City of Stuart

A G E N D A
LOCAL PLANNING AGENCY / PLANNING ADVISORY BOARD
TO BE HELD SEPTEMBER 19, 2019
AT 5:30 PM
COMMISSION CHAMBERS
121 S.W. FLAGLER AVE. STUART, FLORIDA 34994

LOCAL PLANNING AGENCY

Chair - Michael Herbach
Vice Chair - Ryan Strom
Board Member - Larry Massing
Board Member - Bill Mathers
Board Member - Christina de la Vega
Board Member - Li Roberts
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

APPROVAL OF MINUTES

Approval of LPA Minutes

COMMENTS FROM THE PUBLIC ON NON-AGENDA ITEMS

COMMENTS FROM THE BOARD MEMBERS

ACTION ITEMS

1. ZONING TEXT CHANGE TO ESTABLISH REGULATIONS ON FRONT YARD FENCES IN THE R-2 ZONING DISTRICT (RC):

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

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

ORDINANCE No. 2415-2019: AN ORDINANCE OF THE CITY OF STUART, FLORIDA, ANNEXING A PARCEL OF LAND ON THE NORTHWEST CORNER OF STATE ROAD 76 (AKA KANNER HIGHWAY) AND SW MARTIN HIGHWAY, CONSISTING OF 15.88 ACRES, SAID PARCELS BEING MORE FULLY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO; PROVIDING DIRECTIONS TO THE CITY CLERK; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

STAFF UPDATE

3. Staff has received a request to implement the procedure followed by the City Commission when reviewing quasi judicial matters such as PUD and development orders.

ADJOURNMENT

CITY OF STUART, FLORIDA
AGENDA ITEM REQUEST
Local Planning Agency

Meeting Date: 9/19/2019 **Prepared by:** Jordan Pinkston

Title of Item:
Approval of September 5, 2019 LPA Minutes
Summary Explanation/Background Information on Agenda Request:

Funding Source:
N/A
Recommended Action:
Approve.

ATTACHMENTS:

	Description	Upload Date	Type
	LPA Minutes 9.5.19	9/13/2019	Cover Memo

MINUTES

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

LOCAL PLANNING AGENCY

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

ADMINISTRATIVE

Development Director – Kev Freeman
Board Secretary – Jordan Pinkston

CALL TO ORDER **5:28 PM**
Present: Michael Herbach, Ryan Strom, Li Roberts, Larry Massing, Campbell Rich, Bill Mathers, Christina de la Vega
Absent: None.

APPROVAL OF MINUTES:
Motion: Action: Approve.
Moved by: Li Roberts
Seconded by: Larry Massing
Motion passed unanimously.

COMMENTS FROM THE PUBLIC: None.

COMMENTS FROM THE BOARD MEMBERS: None.

OTHER MATTERS BEFORE THE BOARD:

1. REZONING TO URBAN PLANNED UNIT DEVELOPMENT
ORDINANCE No. 2412-2019: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, AMENDING THE CITY'S OFFICIAL ZONING MAP, THEREBY APPLYING A LAND DEVELOPMENT ZONING DESIGNATION OF UPUD "URBAN PLANNED UNIT DEVELOPMENT" TO A PARCEL OF LAND TOTALING 0.29 ACRES, OWNED BY STUART HILLS PROPERTIES, LLC, LOCATED AT 801 S.E. OCEAN BLVD., BEING MORE FULLY DESCRIBED IN EXHIBIT "A" ATTACHED; ESTABLISHING THE "SADA INTERNATIONAL SALON" URBAN PLANNED UNIT DEVELOPMENT (UPUD) CONSISTING OF A TWO-STORY COMMERCIAL BUILDING TOTALING 3,485 SQUARE FEET, AND ALLOWING USES PERMITTED IN THE URBAN DISTRICT; PROVIDING FOR APPROVAL OF AN EXISTING SITE AND BUILDING; PROVIDING FOR DEVELOPMENT CONDITIONS; DECLARING THE PROJECT TO BE CONSISTENT WITH THE CITY'S COMPREHENSIVE PLAN; PROVIDING DIRECTIONS TO THE CITY CLERK; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE, PROVIDING FOR ACCEPTANCE BY THE APPLICANT AND FOR OTHER PURPOSES. (QUASI-JUDICIAL)

PRESENTATION: Stephen Mayer, Senior Planner 5:31 PM

Mike McCarty from McCarty & Associates said the existing zoning did not permit a salon use. The purchaser of the property is Sada International Salon and is currently located in downtown. He said they are purchasing and are in contract contingent on this use approval and they are not proposing any improvements, as the site is in great condition. Sada Salon has been here for over 20 years and this was the only way to accommodate his use, by filing an Urban PUD. He said that we did follow the proper notification requirements and submitted an electronic affidavit attesting to notifications.

BOARD COMMENT:

Li Roberts said page one of the ordinances said 807 and it should be 801.

Stephen Mayer said there was confusion over the address, but confirmed it was 801.

Li Roberts questioned the text about compatibility of zoning. She asked if one of those were the Women's Club and if so, it should reflect the actual use. She asked staff if the applicant wanted to do something with more intense parking, would there be the ability to do that in the future?

Stephen Mayer confirmed that there is the ability to do that but could limit the business tax or certificate of occupancy to just the first floor for instance.

Li Roberts said she wanted to know what the flexibility is after a UPUD is approved.

Stephen Mayer said that staff does have flexibility when we get the business tax licenses to limit the amount of square footage.

Cristina De La Vega asked about the future ability of having a restaurant there, so they can avoid a problem in the future. She thinks there is room to improve parking for both employees and clients. She believes parking will become an issue and suggested on-street parking or working with the Women's Club to share parking. She also recommended changing the zoning along all East Ocean, so we do not have to look at these case by case.

Larry Massing asked for confirmation that this was in the CRA.

Stephen Mayer confirmed that it was in the CRA.

Kev Freeman said that at the moment the zoning that you have, and the overlay dictate what you can do on these locations. The fact that it is in the CRA means that any property tax or improvements goes into tiff. He said that the issue they are facing now is that the zoning and land use were not changed during the expansion, therefore we are limited by the comprehensive plan and existing zoning and we see uses changing out to be more of an urban downtown feel as we move up Ocean. People are not able to utilize those properties as they should be able to do.

Bill Mathers wanted confirmation that this was strictly for rezoning.

Stephen Mayer confirmed that was correct. He said that the change in zoning is coming with a set of uses that would be described at this site.

Bill Mathers confirmed that this was just a regular PUD and that any change to this site will key in to revisit the plan by the board.

Stephen Mayer confirmed that this was a PUD and if they were to make any change to the site, there would need to be an amendment to the PUD.

MOTION:
Action: Approve.
Moved by: Larry Massing
Second by: Li Roberts
Motion passed unanimously.

PUBLIC COMMENTS: None.

BOARD COMMENT: None.

STAFF UPDATE: 5:45 PM

Kev Freeman said there will be a number of PUD's coming forward at the next meeting, along with the fence ordinance.

BOARD COMMENT:

Michael Herbach asked how we are doing on the new board procedures.

Mike Mortell said that Mary Kindel, City Clerk was asking Novus Agenda if that was something we could move around. He does not think we will be able to make specific changes, but there will be changes to a quasi-judicial sheet for the board to address. It will deviate from the actual agenda and gives a road map for the board. It will give you an opportunity to discuss the application in more of a review type manner. He went on to describe how the process will work and said that it will be brought forward as an agenda item so the board can make any changes or suggestions to it.

Michael Herbach asked about the status of the by-laws.

Mike Mortell said that all board by-laws are being reviewed and will come forward late October/November.

ADJOURNMENT:
Motion: Action: Adjourn
Moved by: Larry Massing
Seconded by: Bill Mathers

_____ _____

Michael Herbach, Chair Jordan Pinkston, Board Secretary

1.

CITY OF STUART, FLORIDA
AGENDA ITEM REQUEST
Local Planning Agency

Meeting Date:9/19/2019 **Prepared by:**S. Mayer

Title of Item:

ZONING TEXT CHANGE TO ESTABLISH REGULATIONS ON FRONT YARD FENCES IN THE R-2 ZONING DISTRICT (RC):

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

Summary Explanation/Background Information on Agenda Request:

The City Commission directed staff to amend the City's Land Development Code to prohibit opaque fences, over 4' in height, in the front of residential structures within the R-2 zoning district. Further, City Staff was directed to identify to current properties that would have nonconforming fences if this ordinance was enacted and to make recommendations regarding the least intrusive alternatives. Upon review, staff noted two potential exceptions when opaque fences should be allowed in the front yard, while over 4' in height.

The first exception is common throughout the city. Opaque fences along the side property line, typically to add privacy to the front of the house or driveway. These fences typically stop short of reaching the front property line but do extend past the facade of the primary structure. An exception allowing opaque fences up to 6' high along the side property line which can go past the facade of the structure but can not extend past 10 feet before the front property line, or sidewalk. This ensures that driveways will not be screened from view, providing safety for pedestrians utilizing the sidewalk and approaching automobiles.

The second exception is found when an opaque fence shields the front door from the right away and typically runs across both front doors in a duplex at a length of approximately 8 feet. Similarly, short spans of opaque fences are used to shield mechanical equipment, or stored items in the front yard, and adjacent to the house. Therefore, there is also an exception to allow small, 8 foot spans of opaque fences to run parallel to the right of way, so long as the house is not completely shielded from view from the right of way. It is important to note that staff does not make an exception for the 10' clearance area from the front property line as it pertains to 6 foot opaque fences. The gap between these partial spans should be discussed.

Within the City's 314 R-2 zoned properties, staff notes that the proposed text amendment will create three nonconforming fences (less than 1%). One each on: Fini Dr., 5th Street and Stypmann Blvd.

At the most recent Local Planning Agency (LPA) hearing on July 18, 2019, the LPA voted to continue the item to September 19, and requested that the City Attorney be present to answer legal questions that the board had regarding the legality of limiting fence regulations to the R-3 zoning district.The initial inquiry pertaining to "spot zoning" has already been reviewed and it has been determined that this ordinance does not constitute "spot zoning" because it is intended for an entire zoning district.

Funding Source:

N/A

Recommended Action:

Motion to approve ORDINANCE No. 2406-2019.
Provide feedback to City Commission regarding proposed ordinance.

ATTACHMENTS:

	Description	Upload Date	Type
	Ordinance 2409-2019	7/5/2019	DRAFT ORDINANCE
	Existing Land Development Regulations - Fences	3/29/2019	Backup Material
	Research Draft	7/5/2019	Backup Material
	LPA Minutes - July 18	9/9/2019	Attachment

Return to:

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

BEFORE THE CITY COMMISSION
CITY OF STUART, FLORIDA

ORDINANCE NO: 2406-2019

AN ORDINANCE OF THE CITY OF STUART, FLORIDA AMENDING CHAPTER 6, SECTION 6.09.05, "FENCES, WALLS, HEDGES AND ENCLOSURES" OF THE CITY'S LAND DEVELOPMENT CODE; PROVIDING FOR REGULATIONS THAT SHALL LIMIT THE HEIGHT, TYPE AND LOCATION OF FENCES IN THE FRONT YARD OF RESIDENTIAL SINGLE-FAMILY/ DUPLEX (R-2) DISTRICT PROPERTY; PROVIDING FOR A SEVERABILITY CLAUSE, A CONFLICT CLAUSE AND CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

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WHEREAS, the effective regulation of fences and other enclosures is vital to the Public's health safety and welfare, and

WHEREAS, the City's Comprehensive Plan establishes Policy A.5.2 of the Future Land Use Element, which establishes the Policy of neighborhood sustainability and compatibility, and

WHEREAS, Policy B.3.2 of the Future Land Use Element of the City's Comprehensive Plan establishes the compatibility with surrounding land uses and neighborhood design, and

WHEREAS, on April 22, 2019, the Local Planning Agency met for the purpose of transmitting its recommended amendment to the Land Development Code, and

WHEREAS, the Stuart City Commission held duly noticed public hearings on May 13,

2019 and May 27, 2019 to consider this ordinance and provide for full public participation in the Land Development Code amendment process.

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

SECTION 1: The City of Stuart Land Development Code Chapter 6, Section 6.09.05., "Fences, Walls, Hedges and Enclosures" is hereby amended as follows:

Sec. 6.09.05. Fences, walls, hedges, and enclosures.

A. *General requirements for all walls and fences.* The regulations set forth in this section 6.09.05 shall apply to any existing or new development for residential, business, public, or industrial property for which a fence or accessory structure permit application has been submitted to the city development department. (Ord. No. 1742, 7-10-00)

1. The requirements of this section shall be in addition to and shall supersede in the event of a conflict those contained in the building code, relating to type of construction and materials of fences or walls.

2. Any fence or wall over six feet in height must be designed and sealed by a licensed professional engineer or licensed architect.

3. Wooden fences shall be of the woven or staggered type, with at least 30 percent of their area open to permit the flow of air. Only within the R-1A, R-1, and R-2 zoning districts shall a stockade type fence be permitted. (Ord. No. 1741-00, 7-10-00)

4. Fences and walls shall be constructed of concrete, cement blocks, brick, chain link, wood, ornamental wrought iron, stone, or any alternate material as approved by the city development director. Concrete or cement block walls shall be stucco or provided with a textured finish. (Ord. No. 1742, 7-10-00)

5. Metal fences shall be of non-corrodible metal or galvanized wire fabric, having a minimum of 11 gauge, mounted on steel posts.

6. Ornamental iron fences shall meet the requirements of section 6.09.05.A.17 of this Code.

7. Fences or walls should be generally in harmony and compatible with their surroundings, including, but not limited to the following factors of compatibility: maximum height, materials, fence or wall type and use of landscaping.

8. All fences and wallsshall be maintained in good repair on both sides, so as to be structurally sound.

9. All fences and walls on the same property shall be continuous in alignment and of uniform construction and appearance.

10. All new and existing fences and walls shall be finished on the exterior side (all framing facing the interior) and shall be maintained in an attractive condition.

11. No fence shall be constructed of materials which easily corrode, decay or rust, unless specifically treated to inhibit such corrosion, decay or rust.

12. The height of fences and walls shall be measured from existing natural elevation of a lot, prior to any construction or alteration. (Ord. No. 1453-96, 6-1-96)

13. An entryway bower, arbor, or trellis, constructed in conjunction with a fence or wall, shall not exceed a maximum height of nine feet, measured from existing grade.

14. A fence or wall shall only be located on a developed parcel of land - unless the owner or contractor can clearly demonstrate that an extenuating circumstance exists creating a situation that compromises the safety, health, and general welfare of surrounding residents.

15. No fences, walls, or hedges may be located within the intersection sight-triangle as set forth in section 6.04.03.B.8., Visibility triangles. (Ord. No. 1742, 7-10-00)

16. *Electrical fences prohibited.* Electrically charged fences are prohibited, except in prisons or jails.

17. *Barbed wire or razor wire fences.* Barbed wire fences are hereby prohibited, except at the top of fences or walls erected in industrial, business, commercial or public use zoning districts. Razor wire fences shall only be permitted to be used in jails or prisons.

18. *Dangerous materials prohibited.* Unless specifically permitted in this article, no fence, wall, or other enclosures shall include materials or devices, such as broken glass, spikes, razors, nails or similar materials intended or designed to maim, mutilate or cause other bodily injury to any person or animal.

19. *Construction design for wind pressure and other stresses.* All fences and walls shall be adequately secured and designed to withstand wind pressure of at least 50 pounds per square foot and any additional stresses to which they would normally be subjected, unless the Building Code calls for higher standards or more restrictive construction.

20. *Obstruction of water drainage.* In no case shall a fence or wall restrict the natural sheet flow of water or impede movement of drainage water from swales, drainage ditches, etc.

21. All non-residential and multi-family development projects shall also install a construction fence with a temporary six-foot chain link fence with obscure green or black fabric of uniform color or other visual barrier material approved by the Development Director around the site prior to the initiation of the construction phase.

B. *Specific requirements, including type, material, and design for fences or walls--in single-family or duplex residential districts.* In single-family and duplex residential zoning districts, all fences and walls constructed shall comply with the following requirements:

1. For Single Family and Duplex lots on R-2 zoned property, fences and walls may be erected or maintained along or adjacent to a lot line to a height not exceeding six feet in the side and rear yards. Opaque fences and walls erected within the front yard shall not exceed a height of four feet, unless otherwise allowed in this chapter. Open fences, such as chain link, picket, lattice, rail or similar fences and are not otherwise opaque, shall not exceed a height of six feet. Opaque fences and walls may be raised to six feet along the side lot line, if at least 10 feet from the front yard property line or sidewalk, whichever is closest. Opaque fences within the front yard may not completely enclose and obscure the house from view of the public right of way, unless they are less than 4 feet high. Such fences and walls may be raised to six feet in height for a total length of 8 feet per property. For all other residential zoning districts, the maximum height of walls or fences along the rear and side yards shall be six feet. All heights are measured from the base of the fence.

2. If the fence or wall abuts (disregarding intervening alleys or unopened rights-of-way) a zoning district other than single-family or duplex residential, then the single-family owner or occupancy may elect to comply with the requirements of such abutting zoning district.

F. Height of fences or walls at intersections.

1. Anything else in this section to the contrary notwithstanding, three feet (as measured from the crown of the road) shall be the maximum height of any section of new fence or wall which is located within 20 feet of the following intersections, unless protected by a traffic-control device:

   a. The right-of-way lines of two streets;

   b. The right-of-way line of a street and the right-of-way line of an alley;

   c. The right-of-way line of a street and the right-of-way line of a railroad.

2. Three feet (as measured from the crown of the road) shall be the maximum height of any section of new fence or wall to which is located within eight feet of the following intersections:

   a. The centerline of a driveway and the abutting right-of-way line.

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

SECTION 3: If any word, clause, sentence, paragraph, section or part thereof contained in this Ordinance is declared to be unconstitutional, unenforceable, void or inoperative by a court of competent jurisdiction, such declaration shall not affect the validity of the remainder of this Ordinance.

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

SECTION 5: This ordinance shall become effective immediately upon adoption.

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

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

	YES	NO	ABSENT	ABSTAIN
REBECCA S. BRUNER, MAYOR				
EULA R. CLARKE, VICE MAYOR				
KELLI GLASS LEIGHTON, COMMISSIONER				
MERRITT MATHESON, COMMISSIONER				
MIKE MEIER, COMMISSIONER				

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

ATTEST:

_____
MARY R. KINDEL
CITY CLERK

_____
REBECCA S. BRUNER
MAYOR

APPROVED AS TO FORM
AND CORRECTNESS:

_____
MICHAEL MORTELL
CITY ATTORNEY

1. In addition to the safety requirements of F.S. 515.27, a fence shall be installed that meet the requirements of this subsection, unless a barrier meeting the specific requirements of F.S. 515.29 is installed.

2. All new swimming pools must have a fence at least four feet high, with a spring lock gate, or be otherwise completely enclosed; provided, however, that no fencing need be erected on any side abutting a barrier such as a lake, river, creek, or canal.

3. A building permit final inspection will not be conducted for a new swimming pool, unless the proper building permit for a fence receives a final inspection simultaneously.

4. It shall be unlawful for any person, firm or corporation to build or cause to be built a new swimming pool, unless such pool is properly fenced in accordance with paragraph 6.09.04.C.1 above.

5. All spas shall be secured with a locked cover or must have a fence at least four feet in height, with a spring lock gate, or be otherwise completely enclosed; provided, however that no fencing need be erected on any side abutting a barrier such as a lake, river, creek, or canal. (Ord. No. 1720-00, 3-27-00)

Sec. 6.09.05. Fences, walls, hedges, and enclosures.

A. *General requirements for all walls and fences.* The regulations set forth in this section 6.09.05 shall apply to any existing or new development for residential, business, public, or industrial property for which a fence or accessory structure permit application has been submitted to the city development department. (Ord. No. 1742, 7-10-00)

1. The requirements of this section shall be in addition to and shall supersede in the event of a conflict those contained in the building code, relating to type of construction and materials of fences or walls.

2. Any fence or wall over six feet in height must be designed and sealed by a licensed professional engineer or licensed architect.

3. Wooden fences shall be of the woven or staggered type, with at least 30 percent of their area open to permit the flow of air. Only within the R-1A, R-1, and R-2 zoning districts shall a stockade type fence be permitted. (Ord. No. 1741-00, 7-10-00)

4. Fences and walls shall be constructed of concrete, cement blocks, brick, chain link, wood, ornamental wrought iron, stone, or any alternate material as approved by the city development director. Concrete or cement block walls shall be stucco or provided with a textured finish. (Ord. No. 1742, 7-10-00)

5. Metal fences shall be of non-corrodible metal or galvanized wire fabric, having a minimum of 11 gauge, mounted on steel posts.

6. Ornamental iron fences shall meet the requirements of section 6.09.05.A.17 of this Code.

7. Fences or walls should be generally in harmony and compatible with their surroundings.

8. All fences shall be maintained in good repair on both sides, so as to be structurally sound.

9. All fences and walls on the same property shall be continuous in alignment and of uniform construction and appearance.

10. All new and existing fences and walls shall be finished on the exterior side (all framing facing the interior) and shall be maintained in an attractive condition.

11. No fence shall be constructed of materials which easily corrode, decay or rust, unless specifically treated to inhibit such corrosion, decay or rust.

12. The height of fences and walls shall be measured from existing natural elevation of a lot, prior to any construction or alteration. (Ord. No. 1453-96, 6-1-96)

13. An entryway bower, arbor, or trellis, constructed in conjunction with a fence or wall, shall not exceed a maximum height of nine feet, measured from existing grade.

14. A fence or wall shall only be located on a developed parcel of land - unless the owner or contractor can clearly demonstrate that an extenuating circumstance exists creating a situation that compromises the safety, health, and general welfare of surrounding residents.

15. No fences, walls, or hedges may be located within the intersection sight-triangle as set forth in section 6.04.03.B.8., Visibility triangles. (Ord. No. 1742, 7-10-00)

16. *Electrical fences prohibited.* Electrically charged fences are prohibited, except in prisons or jails.

17. *Barbed wire or razor wire fences.* Barbed wire fences are hereby prohibited, except at the top of fences or walls erected in industrial, business, commercial or public use zoning districts. Razor wire fences shall only be permitted to be used in jails or prisons.

18. *Dangerous materials prohibited.* Unless specifically permitted in this article, no fence or wall shall include materials or devices intended or designed to maim, mutilate or cause other bodily injury.

19. *Construction design for wind pressure and other stresses.* All fences and walls shall be adequately secured and designed to withstand wind pressure of at least 50 pounds per square foot and any additional stresses to which they would normally be subjected, unless the Building Code calls for higher standards or more restrictive construction.

20. *Obstruction of water drainage.* In no case shall a fence or wall restrict the natural sheet flow of water or impede movement of drainage water from swales, drainage ditches, etc.

21. All non-residential and multi-family development projects shall also install a construction fence with a temporary six-foot chain link fence with obscure green or black fabric of uniform color or other visual barrier material approved by the Development Director around the site prior to the initiation of the construction phase.

B. *Specific requirements, including type, material, and design for fences or walls--in single-family or duplex residential districts.* In single-family and duplex residential zoning districts, all fences and walls constructed shall comply with the following requirements:

1. The maximum height of walls or fences shall be six feet;

2. If the fence or wall abuts (disregarding intervening alleys or unopened rights-of-way) a zoning district other than single-family or duplex residential, then the single-family owner or occupancy may elect to comply with the requirements of such abutting zoning district.

C. *Same--In multiple-family residential districts.* The regulations set forth in this subsection shall apply only to an application for a fence and wall permit and shall not exist in conflict with any regulations otherwise herein this Code regarding buffers and required buffer materials for non-residential development abutting a residential use or zone. In multiple-family residential zoning districts, all fences and walls constructed shall comply with the following requirements:

1. The maximum height of walls or fences shall be six feet;

2. If the fence or wall abuts (disregarding intervening alleys or unopened rights-of-way) a zoning district other than single-family, duplex or multiple-family residential, then the multiple-family owner or occupant may elect to comply with the requirements of such abutting zoning district.

3. Fences and walls shall be setback a minimum of three feet from any abutting right-of-way for the purpose of landscape beautification. Landscaping materials shall consist of a hedge and groundcover or other grounded landscape treatment.

4. Chain link or mesh fences, minimum gauge of 11, shall be vinyl coated along, at a minimum, the weave of the fencing material. Colors of the vinyl material shall be limited to green or black.

5. Walls shall have pilasters spaced at recurring intervals and shall include associated wall and corner caps. A minimum of two of the following architectural embellishments, complementing the existing or proposed building(s) on site and not to exceed 12 inches in height, shall be included:

- Ornamental stone mountings
- Peaked cap along ridge of wall
- Ornamental ironwork
- Buttresses

- Built-in planter

6. One of the above must be built by the occupant or owner of the multiple-family property, but the owner or occupant of the single-family or duplex property may build it, if desired.

7. Plans for either of the above shall be included as a part of the development permit application for such multiple-family property and shall be erected during or immediately after the erection of the principal building, and in any event, before the certificate of occupancy of the principal building is issued.

8. Any such buffer or wall previously built must be maintained.

D. *Same--In business and public districts.* The regulations set forth in this subsection shall apply only to an application for a fence and wall permit and shall not exist in conflict with any regulations otherwise herein this Code regarding buffers and required buffer materials for non-residential development abutting a residential use or zone. In business zoning districts, all fences and walls constructed shall comply with the following requirements:

1. Fences or walls erected in the B-1 zoning district shall be no higher than six feet. Fences or walls shall be setback a minimum of three feet from any abutting street right-of-way for the purpose of landscape beautification. Landscaping materials shall consist of a hedge and groundcover or other grounded landscape treatment.

2. Fences or walls erected in the B-2 or B-4 zoning districts shall be no higher than eight feet. Fences or walls shall be setback a minimum of five feet from any abutting street right-of-way for the purpose of landscape beautification. Landscaping materials shall consist of one flowering or accent tree for every 30 linear feet, planted singly or in clusters; a hedge and groundcover or other grounded landscape treatment.

3. Chain link or mesh fences, minimum gauge of 11, shall be vinyl coated along, at a minimum, the weave of the fencing material. Colors of the vinyl material shall be limited to green or black.

4. Walls shall have pilasters spaced at recurring intervals and shall include associated wall and corner caps. A minimum of two of the following architectural embellishments, complementing the existing or proposed building(s) on site and not to exceed 12 inches in height, shall be included:

   - Ornamental stone mountings
   - Peaked cap along ridge of wall
   - Ornamental ironwork
   - Buttresses
   - Built-in planter

5. Such wall must be built by the occupant or owner of the business, or commercial property, but the owner or occupant of the residential property may build it, if desired.

6. Plans for such wall shall be included as a part of the development permit application on such business or commercial property and shall be erected during or immediately after the erection of the principal building thereon, and in any event, before the certificate of occupancy of the principal building is issued.

7. Any such wall previously built must be maintained.

E. *Same--Separating industrial zoning districts from other districts.*

1. Fences or walls erected in the I (Industrial) zoning district shall be no higher than ten feet. Fences and walls shall be setback a minimum of five feet from any abutting street right-of-way for the purpose of landscape beautification.

2. Whenever any industrial zoning district, which is not vacant, abuts (disregarding intervening easements or unopened rights-of-way) any other non-residential zoning district, there shall be a masonry dividing wall erected, to a minimum height of six feet (eight foot minimum within 300 feet of a residential zoning district) with a maximum of ten feet, the full length of the property line adjoining such other district or a landscaped buffer of not less than six feet in width accompanied by a six foot high structure. Such landscaped buffer shall be designed and planted so as to be 80 percent opaque when viewed horizontally between two and six feet above ground level.

3. Such wall must be built by the occupant or owner of the industrial property, but the owner or occupant of the other zoned property may build it, if desired.

4. Plans for such wall shall be included as a part of the development permit application for such industrial property and such wall shall be erected during or immediately after the erection of the principal building, and in any event, before the certificate of occupancy of the principal building is issued.

5. Any such wall previously built must be maintained.

F. *Height of fences or walls at intersections.*

1. Anything else in this section to the contrary notwithstanding, three feet (as measured from the crown of the road) shall be the maximum height of any section of new fence or wall which is located within 20 feet of the following intersections, unless protected by a traffic-control device:

   a. The right-of-way lines of two streets;

   b. The right-of-way line of a street and the right-of-way line of an alley;

   c. The right-of-way line of a street and the right-of-way line of a railroad.

2. Three feet (as measured from the crown of the road) shall be the maximum height of any section of new fence or wall to which is located within eight feet of the following intersections:

   a. The centerline of a driveway and the abutting right-of-way line.

Sec. 6.09.06. Awnings, canopies, and cabanas.

A. *Number of cabana rooms and carports per trailer or structure; master plans for cabana rooms, detached rigid canopies.* Only one cabana room and one carport shall be permitted as an adjunct to any one mobile home, trailer or structure. Typical drawings for cabana rooms or detached rigid canopies shall be approved by the building official when prefabricated under controlled factory conditions and such typical drawings together with its roof, walls, panels, beams, columns, connections, and principal members in compression, tension or flexure shall have been analyzed by a Florida registered professional engineer and design calculations, details, plans and specifications have been provided bearing his seal, signature, and affidavit as set forth in the Florida Building Code**.** To be so approved, each such typical drawing must meet the minimum design loads required by the Florida Building Code, for foundation, floor and walls. The roof may be as described in 6-490(b). In the event an application for an installation or construction permit is based on a previously approved typical drawing, unrevised reprints of the typical drawing shall accompany each application for a permit for the purpose of providing the building official with a means for comparison and as an aid to identification.

6.10.00. OUTDOOR STORAGE

A. *Applicability.* All businesses and services shall be conducted within completely enclosed buildings in the B-1, B-2, and B-4 business zoning districts. If in the discretion of the city development director a demonstrated necessity exists for an outdoor storage area in the B-1, B-2, or B-4 zoning districts due to the economic hardship of enclosing the area, an outdoor storage area may be allowed subject to the following standards.

B. *Standards for outdoor storage areas.*

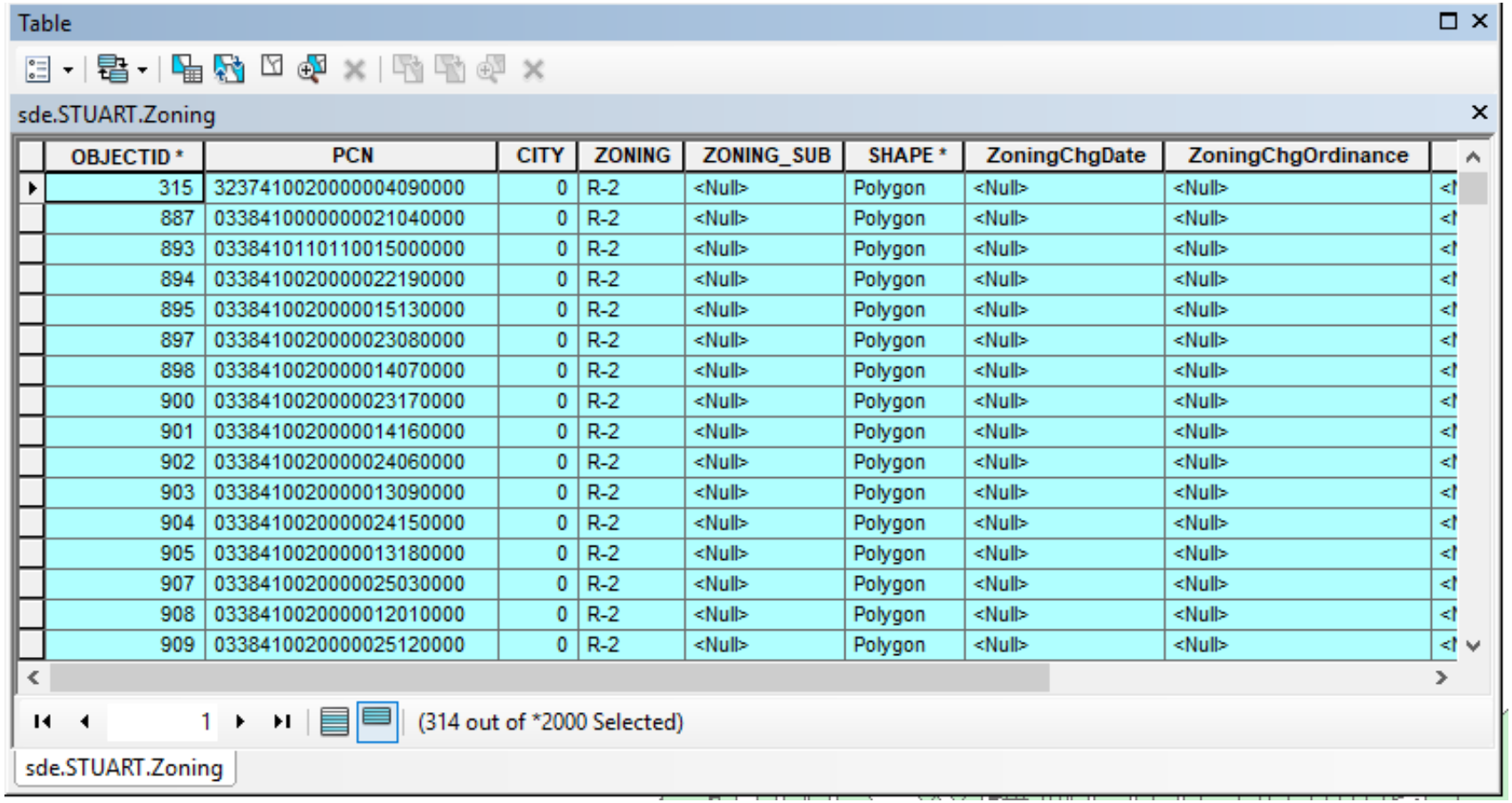
   1. *Location and maintenance.*

      a. An outdoor storage area may be located adjacent to a structure but shall not be located in the front yard setback area.

      b. 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.

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

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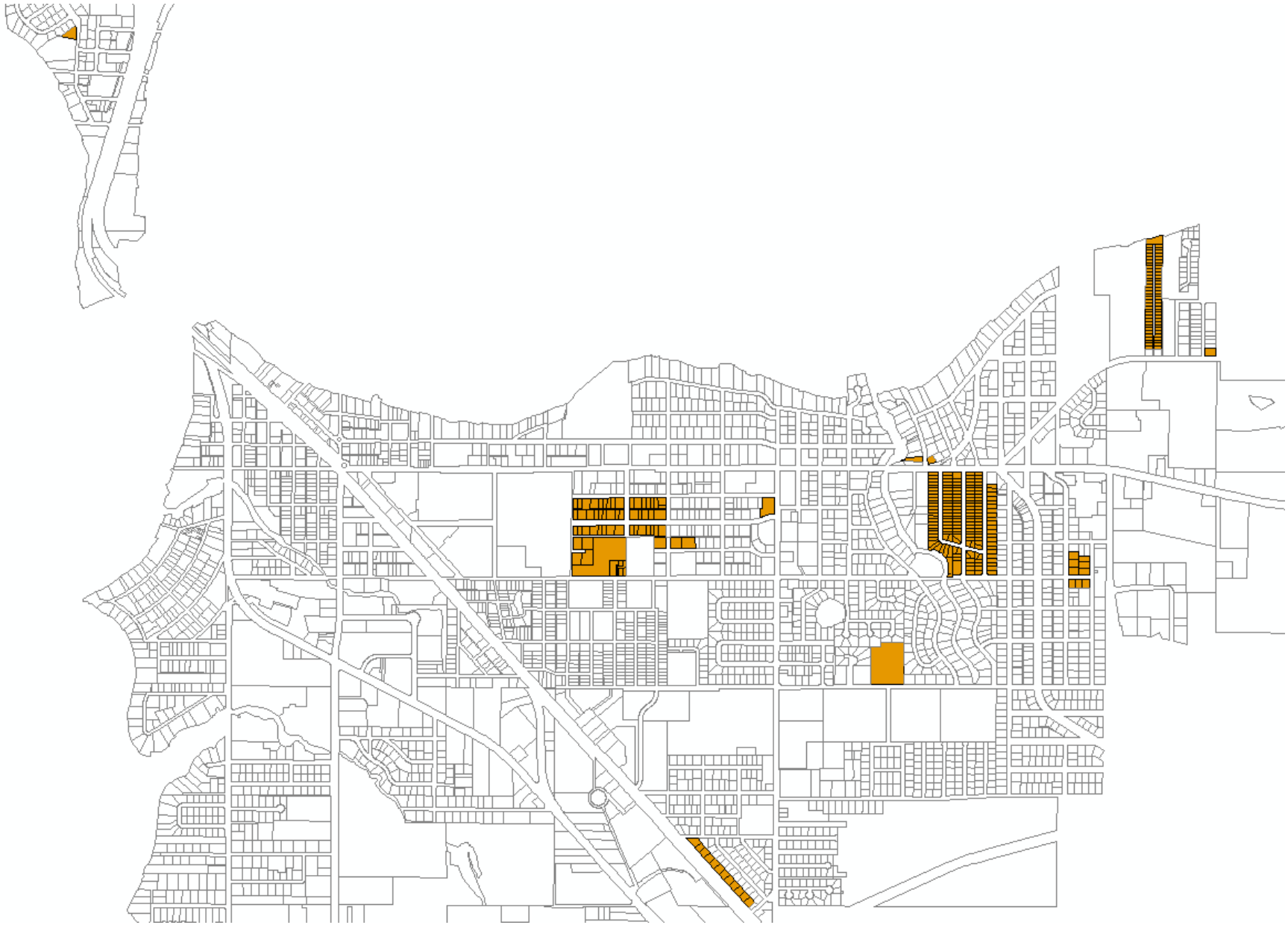


MINUTES

LOCAL PLANNING AGENCY/PLANNING ADVISORY BOARD
TO BE HELD JULY 18, 2019 AT 5:30PM
COMMISSION CHAMBERS
121 SW FLAGLER AVE.
STUART, FL 34994

LOCAL PLANNING AGENCY

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

ADMINISTRATIVE

Development Director – Kev Freeman
Board Secretary – Jordan Pinkston

CALL TO ORDER **5:29 PM**
Present: Michael Herbach, Ryan Strom, Li Roberts, Larry Massing, Campbell Rich, Bill Mathers
Absent: Christina de la Vega

Mike Mortell swore in new board member Campbell Rich.

APPROVAL OF MINUTES:
Motion: Action: Approve.
Moved by: Li Roberts
Seconded by: Ryan Strom
Motion passed unanimously.

COMMENTS FROM THE PUBLIC: None.

COMMENTS FROM THE BOARD MEMBERS:

Larry Massing will be abstaining from the ordinance brought before the board because his company is the engineering company.

OTHER MATTERS BEFORE THE BOARD:

1. PLANTATION STORAGE OF STUART CPUD: (QUASI-JUDICIAL)(RC): ORDINANCE NUMBER 2411-2019; AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, APPROVING A MAJOR AMENDMENT TO THE COMMERCIAL PLANNED UNIT DEVELOPMENT (CPUD) ADOPTED BY ORDINANCE No. 1527-97 FOR A 7.01 ACRE PARCEL ON THE EAST SIDE OF COMMERCE AVENUE SOUTH OF INDIAN STREET OW NED BY TED GLASRUD ASSOCIATES FL, LLC, SAID LAND BEING MORE FULLY DESCRIBED IN EXHIBIT "A" ATTACHED; ESTABLISHING PLANTATION STORAGE OF STUART, CONSISTING OF A 98,000+/- SQUARE FOOT SELF-STORAGE FACILITY W ITH 4,347 SQUARE FEET OF OUTDOOR BOAT AND VEHICULAR STORAGE AREA; APPROVING A MASTER SITE PLAN; PROVIDING FOR DEVELOPMENT CONDITIONS AND A TIMETABLE FOR DEVELOPMENT, DECLARING THE PLAN TO BE CONSISTENT W ITH THE CITY'S COMPREHENSIVE PLAN; PROVIDING DIRECTIONS TO THE CITY CLERK; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

PRESENTATION: Tom Reetz, Senior Planner
Bob Raynes, Land Use Attorney for Gunster Law Firm
- Presented Exhibit C – Development Condition Changes

Charles Chase, Self Storage
Raul Ocampo, Architect
- Showed rendering photos

Dale Adams, Mathers Engineering
Daniel Sampseen, Landscape Architect

BOARD COMMENT:

Li Roberts asked if there were a manager living on site.

Charles Chase confirmed that there would be no need to have a manager on site due to surveillance.

Li Roberts asked for confirmation on the plans presented, specifically where sidewalks were going to be located.

Dale Adams said the only sidewalks were up around the office. Later on in the planning process they eliminated a lot of sidewalks.

Li Roberts asked about outdoor vehicle storage.

Charles Chase said they do not allow grass parking they have about 5,000 square feet of parking offered.

Li Roberts asked about fencing on the property and how it affects landscaping.

Dale Adams confirmed where landscape is currently going to be located.

Li Roberts asked about exterior lighting.

Charles Chase confirmed that there will be wall packs on the building.

Li Roberts asked where parking was located and where residents are expected to park.

Charles Chase confirmed that pedestrians normally do not have parking issues, any parking for storage units is done quickly.

Li Roberts asked questions about the gates and if they blocked citizens from walking onto the property.

Charles Chase said inbound you punch in a code, other than that everything is secured by fencing. We also have high security so no one will try to access the property.

Li Roberts said the goal is to have it completely secured and she was concerned about getting through the fencing after reviewing the site plans.

Charles Chase confirmed that they would not allow any pedestrian opportunity to come in and everything will be secured by fencing.

Larry Massing asked when controlled access was. He is concerned about small businesses using the units in the wrong way.

Charles Chase confirmed the facility operated 24/7 and was constantly under surveillance. There lease agreement says no business operation can happen on the property.

Campbell Rich wanted confirmation why the applicant was requesting to change to CPUD and what the benefit was for the applicant and the city.

Tom Reetz confirmed that it is a request to amend the CPUD to allow for storage. We are giving them specific allowable use and the benefit for the residents is a local storage facility that they can utilize.

Campbell Rich asked about parking spaces.

Charles Chase was not aware of the parking space rule and the amount just worked out in the design.

Campbell Rich asked questions about the report prepared by EDC about the Environmental Assessment regarding wetlands.

Bob Raynes confirmed that they have done on site surveys and found no wetlands. It has been reviewed Kimley Horn and the South Florida Water Management District.

Campbell Rich asked about the components found on the property and if they constituted as a wetland.

Bob Raynes said that he could not speak on behalf of Environmental Protection, but both the South Florida Water Management District and Kimley-Horn found no wetlands.

Kev Freeman usually the applicant has an environmental consultant attending, staff relies on expert testimonials and it meets city code.

Ryan Strom asked about the shared drive to the north and how it would be developed.

Dale Adams said Commerce Avenue is a Martin County right of way and has limited all of the properties to the north and are only allowing this driveway connection serving all parcels. We have submitted plans to Martin County which will allow improvements and widening on Commerce Avenue and there will be opposing left turn lanes to go into each project.

Bob Raynes said there is shared access is on our property.

Ryan Strom said that he thought comments from staff and consultants were well reviewed by the applicant and he was impressed by the site plan.

Dale Adams said they are installing a 10-inch water main to serve all projects on Indian.

Larry Massing asked what the previously CPUD use on the property.

Tom Reetz confirmed it was annexed as a CPUD.

Campbell Rich asked about the upland preserve area requirements.

Bob Raynes said that it is the same person who owns the properties.

Tom Reetz said that the city code requires 8 feet sidewalks in front of new developments.

Bob Raynes said he believes it is an existing 5-foot sidewalk and that is under Martin County right of way jurisdiction. We are proposing to do the 6-foot sidewalk extension to the existing sidewalk.

Tom Reetz said because most of that is not developed and within the city limits, we would require neighboring properties to north and south to do 8ft sidewalks. The existing 5 foot should be corrected to 8 feet.

Kev Freeman said they will work with the applicant to see what the expense is to widen the sidewalk, provided that widening is able to be done.

Li Roberts asked if the correct language should be, when that road is widened or on a certain date, whichever comes sooner than that would be an 8 ft sidewalk.

Dale Adams said that the roadway improvements are not going to be done by the county. Roadway improvements will be made by the current contract owner and paying for the construction with an understanding from Martin County on what they want in their right of way. Improvements will be made by current owner as part of contract with Mr. Chase. Widening the sidewalk may affect the County's roadside soil drainage.

Bob Raynes confirmed that it is required by the county, but private funding.

Kev Freeman would like language that states, providing there is allowable section within the right of way that the sidewalk be incorporated at 8ft that city staff will work with county engineers included along commerce.

MOTION:

Action: Move approval with staff recommendation and following conditions:

1. Article 1 appendix D – change December 12, 2019 to June 12, 2019
2. Article 5 - Remove "and Army Corp of Engineers"
3. Article 14 – Remove "Water trucks shall be provided by the applicant as necessary during construction in order to reduce dust generated on-site."
4. Article 19 – Add lines to read, "All on-site utilities lines shall be buried."
5. Article 31 – Adjust time table for development to the following
    - Site and Building permit applications deemed sufficient for permit review under city codes and standards. (December 31, 2022)
    - Final Certificate of Occupancy for all site and building improvements. (December 31, 2025)
6. Article 32, appendix A – Self-Storage Facility with ancillary office and ancillary retail services customary for self-storage facilities.
7. Correcting the site plan to show appropriate fencing that was discussed
8. If feasible, provide an 8 ft sidewalk along Commerce Avenue

Moved by: Li Roberts
Second by: Larry Massing
Motion passed with Bill Mathers abstaining.

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

PRESENTATION: Stephen Mayer, Senior Planner

BOARD COMMENT:

Li Roberts asked for confirmation on the wording in B1 and requested it be revised.

Larry Massing asked for confirmation on hedges and if they were included or not.

Stephen Mayer confirmed that it meant completely enclosed unless it is four feet high, not including hedges.

Li Roberts said the wording was confusing to her and wanted confirmation on opaque fencing.

Kev Freeman confirmed that she is okay with the concept, but the language needs to be clearer and better manipulated.

Campbell Rich asked if the two 8 footers could be contiguous.

Stephen Mayer confirmed that it could be.

Ryan Strom asked if we are okay with 16 feet or opaque per duplex.

Stephen Mayer confirmed that it would be 8 ft per property and 16ft max.

Michael Herbach asked about property owners purchasing lots and splitting them up.

Bill Mathers said sometimes there are lot splits with two different owners

Herbach said if there is a vacant lot for sale and he builds a duplex than that is two units.

Stephen said it is possible, but historically it is two separate units.

Li Roberts said with the language we can push the property up until there is only a 10-foot variance, so I am not really shielding anything. What she would do is to make a deal with her neighbor to build a 16-foot fence against the right of way line and plant shrubs.

Larry Massing asked Li Roberts what she accomplished by doing that.

Li Roberts said the reason that piece was in there was to allow for an accommodation of people who had something they wanted to shield something higher than 4ft.

Ryan Strom said that he does not think the cops will be worried about that because they can still see your yard, which was the concern.

Larry Massing said this does not meet the definition of a fence, it is typically a boundary and that is more of a bind.

Michael Herbach asked for confirmation that we are trying to improve streetscape.

Stephen Mayer said correct, that is why there is a 10ft zone.

Ryan Strom asked if there was any thought for a 6ft unit versus 8 ft as far as length.

Stephen Mayer responded that he wanted to be cautious and allow people to at least have 8ft.

Li Roberts said they have one thing that is ugly, so we are wanting to change the code.

Kev Freeman said that neighbors have come forward showing their concerns and that is why staff is attempting to make this ordinance. We are concerned from a planning and value point of view for having fences along street frontages that can affect long term property values. Many people look at location and appearance of the street when purchasing a home. That is why CRA has become so popular. They have more architectural regulations and people know what they are going to get and that is quality in terms of appearance. Our job is to protect the property values of all residents. We

are struggling to find an alternative way to do this. Another example would be a PUD for a residential subdivision came into the LPA, would you conceive of any PUD that came before you and allow 6ft fencing to run down the front of property lines on that PUD.

Larry Massing asked about Riverside Drive.

Kev Freeman said the value of that property is not street facing, it is waterfront. He said we are not regulating those homes, this is R2 only. This was the least intrusive regulation we found after a lot of staff time was spent. Our intent is to increase the potential value incurring on a property as a whole.

Tom Campenni made a public comment (see below).

Li Roberts asked if she felt you have seriously stepped on my rights as a property owner doing this R2 Zoning I am still able to come in and get a variance, correct?

Kev Freeman confirmed she would be able to.

Ryan Strom asked if this answered Tom Campenni's concern.

Kev Freeman said that his concern was in the regulation itself.

Larry Massing said whether we do this or not the state of Florida will do what they want.

Li Roberts said on the Board of Zoning Adjustment that one of the requirements to get a zoning variance is that you are not granting something to someone that nobody else has.

Kev Freeman said that he had a meeting with the Board of Adjustment earlier this week to get direction for staff to look at that language. The issue with the Board of Adjustment and their allowances of variances hinges on hardship. In most cases, you can argue that almost all cases are a self-imposed hardship. I am asking for the Board of Adjustment is we can make it more regulated and less subjective with options for people that come forward and to get the neighbors involved. It is regulation through community outreach.

Michael Herbach said he does not think it is a bad idea but is concerned that it will go a step further and blown out of proportion.

Larry Massing said that fences are regulated at the local level but not regulated by building code. He asked why we don't revise the fence ordinance across the entire city instead of one zoning district.

Kev Freeman said there has been a number of discussion items that have come forward to the Local Planning Agency and City Commission. That would be his preferred option, but he has been directed to regulate as least intrusive as possible to insure there would be the least amount of nonconformities as possible. Out of 300 potential nonconformities we only have three, one of which that is the fence that was brought up.

Larry Massing said it does not make sense to just choose R2 zoning and go all across the board to all fencing.

Bill Mathers asked about what our remedy was.

Kev Freeman said that will be a separate part of the code under the variance section, which will be a sperate ordinance. I want to allow people to do what they want to do, but I do not want to be having to make the decision every time somebody comes in.

Mike Meier made a public comment (see below).

Bill Mathers said all R2 lots are typically small that are trying to be resolved. It is allowing someone to put a fence higher than four feet and our current ordinance is six.

Kev Freeman said that fences are mandated in certain areas, but those fences are specifically designed as picket fencing. Those are the areas where you do see a maintains of property value and esthetic value of the street.

Bill Mathers said we need to inform the public that they can apply for a variance and they do have an alternative option.

Larry Massing confirmed that we are writing an ordinance for R2, but if I wanted to do it in an R1 or R1A so then why are we limiting it to R2.

Kev Freeman said that is what City Commission directed staff to do.

Stephen Mayer said that R2 has smaller lot sizes than the others, so smaller lots can be more compliant.

Bill Mathers said at one point the city ordinance said that you could not have a fence higher than four feet in front lot for law enforcement.

Kev Freeman said present code does not support that.

Michael Herbach said it two houses built together with a fence in between so they cannot see their neighbor. If there were spaces between the homes, it probably would not be a problem.

Larry Massing is interested in the legal implication of us endorsing a code that is isolated to one zoning district.

Kev Freeman told the board that Mike Mortell has reviewed the ordinance and we did not have any comments back.

Larry Massing asked to push the item to the next meeting to hear what the City Attorney has to say.

Michael Herbach asked about it having to meet 50lbs per square foot wind code. He asked to remove item #19.

PUBLIC COMMENT 6:53 PM

Tom Campenni this is a solution in search of a problem. The reason why Tallahassee gets involved in what we do is because we overregulate. Right now, if I want to put a vegetable garden in the front yard, I can have my whole front yard covered. We try to regulate, but we do not need he regulation. This is silly and I would take exception to people saying the of the city is to protect property values. If that was true, you just approved something that brings very little value to the city and that's fine,

but if you really wanted to bring value to the city you would have said, let's bring 300 units there. But you didn't because it is not your job to do that, it is not the city's job to do that. So, since one guy is an idiot you are going to change a code that will affect at least 300 homes and they are not going to be happy when they can't do what they want to their property. We do not live in a police state, so it is not up to the police to say how we protect our homes. In my opinion, this is something we are looking to do because one person is an idiot. I believe the board, commission and city should just relax because this is going to come back and hurt us in the long run.

Mike Meier discussed the fencing in the Potsdam area being required. He thinks this is a great benefit to the community and streetscape. The Development Department Director said that he is looking to protect the character of the city and to increase property values. This ordinance change will not make the fence go away, but we are not frozen in time. There are a lot of people moving to the City of Stuart from down south and I hear from a lot of them. Fear of crime increases as people move here from other places and might feel like putting a fence in the front yards. This is a good policy and helps protect our character by starting small. The City Commission does not currently have the votes to do a full city-wide ordinance. As a resident I support this first step.

MOTION: 7:08 PM
Action: This comes back in September meeting after it has gone to legal to address our concerns.
Moved by: Li Roberts
Second by: Larry Massing
Motion passed unanimously.

ORDINANCES

3. Amendment to the Land Development Code (RC)
This amendment to the City's Land Development Code is required in order to comply with House Bill 7103
(Application Processing Timelines).

MOTION:
Action: Approve.
Moved by: Larry Massing
Second by: Li Roberts
Motion passed unanimously.

PUBLIC COMMENTS: None.

BOARD COMMENT:

Campbell Rich was disappointed to hear that neither State Representative Toby Overdorf nor Gayle Harrell called the City and asked whether the position of this ordinance would create any undo burdens like hiring additional staff.

ADJOURNMENT 7:11 PM
Motion: Action: Adjourn
Moved by: Li Roberts

Seconded by: Ryan Strom

Michael Herbach, Chair	Jordan Pinkston, Board Secretary

2.

CITY OF STUART, FLORIDA
AGENDA ITEM REQUEST
Local Planning Agency

Meeting Date: 9/19/2019 **Prepared by:** Stephen Mayer

Title of Item:
ANNEXATION OF PROPERTY NORTH-WEST KANNER HIGHWAY AND INDIAN STREET. (QUASI-JUDICIAL)(RC):

ORDINANCE No. 2415-2019: AN ORDINANCE OF THE CITY OF STUART, FLORIDA, ANNEXING A PARCEL OF LAND ON THE NORTHWEST CORNER OF STATE ROAD 76 (AKA KANNER HIGHWAY) AND SW MARTIN HIGHWAY, CONSISTING OF 15.88 ACRES, SAID PARCELS BEING MORE FULLY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO; PROVIDING DIRECTIONS TO THE CITY CLERK; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

Summary Explanation/Background Information on Agenda Request:
The City has received application to annex a parcel on the northwest corner of SR 76 (also known as Kanner Highway) and SW Martin Highway, which is the continuation of Indian Street. The 15.88-acre parcel is undeveloped and under contract for purchase by Atlantic Realty. The property is considered contiguous to the City, is compact in form and will not create a municipal enclave if annexed.

The property is zoned COR-1 (Commercial/Office/Residential) and is designated by Martin County to the Commercial/Office/Residential Future Land Use designation. If the annexation is approved, it is Atlantic Realty's intention to pursue a PUD authorizing residential development and will be served by the City of Stuart's utilities. At the current time, the applicant is not proposing a development plan or seeking PUD approval. The applicants understand that a City Comprehensive Plan land use category and a PUD zoning designations will be necessary to pursue modification of the Commercial Office approval previously granted by Martin County. As a result, Martin County's land use and zoning regulations remain in effect. The Martin County Board of County Commissioners was notified of the proposed annexation by certified mail on September 9, 2019. A complete copy of tonight's agenda item was also provided to the County's Growth Management Department on September 9, 2019.

Funding Source:
N/A
Recommended Action:
Move to approve Ordinance 2415-2019.

ATTACHMENTS:

	Description	Upload Date	Type
🗋	Staff Report	9/9/2019	Staff Report
🗋	Ordinance 2415-2019	9/9/2019	DRAFT ORDINANCE
🗋	Attorney Opinion	9/11/2019	Attachment
🗋	Survey	9/9/2019	Exhibit
🗋	Justification Statement from Applicant	9/9/2019	Attachment
🗋	Owner Consent	9/9/2019	Attachment

Agent letter	9/9/2019	Attachment
Application	9/9/2019	Attachment
Application Signature Page 2	9/9/2019	Attachment

STAFF REPORT & MAPS

Background:

The City has received application to annex a parcel on the northwest corner of SR 76 (also known as Kanner Highway) and SW Martin Highway, which is the continuation of Indian Street. The 15.88-acre parcel owned by Knight Kiplinger are undeveloped and under contract for purchase by Atlantic Realty. The property is considered contiguous to the City, are compact in form and will not create an enclave if annexed.

The City Attorney finds the attached application to be in order and in compliance with Florida Statute Section 171.044. The property owners are not proposing a development plan or schedule of development at this time. The property owners understand that a City Comprehensive Plan land use category and a PUD zoning designations will have to be applied for at a later date. In the meantime, Martin County's land use and zoning regulations remain in effect. As called for by Florida Statute, the Martin County BOCC was notified of the proposed annexation by certified mail on September 9, 2019. A complete copy of tonight's agenda item will be provided to the County's Growth Management Department on September 9, 2019.

	Size (Ac)	**Status**	**County Land Use**	**County Zoning**	**City Land Use**	**City Zoning**	**Utilities**
Kiplinger	15.88	Vacant, undeveloped	Commercial/ Office/ Residential	COR-1 (Commercial Office/ Residential District)	TBD (Likely Residential)	TBD (Likely RPUD)	City of Stuart to provide water & sewer service and sanitation service

Parcel Information

County Land Use

Commercial Office/Residential development (COR). Martin County shall establish policies and criteria to guide mixed-use development. Commercial Office/Residential development shall be allocated to accessible sites adjacent to major thoroughfares. It shall also serve as a transitional use separating more intensive commercial uses from residential development. Office and residential development may be allocated along the outer fringe of core commercial areas where such development may encourage reinvestment in declining residential areas adjacent to commercial core areas. The COR future land use designation shall also be allocated to areas appropriately suited for Traditional Neighborhood Development, described under Goal 4.3. The development provisions for the standard COR zoning districts and the PUD zoning district are expressed below:

Development in the Commercial Office/Residential future land use designation shall be restricted to professional and business offices, limited service establishments, financial institutions, live-work units, residential development or any combination of these uses. Freestanding retail sales and service establishments shall be excluded from these areas. However, restaurants, certain service commercial uses, and limited commercial uses, as identified in the Land Development Regulations, may occupy 25 percent of the commercial square footage in a building.

Residential storage facilities may be approved in areas designated COR, and the Land Development Regulations shall include criteria for review of such uses. However, the building shall be restricted to structures with small modules adaptive exclusively to storage of personal items of residential clients. Commercial tenants shall be expressly prohibited. The facility shall be designed to blend harmoniously with residential structures.

The intensity of lot use, defined as floor area ratio (FAR), shall be governed by the parking standards of the Land Development Regulations. The maximum building coverage shall be 40 percent, and the minimum net lot size permitted in COR districts shall be 10,000 square feet. The minimum open space shall be 40 percent and the maximum building height shall be 30 feet. Multiple-family residential uses are encouraged to develop in areas designated for office development at densities compatible with criteria cited in Policy 4.13A.7.(5) for High Density Residential development. The Land Development Regulations shall require appropriate landscaping and screening, including a vegetative berm system where feasible. Plant material and a decorative fence or wall shall be used to assure compatibility between established residential uses and proposed office developments.

A bed and breakfast or other facilities for transient lodging, catering to seasonal residents, shall be permitted. Kitchen facilities shall be permitted to accommodate occupants visiting for periods exceeding the general motel trip duration of one to four nights. Approved transient lodging facilities existing as of the effective date of the CGMP shall be considered permitted in such an area.

Landscaping, screening, buffering and similar design techniques shall be used to assure a smooth transition between residential structure types and densities.

Residential use shall be allowed in the COR future land use designation as part of a mixed-use project as allowed under Goal 4.3 in any of the seven CRAs designated in Policy 4.2B.4. Residential densities shall be as provided in Policy 4.3A.3.

County Zoning

***COR-1 (Commercial Office Residential District*)**
PERMITTED USES

Modular homes; Multi-Family dwellings; Single Family Dwellings, Townhouse Dwellings, Duplex Dwellings, Zero-Lot Line Homes, Community centers; Cultural and Civic Uses, Educational Institutions; Neighborhood assisted residences with six or fewer residents; Places of Worship; Protective and emergency services; Public libraries, Pubic parks and recreation area, active; Public parks and recreation areas, passive; Utilities; Ancillary Retail; Bed and breakfast inns; Business and Professional Office; Commercial day care; Financial Institutions; Family day care; Medical Services; Residential Storage Facilities; Recreational Vehicles Parks; and several Life Science, Technology and Research and Targeted Industries Business uses.

COR-1
Required lot area and width. 10,000 square feet in area, 80-foot lot width

Maximum Residential Density: 5.00 units per acre

Building coverage: 40%

Maximum Height: 30 feet

Minimum Open Space: 40%

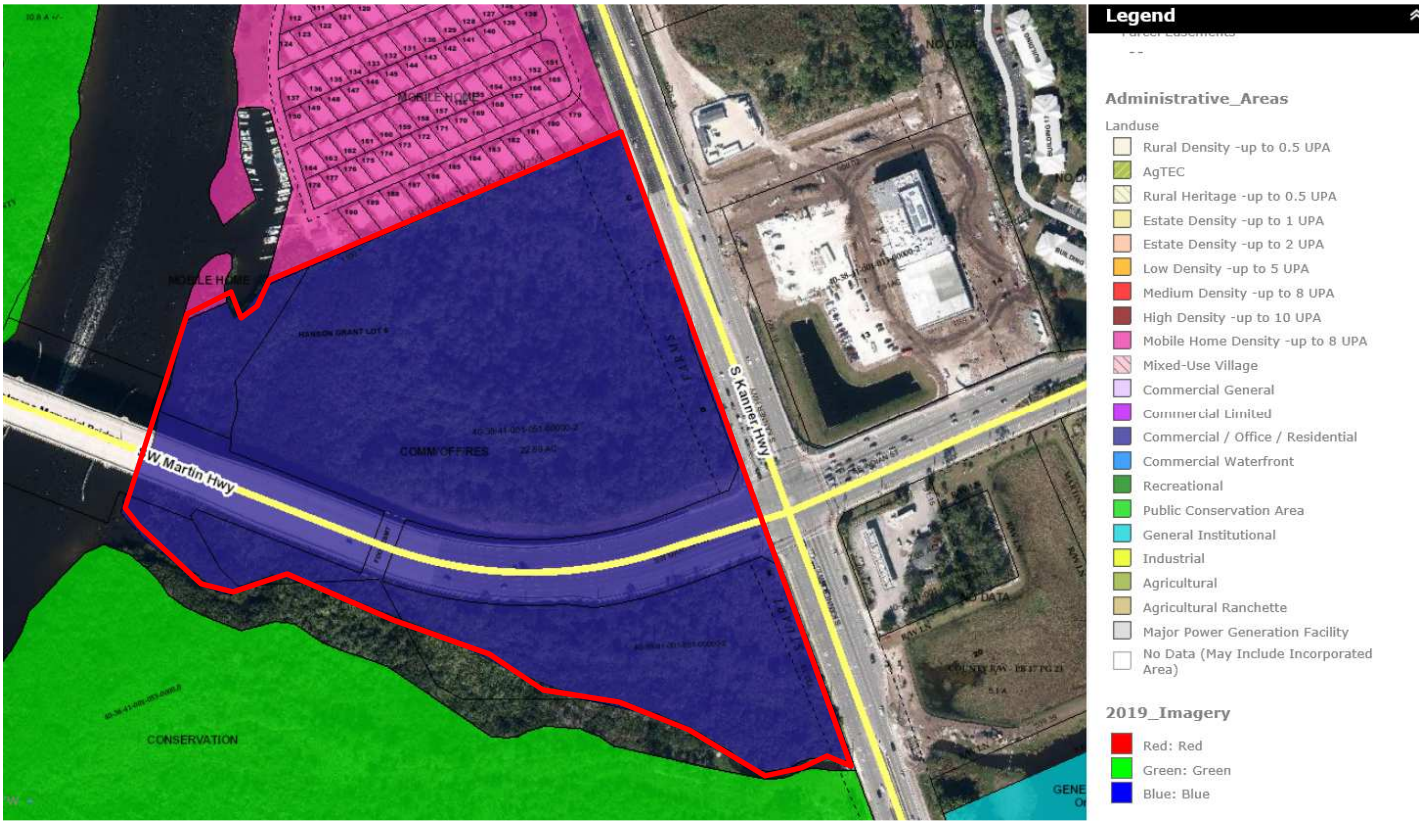
Front Setback: 25 feet

Rear Setback: 20 feet (30 feet for 3 and 4 stories)

Side Setback: 10 (30 feet for 3 and 4 stories)

MARTIN COUNTY

FUTURE LAND USE MAP



MARTIN COUNTY

ZONING MAP

Return to:

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

ORDINANCE No. 2415-2019

AN ORDINANCE OF THE CITY OF STUART, FLORIDA, ANNEXING A PARCEL OF LAND ON THE NORTHWEST CORNER OF STATE ROAD 76 (AKA KANNER HIGHWAY) AND SW MARTIN HIGHWAY, CONSISTING OF 15.88 ACRES, SAID PARCELS BEING MORE FULLY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO; PROVIDING DIRECTIONS TO THE CITY CLERK; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

******

WHEREAS, Petitioners Knight Kiplinger constituting the fee simple title holder and Atlantic Realty, Inc. constituting the agent assigned by the owner of a parcel of land on the northwest corner of State Road 76 and SW Martin Highway, consisting of 15.88 acres, and 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 Commission, has considered the Petitioners' 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"**, is 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 ____ day of _____, 2019.

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

	YES	NO	ABSENT	ABSTAIN
REBECCA S. BRUNER, MAYOR				
EULA R. CLARKE, VICE MAYOR				
KELLI GLASS LEIGHTON, COMMISSIONER				
MERRITT MATHESON, COMMISSIONER				
MIKE MEIER, COMMISSIONER				

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

ATTEST:

_____
MARY R. KINDEL
CITY CLERK

_____
REBECCA S. BRUNER
MAYOR

APPROVED AS TO FORM
AND CORRECTNESS:

_____
MICHAEL MORTELL
CITY ATTORNEY

Exhibit "A"
Legal Description

Legal Description

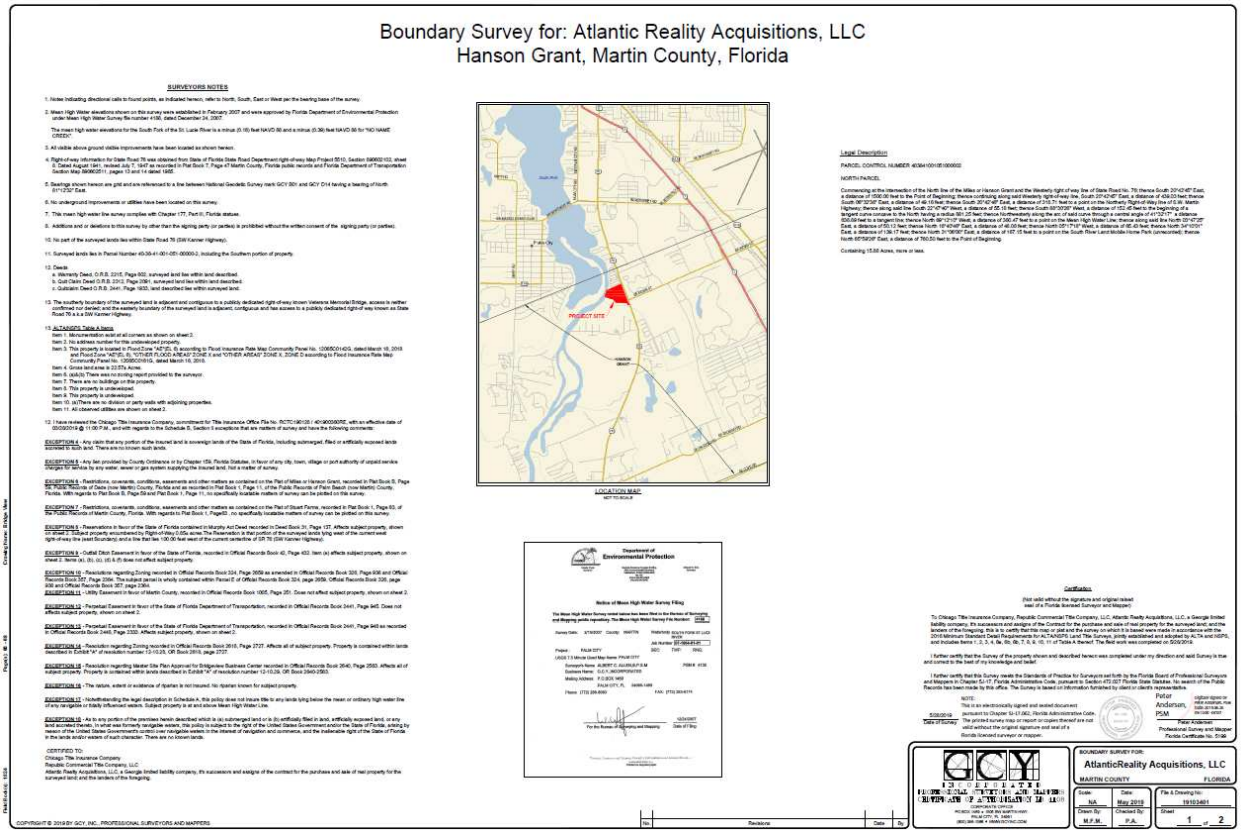
PARCEL CONTROL NUMBER 403841001051000002

NORTH PARCEL

Commencing at the intersection of the North line of the Miles or Hanson Grant and the Westerly right of way line of State Road No. 76; thence South 20°42'45" East, a distance of 1500.00 feet to the Point of Beginning; thence continuing along said Westerly right-of-way line, South 20°42'45" East, a distance of 439.03 feet; thence South 06°32'38" East, a distance of 49.16 feet; thence South 20°42'48" East, a distance of 318.71 feet to a point on the Northerly Right-of-Way line of S.W. Martin Highway; thence along said line South 22°47'40" West, a distance of 55.18 feet; thence South 68°30'26" West, a distance of 152.45 feet to the beginning of a tangent curve concave to the North having a radius 881.25 feet; thence Northwesterly along the arc of said curve through a central angle of 41°32'17" a distance 638.89 feet to a tangent line; thence North 69°12'10" West, a distance of 380.47 feet to a point on the Mean High Water Line; thence along said line North 03°47'25" East, a distance of 50.12 feet; thence North 16°40'46" East, a distance of 48.08 feet; thence North 05°17'18" West, a distance of 65.43 feet; thence North 34°10'01" East, a distance of 139.17 feet; thence North 31°06'00" East, a distance of 167.15 feet to a point on the South River Land Mobile Home Park (unrecorded); thence North 65°59'26" East, a distance of 760.50 feet to the Point of Beginning.

Containing 15.88 Acres, more or less.

Exhibit "A"
BOUNDARY SURVEY



Boundary Survey for: Atlantic Reality Acquisitions, LLC
Hanson Grant, Martin County, Florida

SURVEYORS NOTES

1. Notes indicating directional calls to found points, as indicated hereon, refer to North, South, East or West per the bearing base of the survey.

2. Mean High Water elevations shown on this survey were established in February 2007 and were approved by Florida Department of Environmental Protection under Mean High Water Survey file number 4166, dated December 24, 2007.

The mean high water elevations for the South Fork of the St. Lucie River is a minus (0.18) feet NAVD 88 and a minus (0.39) feet NAVD 88 for "NO NAME CREEK".

3. All visible above ground visible improvements have been located as shown hereon.

4. Right-of-way information for State Road 76 was obtained from State of Florida State Road Department right-of-way Map Project 5510, Section 89060102, sheet 9. Dated August 1941, revised July 7, 1947 as recorded in Plat Book 7, Page 47 Martin County, Florida public records and Florida Department of Transportation Section Map 89060211, pages 13 and 14 dated 1985.

5. Bearings shown hereon are grid and are referenced to a line between National Geodetic Survey mark GCY 001 and GCY D14 having a bearing of North 81°12'30" East.

6. No underground improvements or utilities have been located on this survey.

7. This mean high water line survey complies with Chapter 177, Part III, Florida statues.

8. Additions and or deletions to this survey by other than the signing party (or parties) is prohibited without the written consent of the signing party (or parties).

10. No part of the surveyed lands lies within State Road 76 (SW Kanner Highway).

11. Surveyed lands lies in Parcel Number 43-38-41-001-051-00000-2, including the Southern portion of property.

12. Deeds
a. Warranty Deed, O.R.B. 2315, Page 602, surveyed land lies within land described.
b. Quit Claim Deed O.R.B. 2312, Page 2061, surveyed land lies within land described.
c. Quitclaim Deed O.R.B. 2441, Page 1820, land described lies within surveyed land.

13. The southerly boundary of the surveyed land is adjacent and contiguous to a publicly dedicated right-of-way known Veterans Memorial Bridge, access is neither confirmed nor denied, and the easterly boundary of the surveyed land is adjacent, contiguous and has access to a publicly dedicated right-of way known as State Road 76 a.k.a SW Kanner Highway.

15. ALTA/NSPS Table A Items
Item 1. Monumentation exist at all corners as shown on sheet 2.
Item 2. No address number for this undeveloped property.
Item 3. This property is located in Flood Zone "AE"(EL 8) according to Flood Insurance Rate Map Community Panel No. 12085C0143G, dated March 18, 2013 and "OTHER AREAS" ZONE X and "OTHER AREAS" ZONE X, ZONE D according to Flood Insurance Rate Map Community Panel No. 12085C0161G, dated March 18, 2013.
Item 4. Gross land area is 22.57± Acres.
Item 6. (a)&(b) There was no zoning report provided to the surveyor.
Item 7. There are no buildings on this property.
Item 8. This property is undeveloped.
Item 9. This property is undeveloped.
Item 10. (a)There are no division or party walls with adjoining properties.
Item 11. All observed utilities are shown on sheet 2.

12. I have reviewed the Chicago Title Insurance Company, commitment for Title Insurance Office File No. RCTC1901351 / 4019003805E, with an effective date of 05/09/2019 @ 11:00 P.M., and with regards to the Schedule B, Section II exceptions that are matters of survey and have the following comments:

EXCEPTION 4 - Any claim that any portion of the Insured land is sovereign lands of the State of Florida, including submerged, filled or artificially exposed lands accreted to such land. There are no known such lands.

EXCEPTION 5 - Any lien provided by County Ordinance or by Chapter 159, Florida Statutes, in favor of any city, town, village or port authority of unpaid service charges for service by any water, sewer or gas system supplying the insured land, not a matter of survey.

EXCEPTION 6 - Restrictions, covenants, conditions, easements and other matters as contained on the Plat of Miles or Hanson Grant, recorded in Plat Book B, Page 80, Public Records of Dade (now Martin) County, Florida and as recorded in Plat Book 1, Page 11, of the Public Records of Palm Beach (now Martin) County, Florida. With regards to Plat Book B, Page 80 and Plat Book 1, Page 11, no specifically locatable matters of survey can be plotted on this survey.

EXCEPTION 7 - Restrictions, covenants, conditions, easements and other matters as contained on the Plat of Stuart Farms, recorded in Plat Book 1, Page 83, of the Public Records of Martin County, Florida. With regards to Plat Book 1, Page83 , no specifically locatable matters of survey can be plotted on this survey.

EXCEPTION 8 - Reservations in favor of the State of Florida contained in Murphy Act Deed recorded in Deed Book 31, Page 137. Affects subject property, shown on sheet 2. Subject property encumbered by Right-of-Way 0.05± acres The Reservation is that portion of the surveyed lands lying west of the current west right-of-way line (east Boundary) and a line that lies 100.00 feet west of the current centerline of SR 76 (SW Kanner Highway).

EXCEPTION 9 - Outfall Ditch Easement in favor of the State of Florida, recorded in Official Records Book 42, Page 432. Item (a) affects subject property, shown on sheet 2. Items (a), (b), (c), (d) & (f) does not affect subject property.

EXCEPTION 10 - Resolutions regarding Zoning recorded in Official Records Book 324, Page 3058 as amended in Official Records Book 328, Page 836 and Official Records Book 787, Page 2084. The subject parcel is wholly contained within Parcel E of Official Records Book 324, page 3058, Official Records Book 328, page 836 and Official Records Book 387, page 2084.

EXCEPTION 11 - Utility Easement in favor of Martin County, recorded in Official Records Book 1005, Page 251. Does not affect subject property, shown on sheet 2.

EXCEPTION 12 - Perpetual Easement in favor of the State of Florida Department of Transportation, recorded in Official Records Book 2441, Page 845. Does not affects subject property, shown on sheet 2.

EXCEPTION 13 - Perpetual Easement in favor of the State of Florida Department of Transportation, recorded in Official Records Book 2441, Page 845 as recorded in Official Records Book 2446, Page 2330. Affects subject property, shown on sheet 2.

EXCEPTION 14 - Resolution regarding Zoning recorded in Official Records Book 2610, Page 2727. Affects all of subject property. Property is contained within lands described in Exhibit "A" of resolution number 12-10.23, OR Book 2610, page 2727.

EXCEPTION 15 - Resolution regarding Master Site Plan Approval for Bridgeview Business Center recorded in Official Records Book 2640, Page 2583. Affects all of subject property. Property is contained within lands described in Exhibit "A" of resolution number 12-10.23, OR Book 2640-2583.

EXCEPTION 16 - The nature, extent of existence of riparian is not insured. No riparian known for subject property.

EXCEPTION 17 - Notwithstanding the legal description in Schedule A, this policy does not insure title to any lands lying below the mean or ordinary high water line of any navigable or tidally influenced waters. Subject property is at and above Mean High Water Line.

EXCEPTION 18 - As to any portion of the premises herein described which is (a) submerged land or is (b) artificially filled in land, artificially exposed land, or any land accreted thereto. In what was formerly navigable waters, this policy is subject to the right of the United States Government and/or the State of Florida, arising by reason of the United States Government's control over navigable waters in the interest of navigation and commerce, and the inalienable right of the State of Florida in the lands and/or waters of such character. There are no known lands.

CERTIFIED TO:
Chicago Title Insurance Company
Republic Commercial Title Company, LLC
Atlantic Reality Acquisitions, LLC, a Georgia limited liability company, its successors and assigns of the contract for the purchase and sale of real property for the surveyed land; and the lenders of the foregoing.

PROJECT SITE

LOCATION MAP
NOT TO SCALE

Department of Environmental Protection

Notice of Mean High Water Survey Filing

Legal Description

PARCEL CONTROL NUMBER 4038410010010000-2

NORTH PARCEL

Containing 15.00 Acres, more or less.

Certification

To Chicago Title Insurance Company, Republic Commercial Title Company, LLC, Atlantic Reality Acquisitions, LLC, a Georgia limited liability company, its successors and assigns of the Contract for the purchase and sale of real property for the surveyed land; and the lenders of the foregoing; this is to certify that this map or plat and the survey on which it is based were made in accordance with the 2016 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes Items 1, 2, 3, 4, 6a, 6b, 6c, 7, 8, 9, 10, 11 of Table A thereof. The field work was completed on 5/20/2019.

I further certify that the Survey of the property shown and described hereon was completed under my direction and said Survey is true and correct to the best of my knowledge and belief.

I further certify that this Survey meets the Standards of Practice for Surveyors set forth by the Florida Board of Professional Surveyors and Mappers in Chapter 5J-17, Florida Administrative Code, pursuant to Section 472.027 Florida State Statutes. No search of the Public Records has been made by this office. The Survey is based on information furnished by client or client's representative.

NOTE:
This is an electronically signed and sealed document pursuant to Chapter 5J-17.062, Florida Administrative Code. The printed survey map or report or copies thereof are not valid without the original signature and seal of a Florida licensed surveyor or mapper.

Peter Andersen, PSM
Peter Anderson
Professional Surveyor and Mapper
Florida Certificate No. 5146

GCY
GEOMATE
LAND SURVEYING AND MAPPING
BUSINESS CERTIFICATE NO. LB 8000

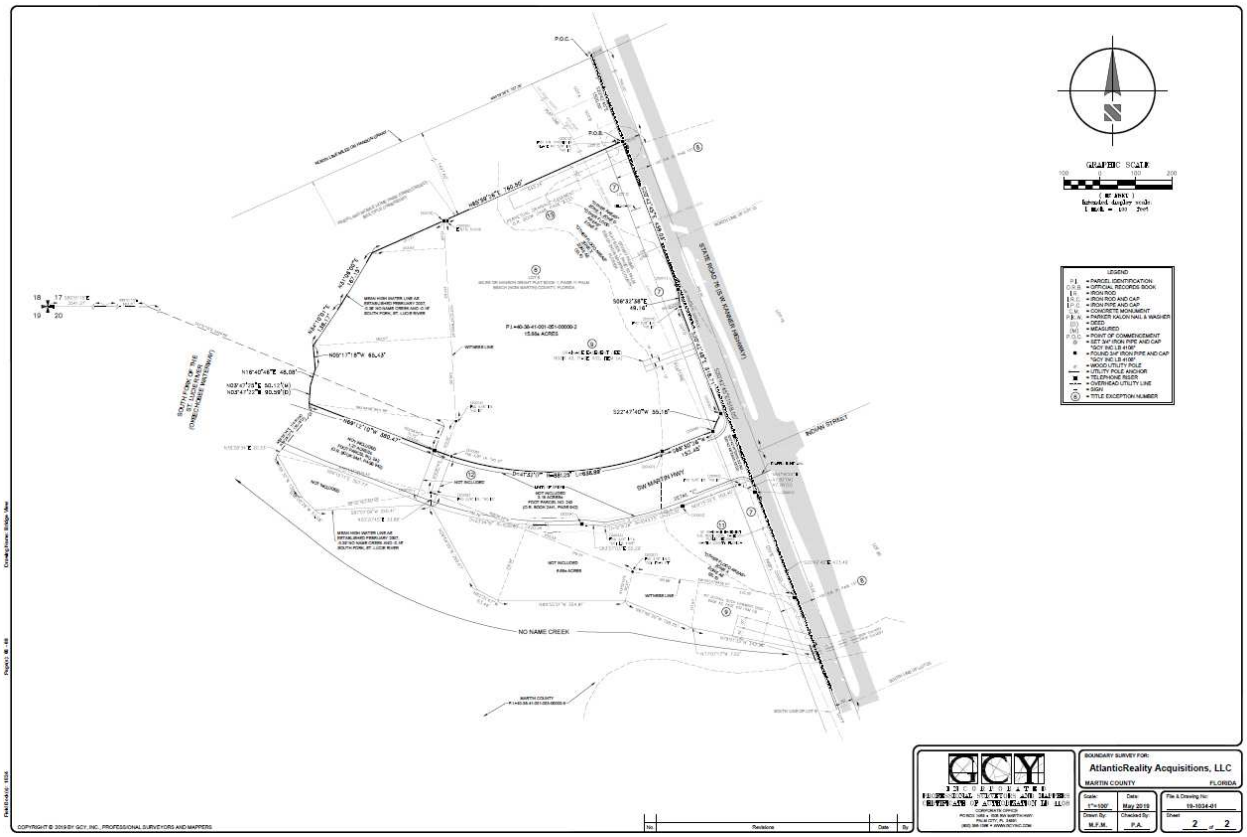
BOUNDARY SURVEY FOR:
AtlanticReality Acquisitions, LLC
MARTIN COUNTY FLORIDA

Scale: NA	Date: May 2019	File & Drawing No: 19103481
Drawn By: M.F.M.	Checked By: P.A.	Sheet: 1 of 2

No	Revisions	Date	By

COPYRIGHT © 2019 BY GCY, INC., PROFESSIONAL SURVEYORS AND MAPPERS

Ordinance No. 2415-2019 – Bridgeview Annexation (SR 76 and SW Martin Highway)



CITY OF STUART
OFFICE OF THE CITY ATTORNEY

MEMORANDUM

TO: STEPHEN MAYER, DEVELOPMENT DEPARTMENT

SUBJECT: VOLUNTARY ANNEXATION OF 15.88 ACRE PARCEL OF LAND ON THE NORTHWEST CORNER OF STATE ROAD 76 (KANNER HIGHWAY) AND SW MARTIN HIGHWAY.

CC: DAVE DYESS, CITY MANAGER

DATE: September 11, 2019

ISSUE

I have reviewed an annexation request for a 15.88-acre parcel adjacent to the City of Stuart. It is unfortunate that the additional nine (9) acres of land adjacent to the site isn't included in the submittal. The City has demonstrated that it is a strong environmental steward. The placement of this land into conservation is also a consideration made by the Commission when reviewing this project and it makes sense that it be included with the developed parcel. However, in light of the fact that it was not included, the review is limited to the 15.88 acres.

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."

Section 171.044(1), F.S., authorizes the owner or owners of real property in an unincorporated area of the county, which is contiguous to a municipality and reasonably compact, to petition the municipality for such property to be annexed to the municipality. After determining that the petition bears the signatures of all of the property owners in the area proposed to be annexed,

the city may adopt a nonemergency ordinance to annex the property and redefine the municipal boundaries at a regular meeting of the governing body.

Under the voluntary annexation procedure set forth in s. 171.044, there are three (3) general requirements for a non-charter county anexation. 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 create a municipal enclave.

1. **Signed by all property owners in the geographic area being annexed**. *The present annexation is made up of a single parcel and the application has been executed by the owner of the property.*

2. **Contiguous 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 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).

   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.

In the current application, a substantial part of the boundary is coterminous with the City of Stuart. Therefore, the property meets condition one and is contiguous to the City of Stuart.

3. Reasonably Compact

"Compactness is defined under subsection (12) of 171.031, F.S., to mean a concentration of a piece of property in a single area. The requirement for compactness precludes any action which would create enclaves, pockets, or ginger 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).

A review of the map and the application determines that this property is reasonably compact and meets Florida Statute 171.031(12). The property will remain geographically unified and is compact in size. The annexation of this site will not create a municipal enclave.

No Enclaves

Subsection 5 of 171.044, F.S. Provides that "[l] and shall not be annexed through voluntary annexation when such annexation results in the creation of enclaves". Because the property adjacent to this parcel remains in the County even though all property owners have executed a consent to annexation agreement, the enclave discussion appeared to need further discussion. Attorney General Opinion 80-84, titled "*Enclaves of County Land Within Municipal Territory Not Prohibited*." In said opinion, the Florida Attorney General opined that even though the annexation would result in the creation of an enclave of *unincorporated territory*, Section 171.044(5)'s prohibition against the creation of enclaves (as clarified by the definition of "compactness" contained in s. 171.031(12)) seems to contemplate *municipal enclaves*, and that statute does not purport to prohibit or otherwise regulate enclaves of county land brought about by municipal annexation. (See ss. 171.044(1) and 171.031(12), both of which are concerned with and refer to the "area" or the "piece of property" to be annexed. Both sections possess a purpose of assuring creation of geographically unified and compact municipalities.) And, it is significant that the presence of a boulevard abutting the southwesterly boundary of the county parcel in question will allow the county ample access, since this road and its right-of-way are apparently not subject to the jurisdiction of the city.

A review of the map shows that the "unincorporated properties would remain adjacent to the unincorporated portions of Martin County via the St. Lucie River which is clearly an exception described in Section 171.031(11) discussed above. However, even if the unincorporated properties did not remain adjacent to Palm City via the river as contemplated by F.S. 171.031(11), the Attorney General has opined that the intent of the statute is to not create "municipal enclaves" and this annexation does not. In addition, Kanner Highway which runs directly in front of the property is not under the jurisdiction of the City of Stuart and continues to provide direct access to the other properties. Therefore, this annexation will not create a municipal enclave.

Conclusion

Based upon the foregoing facts and analysis it is my opinion that the voluntary annexation of this parcel into the municipal boundaries of the City of Stuart comply with Florida Statute §171.044. This opinion is prepared solely at the request of and for the use of, the City of Stuart, and no other person or entity may rely on it for any purpose without the express written permission of the City of Stuart.

Exhibit 'A'

SW Martin Hwy
S Kanner Hwy
SE Gatehouse Cir
SE Indian ST
SE Jake CT
SW Squirrel Nest Way
SE Cayuga Ter
SE Mead Gerard PL
SE Westminster Pl

S KANNER HWY
SE GATEHOUSE CIR
SE INDIAN ST
SE JAKE CT
SE SARAH CT

Boundary Survey for: Atlantic Reality Acquisitions, LLC
Hanson Grant, Martin County, Florida

SURVEYORS NOTES

1. Notes indicating directional calls to found points, as indicated hereon, refer to North, South, East or West per the bearing base of the survey.

2. Mean High Water elevations shown on this survey were established in February 2007 and were approved by Florida Department of Environmental Protection under Mean High Water Survey file number 4188, dated December 24, 2007.

The mean high water elevations for the South Fork of the St. Lucie River is a minus (0.16) feet NAVD 88 and a minus (0.39) feet NAVD 88 for "NO NAME CREEK".

3. All visible above ground visible improvements have been located as shown hereon.

4. Right-of-way information for State Road 76 was obtained from State of Florida State Road Department right-of-way Map Project 5510, Section 890602102, sheet 8. Dated August 1941, revised July 7, 1947 as recorded in Plat Book 7, Page 47 Martin County, Florida public records and Florida Department of Transportation Section Map 890602511, pages 13 and 14 dated 1985.

5. Bearings shown hereon are grid and are referenced to a line between National Geodetic Survey mark GCY B01 and GCY D14 having a bearing of North 81°12'32" East.

6. No underground improvements or utilities have been located on this survey.

7. This mean high water line survey complies with Chapter 177, Part III, Florida statues.

8. Additions and or deletions to this survey by other than the signing party (or parties) is prohibited without the written consent of the signing party (or parties).

10. No part of the surveyed lands lies within State Road 76 (SW Kanner Highway).

11. Surveyed lands lies in Parcel Number 40-38-41-001-051-00000-2, including the Southern portion of property.

12. Deeds
   a. Warranty Deed, O.R.B. 2215, Page 602, surveyed land lies within land described.
   b. Quit Claim Deed O.R.B. 2312, Page 2091, surveyed land lies within land described.
   c. Quitclaim Deed O.R.B. 2441, Page 1933, land described lies within surveyed land.

13. The southerly boundary of the surveyed land is adjacent and contiguous to a publicly dedicated right-of-way known Veterans Memorial Bridge, access is neither confirmed nor denied; and the easterly boundary of the surveyed land is adjacent, contiguous and has access to a publicly dedicated right-of way known as State Road 76 a.k.a SW Kanner Highway.

13. ALTA/NSPS Table A Items
   Item 1. Monumentation exist at all corners as shown on sheet 2.
   Item 2. No address number for this undeveloped property.
   Item 3. This property is located in Flood Zone "AE"(EL 6) according to Flood Insurance Rate Map Community Panel No. 12085C0142G, dated March 16, 2018 and Flood Zone "AE"(EL 6), "OTHER FLOOD AREAS" ZONE X and "OTHER AREAS" ZONE X, ZONE D according to Flood Insurance Rate Map Community Panel No. 12085C0161G, dated March 16, 2018.
   Item 4. Gross land area is 22.57± Acres.
   Item 6. (a)&(b) There was no zoning report provided to the surveyor.
   Item 7. There are no buildings on this property.
   Item 8. This property is undeveloped.
   Item 9. This property is undeveloped.
   Item 10. (a)There are no division or party walls with adjoining properties.
   Item 11. All observed utilities are shown on sheet 2.

12. I have reviewed the Chicago Title Insurance Company, commitment for Title Insurance Office File No. RCTC190128 / 401900380RE, with an effective date of 03/28/2019 @ 11:00 P.M., and with regards to the Schedule B, Section II exceptions that are matters of survey and have the following comments:

EXCEPTION 4 - Any claim that any portion of the insured land is sovereign lands of the State of Florida, including submerged, filled or artificially exposed lands accreted to such land. There are no known such lands.

EXCEPTION 5 - Any lien provided by County Ordinance or by Chapter 159, Florida Statutes, in favor of any city, town, village or port authority of unpaid service charges for service by any water, sewer or gas system supplying the insured land. Not a matter of survey.

EXCEPTION 6 - Restrictions, covenants, conditions, easements and other matters as contained on the Plat of Miles or Hanson Grant, recorded in Plat Book B, Page 59, Public Records of Dade (now Martin) County, Florida and as recorded in Plat Book 1, Page 11, of the Public Records of Palm Beach (now Martin) County, Florida. With regards to Plat Book B, Page 59 and Plat Book 1, Page 11, no specifically locatable matters of survey can be plotted on this survey.

EXCEPTION 7 - Restrictions, covenants, conditions, easements and other matters as contained on the Plat of Stuart Farms, recorded in Plat Book 1, Page 63, of the Public Records of Martin County, Florida. With regards to Plat Book 1, Page63 , no specifically locatable matters of survey can be plotted on this survey.

EXCEPTION 8 - Reservations in favor of the State of Florida contained in Murphy Act Deed recorded in Deed Book 31, Page 137. Affects subject property, shown on sheet 2. Subject property encumbered by Right-of-Way 0.85± acres.The Reservation is that portion of the surveyed lands lying west of the current west right-of-way line (east Boundary) and a line that lies 100.00 feet west of the current centerline of SR 76 (SW Kanner Highway).

EXCEPTION 9 - Outfall Ditch Easement in favor of the State of Florida, recorded in Official Records Book 42, Page 432. Item (e) affects subject property, shown on sheet 2. Items (a), (b), (c), (d) & (f) does not affect subject property.

EXCEPTION 10 - Resolutions regarding Zoning recorded in Official Records Book 324, Page 2659 as amended in Official Records Book 326, Page 938 and Official Records Book 357, Page 2364. The subject parcel is wholly contained within Parcel E of Official Records Book 324, page 2659, Official Records Book 326, page 938 and Official Records Book 357, page 2364.

EXCEPTION 11 - Utility Easement in favor of Martin County, recorded in Official Records Book 1005, Page 251. Does not affect subject property, shown on sheet 2.

EXCEPTION 12 - Perpetual Easement in favor of the State of Florida Department of Transportation, recorded in Official Records Book 2441, Page 945. Does not affects subject property, shown on sheet 2.

EXCEPTION 13 - Perpetual Easement in favor of the State of Florida Department of Transportation, recorded in Official Records Book 2441, Page 948 as recorded in Official Records Book 2448, Page 2333. Affects subject property, shown on sheet 2.

EXCEPTION 14 - Resolution regarding Zoning recorded in Official Records Book 2618, Page 2727. Affects all of subject property. Property is contained within lands described in Exhibit "A" of resolution number 12-10.28, OR Book 2618, page 2727.

EXCEPTION 15 - Resolution regarding Master Site Plan Approval for Bridgeview Business Center recorded in Official Records Book 2640, Page 2563. Affects all of subject property. Property is contained within lands described in Exhibit "A" of resolution number 12-10.29, OR Book 2640-2563.

EXCEPTION 16 - The nature, extent or existence of riparian is not insured. No riparian known for subject property.

EXCEPTION 17 - Notwithstanding the legal description in Schedule A, this policy does not insure title to any lands lying below the mean or ordinary high water line of any navigable or tidally influenced waters. Subject property is at and above Mean High Water Line.

EXCEPTION 18 - As to any portion of the premises herein described which is (a) submerged land or is (b) artificially filled in land, artificially exposed land, or any land accreted thereto, in what was formerly navigable waters, this policy is subject to the right of the United States Government and/or the State of Florida, arising by reason of the United States Government's control over navigable waters in the interest of navigation and commerce, and the inalienable right of the State of Florida in the lands and/or waters of such character. There are no known lands.

CERTIFIED TO:
Chicago Title Insurance Company
Republic Commercial Title Company, LLC
Atlantic Realty Acquisitions, LLC, a Georgia limited liability company, it's successors and assigns of the contract for the purchase and sale of real property for the surveyed land; and the landers of the foregoing.

LOCATION MAP
NOT TO SCALE

Legal Description

PARCEL CONTROL NUMBER 403841001051000002

NORTH PARCEL

Commencing at the intersection of the North line of the Miles or Hanson Grant and the Westerly right of way line of State Road No. 76; thence South 20°42'45" East, a distance of 1500.00 feet to the Point of Beginning; thence continuing along said Westerly right-of-way line, South 20°42'45" East, a distance of 439.03 feet; thence South 06°32'38" East, a distance of 49.16 feet; thence South 20°42'48" East, a distance of 318.71 feet to a point on the Northerly Right-of-Way line of S.W. Martin Highway; thence along said line South 22°47'40" West, a distance of 55.18 feet; thence South 68°30'26" West, a distance of 152.45 feet to the beginning of a tangent curve concave to the North having a radius 881.25 feet; thence Northwesterly along the arc of said curve through a central angle of 41°32'17" a distance 638.89 feet to a tangent line; thence North 69°12'10" West, a distance of 380.47 feet to a point on the Mean High Water Line; thence along said line North 03°47'25" East, a distance of 50.12 feet; thence North 16°40'46" East, a distance of 48.08 feet; thence North 05°17'18" West, a distance of 65.43 feet; thence North 34°10'01" East, a distance of 139.17 feet; thence North 31°06'00" East, a distance of 167.15 feet to a point on the South River Land Mobile Home Park (unrecorded); thence North 65°59'26" East, a distance of 760.50 feet to the Point of Beginning.

Containing 15.88 Acres, more or less.

Department of Environmental Protection

Charlie Christ, Governor
Marjorie Stoneman Douglas Building, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000, Ms 105, Phone 850-245-2606, Fax 850-245-2645
Michael W. Sole, Secretary

Notice of Mean High Water Survey Filing

The Mean High Water Survey noted below has been filed in the Bureau of Surveying and Mapping public repository. The Mean High Water Survey File Number: 4188

Survey Date: 2/15/2007 County: MARTIN Waterbody SOUTH FORK ST LUCII RIVER
Job Number **07-1004-01-01**
Project : PALM CITY SEC: TWP: RNG:
USGS 7.5 Minute Quad Map Name PALM CITY
Surveyor's Name ALBERT C. ALLEN,III,P.S.M PSM # 4130
Business Name: G.C.Y.,INCORPORATED
Mailing Address: P.O.BOX 1469
PALM CITY, FL 34990-1469
Phone (772) 286-8083 FAX: (772) 283-6174

For the Bureau of Surveying and Mapping
12/24/2007 Date of Filing

"Protect, Conserve and Manage Florida's Environment and Natural Resources"
www.dep.state.fl.us
Printed on recycled paper.

Certification

(Not valid without the signature and original raised seal of a Florida licensed Surveyor and Mapper)

To Chicago Title Insurance Company, Republic Commercial Title Company, LLC, Atlantic Realty Acquisitions, LLC, a Georgia limited liability company, it's successors and assigns of the Contract for the purchase and sale of real property for the surveyed land; and the landers of the foregoing. this is to certify that this map or plat and the survey on which it is based were made in accordance with the 2016 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes items 1, 2, 3, 4, 6a, 6b, 6b, 7, 8, 9, 10, 11 of Table A thereof. The field work was completed on 5/28/2019.

I further certify that the Survey of the property shown and described hereon was completed under my direction and said Survey is true and correct to the best of my knowledge and belief.

I further certify that this Survey meets the Standards of Practice for Surveyors set forth by the Florida Board of Professional Surveyors and Mappers in Chapter 5J-17, Florida Administrative Code, pursuant to Section 472.027 Florida State Statutes. No search of the Public Records has been made by this office. The Survey is based on information furnished by client or client's representative.

5/28/2019
Date of Survey

NOTE:
This is an electronically signed and sealed document pursuant to Chapter 5J-17.062, Florida Administrative Code. The printed survey map or report or copies thereof are not valid without the original signature and seal of a Florida licensed surveyor or mapper.

PETER ANDERSEN CERTIFICATE NO. 5199 STATE OF FLORIDA PROFESSIONAL LAND SURVEYOR

Peter Andersen, PSM
Digitally signed by Peter Andersen, PSM
Date: 2019.06.26 09:15:00 -04'00'

Peter Andersen
Professional Survey and Mapper
Florida Certificate No. 5199

GCY INCORPORATED
PROFESSIONAL SURVEYORS AND MAPPERS
CERTIFICATE OF AUTHORIZATION LB 4108
CORPORATE OFFICE
PO BOX 1469 • 1505 SW MARTIN HWY.
PALM CITY, FL 34991
(800) 386-1066 • WWW.GCYINC.COM

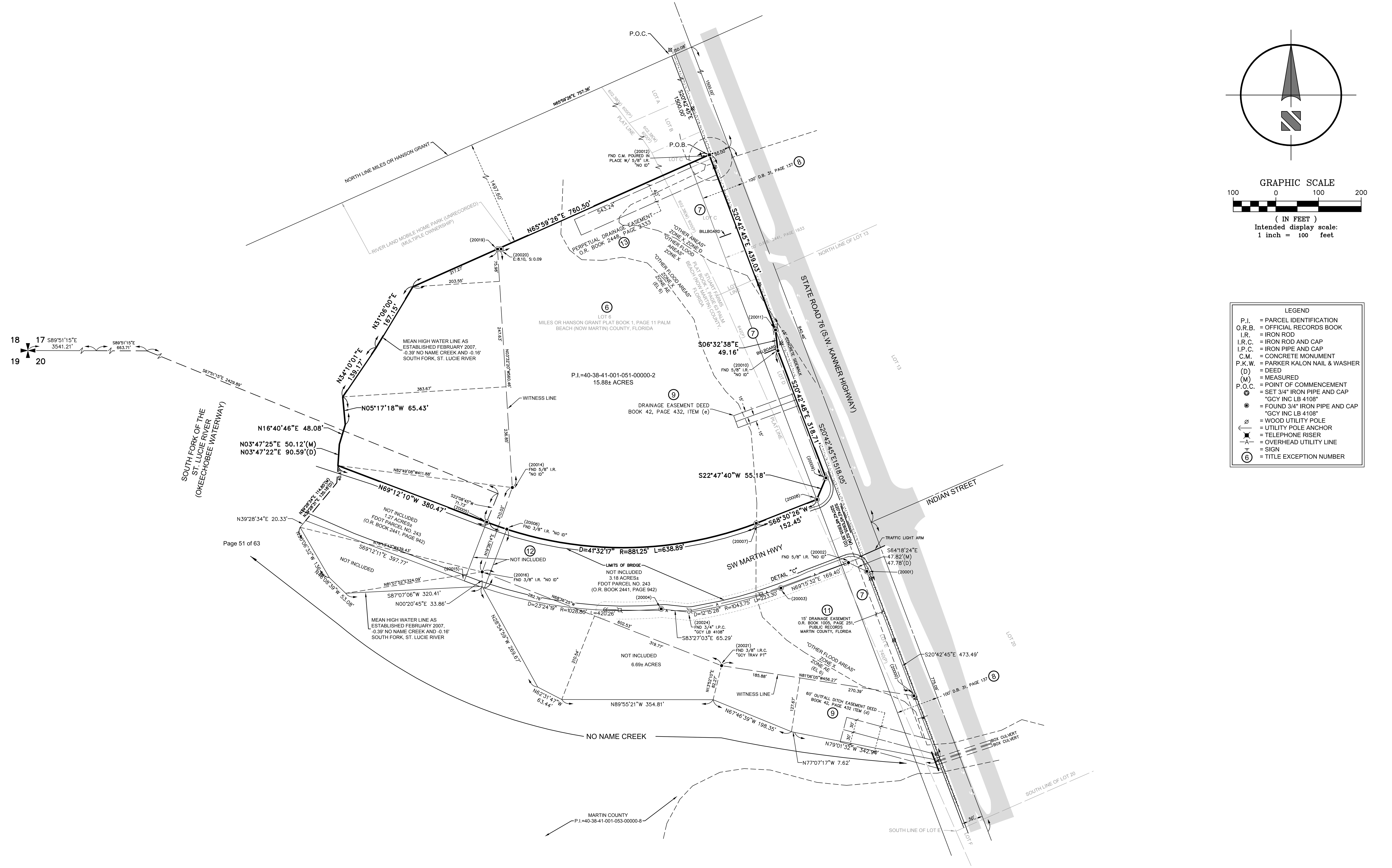
BOUNDARY SURVEY FOR:
AtlanticReality Acquisitions, LLC
MARTIN COUNTY **FLORIDA**

Scale:	Date:	File & Drawing No:
NA	May 2019	19103401
Drawn By:	Checked By:	Sheet
M.F.M.	P.A.	1 of 2

No.	Revisions	Date	By

Drawing Name: **Bridge View**
Page(s): **66 - 69**
Field Book(s): **1824**

COPYRIGHT © 2019 BY GCY, INC., PROFESSIONAL SURVEYORS AND MAPPERS



Page 51 of 63

Drawing Name: **Bridge View**

Page(s): **66 - 69**

Field Book(s): **1824**

No.	Revisions	Date	By

GCY INCORPORATED
PROFESSIONAL SURVEYORS AND MAPPERS
CERTIFICATE OF AUTHORIZATION LB 4108

CORPORATE OFFICE
PO BOX 1469 • 1505 SW MARTIN HWY.
PALM CITY, FL 34991
(800) 386-1066 • WWW.GCYINC.COM

BOUNDARY SURVEY FOR:

AtlanticReality Acquisitions, LLC

MARTIN COUNTY **FLORIDA**

Scale:	Date:	File & Drawing No:
1"=100'	May 2019	19-1034-01
Drawn By:	Checked By:	Sheet
M.F.M.	P.A.	2 of 2

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Landscape Architects ■ Planners ■ Environmental Consultants
LC-0000177
GENTILE | GLAS | HOLLOWAY | O'MAHONEY & Associates, Inc.
George G. Gentile FASLA
M. Troy Holloway ASLA
Emily M. O'Mahoney FASLA
Dodi Buckmaster Glas AICP

Bridgeview Residential

Justification Statement
August 8, 2019

Introduction/Request:
On behalf of the Applicant, Atlantic Realty, Inc. and Gentile Glas Holloway O'Mahoney & Associates, Inc. (2GHO) respectfully request review and approval of the submitted request for a Voluntary Annexation of a parcel of land located in Martin County abutting the City limits of Stuart, Florida. Further, the applicant will be requesting a future land use amendment from Martin County COR – Commercial Office Residential Designation to the City of Stuart MF – Multi-Family Residential designation and a Rezoning from COR1 – Commercial Office Residential 2 to RPUD - Residential Planned Unit Development.

Site Description:
The subject site is 15.88 acres of undeveloped land, located on the northwest corner of State Road 76 SW Kanner Highway and SW Martin Highway.

Surrounding Land Use and Zoning:
The request for annexation is consistent with the surrounding property uses. As mentioned above, the applicant will also be submitting application for a future land use amendment and rezoning to the City of Stuart designations.

	Current Zoning	Current FLU	Existing Use
Subject Area	Martin County – COR1	Martin County – COR	Vacant
North	Martin County - TP	Martin County – Mobile Home	Riverland - Mobile Home Park
South	SW Martin Highway Martin County COR1	Martin County – COR	Vacant
East	SW Kanner Highway City of Stuart - CPUD	SW Kanner Highway – City of Stuart – Commercial	Medical offices
West	St. Lucie River		

Potential Costs:

1. **An estimate of the direct public costs to provide capital facilities for City utilities and other municipal services required by the development;**

Development of this property in the city will result in no direct public costs for the provided capital facilities for City utilities and other municipal services required by the development. However, development of the property in the City will generate an estimated $252,288 in City Impact Fees for parks, transportation and public safety.

2. 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;

Ad Valorem Tax Revenues

Taxing Authority	Millage	Land Assessed	Taxes	Building Value	Taxes
County - General Fund-Op	6.5971	768,890	$5,072.44	9600000	$63,332.16
School - General Fund	4.1140	768,890	$3,163.21	9600000	$39,494.40
School - Discretionary	0.7840	768,890	$575.13	9600000	$7,180.80
School Capital Outlay	1.5000	768,890	$1,153.34	9600000	$14,400.00
School Addtnl Voter Mil	0.5000	768,890	$384.45	9600000	$4,800.00
Childrens Services Ordncs	0.3618	768,890	$278.18	9600000	$3,473.28
FL - Inland Navigation Dist	0.0320	768,890	$24.60	9600000	$307.20
City of Stuart - General Fund	4.7500	768,890	$3,652.23	9600000	$45,600.00
City of Stuart - Debt Service	0.2462	768,890	$189.30	9600000	$2,363.52
South Florida Water Management	0.2936	768,890	$225.75	9600000	$2,818.56
					$183,769.92
			$14,718.63		
			$198,488.55	Total	

3. An estimate of the residential population increase of the City after development;

Residential Population Increase	
City of Stuart Impact Fees	$259,856.64
Martin County Impact Fees	$1,557,067.81
School Impact Fees	$1,816,924.45
Development Fees	$8,243.00
Total	**$3,642,091.91**

Construction Costs – estimated hard costs for the project - $24,000,000.00.

Comprehensive Plan Consistency:

Element I, Goal Statement A – Maintain and enhance Stuart's quality of life, natural beauty of small town waterfront character, its stable residential neighborhoods, and its status as the commercial/institutional hub for greater Martin County.
Response: The proposed residential development will provide opportunities for needed multi-family apartments/condominium that is consistent with the City's goal of providing stable neighborhoods in the City.

Element I, Objective A2 – Enhance public access to and public views of the St. Lucie River waterfront through implementation of the following policies. Policy A2.1 – City development regulations to implement his objective shall continue to contain provisions which allow cluster development, planned unit developments, mixed uses, limitations on impervious surfaces, and other innovative land development techniques. Such techniques shall be designed to maintain existing open space for recreation, groundwater recharge, and waterfront views.
Response: The proposed residential planned unit development will provide for clusters of the multi-family and will also provide for a proposed boardwalk to the river.

Element I, Objective A.7: Future Land Use Categories
Response: The applicant will also be requesting is requesting Future Land Use Designation to Multi-Family Future Land Use designation.

Element I, Objective A.8: Land Development Regulations
Response: as proposed, the proposed development meets or exceeds all City of Stuart LDR requirements for a residential planned unit development.

Element I, Objective B1, Policy B1.4 – Annexation and redevelopment strategies for infill development and redevelopment should be formulated to produce a future viable economy for the City.
Response: The proposed project would occur on an undeveloped site which is surrounded by roads and a mobile home park on the northwest corner of SW Kanner Highway and Martin Highway. The subject site is an important corner within the area and will offer the city a viable area for residential homes/apartments that are needed.

Element II: Transportation
Response: Concurrency with capacity/level of services can be met by the plan that is proposed.

Element IV: Infrastructure
Response: The proposed development will address the public facilities that will be required for the development.

Element V: Conservation, Objective A.1: Surface Water Quality – Stormwater plans shall adhere to the City of Stuart master Drainage Plan. In an effort to benefit surface water

quality, a program to eradicate all invasive exotic trees and vegetation shall be implemented.
Response: Stormwater system shall meet the requirements as outlined and will meet the 3-day, 25-year storm event, with overflow for major storms directed to native areas, roadways.

Element V, Conservation, Objective A.5. Natural Systems – Native habitats shall be protected. Invasive exotic trees and vegetation shall be removed. Wetlands shall be protected.
Response: The proposed site will maintain the existing wetlands on site, the wetlands will be have a 50 foot buffer which will be averaged to not less than 25 feet through the PUD Agreement. The minimum average width of the upland buffer shall be 50 feet and at no point less than 25 feet.

Element V, Conservation, Objective A.6 Wildlife Protection – All endangered/threatened species shall be protected. Development sites shall be surveyed for protected species. The status of the City of Stuart as a bird sanctuary shall be maintained.
Response: An Environmental Assessment will be provided as part of the Rezoning application to determine if there are any species of wildlife present on site.

Conclusion:
On behalf of the applicant, Gentile Glas Holloway O'Mahoney & Associates, Inc. respectfully request approval of this application. The Project Managers at Gentile Glas Holloway O'Mahoney & Associates, Inc. are George Gentile, M. Troy Holloway and Patricia Lentini.

July 15, 2019

Mr. Kev Freeman
Director of Development
City of Stuart
121 SW Flagler Avenue
Stuart, FL 34994

Re: Bridgeview Development – Parcel ID – 40-38-41-001-051-00000-2

This letter is to serve as permission for Fairview Properties, Inc. to submit applications for Annexation, Rezoning and Major Site Plan through the City of Stuart and Atlantic Realty Partners, Inc. to act as the agents to assist with the preparation and submit all documentation and attend all meetings pertaining to the property as above described, as it relates to the zoning process, site plan review and approval process.

Sincerely,

Fairview Properties, Inc.

Knight A. Kiplinger, President
Print Name and Title

STATE OF FLORIDA
COUNTY OF MARTIN

I hereby certify on the 30th day of July, 2019, K. Kiplinger personally appeared before me and produced identification, or is personally known to me, to be the person described herein and who executed the foregoing instrument.

Witness my hand and official seal in the state and county, the day and year aforesaid.

Notary

Commission Expires:

6/14/24

JOHN C. BIRMINGHAM NOTARY PUBLIC DISTRICT OF COLUMBIA EXP. 6-14-24

July 29, 2019

Mr. Kev Freeman
Director of Development
City of Stuart
121 SW Flagler Avenue
Stuart, FL 34994

Re: Affidavit of Authorization for Annexation, Rezoning and Major Master Site Planning.

This affidavit authorizes Atlantic Residential and its agent Gentile Glas Holloway O'Mahoney & Associates, Inc. (2GHO) to submit all necessary applications and documentation, initiate procedures and attend all meetings pertaining Annexation, Rezoning and Major Master Site Plan to the City of Stuart for the +/- 15-acre site owned by Fairview Properties, Inc., located on the north west corner of S Kanner Hwy. and Indian Street (PCN 40-38-41-001-051-00000-2), in Stuart, Florida.

Sincerely,

Fairview Properties, Inc.

Knight Kiplinger, President

Knight Kiplinger, President

STATE OF FLORIDA
COUNTY OF MARTIN

I hereby certify on the 30th day of July, 2019, K. Kiplinger personally appeared before me and produced identification, or is personally known to me, to be the person described herein and who executed the foregoing instrument.

Witness my hand and official seal in the state and county, the day and year aforesaid.

Notary

JOHN BERMINGHAM NOTARY PUBLIC DISTRICT OF COLUMBIA EXP. 6-14-24

July 15, 2019

Mr. Kev Freeman
Director of Development
City of Stuart
121 SW Flagler Avenue
Stuart, FL 34994

Re: Bridgeview Development -

This letter is to serve as permission for Atlantic Realty Partners, Inc. to submit applications for Annexation, Rezoning and Major Site Plan through the City of Stuart and Gentile Glas Holloway O'Mahoney & Associates, Inc. (2GHO) to act as the agents to assist with the preparation and submit all documentation and attend all meetings pertaining to the property as above described, as it relates to the zoning process, site plan review and approval process.

Sincerely,

Atlantic Realty Partners, Inc.

Richard Aaronson, President

STATE OF FLORIDA
COUNTY OF MARTIN

I hereby certify on the 17 day of July, 2019, Richard Aaronson personally appeared before me and produced identification, or is personally known to me, to be the person described herein and who executed the foregoing instrument.

Witness my hand and official seal in the state and county, the day and year aforesaid.

Notary

Commission Expires:

ELENA SANTIAGO NOTARY PUBLIC MY COMMISSION EXPIRES 8/28/2022 FULTON COUNTY, GEORGIA

City of Stuart
121 SW Flagler Ave
Stuart, FL 34994

(772) 288-5326

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

Annexation Application

Project ID#_____
(Staff Entry)

Pre-App Conference Date: June 20, 2019	Application Date:
Project Name: Bridgeview	
Parcel ID# 40-38-41-001-051-0000-2	Project Address: SW Kanner Highway
Zoning/CRA Sub-district: Currently in Martin County - COR Land Use and Zoning	
Subdivision: See attached Legal Description	Lot(s): See attached Legal Description
Fee: $1,792.00 *(this does not include fees that may be charged as a result of application review by the City's consultants)*	

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).*

Please see the attached Justification Statement.

(over)

General Information

(Please Print or Type)

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

Name: Richard Aaronson	City/State/Zip Code: Atlanta, GA 30326
Title: President	Telephone Number: (404) 591-2499
Company: Atlantic Realty Partners, Inc.	Facsimile Number: (404) 591-2901
Company Address: 3500 Lenox Road Suite 1250	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: George G. Gentile	City/State/Zip Code: Jupiter, FL 33458
Title: Senior Partner	Telephone Number: 561-575-9557
Company: Gentile Glas Holloway O'Mahoney & Assoc., Inc. (2GHO)	Facsimile Number: 561-575-5260
Company Address: 1907 Commerce Lane Suite 101	Email Address (optional): george@2gho.com/pat@2gho.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: Richard Aaronson	City/State/Zip Code: Atlanta, GA 30326
Title: President	Telephone Number: (404) 591-2499
Company: Atlantic Realty Partners, Inc.	Facsimile Number: (404) 591-2901
Company Address: 3500 Lenox Road, Suite 1250	Email Address (optional):

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

4. Signed this 18th day of July, 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 18 day of July 2019 by Richard Aaronson who is personally known to me, or who has produced _____ as identification and who did/did not take an oath.

Notary Signature

Commission Expires:

ELENA SANTIAGO NOTARY PUBLIC MY COMMISSION EXPIRES 8/28/2022 FULTON COUNTY, GEORGIA

ANNEXATION APPLICANTS

I/we the undersigned petitioner(s) and owner(s) of the above described parcel of land in unincorporated area of Martin County, Florida, said parcel being contiguous of the existing City Limits of the City of Stuart, hereby petition for annexation to the Municipality of Stuart by Ordinance of the City Commission.

I/we certify that the petitioner(s) obligations as outlined in the Stuart Code will be complied with appropriate stages of petition consideration.

Submitted with the completed Application for Annexations Petitions and Comprehensive Plan Amendment is a petition fee of $_____, and the following petition attachments:

1. Recent survey of subject property (dated not more than10 years prior to date submitted.
2. Description of surrounding County land uses and zoning (copies of County maps depicting same).
3. Flood zone information and description of existing utilities (copies of County maps depicting same).
4. Aerial photograph.
5. Proof of parcel ownership (deed).
6. Completed application for Rezoning, or if petitioner is requesting a PUD Zoning Classification additional attachments shall be required as part of this application.
7. Sign fee ($20 per sign).
8. All Application Fees.

_____
Signed Property Owner/Authorized Agent

_____
Signed Property Owner/Authorized Agent

SWORN TO AND SUBSCRIBED before me this 17 day of July, 2019

_____
Notary Public

My commission expires:

3.

CITY OF STUART, FLORIDA
AGENDA ITEM REQUEST
Local Planning Agency

Meeting Date:9/19/2019 **Prepared by:**Michael Mortell

Title of Item:

Staff has received a request to implement the procedure followed by the City Commission when reviewing quasi judicial matters such as PUD and development orders.

Summary Explanation/Background Information on Agenda Request:

A draft form to be utilized by the LPA board when reviewing Development Orders and Planned Unit Developments is attached to the agenda item. If directed by the Board, the form will be adopted and will be followed by the Chair of the Board during each applicable agenda item. The purpose is to provide continuity for each agenda item and to assist the board in discussing the projects and formulating motions in an orderly manner. The attached form is a draft and is intended to generate input from the board to create the procedure that the board deems most effective.

Funding Source:

Not Applicable

Recommended Action:

Discuss and provide direction to staff.

ATTACHMENTS:

	Description	Upload Date	Type
🗋	Quasi Judicial Hearing Procedures	9/11/2019	Exhibit

LPA
CITY OF STUART, FLORIDA
QUASI-JUDICIAL HEARING PROCEDURES

1. **CHAIR** – The **Chair** shall read the title of Agenda Item.

2. **CHAIR** asks: "DO THE BOARD MEMBERS HAVE ANY EX PARTE COMMUNICATIONS TO DISCLOSE?" – Any communications outside of the meeting regarding the matter under consideration.

   A. BOARD MEMBERS disclose *ex parte* communications. State "**NONE**" for the record if none.

3. **CHAIR** then states: "ALL THOSE GIVING TESTIMONY, PLEASE STAND, RAISE YOUR RIGHT HAND, AND BE SWORN-IN."

4. **CLERK** then swears-in those giving testimony, and asks them: "AS YOU TESTIFY, PLEASE PUT YOUR NAME AND ADDRESS ON THE RECORD."

5. **A.** **STAFF REPORT:** **CHAIR** asks City Development Director (or staff member): "PLEASE PRESENT YOUR TESTIMONY, INCLUDING ANY EVIDENCE, AND YOUR RECOMMENDATION, REGARDING THIS CASE."

   B. **APPLICANT PRESENTATION: CHAIR** then states: "THE PETITIONER MAY NOW GIVE TESTIMONY AND CALL ANY WITNESSES."

   C. **QUESTIONS:** **CHAIR** then asks, "DO THE BOARD MEMBERS HAVE ANY QUESTIONS FOR THE PETITIONER?"

   D. **STAFF RESPONSE: CHAIR** then asks, "DOES THE CITY STAFF HAVE ANY RESPONSE OR COMMENTS RELATED TO THE PRESENTATION?"

   E. **REBUTTAL: CHAIR** then asks, "DOES THE PETITIONER WISH TO OFFER ANY REBUTTAL TESTIMONY?"

6. **CHAIR** closes the hearing at the conclusion of all the evidence and asks the Board Members, "to deliberate in public, asking them to cite the facts being considered and then to state their position and formulate a motion."

7. **PUBLIC COMMENT:** **CHAIR** can allow public comment before and after a motion is presented but must allow comment after motion.

8. Board Members deliberate and vote on any motion properly presented.