



City of Stuart

A G E N D A
LOCAL PLANNING AGENCY / PLANNING ADVISORY BOARD
TO BE HELD DECEMBER 12, 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

ORDINANCES

1. AMENDMENT TO EXISTING PUD TO URBAN DESIGNATION AND TO RE-ESTABLISH DEVELOPMENT TIMELINES

ORDINANCE No. 2421-2020: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, REFRESHING THE NOW DEFUNCT ORDINANCE 2275-2014, AMENDING ORDINANCE NUMBER 2095-07, FORMERLY THE "HARBOUR WALK PRESERVE COMMERCIAL PLANNED UNIT DEVELOPMENT" (CPUD) PROJECT; PROVIDING FOR DEVELOPMENT APPROVAL ON A 1.97 ACRE COMMERCIAL PORTION OF THE SITE, TO BE KNOWN AS THE "HANEY CREEK TRUST COMMERCIAL PROPERTY" URBAN PLANNED UNIT DEVELOPMENT (UPUD); PROVIDING FOR CERTAIN DESIGN CONDITIONS; REPEALING ALL ORDINANCES IN CONFLICT HERewith; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

2. AMENDMENT TO THE LAND DEVELOPMENT CODE UPUD DENSITY AND PARKING (QUASI-JUDICIAL) (RC)

ORDINANCE 2423-2020: AN ORDINANCE OF THE CITY OF STUART, FLORIDA, AMENDING THE EXISTING SECTION 2.07.00.I OF CHAPTER II ENTITLED "URBAN PLANNED UNIT DEVELOPMENT (UPUD) DISTRICTS" TO ADD A METHODOLOGY FOR RESIDENTIAL DENSITY CALCULATION AND ADD MINIMUM RESIDENTIAL CAR PARKING REQUIREMENTS; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

3. AMENDMENT TO THE LAND DEVELOPMENT CODE REVIEW PROCEDURES FOR PUD APPLICATIONS (QUASI-JUDICIAL) (RC)

ORDINANCE 2424-2020: AN ORDINANCE OF THE CITY OF STUART, FLORIDA, AMENDING THE EXISTING SECTION 11.01.00 OF CHAPTER XI ENTITLED "PROCESSING OF PLAN APPLICATIONS" TO AMEND THE REVIEW BOARD PROCEDURES FOR PROPOSALS THAT INVOLVE URBAN PLANNED UNIT DEVELOPMENT LOCATED WITHIN THE COMMUNITY REDEVELOPMENT AREA; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

STAFF UPDATE

ADJOURNMENT

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

Meeting Date: 12/12/2019

Prepared by: Jordan Pinkston

Title of Item:

Approval of October 17, 2019 LPA Minutes.

Summary Explanation/Background Information on Agenda Request:

Funding Source:

N/A

Recommended Action:

Approve.

ATTACHMENTS:

Description	Upload Date	Type
❏ LPA Minutes 10.17.19	12/5/2019	Cover Memo



MINUTES

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

LOCAL PLANNING AGENCY

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

ADMINISTRATIVE

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

CALL TO ORDER

ROLL CALL

Present: Michael Herbach, Li Roberts, Larry Massing, Campbell Rich, Christina de la Vega
Absent: Ryan Strom, Bill Mathers

APPROVAL OF MINUTES:

Motion: Action: Approve.

Moved by: Larry Massing

Seconded by: Cristina de la Vega

Motion passed unanimously.

COMMENTS FROM THE PUBLIC ON NON-AGENDA ITEMS: None.

COMMENTS FROM THE BOARD MEMBERS:

Li Roberts arrived.

Campbell Rich said that it is difficult to review the agendas in the short amount of time that they are given. He would like to receive all the materials earlier.

Mike Mortell said that there is a Florida Statute that was passed last year that mandates the timing for a municipality must process an application. He used an example of what would happen if we pushed meetings back to give more review time to the agenda. He said the answer is not that we are trying to make it difficult.

Li Roberts suggested contacting staff a week before and they could get you the materials they have.

Kev Freeman said that they always have submittals, but they might not be approved and are still being reviewed.

Campbell Rich said that will be helpful.

Kev Freeman will send a project list to all LPA board members so members can see if anything grabs their attention and can ask staff regarding those questions.

ACTION ITEMS: **5:36 PM**

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

BE CONSISTENT WITH THE CITY'S COMPREHENSIVE PLAN; PROVIDING DIRECTIONS TO THE CITY CLERK; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

PRESENTATION: Bob Kuoppala, West Palm Beach  5:41 PM

Stephen Mayer, Senior Planner  5:42 PM

BOARD COMMENT:

Stephen Mayer said staff recommends approval of the ordinance with one additional recommendation. Provide us with an updated master infrastructure plan or provide a written detailed plan of what off-site infrastructure is going to be conditioned with this project.

Bob Kuoppala said that he discussed these details with staff prior to the meeting and he doesn't feel like they need to do anything more.

Stephen Mayer said that we would have to amend this plan, so it would need to remove the projected parking spaces off Baker and he assumed the crosswalks would still be relevant. That sidewalk is part of phase one that the developer for the two projects across the street will be doing.

Larry Massing said that he doesn't feel like they are on the same page. This is a master PUD and what we are trying to achieve is that this is not amended there would be a huge responsibility for them to complete this infrastructure.

Kev Freeman said the applicant was made aware, but he does not think they understand what they are recommending.

Bob Kuoppala asked for confirmation on what staff is looking for.

Kev Freeman letter outlining what they are doing for off-site infrastructure and what they are looking to push on to another phase.

Stephen Mayer confirmed that staff is in support with the ordinance if the applicant can provide in writing what they will be responsible for in the off-site infrastructure plan.

Larry Massing asked for confirmation of the property and what is being planned.

Campbell Rich said that he is looking at page 17, item 4. He asked if they could urge City Commission to take them up on their proposal.

Li Roberts said as far as updating the offsite master site plan, the first issue is the numbering issue for phase one of phase two. She described why the phases were listed incorrectly. She said there is a conflict and the piece that we are looking at tonight has a preserve that is off to the side and it is unclear to her if that is included in phase one of parcel one. She said initially in the overall site plan that whole piece was phase one, but now we are dealing with things that are not

there and creates an issue as we are numbering each phase. If LPA wants to say that we have the right to assign conservation to preserve areas, that will be part of the bigger master plan piece. She said it is unclear of what we are looking at.

Stephen Mayer said that he does not disagree. What we are asking is for is a new offsite infrastructure plan that will demonstrate what will be built with this project.

Frank Wacha said that we have already given conservation easements for the upland and wetland preserves to SFWMD and it is owned by a separate entity that the Avonlea Master Property Association owns. They only own the portion of lot one.

Stephen Mayer said that at any time staff can be ordered to change the land use by City Commission to conservation. He does not know if it would apply to this project because it does not impact the wetlands.

Campbell Rich asked about who we monitor their compliance.

Stephen Mayer said that the City of Stuart receives the annual plan and we periodically make checks. He said that we do not have someone on staff to continually maintain landscaping for every development.

Campbell Rich asked how they know if they are in compliance or not.

Li Roberts said that it is monitored, and the owner and residents need to submit paperwork to show that it is being maintained on a regular basis.

Campbell Rich asked about item #7 on page #38.

Larry Massing confirmed what he was looking at.

Li Roberts said that she had questions about the same thing. She questioned how the date reads and was concerned about how it reads.

Campbell Rich asked how many historic trees are on the site currently.

Bob Kuoppala said that he did not believe there were currently any. He said there is a tree disposition chart from a tree survey.

Stephen confirmed there 20 trees that are being removed that have been qualified as significant.

Campbell Rich referred to page #44 item #41 and asked what the applicant's intention was for the Community Redevelopment Agency's art requirement.

Bob Kuoppala said that they have not decided on that aspect yet.

Campbell Rich asked if they had an estimate of what they would spend on vertical construction.

Mike Mortell said that decision is not up to the LPA board to decide the CRB is the board that regulates this. He said they will not be able to get a permit or a certificate of occupancy, unless they comply with the code. He confirmed it is the value of the project.

Bob Kuoppala said the building maybe \$800,000 to \$700,000 but we haven't even started construction yet.

Cristina de la Vega wanted confirmation that the only changes are at their site and we only want them to make their sidewalk and not the whole sidewalk.

Li Roberts asked about site plan #1. She said there are only 48 parking spaces and the setback requirement calculation needs to be corrected. She wants the phasing numbers to be cleared up on the plan, because she does not know what is involved in which phase.

Bob Kuoppala clarified where each phase was going to occur.

Li Roberts asked about the landscape plan and the live oak causing site problems for drivers in phase two.

Bob Kuoppala said that the zoning requires a tree in every terminal island.

Li Roberts asked staff about the date issue on documents.

Stephen Mayer confirmed that is was the new Avonlea PUD in 2015 and it was amended in 2017, which developed the site plan for parcel two and twelve.

Li Roberts recommended changing how dates are listed when creating the agenda and documents.

Campbell Rich asked if we could require the applicant to make two of the parking spaces charging stations.

Bob Kuoppala said that they would agree to one.

Michael Herbach recommended putting a conduit in the ground in because it is only a matter of time before they will be required.

Campbell Rich said that he would like to require two.

Bob Kuoppala agreed.

PUBLIC COMMENT: None.

MOTION:

Action: Approve with following additions:

1. Addition for conduit for charging stations
2. Correction regarding infrastructure plan which would include correcting phasing issue

3. Site plan corrections for parking and setback
4. Date corrections in the ordinance

Moved by: Li Roberts

Second by: Larry Massing

Motion passed unanimously.

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

PRESENTATION: Joann Sweazey, Hope Center for Autism  6:14 PM
Doug Fitzwater, Lucido & Associates  6:19 PM
Tom Reetz, Senior Planner  6:22 PM

BOARD COMMENT:

Michael Mortell clarified why the order has been changed in the agenda to allow the applicant to present before staff does.

Cristina del la Vega asked if the students needed to go outside.

Joann Sweazey said that the indoor facility is where they will be getting their physical activity and that there is a small area in the back that they can utilize.

Li Roberts said that she likes the format of the spreadsheet staff presented, but it made her have some additional questions. She asked about where trash was mentioned on the master site plan.

Doug Fitzwater said there was an existing dumpster on site.

Li Roberts said signage, lighting, trash and stop signs need to be marked on the master site plan.

Doug Fitzwater said they will check on that.

Li Roberts asked who owned the wall behind the building and the owner needs to be clarified.

Tom Reetz said it backs up to Leisure Village property.

Doug Fitzwater said that he walked back there and could not see if it was a wall or fence because there is a lot of vegetation.

Li Roberts said that she assumed the proposed parking spaces have a door near them coming out of the building and if the applicant intends to fence the area in the future, she would approve that in order to allow more flexibility to do something outside. She asked for confirmation on the amount of plants being replaced.

Doug Fitzwater confirmed the plants.

Campbell Rich told the applicant that he is impressed by the work they do.

Larry Massing likes the fact that it will not have a big impact on traffic.

Joann Sweazey said that they are on the same schedule as the elementary schools.

Larry Massing asked how many students they had.

Joann Sweazey said that they currently have 48 and we will be able to have up to 80, not including adults and teens.

Campbell Rich asked what the staff to student ratio is.

Joann Sweazey said 1 to 3.

MOTION:  6:34 PM

Action: Approve with the following conditions:

1. Landscape requirement
2. Providing flexibility for fence on Southwest piece of property
3. Correcting site plan to mark stop signs, lighting, signage, trash and fence

Moved by: Larry Massing

Second by: Li Roberts

Motion passed unanimously.

PUBLIC COMMENTS: None.

ORDINANCES:  **6:35 PM**

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

PRESENTATION: Doug Fitzwater, Lucido & Associates

Donte Fegary, Meritage Homes  6:43 PM

Tom Reetz, Senior Planner  6:54 PM

BOARD COMMENT:  **6:57 PM**

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

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

themselves to this transition, to be more of a mixed-use city that has more of a balanced revenue.

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

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

Doug Fitzwater discussed how the parking calculation was done.

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

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

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

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

Li Roberts asked about mail pickup.

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

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

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

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

Tom Reetz asked for an exact number.

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

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

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

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

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

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

Tom Reetz said that was included in the condition.

Li Roberts asked how wide the single car garage is.

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

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

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

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

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

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

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

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

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

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

Donte Fegary said that they spent a lot of time on looking at data and researching on what we should do and how we need to do it for highest and best use. All data pointed to this buyer profile. He said in Palm Beach County they have a work force housing ordinance, which is completely different and explained the buyer profile he has witnessed.

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

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

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

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

Li Roberts said less than \$200,000.

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

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

Discussion about past affordable housing projects occurred.

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

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

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

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

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

Kev agreed the order of criteria.

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

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

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

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

Cristina de la Vega asked about changing the runoff.

Ed Weinberg explained why that could not be changed.

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

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

Doug Fitzwater explained the open space that they are claiming.

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

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

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

Ed Weinberg said that when Ted Glassrud purchased the properties there was a different consultant who secured an informal wetland determination from SFWMD, that did not

reflect the wetland line that was already approved. It is only a matter of how the line was shifted to reflect a previous approved line. He said as of today it is 1.38 acres.

Campbell Rich questioned the timeline and laws of the boundaries.

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

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

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

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

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

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

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

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

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

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

Ed Weinberg said that Meritage Homes did.

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

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

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

Ed described why the parcel was considered superior.

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

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

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

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

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

Michael Herbach shared his thoughts about waste receptacle placement.

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

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

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

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

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

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

Michael Herbach asked where the school bus stop would be.

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

Cristina de la Vega asked if the road behind Aldi was public.

Donte Fegary said they are doing some road work for that road and are still in working discussion for improvements.

Campbell Rich asked what the minimum number of parking spaces required.

Tom said it would be in the site plan.

Doug Fitzwater said that it would be two parking spaces for the size of the units that we have. It requires 152 spaces; we are providing 177 spaces and parking does not include the driveway parking for two-bedroom units.

Li Roberts confirmed they are 16% above the minimum. She asked staff what happens if she did not approve this project in a motion what would happen to the project.

Tom Reetz confirmed that the boards role is to make a recommendation of approval or not, but if you happen to not approve the project the applicant can still go to the City Commission with non-approval.

Li Roberts asked if at that point if the City Commission doesn't approve them, they would have to come back with a new project. She said on the other hand, if the applicant withdrew in order to fix something there is the possibility they would get it.

Kev Freeman said there are options, from what he has observed the question is, is this land use change acceptable and supported by the LPA. He said he doesn't think there is anything the applicant/hoe builder could do to propose a commercial development at this location.

Li Roberts said that there are some conditions under which she thinks this land use change would be acceptable.

Kev Freeman said that if she has an idea of what would be acceptable he would recommend putting that in the motion.

Li Roberts said she thought the applicant was more qualified to make that decision. She said for example, it would be acceptable to have greater setbacks and not be as dense. She said for me to be specific that puts me in a role that is not appropriate and is for an applicant to decide.

Kev Freeman said it would be to ask the applicant if they would come back and address the boards concerns and continue with a new site plan.

Li Roberts asked the applicant to come forward and say that they will address some of these concerns and come back.

Kev said right now there are three options. One, recommend approval. Two, recommend denial. Three, speak with applicant to see if they would agree to a continuous.

Campbell Rich said regardless of what we decide they could still say they will take their chances at City Commission.

Li Roberts confirmed that this would have to happen before the vote.

Donte Fegary said that they have exceeded the parking requirement and they are below the density so he would like to know how many units are acceptable.

Li Roberts said that it is more about the setbacks and density. She would like to know how they plan to mitigate that.

Donte Fegary went on to explain how the setbacks will be designed and asked for a number from Li Roberts of how many units would be acceptable. He said at the end of the day it is a financial matter, although he wants to work through it with the board because it is a good project.

Michael Herbach said the board recommends the applicant to say that they are going to redo the site plan to have bigger setbacks and lower density footprint.

Li Roberts said that she is about to vote and if they want the board's approval then they need to jump in and work with the board.

Donte Fegary said that he is trying to understand and find the happy medium. He asked if staff would reduce the front setback.

Kev Freeman said that they can rotate where the townhomes are located.

Donte Fegary said that will create other problems and that they have looked into it before.

Kev Freeman said the front of the homes would act like a wall or fence, behind the homes would be the gated community.

Michael Herbach said that they need to have a bigger back patio, move the pool and 10 ft brick wall to block Walmart noise and replace with townhomes. The board is agreeing to that, he said he was not saying the applicant needs to do that, but it seems to be what the board wants.

Cristina de la Vega suggested that the board make a motion because they can't reconstruct the plan in five minutes.

Donte Fegary addressed some of the boards concerns. He said the plan was well planned out and they took staff recommendations and he is willing to continue to take suggestions. If the center pond on our site was not required it would not be as confined of a site. In the end, we thought we were considerate when putting the plan together and is the best use of the site. He said that he still needs a magic number for density concerns.

Kev Freeman asked the applicant what he meant by front setback.

Cristina de la Vega made her motion.

Donte Fugary asked if she was denying it because of strictly land use.

Michael Herbach said that it is tightness outside the townhomes that do not allow for Florida amenities, such as a place to BBQ. There are multiple concerns more than land use change it is the location of the site with surrounding commercial buildings.

Donte Fegary said that he respected the opinions of the board, but there are projects and developments that are within this same predicament. He said that when residents purchase a home they are aware of what is going on around them. As an example, the homes that were built across the street is doing well.

Cristina de la Vega said that it is not in an industrial park and explained the issues she had with it.

Donte Fegary confirmed the motion.

PUBLIC COMMENTS: None.

MOTION:

Action: Deny because to change from commercial to residential it is not a compatible land use for the surrounding area.

Moved by: Cristina de la Vega

Second by: Larry Massing

Motion passed with Li Roberts opposing.

STAFF UPDATE:

Michael Herbach asked about hearing procedures and by-laws update.

Kev Freeman said they were with the City Attorney.

Michael Herbach asked about Garrett Lobrowski being listed on our agenda as Ex Officio.

Kev Freeman said he is allowed to be.

BOARD COMMENT: None.

ADJOURNMENT:

Motion: Action: Adjourn

Moved by: Li Roberts

Seconded by: Larry Massing

Michael Herbach, Chair

Jordan Pinkston, Board Secretary

CITY OF STUART, FLORIDA AGENDA ITEM REQUEST Local Planning Agency

Meeting Date: 12/12/2019

Prepared by: Stephen Mayer

Title of Item:

AMENDMENT TO EXISTING PUD TO URBAN DESIGNATION AND TO RE-ESTABLISH DEVELOPMENT TIMELINES

ORDINANCE No. 2421-2020: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, REFRESHING THE NOW DEFUNCT ORDINANCE 2275-2014, AMENDING ORDINANCE NUMBER 2095-07, FORMERLY THE “HARBOUR WALK PRESERVE COMMERCIAL PLANNED UNIT DEVELOPMENT” (CPUD) PROJECT; PROVIDING FOR DEVELOPMENT APPROVAL ON A 1.97 ACRE COMMERCIAL PORTION OF THE SITE, TO BE KNOWN AS THE “HANEY CREEK TRUST COMMERCIAL PROPERTY” URBAN PLANNED UNIT DEVELOPMENT (UPUD); PROVIDING FOR CERTAIN DESIGN CONDITIONS; REPEALING ALL ORDINANCES IN CONFLICT HERewith; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Summary Explanation/Background Information on Agenda Request:

The subject property consists of 1.97 acres and is located at 1001 NW Federal Highway at the east corner of U.S. 1 and North Shores Boulevard, approximately 600 feet north of Wright Boulevard. The subject property has approximately 275.41 feet of frontage along U.S. 1.

As part of a bookkeeping effort, the City discovered that the Haney Creek Trust CPUD required a certificate of occupancy no later than March 12, 2019. The purpose of this Ordinance is to refresh the now defunct Ordinance 2275-2014, in order to promote leasing of the site to a private commercial enterprise.

Exhibit B of Ordinance 2275-2014 included potential acceptable uses such as restaurants, veterinarian offices, retail sales, etc. A list of prohibited uses is also included. Additionally, proposed development conditions include submittal of architectural plans, tree survey and mitigation, lighting plan, and landscape plan during site plan review. Staff is recommending a change from CPUD to Urban Planned Unit Development (UPUD), and the timeline is extended to January 1, 2023. No other changes are recommended to the conditions of approval for the Haney Creek Trust CPUD.

It is the purpose of this amendment to make the site more marketable and City permit-ready for development. The City Commission would review a specific use at the time of lease assignment.

Funding Source:

N/A

Recommended Action:

Motion to approve Ordinance 2421-2020, and move the item forward to the City Commission to January 13, 2020.

ATTACHMENTS:

Description

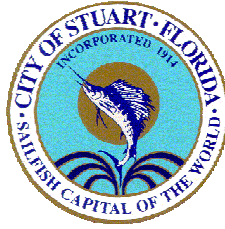
Ordinance 2421-2020 Haney Creek

Upload Date

Type

DRAFT

▣	Preserve Commercial Property UPUD	12/2/2019	ORDINANCE
▣	Staff Report	12/2/2019	Staff Report
▣	2275-2014 Haney Creek Preserve Commercial Property CPUD	12/2/2019	Attachment
▣	2095-2007 Harbour Walk Preserve PUD	12/2/2019	Attachment



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

ORDINANCE NUMBER 2421-2020

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, REFRESHING THE NOW DEFUNCT ORDINANCE 2275-2014, AMENDING ORDINANCE NUMBER 2095-07, FORMERLY THE “HARBOUR WALK PRESERVE COMMERCIAL PLANNED UNIT DEVELOPMENT” (CPUD) PROJECT; PROVIDING FOR DEVELOPMENT APPROVAL ON A 1.97 ACRE COMMERCIAL PORTION OF THE SITE, TO BE KNOWN AS THE “HANEY CREEK TRUST COMMERCIAL PROPERTY” URBAN PLANNED UNIT DEVELOPMENT (UPUD); PROVIDING FOR CERTAIN DESIGN CONDITIONS; REPEALING ALL ORDINANCES IN CONFLICT HERewith; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

* * * * *

WHEREAS, on January 22, 2007, the City Commission adopted Ordinance Number 2095-07, which approved the former “Harbour Walk Preserve Commercial Planned Unit Development” (CPUD) project on 52.93 acres; and

WHEREAS, in July of 2011, the City of Stuart and Martin County jointly purchased 50.96 acres of the former “Harbour Walk Preserve Commercial Planned Unit Development” property for purposes of adding it to the Haney Creek Watershed Preserve; and

WHEREAS, on December 12, 2011, the City Commission adopted Ordinance Number 2235-2011, which approved a major amendment to Ordinance Number 2095-07 to change the zoning and land use to Public and Conservation, respectively, on a portion of the 50.96-acre site; and

WHEREAS, the City Commission retained CPUD zoning and Downtown Redevelopment future land use on a 1.97-acre portion of the site for the purpose of leasing said property to a private commercial enterprise to generate revenues for maintenance and improvements to the expanded Haney Creek Preserve and other City-owned lands; and

WHEREAS, on November 25, 2013, the City Commission directed staff to prepare a major amendment to Ordinance Number 2095-07 to provide for administrative level development approval on the 1.97-acre parcel; and

WHEREAS, the City's Local Planning Agency held a properly noticed public hearing at a regularly scheduled meeting on January 16, 2014 to consider a major amendment to Ordinance 2095-07, and recommended approval to the City Commission; and

WHEREAS, the City Commission held properly noticed public hearings at a regularly scheduled meetings, first reading on January 27, 2014, and second and final reading on February 10, 2014, to consider the application for major amendment to Ordinance 2095-07; and

WHEREAS, the City staff has discovered the Haney Creek Trust Commercial Property CPUD expired on March 12, 2019;

WHEREAS, the City's Local Planning Agency held a properly notice public hearing at a regularly scheduled meeting on December 12, 2019 to consider a major amendment to Ordinance 2275-2014, in order to refresh the ordinance as an Urban Planned Unit Development (UPUD) and provide a new timetable of development; and

WHEREAS, the property is legally described and a map depicting the property is attached hereto as **Exhibit "A"** of this ordinance and development conditions are attached hereto as **Exhibit "B"**; and

WHEREAS, the following “Development Documents” on file as public records of the City at the office of the City Development Department and as attached hereto shall be henceforth deemed as Approved, and shall become a part of the development conditions applicable to the Subject Property, and all development shall be in accordance with **Exhibit “C”**, Boundary Survey; and **Exhibit “D”**, Prototype Plan.

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

SECTION 1: The City Commission hereby approves a major amendment to Ordinance 2095-07 to approve the development conditions and “prototype” plan for the 1.97-acre parcel, as set forth in Exhibits B and D.

SECTION 2: In all other respects and except as amended hereby, the “Harbour Walk Preserve” development documents and conditions as set forth in prior ordinances and resolutions of the City shall remain in full force and effect.

SECTION 3. The complete execution and recording of this ordinance by the City Clerk shall occur no later than 60 days from the date of this approval, failing which this ordinance shall be void.

Passed on first reading the __ day of _____, 2020.

Commissioner _____ offered the foregoing Ordinance and moved its adoption.

The motion was seconded by Commissioner _____ and upon being put to a roll call

vote, the vote was as follows:

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

YES	NO	ABSENT	ABSTAIN

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

ATTEST:

MARY R. KINDEL
CITY CLERK

REBECCA S. BRUNER
MAYOR

APPROVED AS TO FORM
AND CORRECTNESS:

MICHAEL MORTELL
CITY ATTORNEY

ACCEPTANCE OF MAJOR PUD AMENDMENT

BY SIGNING THIS ACCEPTANCE OF MAJOR PUD AMENDMENT, THE UNDERSIGNED HEREBY ACCEPTS AND AGREES TO ALL OF THE TERMS AND CONDITIONS CONTAINED IN THE FOREGOING ORDINANCE, INCLUDING ANY EXHIBITS, ATTACHMENTS AND OTHER APPROVED DEVELOPMENT DOCUMENTS, INTENDING FOR ITSELF, ITS HEIRS, ASSIGNS, SUCCESSORS IN INTEREST, AND CONTRACTORS, TO BE BOUND THEREBY, AND THAT SUCH ACCEPTANCE IS DONE FREELY, KNOWINGLY, AND WITHOUT ANY MENTAL RESERVATION, AND FOR THE PURPOSES EXPRESSED WITHIN THE ABOVE ORDER. IF IT IS LATER DISCOVERED THAT THE UNDERSIGNED, OR ITS SUCCESSORS OR ASSIGNS HAVE FAILED IN ANY MATERIAL WAY TO DEVELOP ACCORDING TO THIS ORDINANCE, OR ITS CONDITIONS, THIS ORDINANCE MAY BE AMENDED OR REPEALED, AND ANY OTHER LEGAL ACTIONS MAY BE TAKEN BY THE CITY AGAINST THE UNDERSIGNED, IT SUCCESSORS OR ASSIGNS, INCLUDING BUT NOT LIMITED TO BOND FORFEITURE, STOP WORK ORDERS, CODE ENFORCEMENT ACTIONS, PERMIT AND LICENSING REVOCATIONS, AND ALL APPLICABLE CIVIL AND CRIMINAL ACTIONS.

IN WITNESS WHEREOF the undersigned have executed this Acceptance of the PUD Amendment on this ____ day of _____, 2020.

OWNERS ACKNOWLEDGMENT

The above Acceptance and Agreement of Ordinance No. _____ was acknowledged before me this ____ day of _____, 2019, by Jeffrey H. Finkel, Senior Vice President of Florida Patio Partners, LLC.

Notary Public, State of Florida
My Commission Expires:
Notary Seal

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

EXHIBIT A

LEGAL DESCRIPTION

A PARCEL OF LAND BEING A PORTION OF THE NORTH 1/2 OF GOVERNMENT LOTS 2 AND 3, SECTION 32, TOWNSHIP 37 SOUTH, RANGE 41 EAST, MARTIN COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF GOVERNMENT LOT 3, SECTION 32, TOWNSHIP 37 SOUTH, RANGE 41 EAST, MARTIN COUNTY, FLORIDA; THENCE NORTH 89°45'17" WEST ALONG THE NORTH LINE OF SAID GOVERNMENT LOT 3, A DISTANCE OF 426.43 FEET TO AN INTERSECTION WITH THE EASTERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY NO. 1, AS SHOWN ON THE FLORIDA DEPARTMENT OF TRANSPORTATION MAP SECTION 89010-2555, DATED 11-30-92; THENCE SOUTH 18°59'53" EAST ALONG SAID EASTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 542.80 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 18°59'53" EAST, ALONG SAID EASTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 275.41 FEET; THENCE NORTH 74°07'27" EAST, DEPARTING SAID EASTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 305.00 FEET; THENCE NORTH 15°52'33" WEST, A DISTANCE OF 275.00 FEET; THENCE SOUTH 74°07'27" WEST, A DISTANCE OF 320.00 FEET TO AN INTERSECTION WITH SAID EASTERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY NO. 1 AND THE POINT OF BEGINNING.

CONTAINING 85,937 SQUARE FEET, OR 1.97 ACRES, MORE OR LESS.
PCN 32-37-41-000-000-00011-0



EXHIBIT B

DEVELOPMENT CONDITIONS ORDINANCE NO. 2421-2020

Approved Plans*

1. Exhibit D is a “prototype” site plan intended to depict the project’s minimum perimeter buffer areas, or conversely the project’s maximum development envelope for hardscape (i.e.: building, drive isles, parking, etc.). The exact size and location of the building(s) and parking are not fixed but rather will be determined by code based upon the demands of the ultimate use. Other elements of the plan, such as the location of the entrance and off-site roadway improvements are intended to be constructed generally as shown, dependent upon the use and FDOT requirements.

Permitted and Prohibited Uses*

2. Permitted uses shall include:
All uses permitted within the Urban District (Section 3.03.03) of the City’s Land Development Code
 - Any retail business or retail service establishment, including shops for making articles of an artisanal use to be sold on the premises, provided such manufacturing is incidental to the retail business or service;
 - Bakeries, wholesales or commercial bakery warehouses;
 - Business and professional offices;
 - Child care facilities;
 - Commercial uses not specifically set forth above, but which are determined compatible by the City Commission at the time of lease assignment.
 - Enclosed storage and sales of lumber and building materials;
 - Restaurants (general or convenience);
 - Technical schools, or private elementary, middle, or high school;
 - Veterinarian office (with or without kennels);
3. Prohibited uses shall include, but not be limited to the following:
 - Adult businesses;
 - Automotive repair, inclusive of bodywork and painting;
 - Bar, cocktail lounges, pubs;
 - Boat manufacturing/sales/rental.
 - Churches;
 - Dry cleaners;

- Gasoline or other motor fuel stations;
- Mortuaries;
- Vehicle sales/rental;

Prior to Issuance of Site Permits

4. Civil plans shall be reviewed and approved by all applicable City departments prior to the issuance of a site permit.
5. City of Stuart Utilities shall serve the site. Civil engineer to confirm access and connection requirements to existing 6-inch force main east of U.S. 1 and 12 inch water main west of U.S. 1.
6. A traffic study per LDC Section 4.05.02 shall be conducted. Florida Department of Transportation Turnout and Signalization Permit shall be applied for and necessary requirements may include relocation of existing improvements and dimensional changes to the turnout and right-hand deceleration lane shown on Exhibit D. In this regard, the developer (lessee) shall be responsible for all design and permitting, as well as the costs of all required improvements.*
7. An environmental assessment report and if necessary, copies of correspondence with applicable state and federal agencies, per LDC Section 5.02.00 shall be submitted.
8. Minimum development setbacks for the off-site wetlands are 55 feet (50 foot upland buffer plus 5 foot construction easement), as depicted on Exhibit D.*
9. A tree survey and tree mitigation requirements in accordance with LDC Section 5.05.00 (Trees) shall be provided. This information shall, at a minimum, include: a) field-flag, identify, and account for all specimen trees located in the proposed developed portion of the site to allow for field review of the tree survey; and b) detailed impact and mitigation calculations.
10. A detailed clearing and earthwork limits plan with NPDES permit, silt and erosion control will be required prior to approval of site engineering plans.
11. Plans depicting architectural and site design features in accordance with LDC Section 6.05.00 (Commercial Development Standards) shall be submitted during site plan review. In addition, these plans shall be in compliance with the architectural requirements in LDC Sections 3.01.04.A (Building walls), 3.01.04.B (Roofs and gutters), 3.01.04.D (Windows and doors), and 3.01.04.N (Screens).*
12. Parking spaces shall be 10 feet in width and 18 feet in length, with the exception of required handicapped spaces which shall meet applicable Florida Accessibility Code standards.*

13. A lighting plan in accordance with LDC Sections 3.01.04.J and 6.07.00 shall be submitted during site plan review.
14. All other applicable regulatory agency permits shall be obtained by the applicant and copies provided to the City prior to the issuance of certificates of occupancy.

Landscaping

15. A landscape plan, designed in accordance with LDC Sections 3.01.03.G and 6.04.00 shall be submitted as part of the site permit review. Landscaping shall be 120% of what is required by Section 6.04.00. All landscape plant materials shall be native.*
16. Transitions between outside edges of pavement/curb and natural grades may not exceed 4:1 slopes planted with native species per #15 above, or retaining walls to minimize native upland disturbances, or a combination of methods to minimize disturbance and maximize cost-effectiveness of transitions from developed area to preserve areas outside the site boundary.*
17. All landscape areas shall be provided with an irrigation system of sufficient capacity to maintain the landscaping in a healthy growing condition.
18. The developer (lessee) shall agree to connect to the City of Stuart's irrigation re-use water system when it becomes available to the site.*
19. The landscaper of record shall certify that all trees and/or landscape material meet the approved landscape plan prior to installation.
20. A landscape maintenance plan, executed in accordance with the LDC, shall be submitted to the Development Department and approved prior to the issuance of a certificate of occupancy.
21. "Hat racking" of trees is prohibited on the property.

Development and Construction

22. The building's design shall qualify, at a minimum, for a 40% rebate in building permit fees and plan review fees in accordance with City of Stuart Code of Ordinances, Chapter 10, Article 1, Section 10-6, Efficient Building Development.*
23. All stormwater from developed portions of the site shall meet City and SFWMD water quality treatment standards prior to any volume discharge to off-site wetlands per the pre-development drainage pattern. The prototype site plan assumes 50% rainfall capture by pervious pavement and 100% exfiltration of the remainder necessary to meet water quality treatment prior to discharge off-site via spreader swales to wetlands.*

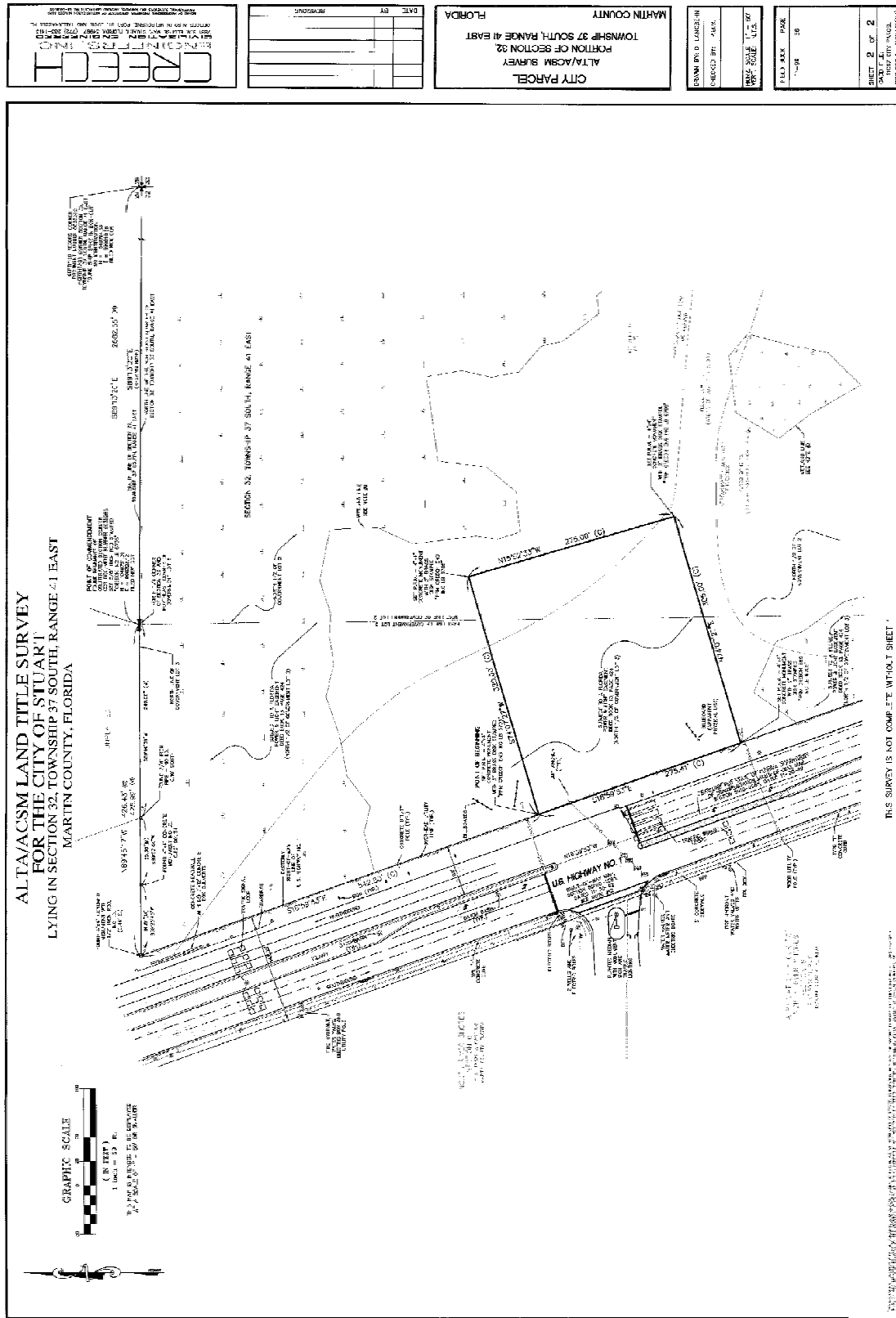
24. Any stormwater retention areas shall be designed using Low Impact Development (LID) techniques as described in the University of Florida's IFAS Extension publication "LID Practices: Integrating Wetlands & Enhancing Stormwater Basins".*
25. All fill beneath pavement must be compatible with use of pervious pavement for all parking stalls and catch basins with exfiltration trenches beneath impervious pavement in driving aisles.*
26. Construction activity shall be limited from 7:00 am to 6:00 pm Monday - Saturday.*
27. Water trucks shall be provided by the developer (lessee) as necessary during construction in order to reduce dust generated on-site.*
28. Fencing shall be installed along the northern, eastern, and southern property lines and shall consist of a four foot high, black vinyl-coated chain-link with slats (separate permit required).*
29. Signage shall be appropriately permitted and constructed in compliance with LDC Sections 3.01.04.O and 6.11.00. Monument sign should be located in general location indicated in Exhibit D.*
30. City of Stuart will accept dedication and maintenance of a duplex grinder lift station to be located per final site plan.*
31. Required solid waste collection devices shall be located in the rear (eastern) half of the lot and screened from public right-of-way. Exact location shall be approved by the Department of Public Works.*

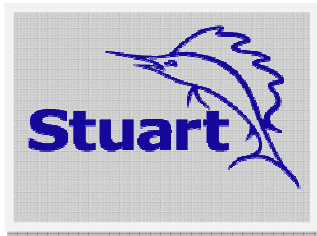
Timetables

32. The project shall obtain certificates of occupancies no later than January 1, 2023.

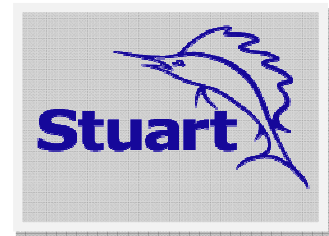
NOTE: Conditions with an * are specific to the site and may go above and beyond standard code requirements.

[illegible]





CITY OF STUART
LOCAL PLANNING AGENCY
 December 12, 2019



Project Name: Haney Creek Trust Commercial Property	Property Owner: City of Stuart
Project No.:	Applicant/Petitioner: City of Stuart
Ordinance No: 2421-2020	Agent/Representative: City of Stuart
Location: 1001 NW Federal Highway	



PROJECT SUMMARY

<i>Property Size (area)</i>		1.97 Acres
<i>Present Use</i>		Undeveloped
<i>Subject Property Land Use</i>		Downtown Redevelopment
<i>Adjacent FLU</i>	<i>North</i>	Conservation
	<i>South</i>	Conservation
	<i>East</i>	Conservation
	<i>West</i>	Downtown Redevelopment
<i>Subject Property Zoning</i>		Commercial Planned Unit Development
<i>Adjacent Zoning</i>	<i>North</i>	Public
	<i>South</i>	Public
	<i>East</i>	Public
	<i>West</i>	Urban Highway
<i>Proposed Use</i>		Commercial – Bank, Pharmacy, or similar use
<i>Brief Explanation</i>		The intent of this application is to approve a Ordinance 2421-2020 for the 1.97 acre parcel owned by the City for purposes of leasing to a private commercial enterprise.
<i>Staff Recommendation:</i> Subject to the attached development conditions staff recommends approval of Ordinance 2421-2020, to refresh the CPUD and a Urban Planned Unit Development (UPUD) and extend the timeline of development.		

STAFF REPORT AND RECOMMENDATION

I. LEGAL NOTICE REQUIREMENTS (Attachment A)

A. Requirements for Application – The application for a major amendment to the CPUD has been noticed in accordance with the requirements set forth in Sections 11.01.03 and 11.02.00 of the Land Development Regulations.

B. Site Posting Date: 11-19-2019

C. Mail Notice Postmark: 11-19-2019 to property owners within 300 feet

D. Publication Date: N/A

II. HISTORY OF THE SITE

On January 22, 2007, the City Commission adopted Ordinance Number 2095-07, which approved the former “Harbour Walk Preserve Commercial Planned Unit Development” (CPUD) project on 52.93 acres. The project was never initiated and ultimately, the owner declared bankruptcy.

In July of 2011, the City of Stuart and Martin County jointly purchased 50.96 acres of the former “Harbour Walk Preserve Commercial Planned Unit Development” property for purposes of adding it to the Haney Creek Watershed Preserve. Additionally, the City exchanged for its flag lot, the 1.97-acre portion of the Harbour Walk PUD for purposes of leasing to a private commercial enterprise to generate revenues for maintenance and improvements to the expanded Haney Creek Preserve and other City-owned lands, acquisition of additional environmental lands and repayment of funds originally invested.

On December 12, 2011, the City Commission adopted Ordinance Number 2235-2011, which approved a major amendment to Ordinance Number 2095-07 to change the zoning and land use to Public and Conservation, respectively, for the 50.96 acres, while retaining the CPUD zoning and Downtown Redevelopment future land use designations on the 1.97-acre parcel. Ordinance 2235-2011 required that future development of the 1.97-acre parcel would require a major amendment to Ordinance 2095-07.

On November 25, 2013, the City Commission directed staff to prepare a major amendment to Ordinance Number 2095-07 to provide for a prototype site plan to be reviewed and approved at the administrative level to make the site more marketable to potential developers.

Staff has recently discovered that the CPUD expired on March 12, 2019. **It is the purpose of this amendment to make the site more marketable and City permit-ready for development. The City Commission would review a specific use at the time of lease assignment.**

III. STAFF ANALYSIS

A. Site and Area Characteristics (Attachment B)

The subject property consists of one undeveloped parcel totaling 1.97 acres in size located at 1001 NW Federal Highway at the east corner of U.S. 1 and North Shores Boulevard, approximately 600 feet north of Wright Boulevard.

Direction	Current Use	Zoning	Future Land Use
North	Undeveloped; Haney Creek Preserve Area	Public	Conservation
South	Undeveloped; Haney Creek Preserve Area	Public	Conservation
East	Undeveloped; Haney Creek Preserve Area	Public	Conservation
West	Furniture retail store, crematorium and funeral home, retail shopping center	Urban Highway	Downtown Redevelopment

B. Project Description

The subject property consists of 1.97 acres and is located at 1001 NW Federal Highway at the east corner of U.S. 1 and North Shores Boulevard, approximately 600 feet north of Wright Boulevard. The subject property has approximately 275.41 feet of frontage along U.S. 1.

The purpose of Ordinance 2275-2014 was to approve a prototype site plan and development conditions (Exhibit D and B, respectively, in Ordinance 2421-2020) to promote leasing of the site to a private commercial enterprise. This Ordinance keeps the conditions of the prior CPUD intact.

Exhibit B of Ordinance 2421-2020 includes potential acceptable uses such as restaurants, veterinarian offices, retail sales, etc. A list of prohibited uses is also included. Additionally, proposed development conditions include submittal of architectural plans, tree survey and mitigation, lighting plan, and landscape plan during site plan review.

It is the purpose of this amendment to make the site more marketable and City permit-ready for development. The City Commission would review a specific use at the time of lease assignment.

C. Comprehensive Plan Consistency Review

A review of the Comprehensive Plan finds that the application is consistent with the applicable objectives and policies of the plan.

Element I: Future Land Use Objective A.3. Environmentally Sensitive Issues Environmentally sensitive natural resources shall be protected including native vegetative communities, listed wildlife species and associated habitat. Development shall be directed away from resource. Impacts shall be compensated for or minimized.	The protection of native vegetative communities is deemed to be satisfied through the preservation of the Haney Creek Preserve. Additionally, a listed species survey, tree survey and mitigation plan, and a 100% native landscaping requirement are included in the development conditions of Ord. 2421-2020. Revenues generated from leasing of the subject property are to assist in the operation and maintenance costs of the Haney Creek Preserve. There are no wetlands on the subject property and a 55-foot buffer for the off-site wetland is indicated on the conceptual plans.
Element I: Future Land Use Objective A.7. Future Land Use Categories	The subject property has a Future Land Use designation of Downtown Redevelopment, which allows commercial uses. Future development would be reviewed for compliance with the density and intensity requirements of the Downtown Redevelopment FLU designation.
Element I: Future Land Use Objective B2. Provision of facilities and services.	Any future development would be serviced by City of Stuart water and sewer lines and is anticipated to be within adopted Level of Service standards. Additionally, impact fees would be required to offset impacts to services.
Element I: Future Land Use Policies B3.9 and B3.10 The City shall implement architectural and site design requirements for commercial development that utilize "Crime Prevention Through Environmental Design" principles... All commercial buildings shall be designed to maintain and enhance the attractiveness of the streetscape and promote the architectural heritage of the City...	City of Stuart Police Department would review the project for CPTED principles during the site plan review process. Plans depicting architectural and site design features in accordance with LDC Section 6.05.00 (Commercial Development Standards) and Sections 3.01.04.A (Building walls), 3.01.04.B (Roofs and gutters), 3.01.04.D (Windows and doors), and 3.01.04.N (Screens) are required during the site plan review process – see Ord. 2421-2020, Exhibit B, Development Condition #12.
Element II: Transportation	The subject property is within the Traffic Concurrency Exception Area, therefore level of service standards do not apply.
Element IV: Infrastructure Objective A4D. Drainage	Ord. 2421-2020, Exhibit B, Development Condition #11, 23, 24, and 25 are included to ensure consistency with the applicable Comprehensive Plan objectives related to drainage and stormwater runoff.

Element IV: Infrastructure Objective A5. Potable water and sanitary sewer	The City of Stuart Utilities will supply water and sewer service. Water and sewer lines currently exist in the U.S. 1 right-of-way.
Element V: Conservation Objective A.1. Surface Water Quality	Ord. 2421-2020, Exhibit B, Development Condition #8, 9, and 10 are included to ensure consistency with the applicable Comprehensive Plan objectives related to drainage and stormwater runoff.
Element V: Conservation Objective A.5. Natural Systems	See discussion for Element I: Future Land Use Objective A.3. Environmentally Sensitive Issues
Element V: Conservation Objective A.6. Wildlife Protection	A Preliminary Wetland and Upland Permitting Investigation Report was conducted by Miller Legg Associates in 2004 for the former Harbour Walk development site. It indicated presence of gopher tortoise burrows and suitable habitat for scrub jays. A development condition is included in Ord. 2420-2020 requiring a listed species survey prior to site plan approval.

D. Land Development Code Standards

The application has been reviewed for consistency with the City's LDC.

Chapter 2 – Zoning Districts Uses Allowed, Density, Intensity	Modifications to the open space and native vegetation requirements in Section 2.07.00.E.4 may be considered by the City Commission depending on the specific future use, which is acceptable since the subject property was purchased to generate revenues for operation and maintenance of the adjacent Haney Creek Preserve.
Chapter 3 – Urban Code	The subject property is within the Community Redevelopment Area and has a Future Land Use designation of Downtown Redevelopment and a zoning district designation of Commercial Planned Unit Development. The CPUD zoning allows for variation from strict adherence to those regulations with Chapter 3.
Chapter 4 – Concurrency Determinations	The subject property is within the Traffic Concurrency Exception Area, therefore level of service standards do not apply. Nevertheless, an engineer's traffic study will be required prior to development approval to address off-site roadway improvements as needed.
Chapter 5 – Resource Protection	The protection of native vegetative communities is deemed to be satisfied through the preservation of the Haney Creek Preserve. Additionally, a listed species survey, tree survey and mitigation plan, and a 100% native landscaping requirement are included in the development conditions of Ord. 2421-2020. Revenues generated from leasing of the subject property are to assist in the operation and maintenance costs of the Haney Creek Preserve. There are no wetlands on the subject property and a 55-foot buffer for the off-site wetland is indicated on the conceptual plans.

	A Preliminary Wetland and Upland Permitting Investigation Report was conducted by Miller Legg Associates in 2004 for the former Harbour Walk development site. It indicated presence of gopher tortoise burrows and suitable habitat for scrub jays. A development condition is included in Ord. 2421-2020 requiring a listed species survey prior to site plan approval.
Chapter 6 – On-Site and Off-Site Development Standards	Proposed parking numbers and drive aisles on the conceptual plans meet the standards in Sec. 6.01.00. These standards would also be reviewed during site plan review for a specific user. Several development conditions are included for stormwater (#11, 23-25), landscaping (#15-21), commercial development (#12), lighting (#13), solid waste collection devices (#30), and signage (#28) requirements.

E. Technical Review by Other Agencies

The future developer (lessee) will be responsible to meet all federal, state and local permitting and environmental standards prior to the issuance of any building permits. Further, the future developer (lessee) will also be required to demonstrate full compliance at all times. This agenda item has been provided to Martin County for its review and comment.

IV. UPUD ORDINANCE NO. 2421-2020 (Attachment C)

V. OTHER RELEVANT DOCUMENTS

None.

VI. LOCAL PLANNING AGENCY BOARD RECOMMENDATION

TBD

VII. STAFF RECOMMENDATION (APPROVAL WITH CONDITIONS)

Subject to the conditions contained in the attached Ordinance and consideration before the LPA, staff offers no objection to the proposed Ordinance 2421-2020

VIII. ATTACHMENTS

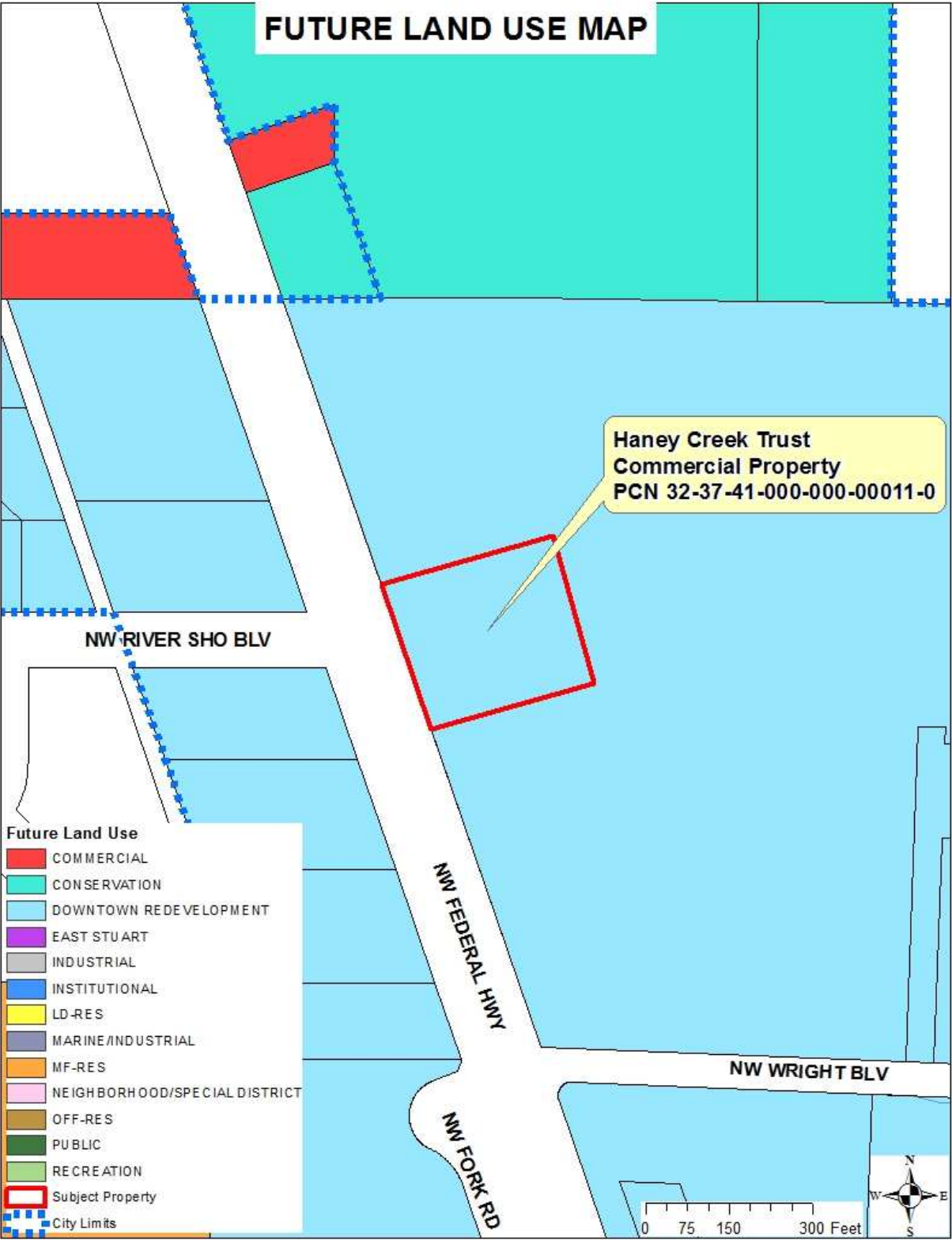
Attachment A: Site and Area Characteristics

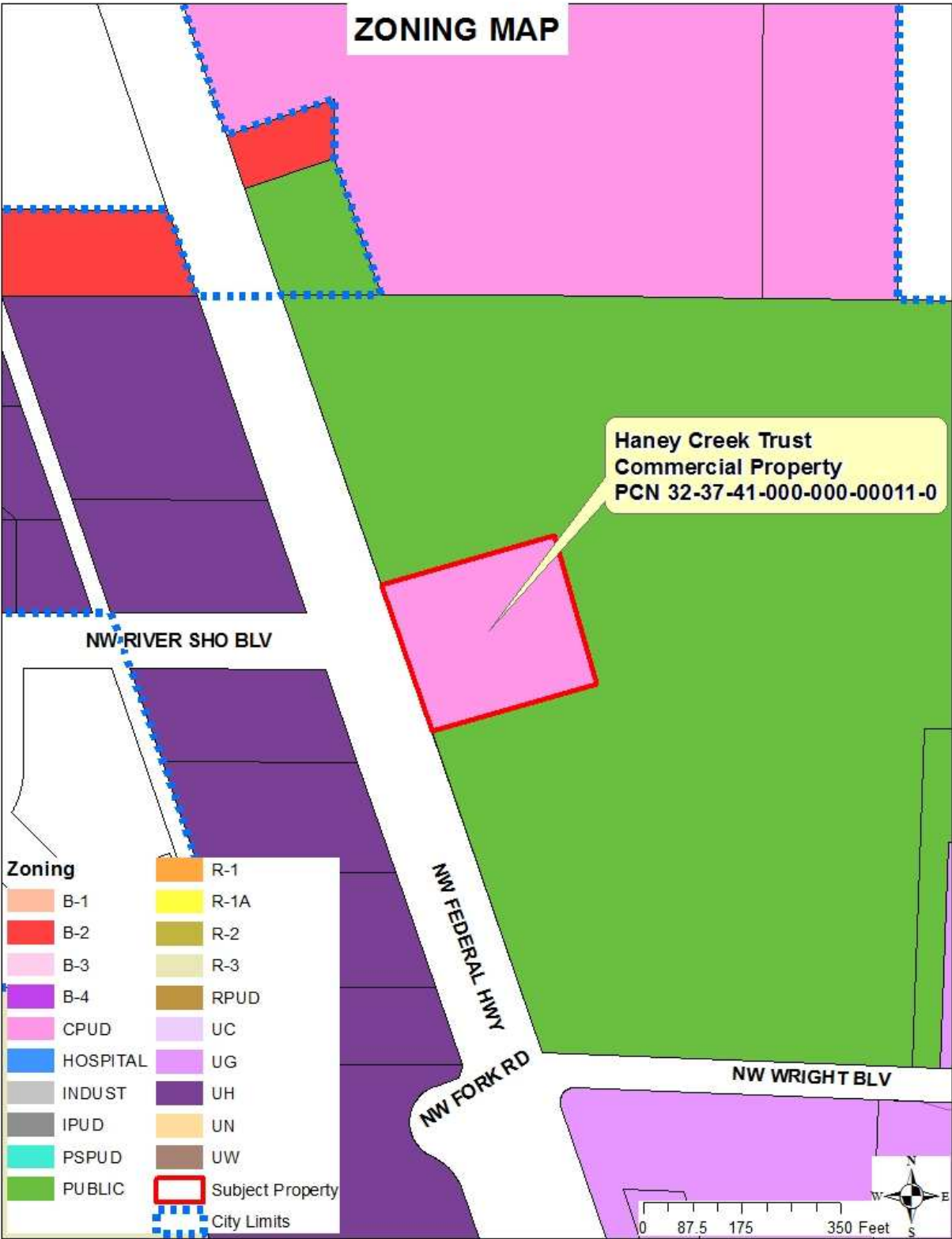
City of Stuart Future Land Use Map
City of Stuart Zoning Map

Aerial Map

**Attachment B: Proposed Ordinance 2421-2020
Adopted (Defunct) Ordinance No. 2275-2014**

ATTACHMENT B
SITE AND AREA CHARACTERISTICS









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

ORDINANCE NUMBER 2275-2014

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, APPROVING A MAJOR AMENDMENT TO ORDINANCE NUMBER 2095-07, FORMERLY THE "HARBOUR WALK PRESERVE COMMERCIAL PLANNED UNIT DEVELOPMENT" (CPUD) PROJECT, PROVIDING FOR DEVELOPMENT APPROVAL ON A 1.97 ACRE COMMERCIAL PORTION OF THE SITE, TO BE KNOWN AS THE "HANEY CREEK TRUST COMMERCIAL PROPERTY"; PROVIDING FOR CERTAIN DESIGN CONDITIONS; REPEALING ALL ORDINANCES IN CONFLICT HERewith; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, on January 22, 2007, the City Commission adopted Ordinance Number 2095-07, which approved the former "Harbour Walk Preserve Commercial Planned Unit Development" (CPUD) project on 52.93 acres; and

WHEREAS, in July of 2011, the City of Stuart and Martin County jointly purchased 50.96 acres of the former "Harbour Walk Preserve Commercial Planned Unit Development" property for purposes of adding it to the Haney Creek Watershed Preserve; and

WHEREAS, on December 12, 2011, the City Commission adopted Ordinance Number 2235-2011, which approved a major amendment to Ordinance Number 2095-07 to change the zoning and land use to Public and Conservation, respectively, on a portion of the 50.96-acre site; and

WHEREAS, the City Commission retained CPUD zoning and Downtown Redevelopment future land use on a 1.97-acre portion of the site for the purpose of leasing said property to a private commercial enterprise to generate revenues for maintenance and improvements to the expanded Haney Creek Preserve and other City-owned lands; and

WHEREAS, on November 25, 2013, the City Commission directed staff to prepare a major amendment to Ordinance Number 2095-07 to provide for administrative level development approval on the 1.97-acre parcel; and

WHEREAS, the City's Local Planning Agency held a properly noticed public hearing at a regularly scheduled meeting on January 16, 2014 to consider a major amendment to Ordinance 2095-07, and recommended approval to the City Commission; and

WHEREAS, the City Commission held properly noticed public hearings at a regularly scheduled meetings, first reading on January 27, 2014, and second and final reading on February 10, 2014, to consider the application for major amendment to Ordinance 2095-07; and

WHEREAS, the property is legally described and a map depicting the property is attached hereto as **Exhibit "A"** of this ordinance and development conditions are attached hereto as **Exhibit "B"**; and

WHEREAS, the following "Development Documents" on file as public records of the City at the office of the City Development Department and as attached hereto shall be henceforth deemed as Approved, and shall become a part of the development conditions applicable to the Subject Property, and all development shall be in accordance with **Exhibit "C"**, Boundary Survey; and **Exhibit "D"**, Prototype Plan.

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

SECTION 1: The City Commission hereby approves a major amendment to Ordinance 2095-07 to approve the development conditions and “prototype” plan for the 1.97-acre parcel, as set forth in Exhibits B and D.

SECTION 2: In all other respects and except as amended hereby, the “Harbour Walk Preserve” development documents and conditions as set forth in prior ordinances and resolutions of the City shall remain in full force and effect.

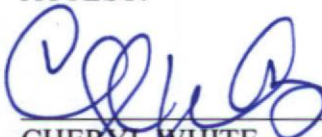
Commissioner CLARKE offered the foregoing resolution and moved its adoption. The motion was seconded by Commissioner GLASS LEIGHTON, and upon being put to a roll call vote, the vote was as follows:

TROY A. MCDONALD, MAYOR
KELLI GLASS-LEIGHTON, VICE MAYOR
JEFFREY A. KRAUSKOPF, COMMISSIONER
JAMES A. CHRISTIE, Jr., COMMISSIONER
EULA R. CLARK, COMMISSIONER

YES	NO	ABSENT
X		
X		
X		
X		
X		

ADOPTED this 10th day of February, 2014.

ATTEST:


CHERYL WHITE
CITY CLERK


TROY A. MCDONALD
MAYOR

APPROVED AS TO FORM
AND CORRECTNESS:


MICHAEL MORTELL
CITY ATTORNEY

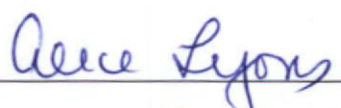
STATE OF FL. :
COUNTY OF Martin :

ACCEPTANCE OF MAJOR PUD AMENDMENT

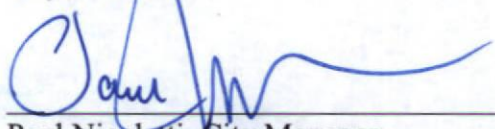
BY SIGNING THIS ACCEPTANCE OF MAJOR PUD AMENDMENT, THE UNDERSIGNED HEREBY ACCEPTS AND AGREES TO ALL OF THE TERMS AND CONDITIONS CONTAINED IN THE FOREGOING ORDINANCE, INCLUDING ANY EXHIBITS, ATTACHMENTS AND OTHER APPROVED DEVELOPMENT DOCUMENTS, INTENDING FOR ITSELF, ITS HEIRS, ASSIGNS, SUCCESSORS IN INTEREST, AND CONTRACTORS, TO BE BOUND THEREBY, AND THAT SUCH ACCEPTANCE IS DONE FREELY, KNOWINGLY, AND WITHOUT ANY MENTAL RESERVATION, AND FOR THE PURPOSES EXPRESSED WITHIN THE ABOVE ORDER. IF IT IS LATER DISCOVERED THAT THE UNDERSIGNED, OR ITS SUCCESSORS OR ASSIGNS HAVE FAILED IN ANY MATERIAL WAY TO DEVELOP ACCORDING TO THIS ORDINANCE, OR ITS CONDITIONS, THIS ORDINANCE MAY BE AMENDED OR REPEALED, AND ANY OTHER LEGAL ACTIONS MAY BE TAKEN BY THE CITY AGAINST THE UNDERSIGNED, IT SUCCESSORS OR ASSIGNS, INCLUDING BUT NOT LIMITED TO BOND FORFEITURE, STOP WORK ORDERS, CODE ENFORCEMENT ACTIONS, PERMIT AND LICENSING REVOCATIONS, AND ALL APPLICABLE CIVIL AND CRIMINAL ACTIONS.

IN WITNESS WHEREOF the undersigned have executed this Acceptance of Major PUD Amendment on this 12th day of February, 2014.

WITNESSES:


Print Name: Alice Lyons

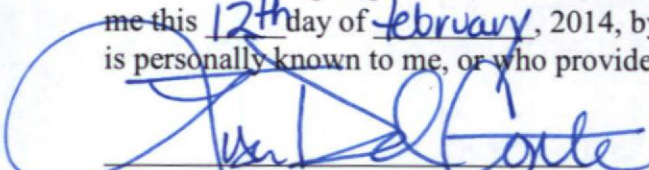
City of Stuart


Paul Nicoletti, City Manager


Print Name: HELEN PASKOWSKI

APPLICANT'S ACKNOWLEDGMENT

The foregoing ACCEPTANCE OF MAJOR AMENDMENT was acknowledged before me this 12th day of February, 2014, by Paul Nicoletti, City of Stuart City Manager, and who is personally known to me, or who provided _____ as identification.



Notary Public

My Commission Expires:

NOTARY SEAL



EXHIBIT A

LEGAL DESCRIPTION

A PARCEL OF LAND BEING A PORTION OF THE NORTH 1/2 OF GOVERNMENT LOTS 2 AND 3, SECTION 32, TOWNSHIP 37 SOUTH, RANGE 41 EAST, MARTIN COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF GOVERNMENT LOT 3, SECTION 32, TOWNSHIP 37 SOUTH, RANGE 41 EAST, MARTIN COUNTY, FLORIDA; THENCE NORTH $89^{\circ}45'17''$ WEST ALONG THE NORTH LINE OF SAID GOVERNMENT LOT 3, A DISTANCE OF 426.43 FEET TO AN INTERSECTION WITH THE EASTERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY NO. 1, AS SHOWN ON THE FLORIDA DEPARTMENT OF TRANSPORTATION MAP SECTION 89010-2555, DATED 11-30-92; THENCE SOUTH $18^{\circ}59'53''$ EAST ALONG SAID EASTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 542.80 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE SOUTH $18^{\circ}59'53''$ EAST, ALONG SAID EASTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 275.41 FEET; THENCE NORTH $74^{\circ}07'27''$ EAST, DEPARTING SAID EASTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 305.00 FEET; THENCE NORTH $15^{\circ}52'33''$ WEST, A DISTANCE OF 275.00 FEET; THENCE SOUTH $74^{\circ}07'27''$ WEST, A DISTANCE OF 320.00 FEET TO AN INTERSECTION WITH SAID EASTERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY NO. 1 AND THE POINT OF BEGINNING.

CONTAINING 85,937 SQUARE FEET, OR 1.97 ACRES, MORE OR LESS.
PCN 32-37-41-000-000-00011-0

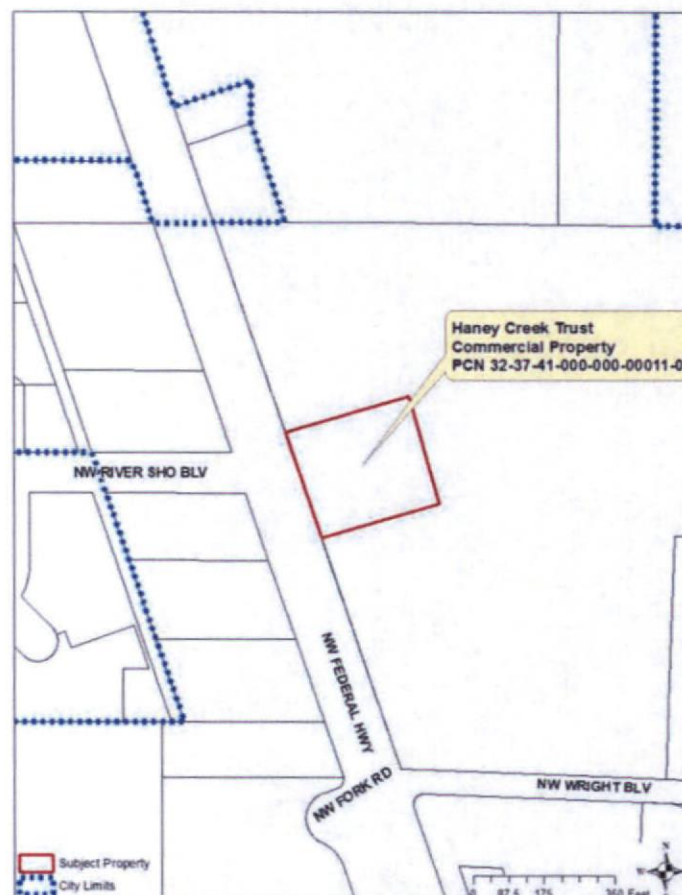


EXHIBIT B

DEVELOPMENT CONDITIONS ORDINANCE NO. 2275-2014

Approved Plans*

1. Exhibit D is a "prototype" site plan intended to depict the project's minimum perimeter buffer areas, or conversely the project's maximum development envelope for hardscape (i.e.: building, drive isles, parking, etc.). The exact size and location of the building(s) and parking are not fixed but rather will be determined by code based upon the demands of the ultimate use. Other elements of the plan, such as the location of the entrance and off-site roadway improvements are intended to be constructed generally as shown, dependent upon the use and FDOT requirements.

Permitted and Prohibited Uses*

2. Permitted uses shall include:
 - Any retail business or retail service establishment, including shops for making articles of an artisanal use to be sold on the premises, provided such manufacturing is incidental to the retail business or service;
 - Bakeries, wholesales or commercial bakery warehouses;
 - Business and professional offices;
 - Child care facilities;
 - Commercial uses not specifically set forth above, but which are determined compatible by the City Commission at the time of lease assignment.
 - Enclosed storage and sales of lumber and building materials;
 - Restaurants (general or convenience);
 - Technical schools, or private elementary, middle, or high school;
 - Veterinarian office (with or without kennels);
3. Prohibited uses shall include, but not be limited to the following:
 - Adult businesses;
 - Automotive repair, inclusive of bodywork and painting;
 - Bar, cocktail lounges, pubs;
 - Boat manufacturing/sales/rental.
 - Churches;
 - Dry cleaners;
 - Gasoline or other motor fuel stations;
 - Mortuaries;

- Vehicle sales/rental;

Prior to Issuance of Site Permits

4. Civil plans shall be reviewed and approved by all applicable City departments prior to the issuance of a site permit.
5. City of Stuart Utilities shall serve the site. Civil engineer to confirm access and connection requirements to existing 6 inch force main east of U.S. 1 and 12 inch water main west of U.S. 1.
6. A traffic study per LDC Section 4.05.02 shall be conducted. Florida Department of Transportation Turnout and Signalization Permit shall be applied for and necessary requirements may include relocation of existing improvements and dimensional changes to the turnout and right-hand deceleration lane shown on Exhibit D. In this regard, the developer (lessee) shall be responsible for all design and permitting, as well as the costs of all required improvements.*
7. An environmental assessment report and if necessary, copies of correspondence with applicable state and federal agencies, per LDC Section 5.02.00 shall be submitted.
8. Minimum development setbacks for the off-site wetlands are 55 feet (50 foot upland buffer plus 5 foot construction easement), as depicted on Exhibit D.*
9. A tree survey and tree mitigation requirements in accordance with LDC Section 5.05.00 (Trees) shall be provided. This information shall, at a minimum, include: a) field-flag, identify, and account for all specimen trees located in the proposed developed portion of the site to allow for field review of the tree survey; and b) detailed impact and mitigation calculations.
10. A detailed clearing and earthwork limits plan with NPDES permit, silt and erosion control will be required prior to approval of site engineering plans.
11. Plans depicting architectural and site design features in accordance with LDC Section 6.05.00 (Commercial Development Standards) shall be submitted during site plan review. In addition, these plans shall be in compliance with the architectural requirements in LDC Sections 3.01.04.A (Building walls), 3.01.04.B (Roofs and gutters), 3.01.04.D (Windows and doors), and 3.01.04.N (Screens).*
12. Parking spaces shall be 10 feet in width and 18 feet in length, with the exception of required handicapped spaces which shall meet applicable Florida Accessibility Code standards.*
13. A lighting plan in accordance with LDC Sections 3.01.04.J and 6.07.00 shall be submitted during site plan review.

14. All other applicable regulatory agency permits shall be obtained by the applicant and copies provided to the City prior to the issuance of certificates of occupancy.

Landscaping

15. A landscape plan, designed in accordance with LDC Sections 3.01.03.G and 6.04.00 shall be submitted as part of the site permit review. Landscaping shall be 120% of what is required by Section 6.04.00. All landscape plant materials shall be native.*
16. Transitions between outside edges of pavement/curb and natural grades may not exceed 4:1 slopes planted with native species per #15 above, or retaining walls to minimize native upland disturbances, or a combination of methods to minimize disturbance and maximize cost-effectiveness of transitions from developed area to preserve areas outside the site boundary.*
17. All landscape areas shall be provided with an irrigation system of sufficient capacity to maintain the landscaping in a healthy growing condition.
18. The developer (lessee) shall agree to connect to the City of Stuart's irrigation re-use water system when it becomes available to the site.*
19. The landscaper of record shall certify that all trees and/or landscape material meet the approved landscape plan prior to installation.
20. A landscape maintenance plan, executed in accordance with the LDC, shall be submitted to the Development Department and approved prior to the issuance of a certificate of occupancy.
21. "Hat racking" of trees is prohibited on the property.

Development and Construction

22. The building's design shall qualify, at a minimum, for a 40% rebate in building permit fees and plan review fees in accordance with City of Stuart Code of Ordinances, Chapter 10, Article 1, Section 10-6, Efficient Building Development.*
23. All stormwater from developed portions of the site shall meet City and SFWMD water quality treatment standards prior to any volume discharge to off-site wetlands per the pre-development drainage pattern. The prototype site plan assumes 50% rainfall capture by pervious pavement and 100% exfiltration of the remainder necessary to meet water quality treatment prior to discharge off-site via spreader swales to wetlands.*
24. Any stormwater retention areas shall be designed using Low Impact Development (LID) techniques as described in the University of Florida's IFAS Extension publication "LID Practices: Integrating Wetlands & Enhancing Stormwater Basins".*

25. All fill beneath pavement must be compatible with use of pervious pavement for all parking stalls and catch basins with exfiltration trenches beneath impervious pavement in driving aisles.*
26. Construction activity shall be limited from 7:00 am to 6:00 pm Monday - Saturday.*
27. Water trucks shall be provided by the developer (lessee) as necessary during construction in order to reduce dust generated on-site.*
28. Fencing shall be installed along the northern, eastern, and southern property lines and shall consist of a four foot high, black vinyl-coated chain-link with slats (separate permit required).*
29. Signage shall be appropriately permitted and constructed in compliance with LDC Sections 3.01.04.O and 6.11.00. Monument sign should be located in general location indicated in Exhibit D.*
30. City of Stuart will accept dedication and maintenance of a duplex grinder lift station to be located per final site plan.*
31. Required solid waste collection devices shall be located in the rear (eastern) half of the lot and screened from public right-of-way. Exact location shall be approved by the Department of Public Works.*

Timetables

32. The project shall obtain certificates of occupancies no later than March 12, 2019.

NOTE: Conditions with an * are specific to the site and may go above and beyond standard code requirements.

ALTA/ACSM LAND TITLE SURVEY
FOR THE CITY OF STUART
LYING IN SECTION 32, TOWNSHIP 37 SOUTH, RANGE 41 EAST
MARTIN COUNTY, FLORIDA

THIS SURVEY WAS MADE FOR THE CITY OF STUART, FLORIDA, BY THE ENGINEERS, INC., OF ST. PETERSBURG, FLORIDA, IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 120, F.S., AND THE RULES AND REGULATIONS OF THE BOARD OF PROFESSIONAL ENGINEERS, FLORIDA. THE SURVEY WAS MADE IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 120, F.S., AND THE RULES AND REGULATIONS OF THE BOARD OF PROFESSIONAL ENGINEERS, FLORIDA. THE SURVEY WAS MADE IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 120, F.S., AND THE RULES AND REGULATIONS OF THE BOARD OF PROFESSIONAL ENGINEERS, FLORIDA.

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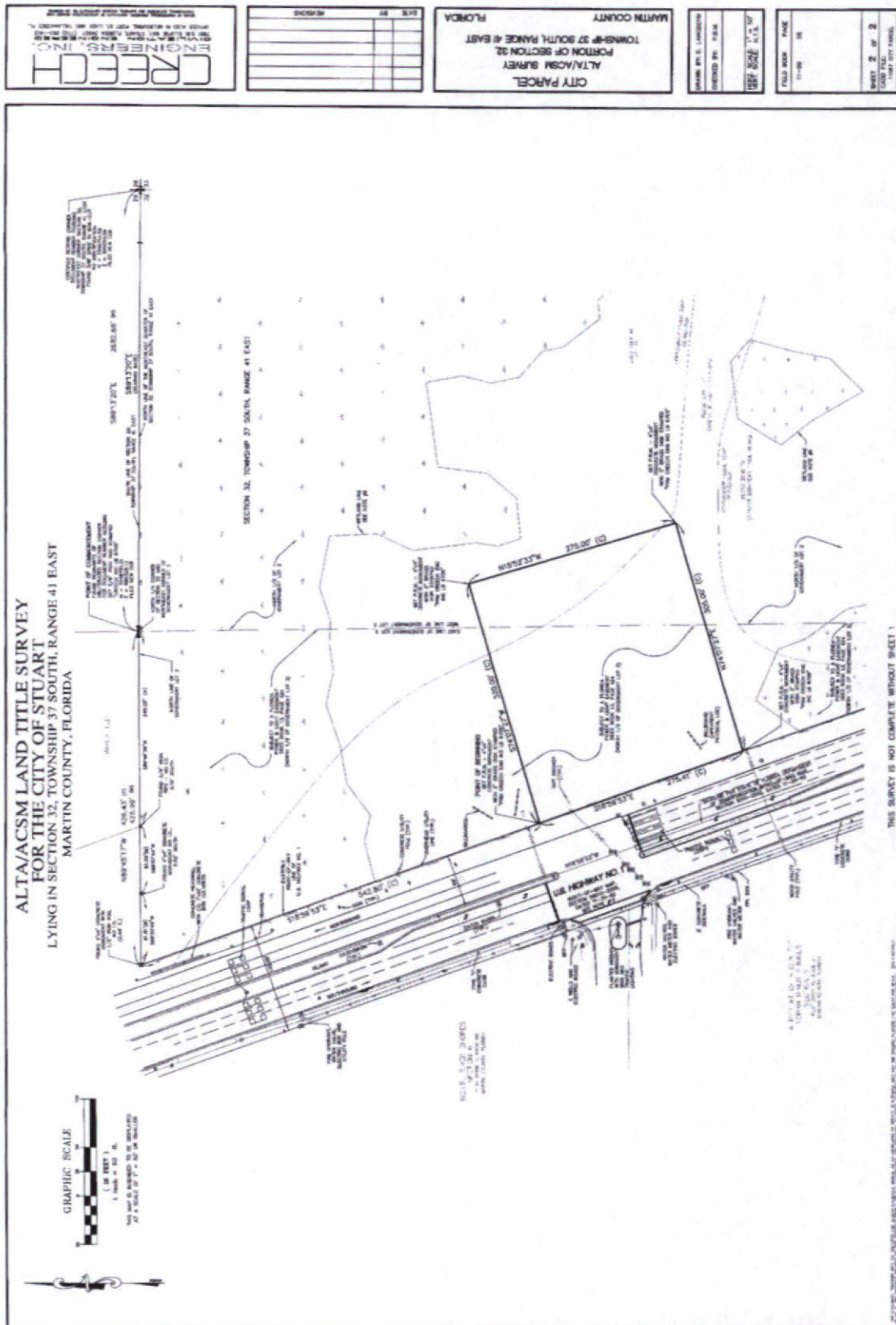
THE SURVEY WAS MADE FOR THE CITY OF STUART, FLORIDA, BY THE ENGINEERS, INC., OF ST. PETERSBURG, FLORIDA, IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 120, F.S., AND THE RULES AND REGULATIONS OF THE BOARD OF PROFESSIONAL ENGINEERS, FLORIDA. THE SURVEY WAS MADE IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 120, F.S., AND THE RULES AND REGULATIONS OF THE BOARD OF PROFESSIONAL ENGINEERS, FLORIDA. THE SURVEY WAS MADE IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 120, F.S., AND THE RULES AND REGULATIONS OF THE BOARD OF PROFESSIONAL ENGINEERS, FLORIDA.

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NO.	DESCRIPTION	ACRES	REMARKS
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Clerk's Note:
Legibility of this document
determined to be substandard



Clerk's Note:
 Legibility of this document
 determined to be substandard

PROPOSED PROTOTYPE SITE PLAN

14,739 SF

FLOOD ZONE X¹
(AREAS OF 500-YEAR FLOOD)

CONCRETE RENT TANK LANE AND INTERSECTION WITH EXISTING HWAY INTERSECTION (PAVED AREA)

LOCATION MAP

Scale: 1" = 50'

North Arrow

Site Data:

- Project Name: [REDACTED]
- Owner: [REDACTED]
- Site Area: 14,739 SF
- Building Footprint: 14,739 SF
- Parking: 100 spaces
- Access: [REDACTED]
- Utilities: [REDACTED]
- Other: [REDACTED]

Notes:

1. The site is located within the 500-year flood zone.
2. The building footprint is 14,739 SF.
3. The parking area is 100 spaces.
4. The access is [REDACTED].
5. The utilities are [REDACTED].
6. The other is [REDACTED].

Clerk's Note:
Legibility of this document
determined to be substandard

City of Stuart

121 S. W. Flagler Avenue • Stuart • Florida 34994

Cherie White
City Clerk

PHONE 772-288-5306
FAX (772) 288-5305
Email cwhite@ci.stuart.fl.us

February 19, 2014

Clerk of the Circuit Court
Att: Recording
P.O. Box 9016
Stuart, Fl. 34995

RE: PLEASE RECORD :
Ord 2275-2014 Major Amend Harbour Walk Preserve

Please record the above named document into the public records of Martin County Clerk of the Circuit Court, and return the original back to my attention.

Should you have any questions regarding this appointment please feel free to contact me at 772-288-5306.

Thank you,

Cherie White, MMC

Cherie White, MMC
City Clerk
Enc.

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 NUMBER 2095-07

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA TO APPROVE A COMMERCIAL PLANNED UNIT DEVELOPMENT (CPUD) FOR THE HARBOUR WALK PRESERVE PROJECT CONSISTING OF 299,600 SQUARE FEET OF NON-RESIDENTIAL FLOOR SPACE INCLUDING; OFFICE, RETAIL AND HOTEL TOGETHER WITH A COMMUNITY TRAILHEAD ON APPROXIMATELY 53-ACRE PARCEL GENERALLY LOCATED AT THE NORTHEAST CORNER OF US-1 & WRIGHT BOULEVARD; PROVIDING FOR APPROVAL OF A MASTER/FINAL SITE PLAN; PROVIDING CONDITIONS FOR COMPLIANCE WITH APPLICABLE DESIGN STANDARDS; DECLARING THE PROPOSED CPUD DEVELOPMENT TO BE CONSISTENT WITH THE COMPREHENSIVE PLAN OF THE CITY; APPROVING CERTAIN DEVELOPMENT DOCUMENTS; APPROVING CERTAIN CONDITIONS OF DEVELOPMENT; REPEALING ALL ORDINANCES IN CONFLICT HERewith; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; PROVIDING FOR ACCEPTANCE BY THE APPLICANT; AND PROVIDING FOR DIRECTIONS TO THE CITY CLERK.

* * * * *

WHEREAS, an application for CPUD zoning has been properly filed by Harbour Walk Preserve. LLC, a Florida limited liability company, herein referred to as "Applicant," or "Owner," as variously used herein; and

WHEREAS, the Owner, the fee simple title holder of Parcel 1 and lessee of a leasehold interest of Parcel 2 of the property, legally described as set forth in "Exhibit A-1", has requested

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the approval of the City Commission to construct 299,600 square feet of non-residential floor space including; office, retail and hotel together with a community trailhead on the property; and

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

WHEREAS, the City Commission held a properly noticed hearing at a duly scheduled City Commission meeting to consider the application of the Owner for the Property to approve the "Harbour Walk Preserve CPUD" as a Commercial Planned Unit Development; and

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

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

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

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

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

SECTION 2: A legal description of the Property is set forth in "Exhibit A-1" attached hereto and made a part hereof by reference. A map depicting the Property is attached hereto as "Exhibit A-2" and made a part hereof by reference.

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

SECTION 4. The OWNER hereby warrants that it has, as a result of fee simple Ownership of Parcel 1 and a leasehold interest of Parcel 2, unified Ownership and/or control of all real property included in this PUD. Documents certifying title to Parcel A are attached hereto and incorporated herein as **Exhibit B**. A Covenant of Unified Control by the OWNER is attached hereto and incorporated herein as **Exhibit C**.

SECTION 5. The following documents, on file as public records of the City at the office of the City Development Department in City Hall, hereinafter the "Development Documents", shall be deemed a part of the development regulations applicable to the Property:

- 5.1 The development shall be subject to the development documents prepared by Urban Design Studio, West Palm Beach, Florida 33401, entitled "Harbour Walk" – CPUD Master Development Plan consisting of documents referenced as sheets 1-3, dated January 10, 2007, Job Number 06-017.00, on file with the City Development Department. A reduced copy of which is attached hereto as **Exhibit D** and by reference made a part hereof. Approval of the master development and final site plan shall authorize the OWNER to submit final development plans and subdivision plats in accordance with the terms and conditions of the approved master development and final site plan. Approval of the master development and final site plan by the CITY shall not constitute approval to build or construct any improvements, and is not the final approval necessary for construction of the development.
- 5.2 The development shall be subject to the Landscape Plan prepared by Urban Design Studio, West Palm Beach, Florida 33401, entitled "Harbour Walk Preserve – Landscape Plans" consisting of documents referenced as sheets 1-9, dated October 4, 2006, Job Number 06-017.00 as revised January 10, 2007, on file with the City Development Department.
- 5.3 The development shall be subject to the Architectural Building Elevations prepared by Peacock & Lewis, AIA, 3727 SE Ocean Boulevard, Suite 101, Sewall's Point, Florida

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34996, entitled "Harbour Walk Preserve" consisting of documents referenced as sheets A1.1 to A10.2, dated as revised, on file with the City Development Department.

5.4 The development shall be subject to engineering documents prepared by Creech Engineers, Inc., 2000 NE Jensen Beach Boulevard, Jensen Beach, Florida 34957, entitled "Conceptual Plans of Harbour Walk Preserve", consisting of documents referenced as sheets C1 to C6, dated November 8, 2006, on file with the City Development Department.

5.5 The Timetable for Development as shown in **Exhibit E**, attached hereto and by reference made part hereof.

5.6 The conditions and requirements agreed to by the CITY and the OWNER as set forth in **Exhibit F**, attached hereto and by reference made a part hereof.

5.7 Permits and authorizations granted in accordance with such laws, ordinances and regulations as may be in effect at the time of such approval.

5.8 The development shall be subject to the Preserve Area Protection Maintenance and Monitoring Plan (PAMP) prepared by EW Consultants, dated November 2006, attached hereto as **Exhibit G** and by reference made a part hereof.

5.9 Unless otherwise agreed to by the City Commission via a minor PUD amendment, the off-site traffic improvements, attached hereto as **Exhibit H** and by reference made a part hereof, shall be completed prior to the issuance of a Certificate of Occupancy for the last building. In the event approval is not granted by FDOT or Martin County for a particular component of the package, the applicant shall make a cash contribution to the City in the amount indicated in **Exhibit H** for that particular improvement or component.

SECTION 6. The OWNER shall have the right to develop the PUD in accordance with applicable laws, ordinances and regulations, the provisions and requirements of this Agreement, the approved master development and final site plan, final development plans, and the subdivision plats, hereinafter sometimes collectively referred to as development orders.

SECTION 7. The OWNER shall create a Declaration of Covenants, Conditions and Restrictions for Harbour Walk Preserve (hereinafter the "COVENANTS AND RESTRICTIONS"), which shall be submitted as part of the application for plat approval.

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- 7.1 As part of said Covenants and Restrictions, the ASSOCIATION will be established for the maintenance, operation and management of the common areas as defined therein. The common areas in the PUD shall be designated as such and shown on the approved master development and final site plan, final development plans and subdivision plats. The Covenants and Restrictions shall be in conformity with such laws, ordinances and regulations as may be in effect at the time of the approval of the plat.
- 7.2 Except for conveyances to governmental entities, it shall be deemed a breach of this Agreement for any land to be conveyed by the OWNER by an instrument, which does not contain the Covenants and Restrictions or incorporate them by reference thereto.
- 7.3 The ASSOCIATION shall not be dissolved nor shall it dispose of any common areas, by sale or otherwise, except to an organization conceived and organized to own and maintain the common areas, without first receiving approval of the CITY. The CITY, as a condition precedent to the dissolution or disposal of common areas, may require dedication of common open areas, utilities or road rights-of-way to the public as are deemed necessary.
- 7.4 In the event that the CITY determines that the ASSOCIATION (or any successor organization) has failed at any time to maintain the common areas of the PUD in reasonable order and condition in accordance with the approved development orders and applicable laws, ordinances, and regulations, then the CITY shall serve written notice by certified mail, return receipt requested, upon such organization and upon each Owner of real property within the PUD, which notice shall set forth the manner in which the organization has failed to maintain the common areas in reasonable order and condition, and shall demand that such failure be remedied within thirty (30) days of the sending of such notice or, in the alternative, that such organization appear before the CITY at a specified time [at least ten (10) days but not more than thirty (30) days after the sending of such notice] either to contest the alleged failure to maintain the common areas or to show cause why it cannot remedy such failure within the thirty (30) day period. If such failure has not been remedied within the thirty (30) day period or such longer period as the CITY may allow, then the CITY, in order to preserve the taxable values of the real property within the Planned Unit Development and to prevent the common areas from becoming a public nuisance, shall hold a public hearing to consider the advisability of the CITY entering upon such common areas and maintaining them for a period of one (1) year. Notice of such hearing shall be sent by certified mail, return receipt requested, to the organization involved and to each Owner of real property within the PUD and shall be published in a newspaper of general circulation published in Martin County, Florida. Such notice shall be sent and published at least fifteen (15) days in advance of the hearing. At such hearing, the CITY may determine that it is advisable for the CITY to enter upon such common areas, take nonexclusive possession of them and maintain them, according to CITY standards, for one (1) year. Such entry, possession

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and maintenance shall not be deemed a trespass when done in accordance with the above procedures. In no event shall any such entry, possession and maintenance be construed to give the public or the CITY any right to use the common areas.

7.5 The CITY may, upon public hearing with notice given and published in the same manner as above, return possession and maintenance of such common areas to the organization, or successor organization, abandon such possession and maintenance, or continue such possession and maintenance for an additional one (1) year period. The cost of such maintenance by the CITY shall be assessed ratably against the real properties within the PUD, the Owners of which have the right to the use and enjoyment of the common areas and shall become a charge or lien on said properties if not paid within thirty (30) days after the receipt of a statement therefore.

SECTION 8. Except as otherwise provided herein, no building permits, certificates of occupancy or other development orders or approvals shall be issued by the City except in compliance with the aforesaid Development Documents. The failure of the Owner to complete development, or to comply with the Development Documents, or with any term or condition of development set forth in this ordinance, shall be deemed a zoning violation and no further building permits, certificates of occupancy or other development approvals or orders shall be issued by the City until the violation has been resolved, and the matter may become the subject of a code enforcement action brought by the City. This section shall not impair the due process or other legal rights of the Owner to seek administrative or judicial redress.

SECTION 9. In addition to any other action for failure to complete development or to comply with the Development Documents, the City Development Director may obtain a hearing before the City Commission, and shall thereupon give at least five (5) days written notice of the time, date and location of the hearing, along with specific notice of the alleged breach. At the hearing before the City Commission the Owner may appear, and may contest the allegation of breach or explain the reason or reasons for the breach.

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In the event a breach is found to have occurred, the City Commission may initiate the process to amend or repeal this PUD ordinance. In the event a breach is found to have occurred, the City Commission may also direct that the City Development Director to initiate the process to rezone the PUD property or any portion of the PUD property.

Any breach of any provision or condition of this PUD ordinance by the Owner shall be considered a zoning violation subject to any remedies provided therefore in this PUD ordinance, as well as any other remedies provided by law.

In the event a material breach of this ordinance, and acceptance and agreement, by the Owner is found to have occurred, the City Commission may impose an administrative penalty. Upon a finding by the City Commission that any material condition of PUD approval has been breached, the City Commission may impose a penalty of up to \$1,000.00 for each violation, and each repeat violation that occurs, along with all reasonable costs, including attorneys fees incurred by the City. In the event the violation found is a continuing violation from day to day, each day the violation is found to continue may be deemed a separate violation.

SECTION 10. In the event that all or a portion of the PUD should be destroyed by a storm, fire, or other common disaster, the OWNER, its grantees, successors or assigns and/or the ASSOCIATION, shall have the right to rebuild and/or repair so long as there is strict compliance with the approved PUD Agreement, master development plan, final development plans, and subdivision plats.

SECTION 11. There shall at all times be a strict adherence to the provisions of this Agreement and the approved development orders. Any change or amendment to the Agreement and/or the approved master development plan, final development plans, and subdivision plats

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shall only be made in accordance with Section 6.08.00.I., Change or Modification, Stuart Land Development Code.

SECTION 12. This Agreement shall be binding upon the parties hereto, their successors in interest, heirs, assigns and personal representatives.

SECTION 13. Any notice, request, demand, consent, approval, or other communication required or permitted by this Agreement shall be given or made in writing and shall be served as elected by the party giving the notice by any of the following methods: (i) hand delivery to the other party; (ii) delivery by commercial overnight courier service; (iii) mailed by registered or certified mail (postage prepaid), return receipt requested; or (iv) mailed by regular U.S. mail.

For purposes of notice, the addressees are as follows:

TO: Harbour Walk Preserve, LLC
Attention: Michelle Sides, Esq.
EH Building Group
4227 Northlake Boulevard
Palm Beach Gardens, FL 33410

with a copy to:

John T. Carmody, Jr., Esquire
Gunster, Yoakley & Stewart, P.A.
800 SE Monterey Commons Boulevard, Suite 200
Stuart, Florida 34996

TO: City Manager
Stuart City Hall
121 SW Flagler Avenue
Stuart, Florida 34994

with required copy to:

City Attorney
Stuart City Hall
121 SW Flagler Avenue
Stuart, Florida 34994

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Notice given in accordance with the provisions of this Section shall be deemed to be delivered and effective on the date of hand delivery; or on the second day after the date of the deposit with an overnight courier; or on the date upon which the return receipt is signed, or delivery is refused, or the notice is designated by the postal authorities as not delivered if mailed; or on the second business day after the date of mailing by regular U.S. mail. Either party may change its address for the purpose of this Section by written notice to the other party given in accordance with the provisions of this Section.

SECTION 14. This Agreement incorporates and includes all prior and contemporaneous negotiations, correspondence, conversations, agreements, and understanding applicable to the matters contained herein, and the parties agree that there are no commitments, agreements, or understandings concerning the subject matter of this Agreement that are not contained in this document. Accordingly, it is agreed that no deviation from the terms hereof shall be predicated upon any prior or contemporaneous representations or agreements, whether oral or written.

SECTION 15. If any term or provision of this Agreement, or the application thereof to any person or circumstance shall, to any extent, be held invalid or unenforceable for the remainder of this Agreement, then the application of such term or provision to persons or circumstances other than those as to which its held invalid or unenforceable shall not be affected, and every other term and provision of this Agreement shall be deemed valid and enforceable to the extent permitted by law.

SECTION 16. All ordinances or parts of ordinances in conflict with this ordinance or any part thereof are hereby repealed to the extent of such conflict. If any provision of this ordinance conflicts with any contractual provision between the City and the Owner of the site, this

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ordinance shall prevail.

SECTION 17. If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared severable.

SECTION 18. This ordinance and agreement shall be effective upon the last of the following to occur: adoption by the City Commission, and proper execution by the Owner.

SECTION 19. Upon complete execution of this Ordinance, including the Acceptance and Agreement by the Owner, the City Clerk is directed to record a Certified Copy of the same in the Public Records of Martin County, Florida.

PASSED on first reading this 18th day of December 2006.

ADOPTED this 22nd day of January 2007.

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

MARY L. HUTCHINSON, MAYOR
 JEFFREY KRAUSKOPF, VICE MAYOR
 MICHAEL MORTELL, COMMISSIONER
 JAMES A. CHRISTIE, COMMISSIONER
 CAROL S. WAXLER, COMMISSIONER

YES	NO	ABSENT
x		
x		
x		
x		
x		

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ATTEST:

Mary Nash
~~CHERYL WHITE~~ *MARY NASH*
 Deputy CITY CLERK

Mary L. Hutchinson
 MARY L. HUTCHINSON
 MAYOR

APPROVED AS TO FORM
 AND CORRECTNESS:

Paul J. Nicoletti
 PAUL J. NICOLETTI
 CITY ATTORNEY



Cheryl A. White
 Cheryl A. White
 City Clerk

ACCEPTANCE AND AGREEMENT

BY SIGNING THIS ACCEPTANCE AND AGREEMENT, THE UNDERSIGNED HEREBY ACCEPTS AND AGREES TO ALL OF THE TERMS AND CONDITIONS CONTAINED IN ORDINANCE 2095-07, AND IN ALL EXHIBITS, ATTACHMENTS AND DEVELOPMENT DOCUMENTS, INTENDING TO BE BOUND THEREBY, AND THAT SUCH ACCEPTANCE AND AGREEMENT IS DONE FREELY, KNOWINGLY, AND WITHOUT ANY RESERVATION, AND FOR THE PURPOSES EXPRESSED WITHIN THE ABOVE ORDINANCE. IF IT IS LATER DISCOVERED THAT THE UNDERSIGNED, OR ITS SUCCESSORS OR ASSIGNS HAVE FAILED IN ANY MATERIAL WAY TO DEVELOP THIS COMMERCIAL PLANNED UNIT DEVELOPMENT ACCORDING TO THIS ORDINANCE, ITS CONDITIONS, AND THE DEVELOPMENT PLANS AND DOCUMENTS, THE UNDERSIGNED UNDERSTANDS AND AGREES THAT THIS ORDINANCE MAY BE AMENDED OR REPEALED BY THE CITY COMMISSION, AND THAT OTHER ACTIONS MAY BE TAKEN AGAINST THE UNDERSIGNED BY THE CITY, INCLUDING BUT NOT LIMITED TO CODE ENFORCEMENT ACTIONS, PERMIT AND LICENSING REVOCATIONS, AND ALL APPLICABLE CIVIL AND CRIMINAL ACTIONS.

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

WITNESSES:

B. Parker
 Print Name: BERNARD PARKER

Harbour Walk Preserve, LLC.,
 a Florida Limited Liability Corporation

By: *[Signature]*
 It's Member-Manager

Mary Nash
 Print Name: MARY NASH

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OWNER'S ACKNOWLEDGMENT

The above Ordinance, Acceptance and Agreement No. 2095-07, was acknowledged before me this 13 day of April, 2007, by HARRY C. STODDARD, III, the CH. OFC. OFFICIAL of Harbor Walk Preserve, LLC, a Florida Limited Liability Company.

Notary Seal



[Signature]
Notary Public, State of Florida
My Commission Expires:

Personally Known OR Produced Identification
Type of Identification Produced

FLORIDA LICENSE
5336-363-59-105-0

CITY'S ACKNOWLEDGMENT

The above Ordinance, Acceptance and Agreement was acknowledged before me this 13 day of April, 2007, by Mary L. Hutchinson, and MARY L. NASH, the Mayor and City Clerk, respectively, of the City of Stuart, Florida, a Florida municipal corporation.

Notary Seal



[Signature]
Notary Public, State of Florida
My Commission Expires:

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

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EXHIBIT A - 1

HARBOUR WALK PRESERVE - LEGAL DESCRIPTIONS

PARCEL 1 – Harbour Walk Preserve, LLC Acreage

PARCEL A:

THE EAST ONE-HALF OF THE WEST ONE-HALF OF THE NORTH ONE-HALF OF GOVERNMENT LOT 1, SECTION 32, TOWNSHIP 37 SOUTH, RANGE 41 EAST, LYING NORTHWESTERLY OF THE RIGHT-OF-WAY OF STATE ROAD 707. (A1A)

AND

THE SOUTH 755 FEET OF NORTH ONE-HALF OF GOVERNMENT LOT 3, SECTION 32, TOWNSHIP 37 SOUTH, RANGE 41 EAST, LYING EAST OF STATE ROAD NO. 5. (U.S. HIGHWAY 1)

AND

THE WEST ONE-HALF OF THE WEST ONE-HALF OF THE NORTH ONE-HALF OF GOVERNMENT LOT 1, SECTION 32, TOWNSHIP 37 SOUTH, RANGE 41 EAST; LESS AND EXCEPTING THE RIGHT-OF-WAY FOR STATE ROAD 707.(A1A)

AND

THAT PART OF THE SOUTH ONE-HALF OF GOVERNMENT LOT 1, SECTION 32, TOWNSHIP 37 SOUTH, RANGE 41 EAST, LYING NORTHWESTERLY OF THE RIGHT OF WAY OF STATE ROAD 707.(A1A)

AND

THE NORTH 500 FEET OF GOVERNMENT LOT 3, SECTION 32, TOWNSHIP 37 SOUTH, RANGE 41 EAST, LYING EAST OF U.S. HIGHWAY NO. 1 RIGHT OF WAY.

AND

BEGINNING AT A CONCRETE MONUMENT MARKING THE NORTHWEST CORNER OF GOVERNMENT LOT 2, SECTION 32, TOWNSHIP 37 SOUTH, RANGE 41 EAST, THENCE RUN SOUTH 1255 FEET TO A CONCRETE MONUMENT SET ON THE SOUTHWEST CORNER OF NORTH 1/2 OF GOVERNMENT LOT 2; THENCE RUN SOUTH 88°55' EAST, A DISTANCE OF 1246.4 FEET TO A CONCRETE MONUMENT SET

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ON THE WEST RIGHT-OF-WAY LINE OF STATE ROAD 707; THENCE RUN NORTH 39°54' EAST, A DISTANCE OF 157.7 FEET TO A CONCRETE MONUMENT SET ON THE WEST RIGHT-OF-WAY LINE OF STATE ROAD 707; THENCE RUN NORTH 0°09' WEST, A DISTANCE OF 1129.8 FEET TO A STAKE SET ON THE NORTHEAST CORNER OF GOVERNMENT LOT 2; THENCE RUN NORTH 88°55' WEST, A DISTANCE OF 1342.6 FEET TO THE POINT OF BEGINNING, BEING THE NORTH 1/2 OF GOVERNMENT LOT 2, LESS RAILWAY AND HIGHWAY RIGHT-OF-WAY.

AND

ALSO THAT PORTION OF THE SOUTH 1/2 OF GOVERNMENT LOT 2, SECTION 32, TOWNSHIP 37 SOUTH, RANGE 41 EAST, DESCRIBED AS FOLLOWS:

BEGINNING AT A CONCRETE MONUMENT, MARKING THE NORTHWEST CORNER OF THE SOUTH 1/2 OF THE AFORESAID GOVERNMENT LOT 2 AND BEING 1255 FEET SOUTH (TRUE) OF THE NORTHWEST CORNER OF AFORESAID GOVERNMENT LOT 2, RUN SOUTH 88°55' EAST 1246.4 FEET TO A CONCRETE MONUMENT ON THE WEST RIGHT-OF-WAY OF SAID STATE ROAD 707(A1A); THENCE RUN SOUTH 39°54' WEST ALONG THE RIGHT-OF-WAY OF SAID STATE ROAD 707, A DISTANCE OF 191.9 FEET TO A CONCRETE MONUMENT. THENCE RUN NORTH 87°05' WEST, A DISTANCE OF 1122.2 FEET TO A CONCRETE MONUMENT, SAID MONUMENT BEING ON THE WEST LINE OF THE AFORESAID GOVERNMENT LOT 2; THENCE RUN NORTH (TRUE) ALONG THE WEST LINE OF THE AFORESAID GOVERNMENT LOT 2, A DISTANCE OF 118 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.

AND LESS AND EXCEPTING;

THE RIGHT-OF-WAY OF WRIGHT BOULEVARD AS DESCRIBED IN OFFICIAL RECORDS BOOK 130, PAGE 274, MARTIN COUNTY, FLORIDA PUBLIC RECORDS, AND THE RIGHT-OF-WAY OF U.S. HIGHWAY NO. 1.

AND LESS AND EXCEPTING THE FOLLOWING;

START AT THE NORTHEAST CORNER OF SECTION 32, TOWNSHIP 37 SOUTH, RANGE 41 EAST; THENCE RUN NORTH 88°50'34" WEST, ALONG THE NORTH LINE OF SECTION 32, A DISTANCE OF 1341.41 FEET TO THE NORTHWEST CORNER OF GOVERNMENT LOT 1 OF SAID SECTION 32; THENCE RUN SOUTH 00°06'06" WEST, ALONG THE WEST LINE OF SAID GOVERNMENT LOT 1, A DISTANCE OF 846.06 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE TO RUN SOUTH 00°06'06" WEST, A DISTANCE OF 280.00 FEET TO THE NORTHEASTERLY RIGHT OF WAY LINE OF STATE ROAD 707; THENCE RUN NORTH 39°07'36" EAST ALONG RIGHT OF WAY LINE, A DISTANCE OF 355.12 FEET; THENCE RUN NORTH 88°50'34" WEST, A DISTANCE OF 223.64 FEET TO THE POINT OF BEGINNING;

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AND LESS AND EXCEPTING THE FOLLOWING;

THAT TRIANGULAR PARCEL OF LAND IN GOVERNMENT LOTS 1 AND 2 OF SECTION 32, TOWNSHIP 37 SOUTH, RANGE 41 EAST, LYING BETWEEN THE NORTHWESTERLY RIGHT-OF-WAY LINE OF THE F.E.C. RAILROAD AND THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF STATE ROAD 707 AND THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF THAT COUNTY ROAD CROSSING THE F.E.C. RAILROAD AND KNOWN AS ALICE AVENUE.

AND LESS AND EXCEPTING THE FOLLOWING;

THAT CERTAIN PARCEL OF LAND DESCRIBED AS ALL OF GOVERNMENT LOT 2 LYING SOUTHERLY OF A LINE THAT IS 400 FEET NORTHERLY OF THE NORTHERLY RIGHT-OF-WAY LINE OF WRIGHT BOULEVARD AND WESTERLY OF THE WESTERLY RIGHT-OF-WAY LINE OF STATE ROAD 707 AND EASTERLY OF A LINE WHICH IS PERPENDICULAR TO WRIGHT BOULEVARD AND 400 FEET WEST OF THE INTERSECTION OF THE NORTHERLY RIGHT-OF-WAY LINE OF WRIGHT BOULEVARD AND STATE ROAD 707, SECTION 32, TOWNSHIP 37 SOUTH, RANGE 41 EAST.

AND LESS AND EXCEPTING THE FOLLOWING;

FROM THE INTERSECTION OF THE NORTH RIGHT-OF-WAY LINE OF WRIGHT BOULEVARD AND THE NORTHWESTERLY RIGHT-OF-WAY LINE OF STATE ROAD 707, BEAR NORTH $87^{\circ}23'30''$ WEST ALONG THE NORTH RIGHT-OF-WAY LINE OF WRIGHT BOULEVARD, A DISTANCE OF 400 FEET TO A POINT; THENCE BEAR NORTH $2^{\circ}36'30''$ EAST, A DISTANCE OF 400 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE NORTH $2^{\circ}36'30''$ EAST, A DISTANCE OF 170 FEET; THENCE BEAR SOUTH $87^{\circ}23'30''$ EAST, A DISTANCE OF 240 FEET; THENCE BEAR SOUTH $2^{\circ}36'30''$ WEST, A DISTANCE OF 170 FEET; THENCE BEAR NORTH $87^{\circ}23'30''$ WEST, A DISTANCE OF 240 FEET TO THE POINT OF BEGINNING. LOCATED IN SECTION 32, TOWNSHIP 37 SOUTH, RANGE 41 EAST, MARTIN COUNTY, FLORIDA.

AND LESS AND EXCEPTING THE FOLLOWING;

FROM THE INTERSECTION OF THE NORTH RIGHT-OF-WAY OF WRIGHT BOULEVARD AND THE NORTHWESTERLY RIGHT-OF-WAY LINE OF STATE ROAD 707, BEAR NORTH $87^{\circ}23'30''$ WEST ALONG THE NORTH RIGHT OF WAY LINE OF WRIGHT BOULEVARD, A DISTANCE OF 400 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE NORTH $87^{\circ}23'30''$ WEST, A DISTANCE OF 50 FEET; THENCE NORTH $2^{\circ}36'30''$ EAST, A DISTANCE OF 600 FEET; THENCE SOUTH $87^{\circ}23'30''$ EAST, A DISTANCE OF 50 FEET; THENCE SOUTH $2^{\circ}36'30''$ WEST, A DISTANCE OF 600 FEET TO THE POINT OF BEGINNING.

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PARCEL B:

THE EAST 1/2 OF THE NORTH 1/2 OF GOVERNMENT LOT 1, SECTION 32, TOWNSHIP 37 SOUTH, RANGE 41 EAST, MARTIN COUNTY, FLORIDA, LYING NORTHWESTERLY OF STATE ROAD 707.

PARCEL 2 – City's Flag Lot

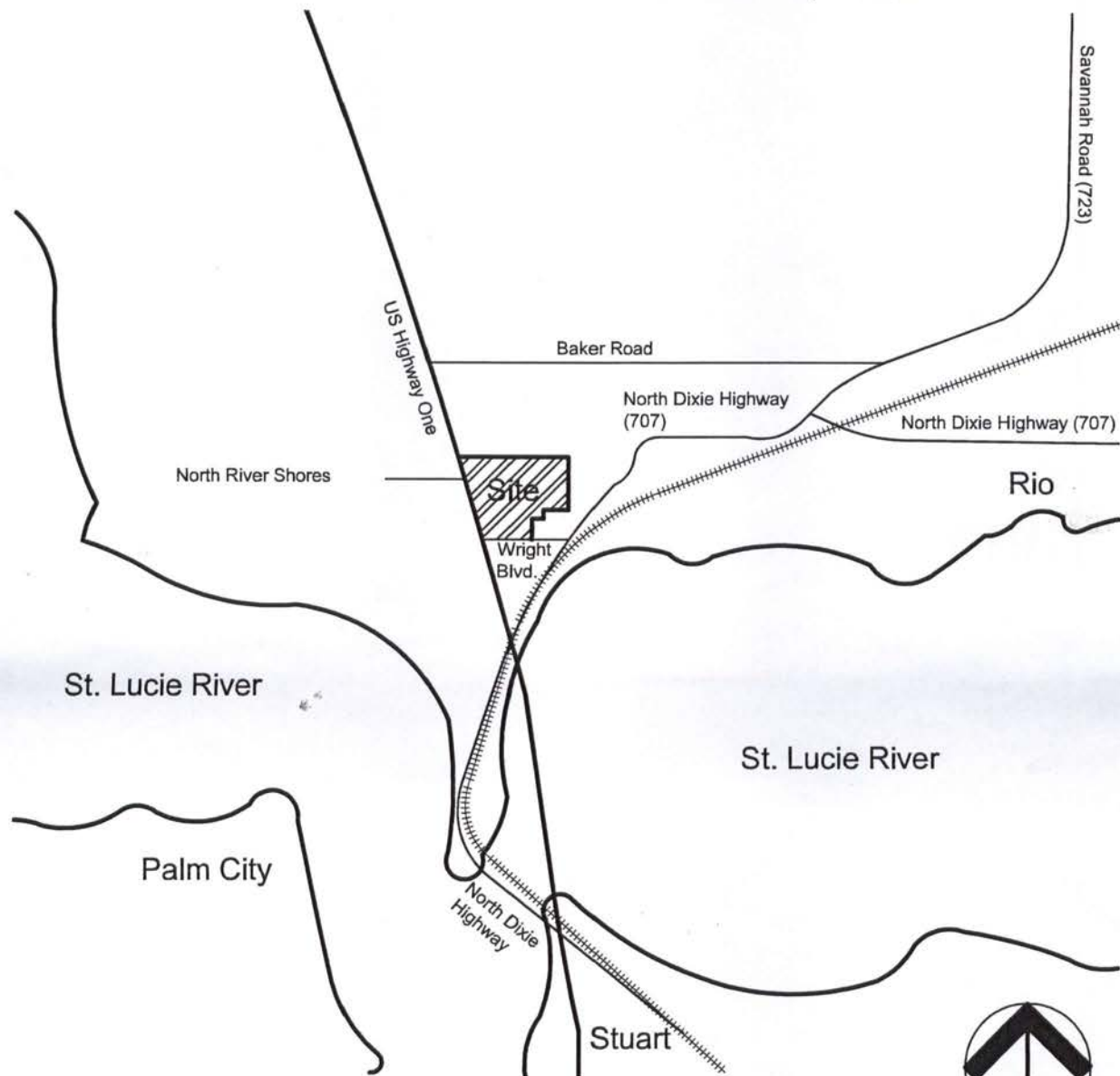
FROM THE INTERSECTION OF THE NORTH RIGHT OF WAY OF WRIGHT BOULEVARD AND THE NORTHWESTERLY RIGHT OF WAY LINE OF STATE ROAD 707, BEAR NORTH 87°23'30" WEST ALONG THE NORTH RIGHT OF WAY LINE OF WRIGHT BOULEVARD, A DISTANCE OF 400 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE NORTH 87°23'30" WEST, A DISTANCE OF 50 FEET; THENCE NORTH 2°36'30" EAST, A DISTANCE OF 600 FEET; THENCE SOUTH 87°23'30" EAST, A DISTANCE OF 50 FEET; THENCE SOUTH 2°36'30" WEST, A DISTANCE OF 600 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH:

FROM THE INTERSECTION OF THE NORTH RIGHT OF WAY LINE OF WRIGHT BOULEVARD AND THE NORTHWESTERLY RIGHT OF WAY LINE OF STATE ROAD 707, BEAR NORTH 87°23'30" WEST ALONG THE NORTH RIGHT OF WAY LINE OF WRIGHT BOULEVARD, A DISTANCE OF 400 FEET TO A POINT; THENCE BEAR NORTH 2°36'30" EAST, A DISTANCE OF 400 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE NORTH 02°36'30" EAST, A DISTANCE OF 170 FEET; THENCE BEAR SOUTH 87°23'30" EAST, A DISTANCE OF 240 FEET; THENCE BEAR SOUTH 2°36'30" WEST, A DISTANCE OF 170 FEET; THENCE BEAR NORTH 87°23'30" WEST, A DISTANCE OF 240 FEET TO THE POINT OF BEGINNING. LOCATED IN SECTION 32, TOWNSHIP 37 SOUTH, RANGE 41 EAST, MARTIN COUNTY, FLORIDA.

EXHIBIT A - 2

HARBOUR WALK PRESERVE – LOCATION MAP



**urban
design
studio**

Urban Planning & Design
Landscape Architecture
Communication Graphics

The Lofts at City Place
477 S. Rosemary Ave., Suite 225
West Palm Beach, FL 33401
561.366.1100
Fax 561.366.1111
www.UDSonline.com

Harbour Walk
Stuart, Florida
Location Map

ORDINANCE NUMBER 2095-07
Adopted: January 22, 2007

EXHIBIT B

HARBOUR WALK PRESERVE - OWNERSHIP CERTIFICATE

I, David Norris, a member of The Florida Bar, hereby certify that the record title to the property described in Parcel 1 of **Exhibit A-1** of Ordinance Number 2095-07 adopted the 22nd day of January, 2007, by the City of Stuart, is in the Ownership of Harbour Walk Preserve, LLC.

I also certify that Harbour Walk Preserve, LLC, has a leasehold interest in the property described in Parcel 2 of **Exhibit A-1** of Ordinance Number 2095-07 adopted the 22nd day of January, 2007, by the City of Stuart.

Dated this 26th day of APRIL, 2007.

By: _____

David Norris, Esq.

Florida Bar No.: 356654

Cohen, Norris, Scherer, Weinberger and
Wolmer

712 U.S. Hwy. One
North Palm, FL 33408
(561) 844-3600

ORDINANCE NUMBER 2095-07
Adopted: January 22, 2007

EXHIBIT C

HARBOUR WALK PRESERVE - UNIFIED CONTROL

The undersigned, being the OWNER of the property described in Parcel 1 and the LESSEE of the property described in Parcel 2, of **Exhibit A-1** of Ordinance Number 2095-07 adopted the 22nd day of January, 2007, by the City of Stuart, does hereby covenant and agree that the property described in **Exhibit A-1** shall be held under single Ownership and control, and shall not be transferred, conveyed, sold or divided in any unit other than in its entirety; provided, however that individual subdivision lots or fully constructed condominium units, if any, may be conveyed to individual purchasers in accordance with and subject to the terms and conditions of Ordinance Number 2095-07.

In addition, the following conveyances shall be permitted:

1. If the PUD is designed and planned to be developed in phases or portions of phases, and each phase or portion of a phase complies with the requirements contained within Ordinance Number 2095-07, then each phase or portion of phase may be conveyed separately upon final development plan and plat approval of that phase or portion of a phase.
2. Common elements, common open areas and developed recreation areas, if any, may be conveyed to a property Owners' association or other legal entity so long as such conveyance shall be subject to the express restriction that the subject property will never be used for any purpose other than as common elements, common open areas or developed recreation areas as applicable.
3. Other portions of the subject property may be conveyed and used or maintained by governmental, environmental, charitable or other organizations or agencies for such purposes as the City Commission may deem appropriate.

Nothing herein contained shall limit, in any manner, the undersigned, or their successors or assigns, to mortgage or encumber the property or any part thereof.

The undersigned further agrees that the conditions, restrictions and limitations contained herein shall be deemed a covenant running with the land and shall remain in full force and effect and be binding on the undersigned, its successors and assigns, until such time as the same may be released in writing by the City Commission.

The undersigned further agrees that this instrument may be recorded in the public records of Martin County, Florida.

ORDINANCE NUMBER 2095-07
 Adopted: January 22, 2007

IN WITNESS WHEREOF, the OWNER has executed these presents on the date indicated below.

WITNESSES:

OWNER

B. J. Parker
 Print Name: BEJINDA PARKER

HARBOUR WALK PRESERVE, LLC, a
 Florida limited liability company

Mary Nash
 Print Name: MARY NASH

By: [Signature]

Date: 4-13-07

STATE OF FLORIDA
 COUNTY OF MARTIN

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State aforesaid and in the County aforesaid to take acknowledgments, personally appeared HARRY C. STODDARD, III, CH. OF. OFFICER of Harbour Walk Preserve, LLC, a Florida limited liability company, on behalf of the company, to me known to be the person described herein and who executed the foregoing instrument and acknowledged before me that he executed same.

WITNESS my hand and official seal in the County and State last aforesaid this 13th
 day of APRIL, 2007.

(NOTARIAL STAMP)



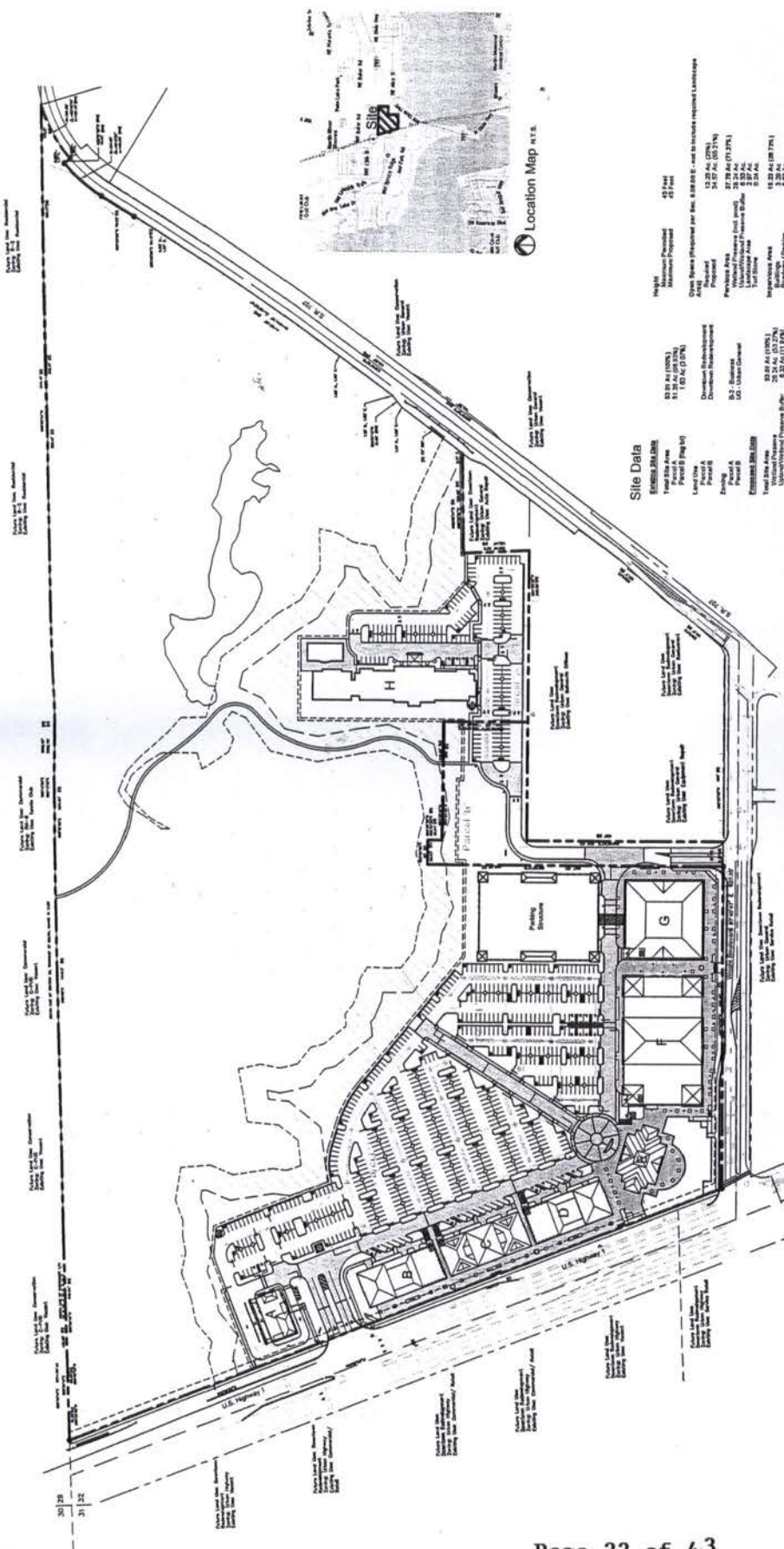
[Signature]
 Notary Public
 My commission expires:

ORDINANCE NUMBER 2095-07
Adopted: January 22, 2007

EXHIBIT D

HARBOUR WALK PRESERVE –
PUD MASTER DEVELOPMENT AND FINAL SITE PLAN

PUD master development and final site plan as approved by the City Commission
to be attached as **Exhibit D**.

[illegible]

Development Team

Legal Description

Owner / Developer
Farlow Wyle Partners, LLC
2227 Northlake Boulevard
Falm Beach Gardens, FL 33410
Phone: 561.828.8171
Fax: 561.828.2150

Engineer / Surveyor
Geotech Engineering, Inc.
200 NE Jensen Beach Blvd.
Jensen Beach, FL 34957
Phone: 772.283.1413
Fax: 772.220.7881

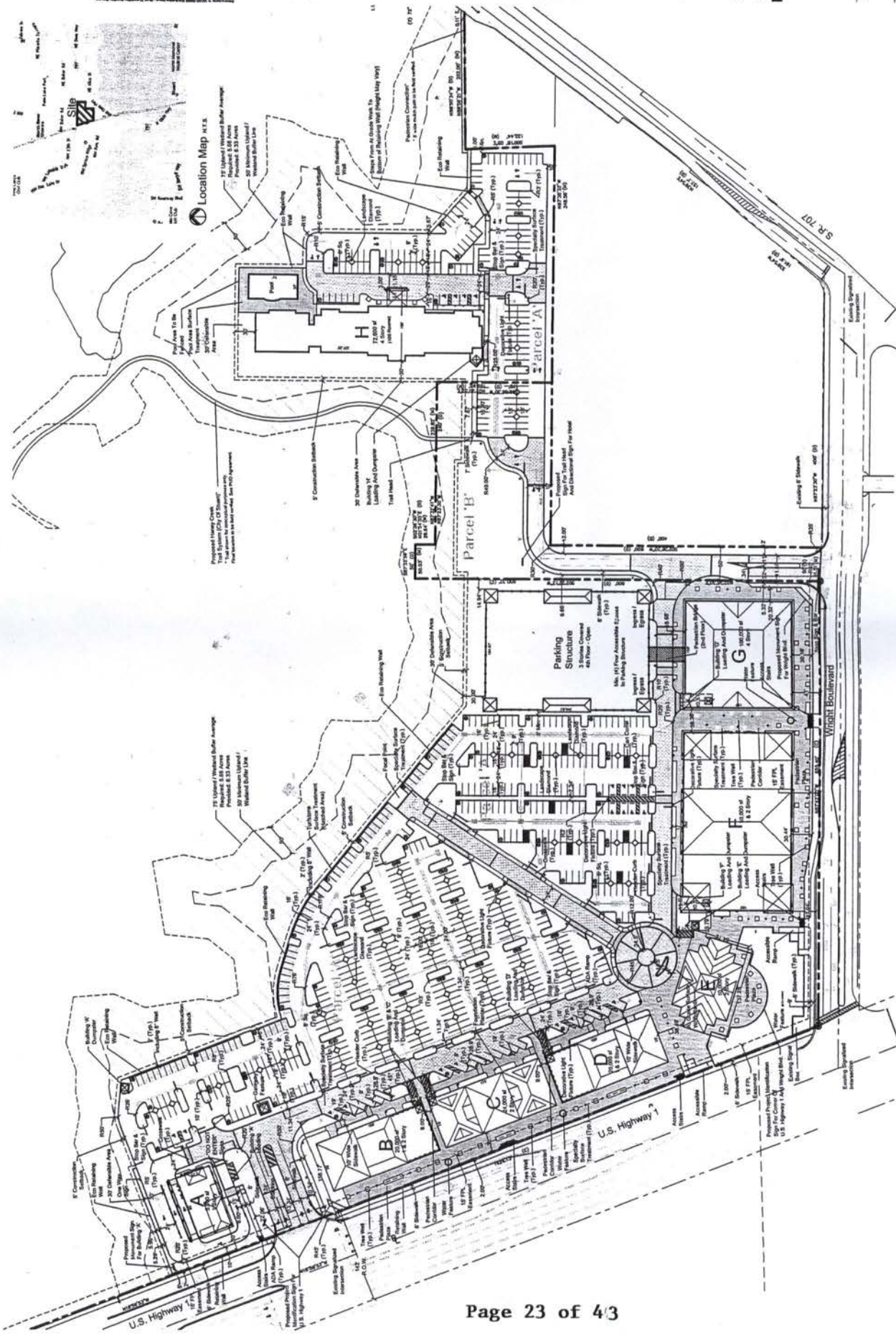
Environmental
EW Consultants, Inc.
2081 SE Ocean Blvd.
Suite, FL 34708
Phone: 772.287.2088
Fax: 772.287.8771

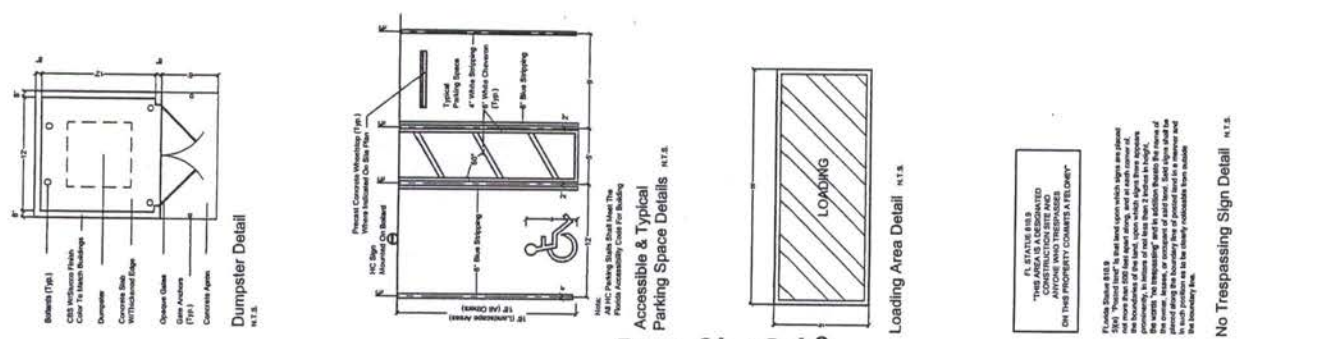
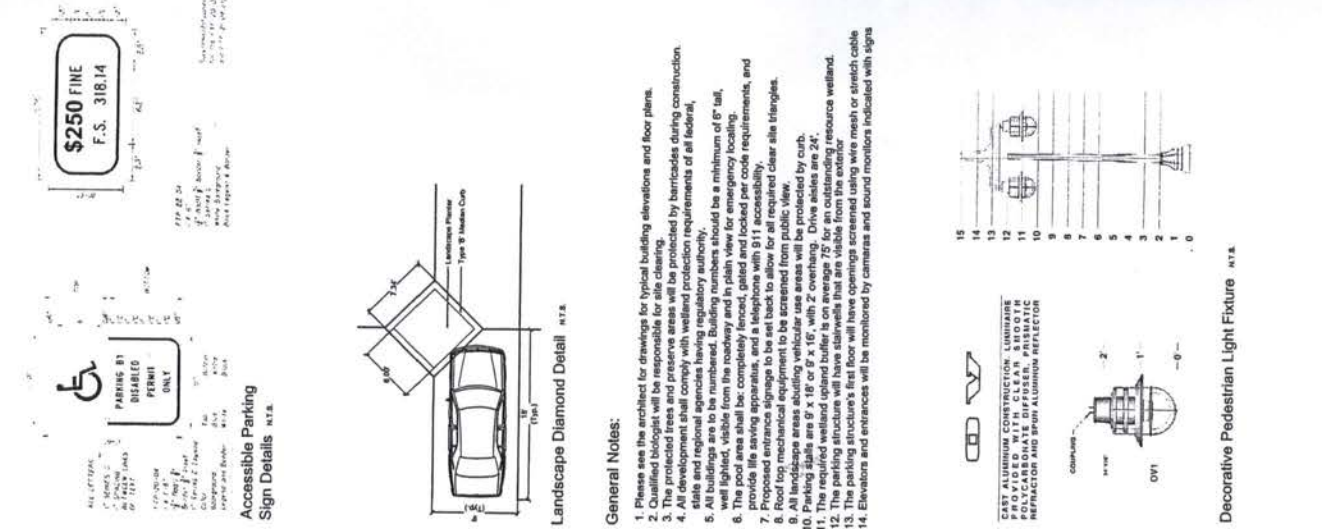
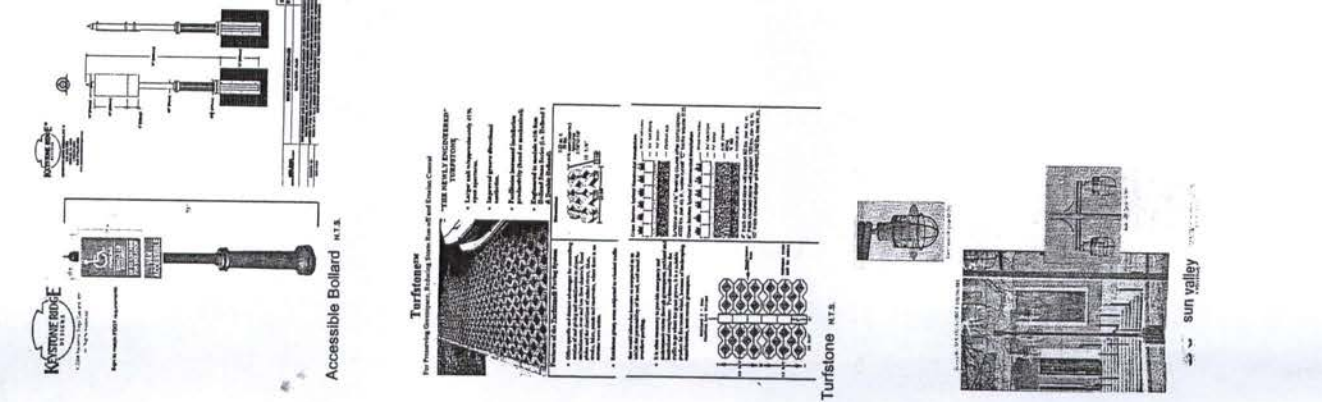
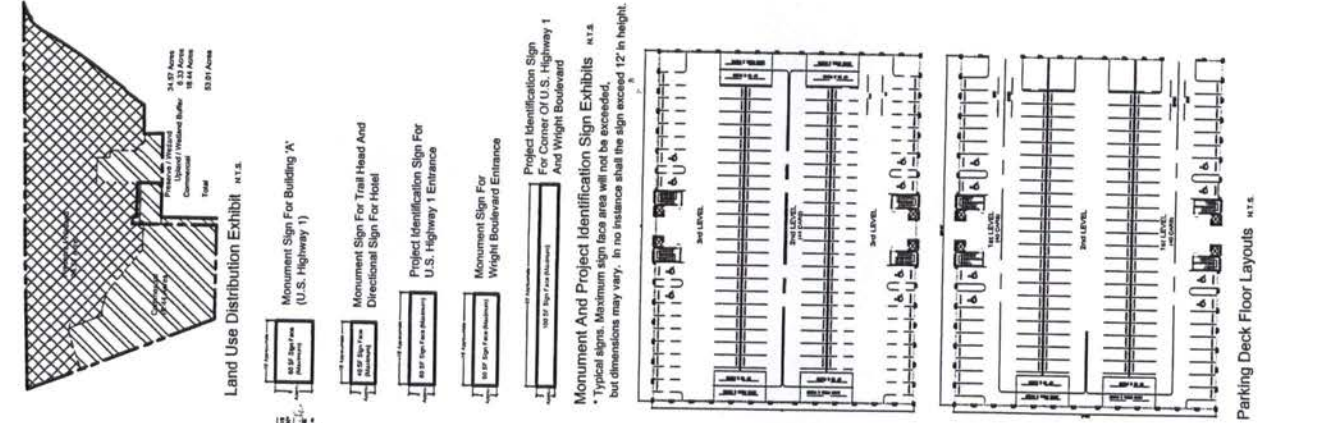
Traffic Engineer
Susan O'Rourke, PE
811 SE Ocean Blvd.
Suite, FL 34708
Phone: 772.781.2918
Fax: 772.281.8250

Architects
Parkorch & Lewis
31727 SE Ocean Blvd., Suite 101
Bloom, FL 34024
Phone: 772.220.8909
Fax: 772.220.2618



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





ORDINANCE NUMBER 2095-07
Adopted: January 22, 2007

EXHIBIT E

HARBOUR WALK PRESERVE - TIMETABLE FOR DEVELOPMENT

- A. This development shall be constructed in accordance with this timetable of development.
- B. Application for a development permit shall be submitted prior to December 31, 2007 and all applications for building permits shall be submitted prior to December 31, 2010.
- C. Plat approval for the Harbour Walk Preserve PUD must be obtained and be recorded prior to the issuance of a certificate of occupancy for the first building.

ORDINANCE NUMBER 2095-07
Adopted: January 22, 2007

EXHIBIT F

HARBOUR WALK PRESERVE - SPECIAL CONDITIONS

A. Approved Plans and Documents

1. The development shall be subject to the development documents prepared by Urban Design Studio, West Palm Beach, Florida 33401, entitled "Harbour Walk" – CPUD Master Development Plan consisting of documents referenced as sheets 1-3, dated January 10, 2007, Job Number 06-017.00, on file with the City Development Department.
2. The development shall be subject to the Landscape Plan prepared by Urban Design Studio, West Palm Beach, Florida 33401, entitled "Harbour Walk Preserve – Landscape Plans" consisting of documents referenced as sheets 1-9, Job Number 06-017.00 as revised January 10, 2007, on file with the City Development Department.
3. The development shall be subject to the Architectural Building Elevations prepared by Peacock & Lewis, AIA, 3727 SE Ocean Boulevard, Suite 101, Sewall's Point, Florida 34996, entitled "Harbour Walk Preserve" consisting of documents referenced as sheets A1.1 to A10.2, dated as revised, on file with the City Development Department.
4. The development shall be subject to engineering documents prepared by Creech Engineers, Inc., 2000 NE Jensen Beach Boulevard, Jensen Beach, Florida 34957, entitled "Conceptual Plans of Harbour Walk Preserve", consisting of documents referenced as sheets C1 to C6, dated November 8, 2006 and as revised, on file with the City Development Department.
5. The development shall be subject to the Preserve Area Protection Maintenance and Monitoring Plan (PAMP) prepared by EW Consultants, dated November 2006, and attached as Exhibit G.

B. Environmental and Landscaping

6. If applicable, the applicant shall submit a monetary contribution to the City Development Department for mitigation of the removal of protected trees in accordance with the Natural Resource Protection Standards of the City's Land Development Regulations, Section 5.05.03, prior to the issuance of a development permit. The total monetary contribution may be adjusted based on a revised tree mitigation plan submitted by the Owner subject to the review and approval of the Development Department prior to the issuance of a development permit.

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7. All landscape areas shall be provided with an irrigation system of sufficient capacity to maintain the landscaping in a healthy growing condition.
8. The City's landscape inspector shall have the opportunity to inspect all trees and/or landscape material with the landscape architect prior to installation. The Owner shall bear the pass-thru fee for landscape consulting fees not to exceed \$1,500.00.
9. A Landscape maintenance plan, executed in accordance with the Land Development Regulations, shall be submitted prior to the issuance of a certificate of occupancy for the first building.
10. "Hat racking" of trees is prohibited on the property.
11. Notwithstanding any permits granted by federal, state or other agencies, the applicant shall not be permitted to destroy gopher tortoises on the subject property, but shall ensure their relocation in accordance with Florida Fish and Wildlife Conservation Commission guidelines.
12. An upland buffer/tree protective barrier plan shall be reviewed, approved and inspected by the applicant's environmental consultant and by a City staff person or consultant prior to construction activity to ensure that all preserve areas are not disturbed.
- 12.A. Any excess wetland mitigation credits for the subject property, as defined by the South Florida Water Management District (SFWMD), may be utilized by the Applicant. However, any such use of the subject property for wetland mitigation purposes, other than by the Applicant to satisfy the City requirements, shall require 30 days written notice to the City, prior to approval by the Applicant.

C. Prior to Issuance of Development Permit and/or Certificate of Occupancy

13. Development is subject to a long-term lease with the City for the 'Flag' lot, under terms acceptable to the parties. The lease shall be signed and in place prior to the issuance of final site plan approval.
14. Applicant shall provide a digital boundary survey and site plan prior to the issuance of a development permit.
15. A subdivision plat shall be approved by the City Commission and shall be recorded in the public records of Martin County prior to the issuance of a Certificate of Occupancy for the first building.
16. Final development site plan and construction drawings shall be reviewed and approved by all applicable City departments.

*** V CLERK'S NOTE: Also satisfy SFWMD and US Army Corp of Engineers requirements.**

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Adopted: January 22, 2007

17. All required regulatory agency permits shall be obtained by the applicant and copies provided to the City prior to the issuance of a development permit.
18. In a form acceptable to the City Attorney, and prior to the issuance of a Certificate of Occupancy for the last building, or no later than December 31, 2008, whichever is the sooner the applicant shall provide to the City a non-exclusive, perpetual, conservation easement, the location of which will be field verified, to the site's approximately 28 acres of wetland preserve area which borders Haney Creek property to the north. The City shall indemnify the Owner from any and all injuries or damages in any way caused to persons using this easement. Further the applicant shall donate \$200,000 to the City for environmental improvements and the installation of a boardwalk and/or mulched path within the Haney Creek area as deemed appropriate by the City prior to issuance of a Certificate of Occupancy for the last building or no later than December 31, 2008, whichever is the sooner.
19. Prior to the issuance of a Certificate of Occupancy for the last building, or no later than December 31, 2008, whichever is the sooner, the applicant shall donate \$150,000 to the City for the provision of facilities at the Haney Creek Preserve project.
20. Unless otherwise agreed to by the City Commission via a Minor PUD Amendment, all off-site traffic improvements agreed to by the applicant, as listed in Exhibit H shall be completed prior to the issuance of a Certificate of Occupancy for the last building. In the event approval is not given by FDOT or Martin County for a particular component of the package, the applicant shall make a cash contribution to the City in the amount indicated in Exhibit H.
21. Development shall comply with the City's Concurrency Management System prior to the issuance of development permits. A concurrency reservation certificate shall be binding upon the applicant meeting the following three standards:
 - Site Plan construction approval;
 - The issuance of building permits to commence construction; and
 - Pays all applicable impact and permit fees.

D. Development and Construction

22. All mechanical equipment associated with the development shall be roof top or adequately screened with decorative screening or landscaped with hedge material.
23. Backflow prevention devices and above ground utilities shall be delineated on the landscape plans during final site plan review and shall be out of view or screened from the public right-of-way.

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24. The overhead utility line adjacent to the developed areas of the site along Wright Boulevard and US Highway One shall be buried, as approved by the Florida Power and Light Company, prior to the issuance of a Certificate of Occupancy for the last building. All utilities internal to the development shall be buried underground.
25. Erosion and dust control measures to be implemented during construction shall be provided on the civil engineering plans and submitted during final site plan review. Water trucks shall be provided by the applicant as necessary during construction in order to reduce dust generated on-site.
26. All pole lighting, bollards, fencing and similar structures shall be of a decorative character. Poles for lighting in the parking areas shall not exceed 25 ft. in height and shall not exceed 15 ft in height in pedestrian areas. All lighting shall have a consistent theme throughout the development.
27. All exterior building finishes shall be constructed with cementitious material and no structural framing, except for roof trusses shall be constructed of wood building materials.
28. Construction activities shall not begin prior to 7:00 A.M. on weekdays and 8:00 A.M. on weekends and legal holidays. Work shall cease by 7:00 P.M.
29. All utility improvements constructed by the Owner within the City's right-of-way including all lift stations shall be conveyed to the City in a manner and form acceptable to the City Attorney and the City Public Works Director. The Owner shall convey an easement for any utilities required for the development of the site that are not located within the public right-of-way.
30. All building materials and colors shall comply with Section 3.01.04 of the Architectural Standards in the City Land Development Regulation.
31. Building addresses and/or numbers shall be in plain view and shown on each building plan submitted at the time of building permit application in accordance with the City Code and shall be consistent with the sign plan.
32. Street furniture provided on-site shall be of high quality and aesthetically pleasing appearance. Street furniture shall be reviewed and approved by staff prior to the issuance of a development permit.
33. Any sidewalk damaged during construction shall be repaired or replaced prior to the issuance of a Certificate of Occupancy for the last building.

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Adopted: January 22, 2007

E. Development Timetable

34. The timetable for development shall be as described in Exhibit E as attached hereto and by reference made a part hereof.
35. In the event construction of the site and buildings are abandoned (a period of six months or longer) the City may rezone the property to another appropriate sub-district or use.

F. Signage

36. Three (3) monument signs and three (3) project identification signs shall be permitted in the locations depicted on the PUD master and final site plan. Said signs shall comply with the detail provided on Sheet 3 of the PUD master and final site plan. Each ground floor tenant may have two wall and/or projecting signs, one on the street side and the parking area side of the building. Said signs shall not exceed one square foot of signage per linear foot of store frontage not to exceed 100 square feet. A maximum of two wall signs, on both the street and parking area sides of the building, shall be permitted on the second floor of Buildings B, C, D, and E. Said signs shall not exceed 120 square feet per building side. A sign plan, to include details on all project identification, monument, wall, projecting and directional signs shall be approved by the Development Department prior to the issuance of the development permit. In no instance shall message boards or any sign which includes scrolling, flashing or blinking letters or symbols be permitted. Internally lit signs shall not be permitted, however, reverse channel metal letters with concealed neon lighting shall be permitted.

G. Prohibited

37. No temporary or modular buildings are permitted on the property. However, a temporary construction trailer, which requires a separate City permit, shall be allowed on-site and said trailer shall be certified by the Department of Community Affairs.
38. Billboards are prohibited on the property. All existing billboard(s) present on the site shall be removed prior to the issuance of a Certificate of Occupancy for the first building.
39. Banners and any other sign or advertising device not in accordance with the City's Land Development Regulations are prohibited.
40. Outdoor display/storage of merchandise shall be permitted on the north side of Building F. Such merchandise shall be maintained in an orderly fashion, and occupy a maximum of 100 square feet. A clear pedestrian walkway a minimum of 6 feet in width shall be maintained at all times on the north side of Building F.

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41. Outdoor dining areas are permitted, provided the overall approved number of seats is not exceeded. Such dining areas shall be maintained in an orderly fashion. A clear pedestrian walkway a minimum of 6 feet in width shall be provided at all times.
42. Outdoor entertainment is permitted within the pedestrian areas of the development in accordance with the times and limits set forth in City's Noise Ordinance.
43. Seasonal sales are permitted for a time period not to exceed thirty (30) continuous days, up to four times per year. A separate City permit is required for such sales. Such sales shall be located in the parking area and shall not exceed 8,000 square feet in area.
44. The City of Stuart shall apply as co-applicants on all necessary regulatory permits that include the City owned Flag Lot.

ORDINANCE NUMBER 2095-07
Adopted: January 22, 2007

EXHIBIT G

HARBOUR WALK PRESERVE – PRESERVE AREA MAINTENANCE PLAN

See attached Preserve Area Maintenance Plan



CONSULTANTS, INC.

PRESERVE AREA MAINTENANCE PLAN

Prepared For:

Harbour Walk Preserve

Prepared By:

EW Consultants, Inc.

2081 SE Ocean Boulevard, Suite 2B

Stuart, Florida 34996

© November 2006

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INTRODUCTION

This Preserve Area Maintenance Plan (PAMP) for Harbour Walk Preserve has been developed in accordance with the provisions set forth in Chapter V, Resource Protection Standards, of the City of Stuart's Land Development Regulations. Such plans are required for all new developments that occupy more than one acre within the City of Stuart. Below is the site description and summary of proposed on-site preservation for the subject parcel.

This report is based on an Environmental Assessment prepared to inventory the vegetative communities present, as well as an analysis of the presence, potential impacts, and management implications for wildlife on the site with special emphasis on any listed plant or animal species. The Environmental Assessment (provided under separate cover) was prepared based on field reconnaissance on the subject property performed between October 2003 and September 2006. In preparing a September 2006 update to the environmental assessment, more than 20 man hours of additional field work was conducted in September 2006 in order to reflect the most current site conditions. As a result, there have been minor changes in vegetative cover mapping to reflect over three years of continued growth of nuisance and exotic vegetation.

SITE DESCRIPTION

The following Preserve Area Maintenance Plan was prepared for the Harbour Walk project. The subject parcel is 53 +/- acres in size and is located east of and adjacent to US 1, north of and adjacent to Wright Boulevard, and west of and adjacent to S.R. 707 in the City of Stuart, Florida within Section 32, Township 37S, Range 41E. A location map is provided in the Appendix (Figure 1). The site is currently undeveloped and dominated by natural features such as native upland and wetland communities. Previous impacts to the property include debris dumping, a paved driveway, and an excavated lake most likely dug in order to extract fill material in the past.

PRESERVE AREA AND UPLAND BUFFER EVALUATION

The total site area is 53.01 +/- acres, with 20.25 +/- acres as uplands and 32.64 +/- acres as wetlands. The on-site upland areas contain 20.25 +/- acres of upland vegetation, 25% of the native uplands must be preserved. For this site, 5.06 +/- acres must be preserved to meet this requirement. The proposed site plan includes 6.33 +/- acres of upland preserve, which is approximately 31% of the total upland habitat on site. The upland preserve consists of an enhanced native upland buffer between the preserved wetland and development footprint. By virtue of its hydrologic connection to the St. Lucie River, the on-site wetland slated for preservation is considered an Outstanding Resource Wetland. As such, this wetland area is afforded a minimum average 84 foot upland buffer which is at

no point less than 50 feet. The proposed site plan also includes impacts to approximately 4.4 +/- acres of existing wetlands. There are 28.24 +/- acres of wetlands preserved as part of the proposed site plan. It is anticipated that the 28.24 acres of preserved wetlands will be restored and enhanced as part of the wetland mitigation proposal.

As part of this Preserve Area Maintenance Plan, re-vegetation of those portions of the upland buffer that are not comprised of native vegetation must be conducted in accordance with Section 5.03.02.C.3. of the City of Stuart Land Development Regulations.

All preserve areas (wetland, buffers and upland preserves) will be subject to the following performance standards:

Eradication of Nuisance and Exotic Vegetation -

All nuisance and exotic vegetation as listed by the Florida Exotic Pest Plant Council will be eradicated from the on-site preserve areas. The exotic vegetation that occurs within the on-site preservation areas consists primarily of: Brazilian pepper, strawberry guava, old world climbing fern, and grapevine.

Vegetative thinning of overgrown native vegetation along with eradication of nuisance and exotic species will occur in preserve areas where deemed necessary to ensure healthy recruitment of native species and appropriate vegetative cover proportions. Vegetative maintenance will enhance associated habitats and potential wildlife utilization.

- All eradication will be through hand clearing and removal of the material off-site.
- The criterion for acceptance of eradication for all exotic vegetation will be 100 percent eradication. If initial eradication efforts do not achieve this criterion, follow up treatment will be conducted.
- Cutting of the trunk and treatment of the stump with an appropriately labeled herbicide will eradicate all Brazilian pepper, melaleuca and other woody exotics.
- The criterion for completion of the woody exotic eradication will be 100 percent kill. If initial eradication efforts do not achieve this criterion, follow up treatment will be conducted.
- All eradication of non-woody exotic vegetation will be through application of appropriately labeled herbicide. All debris removed will be handled in accordance with the disposal specifications.
- The criterion for acceptance of eradication for all non-woody exotic vegetation will be 100 percent kill. If initial eradication efforts do not achieve this criterion, follow up treatment will be conducted.

The exotic vegetation eradication in the on-site wetland and upland buffer will generate vegetative debris that requires disposal. There will be a staging and storage area provided outside the limits of the on-site preserve areas.

- Transport of vegetative debris from the wetland and upland buffer area to the staging area will be conducted in a fashion that minimizes the distribution and dispersal of seeds from such debris.
- No exotic or nuisance vegetative material will be left in the wetland and upland buffer area.

Herbicides are required for the treatment of all stumps of woody vegetation to prevent re-growth, and for eradication of non-woody exotic and nuisance vegetation.

- All herbicide application activity will be conducted under the supervision of a Florida Department of Agriculture licensed applicator, licensed for application of aquatic herbicides.
- All herbicides applied within the wetland area must be properly labeled for application in wetlands.
- All herbicide applied must include a visible tracer dye in the mix to facilitate observation of treated vegetation.

Replanting/Planting with Native Vegetation -

The upland buffer restoration areas will be replanted with native vegetation as needed after the exotic removal activities are complete. The wetland and upland fringe enhancement will be planted with supplemental ground cover vegetation to fill in areas devoid of vegetation in order to meet the appropriate native cover criterion after two years due to nuisance and exotic vegetation removal as well as other impacts. Plants from the following list will be installed as necessary to meet this criterion.

PLANTING SCHEDULE

Upland Buffer

PLANT	DENSITY	SIZE
Oaks (<i>Quercus spp.</i>)	60' o.c.	4 feet min.
Slash Pine (<i>Pinus elliottii</i>)	25' o.c.	4 feet min.
Dahoon holly (<i>Ilex cassine</i>)	25' o.c.	4 feet min.
Cabbage palm (<i>Sabal palmetto</i>)	25' o.c.	8' clear trunk
Muhly grass (<i>Muhlenbergia capillaries</i>)	3' o.c.	Bare root
Sand Cordgrass (<i>Spartina bakeri</i>)	3' o.c.	Liner

The vegetative success criteria for the upland preserve areas include the requirement of areal coverage of exotic vegetation at zero percent and nuisance vegetation limited to five percent or less. After five years, the wetland and upland fringe areas will meet the vegetative success criteria of appropriate habitat type vegetation coverage of desirable vegetation and areal coverage of exotic vegetation at zero percent and nuisance vegetation limited to five percent or less.

PRESERVE AREA PROTECTION PLAN DURING CONSTRUCTION

The Preserve Areas will be barricaded using four-foot high silt fencing trenched in at least eight inches below natural grade. The location of the silt fencing will be shown on the construction drawings.

The erosion and turbidity control plan will be included as part of the construction drawings. The four-foot high silt fencing will be installed around the perimeter of the property as part of the SFWMD permit. This silt fencing will be installed around the Preserve Area as well which will effectively reduce erosion and turbidity within the Preserve Area.

All barricades and silt fencing on site will be inspected by appropriate staff on a monthly basis. The silt fences are to remain in good condition throughout construction.

The Preserve Area will be marked every 100 feet with appropriate signage along the perimeter. The Preserve Area signs shall read, "PRESERVE AREA – NO DUMPING, NO TRIMMING, NO MOWING." The signs will be of sufficient size and material to be easily seen. The signs will be constructed so that they remain in good condition.

ANNUAL MONITORING

Annual monitoring and report writing is to be conducted by a qualified environmental professional and submitted under his/her signature to the City of Stuart Community Development Department. Vegetative cover data will be collected to document the occurrence of native and non-native plants. This data shall be documented in a summary monitoring sheet. Monitoring shall be done for a period of five years from the date of completion of the project or project phase encompassing the monitored area.

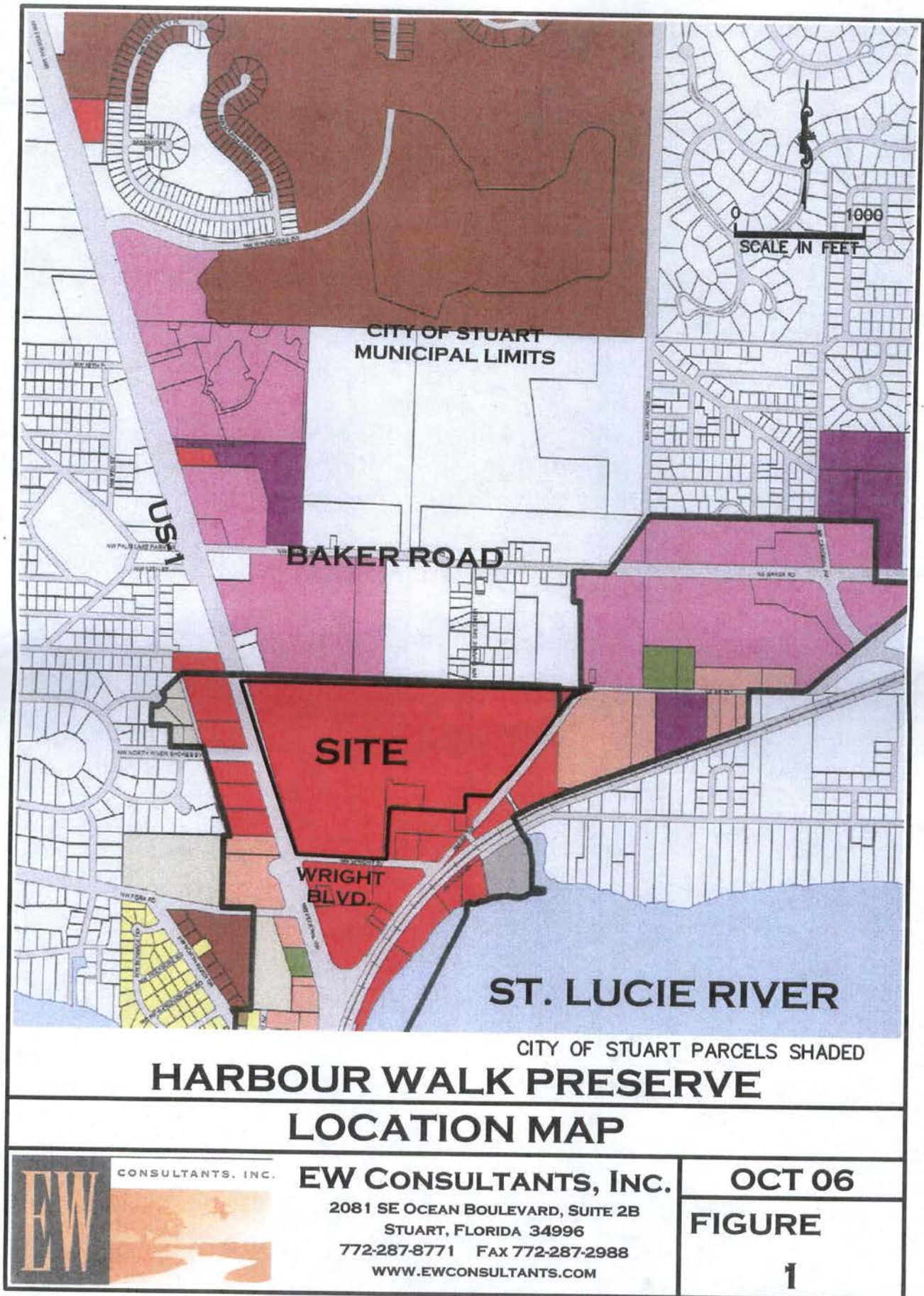
- a) Reports should document vegetation changes including encroachment and/or over growth of noxious and exotic vegetation.

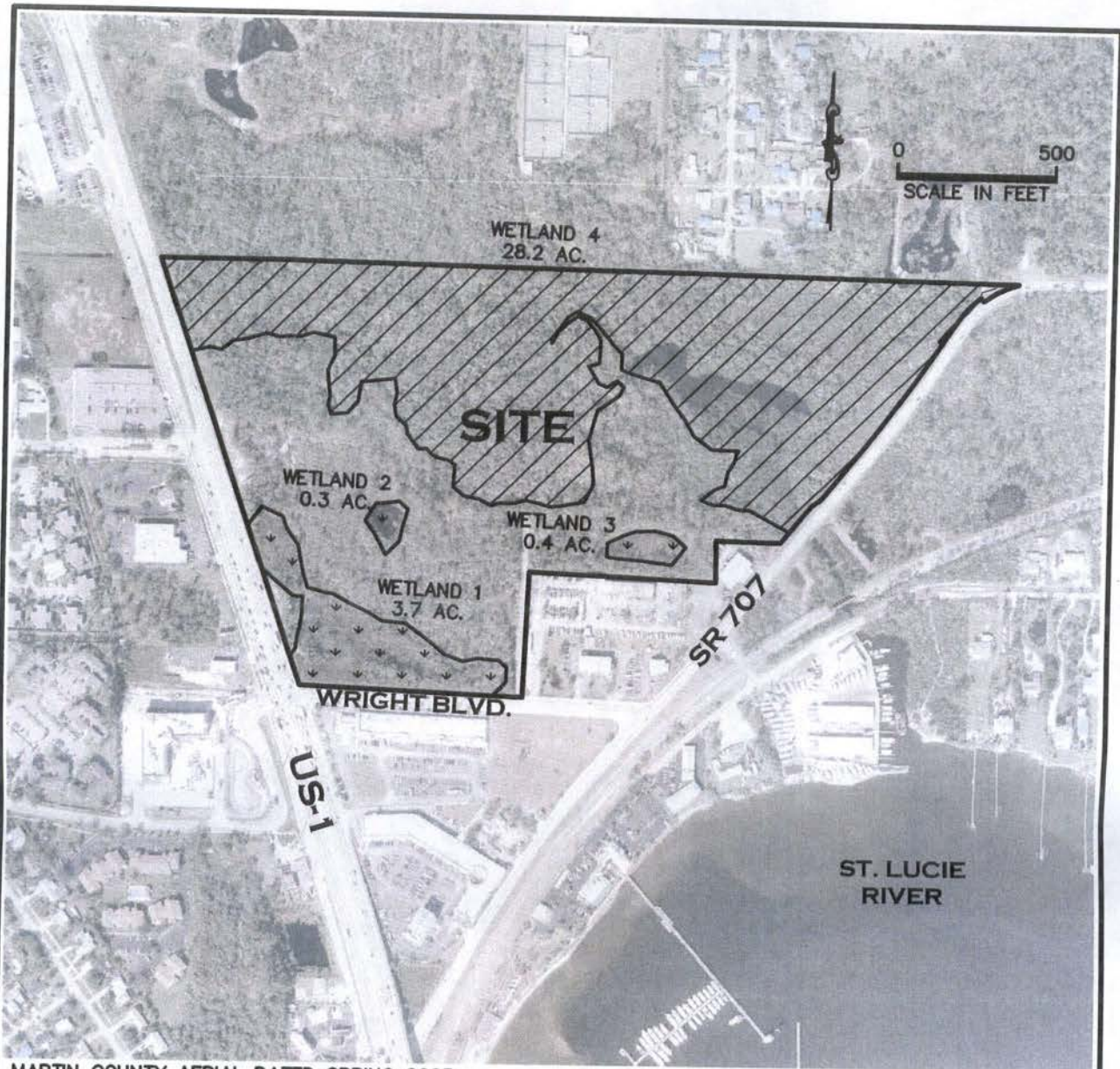
- b) Monitoring reports shall include the quantitative vegetation cover data from designated areas within the preserve area. Each monitoring station will cover approximately 2,500 square feet.
- c) The vegetation shall be measured in percent coverage of the canopy and understory layer and groundcover. Each species documented will be reported in common and Latin names.
- d) The coverage shall be measured by visual observation in each of four quadrants from the fixed monitoring point. Observations extend approximately 50 feet from the observer in each direction thus covering approximately 2,500 square feet at each station. The data from each quadrant observation is combined to calculate the vegetative coverage. Station locations are to be permanently marked to ensure consistency in data collection.
- e) At least one panoramic photo shall be collected from each of the established monitoring stations to provide documentation of vegetative coverage.
- f) The monitoring report shall include recommendations for maintenance, if necessary.
- g) Provision shall be made for continued eradication of nuisance and non-native vegetation that may occur in the Preserve Area and for long-term habitat management to maintain the type and quality of habitat originally intended for the project.
- h) Provision shall be made for financial assurance for not less than five years that monitoring and maintenance of the Preserve Area will be conducted per the Plan.
- i) The Preserve Area Maintenance Plan and provisions shall be included in the deeds and covenants, which run with the property.

A Preserve Area Maintenance Plan compliance analysis report shall be filed annually with the City for each of the first five years following completion of the project. The report shall detail compliance with the Plan, and shall include an update of the specific monitoring criteria as listed above and a description of the effort needed to comply with the Plan on an annual basis.

Prior to issuance of a certificate of occupancy for any portion of the development, the developer shall execute a contract with the City whereby the developer and successors in interest to the developer are bound to comply with the Plan. Said contract shall be recorded in the public records of Martin County, Florida and shall specifically provide for injunctive relief and specific performance and shall indicate any intended third party beneficiaries.

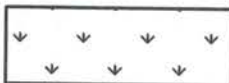
Violation of a Plan shall constitute a violation of this Code enforceable through Code Enforcement proceedings as well as other available legal and equitable remedies provided by law.





MARTIN COUNTY AERIAL DATED SPRING 2005

LEGEND



WETLAND (4.4 AC.)



OUTSTANDING RESOURCE WETLAND (28.2 AC.)

HARBOUR WALK PRESERVE WETLAND MAP

HARBOUR WALK.DWG WETLAND



EW CONSULTANTS, INC.

2081 SE OCEAN BOULEVARD, SUITE 2B
STUART, FLORIDA 34996
772-287-8771 FAX 772-287-2988
WWW.EWCONSULTANTS.COM

OCT 06

FIGURE

3

ORDINANCE NUMBER 2095-07
Adopted: January 22, 2007

EXHIBIT H

HARBOUR WALK PRESERVE – OFF SITE TRAFFIC IMPROVEMENTS

ENGINEER'S OPINION OF CONSTRUCTION COSTS
Harbour Walk - Wright Boulevard - OffSite Improvements
Budget Costs based on Conceptual Plans
3-Aug-06

Does Not Include Improvements to US 1 at Development Entrance or Landscaping

ITEM	QTY.	UNIT PRICE	AMOUNT
1 Mast Arm Installation at US1 / River Shores Intersection			
1 Mast Arm Installation	1 LS	\$ 200,000.00	\$ 200,000.00
		Sub-Total	\$ 200,000.00
		20% Contingency	\$ 40,000.00
		Sub-Total	\$ 240,000.00
2 11.5' Right of Way Dedication for Westbound Wright Blvd Right Turn Lane on US 1			
3 Westbound Wright Blvd Right Turn Lane Onto US 1			
1 MOT and Mobilization	1 LS	\$ 5,000.00	\$ 5,000.00
2 Asphalt	450 SY	\$ 60.00	\$ 27,000.00
3 6' x 4" Sidewalk	540 LF	\$ 32.00	\$ 17,280.00
4 Curb	540 LF	\$ 30.00	\$ 16,200.00
5 Signal Head Modification (minor)	1 LS	\$ 10,000.00	\$ 10,000.00
6 Drainage	40 LF	\$ 45.00	\$ 1,800.00
7 Inlets	2 LS	\$ 4,000.00	\$ 8,000.00
8 Re-stripe / signs	1 LS	\$ 5,000.00	\$ 5,000.00
		Sub-Total	\$ 90,280.00
		20% Contingency	\$ 18,056.00
		Sub-Total	\$ 108,336.00
4 Eight Foot Wide Landscape Median Installation on Wright Blvd (does not include landscaping)			
1 MOT and Mobilization	1 LS	\$ 5,000.00	\$ 5,000.00
2 Remove Asphalt and replace with Topsoil	400 SY	\$ 30.00	\$ 12,000.00
3 Curb	750 LF	\$ 30.00	\$ 22,500.00
4 Re-stripe / signs	1 LS	\$ 2,500.00	\$ 2,500.00
		Sub-Total	\$ 42,000.00
		20% Contingency	\$ 8,400.00
		Sub-Total	\$ 50,400.00
5 Eastbound Wright Blvd Dual Left Turn Lanes onto S.R. 707			
1 MOT and Mobilization	1 LS	\$ 5,000.00	\$ 5,000.00
2 Re-stripe / signs	1 LS	\$ 5,000.00	\$ 5,000.00
3 Asphalt (S.R. 707) Widening	300 SY	\$ 60.00	\$ 18,000.00
4 Curb (S.R. 707)	250 LF	\$ 30.00	\$ 7,500.00
5 Drainage (S.R. 707)	250 LF	\$ 45.00	\$ 11,250.00
6 Inlets (S.R. 707)	1 LS	\$ 4,000.00	\$ 4,000.00
		Sub-Total	\$ 50,750.00
		20% Contingency	\$ 10,150.00
		Sub-Total	\$ 60,900.00
6 Eastbound Wright Blvd Right Turn Lane Onto S.R. 707			
1 MOT and Mobilization	1 LS	\$ 5,000.00	\$ 5,000.00
2 Re-stripe / signs	1 LS	\$ 5,000.00	\$ 5,000.00
3 Asphalt	400 SY	\$ 60.00	\$ 24,000.00
4 6' x 4" Sidewalk	350 LF	\$ 32.00	\$ 11,200.00
5 Curb	350 LF	\$ 30.00	\$ 10,500.00
6 Inlets	2 LS	\$ 4,000.00	\$ 8,000.00
7 Drainage	20 LF	\$ 45.00	\$ 900.00
8 Relocate Light Poles	2 LS	\$ 2,500.00	\$ 5,000.00
9 Relocate Traffic Box	1 LS	\$ 2,500.00	\$ 2,500.00
10 Retaining Wall	200 LF	\$ 60.00	\$ 12,000.00
11 Driveway Re-configuration	1 LS	\$ 25,000.00	\$ 25,000.00
		Sub-Total	\$ 109,100.00
		20% Contingency	\$ 21,820.00
		Sub-Total	\$ 130,920.00

ENGINEER'S OPINION OF CONSTRUCTION COSTS
Harbour Walk - Wright Boulevard - OffSite Improvements
Budget Costs based on Conceptual Plans

3-Aug-06

Does Not Include Improvements to US 1 at Development Entrance or Landscaping

<u>ITEM</u>	<u>QTY.</u>	<u>UNIT PRICE</u>	<u>AMOUNT</u>
7 <u>Modifications to Wright Blvd / S.R. 707 Traffic Signal</u>			
1 MOT and Mobilization	1	LS \$ 5,000.00	\$ 5,000.00
2 Traffic Signal Modification	1	LS \$ 25,000.00	\$ 25,000.00
		Sub-Total	\$ 30,000.00
		20% Contingency	\$ 6,000.00
		Sub-Total	\$ 36,000.00
8 <u>Southbound S.R. 707 Right Turn Lane onto Wright Blvd</u>			
1 MOT and Mobilization	1	LS \$ 5,000.00	\$ 5,000.00
2 Asphalt	300	SY \$ 60.00	\$ 18,000.00
3 Curb	250	LF \$ 30.00	\$ 7,500.00
4 Drainage	250	LF \$ 45.00	\$ 11,250.00
5 Inlets	1	LS \$ 4,000.00	\$ 4,000.00
6 Re-stripe / signs	1	LS \$ 5,000.00	\$ 5,000.00
		Sub-Total	\$ 50,750.00
		20% Contingency	\$ 10,150.00
		Sub-Total	\$ 60,900.00
9 <u>Northbound S.R. 707 Right Turn Lane onto Alice Ave</u>			
1 MOT and Mobilization	1	LS \$ 5,000.00	\$ 5,000.00
2 Asphalt	300	SY \$ 60.00	\$ 18,000.00
3 Curb	250	LF \$ 30.00	\$ 7,500.00
4 Drainage	250	LF \$ 45.00	\$ 11,250.00
5 Inlets	1	LS \$ 4,000.00	\$ 4,000.00
6 Re-stripe / signs	1	LS \$ 5,000.00	\$ 5,000.00
		Sub-Total	\$ 50,750.00
		20% Contingency	\$ 10,150.00
		Sub-Total	\$ 60,900.00
TOTAL			\$ 748,356.00
Wright Boulevard / S.R 707 Improvements (Items 5,6,7,8,9)			\$ 349,620.00

CREECH
ENGINEERS INC.
CIVIL/MECHANICAL ENGINEERING

City of Stuart

121 S. W. Flagler Avenue • Stuart • Florida 34994

Cherie White
City Clerk

PHONE 772-288-5306
FAX (772) 288-5305
Email cwhite@ci.stuart.fl.us

May 8, 2007

Clerk of the Circuit Court
Recording Office
Att: Charlotte Burkey
P.O. Box 9016
Stuart, Fl. 34995

RE : CPUD Harbourwalk Ord 2095-07

Please record the above-mentioned original documents, and kindly return the original recorded document to the City of Stuart, City Clerk to the address above.

If you have any questions please feel free to give me a call.

Thank you,

Cherie White, *cmc*

Cherie White, CMC
City Clerk

Enc.

CITY OF STUART, FLORIDA AGENDA ITEM REQUEST Local Planning Agency

Meeting Date: 12/12/2019

Prepared by: Kev Freeman

Title of Item:

AMENDMENT TO THE LAND DEVELOPMENT CODE UPUD DENSITY AND PARKING
(QUASI-JUDICIAL) (RC)

ORDINANCE 2423-2020: AN ORDINANCE OF THE CITY OF STUART, FLORIDA, AMENDING THE EXISTING SECTION 2.07.00.I OF CHAPTER II ENTITLED "URBAN PLANNED UNIT DEVELOPMENT (UPUD) DISTRICTS" TO ADD A METHODOLOGY FOR RESIDENTIAL DENSITY CALCULATION AND ADD MINIMUM RESIDENTIAL CAR PARKING REQUIREMENTS; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

Summary Explanation/Background Information on Agenda Request:

This proposed land development code amendment promotes the objectives and policies of the City's Comprehensive Plan through the Urban Planned Unit Development (UPUD) process, relevant extracts are below:

Objective A2. - Affordable housing. The City will address the affordable housing needs of very-low-income to moderate-income residents by continuing to promote affordable housing in the East Stuart Planning District and other areas through revised minimum lot size requirements and special financing made available through the SHIP program, Farmers Home Administration and other funding mechanisms.

Policy A2.1. Adoption of HUD standards and definitions. The following U.S. Housing and Urban Development Department definitions and standards for affordable housing and income categories shall be used by the City in its housing programs:

"**Affordable housing**" means healthy and safe housing that people with moderate to very low incomes can live in without paying more than 30 percent of their household income (not including utility payments).

"**Very low income**" means an income falling below 50 percent of the Stuart median income, as measured by the U.S. Bureau of the Census.

"**Low income**" means an income falling between 50 percent and 80 percent of the Stuart median income, as measured by the U.S. Bureau of the Census.

"**Moderate income**" means an income falling between 80 percent and 120 percent of the Stuart median income, as measured by the U.S. Bureau of the Census.

"**Workforce housing**" means housing that is affordable to persons or families whose total household income does not exceed 140 percent of the area median income, adjusted for household size.

Policy A2.6. Housing opportunities. In order to expand the number and types of opportunities for affordable housing, the City will encourage new construction through density bonuses and other provisions provided through the land development regulations as well as through grants and special programs administered by the City.

Objective A7. In order to provide affordable housing to City residents, the City will continue to apply design and other development incentives contained in the Urban Code and East Stuart Overlay Zone Code.

Policy A7.1. The City will continue to provide a density bonus system and will work with developers to implement such programs.

Policy A5.4. City land development regulations and housing programs should support the provision of housing for very-low-income to moderate-income residents.

Objective B1. - Compact urban form. Discourage urban sprawl by facilitating urban redevelopment and infill development of properties and planning for urban infill and redevelopment of lands located within Stuart in order to achieve a compact urban form.

The Situation

There is a demonstrated need for a supply of a range of housing in the City (City of Stuart Housing Study).

The inventory of required housing units ranges from “very-low income” to “workforce housing”. Recent housing and economic development studies have confirmed the demand and have recommended that action be taken to reduce the deficit. The City of Stuart Economic Development Strategy 2016-2017, states:

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

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

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

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

The Issues

This proposal looks at two individually considered development parameters that are linked together and affect the affordability and supply of housing units in the City. Both parameters, density and parking, can be regulated through the Planned Unit Development Process. The amendments are considered to be appropriate within an urban area, as such they are proposed to be limited to the Community Redevelopment Area through the Urban Planned Unit Development process.

Density

The current Comprehensive Plan and Land Development Code provide a baseline maximum density of 15 units per acre. The Planned Unit Development process provides for a maximum density of 30 units per acre (most recent developments have achieved 20-22 units per acre). The additional density is granted by the City Commission.

Example: Under present methodology a one-bedroom dwelling unit is considered to have the same density as a three-bedroom unit. Therefore, as an example, a building having the same footprint could accommodate 6 one-bedroom 800 sq.ft units (Density = 6) or 2 three-bedroom 2,400 sq.ft units (Density = 2).

The Land Development Code already has a density bonus available. The Mixed-Use PUD allows for a residential unit variety bonus. Where not less than 50 percent of the total residential units on site are smaller than 1,500 square feet in size, then at the sole discretion of the city commission, a residential unit variety density bonus may be awarded. This methodology has not proven to be attractive to developers in the main because it does not offer a parking reduction for residential units.

Parking

The baseline parking code for residential units located the urban districts is set out in the urban code, which does not differentiate between unit sizes, any size residential unit requires 1.5 spaces. Using the example mentioned above, the 6 one-bedroom 800 sq.ft units would require 9 parking spaces total, whereas the 2 three-bedroom 2,400 sq.ft units would require 3 parking spaces total. Therefore, the required parking spaces are disproportionate to the amount of living space.

Build cost

The cost of building is passed onto the consumer. A study “Parking Requirement Impact on Housing Affordability”, Victoria Transport Policy Institute, September 2019, found that adding one off street parking space adds about 6% to the unit cost through land costs, construction and maintenance. The same study found that by increasing the land needed for parking less housing could be developed.

In our example the 6 one-bedroom units would require approximately 2,700 sq.ft of surface parking area, whereas the 2 three-bedroom 2,400 sq.ft units would only require 600 sq.ft of surface parking area, significantly reducing required land and associated costs.

The proposed code is therefore designed to address each of these issues.

Funding Source:

N/A

Recommended Action:

Motion to move to the City Commission with a recommendation of approval.

ATTACHMENTS:

Description	Upload Date	Type
▣ Ordinance 2423-2020 UPUD Density	12/2/2019	DRAFT ORDINANCE
▣ City of Stuart Housing Report Final 5252018	12/2/2019	Attachment



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

ORDINANCE NUMBER 2423-2020

ORDINANCE 2423-2020: AN ORDINANCE OF THE CITY OF STUART, FLORIDA, AMENDING THE EXISTING SECTION 2.07.00.I OF CHAPTER II ENTITLED "URBAN PLANNED UNIT DEVELOPMENT (UPUD) DISTRICTS" TO ADD A METHODOLOGY FOR RESIDENTIAL DENSITY CALCULATION AND ADD MINIMUM RESIDENTIAL CAR PARKING REQUIREMENTS; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

* * * * *

WHEREAS, the purpose of this Land Development Code amendment is to support the objectives of the City's Comprehensive Plan to initiate land development code to provide for a variety of housing units; and

WHEREAS, the purpose of this Land Development Code amendment is to support the objectives of the City's Comprehensive Plan to initiate land development code; and

WHEREAS, the Land Planning Agency reviewed the proposed amendments to the Land Development Code at a public hearing on 12th December 2020 and

WHEREAS, the City Commission duly scheduled, advertised, and held a public hearing on January 13th 2020, 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 COMMISSION OF THE CITY OF STUART, FLORIDA, that:

SECTION 1: The Stuart Land Development Code is hereby amended as follows:

Chapter II - ZONING DISTRICTS USES ALLOWED, DENSITY, INTENSITY

2.07.00. - DESIGNATION OF PLANNED UNIT DEVELOPMENT (PUD)

- I. *Urban planned unit development (UPUD) districts.*
 - a. *Location.* An UPUD may be located only within the defined community redevelopment area of the city.
 - b. *Density.*
 - i. A UPUD shall not exceed the density outlined in policy A7.2 of the City of Stuart Comprehensive Plan relating to gross densities of the underlying future land use designation as defined and described "low-density residential," "office/residential," "multi-family residential," "commercial," "industrial," "institutional," "marine-industrial," "recreation," "downtown redevelopment," or "public," by the future land use element of the City of Stuart's comprehensive plan, and which is of suitable character and compatible with surrounding uses as determined by the city commission.
 - ii. The table 2.07.A shall be used for the purpose of residential density and parking space calculation within a UPUD.

Table 2.07.A. UPUD Unit Density and Parking Space Calculation

<u>Maximum Unit Size</u>	<u>Maximum Bedrooms</u>	<u>Unit Density</u>	<u>Parking Space per Unit</u>
<u>900 sq.ft</u>	<u>1</u>	<u>0.5</u>	<u>1.25</u>
<u>1100 sq ft</u>	<u>2</u>	<u>0.75</u>	<u>1.4</u>

<u>No Maximum</u>	<u>No Maximum</u>	<u>1</u>	<u>1.5</u>
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- c. *Uses.* Uses permitted in an UPUD district. The uses of buildings, structures, land or water within a UPUD district are subject to the permitted uses outlined in section 3.01.03.F.2 urban code district uses.
- d. *Development standards.* UPUD development standards shall be benchmarked against one of the urban districts as defined in section 3.01.00 urban code having regard to building placement, building height, non-residential parking, curb cuts, stormwater, open space, landscaping, architectural standards and the urban district design objectives. UPUD standards regarding circulation, parking, utilities, drainage, open space, density and other standards shall apply as described in this Code except as modified by the city commission as reflected by the adopted UPUD ordinance.

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

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

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

SECTION 5: This ordinance shall take effect upon adoption

Passed on first reading the ____ day of _____, 2020.
Commissioner _____ offered the foregoing Ordinance and moved its adoption. The motion was seconded by Commissioner _____ and upon being put to a roll call vote, the vote was as follows:

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

YES	NO	ABSENT	ABSTAIN

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

ATTEST:

MARY R. KINDEL
CITY CLERK

MAYOR

APPROVED AS TO FORM
AND CORRECTNESS:

MICHAEL MORTELL
CITY ATTORNEY



City of Stuart Housing Report

Suzanne Cabrera Consulting
May 15, 2018

Background

The City of Stuart received the Department of Economic Opportunity (DEO) Competitive Florida Partnership Grant, which is a two-year program that provides technical assistance and support from the DEO to improve the communities through an asset-based economic development strategy.

One portion of that grant requires development of an affordable action housing plan recognizing the inextricable link between housing and economic development. Without a sufficient supply of affordable housing, employers can be at a competitive disadvantage because of their subsequent difficulty attracting and retaining workers. Housing costs are among the top five factors affecting where households choose to live and work.

The cost of housing in most urban areas in the U.S. has increased at a significantly faster rate than incomes in the last few decades. This trend has created a jobs/housing mismatch that is a big concern for business considering relocation to the area or in some cases away from the area if the expanded workforce cannot be adequately housed. The jobs/housing mismatch has more severe consequences for low-wage employees, who may be forced to choose either substandard housing or face long commute times which affects their quality of life.

To help curb this problem, business and housing groups need to work together to plan for adequate housing. Local, state, and federal policies should also advocate for housing policies that facilitate the development of housing units serving their workforce. This report will detail best practices and recommend strategies that will further the goal of supporting economic growth and development while providing housing that is appropriate, affordable and sustainable for its workforce.

Defining the Issue

Defining the population covered by “affordable” or “workforce” housing is important to understanding the issue. The term “affordable” housing carries the connotation of public or Section 8 housing. Many low wage earners fit in this category and have access to resources for housing through a public housing authority development/voucher or be able to qualify for a LIHTC (Low Income Housing Tax Credit) development. The “workforce” category more broadly covers wage earners who may not have access to any type of assistance or subsidy, but are often cost burdened. The term “attainable” housing has come into favor because it covers all housing types and simply refers to the notion that an “attainable” home is one where people spend no more than 30% of their income on housing. The chart below defines the most commonly used definitions and income levels for various categories.

Martin County AMI (Area Median Income) for 2018 is \$ 60,500*

Income Category	Top AMI %	1 person	Top Price	Family of 4	Top Price
Extremely Low Income	30% AMI	\$ 12,750	\$ 38,250	\$ 25,100	\$ 75,300
Very Low Income	50% AMI	\$ 21,200	\$ 63,600	\$ 30,250	\$ 90,750
Low Income	80% AMI	\$ 33,900	\$ 101,700	\$ 48,400	\$ 145,200
Moderate	120% AMI	\$ 50,880	\$ 152,640	\$ 72,600	\$ 217,800
Workforce	140% AMI	\$ 59,360	\$ 178,080	\$ 84,700	\$ 254,100

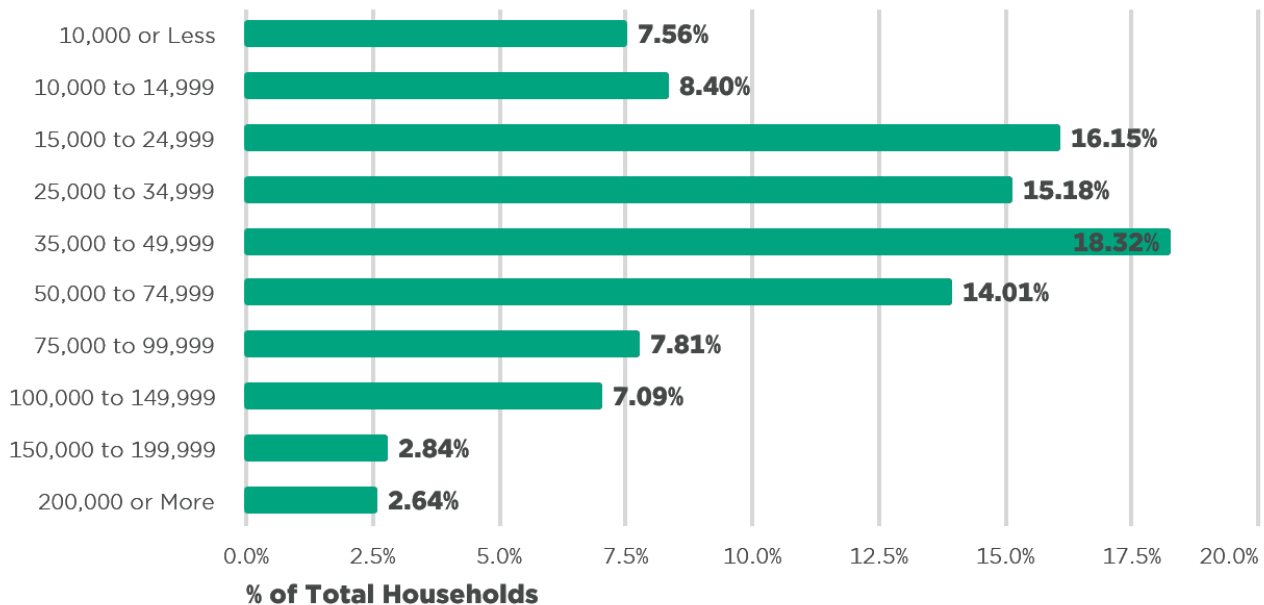
The average home price in Martin County in March of 2018 was \$370,000 and for Stuart it was \$221,657. The standard guideline for housing costs is 3 times your annual salary although some sources say this is not accurate for Florida due to insurance costs. This means the average home in Martin County is unaffordable to the workforce and the average home in Stuart is barely affordable to the highest workforce category. Even when the City attempts to attract high wage jobs, the housing costs make relocating to the area a challenge. The essential workforce needed to support those jobs (teachers, childcare workers, retail, etc.) are extremely cost burdened and effectively priced out of the homeownership market and struggle in the rental market.

*As calculated by HUD for median family income (reference HUD Data Sets 2018)

Homeownership Affordability Challenges

Like many municipalities in South Florida, Stuart has a lack of housing that is affordable to those making the average household income, usually well below the median income, which is currently \$36,500 for the City.

Household Income



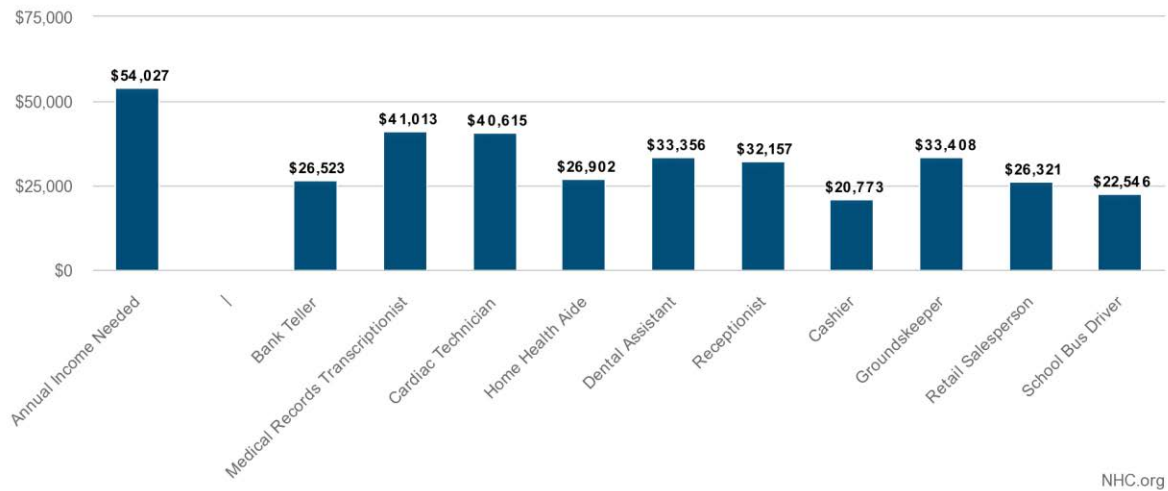
■ Stuart, FL

mySidewalk.com · US Census 2011-2015 ACS

Homeownership is out of reach for the average family which needs approximately \$54,000 to afford even a modestly priced home in the City. The problem is compounded by the fact that Stuart is surrounded by wealthy communities such as Palm City and Sewalls Point which makes the Area Median Income (AMI) much higher. This is important to Stuart households because many of the down payment assistance (DPA) and subsidy programs are based on the county's AMI, not average wages.

A survey of occupations show that leading categories are priced out of the homeownership market. Allied health professionals make up a large percentage of the jobs in the city but with the exception of doctors and nurses, most of these occupations are priced out of the market.

Homeownership Affordability Chart

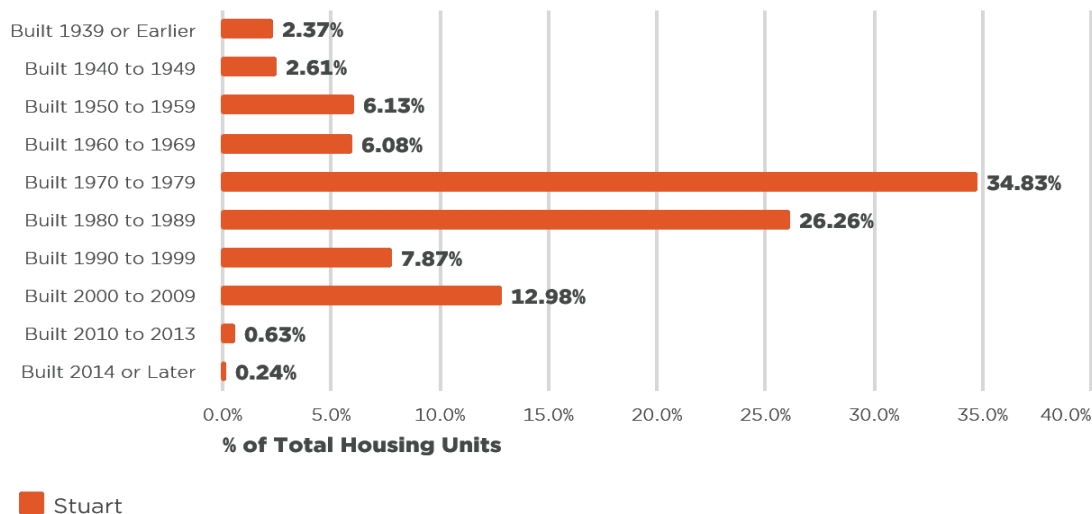


Existing Housing Stock

There are opportunities to buy “attainable” older homes in areas of the City but those present challenges. The existing housing stock is older with 78 percent of the stock being built prior to 1989 meaning the average home is more than 30 years old. Many of the homes require rehabilitation and renovation. They also require hardening to meet updated codes. Building codes changed significantly in 1992 and have been continually updated to meet the severity of storms impacting the area.

Building Age of Housing Units

Stuart



mySidewalk.com · US Census 2011-2015 ACS

Lending Challenges

Lenders will not typically approve a loan on home unless they meet a minimal standard. Buying an older home almost ensures that significant renovations will be required before the lender will offer a conventional loan at competitive prices. A specialty lending product, such as FHA 203K loan, is required to be able to purchase a home that needs even moderate renovation. Becoming a new homeowner is challenging but the added complication of undertaking purchase rehab is almost impossible for buyers of modest means or first time buyers at any income level. They will typically have to pay rent and the mortgage while the home is under renovation increasing their housing costs for a period of time. There are lending products that offer a combined mortgage/renovation loan such as Fannie Mae's *Homestyle* loan which also offers a loan based on the value of the fully renovated home. These products also offer one closing and less fees making purchase/renovation possible but a survey of banks showed that no local lenders currently offer this type of product. Some lenders indicated they would look into offering these products if there is enough demand.

Rental Affordability Challenges

Affordable rental housing presents a special challenge to Stuart residents because of the method in which rent is calculated. Rent levels are typically based on the Area Median Income for the geographic area or MSA (Metropolitan Statistical Area). Stuart is in the middle of some very wealthy areas, such as Palm City, where the household income is over \$107,000. This has the effect of keeping rents weighted on the higher side even for subsidized units. The cost for a two bedroom apartment, even in a tax credit subsidized apartment, will be \$1,360 per month. The cost for a market rate apartment will be substantially higher. Once again many of the average employees are cost burdened in the rental market paying well beyond the recommended 30% of their income.

Rent Limits for SHIP Program

County (Metro)	Percentage Category	Rent Limit by Number of Bedrooms in Unit					
		0	1	2	3	4	5
Martin County	30%	318	365	519	681	843	968
(PSL MSA)	50%	530	567	681	786	877	968
	80%	847	908	1,090	1,258	1,403	1,549
Median: 60,500	120%	1,272	1,362	1,635	1,888	2,106	2,325
	140%	1,484	1,589	1,907	2,203	2,457	2,712

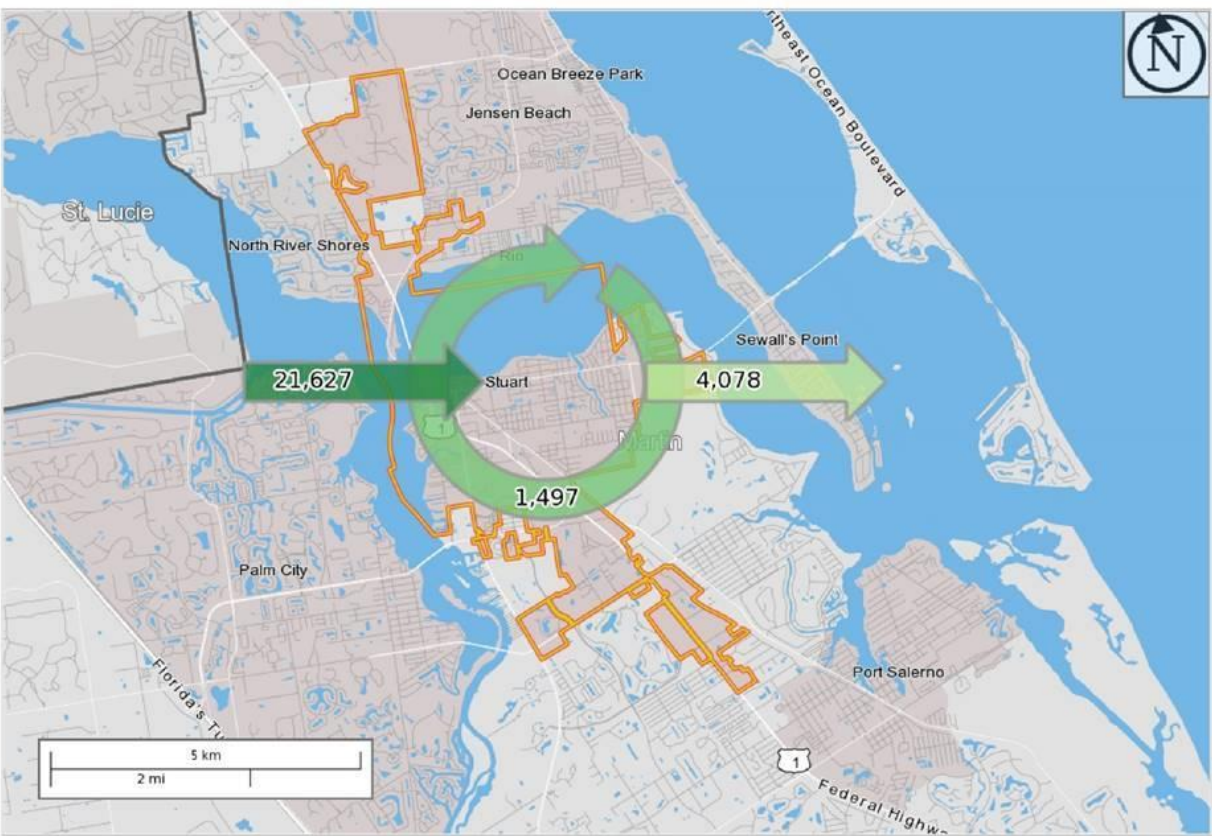
Rent limit chart from the Florida Housing Finance Corporation

Rental units are particularly important in attracting new business and their employees. Residents who are new to the area will typically rent as a first step in relocating to the area. New, high quality units are important in attracting residents to the community. The rental market is also challenging for many of the leading occupations in the City. An average salary of \$41,360 is required to afford a two bedroom unit. The average rent for a 2-bedroom unit in 2018 is \$1,363 per month.

Housing and Transportation

By taking into account the cost of housing as well as the cost of transportation, H+T calculation provides a more comprehensive understanding of the affordability of an area. This is important for the City of Stuart because a majority of workers commute to jobs within the City.

Inflow/Outflow Counts of Primary Jobs for Selection Area in 2014
All Workers



Map Legend

Selection Areas
Analysis Selection

Inflow/Outflow
Employed and Live in Selection Area
Employed in Selection Area, Live Outside
Live in Selection Area, Employed Outside
Note: Overlay arrows do not indicate directionality of worker flow between home and employment locations.

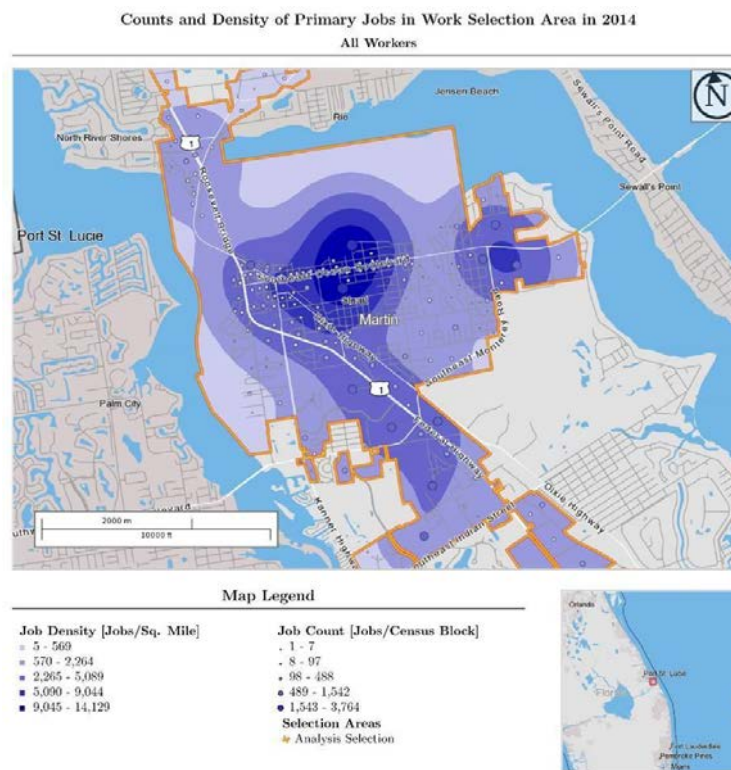


Traditional measures of housing affordability ignore transportation costs. Typically a household’s second-largest expenditure, transportation costs, are largely a function of the characteristics of the neighborhood in which a household chooses to live. Compact and dynamic neighborhoods with walkable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

While housing alone is traditionally deemed affordable when consuming no more than 30% of income, the H+T Index incorporates transportation costs—usually a household's second-largest expense—to show that location-efficient places can be more livable and affordable.

Martin County Housing and Transportation Index

Costs	Percent of Income
Housing Costs as a Percent of Income	38% of Total Income
Transportation Costs as a Percent of Income	27% of Total Income
Housing + Transportation as a Percent of Income	64% of Total Income



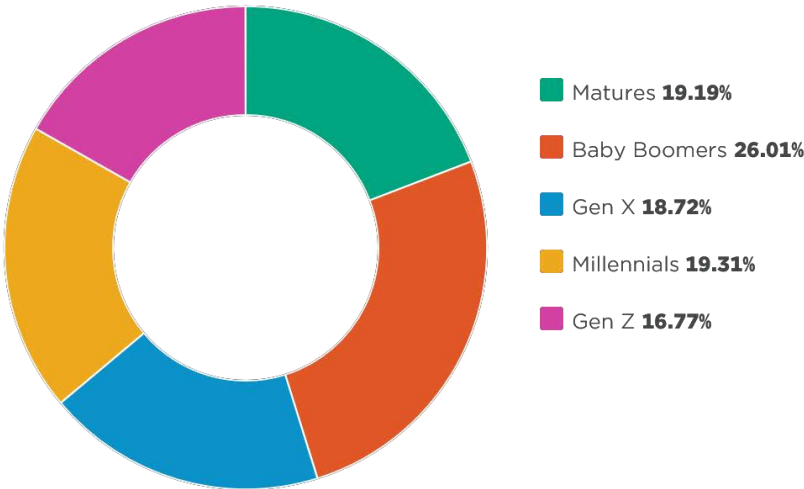
Characteristics of Target Populations

The median age of Stuart's population is 45.7, several years younger than Martin County's overall median age of 50.7, but still older than Florida's overall median age of 41.4. This suggests that Stuart's urban lifestyle is more appealing to younger residents. Over 45% of Stuart's residents belong to either the Baby Boomer or Mature generations.

As these generations age, Stuart will need to attract prime working age professionals in order to maintain its economic vitality. In order to attract this younger demographic, affordable and varied housing options will be required.

Generations

Stuart



mySidewalk.com - US Census 2011-2015 ACS

Recommendations

Recommendations were driven by the factors listed above in this report and also take into account feedback from City Commissioners, City and County Staff, the Business Community, non-profits, and residents.

1. Education: Elected officials are expected to be experts on a wide variety of topics but are also challenged with limited time for training and research. The amount of information on housing issues can be overwhelming but critical to making informed decisions about housing policy. A focused training with community experts would be a way for elected officials to learn about the role and legal responsibilities in addressing affordable housing. Issues that could be highlighted include:
 - Why affordable/workforce housing is critical to the community and economic development
 - The continuum of affordable/workforce housing options
 - Federal, state and local funding sources that can be used to fund a housing strategy
 - NIMBYism (Not in My Backyard) and how to combat it
 - Tools that can be used to create greater affordable housing opportunities

A great example of an educational program for elected officials was a program conducted by the Institute for Good Government. The Treasure Coast Regional Planning Council (TCRPC) and the SFRPC (South Florida Regional Planning Council) are interested in bringing this type of program to the Treasure Coast area. A full agenda and more information on the program is included as an exhibit.

2. Housing Symposium: In conducting interviews for this report many people expressed an interest in learning about new ideas and concepts in housing in order to be able to offer diverse housing choices that appeal to a wide range of incomes, ages, culture and lifestyles. It would also be an opportunity to educate and garner interest/support among the community including residents, employers and housing stakeholder (Realtors, Housing Counselors, Lenders, etc.) Surrounding communities have done similar events and have offered assistance with recruiting speakers for an event of this type. Martin County staff members have also expressed interest in an event of this type so it could be a regional effort. Information on similar events is included as an exhibit.
3. Workforce Housing Survey: This will help quantify the needs of the workforce in the community. A survey of top employers should be undertaken to determine housing needs for current and future employees. A survey of housing preferences (rental, for-sale, amenities, and tradeoffs) should also be conducted among current and potential employees of existing and target businesses. The results of a thorough study will help inform housing policy. A sample proposal for funding is included as an exhibit.
4. Loan Pool for Buyer Assistance/Renovation: Renovation and redevelopment of infill housing offers the best opportunity for enhancing housing options since the City is approaching buildout. Unfortunately the traditional lending products used for these types of activities such as the 203k loan are not offered by many lenders. Local lenders should be approached about creating a loan pool to provide funding for down payment assistance and renovation. If created, this loan pool should generate enough income to become self-sustaining. In the meantime an effort should be made to encourage lenders to offer products like FHA's 203K or Fannie Mae's Homestyle product which are not ideal for first time homebuyers but still can be used for renovation loans. Information on specialty renovation/purchase products is included as an exhibit.

5. TOD – Transit Oriented Development: A focus on the development of new housing in areas adjacent to employment centers & transportation options will help build walkable, urban living environment to which millennials and young professionals are attracted. Research into what types of housing and mixed use projects thrive in similar environments should be conducted. The Workforce Housing Survey, if conducted, would provide critical input into what current and future employees desire in terms of housing and amenities. Incentive programs should be developed to encourage the type of development desired and to promote the inclusion of workforce units.
6. Consider Underlying Multifamily Residential Zoning of Commercial Property: The demise of the “big box” store or 1970’s era strip center continues to be an issue. The city could amend their comprehensive land use plans and zoning codes to assign property in each commercial category a multifamily residential zoning overlay (i.e., allowing for redevelopment without a comprehensive land use plan change or rezoning), but only if a predesignated percentage of those units will be used for attainable housing, preferably creating a mixed income scenario. This same concept should be explored for other nonresidential zoning categories. Information on the conversion of “strip malls” is included as an exhibit.
7. Model Affordable / Workforce Housing Codes: Instead of dealing with affordable/workforce issues on a piecemeal basis, municipalities should address their concerns on a comprehensive basis and adopt comprehensive housing codes. For example, density could be offered as an incentive for developers who are willing to include a percentage of below market rate units as part of their residential projects. In this manner, the City could design a code that would support the types of housing policy the City wants to promote. A model code is included as an exhibit.

8. Continued Support of CRA Redevelopment Activities: Redevelopment plays a critical role in the economic development opportunities for the City. Tax increment revenues are a source of funding for these efforts which were discussed and supported in previous economic development workshops:
- Increasing variety of housing options available
 - Focusing on street level neighborhood improvements
 - Expand and better market existing housing rehabilitation programs such as the CRA paint up and façade improvement programs, in order to ensure that the City's housing stock remains viable for its future as well as current residents.
 - Continue to offer grants and loans for historic façade restoration through the CRA
9. Preservation/Creation of Affordable Housing Assets: A continued focus on the improvement and preservation of existing affordable housing assets will provide housing options for the service economy that supports economic development. Housing for workers making 30 percent or less of AMI (\$25,100 for a family of four) is critical to providing essential services to the community. This includes occupations such as childcare workers, health aides, retail and hospitality, landscaping, etc. Strategies for this recommendation include:
- Workshop/Collaboration with the Stuart Housing Authority which provides an important source of affordable rentals for low wage professions.
 - Continue to partner with Habitat for Humanity to build new affordable homes and create new opportunities for homeownership in the City of Stuart.
 - Partnership with the Housing Solutions Taskforce, a nonprofit planning to undertake affordable housing development.

10. Funding to Coordinate Housing Efforts: The City of Stuart recognizes that housing and neighborhood renewal play an important role in maintaining and enhancing the economic health and vibrancy of the overall community. Given this recognition, resources should be committed to a coordinated housing effort. The current staff will not have the capacity/time to implement recommendations so the last recommendation that either a staff person be hired or and an RFP be created to hire a consultant to coordinate housing activities.

Regional Housing Collaboration

Regionalism is important to the housing discussion. Shared investment and responsibility has to be the hallmark of regional cooperation ensuring housing costs will not be a barrier to retention and recruitment of business. Costs have been increasing in areas that have traditionally provided workforce housing such as Port St. Lucie. Emerging areas such as Indiantown may provide some units but not all potential employers will want to commute to a “bedroom community” and gas prices always effect the willingness to commute. Workforce housing must be a shared responsibility in order to ensure the economic viability of Stuart and all of Martin County. A list of Guiding Principles & Actions for regional housing efforts is included as an attachment.

Research and Input

The plan had a very tight timeframe due to staff turnover and difficulty in locating a consultant to complete the work in a short time frame. In creating this Housing Report, comprehensive review of the relevant reports and data was conducted. Stakeholder engagement was limited due to time constraints. Due to the limited timeframe the consultant had a phone interview with all City Commissioners. Meeting were held with city staff and county staff, several non-profits, two developers and several city residents. Existing documents and studies were reviewed to incorporate previous research and stakeholder input.

Documents Reviewed include:

- City of Stuart Economic Development Strategy Plan
- DEO Data Mapping
- Martin County LHAP (Local Affordable Housing Plan)
- SHIP Brochure
- City of Stuart Comprehensive Plan –Housing Element
- City of Stuart Strategic Goals

Report Submitted by:

Suzanne Cabrera Consulting

Suzanne Cabrera – President

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suzannecabreraconsulting@gmail.com

Exhibits

Exhibit #	Title
1	Martin County Board of Realtors Monthly Market Summary March 2018
2	ALICE Report (Asset Limited Income Constrained Employed) Martin
3	Housing & Transportation Report Summary
4	Good Government Training (Article and Agenda for Housing)
5	Housing Summit (Program for May 31, 2017 Event)
6	Housing Preference Survey Proposal
7	Renovation/Rehab Loan Products (203K and HomeStyle)
8	Key Guidelines for Developing Adaptive-Reuse Projects
9	Strip Mall Redevelopment
10	Workforce Housing: Barriers, Solutions, and Model Programs
11	Housing Incentive Strategy Report
12	Guiding Principles and Actions for Regional Efforts

CITY OF STUART, FLORIDA AGENDA ITEM REQUEST Local Planning Agency

Meeting Date: 12/12/2019

Prepared by: Kev Freeman

Title of Item:

AMENDMENT TO THE LAND DEVELOPMENT CODE REVIEW PROCEDURES FOR PUD APPLICATIONS (QUASI-JUDICIAL) (RC)

ORDINANCE 2424-2020: AN ORDINANCE OF THE CITY OF STUART, FLORIDA, AMENDING THE EXISTING SECTION 11.01.00 OF CHAPTER XI ENTITLED "PROCESSING OF PLAN APPLICATIONS" TO AMEND THE REVIEW BOARD PROCEDURES FOR PROPOSALS THAT INVOLVE URBAN PLANNED UNIT DEVELOPMENT LOCATED WITHIN THE COMMUNITY REDEVELOPMENT AREA; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

Summary Explanation/Background Information on Agenda Request:

This proposed Ordinance follows the adoption in April 2019 of Ord 2401-2019 by City Commission, which provided for the use of planned unit development agreements in the form of Urban Planned Unit Development (UPUD) within the urban district and expanded Community Redevelopment Area.

The duties of the Community Redevelopment Board (CRB) includes the review and provision of advisory recommendations relating to development applications that require amendment to the urban code (Sec 8.00.04 Land Development Code). UPUD applications involve review of the urban code.

The existing review procedures do not take account of the Urban PUD application in that UPUD applications are not directed to the CRB. This proposed amendment provides a distinct route for advisory board review based on the location of the PUD application

Funding Source:

N/A

Recommended Action:

Motion to move to the City Commission with a recommendation of approval.

ATTACHMENTS:

Description	Upload Date	Type
Ord 2424 - UPUD Review Procedures	12/3/2019	DRAFT ORDINANCE



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

ORDINANCE NUMBER 2424-2020

ORDINANCE 2424-2020: AN ORDINANCE OF THE CITY OF STUART, FLORIDA, AMENDING THE EXISTING SECTION 11.01.00 OF CHAPTER XI ENTITLED "PROCESSING OF PLAN APPLICATIONS" TO AMEND THE REVIEW BOARD PROCEDURES FOR PROPOSALS THAT INVOLVE URBAN PLANNED UNIT DEVELOPMENT LOCATED WITHIN THE COMMUNITY REDEVELOPMENT AREA; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

* * * * *

WHEREAS, the purpose of this Land Development Code amendment is to support the objectives of the City's Land Development Code to assign the Community Redevelopment Board the review of development projects utilizing amendments to the Urban Code; and

WHEREAS, the purpose of this Land Development Code amendment is to establish review procedures for Urban Planned Unit Development within the designated community redevelopment area; and

WHEREAS, the Land Planning Agency reviewed the proposed amendments to the Land Development Code at a public hearing on 12th December 2020 and

WHEREAS, the City Commission duly scheduled, advertised, and held a public hearing on January 13th 2020, 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 COMMISSION OF THE CITY OF STUART, FLORIDA, that:

SECTION 1: The Stuart Land Development Code is hereby amended as follows:

Chapter XI - PROCESSING OF PLAN APPLICATIONS

11.01.00. - PROCESSING OF PLAN APPLICATIONS

Sec. 11.01.09. - Zoning map change application including planned unit development (PUD).

- A. *General.* The term "rezoning" refers to a change in the zoning district designation for a parcel or parcels as reflected by the city zoning map. Designated zoning districts within the city are:
1. R-1A Residential.
 2. R-1 Residential.
 3. R-2 Residential.
 4. R-3 Residential.
 5. B-1 Business.
 6. B-2 Business.
 7. B-3 Business.
 8. B-4 Limited Business/Manufacturing.
 9. P Public Service.
 10. I Industrial.
 11. H Hospital.
 12. PUD Planned Unit Development:
 - a. Residential (RPUD);

- b. Commercial (CPUD);
- c. Public Service (PSPUD);
- d. Industrial (IPUD);
- e. Mixed Use (MXPUD).
- f. Urban (UPUD).

13. Urban Code District:

- a. Urban General (UG);
- b. Urban Center (UC);
- c. Urban Neighborhood (UN);
- d. Urban Highway (UH);
- e. Urban Waterfront (UW).

14. East Stuart District:

- a. Business and Mixed Use (BMU);
- b. General Residential and Office (GRO);
- c. Single-family and Duplex (SFD).

15. S.E. Ocean Boulevard Overlay.

Note: Pursuant to section 5.03.02.B., an impact to a wetland is prohibited unless the mitigation requirements of that chapter and each of the criteria are satisfied. Further, the proposed impact must be made in the context of a planned unit development (PUD) agreement.

Note: Pursuant to section 5.05.02.A.2.c., when no practical alternative exists to locating structures on the site to accommodate a historic tree, a PUD may be applied for to consider the removal and replacement of a historic tree.

- B. *Pre-application conference required.* Prior to filing for a rezoning, the developer shall meet with the city development director and city staff to discuss the development review process and to be informed of which staff members to confer with about the application. No person may rely upon any comment concerning a proposed rezoning, or any expression of any nature about the proposal made by any participant at the pre-application conference as a representation or implication that the proposal will be ultimately approved or rejected in any form.
- C. *Application submittal requirements.* Application forms for a rezoning shall be available from the city development department. A completed application shall be signed by all owners, or their agent, of the property subject to the proposal, and notarized. Signatures by other parties will be accepted only with notarized proof of authorization by the owners. In a case of corporate ownership, the authorized signature shall be accompanied by a notation of the signer's office in the corporation, and embossed with the corporate seal. Only for a rezoning to a planned unit development (PUD), a concept plan may be submitted as an option to a site plan; however, the applicant will be required to submit a site plan for approval by the city commission prior to submitting an application for a development permit.
- D. *Compliance review procedures.* After receipt of the application, the development department shall follow the review and compliance procedures as set out in section 11.01.01 of this Code.

The development director will prepare a staff report and recommendation for consideration by the ~~local planning agency~~ designated advisory board concerning whether the rezoning application complies with the requirements of the Code. The designated advisory board will be:

- a. The Local Planning Agency (LPA) if the application is located outside of the defined Community Redevelopment Area (CRA), or
 - b. The Community Redevelopment Board (CRB) if the application is located within the defined Community Redevelopment Area (CRA).
- E. ~~Report to the local planning agency.~~ The development director will prepare a staff report and recommendation for consideration by the ~~designated advisory board~~ ~~local planning agency~~ concerning whether the application complies with the requirements of the Code.
- F. ~~Local planning agency~~ Public hearing notice. Notice of the public hearing shall be provided by mailing and by posting the subject property. Requirements for notice of public hearings can be found in section 11.02.00 of this Code.
- G. ~~Local planning agency~~ Advisory Board public hearing.
1. At the public hearing, the ~~local planning agency~~ advisory board shall hear from all interested parties regarding whether the rezoning application complies with the requirements this Code and the Comprehensive Plan. ~~The local planning agency~~ advisory board shall consider the application, the written comments of each responding department, consultant, and agency as well as the compliance recommendation of the development department.
 2. In formulating its recommendation to the city commission, the ~~local planning agency~~ advisory board shall consider the following criteria:
 - a. The existing land use pattern;
 - b. The possible creation of an isolated district unrelated to adjacent and nearby districts;
 - c. The population density pattern of the area and possible increase or overtaxing of the load on public facilities such as schools, utilities and streets;
 - d. The possible overloading of the city's sewage collection, treatment and disposal facilities;
 - e. The possible overloading of the city's drainage system;
 - f. The existing district boundaries in relation to existing conditions on the subject property;
 - g. The existence of changed or changing conditions which make the passage of the proposed rezoning necessary or appropriate;
 - h. The impact of the proposed rezoning upon living conditions in the adjacent neighborhood;
 - i. The impact of the rezoning upon the flow of light and air to adjacent areas;
 - j. The impact of the proposed rezoning upon property values in the adjacent area;
 - k. The impact of the proposed rezoning upon improvement or development of adjacent property in accordance with existing regulations; and

- I. The existence of other adequate sites in the city for the proposed use in districts already permitting such use.
3. In recommending approval of a rezone application to a PUD zone district, ~~the local planning agency advisory board~~ may recommend and the city commission may approve a variation of the strict application of the land development requirements of this Code and may in lieu thereof impose suitable conditions to otherwise attain the objectives of those requirements.
- H. *Report to the city commission.* The development director shall prepare a written report for submittal to the city commission, which includes the recommendation of ~~the local planning agency advisory board~~ and set a time and place for a public hearing before the city commission.
- I. *City commission public hearing notice.* Notice of the public hearing shall be provided by mailing and by posting the subject property. Requirements for notice of public hearings can be found in section 11.02.00 of this Code.
- J. *City commission public hearing.*
 1. Two hearings shall be conducted by the city commission to consider a proposed rezoning. Such hearings may be scheduled on the agenda of a regular city commission meeting but shall be held after 5:00 p.m. and shall be not less than ten calendar days apart.
 2. The rezoning ordinance may be read by title only at the first hearing. The second hearing shall be quasi-judicial in nature. The rezoning ordinance may be adopted at the conclusion of the quasi-judicial hearing.
 3. At the public hearing, the city commission shall hear from all interested parties regarding whether the rezoning application complies with the requirements of this Code and the Comprehensive Plan. The city commission shall consider the application, the written comments of each responding department, consultant, and agency, the compliance recommendation of the development department, the recommendation of ~~the local planning agency advisory board~~.
 4. During the public hearing, the city commission may decide that additional information is necessary to complete its review and may continue the public hearing for this purpose. A continuance shall be to a time certain, shall not exceed 60 working days and shall be announced at the public hearing. Not more than one continuance shall be granted for this purpose.
 5. At the conclusion of the public hearing, or within 30 working days thereafter, the city commission shall determine whether the application is in compliance with the requirements of this Code and the Comprehensive Plan. The city commission shall adopt an ordinance setting forth its determination.
 6. The determination of the city commission shall be to either find the application:
 - a. "In compliance" - In the event of a determination of in compliance, the rezoning shall be deemed approved;
 - b. "In compliance subject to stated conditions or modifications" - In the event of a determination of in compliance subject to stated conditions or modifications, the applicant may submit a revised rezoning application with supporting documentation to the department within 45 working days which complies with said conditions and

modifications. The development director shall review the plan for a finding of in compliance; or

- c. "Not in compliance" - In the event of a determination of not in compliance, the application shall be rejected and the specific reasons for such determination with reference to the requirements of this Code shall be stated in the resolution.

K. *Recordation.* Upon approval of an ordinance rezoning property, the ordinance together with any development conditions, agreements, covenants, maps, and illustrations shall be recorded in the public records of Martin County, Florida, at the expense of the applicant.

Sec. 11.01.10. - Planned unit development amendment application.

A. *General.*

Any major amendment to a previously adopted planned unit development zoning ordinance, including conditions, agreements, covenants, maps, and illustrations shall be processed as if the proposed amendment is a new rezoning application (see section 11.01.029).

Any minor amendment to a previously adopted planned unit development zoning ordinance including conditions, agreements, covenants, maps, and illustrations shall be processed as if the proposed amendment is a new rezoning application with the exception that review by the ~~local~~ planning agency advisory board is not required. However, any modifications to the PUD final site plan, due to final engineering, that is less than five percent of the approved plan documents shall be processed administratively by the development department.

B. *Major amendment definition.*

1. A major amendment shall include:
 - a. A change of two percent or more in the area of any land use designations shown on the site plan;
 - b. Any change in the list of proposed uses;
 - c. An increase in residential density of five percent or more;
 - d. An increase in nonresidential building square footage of ten percent or more;
 - e. A change in the boundary of the PUD district;
 - f. A change in the site plan or approval regarding any area(s) set aside and designated for future development;
 - g. Any other change determined by the city development director to have a potentially significant impact on city services or the surrounding neighborhood;
 - h. Any modifications to the PUD final site plan, due to final engineering, that exceeds five percent of the approved plan documents for items, including, but not limited to, those affecting building footprint, building setbacks; density; building location; parking size, location and number; signage; drainage areas; and location of landscaping shall require further approval by the ~~LPA~~ advisory board and city commission via a public hearing process. A written record of the modification shall be entered upon the original approval and maintained in the files of the city clerk.

C. *Minor amendment definition.*

A minor amendment is any amendment that is not a major amendment as defined above.

Any minor changes in or amendments to a PUD master development plan, a PUD final development plan or PUD agreement approved as part of a rezoning to a PUD district shall be processed as a new application for a PUD district zoning. Minor changes or amendments shall include:

- a. A change of two percent or less in the area of any land use designations shown on the final development plan;
- b. An increase in residential density of less than five percent;
- c. An increase in nonresidential building square footage of less than ten percent;
- d. An amendment to an originally approved timetable of development. Such an amendment may only be approved upon good cause shown to the city commission. Any contributions conditioned as part of the original PUD agreement shall be revisited upon application for timetable extension. A one-time timetable extension of 180 days may be granted by administrative variance in accordance with section 8.05.08 and does not require a new traffic concurrency review in accordance with section 4.02.03 of this Code.

D. *Recordation.* Upon approval of an ordinance amending a planned unit development, the ordinance together with any development conditions, agreements, covenants, maps, and illustrations shall be recorded in the public records of Martin County, Florida, at the expense of the applicant.

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

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

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

SECTION 5: This ordinance shall take effect upon adoption

Passed on first reading the ____ day of _____, 2020.
Commissioner _____ offered the foregoing Ordinance and moved its adoption. The motion was seconded by Commissioner _____ and upon being put to a roll call vote, the vote was as follows:

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

YES	NO	ABSENT	ABSTAIN

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

ATTEST:

MARY R. KINDEL
CITY CLERK

MAYOR

APPROVED AS TO FORM
AND CORRECTNESS:

MICHAEL MORTELL
CITY ATTORNEY