH*^	288	Chrysobalanus icaco 'Horizontal'	Native Horizontal Cocoplum	3g, 16"x 16"	18" OC
MUH*^	137	Muhlenbergia capillaris	Pink Muhly Grass	24"x 24", full	30" OC

*DENOTES FLORIDA NATIVE PLANT MATERIAL
^DENOTES MODERATELY DROUGHT TOLERANT SPECIES
ALL PLANT MATERIAL SHALL BE MINIMUM FLORIDA #1 GRADE PER THE FLORIDA GRADES & STADARDS FOR NURSERY PLANTS 2015 EDITION

Misc.

SOD - Paspalum notatum - Bahia Sod - solid sod, laid tight

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1-800-432-4770
IT'S THE LAW!
SUNSHINE STATE ONE CALL OF FLORIDA, INC.

NORTH
Scale: 1" = 30'
0' 15' 30' 60'

McCarty & Associates
LAND PLANNING AND DESIGN
STUART • FT. PIERCE
772.341.9322
www.McCartyLandPlanning.com
Mike@McCartyLandPlanning.com

Capital Scrap Metal
Stuart, Florida
Landscape Plan

REGISTERED LANDSCAPE ARCHITECT DANIEL MCRAE SUGG LA 6667190 STATE OF FLORIDA

Drawn By	DMS
Checked By	MM
Scale	1"=30'
Drawing Date	2/12/2020

Plant Specifications

SPECIES AND SIZE shall conform to those indicated on the drawings. Nomenclature shall conform to STANDARDIZED PLANT NAMES, current edition. All nursery stock shall be in accordance with Grades and Standards for Nursery Plants Parts I & II, latest edition published by the Florida Department of Agriculture and Consumer Services. All plants not otherwise specified as being Florida Fancy or Specimen, shall be Florida Grade Number 1 or better as determined by the Florida Division of Plant Industry. Specimen means an exceptionally heavy, symmetrical, tightly knit plant, so trained or favored in its development that first appearance is unquestionable and outstandingly superior in form, number of branches, compactness and symmetry.

GENERAL REQUIREMENTS

All plants shall be freshly dug, sound, healthy, vigorous, well branched, and free of disease and insect eggs and larvae, and shall have adequate root systems. Trees for planting rows shall be uniform in size and shape. All materials shall be subject to approval by the Landscape Architect. Where any requirements are omitted from the plant list, the plants furnished shall be normal for the variety. Plants shall be pruned prior to delivery only upon the approval of the Landscape Architect.

CONTAINER GROWN STOCK

All container grown material shall be healthy, vigorous, well rooted plants, and established in the container in which they are sold. The plants shall have tops which are good quality and in a healthy growing condition. An established container grown plant shall be grown in that container sufficiently long enough for the new fibrous roots to have developed so that the root mass will retain its shape and hold together when removed from the container. Plant root bound in containers are unacceptable.

MEASUREMENTS

Trees: Height shall be measured from ground to the average height of canopy. Spread shall be measured to the end of branching equally around the crown from the center of the trunk. Measurements are not to include any terminal growth. Single trunk trees shall be free of "V" crotches that could be points of weak limb structure or disease infestation.

Shrubs: Heights shall be measured from the ground to the average points where mature plant growth stops. Spread shall be measured to the end of branching equally around the shrub mass. Measurements are not to include any terminal growth.

Palms: Clear Trunk (C.T.), shall be measured from the ground at the time of installation to the point where the mature aged trunk joins the immature or green portion of the trunk or the head.

Overall height (O.H.), shall be measured from the ground at the time of installation to a point three quarters the length of the unopened bud. Palms with marred or burned trunks will not be accepted.

SOIL

Planting soil for use in preparing backfill for plant pits shall be added at a rate of seventy-five (75%) percent to twenty-five (25%) percent existing soil. This soil mix shall be used in all plant pits except Sabal palms which shall be backfilled with clean sand. Planting soil shall be a fertile, friable natural topsoil or loamy character. It shall contain forty (40) to fifty (50) percent decomposed organic matter and shall be free from heavy clay, stones, lime, plants, roots or other foreign materials or noxious grasses (such as Bermuda or nut grass) and noxious weeds. It shall not contain toxic substances which may be harmful to plant growth.

COMMERCIAL FERTILIZER

Two fertilizer shall be used in all types of plantings, except palms. Granular fertilizer shall be uniform in composition, dry and free flowing. This fertilizer shall be delivered to the site in the original unopened bags, each bearing the Manufacturer's statement of analysis, and shall meet the following requirements: sixteen (16%) percent nitrogen, seven (7%) percent phosphorus, twelve (12%) percent potassium, plus iron. Tablet fertilizer ("Agriform" or equal) in 21 gram size shall meet the following requirements: twenty (20%) percent nitrogen, ten (10%) percent phosphorous, five (5%) percent potassium.

The two fertilizers will be applied at the following rates:

PLANT SIZE	16-7-12	"AGRIFORM" TABLET (21 Grams)
1 gal.	1/4 lb.	1
3 gal.	1/3 lb.	2
7-15 gal.	1/2 lb.	4
1"-6" caliper	2 lbs./1" caliper	2/1" caliper
6" and larger	3 lbs./1" caliper	2/1" caliper

"Florida East Coast Palm Special" will be applied to all palms at installation at a rate of 1/2 lb. per inch of trunk caliper unless otherwise specified.

MULCH

Mulch material shall be three (3) inches of shredded melaleuca mulch (sterilized and free of seeds) or approved equal, moistened at the time of application to prevent wind displacement.

SUBSTITUTIONS

No substitutions of plant material types or size will be allowed without written consent of the Landscape Architect. B&B material will not be accepted as substitute for container grown material unless previously approved. Alternate substitutions shall be indicated in bid.

Notes

- Prior to the installation of any plant material all existing and imported soils shall be tested and amended to meet the soil specifications and specific plant needs as shown on this plan.

- All plant material, unless specified as being Florida Fancy or Specimen, shall be Florida Grade Number 1 or better as determined by the Florida Division of Plant Industry.

- All plant materials and sod shall have an automatic irrigation system providing 100% coverage.

- Maintain positive drainage away from building.

- All plant material shall be planted, fertilized and mulched as per the Plant Details and Plant Specifications noted on this plan.

- Landscape Contractor shall research plans and contact appropriate agencies to determine location of utilities and obstructions prior to commencing work. Any utilities or unanticipated obstructions shall be reported immediately to the Landscape Architect.

- Landscape Contractor will be responsible for obtaining all necessary permits, licenses, inspections, and insurance as required by the State and local agencies.

-Quantities shown on plant list are for convenience only. If a discrepancy occurs between the plan and plant list the plan shall prevail.

Plant List

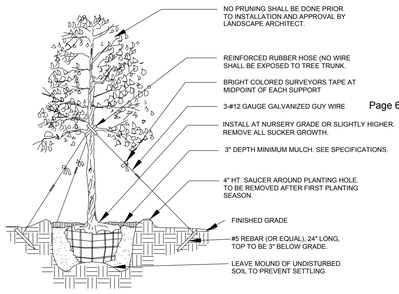
Key	Qty	Scientific Name	Common Name	Size	Spacing
TREES & PALMS					
BS*^	10	Bursera simaruba	Gumbo Limbo	12'x 6', 2.5" DBH min.	AS
CES*^	14	Conocarpus erectus 'Sericeus'	Silver Buttonwood	12'x 6', 2.5" DBH min.	AS
CS*^	8	Cordia sebestena	Orange Geiger Tree	12'x 6', 2.5" DBH min.	AS
IC*^	8	Ilex cassine	Dahoon Holly	12'x 6', 2.5" DBH min.	AS
TD*^	12	Taxodium distichum	Bald Cypress	12'x 6', 2.5" DBH min.	AS
TR*^	6	Thrinax radiata	Florida Thatch Palm	4' OA, multi trunk, full	AS
ACCENTS, SHRUBS & GROUNDCOVERS					
CI*^	316	Chrysobalanus icaco	Native Green Cocoplum	24"x 18", full	24" OC
CIH*^	288	Chrysobalanus icaco 'Horizontal'	Native Horizontal Cocoplum	3g, 16"x 16"	18" OC
MUH*^	137	Muhlenbergia capillaris	Pink Muhly Grass	24"x 24", full	30" OC

*DENOTES FLORIDA NATIVE PLANT MATERIAL
^DENOTES MODERATELY DROUGHT TOLERANT SPECIES
ALL PLANT MATERIAL SHALL BE MINIMUM FLORIDA #1 GRADE PER THE FLORIDA GRADES & STADARDS FOR NURSERY PLANTS 2015 EDITION

Misc.

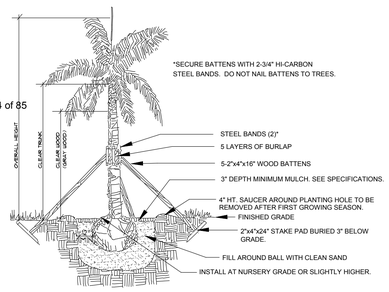
SOD - Paspalum notatum - Bahia Sod - solid sod, laid tight

Planting Details



Tree Planting

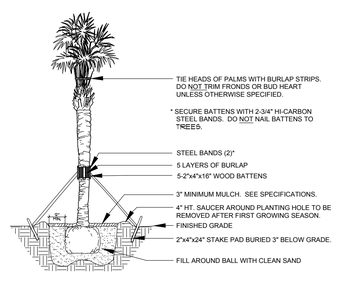
* SEE SPECIFICATIONS FOR BACKFILL MIXTURE AND FERTILIZATION
* BRACING - SPECIAL SITE CONDITIONS MAY REQUIRE MODIFICATION TO BRACING TECHINQUE. LANDSCAPE CONTRACTOR WILL ADEQUATELY BRACE (OR WIRE) ALL TREES TO PREVENT EXCESSIVE MOVEMENT & MAINTAIN A VERTICAL POSITION.



Palm Planting

APPLIES TO: ROYAL PALMS, QUEEN PALMS, ALEXANDER PALMS, MANILA PALMS.

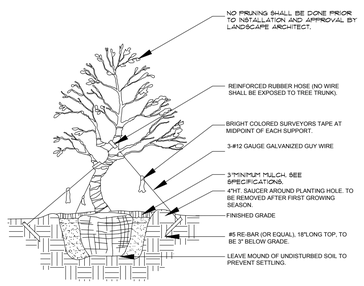
* SEE SPECIFICATIONS FOR BACKFILL MIXTURE AND FERTILIZATION
* BRACING: SPECIAL SITE CONDITIONS MAY REQUIRE MODIFICATION TO BRACING TECHNIQUE. LANDSCAPE CONTRACTOR WILL ADEQUATELY BRACE ALL PALMS TO PREVENT EXCESSIVE MOVEMENT AND MAINTAIN A VERTICAL POSITION.



Palm Planting

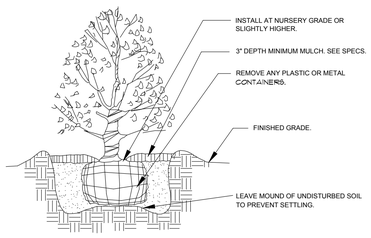
APPLIES TO: SABAL PALMS, WASHINGTON PALMS, CANARY ISLAND DATE PALMS, SENEGAL DATE PALMS

* SEE SPECIFICATIONS FOR BACKFILL MIXTURE AND FERTILIZATION



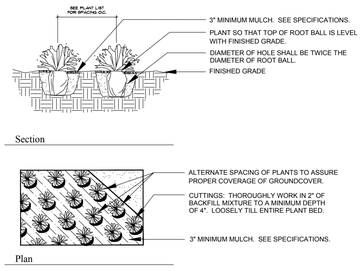
Irregular & Multi-Stem Tree Planting

FOR TREES 6'-14'HT.
NOTES:
SEE SPECIFICATIONS FOR BACKFILL MIXTURES AND FERTILIZATION.
BRACING-SPECIAL SITE CONDITIONS MAY REQUIRE MODIFICATION TO BRACING TECHNIQUE. LANDSCAPE CONTRACTOR WILL ADEQUATELY BRACE (OR WIRE) ALL TREES TO PREVENT EXCESSIVE MOVEMENT AND MAINTAIN A VERTICAL POSITION.



Shrub Planting

* SEE SPECIFICATIONS FOR BACKFILL MIXTURE AND FERTILIZATION.



Groundcover Planting

* SEE SPECIFICATIONS FOR BACKFILL MIXTURE AND FERTILIZATION.

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www.McCartyLandPlanning.com
Mike@McCartyLandPlanning.com

Capital Scrap Metal
Stuart, Florida
Plant List, Planting Details, & Specifications

REGISTERED LANDSCAPE ARCHITECT DANIEL MCRAE SUGG LA 6667190 STATE OF FLORIDA

Drawn By DMS
Checked By MM
Scale
Drawing Date 2/12/2020

Stuart DEVELOPMENT

CITY OF STUART
DEVELOPMENT DEPARTMENT
REZONE REAL PROPERTY APPLICATION
(including Planned Unit Developments)

Reviewed By: _____

Application must be legible with all relevant fields completed.

Project ID#_____
(Staff Entry)

Pre-App Conference Date: TBD	Application Date:
Project Name: Capital Scrap Metal	
Parcel ID# 38-38-41-002-208-00000-1,38-38-41-002-208-00003-8	Project Address: 3951 SE COMMERCE AVE, STUART
Current Zoning: M2 (Martin County)	Current Land Use: Industrial
Proposed Zoning: IPUD	Proposed Land Use: Industrial
Present Use: Recycling facility	Site Area/Acreage: 2.9344
Fees *(check box): This does not include fees that may be charged as a result of application review by the City's consultants or any required recording fees.*	
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 $1,049.00 ☐	

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:

- 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
- 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: Sean Harrigan	City/State/Zip Code: Pompano Beach Fl 33069
Title: Owner	Telephone Number: 954-995-5821
Company: Barrio2beach LLC	Facsimile Number:
Company Address: 1610 N Powerline Rd	Email Address (optional): dumpsterkingfla@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: Mike McCarty	City/State/Zip Code: Stuart FL 34994
Title: Principal	Telephone Number: 772-341-9322
Company: McCarty & Associates Land Planning and Design LLC	Facsimile Number:
Company Address: 309 SE Osceola Street	Email Address (optional): mike@mccartylandplanning.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: Sean Harrigan	City/State/Zip Code: Pompano Beach Fl 33069
Title: Owner	Telephone Number: 954-995-5821
Company: Barrio2beach LLC	Facsimile Number:
Company Address: 1610 N Powerline Rd	Email Address (optional): dumpsterkingfla@gmail.com

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

4. Signed this 25th day of February, 2022.

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

As of January 01, 2020, Any and all notarial certificates prepared under Florida law must indicate whether the principal appeared by means of physical presence or by online notarization. Florida Statue 117.05

(a) For an oath or affirmation:

STATE OF FLORIDA
COUNTY OF MARTIN

Sworn to (or affirmed) and subscribed before me by means of ✓ physical presence or ___online notarization, this 25 day of FEB ( )By SEAN HARRIGAN (name of person making statement).

Grace A. Warner

Personally Known OR Produced Identification Type of Identification Produced
FL. DR: License

(Signature of Notary Public - State of Florida) (Print, Type, or Stamp of Notary Public)

GRACE A. WARNER
MY COMMISSION # GG 337659
EXPIRES: September 22, 2023
Bonded Thru Notary Public Underwriters

(b) For an acknowledgment in an individual capacity:

STATE OF FLORIDA
COUNTY OF MARTIN

The foregoing instrument was acknowledged before me by means of ✓ physical presence or __ online notarization,
This 25th day of FEB (2021) By SEAN Harrigan (name of person acknowledging).

Grace A. Warner

Personally Known OR Produced Identification Type of Identification Produced

(Signature of Notary Public - State of Florida} (Print, Type, or Stamp of Notary Public}

GRACE A. WARNER
MY COMMISSION # GG 337659
EXPIRES: September 22, 2023
Bonded Thru Notary Public Underwriters

(c) For an acknowledgment in a representative capacity:

STATE OF FLORIDA
COUNTY OF _____

The foregoing instrument was acknowledged before me by means of __ physical presence or ___online notarization,
This _____day of_____ ( ) by_____ (name of person) as (type of authority, e.g. officer, trustee, attorney in fact} for (name of party on behalf of whom instrument was executed).

Personally Known OR Produced Identification Type of Identification Produced

(Signature of Notary Public - State of Florida} (Print, Type, or Stamp of Notary Public

McCarty & Associates
Land Planning and Design
www.McCartyLandPlanning.com
309 SE Osceola St. Suite 104
Stuart Fl 34994
772-341-9322

Capital Scrap Metal IPUD

Justification Statement

The Capital Scrap Metal site address is 3951 SE Commerce Ave Stuart FL. The property is comprised of +/- 2.934 acres and is identified by Parcel ID number 38-38-41-002-208-00000-1 and 38-38-41-002-208-00003-8. The parcel is currently within Martin County and has an industrial future land use designation and a zoning designation of M-2 Industrial District. The property has existing improvements consisting of concrete and stabilized vehicular use areas with approximately 8,371 sqft metal building and 8,670 sqft of covered area used for sorting metal. The applicant is proposing the installation of a truck scale and perimeter landscaping along with screening material to be installed on the perimeter chain-link fence. The facility provides a much-needed service to our community as a receiving site for various metals to be sorted and processed for recycling. The applicant has previously submitted an annexation request to the City of Stuart and the applicant requests both applications be processed concurrently.

The property directly to the west, across the street, was recently annexed into the City of Stuart which provides the connectivity to the City boundary. The city has annexed properties along the US Hwy 1 and Commerce Ave corridors, thereby extending the city limits in a southward direction. The proposed IPUD site plan application is consistent with the development trends in the area and surrounding uses. Capital Scrap Metal is a job provider and employs 10 people or more.

As per the City of Stuart Development Department Rezone Real Property Application, the applicant must provide written justification supporting the application and demonstrating how the application complies with the following:

-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

> **Response: The proposed zoning change is consistent with the LDC and Comprehensive Plan of the City of Stuart. The project will not have an adverse effect on public facilities as it is a low impact use. The surrounding properties consist of uses that are compatible with the proposed use. The area in general consists of industrial uses consisting of warehouses, water blasting, manufacturing, boat building and other similar uses.**

-Complies with the relevant development standards of the City of Stuart Land Development Code

Response: The proposed IPUD significantly complies with the City of Stuart Land Development Code. Please refer to the proposed site plan and landscape plan for further details demonstrating compliance with the LDRs.

6/22/2020

6/22/2020

6/22/2020

3951
CAPITAL
SCRAP METAL LLC
We Make Recycling Easy
MON - FRI 7:00 AM - 5:00 PM
NOTICE OF PUBLIC HEARING
PROPOSED ANNEXATION OF A 2.01 AND 0.92 ACRE PARCELS
INTO THE CITY OF STUART AND
ASSIGNING A LAND USE OF INDUSTRIAL
AND AN INDUSTRIAL PLANNED UNIT DEVELOPMENT PUD
ZONING DISTRICT
McCarty & Associates
772.341.9322
6/22/2020

WE BUY SCRAP
WE BUY SCRAP
6/22/2020

6/22/2020

6/22/2020

CITY OF STUART
OFFICE OF THE CITY ATTORNEY

MEMORANDUM

TO: TOM REETZ, DEVELOPMENT DEPARTMENT

SUBJECT: REVIEW OF APPLICATION FOR VOLUNTARY ANNEXATION OF TWO CONTIGUOUS PARCELS OF LAND CONSISTING 2.01 ACRES AND .92 ACRES EACH FOR A TOTAL OF 2.934 ACRES LOCATED ON THE WEST SIDE OF COMMERCE AVENUE SOUTH OF S.E. MARKET PLACE

CC: DAVE DYESS, CITY MANAGER

DATE: March 19, 2020

FACTS

The City of Stuart has received a voluntary annexation request for a 2.93 acre tract of land which is made up of two parcels. The larger parcel is 2.01 acres the smaller is .92 acres. Both parcels are owned by the same entity. There is a single annexation application for a total of 2.93 acres. If you review the aerial photograph attached as Exhibit "A", you can see that there is no distinction based upon parcel and therefore it can be treated as one application.

ISSUE

Does the voluntary annexation request the City to annex land comply with Florida Statute §171.043? Specifically, Is the total area to be annexed contiguous to the City's boundaries? Is the land reasonably compact? is any part of the area to be annexed included within the boundary of another incorporated municipality? If so, will the land be used or developed for urban purposes?

DISCUSSION

Florida Statutes, §171.043 discusses the character of the area to be annexed. There are separate

procedures involuntary annexations, but the City Commission adopted a policy that it will not pursue involuntary annexations. Voluntary annexations are governed by the standards of Section 171.044 Florida Statutes. The basic requirement is stated as follows:

> *"(1) The owner or owners of real property in an unincorporated area of a county which is contiguous to a municipality and reasonably compact may petition the governing body of said municipality that said property be annexed to the municipality."*

The statute contains four (4) general requirements. First, a petition for voluntary annexation must be unanimously signed by all property owners in the area to be annexed. Second, the property proposed to be annexed must be contiguous and reasonably compact. Third, the proposed annexation cannot produce an enclave. Finally, county charters which provide for an exclusive method of municipal annexation override the Florida Statute. Martin County is not a Charter county and therefore, the fourth criteria does not apply to an annexation in the City of Stuart, Florida.

1. **Signed by all property owners in the geographic area being annexed**. ***In the present matter, the property request for annexation has been executed by Sean Harrigan, authorized member for Barrio2Beach LLC and therefore meets the criteria that the application was executed by the proper owner for both (all) parcels.***

2. **Contiguous to the Municipality:** Pursuant to Section 171.044(1), F.S., "the owner or owners of real property in an unincorporated area of a county which is contiguous to a municipality and reasonably compact may petition the governing body of said municipality that said property be annexed to the municipality." Property is deemed to be "Contiguous" under Section 171.031 (11), F.S., where a substantial part of a boundary of the territory sought to be annexed by a municipality is coterminous (sharing a common boundary) with a part of the boundary of the municipality. "Contiguous" has also been defined as "touching or adjoining in a reasonably substantial … sense." See City of Sanford v. Seminole County, 538 So. 2d 113 (Fla. 5th DCA 1989); May v. Lee County, 483 So. 2d 481 (Fla. 2d DCA 1986). The Sanford Court found that Section 171.031(11) F.S. only requires "that a substantial part of a boundary" touch municipal property as opposed to the entire perimeter of the property.

   Section 171.031(11) provides that:

   > Separation of the territory sought to be annexed from the annexing municipality by a publicly owned right-of-way for a highway, road, railroad, canal or utility or a body of water, watercourse of other minor geographical division of a similar nature, running parallel with and between the territory sought to be annexed and the annexing municipality, shall not prevent annexation under this act, provided the presence of such

> division does not, as a practical matter, present the territory sought to be annexed and the annexing municipality from becoming a unified whole with respect to municipal services or prevent inhabitants from fully associating and trading with each other socially and economically.

In the current application, the proposed annexation is coterminous with the City of Stuart. Specifically, the entire western boundary of the property borders the City of Stuart separated only by SE Commerce Avenue right of way. The portion of property "touching" the City of Stuart is significant and does not constitute a finger or minimal contact. Therefore, the property meets condition one and is contiguous to the City of Stuart.

3. Reasonably Compact

"Compactness is defined under Florida Statute §171.031(12), as a concentration of a piece of property in a single area and precludes any action which would create enclaves, pockets, or finger areas in serpentine patterns. The purpose of the compact and contiguous requirement is to assure creation of geographically unified and compact municipalities, City of Sunrise v. Broward County, 473 So. 2d 1387 (Fla. 4th DCA 1985). The court in City of Sanford v. Seminole County, 538 So. 2d 113 (Fla. 5th DCA 1989) found that our statutes do not define the term pocket but Webster's defines the term in relevant part as a small isolated area of group. *Id.* AT 115 (referencing Websters New Collegiate Dictionary, p. 879).

A review of the map and the application determines that this property is reasonably compact and meets Florida Statute §171.031(12). Annexation would not create enclaves, pockets, or finger areas in serpentine patterns as the parcels are not isolated nor do they create serpentine patterns.

4. No Enclaves

Subsection (5) of F.S. §171.044, provides that "land shall not be annexed through voluntary annexation when such annexation results in the creation of enclaves". The term "enclave" is defined under Florida Statute, §171.031(13), as "any unincorporated improved or developed area that is bounded on all sides by a single municipality or any unincorporated improved or developed area that is enclosed within and bounded by a single municipality and a natural or manmade obstacle that allows the passage of vehicular traffic to that unincorporated area only through the municipality."

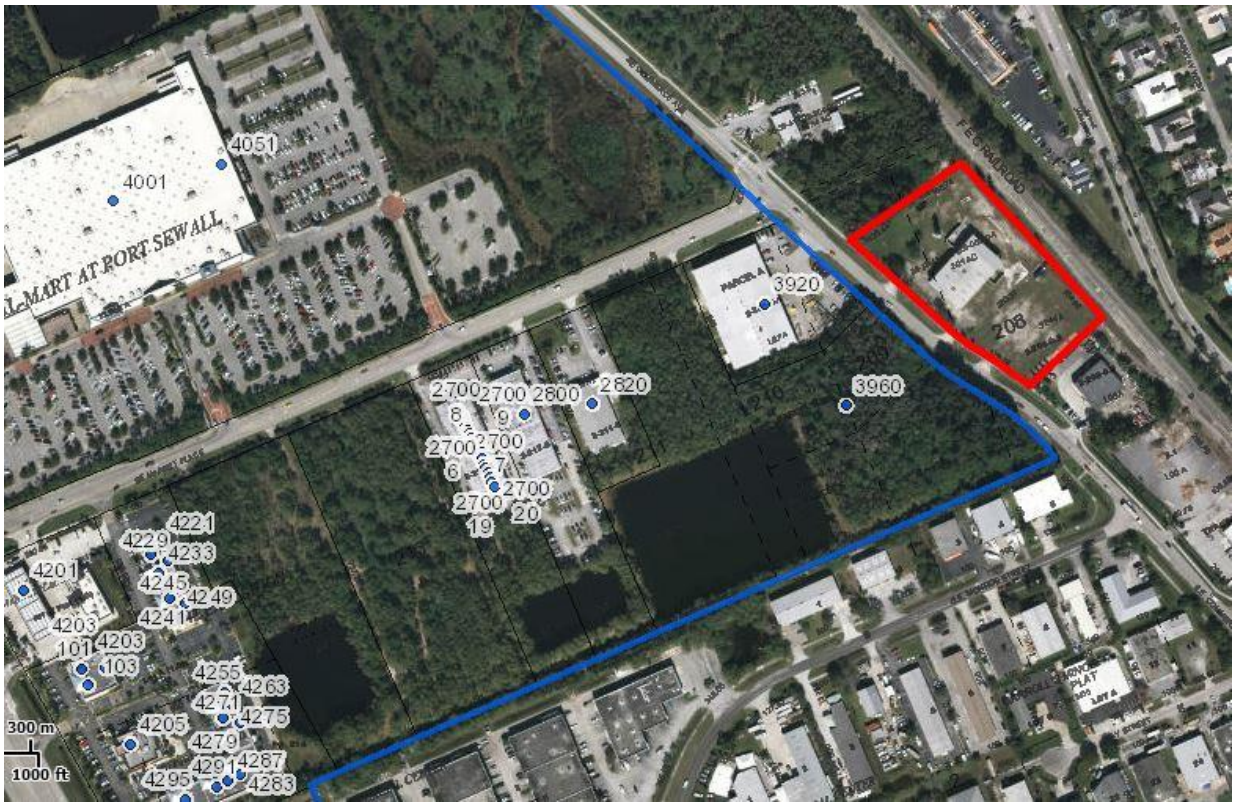
The map provided as exhibit "A" delineates the property with a red outline and shows that an annexation of this parcel would not create an unincorporated geographic area bound on all sides by a single municipality. If the City Commission determines that an annexation results in an unincorporated area being bounded on all sides and a manmade obstacle prevents vehicular traffic from accessing the unincorporated property without passing through the municipality then steps must be taken to avoid the creation of an enclave.

Conclusion

Based upon the information provided in the application and the map attached hereto as exhibit "A", the two parcels of land qualify for review by the City Commission to be considered for annexation into the City of Stuart.

See Exhibit 'A' map on next page.

Exhibit 'A'


4051
4001
MART AT PORT SEWALL
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4205
4279
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4287
4295
4283
300 m
1000 ft

MARTIN COUNTY, FLORIDA
CODE ENFORCEMENT MAGISTRATE

Case No. GMD2020010197

MARTIN COUNTY, FLORIDA
Petitioner,

v.

BARRIO2BEACH, LLC

CAPITAL SCRAP METAL, LLC
Respondents.

PCN #: 383841002208000001

STIPULATION AND AGREED FINAL ORDER

The Petitioner and the Respondents hereby freely stipulate and agree to the following:

1. The Respondent BARRIO2BEACH, LLC is the owner of the property located at 3951 SE COMMERCE AVE, STUART, FL 34997 and further described in Exhibit A attached hereto.

2. Respondent CAPITAL SCRAP METAL, LLC is the owner of the business operating on the property.

3. On January 16, 2020, an inspection of the property was performed by the Martin County Growth Management Department, and at that time, and continuing until May 20, 2020, the Respondents did maintain conditions on the property as cited in the Notice of Violation &Notice of Hearing issued in this case.

4. Respondents acknowledge the violation of the following Code:
   Land Development Regulations, Martin County, Fla. (2016)
   Section 3.421. M-2 Industrial District.

5. Respondents shall come into compliance with the cited Code section as follows:

   a. Immediately cease using the property as a salvage yard. Use of the property for scrap metal recycling is permitted which includes the receiving, packaging and shipping of scrap metal. Acceptance of vehicles for dismantling is prohibited.

   b. By June 8, 2020, all recycling materials shall:

      i. Be entirely stored within a building; or
      ii. Entirely screened from being viewed outside the real property boundary using 100% opaque fencing or walls, which may include installing opaque slats in the existing chain link fence.

   c. Equipment used in the operation of the scrap metal recycling business including, but not limited to, forklifts may remain outside of a building and does not require screening.

6. Upon compliance the Respondents shall request an inspection by contacting the County's Growth Management Department, Site Compliance Division at (772) 288-5495. A request for inspection must be made at least 1 day prior to the requested inspection.

7. If Respondents fail to comply with the requirements of this Stipulation and Agreed Order, there is hereby levied a fine in the amount of $2,000.00 per day thereafter, for each and every day of non-compliance, and administrative costs in enforcing the action. Pursuant to Chapter 162, Florida Statutes, no further hearing shall be required for the entry of such fine and costs. In addition, all fines and costs constitute a lien against the land on which the violations exist and upon any

CE Case No. GMD2020010197
Stipulation and Agreed Order

Page 2

other real or personal property owned by the Respondents. After three months from the filing of any such lien which remains unpaid, the County Attorney is hereby authorized to foreclose on the lien or sue to recover a money judgment for the amount of the lien plus accrued interest.

8. Pursuant to Chapter 162, Florida Statutes, no further hearing shall be required for the entry of a fine and costs. In addition, all fines and costs become liens on the property of the Respondents.

9. Respondents agree to pay $575.00 in administrative costs, on or before May 20, 2020.

10. The parties represent, under penalty of perjury that they have read this Stipulation; that they have full authority to enter into this Stipulation; that the facts contained herein are the truth, the whole truth and nothing but the truth; that they agree to abide by its terms; that they are signing this agreement freely and voluntarily and are under no duress to execute it; that the Respondents had the opportunity to come to a Magistrate Hearing and dispute the County's Notice of Violation and Notice of Hearing upon which this Stipulation is based, but by signing this Stipulation the Respondents irrevocably waive the right to notice, and to contest or dispute the violation charged, and that Respondents intend to be bound by its terms, and the Agreed Order, below.

RESPONDENT: BARRIO2BEACH, LLC

Respondent Signature

Printed Name: Sean Harrigan

Title: Operations Manager / Auth Rep

Date: 5/20/2020

RESPONDENT: CAPITAL SCRAP METAL, LLC

Respondent Signature

Printed Name: Sean Harri

Title: Operations Manager / Auth Rep

Date: 5/20/2020

PETITIONER: MARTIN COUNTY, FLORIDA

Jerry Mitchell
Environmental Enforcement Officer

Date: 5/20/2020

CE Case No. GMD2020010197
Stipulation and Agreed Order

Page 3

AGREED ORDER

THE ABOVE STIPULATION is found to have been properly executed and otherwise in order.

IT IS HEREBY ORDERED that the parties shall comply with the terms of the Stipulation. If the Respondent fails to comply with the above Stipulation, the County may enforce its terms by filing a copy of this Agreed Order as a lien against the property of the Respondents.

DONE AND ORDERED in Stuart, Martin County, Florida, this 20th day of May, 2020.

Paul J. Nicoletti
Magistrate

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THE CODE ENFORCEMENT MAGISTRATE IN
AND FOR MARTIN COUNTY, FLORIDA

CASE NO.: GMD2020010197

MARTIN COUNTY, a political
Subdivision of the State of Florida

Petitioner,

vs.

BARRIO2BEACH, LLC

CAPITAL SCRAP METAL, LLC

Respondents,
_____/
PCN: 383841002208000001

AFFIDAVIT OF COMPLIANCE/ACCRUED FINE AND COSTS

STATE OF FLORIDA
COUNTY OF MARTIN

BEFORE ME, the undersigned authority, personally appeared Jerry Mitchell, Environmental Enforcement Officer, for Martin County, Florida, who, after being duly sworn, deposes and says:

1. That on May 20, 2020, the Code Enforcement Magistrate held a Public Hearing and issued an Order Finding Violation in the Code Enforcement Magistrate Case No. GMD2020010197, Martin County v. BARRIO2BEACH, LLC and CAPITAL SCRAP METAL, LLC, regarding property located at 3951 SE COMMERCE AVE, STUART, FL 34997-4961, and further descripted as: A PORTION OF TRACTS 208 & 209 PLAT OF PORT SEWALL LAND COMPANY ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 3 PAGE 7 PUBLIC RECORDS PALM BEACH NOW MARTIN COUNTY FLORIDA BEING MORE PARTICULARLY DESCRIBED IN OR 2880/280. The Order was recorded in Official Records Book 3130, Page 2193, Martin County, Florida.

2. That based on an inspection and consideration of other evidence, the property was determined to be in compliance as of June 29, 2020.

3. However, because compliance was not achieved by the compliance date established in the Order Finding Violation, a fine in the amount of $40,000.00 has accrued. All fines and costs constitute a lien against the land on which the violation existed and upon any other real or personal property owned by Respondents.

Jerry Mitchell
Environmental Enforcement Officer

Sworn to and subscribed before me on June 20, 2020, by Jerry Mitchell

Notary Public
Personally known (X) or Produced Identification ( )

Type of Identification Produced:

MAGDALENA GIERCZAK
Notary Public-State of Florida
Commission # GG 946185
My Commission Expires
January 12, 2024

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