



City of Stuart

AGENDA

REGULAR MEETING OF THE STUART CITY COMMISSION

APRIL 25, 2022

AT 5:30 PM

COMMISSION CHAMBERS

121 SW FLAGLER AVE.

STUART, FLORIDA 34994

CITY COMMISSION

**Mayor Merritt Matheson
Vice Mayor Troy McDonald
Commissioner Becky Bruner
Commissioner Eula R. Clarke
Commissioner Mike Meier**

ADMINISTRATIVE

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

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

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

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

(RC) next to an item denotes there is a City Code requirement for a Roll Call vote.

(QJ) next to an item denotes that it is a quasi-judicial matter or public hearing.

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

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

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

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

ROLL CALL

PLEDGE OF ALLEGIANCE

COMMENTS BY CITY COMMISSIONERS

COMMENTS BY CITY MANAGER

APPROVAL OF AGENDA

COMMENTS FROM THE PUBLIC (3 Minutes Max.)

CONSENT CALENDAR

1. APPROVAL OF 04/11/2022 CCM MINUTES (RC)
2. APPLY/ACCEPT CSCMC ANNUAL GRANT FOR ESYI RECREATION AND POLICE DEPT. (RC)

RESOLUTION No. 45-2022; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA AUTHORIZING AN APPLICATION TO THE CHILDREN'S SERVICES COUNCIL OF MARTIN COUNTY FOR THE EAST STUART YOUTH INITIATIVE GRANT; AUTHORIZING THE ACCEPTANCE AND EXPENDITURE OF THE CHILDREN'S SERVICES COUNCIL GRANT, COLA, AND EMERGENCY FUNDING; IF APPROVED, AUTHORIZING THE EXECUTION OF CONTRACTS BETWEEN THE CITY OF STUART AND CHILDREN'S SERVICES COUNCIL OF MARTIN COUNTY FOR GRANT ADMINISTRATION; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

END OF CONSENT CALENDAR

COMMISSION ACTION

3. FISCAL YEAR 2022 MID-YEAR BUDGET REVIEW AND AMENDMENT (RC):

RESOLUTION No. 48-2022; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, AUTHORIZING ADMENDMENT NO. 13 TO THE FISCAL YEAR 2022 BUDGETS OF GENERAL FUND, WATER AND SEWER FUND AND STORMWATER; RECOGNIZING ADDITIONAL REVENUES, APPROPRIATING AND AUTHORIZING THE EXPENDITURE OF FUNDS, AND RECORDING THE ADVANCE OF FUNDS FROM WATER AND SEWER TO GENERAL FUND IN EXCHANGE FOR APPROPRIATING ARPA FUNDS IN WATER AND SEWER FOR THE ALTERNATIVE WATER SUPPLY PROJECT; PROVIDING AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

4. MAJOR CONDITIONAL USE APPROVAL FOR THE OAKS CLASSICAL CHRISTIAN ACADEMY AT ST. MARY'S EPISCOPAL CHURCH (RC):

RESOLUTION No. 44-2022; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, GRANTING A MAJOR CONDITIONAL USE APPROVAL TO ALLOW A SCHOOL, PRIVATE, PAROCHIAL, OR TECHNICAL, FOR THE OAKS CLASSICAL CHRISTIAN ACADEMY, INC. AT ST. MARY'S EPISCOPAL CHURCH; WITH SAID LANDS BEING MORE FULLY DESCRIBED IN EXHIBIT "A" ATTACHED; PROVIDING FOR CONDITIONS; PROVIDING FOR REPEAL OF ALL DEVELOPMENT ORDERS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

5. PALMETTO COVE RPUD ROW MAINTENANCE AGREEMENT (RC):

RESOLUTION No. 41-2022; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE A MAINTENANCE AGREEMENT BETWEEN 924 SW PALM CITY ROAD AND THE CITY OF STUART RELATING TO THE PROPOSED IMPROVEMENTS WITHIN THE ALLEY-WAY OF 11 FOOT ALLEY-WAY, AS SET FORTH IN THE ACCESS AND MAINTENANCE AGREEMENT, RESCINDING ALL ORDINANCES IN CONFLICT, PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

6. SUPPORTING A U.S. HOUSE RESOLUTION CITED AS THE "NORTHERN ESTUARIES RESTORATION PLAN (NERP) ACT" (RC):

RESOLUTION No. 46-2022; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, SUPPORTING A UNITED STATES HOUSE RESOLUTION INTRODUCED BY U.S. CONGRESSMAN BRIAN MAST AND CITED AS THE "NORTHERN ESTUARIES RESTORATION PLAN (NERP) ACT;" PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

DISCUSSION AND DELIBERATION

ADJOURNMENT

**CITY OF STUART, FLORIDA
AGENDA ITEM REQUEST
City Commission**

Meeting Date: 4/25/2022

Prepared by: Susej Meleqi

Title of Item:

APPROVAL OF 04/11/2022 CCM MINUTES (RC)

Summary Explanation/Background Information on Agenda Request:

APPROVAL OF 04/11/2022 CCM MINUTES (RC)

Funding Source:

N/A

Recommended Action:

Approve Minutes.

ATTACHMENTS:

1. 04112022 CCM Minutes

**MINUTES
REGULAR MEETING OF THE STUART CITY COMMISSION
APRIL 11, 2022
AT 4:00 PM
COMMISSION CHAMBERS
121 SW FLAGLER AVE.
STUART, FLORIDA 34994**

CITY COMMISSION

**Mayor Merritt Matheson
Vice Mayor Troy McDonald
Commissioner Becky Bruner
Commissioner Eula R. Clarke
Commissioner Mike Meier**

ADMINISTRATIVE

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

ROLL CALL

4:03 PM

PRESENT: Mayor Matheson, Vice Mayor McDonald, Commissioner Bruner, Commissioner Clarke, Commissioner Meier

PLEDGE OF ALLEGIANCE

1. ARTS MOMENT - STARSTRUCK ACADEMY & THEATRE PERFORMANCE BY MORGAN ROBERT AND TIERNAN WATKINS

Tiernan Watkins spoke about Starstruck and the positive influence it has had on his life before introducing Morgan Robert who sang "Dont Rain on My Parade".

PROCLAMATIONS

2. PUBLIC SAFETY TELECOMMUNICATORS WEEK - APRIL 10-16, 2022

Dispatch Coordinator, Tammy Champion and other Stuart dispatchers accepted the Proclamation, she thanked the team, administration, and the Commission.

3. WATER CONSERVATION MONTH - APRIL 2022

Mayor Matheson thanked Kathy LaMartina of the South Florida Water Management District for her work and announced that the globes in the Chambers were from a water conservation contest among local schools from the Water Fest event.

Kathy LaMartina accepted the Proclamation and complimented the City of its decrease in water usage over the years, providing some statistics.

PRESENTATIONS

4:19 PM

4. SERVICE AWARDS - APRIL 2022

Angel Nazario	Utilities & Engineering	10 Years	(Present)
William (Bill) Ritacco	Public Works	15 Years	(Present)
Michael Gerwan	Police	20 Years	(Present)
Nicholas Testa	Fire Rescue	20 Years	(Not Present)

5. LOW IMPACT DEVELOPMENT

Mayor Matheson reported that this presentation would be rescheduled as the presenter was unavailable to attend.

COMMENTS BY CITY COMMISSIONERS

4:24 PM

Mayor Matheson

- Requested that they review parking issues in a future meeting and take a look at the parking study that was previously done.
- Provided an update on the numbers of Lake Okeechobee.
- Stated that there is a date set for the "Residential Tree Program" installation ceremony, Saturday, April 23, 2022, 10:00AM at St. Paul African Methodist Church.
- Reminded the public that during Election season, campaigning in public meetings and within the Commission Chambers is not permitted.

Commissioner Meier

- Commented on Hudson's on the River restaurant and how it did not appear to have adequate outdoor general public seating.
- Stated that he had received complaints about the public valet at Hudson's on the River.

Commissioner Clarke

- Pulled item #7 to explain to the public how the relationship works with Stuart Housing Authority.
- Commented about how great the service organizations are within our neighborhoods.
- Praised the Stuart Police Department.
- Congratulated Commissioner Meier for the contribution of a LEGO room he did at Gertrude Walden Daycare Center.

Vice Mayor McDonald

- Thanked Stuart PD for the enforcement happening on Palm City Rd. and thanked Milton Leggett, Public Works Director and his department for the great job they do for our City.

COMMENTS BY CITY MANAGER

City Manager Dyess

- Announced various upcoming birthdays; Commissioner Clarke, Commissioner Brunner, and Police Chief Tumminelli.

APPROVAL OF AGENDA

4:32 PM MOTION: Approve with #7 pulled.

MOVED BY: Mike Meier

SECONDED BY: Troy McDonald

Motion approved unanimously.

COMMENTS FROM THE PUBLIC (3 Minutes Max.)

1.) Linda Kay Richards - SW Cabana Pt Cir; Spoke about Judge Folkes order in the lawsuit of Robin Cartwright VS. City of Stuart.

2.) Helen McBride - SE Flamingo Ave; Thanked the Commission for the SAGE awards and asked how long the Taylor property has to clean up and would like to know what to expect as the public.

CONSENT CALENDAR

6. APPROVAL OF 03/28/2022 CCM MINUTES (RC)

7. STUART HOUSING AUTHORITY RATIFICATION APPOINTMENT (RC)

*****PULLED*****

8. AUTHORIZATION TO EXECUTE IRL LICENSE PLATE GRANT AGREEMENT & BA #11 - TRESSLER DRIVE WATER QUALITY IMPROVEMENTS (RC):

RESOLUTION No. 38-2022; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE A GRANT AGREEMENT FOR THE INDIAN RIVER LAGOON LICENSE PLATE FUNDING PROGRAM AND AUTHORIZING BUDGET AMENDMENT No. 11 TO THE 2021-2022 ENTERPRISE FUND; APPROPRIATING AND AUTHORIZING THE EXPENDITURE OF FUNDS FOR THE TRESSLER DRIVE WATER QUALITY IMPROVEMENT PROJECT; PROVIDING AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

9. AWARD OF ITB# 2022-107: TRESSLER DRIVE WATER QUALITY IMPROVEMENTS PROJECT (RC):

RESOLUTION No. 40-2022; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA APPROVES THE AWARD OF ITB #2022-107, TRESSLER DRIVE WATER QUALITY IMPROVEMENTS PROJECT TO THE LOWEST, RESPONSIVE, AND RESPONSIBLE BIDDER WITH A TOTAL UNIT PRICE OF \$238,762.23 TO FERREIRA CONSTRUCTION SOUTHERN DIVISION CO., INC. OF HOBE SOUND, FLORIDA PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

10. AUTHORIZING BUDGET AMENDMENT NO. 12 TO THE 2021-2022 POLICE BUDGET (1190) (RC):

RESOLUTION No. 42-2022; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, AUTHORIZING BUDGET AMENDMENT No. 12 TO THE 2021-2022 POLICE BUDGET (1190); APPROPRIATING AND AUTHORIZING THE EXPENDITURE OF FUNDS FOR THE INVESTMENT AND ENHANCEMENT OF TECHNOLOGY AND EQUIPMENT TO EFFICIENTLY RESPOND TO GUN VIOLENCE.

END OF CONSENT CALENDAR

4:38 PM MOTION: Approve pulling Item #7.

MOVED BY: Mike Meier

SECONDED BY: Eula Clarke

Motion approved unanimously.

4:39 PM PULLED Item 7. Stuart Housing Authority Ratification Appointment.

Per Commissioner Clerke's request, City Manager Dyess briefly reviewed the agreement with the Stuart Housing Authority.

Commissioner Clarke moved forward with a Motion to approve Item #7.

4:41 PM MOTION: Move to approve .

MOVED BY: Eula Clarke

SECONDED BY: Troy McDonald

Motion approved unanimously.

COMMISSION ACTION

4:43 PM

11. SATISFYING THE BALANCE OF PALMETTO HARBOR ASSESSMENT (RC):

RESOLUTION 39-2022; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA ABSOLVING THE NON- AD VALOREM

ASSESSMENT ROLL FOR "PALMETTO HARBOR SEWER PROJECT";
PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

City Manager Dyess gave a brief history of the Palmetto Harbor Assessment and stated that the residents would like to be absolved of these payments and this was staff's recommendation as well.

Mayor Matheson stated that he is a resident of this neighborhood but does not gain anything financial as his assessment has been paid off previously.

4:45 PM MOTION: Move for Approval.

MOVED BY: Troy McDonald

SECONDED BY: Mike Meier

Motion approved unanimously.

12. PALMETTO COVE RPUD ROW MAINTENANCE AGREEMENT (RC):

CONTINUED TO APRIL 25, 2022 CCM RESOLUTION No. 41-2022; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE A MAINTENANCE AGREEMENT BETWEEN 924 SW PALM CITY ROAD AND THE CITY OF STUART RELATING TO THE PROPOSED IMPROVEMENTS WITHIN THE ALLEY-WAY OF 11 FOOT ALLEY-WAY, AS SET FORTH IN THE ACCESS AND MAINTENANCE AGREEMENT, PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

4:47 PM MOTION: Move for approval, continued to April 25, 2022 CCM.

MOVED BY: Troy McDonald

SECONDED BY: Eula Clarke

Motion approved unanimously.

ORDINANCE SECOND READING

None.

ORDINANCE FIRST READING

None.

DISCUSSION AND DELIBERATION

4:47 PM

13. FUTURE LAND USE DISCUSSION

Michael Mortell, City Attorney, provided a brief background on future land use and spoke about the DOAH Hearing.

Mayor Matheson commented about Judge Folkes order and stated that any future land use annexations would be assigned as soon as possible.

Discussion continued about the DOAH Hearing.

5:05 PM

Commissioner Meier stated 2 projects (Avonlea & Crossings at Indian Run) that are specific land uses within the City that contradicted the judge's ruling.

Vice Mayor McDonald questioned the procedures of the DOAH case.

Attorney Mortell stated that he is required to file "exceptions to the ruling". Gave a brief summary and what "exception to the ruling" is.

Commissioner Clarke asked that after this hearing she believes we should look into our procedures for future land use.

Attorney Mortell commented that the exception to the ruling must be filed less than 15 days.

Discussion continued about the DOAH hearing.

Commissioners stated that they would like to wait to discuss the exception to the ruling until after the Administration panel rules.

The Commissioners and Attorney Mortell continued their discussion.

5:27 PM

Commissioner Meier spoke about Avonlea and asked to put those parcels into conservation.

Kevin Freeman, Development Director spoke about a section in the Avonlea PUD that gives the City the opportunity to move them into conservation.

Commissioner Meier asked what the process is to carve out those parcels.

Discussion continued amongst the Commissioners, the City Manager, City Attorney, and Development Director.

ADJOURNMENT

5:34 PM

Mary R. Kindel, City Clerk

Merritt Matheson, Mayor

**Minutes to be approved at the Regular Commission
Meeting this 25th day of April, 2022.**

**CITY OF STUART, FLORIDA
AGENDA ITEM REQUEST
City Commission**

Meeting Date: 4/25/2022

Prepared by: Jim Chrulski

Title of Item:

APPLY/ACCEPT CSCMC ANNUAL GRANT FOR ESYI RECREATION AND POLICE DEPT. (RC)

RESOLUTION No. 45-2022; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA AUTHORIZING AN APPLICATION TO THE CHILDREN'S SERVICES COUNCIL OF MARTIN COUNTY FOR THE EAST STUART YOUTH INITIATIVE GRANT; AUTHORIZING THE ACCEPTANCE AND EXPENDITURE OF THE CHILDREN'S SERVICES COUNCIL GRANT, COLA, AND EMERGENCY FUNDING; IF APPROVED, AUTHORIZING THE EXECUTION OF CONTRACTS BETWEEN THE CITY OF STUART AND CHILDREN'S SERVICES COUNCIL OF MARTIN COUNTY FOR GRANT ADMINISTRATION; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Summary Explanation/Background Information on Agenda Request:

The East Stuart Youth Initiative is applying for a grant with the Children's Services Council (CSCMC) for the 19th consecutive year. The amount requested from CSCMC for FY23 is \$405,152.67. This includes \$341,917.67 for Recreation, and \$63,235 for Stuart Police Department. The program is held at the 10th Street Community Center.

Funding Source:

CSCMC Grant Funding (non-match)

Recommended Action:

Recommend approval: R45-2022

ATTACHMENTS:

1. R45-2022 Childrens Service Council - Apply Accept Grant



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

RESOLUTION NUMBER 45-2022

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA AUTHORIZING AN APPLICATION TO THE CHILDREN'S SERVICES COUNCIL OF MARTIN COUNTY FOR THE EAST STUART YOUTH INITIATIVE GRANT; AUTHORIZING THE ACCEPTANCE AND EXPENDITURE OF THE CHILDREN'S SERVICES COUNCIL GRANT, COLA, AND EMERGENCY FUNDING; IF APPROVED, AUTHORIZING THE EXECUTION OF CONTRACTS BETWEEN THE CITY OF STUART AND CHILDREN'S SERVICES COUNCIL OF MARTIN COUNTY FOR GRANT ADMINISTRATION; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

* * * * *

WHEREAS, the City of Stuart, Florida is committed to providing quality recreation and education programming for youth; and

WHEREAS, the Children's Services Council of Martin County is an independent special district, created in 1988 and reauthorized in 2014 to provide a dedicated funding source for local children's programs; and

WHEREAS, the City of Stuart, Florida has been awarded a consecutive grant for the East Stuart Youth Initiative After School Program since 2003; and

WHEREAS, the City of Stuart's Community Services Department is the lead grant administrator and is subject to accept a grant from the Children's Services Council in the amount of

\$405,152.67 for Fiscal Year 2023 East Stuart Youth Initiative after-school program at the 10th Street Community Center.

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

SECTION 1: The City Commission of the City of Stuart, Florida authorizes a formal grant application to the Children’s Services Council of Martin County (CSCMC) for the East Stuart Youth Initiative, a collaboration which includes the City of Stuart Community Services Department, and Stuart Police Department. The City Commission further authorizes the Community Services Department and Police Department to execute contracts with CSCMC necessary for the administration of grant award funds and services rendered thereby.

SECTION 2: Upon grant approval through the CSCMC, the City expects to manage a total grant award of \$405,152.67. This includes \$341,917.67 for services administrated by the Community Services Department, and an additional \$63,235 for services administrated by the Stuart Police Department.

SECTION 3: The City Commission also authorizes the Community Services Department to accept a Cost-of-Living Adjustment (COLA) increase up to 10% awarded by the CSCMC Board of Directors, and apply and expend any additional emergency funding, if needed. The Community Services Department will serve as lead administrator and operator for the grant. There are no matching funds required to receive this grant.

SECTION 4: The City Commission authorizes the Mayor, City Clerk and any other designated City Official to execute the necessary documents, after review and approval of the City Attorney as to form.

SECTION 5: This resolution shall take effect upon adoption.

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

MERRITT MATHESON, MAYOR
TROY MCDONALD, VICE MAYOR
BECKY BRUNER, COMMISSIONER
MICHAEL J. MEIER, COMMISSIONER
EULA R. CLARKE, COMMISSIONEER

YES	NO	ABSENT	ABSTAIN

ADOPTED this ____ day of _____, 2022.

ATTEST:

MARY R. KINDEL
CITY CLERK

MERRITT MATHESON
MAYOR

APPROVED AS TO FORM
AND CORRECTNESS:

MICHAEL J. MORTELL, ESQ.
CITY ATTORNEY

**CITY OF STUART, FLORIDA
AGENDA ITEM REQUEST
City Commission**

Meeting Date: 4/25/2022

Prepared by:

Title of Item:

FISCAL YEAR 2022 MID-YEAR BUDGET REVIEW AND AMENDMENT (RC):

RESOLUTION No. 48-2022; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, AUTHORIZING ADMENDMENT NO. 13 TO THE FISCAL YEAR 2022 BUDGETS OF GENERAL FUND, WATER AND SEWER FUND AND STORMWATER; RECOGNIZING ADDITIONAL REVENUES, APPROPRIATING AND AUTHORIZING THE EXPENDITURE OF FUNDS, AND RECORDING THE ADVANCE OF FUNDS FROM WATER AND SEWER TO GENERAL FUND IN EXCHANGE FOR APPROPRIATING ARPA FUNDS IN WATER AND SEWER FOR THE ALTERNATIVE WATER SUPPLY PROJECT; PROVIDING AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

Summary Explanation/Background Information on Agenda Request:

After 6 months of activity, and a review of the performance of both revenues and expenditures of the various funds, staff can present a summary of the financial performance of the City, and make necessary adjustments to the adopted budget of the City.

Funding Source:

Any additional funding sources will be identified on each individual budget adjustment, if necessary.

Recommended Action:

Adopt Resolution 48-2022

ATTACHMENTS:

1. R48-2022_BA_13_MIDYEAR_2022
2. 2022_Midyear_Review



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

RESOLUTION NUMBER 48-2022

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, AUTHORIZING ADMENDMENT NO. 13 TO THE FISCAL YEAR 2022 BUDGETS OF GENERAL FUND, WATER AND SEWER FUND AND STORMWATER; RECOGNIZING ADDITIONAL REVENUES, APPROPRIATING AND AUTHORIZING THE EXPENDITURE OF FUNDS, AND RECORDING THE ADVANCE OF FUNDS FROM WATER AND SEWER TO GENERAL FUND IN EXCHANGE FOR APPROPRIATING ARPA FUNDS IN WATER AND SEWER FOR THE ALTERNATIVE WATER SUPPLY PROJECT; PROVIDING AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

* * * * *

WHEREAS, funds from the American Rescue Plan Act of 2021 ("ARPA") were appropriated in General Fund for the purpose of constructing a new Fire Station, and the ARPA regulations encourage use of the funds for "Water Quality Improvement" projects, the General Fund budget shall be amended to reflect a transfer of \$2,000,000 (Two Million) of ARPA funds to the Water and Sewer Fund for the construction of the Alternative Water Supply facility, and in turn the General Fund budget shall be amended to reflect an Advance from the Water and Sewer Fund in the amount of \$2,000,000 (Two Million); and

WHEREAS, the Water and Sewer Fund budget shall be amended to reflect a source of funds from ARPA for the Alternative Water Supply facility, the Water and Sewer budget shall be amended to reflect an Advance of \$2,000,000 (Two Million) to the General Fund for capital projects; and

WHEREAS, since the adoption of the Fiscal Year 2022 budget, the General Fund has identified Fire/Rescue related expenditures that were not appropriated, the General Fund budget shall be amended to recognize additional Local Grant revenues to fund the additional appropriations; and

WHEREAS, since the adoption of the Fiscal Year 2022 budget, the General Fund has identified Technology Services related expenditures that were not appropriated, the General Fund budget shall be amended to recognize additional funds from “Fund Balance” to fund the additional appropriations; and

WHEREAS, since the adoption of the Fiscal Year 2022 budget, the Stormwater Fund has determined the scope of the Stormwater Rate Study is more comprehensive than anticipated, and the appropriated amount needs to be increased, the Stormwater Budget shall be amended to reflect additional funds from “Fund Balance” to fund the additional appropriations;

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

SECTION 1: The Fiscal Year 2022 Year Budget of the General Fund of the City of Stuart, Florida, by Resolution No. 48-2022 of the City Commission of the City of Stuart, Florida, as amended, hereinafter the "Budget," is hereby further amended, as follows:

From: Water and Sewer Fund:	\$2,000,000
To: Water and Sewer Fund:	\$2,000,000
From: General Fund Local Grants:	\$9,083
To: Fire Rescue Capital Outlay:	\$9,083
From: General Fund “Fund Balance”:	\$31,251
To: Technology Services Capital Outlay:	\$31,251

SECTION 2: The Fiscal Year 2022 Year Budget of the Water & Sewer Fund of the City of Stuart, Florida, by Resolution No. 48-2022 of the City Commission of the City of Stuart, Florida, as amended, hereinafter the "Budget," is hereby further amended, as follows:

From: General Fund (ARPA):	\$2,000,000
To: General Fund Advance:	\$2,000,000

SECTION 3: The Fiscal Year 2022 Year Budget of the Stormwater Fund of the City of Stuart, Florida, by Resolution No. 48-2022 of the City Commission of the City of Stuart, Florida, as amended, hereinafter the "Budget," is hereby further amended, as follows:

From: Stormwater “Fund Balance”:	\$46,500
To: Stormwater Operating:	\$46,500

SECTION 4: This resolution shall take effect on adoption.

Resolution No. 48-2022
BA #13 FY 2022 Mid-Year Budget Amendment

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

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

YES	NO	ABSENT	ABSTAIN

ADOPTED this 25th day of April 2022.

ATTEST:

MARY R. KINDEL
CITY CLERK

MERRITT MATHESON
MAYOR

APPROVED AS TO FORM
AND CORRECTNESS:

MICHAEL J. MORTELL, ESQ.
CITY ATTORNEY

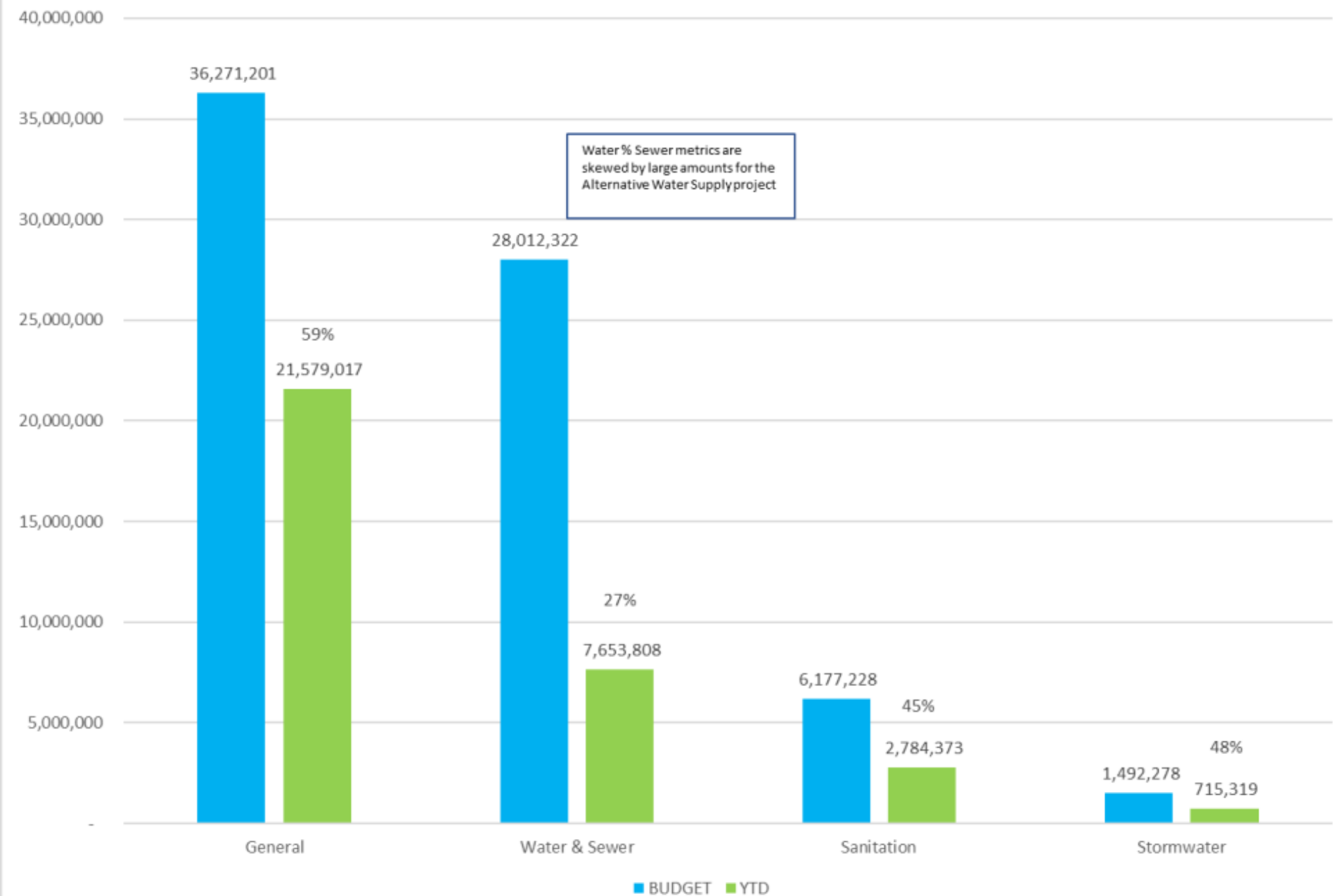
Fiscal Year 2022 Budget

Mid-Year Review

All Funds – Revenues and Appropriations

REVENUES	BUDGET	YTD	%AGE
General	36,271,201	21,579,017	59%
Water & Sewer	28,012,322	7,653,808	27%
Sanitation	6,177,228	2,784,373	45%
Stormwater	1,492,278	715,319	48%
EXPENDITURES	BUDGET	YTD	%AGE
General	36,271,291	14,489,926	40%
Water & Sewer	28,012,322	7,271,168	26%
Sanitation	6,177,228	1,905,978	31%
Stormwater	1,492,278	266,130	18%

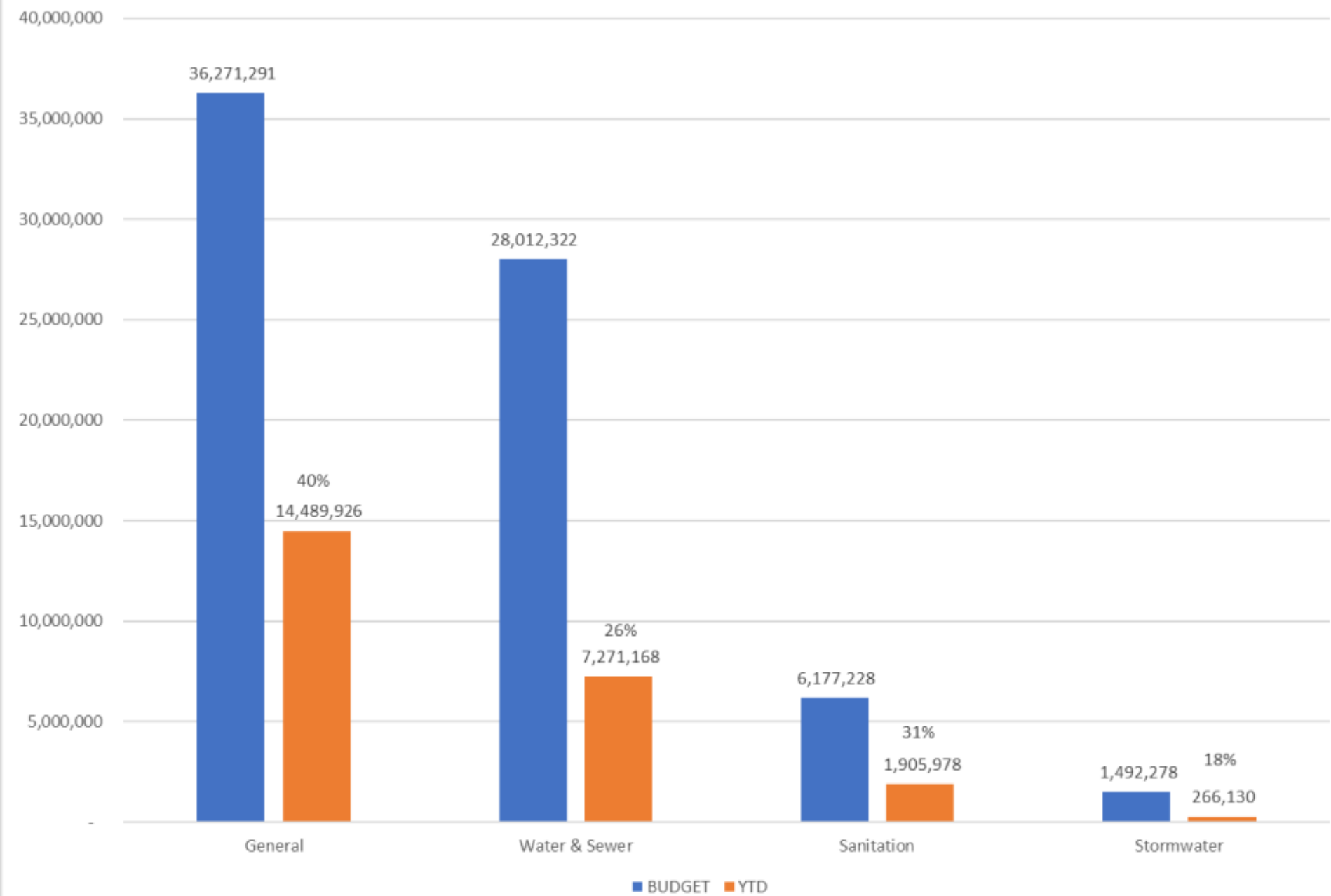
Revenues
Budget vs Actual



Enterprise Funds – Operating Revenues

CHARGES FOR SERVICE	BUDGET	YTD	%AGE
Water & Sewer	13,664,452	6,856,030	50%
Sanitation	5,877,228	2,800,854	48%
Stormwater	1,287,078	627,179	49%

Appropriations
Budget vs Actual



All Funds – Appropriation - Highlights

WAGES	BUDGET	YTD	%AGE
General	12,561,981	5,859,003	47%
Water & Sewer	2,809,201	1,164,538	41%
Sanitation	740,805	323,143	44%
Stormwater	246,480	81,826	33%

OVERTIME	BUDGET	YTD	%AGE
General	450,450	337,569	75%
Water & Sewer	133,000	84,073	63%
Sanitation	64,000	49,136	77%
Stormwater	6,000	1,872	31%

OPERATING	BUDGET	YTD	%AGE
General	6,072,960	2,003,593	33%
Water & Sewer	5,159,641	1,249,674	24%
Sanitation	3,024,944	1,148,757	38%
Stormwater	346,975	94,270	27%

General Fund - Revenue Highlights

----- TITLE -----	BUDGET	YTD	YTD/ BUD
AD VALOREM TAXES-CURRENT	11,298,623.00	10,421,903.79	92%
LOCAL BUSINESS TAX	660,000.00	605,057.11	92%
BUILDING PERMITS	1,168,685.00	933,323.02	80%
STATE COMMUNICATION TAX	1,078,305.00	552,923.11	51%
LOCAL OPTION FUEL	739,979.00	357,622.41	48%
UTILITY TAX - ELECTRIC	2,372,749.00	1,093,157.65	46%
UTILITY TAX - WATER	682,887.26	356,581.23	52%
UTILITY TAX - GAS	19,000.00	9,117.28	48%
UTILITY TAX - PROPANE	56,000.00	38,105.87	68%
MUNICIPAL REVENUE SHARING	746,539.00	342,862.61	46%
ST SHARE-1/2 CENT SALES	2,022,130.00	1,135,575.36	56%
PROGRAMS - NONTAXABLE	20,000.00	22,715.18	114%
PROGRAMS - TAXABLE	30,000.00	34,260.00	114%
SPECIAL EVENTS	36,000.00	16,148.00	45%

General Fund - Appropriation Categories

GENERAL FUND	BUDGET	YTD	%AGE
Personal Services	21,019,830	9,841,591	47%
Operating	6,072,960	2,003,593	33%
Capital Outlay	5,191,539	466,091	9%
Debt Service	1,310,449	699,678	53%
Grants and Aids	143,500	50,739	35%
Other Uses/Non-Operating	2,533,013	1,428,236	56%
	36,271,291	14,489,926	40%

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

Meeting Date: 4/25/2022

Prepared by: Erin Wohlitka

Title of Item:

MAJOR CONDITIONAL USE APPROVAL FOR THE OAKS CLASSICAL CHRISTIAN ACADEMY AT ST. MARY'S EPISCOPAL CHURCH (RC):

RESOLUTION No. 44-2022; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, GRANTING A MAJOR CONDITIONAL USE APPROVAL TO ALLOW A SCHOOL, PRIVATE, PAROCHIAL, OR TECHNICAL, FOR THE OAKS CLASSICAL CHRISTIAN ACADEMY, INC. AT ST. MARY'S EPISCOPAL CHURCH; WITH SAID LANDS BEING MORE FULLY DESCRIBED IN EXHIBIT "A" ATTACHED; PROVIDING FOR CONDITIONS; PROVIDING FOR REPEAL OF ALL DEVELOPMENT ORDERS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

Summary Explanation/Background Information on Agenda Request:

On August 23, 2021, the City Commission of the City of Stuart adopted Resolution 75-2021, allowing The Oaks Classical Christian Academy to operate as a private parochial school at St. Mary's Episcopal Church. A condition of approval within Exhibit 'C' of the resolution set the maximum number of students to 25 children for enrollment in the school at this location.

On February 22, 2022, the Oaks Classical Christian Academy applied for a Major Conditional Use to increase the number of students permitted at The Oaks Classical Christian Academy from 25 to 90 students.

City staff has reviewed this Application and has determined that the subject Application has proved to be in substantial compliance with the Conditional Use Criteria set forth in Section 11.01.11 of the City's Land Development Code. The Applicant has demonstrated that there will be no negative impacts from the proposed Conditional Use on the subject property. Furthermore, City staff recommends approval due to the subject property's previous use as a pre-school, and based on the limited days of property utilization and available number of parking spaces to accommodate the use.

See attached staff report for additional information.

At the April 14, 2022 Local Planning Agency (LPA) meeting, the LPA recommended approval of the subject petition unanimously to the City Commission.

Funding Source:

N/A

Recommended Action:

Staff recommends approval of Resolution 44-2022 subject to the conditions of approval located therein.

ATTACHMENTS:

1. A.1 Resolution 44-2022
2. A.2 Resolution 44-2022 - Exhibit 'D'

3. B. Staff Report
4. C. Application
5. D. Letters of Support
6. D. Resolution 46-1989
7. E.1 Public Notice Affidavit



**BEFORE THE CITY COMMISSION
CITY OF STUART, FLORIDA
RESOLUTION NUMBER 44-2022**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, GRANTING A MAJOR CONDITIONAL USE APPROVAL TO ALLOW A SCHOOL, PRIVATE, PAROCHIAL, OR TECHNICAL, FOR THE OAKS CLASSICAL CHRISTIAN ACADEMY, INC. AT ST. MARY’S EPISCOPAL CHURCH; WITH SAID LANDS BEING MORE FULLY DESCRIBED IN EXHIBIT “A” ATTACHED; PROVIDING FOR CONDITIONS; PROVIDING FOR REPEAL OF ALL DEVELOPMENT ORDERS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

WHEREAS, on August 23, 2021, the City of Stuart City Commission adopted Resolution 75-2021, approving a Major Conditional Use for The Oaks Classical Christian Academy to operate as a school with a maximum of 25 students at St. Mary’s Church;

WHEREAS, on February 22, 2022, The Oaks Classical Christian Academy applied for a Major Conditional Use with the City Development Department to increase the number of students permitted from 25 students to 90 students;

WHEREAS, the City held a properly noticed hearing at a regularly scheduled City Commission to consider the application by The Oaks Classical Christian Academy, Inc., the Applicant, and St. Mary’s Episcopal Church, the Property Owner, for a 2.47-acre property consisting

of two parcels opposite one another generally located north of the intersection at SE Ocean Boulevard and SE Amerigo Avenue;

WHEREAS, the City Commission, has considered the Petitioner's voluntary request to approve a Major Conditional Use to allow a school, private, parochial, or technical at St. Mary's Episcopal Church, and has also considered the recommendation of the City staff; and

WHEREAS, at the hearing the applicant showed by substantial competent evidence that the application does not create any detrimental effects on adjacent land uses; and

WHEREAS, the owners have committed to the City that the use will comply with all development codes, plans, documents, standards and conditions approved by the City Commission; and that it will bind its successors in title to any such commitments made upon this resolution; and

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

WHEREAS, the Major Conditional Use will be in harmony with surrounding properties and their anticipated development;

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

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 law.

SECTION 2: The legal description of the property is set forth in **Exhibit 'A'** attached hereto and made a part hereof by reference. A Map depicting the Property is attached hereto as **Exhibit 'B'** and made a part hereof by reference. The conditions of development attached hereto as **Exhibit 'C'** and made a part hereof by reference, and each shall constitute one of the approved documents.

SECTION 3: The following documents are on file as public records of the City, at the office of the City Clerk in City Hall, and attached hereto as **Exhibit 'D'**, hereinafter the 'Approved Documents', shall be deemed a part of the development conditions, and shall supplement any earlier approvals:

- a. The Oaks Conditional Use Permit Justification Statement, prepared by *The Oaks Classical Christian Academy*, dated January 19, 2022 (4 Pages);
- b. Traffic Circulation Plan, prepared by *The Oaks Classical Christian Academy*, dated February 12, 2022;
- c. Traffic Analysis, prepared by *O'Rourke Engineering and Planning*, dated March 25, 2022;

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

SECTION 5: Following the adoption and acceptance of this by the Owner, and in addition to any other action for failure to otherwise comply with the Approved 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 Applicant may appear and may contest the allegation of breach or explain the reason or reasons for the breach. Upon a finding of a material breach of the Approved Documents and therefore, the Resolution(s) adopting the same, the City Commission may impose any or all the following:

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

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

SECTION 6: All development orders in conflict with this resolution or any part thereof is hereby repealed to the extent of such conflict. If any provision of this resolution conflicts with any contractual provision between the City and the Property Owner(s) or Applicant(s) of the site, this resolution shall prevail.

SECTION 7: If any provision of this resolution 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 resolution are declared severable.

SECTION 8: The complete execution and recording of this Resolution by the City Clerk shall occur no later than 90 days from the date of this approval, failing which this resolution shall become void.

(Remainder of this page intentionally left blank)

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

Passed on first reading the ___ day of _____ 2022.

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

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

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

YES	NO	ABSENT	ABSTAIN

ADOPTED on second and final reading this _____ day of _____, 2022.

ATTEST:

MARY R. KINDEL
CITY CLERK MAYOR

MERRITT MATHESON

APPROVED AS TO FORM
AND CORRECTNESS:

MICHAEL J. MORTELL, ESQ.
CITY ATTORNEY

CITY'S ACKNOWLEDGMENT

The above Resolution, Acceptance and Agreement was acknowledged before me by means of ☐ physical presence or ☐ online notarization this _____ day of _____, 2022 Merritt Matheson, Mayor, and Mary Kindel, City Clerk, respectively, of the City of Stuart, Florida, a Florida municipal corporation, who ☐ are personally known to me or ☐ have produced _____ as identification.

(Notary Seal)

Signature of Notary Public

Printed Name: _____

ACCEPTANCE AND AGREEMENT

BY SIGNING THIS ACCEPTANCE AND AGREEMENT, THE UNDERSIGNED HEREBY ACCEPTS AND AGREES TO ALL OF THE TERMS AND CONDITIONS CONTAINED IN A CONDITIONAL USE APPROVAL AND IN ALL EXHIBITS, ATTACHMENTS AND APPROVED 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 RESOLUTION. IF IT IS LATER DISCOVERED THAT THE UNDERSIGNED, OR ITS SUCCESSORS OR ASSIGNS HAVE FAILED IN ANY MATERIAL WAY TO COMPLY WITH THIS RESOLUTION, ITS CONDITIONS, AND THE APPROVED DOCUMENTS, THE UNDERSIGNED UNDERSTANDS AND AGREES THAT THIS RESOLUTION 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.

Resolution No. 44-2022 The Oaks Classical Christian Academy at St. Mary's Episcopal Church –
Major Conditional Use

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

WITNESSES:

APPLICANT: The Oaks Classical Christian
Academy, Inc.

Print Name: _____

Signature: _____

Print Name: _____

Print Name: _____

PROPERTY OWNER: St. Mary's Episcopal Church

Signature: _____

Print Name: _____

OWNERS ACKNOWLEDGMENT

STATE OF FLORIDA,
COUNTY OF _____

The above Resolution, Acceptance and Agreement was acknowledged before me by means
of ☐ physical presence or ☐ online notarization, this ____ day of _____, 2022,
by _____

Personally Known OR Produced Identification

Type of ID Produced _____

Signature of Notary Public: _____

Commission Expires:

Notary Seal:

EXHIBIT A – LEGAL DESCRIPTION

EDG-RIVA ALL OF BLK 15 (LESS S 13' R/W) BLK 15

HILDABRAD PARK LOTS 1 TO 12 INC BLK 11

EXHIBIT B – LOCATION MAP

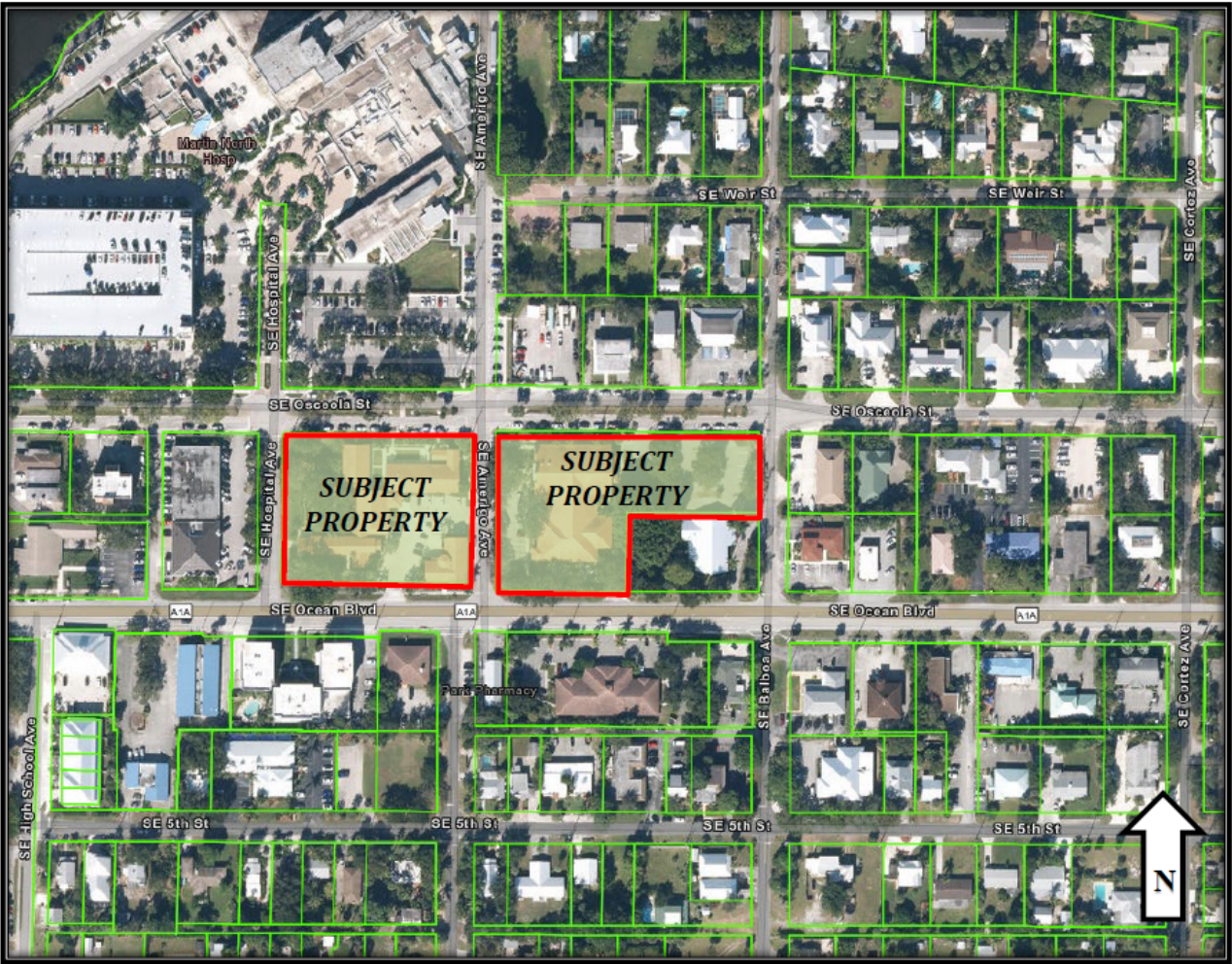


EXHIBIT C – DEVELOPMENT CONDITIONS

1. The Major Conditional Use Approval shall comply with the following documents (**Exhibit 'D'**):
 - a. The Oaks Conditional Use Permit Justification Statement, prepared by *The Oaks Classical Christian Academy*, dated January 19, 2022 (4 Pages);
 - b. Traffic Circulation Plan, prepared by *The Oaks Classical Christian Academy*, dated February 12, 2022;
 - c. Traffic Analysis, prepared by *O'Rourke Engineering and Planning*, dated March 25, 2022;
2. The approval shall comply with all regulations within the City's Land Development Code. Any modifications to the proposed use that exceeds a maximum of 90 students, or any other physical modifications to the subject site in an increase of 10% of the existing site, may be approved by the City's Development Director, provided however, the Development Director may refer the matter to the City Commission for approval via public hearing.
3. All applicable state or federal permits must be obtained before the commencement of any activities associated with this use. Issuance of this development order/permit/approval by the City of Stuart does not in any way create any right on the part of an applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the City of Stuart for the issuance of this order/permit/approval if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law.
4. At no time shall vehicular traffic associated with this use utilize any right-of-way (ROW) for spillover purposes onto SE Osceola Street, SE Amerigo Avenue, and SE Ocean Boulevard.

Exhibit D – APPROVED DOCUMENTS



THE OAKS
A Classical Christian Academy

The Oaks

Conditional Use Permit Request

Justification Statement

January 19, 2022

The Oaks Classical Christian Academy is requesting approval of a conditional use permit to increase the number of students from 25 to 90 students. The school is located within the St. Mary's Episcopal Church property at 623 SE Ocean Boulevard. No changes are proposed to the physical property or the existing buildings.

Project Contacts

Kathryn Crews

Head of School, The Oaks

623 SE Ocean Blvd.

Stuart, FL 34996

Susan O'Rourke, P.E.

Traffic Engineer

22 SE Seminole Street

Stuart, FL 34994

Kathryn DeWitt, AICP

Land Planner

813 SE Krueger Pkwy

Stuart, FL 34996

Location

The Oaks Academy is located within the St. Mary's Episcopal Church property. The property is bordered by SE Ocean Boulevard to its south and Osceola Street on its north. Its western boundary abuts SE Hospital Avenue. The property is bisected by SE Amerigo Avenue. The western parcel is 1.61 acres in size. The eastern parcel is 1.82 acres.

Background

St. Mary's Episcopal Church has been in operation since 1932. The church was designed to accommodate a variety of uses within its walls. The church facilitates a used book store, a weekly community kitchen, clothing thrift store, youth groups, and Sunday services. The church services operation on Saturday evenings and Sunday mornings. Mary's Kitchen, which has been feeding the needy in our community for over 23 years, operates on Wednesday evenings. Historically, a preschool operated out of the church for a time.

Last year, the City Commission approved The Oaks Academy to operate on the St. Mary's Church property with a capacity of 25 students.

The Oaks is a hybrid University-Model® school. Today's parents are looking for ways to give their children an excellent education in non-traditional settings, in which they may have more time together as a family. In University-Model schools, students receive instruction from professional educators on a central campus 2 - 3 days per week and continue to learn at home



THE OAKS
A Classical Christian Academy

(our “satellite campuses”) the other days of the week under the guidance of the professional teacher. This gives parents the gift of time with their children, while still having a strong academic framework, accountability, and the advantages that a classroom setting affords.

This type of school did not previously exist on the Treasure Coast, but is highly sought after in many other states and communities. Some parents drive South to Palm Beach County for their children to attend similar schools.

By being part of the association of University-Model schools as well as another school association, we are held to high standards and work toward accreditation, ensuring the school will be a strong option for local families and in our community for the long term.

Land Use & Zoning

The subject property has a Future Land Use designation of Office-Residential and a Zoning designation of R-3 Multifamily / Office. No changes are proposed to the existing land use and zoning designations.

Subject Request

The Application is requesting approval of an increase of students from 25 to 90 students at The Oaks Academy. The Oaks is a hybrid university model school that operates on the St. Mary’s campus two - three days a week. The students receive instruction from professional teachers on these days with weekly assignments that are completed at home on the remaining weekdays.

The school has a current approval for the 25 students, which it maintains today. With the success of its first year along with the addition of younger siblings from current school families, there is a demand for additional student capacity. The church property has five classrooms available for use by the school. Currently, the school utilizes three of these classrooms with approximately 7-9 students in each classroom. At full capacity, the five classrooms could support a total of 90 students. While it could be several years before full capacity is reached, from a planning and financial perspective, it is extremely beneficial for the school to be able to establish a maximum threshold. This will enable the school to offer enrollment to new students, continue to offer student scholarships through the state, and allow long-term staff and student body visioning. The school will utilize the existing classrooms on site and will not require any physical modifications.



Parking

The church property currently contains 86 parking spaces. Per the latest site plan on file with the City, the church sanctuary requires 51 spaces and the office building requires 22 spaces. This leaves a surplus of 13 parking spaces on site. While the subject school functions quite differently than a traditional 5-day a week school, the standard school parking calculations were used for the purposes of this application, as the City's parking code does not speak to a hybrid school option. Based on the City's Code, a total of 13 parking spaces would be required for the school to utilize a total of 5 classrooms with 8 employees. (See proposed parking table below.) The Oaks currently utilizes the classrooms identified as "Youth #1, #2, and #3" (highlighted in yellow on the parking and circulation exhibit). At maximum capacity, the school would also have access to "Nursery Rooms 1 & 2" (highlighted in blue).

PARKING			
USE	RATIO		REQ SPACES
CHURCH	1 per 4 seats in main sanctuary	204	51
OFFICE	1 per 300 SF	6,706 SF	22
SCHOOL	1 per classroom, plus 1 space per employee, plus 1 space for each 6 seats in auditorium or other areas that may be used for public assemblies; together with adequate stacking for pick-up/drop-off activities consistent with the student population.	5 classrooms + 8 employee	13
TOTAL REQ			86
TOTAL PROVIDED			86

Churches and schools have always operated harmoniously in shared spaces due to the opposite nature of their activities. The church's high-capacity times are Saturday evenings, Sunday mornings, and Wednesday evenings for the Mary's Kitchen ministry, whereas the school is operating during the weekdays. This relationship allows for shared parking to be utilized; however, the proposed parking calculations have been completed without the assumption of sharing parking spaces.



THE OAKS
A Classical Christian Academy

Traffic and Vehicular Circulation

The Oaks School will have a traffic impact of 95 AM peak hour trips with 53 in and 42 out and 56 PM peak hour trips with 26 in and 30 out. These trips will not cause levels of service to fall below acceptable levels in the future. Therefore, the project does not require additional analysis and is deemed to be consistent with city transportation concurrency requirements.

The school operates its pick-up and drop-off on site at 8:15am and 3:00pm. The parents are directed to approach the school property from Osceola Street, turn on Amerigo Street and then turn west into the parking lot to pick-up / drop-off. The cars will then exit via a right-hand turn onto SE Ocean Boulevard. A total of five cars are able to stack within the parking lot at one time. The pick-up/drop-off process takes approximately 10-15 minutes to complete. This operation has worked very successfully with no issues or complaints from the church and any neighboring tenants.

Conclusion

We greatly appreciate the opportunity that the City Commission gave us to open the school last year. It has been incredible to see our dreams of a University Model school come to fruition. Our students are working hard, enjoying the school days, and love participating in the community. We've enjoyed participating in the Stuart Veteran's Day parade together and completed our first community service day, which we plan to continue to grow in the future. We have great relationships with St. Mary's Church staff and members, many of them commenting that they're thrilled to see local youth using the grounds through The Oaks.

In late September, we completed all steps necessary to become eligible for scholarships through the state of Florida's scholarship programs. Currently, a majority of our 19 students receive the scholarships based on income and unique abilities/needs. We are pleased that the scholarships make our school accessible to families of all income and ability levels.

Thank you for considering this request to increase our student body capacity. We look forward to working with staff and providing any additional information needed.

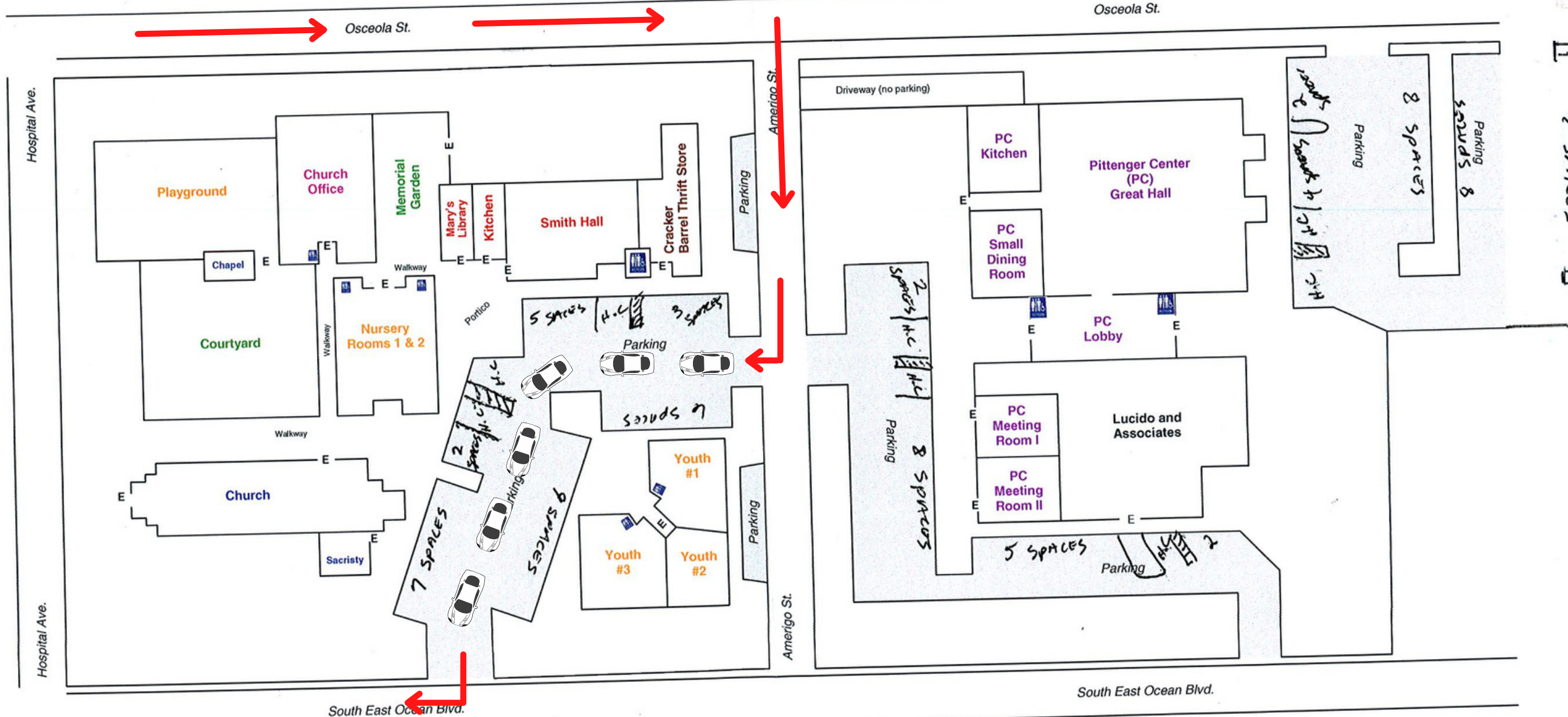
St. Mary's Episcopal Church Campus

623 East Ocean Blvd., Stuart, Florida, 34994
772-287-3244

Cracker Barrel Thrift Store
Smith Hall & Mary's Library
Youth and Nursery
Pittenger Center & Meeting Rooms

Church & Outside Chapel
Church Office
Courtyard & Memorial

E = Entrances
= Restrooms



Traffic Circulation Plan



O'ROURKE
ENGINEERING & PLANNING

TRAFFIC ANALYSIS

FOR

The Oaks School

Prepared For:

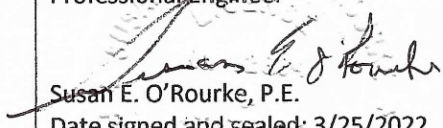
The Oaks School
2101 SW Racquet Club Drive
Palm City, FL 34990

Prepared By:

O'Rourke Engineering & Planning
22 SE Seminole Street
Stuart, FL 34994
(772)781-7918

February 17, 2022
Revised March 25, 2022

MR22012.0

Prepared by: O'Rourke Engineering & Planning Certificate of Authorization: #26869 22 SE Seminole Street Stuart, Florida 34994 772-781-7918	Professional Engineer  Susan E. O'Rourke, P.E. Date signed and sealed: 3/25/2022 License #: 42684
---	---



February 17, 2022

Ms. Katie Crews
The Oaks School
2101 SW Racquet Club Drive
Palm City, FL 34990

Re: The Oaks School

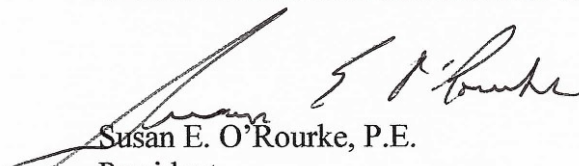
Dear Ms. Crews:

O'Rourke Engineering & Planning has completed the traffic statement for the proposed private school (K-8) of 90 students at the existing St. Mary's Episcopal Church. The private school is located north of SE Ocean Boulevard and west of SE Amerigo Avenue in Martin County. The steps in the analysis and the ensuing results are presented herein.

For projects with a de minimus impact, only a limited traffic statement is required.

It has been a pleasure working with you.

Respectfully submitted,
O'ROURKE ENGINEERING & PLANNING



Susan E. O'Rourke, P.E.
President

INTRODUCTION

O'Rourke Engineering & Planning was retained to prepare a traffic analysis for the proposed private school of 90 students located north of SE Ocean Boulevard and west of SE Amerigo Avenue. **Appendix A** includes the project site plan. The purpose of this analysis is to determine the impact of the development on the roadway.

PROJECT DESCRIPTION

The project site is located on the north side of SE Ocean Boulevard west of SE Amerigo Avenue. The proposed project consists of a proposed private school (K-8) with a capacity of 90 students. The current enrollment is approximately 25 students. The project will take access off SE Amerigo Avenue and SE Ocean Boulevard. The project is expected to be built out by 2025.

Trip Generation — Private School (K-8) rates from the ITE Trip Generation 11th Edition were applied to the 90 students.

The trip generation of the site is summarized in **Table 1**.

As shown, the project will generate 95 AM peak hour trips with 53 in and 42 out and 56 PM peak hour trips with 26 in and 30 out.

Table 1 - Trip Generation**Table 1a: Daily**

Land Use	ITE Code	Intensity	Units	Trip Generation Rate	Directional Split		Net New Trips		
					In	Out	In	Out	Total
School - Private School (K-8)	530	90	Sudents	$T = 4.11(X)$	50%	50%	185	185	370

Source: ITE 11th Edition Trip Generation Rates**Table 1b: AM Peak Hour**

Land Use	ITE Code	Intensity	Units	Trip Generation Rate	Directional Split		Net New Trips		
					In	Out	In	Out	Total
School - Private School (K-8)	530	90	Sudents	$Ln(T) = 0.95 Ln(X) + 0.27$	56%	44%	53	42	95

Source: ITE 11th Edition Trip Generation Rates**Table 1c: PM Peak Hour**

Land Use	ITE Code	Intensity	Units	Trip Generation Rate	Directional Split		Net New Trips		
					In	Out	In	Out	Total
School - Private School (K-8)	530	90	Sudents	$Ln(T) = 0.98 Ln(X) - 0.38$	46%	54%	26	30	56

Source: ITE 11th Edition Trip Generation Rates

PROJECT DISTRIBUTION/ ASSIGNMENT/ IMPACT

Distribution/ Assignment – The project traffic was distributed by general geographic direction and then assigned to the roadway network. The project assignment is shown in **Figure 1**.

Impact – To determine the project impact in 2025, the project traffic was assigned to the network. The City of Stuart has 5% criteria. The project impact is less than 5% on all links. Therefore, only the adjacent links of Ocean Boulevard and Osceola Street were analyzed. The existing capacity and growth rates were taken from the Martin County 2019 Roadway Level of Service Report and the FDOT Traffic Online. The driveway at Ocean Boulevard and the intersection of Amerigo and Osceola were counted to provide 2022 values. As shown, Ocean Boulevard and Osceola Street will operate at an acceptable LOS at buildout. The impacts to Ocean Boulevard and Osceola Street are summarized in **Table 2**.

The applicable pages from the Martin County 2019 Roadway Level of Service Report, the 2020 Quality Level of Service Handbook and the 2022 traffic counts are also included in **Appendix B**.

DRIVEWAY VOLUMES

There will be two project driveways, one located on Ocean Boulevard to the south (driveway 1), and one located at Osceola Street to the east (driveway 2). Ocean Boulevard and Osceola Street provide full access to the site throughout the day. However, during car line, Osceola will be entry via right turn only and Ocean will be exit via right turn only. The driveway volumes are included in **Figure 2**. The driveway will accommodate the minor increase in traffic. The driveway analysis data are included in **Appendix C**.

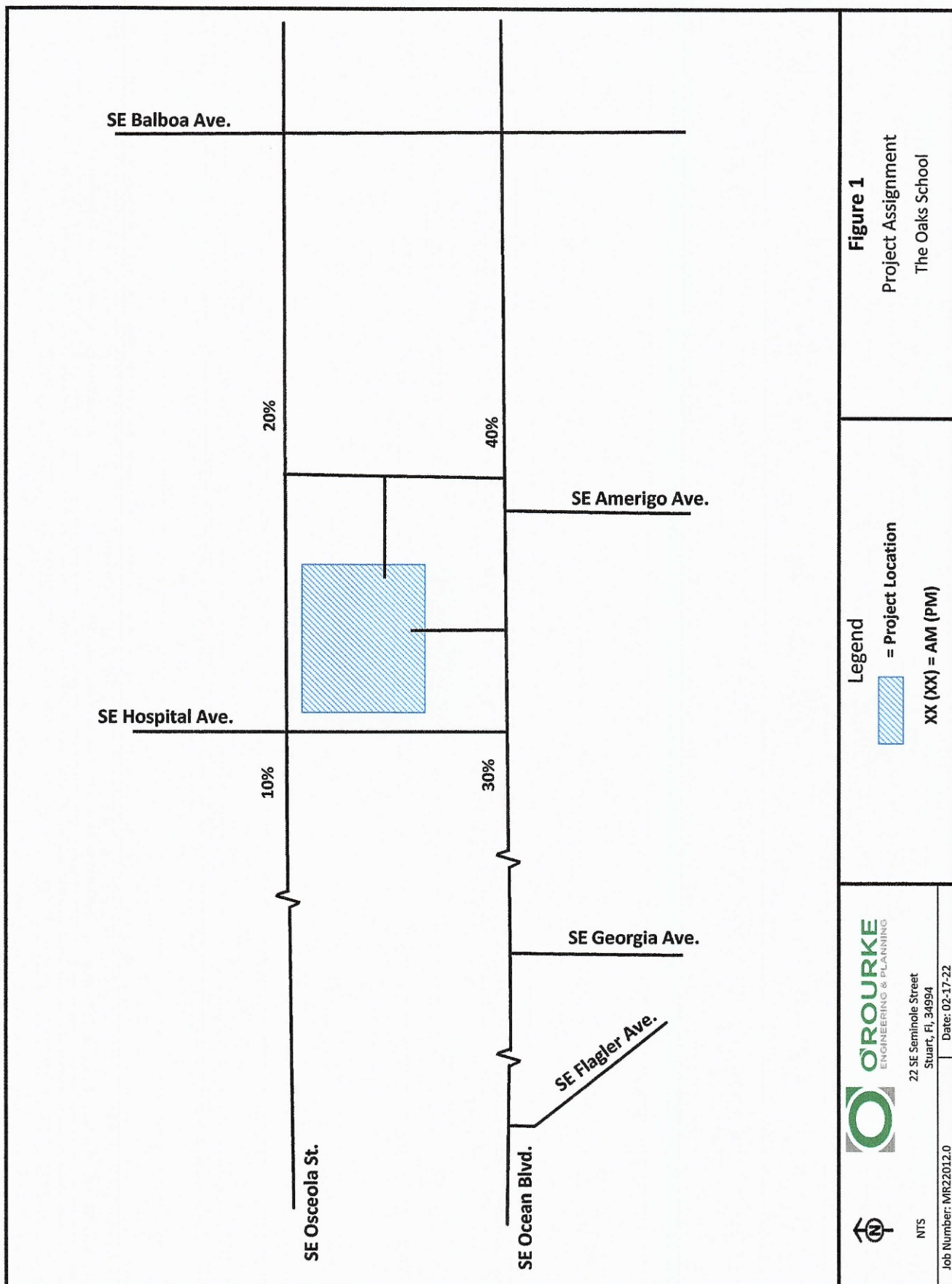


TABLE 2a - 2025 Link Analysis - AM

Segment	From	To	Greater than 1%	Direction	2019 Directional Volumes	Growth Rate	2025 AM Peak Hour + Growth	Peak Hour Service Capacity (2025)	Project Volume Peak Direction	Total Traffic (Peak Direction)	% Project of Capacity-Peak Hour	Does Project Meet Concurrency?	Project Percent Assignment
SE Ocean Blvd ^a	Flagler Ave	Project Entrance	YES	EB	406	0.50%	412	790	53	465	6.71%	YES	100%
	Flagler Ave	Project Entrance	YES	WB	490	0.50%	497	790	13	510	1.65%	YES	30%
	Project Entrance	Palm Beach	YES	EB	408	0.50%	414	790	17	431	2.15%	YES	40%
	Project Entrance	Palm Beach	YES	WB	494	0.50%	501	790	21	522	2.66%	YES	40%
SE Osceola St	SE Georgia Ave	Amerigo	YES	EB	94	0.50%	95	750	42	137	5.60%	YES	80%
	SE Georgia Ave	Amerigo	NO	WB	72	0.50%	73	750	4	77	0.53%	YES	10%
	Amerigo	Balboa Ave.	YES	EB	84	0.50%	85	790	8	93	1.01%	YES	20%
	Amerigo	Balboa Ave.	YES	WB	78	0.50%	79	790	11	90	1.39%	YES	20%

Note: All volumes are March 2022 count data

Also, during drop off an pickup, traffic enters as a right turn into the driveway on Amerigo and exits in a right turn onto Ocean, before returning to the ultimate assignment shown on Figure 1

52

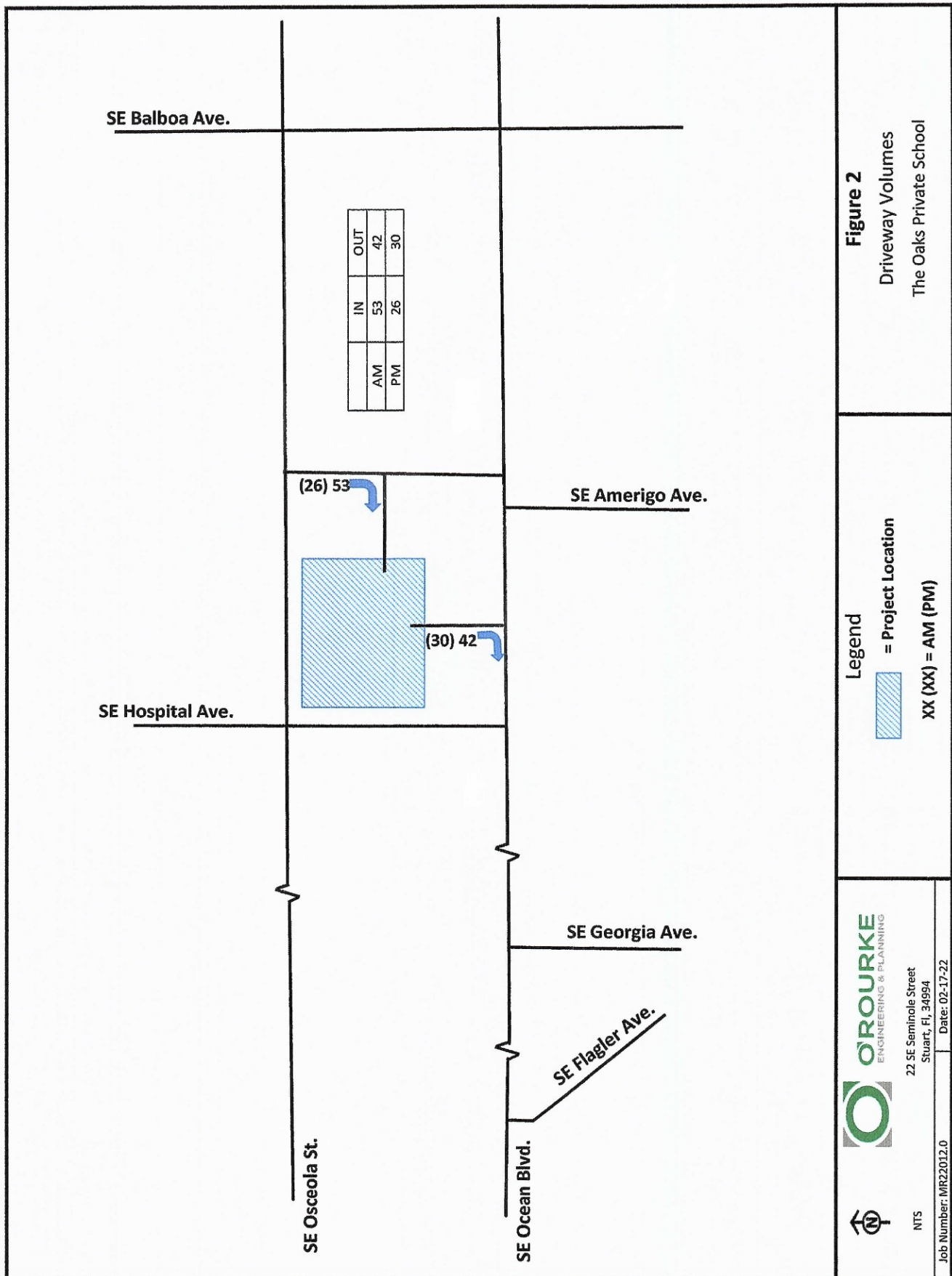
Two-Way: 95
Net In: 53
Net Out: 42
Years Grown: 3

TABLE 2b - 2025 Link Analysis - PM

Segment	From	To	Greater than 1%	Direction	2019 Directional Volumes	Growth Rate	2025 AM Peak Hour + Growth	Peak Hour Service Capacity (2025)	Project Volume Peak Direction	Total Traffic (Peak Direction)	% Project of Capacity-Peak Hour	Does Project Meet Concurrency?	Project Percent Assignment
SE Ocean Blvd ^a	Flagler Ave	Project Entrance	YES	EB	456	0.50%	463	790	26	489	3.29%	YES	100%
	Flagler Ave	Project Entrance	YES	WB	600	0.50%	609	790	9	618	1.14%	YES	30%
	Project Entrance	Palm Beach	YES	EB	452	0.50%	459	790	12	471	1.52%	YES	40%
	Project Entrance	Palm Beach	YES	WB	598	0.50%	607	790	10	617	1.27%	YES	40%
SE Osceola St	SE Georgia Ave	Amerigo	YES	EB	134	0.50%	136	750	21	157	2.80%	YES	80%
	SE Georgia Ave	Amerigo	NO	WB	82	0.50%	83	750	3	86	0.40%	YES	10%
	Amerigo	Balboa Ave.	NO	EB	132	0.50%	134	750	6	140	0.80%	YES	20%
	Amerigo	Balboa Ave.	NO	WB	92	0.50%	93	750	5	98	0.67%	YES	20%

Note: All volumes are March 2022 count data

Two-Way: 56
Net In: 26
Net Out: 30
Years Grown: 3



QUEUEING

The project uses a drop off and pick up line. School starts at 8:15 AM and ends at 3:00 PM. There are two to three drop off positions depending on demand. During the peak drop off periods, 53 vehicles would enter. Assuming they arrive within 20 minutes, that is 2 to 3 vehicles per minute. The vehicles enter and Amerigo and exit onto Ocean Boulevard. There is approximately 200 feet designated for drop off. The school can process 70 cars in the 20 minutes. Therefore, the 53 vehicles will be able to process without significant queue.

Queue = Traffic Intensity / (1-Traffic Intensity) = 53/70(1-53/70) = .757/.243 = 3 Vehicles or 75 feet of queue

The city reviewer has asked for a calculation if 25% of the vehicles arrive before the processing of students into or out of school begins. This value represents approximately 13 vehicles on site in 325 feet. The school will form two lines for waiting vehicles on site, providing 400 feet, if needed. Once processing starts, additional vehicles will enter, and the processed vehicles will depart. There will be 40 arriving after the initial queue. The queue will not extend beyond the initial queues since the processing rate is higher than the arrival rate. It will take approximately 10 to 12 minutes to dissipate the queue, with approximately one car length reduction every 2 minutes. (entry of 4 to 6 vehicles in 2 minutes and processing 7 vehicles every 7 minutes)

CONCURRENCY REVIEW/ CONCLUSION

The Oaks School will have a traffic impact of 95 AM peak hour trips with 53 in and 42 out and 56 PM peak hour trips with 26 in and 30 out. These trips will not cause levels of service to fall below acceptable levels in the future. Therefore, the project does not require additional analysis and is deemed to be consistent with city transportation concurrency requirements.

APPENDIX A

Site Plan

GENERAL NOTES

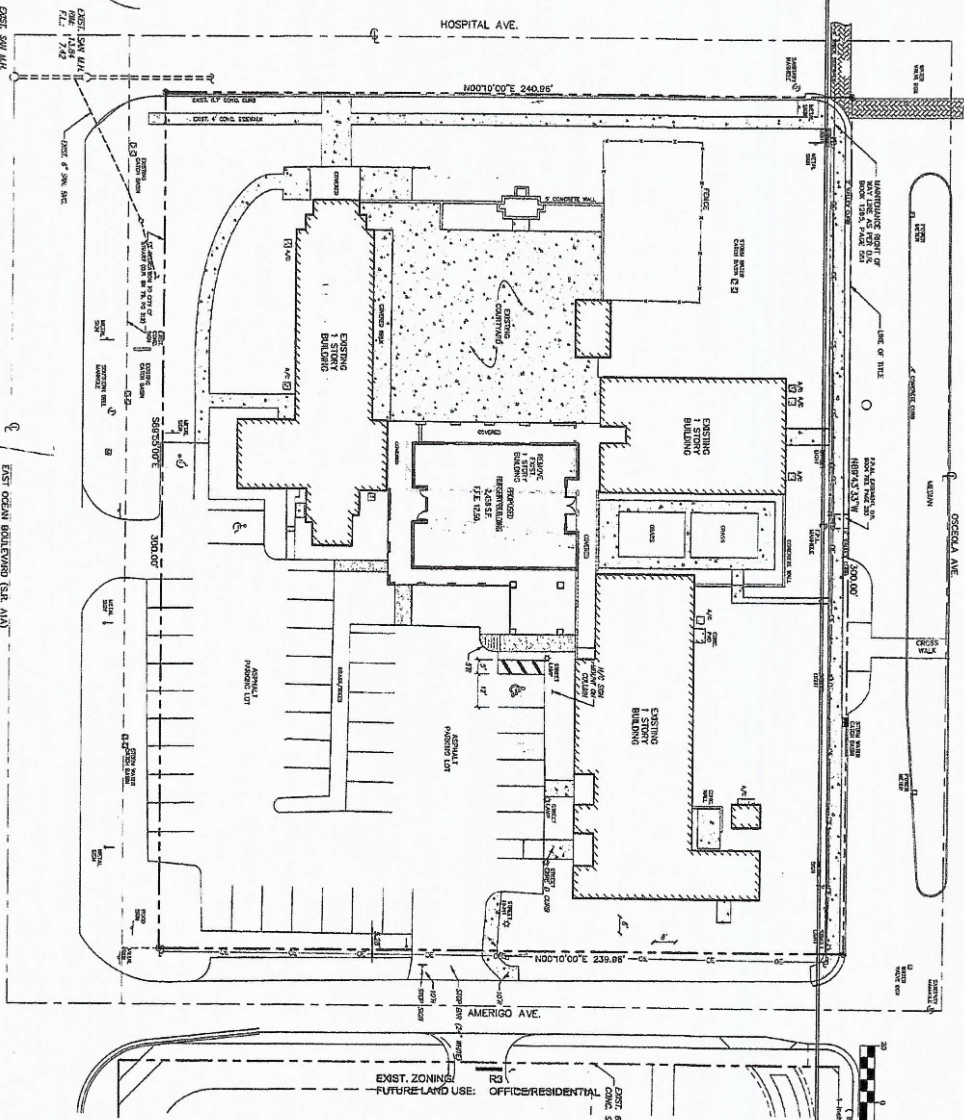
1. EXTERIOR LIGHTING (IF PROPOSED) SHALL BE DESIGNED AND PRESENTED IN ACCORDANCE WITH CITY OF STUART CODE. THE FINAL LIGHTING PLAN SHALL BE REVIEWED BY THE CITY'S POLICE DEPT. TO INSURE THAT THE LIGHTING WILL BE WITHIN THE REQUIREMENTS OF THE STUART POLICE DEPT. AND WITH THE AGREEMENTS OF THE SURROUNDING AREA WITH PUBLIC SAFETY.



CITE DI ANI

o Avenue

EXIST. ZONING: R3
FUTURE LAND USE: OFFICE/RESIDENTIAL



EXIST. ZONING: B-2
FUTURE LAND USE: COMMERCIAL

SITE DATA

PROJECT NAME: ST. MARY'S EPISCOPAL CHURCH
LOCATION: 621 EAST OCEAN BOULEVARD
STUART, FLORIDA
EXISTING USE: CHURCH
ZONING: R-3
LAND USE: OFFICE/RESIDENTIAL & LOW DENSITY RESIDENTIAL

PROPERTY DESCRIPTION:
LOTS 1 THROUGH 12, BOTH INCLUSIVE, BLOCK 16 ACCORDING TO THE PLAT THEREOF FILED JUNE 21, 1928, AND RECORDED IN PLAT BOOK 1, PAGE 83, THENCE BEING IN MARTIN COUNTY, FLORIDA, EXCEPTING THEREFROM HOMESITE 12, BEING SOUTH 13 FEET OF LOTS 1 THROUGH 12, OF REVOLUTIONARY SAID BLOCK 16.

PARKING REQUIREMENTS

USE	BASES	PARKING REQUIREMENTS
MAIN SANCTUARY	204 Seats	1 Sp. per 3 Seats = 51 Spaces
LEASABLE OFFICE	67,000 S.F.	1 Sp. per 300 S.F. = 22 Spaces

TOTAL MIN. NO. OF SPACES REQUIRED: 73

APPROVED
STUART FIRE RESCUE
JUL 28 2005

BUILDING ADDITIONS FOR
ST. MARY'S EPISCOPAL CHURCH
STUART, FLORIDA

SITE PLAN • HORIZONTAL CONTROL

DESIGNED BY	DATE
CHECKED BY	SCALE: 1"=40'

C. CALVERT MONTGOMERY & ASSOCIATES, INC.
Engineers-Surveyors (L.P. & C.A. 0000160)
P.O. BOX 82...859 S. FEDERAL HWY...STUART, FLORIDA 34986
TEL. (772) 387-3456 FAX (772) 320-0580

St. Mary's Episcopal Church Campus

623 East Ocean Blvd., Stuart, Florida, 34994
772-287-3244

Cracker Barrel Thrift Store

Smith Hall & Mary's Library

Youth and Nursery

Pittenger Center & Meeting Rooms

E = Entrances

= Restrooms

Church & Outside Chapel

Church Office

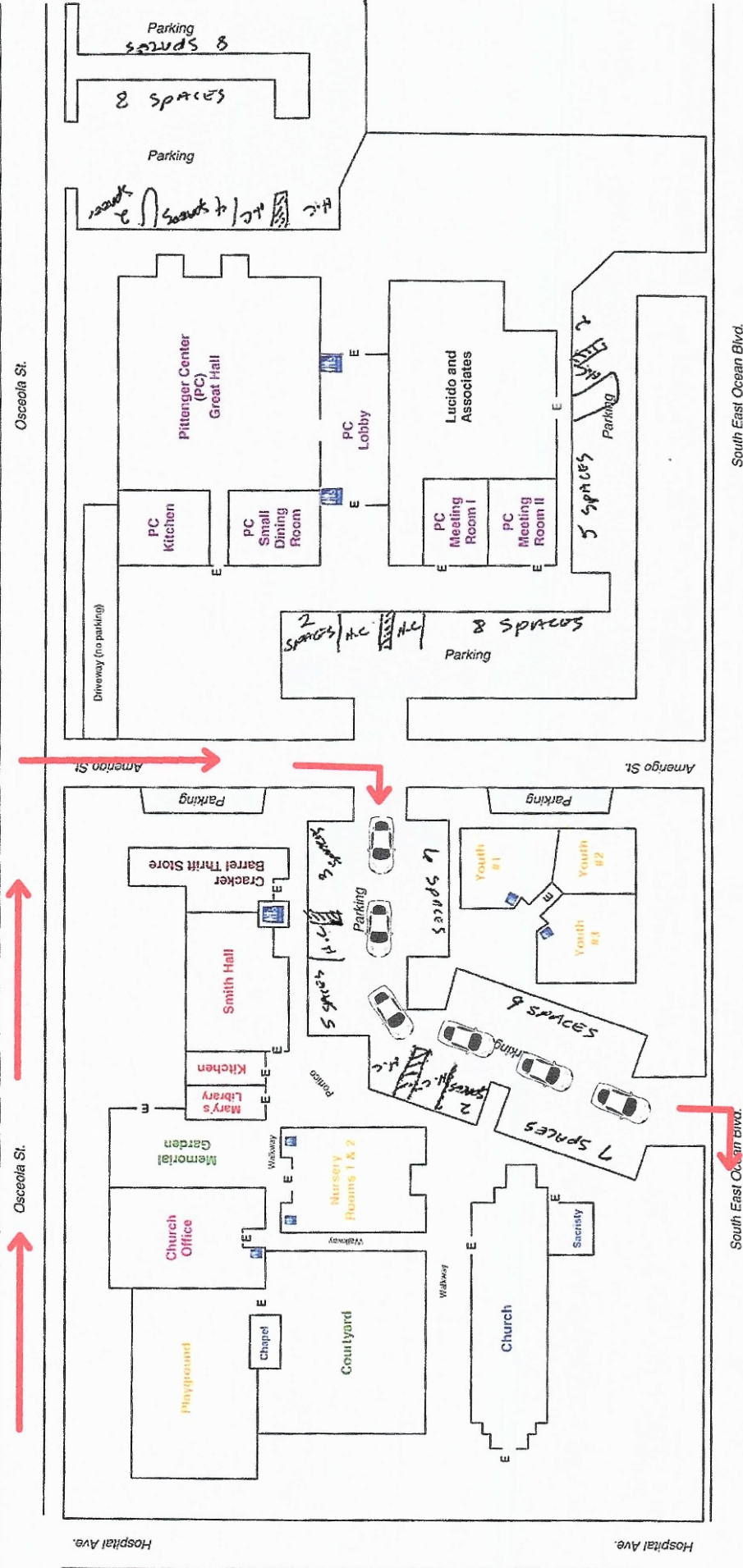
Courtyard & Memorial

N

W

E

S



Traffic Circulation Plan

Date: 2.12.22

APPENDIX B

Martin County Roadway Level of Service Report

2020 Quality Level of Service Handbook

Existing Count Data

Martin County 2019 Roadway Level of Service Inventory Report

Road Name	From	To	Type	Generalized Service Capacity	2019 Average Annual Daily Traffic	2019 Peak Hour Directional Volume	2019 Generalized LOS	Avg. Annual Growth Rate
Mapp Rd	South End	CR-714	Class II: 2-Ln Undivided	750	5,236	249	C	0.5%
Mapp Rd	CR-714	SR-714	Class II: 2-Ln Undivided	750	11,668	557	D	0.5%
Mapp Rd	SR-714	Matheson Ave	Class II: 2-Ln Undivided	750	5,278	301	C	0.5%
Mapp Rd	Matheson Ave	North End	Class II: 2-Ln Undivided	750	7,320	314	C	0.7%
Market Pl	SR-5	Commerce Ave	Class II: 2-Ln Divided	790	4,589	254	C	0.6%
Matheson Ave	SR-714	Mapp Rd	Class II: 2-Ln Undivided	750	5,845	324	C	0.5%
Monroe St	SR-5	Commerce Ave	Class II: 2-Ln Undivided	750	1,874	161	C	3.0%
Murphy Rd	Mapp Rd	High Meadow Ave	Class II: 2-Ln Undivided	750	6,712	375	D	4.5%
Murphy Rd	High Meadow Ave	St Lucie County	Class II: 2-Ln Undivided	750	9,721	908	F	3.3%
Ocean Blvd	Flagler Ave	Palm Beach Rd	Class II: 2-Ln Divided	790	10,107	565	D	0.5%
Ocean Blvd	Palm Beach Rd	SR-714	4-Ln Divided Non-State	1465	12,415	652	C	0.5%
Osprey St	SR-5	CR-A1A	Class II: 2-Ln Undivided	750	5,203	216	C	2.3%
Osprey St	CR-A1A	Gomez Ave	Class II: 2-Ln Undivided	750	1,926	118	C	0.5%
Palm Beach Rd	SR-714	Ocean Blvd	2-Ln Divided Non-State	710	8,894	426	D	0.5%
Palm City Rd	SR-714	SR-5	Class II: 2-Ln Undivided	750	7,832	419	D	3.8%
Palmer St	CR-707	Indian River Dr	Class II: 2-Ln Undivided	750	3,111	213	C	3.8%
Pineapple Wy	CR-707A(Jensen Beach Blvd.)	SR-732	Class II: 2-Ln Undivided	750	11,820	614	D	3.9%
Pomeroy St	SR-76	Willoughby Blvd	Class II: 2-Ln Divided	790	8,781	479	D	0.5%
Pomeroy St	Willoughby Blvd	SR-5	Class II: 2-Ln Divided	790	8,687	466	D	2.3%
Salerno Rd	SR-76	Willoughby Blvd	Class I: 2-Ln Undivided	880	7,831	429	C	1.5%
Salerno Rd	Willoughby Blvd	SR-5	Class II: 2-Ln Divided	790	9,509	524	D	1.1%

Segments with shaded LOS require additional analysis.
The peaks are: CR-A1A (PM/SB) and Murphy Rd (PM/NB).

TURNING MOVEMENT VOLUME COUNTS

N/S STREET: Project Driveaway
 FILENAME: River Place
 COUNT DATE: 3/24/2022
 REPORT DATE: 3/24/2022

DAY: Thursday
 ANALYSIS YEAR: 2022

CONTROL: TWSC
 E/W STREET: Ocean Boulevard
 CITY: Stuart
 INTERSECTION: Project Driveaway X Ocean Blvd

15 Min Period	Northbound				Southbound				Eastbound				Westbound				ONE HOUR SUM
	NBL	NBT	NBR	SBU	SBL	SBT	SBR	EBL	EBT	EBR	WBL	WBT	WBR	TOTAL	WBR	TOTAL	
7:00-7:15														0		0	0
7:15-7:30														0		0	225
7:30-7:45														0		0	452
7:45-8:00														0		0	677
8:00-8:15	0	0	0	0	1	0	0	0	109	0	0	112	3	225	904		904
8:15-8:30	0	0	0	0	0	0	1	0	94	0	0	132	0	227			227
8:30-8:45	0	0	0	0	1	0	0	0	109	0	0	112	3	225			225
8:45-9:00	0	0	0	0	0	0	1	0	94	0	0	132	0	227			227

* The Count values have been doubled to give a full hour

AM PEAK HOUR IS FROM: 8:00AM TO 9:00AM

Volumes	0	0	0	2	0	0	2	0	406	0	0	488	6	904			904
Season Factor	0	0	0	2	0	0	2	0	406	0	0	488	6	904			904
Growth	0	0	0	2	0	0	2	0	406	0	0	488	6	904			904
In/Out	In	In	In	In	In	In	In	In	In	In	In	In	In	In	In	In	In
Percentage	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%
PROJECT	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

Seasonal Factor: 1
 Trips In: 1
 Trips Out: 1
 Growth Rate: 1
 Years Growth: 1

Total 0 0 0 0 2 0 2 0 406 0 0 488 6 904

15 Min Period	Northbound				Southbound				Eastbound				Westbound				ONE HOUR SUM
	NBL	NBT	NBR	SBU	SBL	SBT	SBR	EBL	EBT	EBR	WBL	WBT	WBR	TOTAL	WBR	TOTAL	
3:15-3:30	0	0	0	0	0	0	1	0	114	0	0	145	0	260	1056		1056
3:30-3:45	0	0	0	0	0	0	2	112	112	0	0	154	0	268	796		796
3:45-4:00	0	0	0	0	0	0	1	0	114	0	0	145	0	260	528		528
4:00-4:15	0	0	0	0	0	0	2	112	112	0	0	154	0	268	268		268

* The Count values have been doubled to give a full hour

PM PEAK HOUR IS FROM: 4:00PM TO 5:00PM

Volumes	0	0	0	0	0	0	2	4	452	0	0	598	0	1056			1056
Season Factor	0	0	0	0	0	0	2	4	452	0	0	598	0	1056			1056
Growth	0	0	0	0	0	0	2	4	452	0	0	598	0	1056			1056
In/Out	In	In	In	In	In	In	In	In	In	In	In	In	In	In	In	In	In
Percentage	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%
PROJECT	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

Seasonal Factor: 1
 Trips In: 1
 Trips Out: 1
 Growth Rate: 1
 Years Growth: 0

Total 0 0 0 0 2 0 2 4 452 0 0 598 0 1056

TURNING MOVEMENT VOLUME COUNTS

N/S STREET: Amerigo Avenue
 FILENAME: The Oaks School
 COUNT DATE: 3/24/2022
 REPORT DATE: 3/24/2022

EW STREET: Oceola Street
 CITY: Stuart
 INTERSECTION: Amerigo Ave X Oceola St

DAY: Thursday
 ANALYSIS YEAR: 2022

CONTROL: AVSC

15 Min Period	Northbound				Southbound				Eastbound				Westbound				ONE HOUR SUM
	NBL	NBT	NBR	SBU	SBL	SBT	SBR	EBL	EBT	EBR	WBL	WBT	WBR	TOTAL	WBR	TOTAL	
7:00-7:15														0		0	0
7:15-7:30														0		64	64
7:30-7:45														0		107	107
7:45-8:00														0		171	171
8:00-8:15	0	4	1	0	0	5	4	0	23	4	2	20	1	64	1	214	214
8:15-8:30	1	2	1	0	1	2	0	4	16	0	2	11	3	43			
8:30-8:45	0	4	1	0	0	5	4	0	23	4	2	20	1	64			
8:45-9:00	1	2	1	0	1	2	0	4	16	0	2	11	3	43			

* The Count values have been doubled to give a full hour

AM PEAK HOUR IS FROM: 8:00AM TO 9:00AM

Volumes	2	12	4	0	2	14	8	8	78	8	8	62	8	214			
Season Factor	2	12	4	0	2	14	8	8	78	8	8	62	8	214			
Growth	2	12	4	0	2	14	8	8	78	8	8	62	8	214			
In/Out	In	In	In	In	In	In	In	In	In	In	In	In	In	In	In	In	In
Percentage	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%
PROJECT	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

Seasonal Factor: 1
 Trips In: 1
 Trips Out: 1
 Growth Rate: 1
 Years Growth: 1

Total 2 12 4 0 2 14 8 8 78 8 8 62 8 214

15 Min Period	Northbound				Southbound				Eastbound				Westbound				ONE HOUR SUM
	NBL	NBT	NBR	SBU	SBL	SBT	SBR	EBL	EBT	EBR	WBL	WBT	WBR	TOTAL	WBR	TOTAL	
2:45-3:00	0	2	3	0	1	5	3	0	24	3	3	17	1	62	1	278	278
3:00-3:15	1	4	1	0	1	4	0	3	36	1	5	20	1	77	1	216	216
3:15-3:30	0	2	3	0	1	5	3	0	24	3	3	17	1	62	1	139	139
3:30-3:45	1	4	1	0	1	4	0	3	36	1	5	20	1	77	1	77	77
														0		0	0
														0		0	0
														0		0	0

* The Count values have been doubled to give a full hour

PM PEAK HOUR IS FROM: 4:00PM TO 5:00PM

Volumes	2	12	8	0	4	18	6	6	120	8	16	74	4	278			
Season Factor	2	12	8	0	4	18	6	6	120	8	16	74	4	278			
Growth	2	12	8	0	4	18	6	6	120	8	16	74	4	278			
In/Out	In	In	In	In	In	In	In	In	In	In	In	In	In	In	In	In	In
Percentage	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%
PROJECT	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

Seasonal Factor: 1
 Trips In: 1
 Trips Out: 1
 Years Growth: 0

Total 2 12 8 0 4 18 6 6 120 8 8 16 74 4 278

TABLE 7

Generalized **Peak Hour Directional** Volumes for Florida's

Urbanized Areas

January 2020

INTERRUPTED FLOW FACILITIES						UNINTERRUPTED FLOW FACILITIES					
STATE SIGNALIZED ARTERIALS						FREEWAYS					
Class I (40 mph or higher posted speed limit)						Core Urbanized					
Lanes	Median	B	C	D	E	Lanes	B	C	D	E	
1	Undivided	*	830	880	**	2	2,230	3,100	3,740	4,080	
2	Divided	*	1,910	2,000	**	3	3,280	4,570	5,620	6,130	
3	Divided	*	2,940	3,020	**	4	4,310	6,030	7,490	8,170	
4	Divided	*	3,970	4,040	**	5	5,390	7,430	9,370	10,220	
						6	6,380	8,990	11,510	12,760	
Class II (35 mph or slower posted speed limit)						Urbanized					
Lanes	Median	B	C	D	E	Lanes	B	C	D	E	
1	Undivided	*	370	750	800	2	2,270	3,100	3,890	4,230	
2	Divided	*	730	1,630	1,700	3	3,410	4,650	5,780	6,340	
3	Divided	*	1,170	2,520	2,560	4	4,550	6,200	7,680	8,460	
4	Divided	*	1,610	3,390	3,420	5	5,690	7,760	9,520	10,570	
Non-State Signalized Roadway Adjustments						Freeway Adjustments					
(Alter corresponding state volumes by the indicated percent.)						Auxiliary Lane + 1,000 Ramp Metering + 5%					
Non-State Signalized Roadways - 10%											
Median & Turn Lane Adjustments						UNINTERRUPTED FLOW HIGHWAYS					
Lanes	Median	Exclusive Left Lanes	Exclusive Right Lanes	Adjustment Factors		Lanes	Median	B	C	D	E
1	Divided	Yes	No	+5%		1	Undivided	580	890	1,200	1,610
1	Undivided	No	No	-20%		2	Divided	1,800	2,600	3,280	3,730
Multi	Undivided	Yes	No	-5%		3	Divided	2,700	3,900	4,920	5,600
Multi	Undivided	No	No	-25%							
-	-	-	Yes	+ 5%							
One-Way Facility Adjustment						Uninterrupted Flow Highway Adjustments					
Multiply the corresponding directional volumes in this table by 1.2						Lanes	Median	Exclusive left lanes	Adjustment factors		
						1	Divided	Yes	+5%		
						Multi	Undivided	Yes	-5%		
						Multi	Undivided	No	-25%		
BICYCLE MODE²						¹ Values shown are presented as peak hour directional volumes for levels of service and are for the automobile/truck modes unless specifically stated. This table does not constitute a standard and should be used only for general planning applications. The computer models from which this table is derived should be used for more specific planning applications. The table and deriving computer models should not be used for corridor or intersection design, where more refined techniques exist. Calculations are based on planning applications of the HCM and the Transit Capacity and Quality of Service Manual.					
(Multiply vehicle volumes shown below by number of directional roadway lanes to determine two-way maximum service volumes.)						² Level of service for the bicycle and pedestrian modes in this table is based on number of vehicles, not number of bicyclists or pedestrians using the facility.					
Paved Shoulder/Bicycle						³ Buses per hour shown are only for the peak hour in the single direction of the higher traffic flow.					
Lane Coverage	B	C	D	E		* Cannot be achieved using table input value defaults.					
0-49%	*	150	390	1,000		** Not applicable for that level of service letter grade. For the automobile mode, volumes greater than level of service D become F because intersection capacities have been reached. For the bicycle mode, the level of service letter grade (including F) is not achievable because there is no maximum vehicle volume threshold using table input value defaults.					
50-84%	110	340	1,000	>1,000		Source:					
85-100%	470	1,000	>1,000	**		Florida Department of Transportation					
PEDESTRIAN MODE²						Systems Implementation Office					
(Multiply vehicle volumes shown below by number of directional roadway lanes to determine two-way maximum service volumes.)						https://www.fltdot.gov/planning/systems/					
Sidewalk Coverage	B	C	D	E							
0-49%	*	*	140	480							
50-84%	*	80	440	800							
85-100%	200	540	880	>1,000							
BUS MODE (Scheduled Fixed Route)³											
(Buses in peak hour in peak direction)											
Sidewalk Coverage	B	C	D	E							
0-84%	> 5	≥ 4	≥ 3	≥ 2							
85-100%	> 4	≥ 3	≥ 2	≥ 1							

APPENDIX C

DRIVEWAY ANALYSIS

TURNING MOVEMENT VOLUME COUNTS

N/S STREET: Project Driveway
 FILENAME: River Place
 COUNT DATE: 3/24/2022
 REPORT DATE: 3/24/2022
 DAY: Thursday
 ANALYSIS YEAR: 2025
 E/W STREET: Ocean Boulevard
 CITY: Stuart
 INTERSECTION: Project Driveway X Ocean Blvd
 CONTROL: TWSC

15 Min Period	Northbound			Southbound			Eastbound			Westbound					
	NBL	NBT	NBR	SBU	SBL	SBT	SBR	EBL	EBT	EBR	WBL	WBT	WBR	TOTAL	ONE HOUR SUM
7:00-7:15														0	0
7:15-7:30														0	225
7:30-7:45														0	452
7:45-8:00														0	677
8:00-8:15	0	0	0	0	1	0	0	0	109	0	0	112	3	225	904
8:15-8:30	0	0	0	0	0	0	1	0	94	0	0	132	0	227	
8:30-8:45	0	0	0	0	1	0	0	0	109	0	0	112	3	225	
8:45-9:00	0	0	0	0	0	0	1	0	94	0	0	132	0	227	

← 561

0

←

← 523

6

←

412

517

←

412

0

←

AM

0

←

414

0

←

0

44

0

0

44

0

0

44

0

0

44

0

0

44

0

0

44

0

0

44

0

0

44

0

0

44

0

0

44

0

0

44

0

0

44

0

0

44

0

0

44

0

0

44

0

0

44

0

0

44

0

0

44

0

0

44

0

0

44

0

0

44

0

0

44

0

0

44

0

0

44

0

0

44

0

0

44

0

0

44

0

0

44

0

0

44

0

0

44

0

0

44

0

0

44

0

0

44

0

0

44

0

0

44

0

0

44

0

0

44

0

0

44

0

0

44

0

0

44

0

0

44

0

0

44

0

0

44

0

0

44

0

0

44

0

0

44

0

0

44

0

0

44

0

0

44

0

0

44

0

0

44

0

0

44

0

0

44

0

0

44

0

0

44

0

0

44

0

0

44

0

0

44

0

0

44

0

0

44

0

0

44

0

0

44

0

0

44

0

0

44

0

0

44

0

0

44

0

0

44

0

0

44

0

0

44

0

0

44

0

0

44

0

0

44

0

0

44

0

0

44

0

0

44

0

0

44

0

0

44

0

0

44

0

0

44

0

0

44

0

0

44

0

0

44

0

0

44

0

0

44

0

0

44

0

0

44

0

0

44

0

0

44

0

0

44

0

0

44

0

0

44

0

0

44

0

0

44

0

0

44

0

0

44

0

0

44

0

0

44

0

0

44

0

0

44

0

0

44

0

0

44

0

0

44

0

0

44

0

0

44

0

0

44

0

0

44

0

0

44

0

0

44

0

0

44

0

0

44

0

0

44

0

0

44

0

0

44

0

0

44

0

0

44

0

0

44

0

0

44

0

0

44

0

0

44

0

0

44

0

0

44

0

0

44

0

0

44

0

0

44

0

0

44

0

0

44

0

0

44

0

0

44

0

0

44

0

0

44

0

0

44

0

0

44

0

0

44

0

0

44

0

0

44

0

0

44

0

0

44

0

0

44

0

0

44

0

0

44

0

0

44

0

0

44

0

0

44

0

0

44

0

0

44

0

0

44

0

0

44

0

0

44

0

0

44

0

0

44

0

0

44

0

0

44

0

0

44

0

0

44

0

0

44

0

0

44

0

0

44

0

0

44

0

0

44

0

0

44

0

0

44

0

0

44

0

0

44

0

0

44

0

0

44

0

0

44

0

0

44

0

0

44

0

0

44

0

0

44

0

0

44

0

0

44

0

0

44

0

0

44

0

0

44

0

0

44

0

0

44

0

0

44

0

0

44

0

0

44

0

0

44

0

0

44

0

0

44

0

0

44

0

0

44

0

0

44

0

0

44

0

0

44

0

0

44

0

0

44

0

0

44

0

0

44

0

0

44

0

0

44

0

0

44

0

0

44

0

0

44

0

0

44

0

0

44

0

0

44

0

0

44

0

0

44

0

0

44

0

0

44

0

0

44

0

0

44

0

0

44

0

0

44

0

0

44

0

0

44

0

0

44

0

0

44

0

0</

* The Count values have been doubled to give a full hour

AM PEAK HOUR IS FROM: 8:00AM TO 9:00AM

Volumes	0	0	0	0	2	0	2	0	406	0	0	488	6	904	
Season Factor	0	0	0	0	2	0	2	0	406	0	0	488	6	904	
Growth	0	0	0	0	2	0	2	0	412	0	0	495	6	918	
In/Out	In	In	In	In	In	In	Out	In	In	In	In	In	In	In	
Percentage	0%	0%	0%	0%	0%	0%	100%	0%	0%	0%	0%	40%	0%	63	
PROJECT	0	0	0	0	0	0	42	0	0	0	0	21	0	63	

Seasonal Factor: 1
 Trips In: 53
 Trips Out: 42
 Growth Rate: 1.005
 Years Growth: 3

Total 0 0 0 0 2 0 44 0 412 0 0 517 6 981

15 Min Period lanes	Northbound			Southbound			Eastbound			Westbound			ONE HOUR SUM		
	NBL	NBT	NBR	SBU	SBL	SBT	SBR	EBL	EBT	EBR	WBL	WBT		WBR	TOTAL
3:15-3:30	0	0	0	0	0	0	1	0	114	0	0	145	0	260	1056
3:30-3:45	0	0	0	0	0	0	0	2	112	0	0	154	0	268	796
3:45-4:00	0	0	0	0	0	0	1	0	114	0	0	145	0	260	528
4:00-4:15	0	0	0	0	0	0	0	2	112	0	0	154	0	268	268
														0	0
														0	0
														0	0
														0	0

32
↑

32
↓

4
↑

0
↶

32
↶

0
↓

0
↷

4
↶

459
↶

0
↷

← 617

← 617

459 →

PM

← 649

463 →

↶

0

0

↷

↶

0

0

↷

↶

0

0

↷

↶

0

0

↷

* The Count values have been doubled to give a full hour

PM PEAK HOUR IS FROM: 4:00PM TO 5:00PM

Volumes	0	0	0	0	0	0	2	4	452	0	0	598	0	1056	
Season Factor	0	0	0	0	0	0	2	4	452	0	0	598	0	1056	
Growth	0	0	0	0	0	0	2	4	459	0	0	607	0	1072	
In/Out	In	In	In	In	In	In	Out	In	In	In	In	In	In	In	
Percentage	0%	0%	0%	0%	0%	0%	100%	0%	0%	0%	0%	40%	0%	40	
PROJECT	0	0	0	0	0	0	30	0	0	0	0	10	0	40	

Seasonal Factor: 1
 Growth Rate: 1.005
 Trips In: 26
 Trips Out: 30
 Years Growth: 3

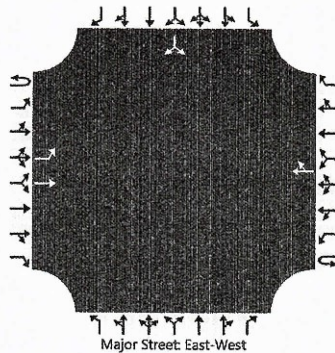
Total 0 0 0 0 0 0 32 4 459 0 0 617 0 1112

HCS7 Two-Way Stop-Control Report

General Information

Analyst	Kyle Scherer	Intersection	Project and Ocean
Agency/Co.	OREP	Jurisdiction	Martin
Date Performed	3/24/2022	East/West Street	Ocean Boulevard
Analysis Year	2022	North/South Street	Project Driveway
Time Analyzed	AM Peak Hour	Peak Hour Factor	1.00
Intersection Orientation	East-West	Analysis Time Period (hrs)	0.25
Project Description	The Oaks		

Lanes



Vehicle Volumes and Adjustments

Approach	Eastbound				Westbound				Northbound				Southbound			
Movement	U	L	T	R	U	L	T	R	U	L	T	R	U	L	T	R
Priority	1U	1	2	3	4U	4	5	6		7	8	9		10	11	12
Number of Lanes	0	1	1	0	0	0	1	0		0	0	0		0	1	0
Configuration		L	T					TR							LR	
Volume (veh/h)		0	406				488	6						2		2
Percent Heavy Vehicles (%)		3												3		3
Proportion Time Blocked																
Percent Grade (%)													0			
Right Turn Channelized																
Median Type Storage					Left + Thru								1			

Critical and Follow-up Headways

Base Critical Headway (sec)		4.1												7.1		6.2
Critical Headway (sec)		4.13												6.43		6.23
Base Follow-Up Headway (sec)		2.2												3.5		3.3
Follow-Up Headway (sec)		2.23												3.53		3.33

Delay, Queue Length, and Level of Service

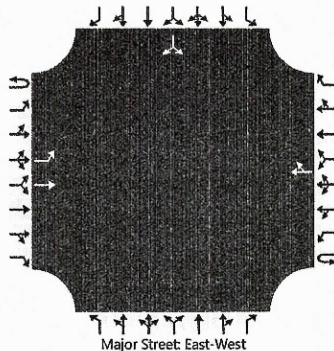
Flow Rate, v (veh/h)		0													4	
Capacity, c (veh/h)		1064													494	
v/c Ratio		0.00													0.01	
95% Queue Length, Q ₉₅ (veh)		0.0													0.0	
Control Delay (s/veh)		8.4													12.3	
Level of Service (LOS)		A													B	
Approach Delay (s/veh)	0.0												12.3			
Approach LOS													B			

HCS7 Two-Way Stop-Control Report

General Information

Analyst	Kyle Scherer	Intersection	Project and Ocean
Agency/Co.	OREP	Jurisdiction	Martin
Date Performed	3/23/2022	East/West Street	Ocean Boulevard
Analysis Year	2022	North/South Street	Project Driveway
Time Analyzed	PM Peak Hour	Peak Hour Factor	1.00
Intersection Orientation	East-West	Analysis Time Period (hrs)	0.25
Project Description	The Oaks		

Lanes



Vehicle Volumes and Adjustments

Approach	Eastbound				Westbound				Northbound				Southbound			
Movement	U	L	T	R	U	L	T	R	U	L	T	R	U	L	T	R
Priority	1U	1	2	3	4U	4	5	6		7	8	9		10	11	12
Number of Lanes	0	1	1	0	0	0	1	0		0	0	0		0	1	0
Configuration		L	T					TR							LR	
Volume (veh/h)		4	452				598	0						0		2
Percent Heavy Vehicles (%)		3												3		3
Proportion Time Blocked																
Percent Grade (%)														0		
Right Turn Channelized																
Median Type Storage							Left + Thru						1			

Critical and Follow-up Headways

Base Critical Headway (sec)		4.1												7.1		6.2
Critical Headway (sec)		4.13												6.43		6.23
Base Follow-Up Headway (sec)		2.2												3.5		3.3
Follow-Up Headway (sec)		2.23												3.53		3.33

Delay, Queue Length, and Level of Service

Flow Rate, v (veh/h)		4													2	
Capacity, c (veh/h)		974													500	
v/c Ratio		0.00													0.00	
95% Queue Length, Q ₉₅ (veh)		0.0													0.0	
Control Delay (s/veh)		8.7													12.2	
Level of Service (LOS)		A													B	
Approach Delay (s/veh)			0.1												12.2	
Approach LOS															B	

HCS 2010 Two-Way Stop-Control Report

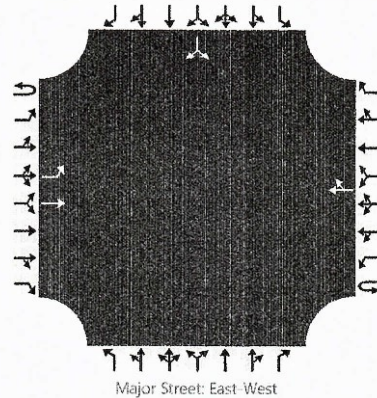
General Information

Analyst	Kyle Scherer
Agency/Co.	OREP
Date Performed	3/24/2022
Analysis Year	2025
Time Analyzed	AM Peak Hour
Intersection Orientation	East-West
Project Description	The Oaks

Site Information

Intersection	Project and Ocean
Jurisdiction	Martin
East/West Street	Ocean Boulevard
North/South Street	Project Driveway
Peak Hour Factor	1.00
Analysis Time Period (hrs)	0.25

Lanes



Vehicle Volumes and Adjustments

Approach	Eastbound				Westbound				Northbound				Southbound			
Movement	U	L	T	R	U	L	T	R	U	L	T	R	U	L	T	R
Priority	1U	1	2	3	4U	4	5	6		7	8	9		10	11	12
Number of Lanes	0	1	1	0	0	0	1	0		0	0	0		0	0	0
Configuration		L	T					TR							LR	
Volume, V (veh/h)		0	412				517	6						2		44
Percent Heavy Vehicles (%)		3												3		3
Proportion Time Blocked																
Percent Grade (%)													0			
Right Turn Channelized	No				No				No				No			
Median Type/Storage					Left + Thru				1							

Critical and Follow-up Headways

Base Critical Headway (sec)		4.1												7.1		6.2
Critical Headway (sec)		4.13												6.43		6.23
Base Follow-Up Headway (sec)		2.2												3.5		3.3
Follow-Up Headway (sec)		2.23												3.53		3.33

Delay, Queue Length, and Level of Service

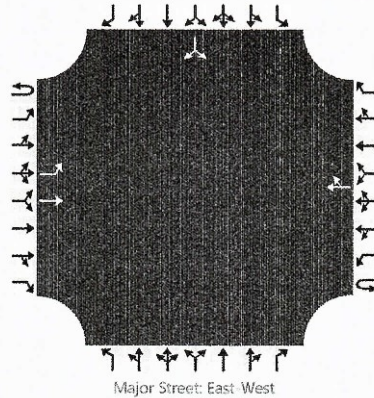
Flow Rate, v (veh/h)		0													46	
Capacity, c (veh/h)		1039													547	
v/c Ratio		0.00													0.08	
95% Queue Length, Q ₉₅ (veh)		0.0													0.3	
Control Delay (s/veh)		8.5													12.2	
Level of Service, LOS		A													B	
Approach Delay (s/veh)	0.0												12.2			
Approach LOS													B			

HCS 2010 Two-Way Stop-Control Report

General Information

Analyst	Kyle Scherer	Intersection	Project and Ocean
Agency/Co.	OREP	Jurisdiction	Martin
Date Performed	3/23/2022	East/West Street	Ocean Boulevard
Analysis Year	2025	North/South Street	Project Driveway
Time Analyzed	PM Peak Hour	Peak Hour Factor	1.00
Intersection Orientation	East-West	Analysis Time Period (hrs)	0.25
Project Description	The Oaks		

Lanes



Vehicle Volumes and Adjustments

Approach	Eastbound				Westbound				Northbound				Southbound			
Movement	U	L	T	R	U	L	T	R	U	L	T	R	U	L	T	R
Priority	1U	1	2	3	4U	4	5	6		7	8	9		10	11	12
Number of Lanes	0	1	1	0	0	0	1	0		0	0	0		0	0	0
Configuration		L	T					TR							LR	
Volume, V (veh/h)		4	459				617	0						0		32
Percent Heavy Vehicles (%)		3												3		3
Proportion Time Blocked																
Percent Grade (%)													0			
Right Turn Channelized	No				No				No				No			
Median Type/Storage	Left + Thru								1							

Critical and Follow-up Headways

Base Critical Headway (sec)		4.1												7.1		6.2
Critical Headway (sec)		4.13												6.43		6.23
Base Follow-Up Headway (sec)		2.2												3.5		3.3
Follow-Up Headway (sec)		2.23												3.53		3.33

Delay, Queue Length, and Level of Service

Flow Rate, v (veh/h)		4													32	
Capacity, c (veh/h)		958													488	
v/c Ratio		0.00													0.07	
95% Queue Length, Q ₉₅ (veh)		0.0													0.2	
Control Delay (s/veh)		8.8													12.9	
Level of Service, LOS		A													B	
Approach Delay (s/veh)	0.1												12.9			
Approach LOS													B			

TURNING MOVEMENT VOLUME COUNTS

N/S STREET: Amerigo Avenue
 FILENAME: The Oaks School
 COUNT DATE: 3/24/2022
 REPORT DATE: 3/24/2022

DAY: Thursday
 ANALYSIS YEAR: 2025

EW STREET: Project Driveway
 CITY: Stuart
 INTERSECTION: Amerigo Ave X Project Driveway
 CONTROL: AWSC

15 Min Period	Northbound			Southbound			Eastbound			Westbound			ONE HOUR SUM
	NBL	NBT	NBR	SBU	SBL	SBT	EBL	EBT	EBR	WBL	WBT	WBR	TOTAL
7:00-7:15													0
7:15-7:30													0
7:30-7:45													0
7:45-8:00													0
8:00-8:15													0
8:15-8:30													0
8:30-8:45													0
8:45-9:00													0

* The Count values have been doubled to give a full hour

AM PEAK HOUR IS FROM: 7:00AM TO 8:00AM

Volumes	0	0	0	0	0	0	0	0	0	0	0	0	0
Season Factor	0	0	0	0	0	0	0	0	0	0	0	0	0
Growth	0	18	0	0	0	30	0	0	0	0	0	0	48
In/Out	In	In	In	In	In	In	Out	In	In	In	In	In	In
Percentage	0%	0%	0%	0%	0%	0%	100%	0%	0%	0%	0%	0%	0%
PROJECT	0	0	0	0	0	0	53	0	0	0	0	0	53

Seasonal Factor: 1
 Trips In: 53
 Trips Out: 42
 Growth Rate: 1.005
 Years Growth: 3

Total 0 18 0 0 0 0 30 53 0 0 0 0 0 0 101

15 Min Period	Northbound			Southbound			Eastbound			Westbound			ONE HOUR SUM
	NBL	NBT	NBR	SBU	SBL	SBT	EBL	EBT	EBR	WBL	WBT	WBR	TOTAL
2:45-3:00													0
3:00-3:15													0
3:15-3:30													0
3:30-3:45													0

* The Count values have been doubled to give a full hour

PM PEAK HOUR IS FROM: 4:00PM TO 5:00PM

Volumes	0	0	0	0	0	0	0	0	0	0	0	0	0
Season Factor	0	0	0	0	0	0	0	0	0	0	0	0	0
Growth	0	22	0	0	0	42	0	0	0	0	0	0	64
In/Out	In	In	In	In	In	In	Out	In	In	In	In	In	In
Percentage	0%	0%	0%	0%	0%	0%	100%	0%	0%	0%	0%	0%	0%
PROJECT	0	0	0	0	0	0	26	0	0	0	0	0	26

Seasonal Factor: 1
 Growth Rate: 1.005
 Trips In: 26
 Trips Out: 30
 Years Growth: 3

Total 0 22 0 0 0 0 42 26 0 0 0 0 0 90

HCS 2010 Two-Way Stop-Control Report

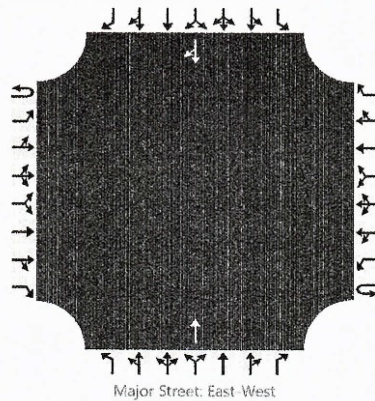
General Information

Analyst	Kyle Scherer
Agency/Co.	OREP
Date Performed	3/24/2022
Analysis Year	2025
Time Analyzed	AM Peak Hour
Intersection Orientation	East-West
Project Description	The Oaks

Site Information

Intersection	Amerigo and Project
Jurisdiction	Martin
East/West Street	Project Driveway
North/South Street	Amerigo Avenue
Peak Hour Factor	1.00
Analysis Time Period (hrs)	0.25

Lanes



Vehicle Volumes and Adjustments

Approach	Eastbound				Westbound				Northbound				Southbound			
Movement	U	L	T	R	U	L	T	R	U	L	T	R	U	L	T	R
Priority	1U	1	2	3	4U	4	5	6		7	8	9		10	11	12
Number of Lanes	0	0	0	0	0	0	0	0		0	1	0		0	1	0
Configuration											T					TR
Volume, V (veh/h)											18				30	53
Percent Heavy Vehicles (%)											3				3	3
Proportion Time Blocked																
Percent Grade (%)									0				0			
Right Turn Channelized	No				No				No				No			
Median Type/Storage	Undivided															

Critical and Follow-up Headways

Base Critical Headway (sec)											6.5				6.5	0.0
Critical Headway (sec)											6.53				6.53	0.00
Base Follow-Up Headway (sec)											4.0				4.0	0.0
Follow-Up Headway (sec)											4.03				4.03	0.00

Delay, Queue Length, and Level of Service

Flow Rate, v (veh/h)											18					83
Capacity, c (veh/h)											894					
v/c Ratio											0.02					
95% Queue Length, Q ₉₅ (veh)											0.1					
Control Delay (s/veh)											9.1					
Level of Service, LOS											A					
Approach Delay (s/veh)									9.1							
Approach LOS									A							

HCS 2010 Two-Way Stop-Control Report

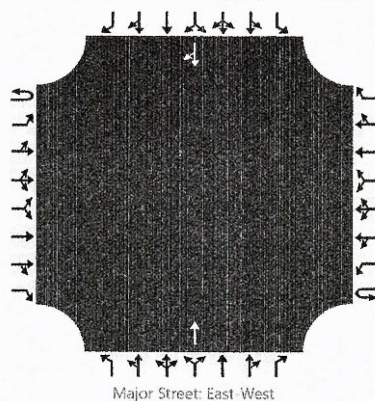
General Information

Analyst	Kyle Scherer
Agency/Co.	OREP
Date Performed	3/24/2022
Analysis Year	2025
Time Analyzed	PM Peak Hour
Intersection Orientation	East-West
Project Description	The Oaks

Site Information

Intersection	Amerigo and Project
Jurisdiction	Martin
East/West Street	Project Driveway
North/South Street	Amerigo Avenue
Peak Hour Factor	1.00
Analysis Time Period (hrs)	0.25

Lanes



Vehicle Volumes and Adjustments

Approach	Eastbound				Westbound				Northbound				Southbound			
Movement	U	L	T	R	U	L	T	R	U	L	T	R	U	L	T	R
Priority	1U	1	2	3	4U	4	5	6		7	8	9		10	11	12
Number of Lanes	0	0	0	0	0	0	0	0		0	1	0		0	1	0
Configuration											T					TR
Volume, V (veh/h)											22				42	26
Percent Heavy Vehicles (%)											3				3	3
Proportion Time Blocked																
Percent Grade (%)									0				0			
Right Turn Channelized	No				No				No				No			
Median Type/Storage	Undivided															

Critical and Follow-up Headways

Base Critical Headway (sec)											6.5				6.5	0.0
Critical Headway (sec)											6.53				6.53	0.00
Base Follow-Up Headway (sec)											4.0				4.0	0.0
Follow-Up Headway (sec)											4.03				4.03	0.00

Delay, Queue Length, and Level of Service

Flow Rate, v (veh/h)											22					68
Capacity, c (veh/h)											894					
v/c Ratio											0.02					
95% Queue Length, Q ₉₅ (veh)											0.1					
Control Delay (s/veh)											9.1					
Level of Service, LOS											A					
Approach Delay (s/veh)									9.1							
Approach LOS									A							

TURNING MOVEMENT VOLUME COUNTS

N/S STREET: Amerigo Avenue
 FILENAME: The Oaks School
 COUNT DATE: 3/24/2022
 REPORT DATE: 3/24/2022
 DAY: Thursday
 ANALYSIS YEAR: 2025
 CITY: Stuart
 INTERSECTION: Amerigo Ave X Osceola St
 CONTROL: AMSC

15 Min Period	Northbound				Southbound				Eastbound				Westbound			
	NBL	NBT	NBR	SBU	SBL	SBT	SBR	EBL	EBT	EBR	WBL	WBT	WBR	TOTAL	ONE HOUR SUM	
														0	0	
7:00-7:15														0	64	
7:15-7:30														0	107	
7:30-7:45														0	171	
7:45-8:00														0	214	
8:00-8:15	0	4	1	0	0	5	4	0	23	4	2	20	1	64		
8:15-8:30	1	2	1	0	1	2	0	4	16	0	2	11	3	43		
8:30-8:45	0	4	1	0	0	5	4	0	23	4	2	20	1	64		
8:45-9:00	1	2	1	0	1	2	0	4	16	0	2	11	3	43		

* The Count values have been doubled to give a full hour

AM PEAK HOUR IS FROM: 8:00AM TO 9:00AM

Volumes	2	12	4	0	2	14	8	8	78	8	8	62	8	214
Season Factor	2	12	4	0	2	14	8	8	78	8	8	62	8	214
Growth	In	In	In	In	In	In	In	Out	In	In	In	In	In	In
In/Out	0%	0%	0%	0%	0%	0%	0%	20%	80%	20%	0%	0%	0%	0%
Percentage	0	0	0	0	0	0	0	8	42	11	0	0	0	61
PROJECT														

Seasonal Factor: 1

Trips In: 53

Trips Out: 42

Growth Rate: 1.005

Years Growth: 3

← 73

8

88

51

← 90

AM

↑ 8

← 63

↓ 19

94 →

0

↑

8

↓

14

2

↑

2

12

4

84

↓

18

15 Min Period lanes	Northbound				Southbound				Eastbound				Westbound			
	NBL	NBT	NBR	SBU	SBL	SBT	SBR	EBL	EBT	EBR	WBL	WBT	WBR	TOTAL	ONE HOUR SUM	
2-45-3-00	0	2	3	0	1	5	3	0	24	3	3	17	1	62	278	
3-00-3-15	1	4	1	0	1	4	0	3	36	1	5	20	1	77	216	
3-15-3-30	0	2	3	0	1	5	3	0	24	3	3	17	1	62	139	
3-30-3-45	1	4	1	0	1	4	0	3	36	1	5	20	1	77	77	
														0	0	
														0	0	
														0	0	

← 83

6

128

29

163 →

← 100

4

75

21

140 →

PM

28 ↑

22 ↓

4

18 ↓

0

6

18

4

22 ↑

2

12

8

68

22 ↑

• The Count values have been doubled to give a full hour

4:00PM TO 5:00PM

PM PEAK HOUR IS FROM:

Volumes	2	12	8	0	4	18	6	6	120	8	16	74	4	278
Season Factor	2	12	8	0	4	18	6	6	120	8	16	74	4	278
Growth	In	In	In	In	In	In	In	In	Out	In	In	In	In	In
In/Out	0%	0%	0%	0%	0%	0%	0%	0%	20%	80%	20%	0%	0%	0%
Percentage	0	0	0	0	0	0	0	0	6	21	5	0	0	32
Project														

Seasonal Factor: 1

Growth Rate: 1.005

Trips In: 26

Trips Out: 30

Years Growth: 3

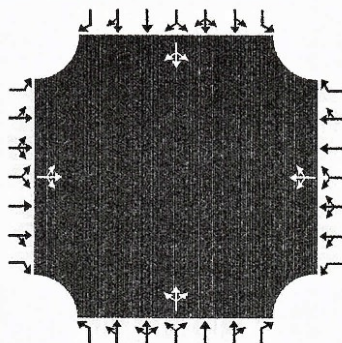
Total 2 12 4 0 2 14 8 8 88 51 19 63 8 279

HCS7 All-Way Stop Control Report

General Information

Analyst	Kyle Scherer	Intersection	Amerigo and Osceola
Agency/Co.	OREP	Jurisdiction	Martin
Date Performed	3/24/2022	East/West Street	Osceola Street
Analysis Year	2022	North/South Street	Amerigo Avenue
Analysis Time Period (hrs)	0.25	Peak Hour Factor	1.00
Time Analyzed	AM Peak Hour		
Project Description	The Oaks		

Lanes



Vehicle Volume and Adjustments

Approach	Eastbound			Westbound			Northbound			Southbound		
Movement	L	T	R	L	T	R	L	T	R	L	T	R
Volume	8	78	8	8	62	8	2	12	4	2	14	8
% Thrus in Shared Lane												
Lane	L1	L2	L3	L1	L2	L3	L1	L2	L3	L1	L2	L3
Configuration	LTR			LTR			LTR			LTR		
Flow Rate, v (veh/h)	94			78			18			24		
Percent Heavy Vehicles	2			2			2			2		

Departure Headway and Service Time

Initial Departure Headway, hd (s)	3.20			3.20			3.20			3.20		
Initial Degree of Utilization, x	0.084			0.069			0.016			0.021		
Final Departure Headway, hd (s)	4.07			4.07			4.21			4.14		
Final Degree of Utilization, x	0.106			0.088			0.021			0.028		
Move-Up Time, m (s)	2.0			2.0			2.0			2.0		
Service Time, ts (s)	2.07			2.07			2.21			2.14		

Capacity, Delay and Level of Service

Flow Rate, v (veh/h)	94			78			18			24		
Capacity	885			884			854			870		
95% Queue Length, Q ₉₅ (veh)	0.4			0.3			0.1			0.1		
Control Delay (s/veh)	7.5			7.5			7.3			7.3		
Level of Service, LOS	A			A			A			A		
Approach Delay (s/veh)	7.5			7.5			7.3			7.3		
Approach LOS	A			A			A			A		
Intersection Delay, s/veh LOS	7.5						A					

HCS7 All-Way Stop Control Report

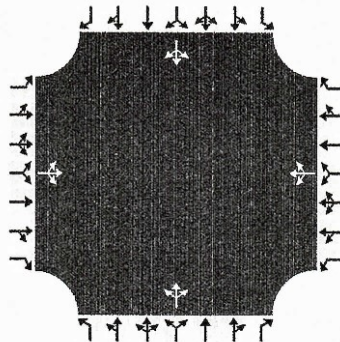
General Information

Analyst	Kyle Scherer
Agency/Co.	OREP
Date Performed	3/23/2022
Analysis Year	2022
Analysis Time Period (hrs)	0.25
Time Analyzed	PM Peak Hour
Project Description	The Oaks

Site Information

Intersection	Amerigo and Osceola
Jurisdiction	Martin
East/West Street	Osceola Street
North/South Street	Amerigo Avenue
Peak Hour Factor	1.00

Lanes



Vehicle Volume and Adjustments

Approach	Eastbound			Westbound			Northbound			Southbound		
Movement	L	T	R	L	T	R	L	T	R	L	T	R
Volume	6	120	8	16	74	4	2	12	8	4	18	6
% Thrus in Shared Lane												
Lane	L1	L2	L3	L1	L2	L3	L1	L2	L3	L1	L2	L3
Configuration	LTR			LTR			LTR			LTR		
Flow Rate, v (veh/h)	134			94			22			28		
Percent Heavy Vehicles	2			2			2			2		

Departure Headway and Service Time

Initial Departure Headway, hd (s)	3.20			3.20			3.20			3.20		
Initial Degree of Utilization, x	0.119			0.084			0.020			0.025		
Final Departure Headway, hd (s)	4.11			4.19			4.26			4.35		
Final Degree of Utilization, x	0.153			0.109			0.026			0.034		
Move-Up Time, m (s)	2.0			2.0			2.0			2.0		
Service Time, ts (s)	2.11			2.19			2.26			2.35		

Capacity, Delay and Level of Service

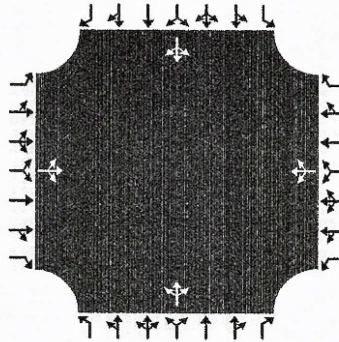
Flow Rate, v (veh/h)	134			94			22			28		
Capacity	875			860			846			828		
95% Queue Length, Q ₉₅ (veh)	0.5			0.4			0.1			0.1		
Control Delay (s/veh)	7.9			7.7			7.4			7.5		
Level of Service, LOS	A			A			A			A		
Approach Delay (s/veh)	7.9			7.7			7.4			7.5		
Approach LOS	A			A			A			A		
Intersection Delay, s/veh LOS	7.7						A					

HCS 2010 All-Way Stop-Control Summary Report

General Information

Analyst	Kyle Scherer	Intersection	Amerigo and Osceola
Agency/Co.	OREP	Jurisdiction	Martin
Date Performed	3/24/2022	East/West Street	Osceola Street
Analysis Year	2025	North/South Street	Amerigo Avenue
Time Analyzed	0.25	Peak Hour Factor	1.00
Analysis Time Period (hrs)	AM Peak Hour		
Project Description	The Oaks		

Lanes



Vehicle Volume and Adjustments

Approach	Eastbound			Westbound			Northbound			Southbound		
Movement	L	T	R	L	T	R	L	T	R	L	T	R
Volume	8	88	51	19	63	8	2	12	4	2	14	8
% Thrus in Shared Lane												
Lane	L1	L2	L3	L1	L2	L3	L1	L2	L3	L1	L2	L3
Configuration	LTR			LTR			LTR			LTR		
Flow Rate, v (veh/h)	147			90			18			24		
Percent Heavy Vehicles	2			2			2			2		

Departure Headway and Service Time

Initial Departure Headway, hd (s)	3.20			3.20			3.20			3.20		
Initial Degree of Utilization, x	0.131			0.080			0.016			0.021		
Final Departure Headway, hd (s)	3.92			4.15			4.34			4.27		
Final Degree of Utilization, x	0.160			0.104			0.022			0.028		
Move-Up Time, m (s)	2.0			2.0			2.0			2.0		
Service Time, ts (s)	1.92			2.15			2.34			2.27		

Capacity, Delay and Level of Service

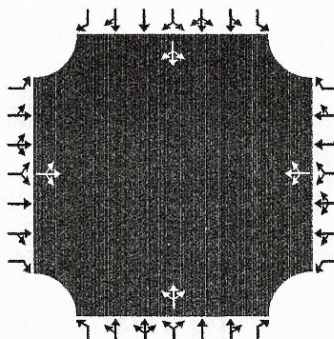
Flow Rate, v (veh/h)	147			90			18			24		
Capacity	919			867			829			844		
95% Queue Length, Q ₉₅ (veh)	0.6			0.3			0.1			0.1		
Control Delay (s/veh)	7.7			7.6			7.4			7.4		
Level of Service, LOS	A			A			A			A		
Approach Delay (s/veh)	7.7			7.6			7.4			7.4		
Approach LOS	A			A			A			A		
Intersection Delay, s/veh LOS	7.6						A					

HCS 2010 All-Way Stop-Control Summary Report

General Information

Analyst	Kyle Scherer	Intersection	Amerigo and Osceola
Agency/Co.	OREP	Jurisdiction	Martin
Date Performed	3/23/2022	East/West Street	Osceola Street
Analysis Year	2025	North/South Street	Amerigo Avenue
Time Analyzed	0.25	Peak Hour Factor	1.00
Analysis Time Period (hrs)	PM Peak Hour		
Project Description	The Oaks		

Lanes



Vehicle Volume and Adjustments

Approach	Eastbound			Westbound			Northbound			Southbound		
Movement	L	T	R	L	T	R	L	T	R	L	T	R
Volume	6	128	29	21	75	4	2	12	8	4	18	6
% Thrus in Shared Lane												
Lane	L1	L2	L3	L1	L2	L3	L1	L2	L3	L1	L2	L3
Configuration	LTR			LTR			LTR			LTR		
Flow Rate, v (veh/h)	163			100			22			28		
Percent Heavy Vehicles	2			2			2			2		

Departure Headway and Service Time

Initial Departure Headway, hd (s)	3.20			3.20			3.20			3.20		
Initial Degree of Utilization, x	0.145			0.089			0.020			0.025		
Final Departure Headway, hd (s)	4.05			4.22			4.33			4.42		
Final Degree of Utilization, x	0.183			0.117			0.026			0.034		
Move-Up Time, m (s)	2.0			2.0			2.0			2.0		
Service Time, ts (s)	2.05			2.22			2.33			2.42		

Capacity, Delay and Level of Service

Flow Rate, v (veh/h)	163			100			22			28		
Capacity	889			852			832			815		
95% Queue Length, Q ₉₅ (veh)	0.7			0.4			0.1			0.1		
Control Delay (s/veh)	8.0			7.8			7.4			7.6		
Level of Service, LOS	A			A			A			A		
Approach Delay (s/veh)	8.0			7.8			7.4			7.6		
Approach LOS	A			A			A			A		
Intersection Delay, s/veh LOS	7.8						A					

CITY OF STUART, FLORIDA
CITY COMMISSION
STAFF REPORT

MEETING DATE: April 14, 2022 Local Planning Agency

PREPARED BY: Erin Wohlitka, Senior Planner

TITLE OF ITEM: RESOLUTION NO. 44-2022 A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, GRANTING CONDITIONAL USE APPROVAL TO ALLOW A SCHOOL, PRIVATE, PAROCHIAL, OR TECHNICAL, FOR THE OAKS CLASSICAL CHRISTIAN ACADEMY LOCATED AT ST. MARY'S EPISCOPAL CHURCH. THE SUBJECT PROPERTY IS APPROXIMATELY 2.46-ACRES AND CONSISTS OF TWO PARCELS OPPOSITE ONE ANOTHER GENERALLY LOCATED NORTH OF THE INTERSECTION AT SE OCEAN BLVD AND SE AMERIGO AVENUE; PROVIDING FOR CONDITIONS; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

SUMMARY EXPLANATION/BACKGROUND INFORMATION:

On August 23, 2021, the City Commission of the City of Stuart adopted Resolution 75-2021, allowing The Oaks Classical Christian Academy to operate as a private parochial school at St. Mary's Episcopal Church. A condition of approval within Exhibit 'C' of the resolution set the maximum number of students to 25 children for enrollment in the school at this location.

On February 22, 2022, the Oaks Classical Christian Academy applied for a Major Conditional Use to increase the number of students permitted at The Oaks Classical Christian Academy from 25 to 90 students.

St. Mary's Church is currently zoned Residential Multi-Family/Office (R-3) and has a Future Land Use Designation of Office-Residential. The subject property is located at 623 SE Ocean Boulevard and is within the jurisdictional boundaries of the City of Stuart.

Pursuant to Section 2.02.02, *Table 2: Land Uses*, of the City's Land Development Code, Schools (Private, Parochial, or Technical) at properties less than five (5) acres in size are to be approved as Conditional Uses within the R-3 zoning district.

The subject buildings classified as St. Mary's Episcopal Church were built in 1947 and 1965, respectively. Pursuant to and at the time of the recordation of Resolution 46-89, passed by the City Commission on October 23, 1989, a pre-school had previously been operating for 25 years at the subject property.

The Applicants have stated that The Oaks Classical Christian Academy is a small, private school that began in concept in 2020 by two local mothers who wanted to home educate their children but also understood the need for academic support from an additional teacher, social engagement, and a support community for both students and parents. As such, the Oaks Classical Christian Academy was incorporated in 2021 as a hybrid learning school integrating both homeschooling and in-person learning for two (2) days a week. The Oaks Classical Christian Academy has been operating out of St. Mary's Episcopal Church this past school year subject to the approval granted via Resolution 75-2021.

With the success of its first year along with the addition of younger siblings from current school families, the Applicant has stated there is a demand for additional student capacity. The church property has five classrooms available for use by the school. Currently, the school utilizes three of these classrooms with approximately 7-9 students in each classroom. At full capacity, the five classrooms with 18 students in each room could support a total of 90 students. The Applicant does not anticipate that they will fill every classroom over the next school year; however, they are seeking this approval so that they are able to continue to grow until they reach the maximum number of students that the existing space can accommodate. They would like to offer enrollment to new students, continue to offer student scholarships through the state, and allow long-term staff and student body visioning. The school will utilize the existing classrooms on site and is not proposing any physical modifications within this application.

Drop Off / Pick Up Operations:

The resolution includes an exhibit that details the route of drop off/pick up operations. The vehicles will enter the parking lot from SE Osceola Street and turn south on Amerigo Ave that bifurcates the subject property, taking a left-hand turn into the parking lot. All of the students will be dropped off at Smith Hall in the morning for assembly and will be picked up from the Youth Center in the afternoon. The carpool line will exit onto SE Ocean Boulevard. Drop Off time will be at 8:15am and Pick Up time will be at 3:00pm. The Applicant states that it typically takes 10-15 minutes for drop off and pick up.

Parking:

The church property includes 86 existing parking spaces. Pursuant to the City's parking code, the church requires 51 parking spaces and the office building requires 22 spaces;

therefore, a surplus of 13 spaces is left for the use of The Oaks Classical Christian Academy. Based on the City's Code, a total of 13 parking spaces would be required for the school to utilize a total of 5 classrooms with 8 employees. Therefore, the proposal meets the City's requirements for provision of parking.

Traffic:

The City's traffic consultant has reviewed the submitted traffic analysis, prepared by O'Rourke Engineering & Planning, and determined it meets the City's requirements. The project will generate 95 AM peak hour trips and 56 PM peak hour trips. The traffic analysis concludes that these trips will not cause levels of service to fall below acceptable levels in the future.

CONFORMANCE WITH SEC.11.01.11 CONDITIONAL USE CRITERIA

City staff has reviewed this Application and has determined that the subject Application has proved to be in substantial compliance with the Conditional Use Criteria set forth in Section 11.01.11 of the City's Land Development Code. The Applicant has demonstrated that there will be no negative impacts from the proposed Conditional Use on the subject property. Furthermore, City staff recommends approval due to the subject property's previous use as a pre-school and based on the limited days of property utilization and available number of parking spaces to accommodate the use.

RECOMMENDATION:

At the April 14, 2022, Local Planning Agency (LPA) meeting, the LPA recommended approval of the subject petition unanimously to the City Commission.

City Staff recommends approval of the Conditional Use to allow the Oaks Classical Christian Academy at St. Mary's Episcopal School with conditions set forth in Resolution 44-2022.

SEE ATTACHED DOCUMENTS

- Resolution No. 44-2022 with Exhibits



City of Stuart
121 SW Flagler Ave.
Stuart, FL 34994
development@ci.stuart.fl.us
(772) 288-5326

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



Application for Conditional Use Permit

Project ID# 222020015
(Staff Entry)

Pre-App Conference Date:	Application Date:
--------------------------	-------------------

SITE INFORMATION

Project Name: The Oaks ClassiConditional Use Permit	Parcel ID#: 04-38-41-00301500010-9
Site Address: 623 SE Ocean Blvd. Stuart, FL 34994	
Subdivision:	Lot(s):
Site Acreage: 3.43	Flood Zone/Base Flood Elevation: N/A
Current Zoning District / CRA Subdistrict (if applicable): R3 - Multi-family / Office	
Current Comprehensive Plan Future Land Use Designation:	
Existing Land Use: Office - Residential	Proposed Land Use: Office - Residential
Proposed Square Footage (if applicable):	Proposed Density (if applicable):

PETITIONER INFORMATION

Property Owner: <u>St. Mary's Episcopal Church</u>	Phone Number / Email Address: <u>772-287-3244</u>
Property Owner's Mailing Address: 623 SE Ocean Blvd. Stuart, FL 34994	
Applicant (if not Owner): The Oaks	Phone Number / Email Address: <u>772-678-0118</u>
Applicant's Mailing Address: 623 SE Ocean Blvd. Stuart, FL 34994	
Agent/Contact Person: Katie Crews	Phone Number / Email Address: 772-678-0118
Agent's Mailing Address: 2101 SW Racquet Club Dr. Palm City, FL 34990	
Architect:	Engineer:
Planner: Kate DeWitt	Landscape Architect:

Application Requirements

Fee: \$1,598.00 – Conditional Use Permit (*this does not include fees that may be charged as a result of application reviews by the City's consultants or any required recording fees.*)

Submittal Requirements: A completed application form, the payment of fees, one (1) copy of all documents on a PDF formatted disc electronically signed and sealed, and a site plan. (Note: A concept plan may, at the discretion of the applicant, be submitted instead of a site plan. However, in doing so the applicant acknowledges that a site plan will need to be submitted for City Commission approval prior to making application for a development permit). The data requirements for a site plan and a concept plan are available at the Development Department.

Note: An application for a Conditional Use Permit may not be filed if the City Commission has denied an application for a Conditional Use Permit for the subject property within the previous two years.

The applicant has the burden of proof to demonstrate to the City Commission that the following standards are met:

1. The proposed use is not contrary to the established land uses in the immediate area;
2. The proposed use would not significantly depart from the densities or intensities of use in the surrounding area and thereby increase or overtax the load on public facilities such as schools, utilities, and streets and other public infrastructure.
3. The proposed use will not be contrary to the proposed land use plan and will not have an adverse effect on the goals, policies and objectives of the Comprehensive Plan;
4. The existing district boundaries are illogically drawn in relation to existing conditions on the property proposed for change;
5. The proposed use will not create or excessively increase traffic congestion or otherwise affect Public Safety;
6. The proposed use will not create drainage or a storm water quality problem;
7. The proposed use will not significantly reduce light or air to adjacent areas;
8. The proposed use is less burdensome on neighboring properties and on public infrastructure than uses permitted by right in the district;
9. The proposed use is not out of scale with the uses permitted by right in the district and with the existing uses in the neighborhood; and
10. There are no other adequate sites for the proposed use in districts in which the proposed use is permitted by right within the City.

Approving Authority: The Development Director is required to prepare a staff report and recommendation concerning this application for the City Commission public hearing.

Justification: Please provide justification supporting the request for a Conditional Use Permit (*include additional pages if needed*):

See attached document(4 pages)
+ 1 pg. "traffic circulation plan."
+ Traffic Analysis

(over)

Statement of Ownership and Designation of Authorized Agent

(Please Print or Type)

Before me, the undersigned authority, personally appeared Mary Eugenia DuPell ^{as} representative
Who, being by me first duly sworn, on oath deposed and says:

1. That he/she is the fee simple title owner of the property described in the attached Legal Description.
2. That he/she is requesting approval of a conditional use permit in the City of Stuart, FL.
3. That he/she has appointed Kathryn Crews to act as an authorized agent on his/her behalf to accomplish the above project.

Name of Owner: Mary Eugenia DuPell
Mary Eugenia DuPell
Signature of Owner: Rector's Warden
460 SE Krueger Creek Pl
Street Address: Stuart, FL 34996
City, State, Zip Code
City, State, Zip Code
P.O. Box: 315-491-0413
Telephone Number: egdupell@gmail.com
Email Address: Fax Number

STATE OF FLORIDA, COUNTY OF Martin County
Sworn and subscribed before me by means of ☒ physical presence or ☐ online notarization, this

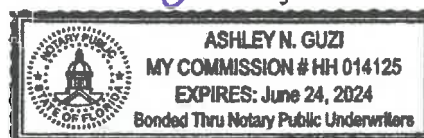
28th day of January, 2022 By Mary Eugenia DuPell

Personally Known OR Produced Identification
Type of Identification Produced:

Ashley N. Guzi
Notary Public

My Commission expires:

6-24-24



Financial Responsibility Form

(Please Print or Type)

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

Name: Kathryn Crews
Title: Head of School
Company: The Oaks
Company Address: Mailing: 2101 SW Racquet Club Dr.

City/State/Zip Code: Palm City, FL 34990
Telephone Number: 772-678-0118
Facsimile Number:
Email Address (optional): katiecrews@theoaksflorida.com

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

1. Signed this 28th day of January, 2022

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



March 25, 2022

City of Stuart
121 SW Flagler Avenue
Stuart, FL 34994

Dear Commissioners,

I write with my ongoing support of The Oaks School. It is a wonderful organization filled with wonderful God loving people.

The Oaks has been a wonderful addition to our campus, and greatly supports the overall mission of St Mary's, and is adding value to our community.

I would encourage your continued support of The Oaks school.

Sincerely,

A handwritten signature in blue ink, appearing to read "Tom Winter".

Tom Winter
Director of Operations
772-214-8655

Growing into Jesus - Reaching out with Love

623 East Ocean Boulevard, Stuart, Florida 34994 | Phone (772) 287-3244
Website: www.stmarys-stuart.org



April 12, 2022

City of Stuart
121 SW Flagler Avenue
Stuart, FL 34994

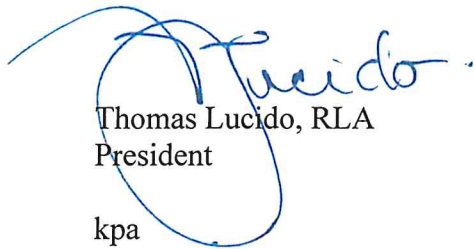
RE: The Oaks School – Conditional Use Permit

To Whom It May Concern:

We have reviewed the Conditional Use Permit Request for the expansion of The Oaks Classical Christian Academy, who is requesting approval to increase their student capacity from 25 to 90. The school utilizes the facilities on the campus of St. Mary's Episcopal Church property at 623 SE Ocean Boulevard. Lucido & Associates are tenants at 701 SE Ocean Boulevard, also on the campus of St. Mary's Episcopal church. It is also our understanding that the school is a hybrid model, with students receiving their school assignments to be completed at home or remotely and students are only on campus two or three days a week. As such, we do not believe this will impact our parking spaces and do not object to their request.

If you require additional information feel free to contact me.

Sincerely,

A handwritten signature in blue ink, which appears to read "Lucido", is written over the typed name and title. The signature is fluid and cursive in style.

Thomas Lucido, RLA
President

kpa

From: [Kate DeWitt](#)
To: [Wohlitka, Erin](#)
Subject: Fwd: TRAFFIC FLOW
Date: Friday, March 25, 2022 4:17:30 PM

This message has originated from an [EXTERNAL EMAIL ADDRESS]. Please use proper judgment and caution when opening attachments, clicking links, or responding to this email. If it shows as being from someone within the City, please contact the City's Technology Services personnel.

Hi Erin!

Email from the Park Pharmacy across the street noting that they haven't been impacted by the school traffic.

Thank you!

Kate DeWitt

Sent from my iPhone

Begin forwarded message:

From: Kathryn Crews <katiecrews@theoaksflorida.com>
Date: March 25, 2022 at 10:17:09 AM EDT
To: krose.dewitt@gmail.com
Subject: Fwd: TRAFFIC FLOW

----- Forwarded message -----
From: rick [parkrx.net](#) <rick@parkrx.net>
Date: Thu, Mar 24, 2022 at 12:33 PM
Subject: TRAFFIC FLOW
To: KATIECREWS@THEOAKSFLORIDA.COM
<KATIECREWS@theoaksflorida.com>

TO WHOM IT MAY CONCERN:

MY NAME IS EDWARD JUSTICE AND I AM PART OWNER OF PARK PHARMACY AT
[700 SE OCEAN BLVD, STUART](#) FLORIDA, 34994. I AM WRITING YOU TO INFORM
YOU THAT I HAVE NOT SEEN PRECEPTABLE INCREASE IN TRAFFIC WITH REGARD

TO THE "THE OAKS FLORIDA" BUSINESS. I DON'T EXPECT AN INCREASE IN SAID BUSINESS CAUSING A TRAFFIC PROBLEM WITH AN INCREASE IN BUSINESS. PLEASE CONTACT ME IF YOU HAVE ANY FURTHER QUESTIONS.

EDWARD JUSTICE, RPh

772-287-3201

EDDIE@PARKRX.NET

--

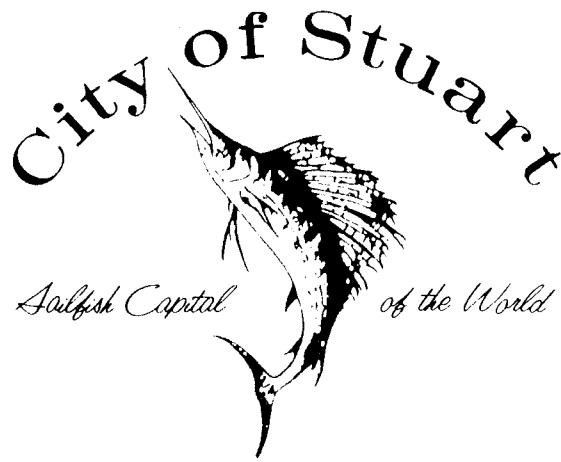
Katie Crews

Head of School

The Oaks Classical Christian Academy

772-678-0118

www.theoaksflorida.com



BEFORE THE CITY COMMISSION
CITY OF STUART, FLORIDA

RESOLUTION NUMBER 46-89

A RESOLUTION OF THE CITY COMMISSION
OF THE CITY OF STUART, FLORIDA,
COMMENDING ST. MARY'S EPISCOPAL PRE-
SCHOOL FOR ITS WALKING PROGRAM.

WHEREAS, St. Mary's Episcopal Pre-School is in its 25th year of service to youngsters, aged three and four, in the Stuart area; and

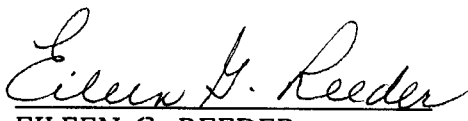
WHEREAS, during the past twenty-five years, pre-schoolers at St. Mary's have taken many supervised walking field trips throughout the city which contributed greatly to the children's health, their learning to use safely the sidewalks and crosswalks of the City, their familiarity with the community and their recreation through park trips and Easter egg hunts.

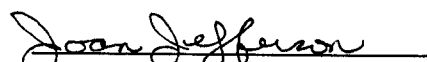
NOW THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, AS FOLLOWS:

THE CITY COMMISSION BEING CONCERNED WITH THE HEALTH, SAFETY AND WELL BEING OF ITS PRE-SCHOOL CITIZENS HEREBY COMMENDS THE PROGRAMS OF ST. MARY'S EPISCOPAL PRE-SCHOOL AND WISHES FOR THE SCHOOL AND ITS STUDENTS CONTINUED HEALTH AND ENJOYMENT IN WALKING, LEARNING AND JUST HAVING FUN.

PASSED AND ADOPTED this 23rd day of October, 1989.

ATTEST:


EILEEN G. REEDER
CITY CLERK


JOAN JEFFERSON
MAYOR

City of Stuart
Development Department
121 SW Flagler Avenue
Stuart, FL 34994
Ph. 772-288-5300
Fax 772-288-5388



AFFIDAVIT ATTESTING TO NOTIFICATION

Kathryn Crews, being first duly sworn, depose(s) and say(s):

That (I am / we are) the owner(s) or petitioner(s) of the following described property which constitutes the location for which notification is required:

623 SE OCEAN BLVD, STUART, FL 34994

That a copy of the notice was sent by regular U.S. Mail on 4/4/22 to the property owners within 300 feet of the subject property.

That a list of the property owners and their addresses is on file with the City of Stuart; and

That a photograph showing the placement of the notification sign be made a part of this Affidavit.

Kathryn Crews
SIGNED (PROPERTY OWNER / AUTHORIZED AGENT)

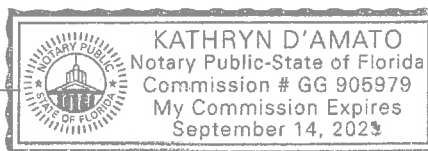
SIGNED (PROPERTY OWNER / AUTHORIZED AGENT)

STATE OF FLORIDA, COUNTY OF Martin
Sworn and subscribed before me by means of ☒ physical presence or ☐ online notarization, this 4 day of April, 2022 By

Kathryn D'Amato
Personally Known OR Produced Identification

FIDL
Type of Identification Produced:

Notary Public, State of Florida
(Notary Seal)



My Commission expires:

9/14/23

100% MANAGEMENT LLC ✓
833 SE 5TH ST
STUART FL 34994

C DAX MAGGIORE DC PA ✓
5389 SW HONEYSUCKLE CT
PALM CITY FL 34990

GRAFF MARGOT ✓
630 SE OCEAN BLVD #C-5
STUART FL 34994

CITY OF STUART ✓
121 SW FLAGLER AVE
STUART FL 34994

HILDRETH BRYAN K HILDRETH SARAH L ✓
184 FRANKLIN AVE
WESTERVILLE OH 43081

JUSTICE EDWARD A JUSTICE CHARLES E ✓
700 E OCEAN BLVD
STUART FL 34994

DRIFTWOOD REAL ESTATE LLC ✓
142 S SEWALLS POINT RD
STUART FL 34996

604 OCEAN HOLDINGS LLC ✓
PO BOX 1273
STUART FL 34995

DUGGAN MARY ✓
1313 SW SEAGULL WAY
PALM CITY FL 34990

KUBICK JOHN A ✓
198-18 26TH AVE
FLUSHING NY 11358

618 PROFESSIONAL BUILDING
CONDOMINIUM ASSOCIATION INC ✓
618 SE OCEAN BLVD
STUART FL 34994

ENVIRO INVESTMENT INC ✓
PO BOX 1197
STUART FL 34995

ADAMS LISA R JOHNSTON WESLEY JOEL ✓
830 SE OCEAN BLVD #A-5
STUART FL 34994

ALETHEIA LLC ✓
2100 SE OCEAN BLVD #300
STUART FL 34996

FIRST CHURCH CHRIST SCIENTIST ✓
515 SE OCEAN BLVD
STUART FL 34994-2226

LGTG PROPERTIES LLC GIANINO PETER T ✓
PO BOX 1814
STUART FL 34995

GERAL RICHARD D ✓
189 NE BALSAM WAY
JENSEN BEACH FL 34957

LORD ANNE WILLIAMS ✓
1375 SE SAINT LUCIE BLVD
STUART FL 34996

GLENRIDGE RETIREMENT TRUST HOLDER ✓
GLEN M TTEE
7225 NAVAJO RD UNIT 237
SAN DIEGO CA 92119

LYDON KARI ✓
5001 SE BURNING TREE CIR
STUART FL 34997

MAMA LLC
709 SE 5TH ST
STUART FL 34994 ✓

ROYALE OAK TOWERS ASSOCIATION INC
630 SE OCEAN BLVD
STUART FL 34994 ✓

MARTIN MEMORIAL MEDICAL CENTER INC
1950 RICHMOND RD TR 103
LYNDHURST OH 44124 ✓

SCHOPPE JOHN J
77 S RIVER RD
STUART FL 34990 ✓

SHERER CHRISTOPHER C
1346 NW PINE RIDGE TRL
STUART FL 34994 ✓

STU710 LLC
28 COUNTRY RD
VILLAGE OF GOLF FL 33430 ✓

WAX UNIQUE INC
616 SE OCEAN BLVD #4
STUART FL 34994 ✓

MOORMAN KATHERINE W
630 SE OCEAN BLVD #84
STUART FL 34994 ✓

WHIPKEY NEIL H & BONNIE J
709 WEIR AVE
STUART FL 34994 ✓

ROSECAN REALTY LTD
901 N FLAGLER DR
WEST PALM BEACH FL 33401 ✓

WOMAN'S CLUB OF STUART
729 E OCEAN BLVD
STUART FL 34994-2231 ✓



NOTICE OF PUBLIC HEARING

Conditional Use
3.43 Acres

To request approval of a Major Conditional Use to allow
a School, Private, Parochial, or Technical, at St. Mary's
Episcopal Church.

LOCAL PLANNING AGENCY
APR 14, 2022, AT 5:30 P.M.

CITY COMMISSION
APR 25, 2022, AT 4:00 P.M.

STUART CITY HALL, 321 SW FLADLER AVE
772-286-5126 8:30 AM-4:00 PM
VISIT WWW.CITYOFSTUART.US FOR MORE INFORMATION



CITY OF STUART, FLORIDA

AGENDA ITEM REQUEST

City Commission

Meeting Date: 4/25/2022

Prepared by: Tom Reetz

Title of Item:

PALMETTO COVE RPUD ROW MAINTENANCE AGREEMENT (RC):

RESOLUTION No. 41-2022; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE A MAINTENANCE AGREEMENT BETWEEN 924 SW PALM CITY ROAD AND THE CITY OF STUART RELATING TO THE PROPOSED IMPROVEMENTS WITHIN THE ALLEY-WAY OF 11 FOOT ALLEY-WAY, AS SET FORTH IN THE ACCESS AND MAINTENANCE AGREEMENT, RESCINDING ALL ORDINANCES IN CONFLICT, PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Summary Explanation/Background Information on Agenda Request:

History

On May 10, 2021, the City Commission adopted Ordinance No. 2463-2021, a Residential Planned Unit Development approving a 13 unit Town home project called Palmetto Cove. Condition #15 of the RPUD required the developer to apply to the City for the abandonment of the unimproved alley way or agree with the City's Public Works Department to improve and maintain the alleyway in perpetuity prior to obtaining a site permit.

Since then, the developer has decided to enter into agreement with the City to improve and maintain all of the alley-way between the two parcels and forego (rescind) the abandonment of a portion of alley-way that was approved at First Reading on March 28th, 2022. The revised maintenance agreement is attached that allows for access, improvements and maintenance of right-of-way for the development.

Funding Source:

N/A

Recommended Action:

Approve Resolution No. 41-2022 authorizing the Mayor and City Clerk to execute an Access and Maintenance Agreement for R.O.W. included in the Palmetto Cove RPUD.

ATTACHMENTS:

1. A.1 Resolution No. 41-2022 Palmetto Cove authorization Final
2. B.1 Palmetto Cove - Revised Maintenance Agreement 4.14 TPM Final



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

RESOLUTION NUMBER 41-2022

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE A MAINTENANCE AGREEMENT BETWEEN 924 SW PALM CITY ROAD AND THE CITY OF STUART RELATING TO THE PROPOSED IMPROVEMENTS WITHIN THE ALLEY-WAY OF 11 FOOT ALLEY-WAY, AS SET FORTH IN THE ACCESS AND MAINTENANCE AGREEMENT, RESCINDING ALL ORDINANCES IN CONFLICT, PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

* * * * *

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

SECTION 1: All ordinances or parts of ordinances in conflict with this resolution or any part thereof is hereby repealed to the extent of such conflict. Ordinance 2484-2022 (Palmetto Cove R.O.W. abandonment) approved on 3.28.2022 at first reading is hereby rescinded.

SECTION 2: The Mayor and City Clerk are authorized and directed to execute an Access and Maintenance Agreement (the "Maintenance Agreement"}, attached hereto as "Exhibit A," between 924 SW Palm City Road, LLC (the "Developer") and the City of Stuart (the "City") relating to the proposed improvements on that certain alleyway right-of-way, as set forth in in Maintenance Agreement.

SECTION 3: This resolution shall take effect upon adoption.

Resolution No. 41-2022
Authorization to Execute a
Maintenance Agreement

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:

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

YES	NO	ABSENT	ABSTAIN

ADOPTED on second and final reading this _____ day of _____, 2022.

ATTEST:

MARY R. KINDEL
CITY CLERK

MERRITT MATHESON
MAYOR

APPROVED AS TO FORM
AND CORRECTNESS:

MICHAEL J. MORTELL, ESQ.
CITY ATTORNEY

This Instrument Prepared By:
Christen Spake, Esq.
McCarthy, Summers, Wood,
Norman, Melby, & Schultz P.A.
2400 S.E. Federal Highway, Fourth Floor
Stuart, Florida 34994

ACCESS AND MAINTENANCE AGREEMENT

This Access and Maintenance Agreement is made this _____ day of _____, 2022, by The City of Stuart, a political subdivision of the State of Florida (“City”), and 924 SW Palm City Road, LLC, a Florida limited liability company, whose mailing address is 12917 Mizner Way, Wellington, FL 33414 (the “Developer”), as follows:

W I T N E S S E T H

WHEREAS, Developer is the owner of the land legally described as set forth in the attached **Exhibit “1,”** incorporated herein by this reference (the “Property”), that it intends to develop for residential and attendant use; and

WHEREAS, the parcels comprising the Property are separated by an unimproved public right-of-way (“ROW”) shown in green on the map on Ex. 1; and

WHEREAS, City granted Developer’s application for an RPUD on the Property, as set forth in Ordinance Number 2463-2021, recorded in Official Records Book 3247, Page 1338, of the Public Records of Martin County, Florida (the “Ordinance”), a condition of which is performance of certain maintenance obligations by Developer or its successor property owner’s association (“POA”); and

WHEREAS, the Ordinance authorizes the Developer and City to enter into an agreement to improve and maintain a portion of the ROW, known hereafter as the “Maintenance Area,” in perpetuity prior to obtaining a site permit; and

WHEREAS, City agrees that Developer may pave the Maintenance Area and allow its residents and their invitees to have non-exclusive use of the Maintenance Area, and Developer agrees that Developer and its successor POA shall maintain the Maintenance Area, all in accordance with the terms and conditions that follow.

WHEREAS, the maintenance area shall remain open to the Public so long as it continues to exist as a City of Stuart Right of Way.

NOW THEREFORE, in consideration of the foregoing premises, the beneficial covenants, agreements, representations and warranties contained herein, and for other good and valuable consideration, the receipt and adequacy of which is hereby acknowledged, the parties covenant and agree as follows:

1. Recitals. The recitals set forth in each of the foregoing “Whereas” clauses are true

and correct, and are incorporated herein by this reference.

2. Use of Maintenance Area. City hereby grants Developer, for the benefit of the Property, a perpetual right to use and improve the Maintenance Area, more particularly described in the attached **Exhibit “2,”** incorporated herein by this reference, for the purposes of access, including without limitation ingress and egress of vehicular and pedestrian traffic, underground and above-ground utilities, drainage, and landscaping and maintenance. Developer shall not install gates that would exclude the public from use of the Maintenance Area.

3. Maintenance. Developer shall be responsible for maintenance of the Maintenance Area at its sole cost and expense. Developer shall cause the Maintenance Area to be paved and shall in all cases maintain the Maintenance Area clear of obstructions and materials that would make it impassible by automotive, bicycle, and other pedestrian and motor-vehicle traffic. Developer shall remove, fill, and/or repair, as necessary, obstructions, potholes, washouts, and other defects that may arise on the Maintenance Area and maintain the Maintenance Area in a safe, attractive, and serviceable condition.

4. No Abandonment. During the pendency of this Agreement City shall not abandon and/or vacate the interests of the City in and to the Maintenance Area or any portion thereof, or otherwise take action that would frustrate, impede, or invalidate the rights, interest, and intent of this Agreement or Developer’s rights in the Maintenance Area.

5. Insurance and Indemnification. Developer shall maintain, at its sole expense, a policy of liability insurance in the minimum amount of One Million and no/100 Dollars (\$1,000,000.00) covering the Maintenance Area and naming City as an additional insured. Developer may elect to maintain, or not maintain, additional insurance coverage on the Property in its sole and absolute discretion. Developer shall indemnify, defend, and hold harmless City from and against all claims, demands, causes of action, and suits arising out of or relating to this Agreement and Developer’s use of the Maintenance Area. Because this is a perpetual agreement, the parties agree that the intention of this paragraph is to provide similar insurance coverage to that required by the City for special events or other uses of City property by private entities.

6. Damage to Maintenance Area. Developer shall be responsible for repairing all damage to the Maintenance Area, except that any damage caused by City shall be repaired at City’s expense. This Section does not limit Developer’s ability to recover damages and other sums from liable parties in accordance with applicable law.

7. Covenants Running with the Land.

- a. All of the covenants, agreements, benefits, and burdens described herein constitute covenants running with the land and are binding upon any and all individuals and entities, and their respective successors in interest (including without limitation assigns, tenants, heirs, and personal representatives), having or hereafter acquiring any right, title or interest in and to all or a portion of the Maintenance Area.

- b. Responsibility for the performance of any duty or obligation set forth herein will be binding on City and Developer and Developer's successors and/or assigns. The liability of Developer in connection herewith will terminate upon Developer's assigning, delegating, or turning over maintenance and management of the Maintenance Area to a successor, assign, or POA. The requirements of this Agreement shall be a mandatory obligation of the POA, memorialized in the POA's restrictive covenants, and shall not be modified or amended by action of the POA or its board of directors without the written agreement of City
- c. The Property shall be considered as one plot and parcel of land and no portion of said plot and parcel of land shall be sold, transferred, devised, or assigned separately except in its entirety as one plot and parcel of land, provided, however that (i) individual subdivision lots may be conveyed upon approval and recordation of the plat of Palmetto Cove, (ii) common elements, common open areas and developed recreation areas may be conveyed to the POA, (iii) Developer may assign this Agreement to the POA, provided that the POA shall assume, in writing, all obligations set forth herein and agree to assess its members in such amounts as are necessary to cover the cost of maintenance herein required.

8. Term. The term of this Agreement shall be in perpetuity. This Agreement may be terminated only by written agreement of the Parties.

9. Default. If Developer fails or refuses to satisfy its obligations hereunder, City may perform such maintenance or requirement as is reasonably necessary to comply with this Agreement, the costs of which shall constitute a lien against the Property dedicated to common ownership and use of the residents of the Property on the to-be-recorded plat of the Property ("Common Areas"), foreclosable in the same manner as a mortgage. This provision shall not be interpreted to provide an exclusive remedy, and either party may pursue any appropriate remedy in the event the other party or its successors in interest fail to abide by the provisions of this Agreement.

10. Assignment. Developer may assign this Agreement to a successor, including without limitation the POA or such other entity as is charged with ownership and maintenance of the Common Areas.

11. Miscellaneous.

- a. Amendment. The provisions of this Agreement may be modified or amended, in whole or in part, or terminated, only by the written consent of Developer or its successor and City, evidenced by a document that has been fully executed and acknowledged and recorded in the official records of the County Recorder of Martin City, Florida.
- b. No Waiver. No waiver of any default of any obligation by a party shall be implied from any omission to take any action with respect to such default. Any

party may waive the benefit of any provision or condition contained in this Agreement, and such waiver shall not constitute a subsequent waiver of any provision or condition.

- c. No Agency. Nothing in this Agreement shall be deemed or construed by any party or by any third person to create the relationship of principal and agent or of limited or general partners or of joint venturers or of any other association between or among the parties.
- d. Severability. Each provision of this Agreement, and the application thereof, are hereby declared to be independent of, and severable from, the remainder of this Agreement if any provision contained herein shall be held to be invalid or to be unenforceable or not to run with the land, and such holding shall not affect the validity or enforceability of the remainder of this Agreement. In the event the validity or enforceability of any provision of this Agreement is held to be dependent upon the existence of a specific legal description, the Owner of the property for which a legal description is required agrees to promptly cause such legal description to be prepared. Ownership of the Property and the Maintenance Area by the same person or entity shall not terminate this Agreement nor in any manner affect or impair the validity or enforceability of this Agreement.
- e. Time of Essence. Time is of the essence as to the obligations set forth in this Agreement.
- f. Entire Agreement. This Agreement contains the complete understanding and agreement of the parties with respect to all matters referred to herein, and all prior representations, negotiations, and understandings are superseded hereby.
- g. Governing Law. The laws of the State of Florida shall govern the interpretation, validity, performance, and enforcement of this Agreement without giving effect to any choice or conflict of law provision or rule (whether of the State of Florida or any other jurisdiction), and venue for any civil action brought hereunder shall lie in Martin County, Florida.
- h. Bankruptcy. In the event of any bankruptcy affecting any party, the parties agree that this Agreement shall, to the maximum extent permitted by law, be considered an agreement that runs with the land and that is not rejectable, in whole or in part, by the bankrupt person or entity.

**– REMAINDER OF PAGE INTENTIONALLY BLANK –
SIGNATURE PAGES FOLLOW**

IN WITNESS WHEREOF, the parties hereto have accepted, made, and executed this Agreement upon the terms and conditions above stated on the date first written above.

ATTEST:

CITY OF STUART:

MARY L. KINDEL
CITY CLERK

MERRITT MATHESON
MAYOR

APPROVED AS TO FORM
AND CORRECTNESS:

MICHAEL J. MORTELL, ESQUIRE
CITY ATTORNEY

DEVELOPER:

Signed, sealed and delivered in the presence of: 924 SW Palm City Road, LLC, a Florida limited liability company

By:_____

Print:_____

As:_____

Print:_____

STATE OF _____

CITY OF _____

The foregoing instrument was acknowledged before me by means of ☐ physical presence or ☐ online notarization, this _____ day of _____, 2022 by _____ as _____ of 924 SW Palm City Road, LLC, a Florida limited liability company, who is ☐ personally known to me or ☐ has produced _____ as identification.

{Notary Seal}

Notary Public
Printed Name:_____
My Commission Expires _____

EXHIBIT 1 - PROPERTY

LEGAL DESCRIPTION:

LOTS 1, 2, 3, 4, 5, 6, AND 7 BLOCK 2 OF HALPATIOKEE PARK AS RECORDED IN PLAT BOOK 8, PAGE 25 OF THE PUBLIC RECORDS OF MARTIN COUNTY, FLORIDA PART OF S.W. 1/4 OF THE SE 1/4 OF SECTION 5, TOWNSHIP 38 SOUTH, RANGE 41 EAST AND LOT 2, DYER ESTATES, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 14, PAGE 36, OF THE PUBLIC RECORDS OF MARTIN COUNTY, FLORIDA.

Map of Property

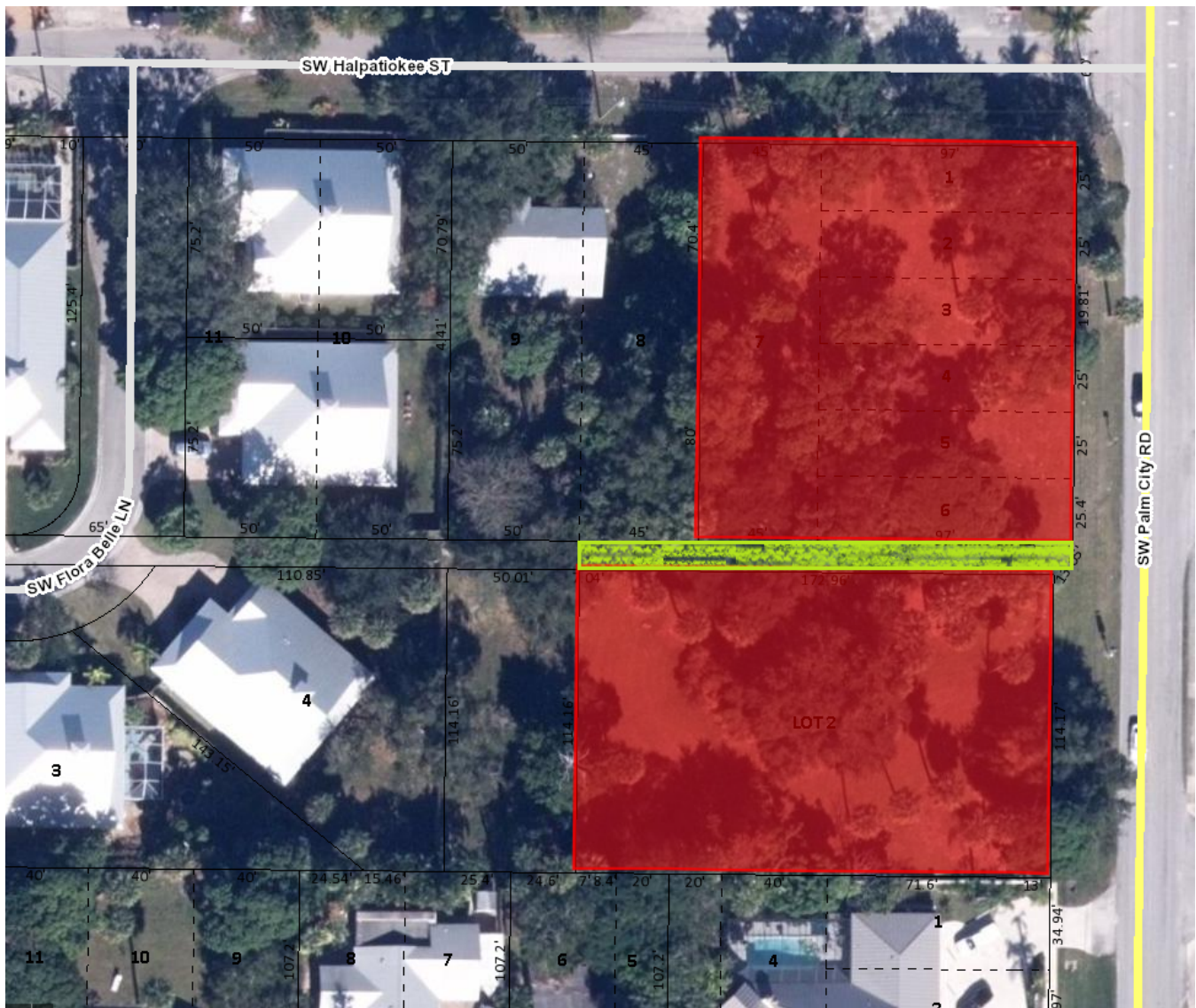
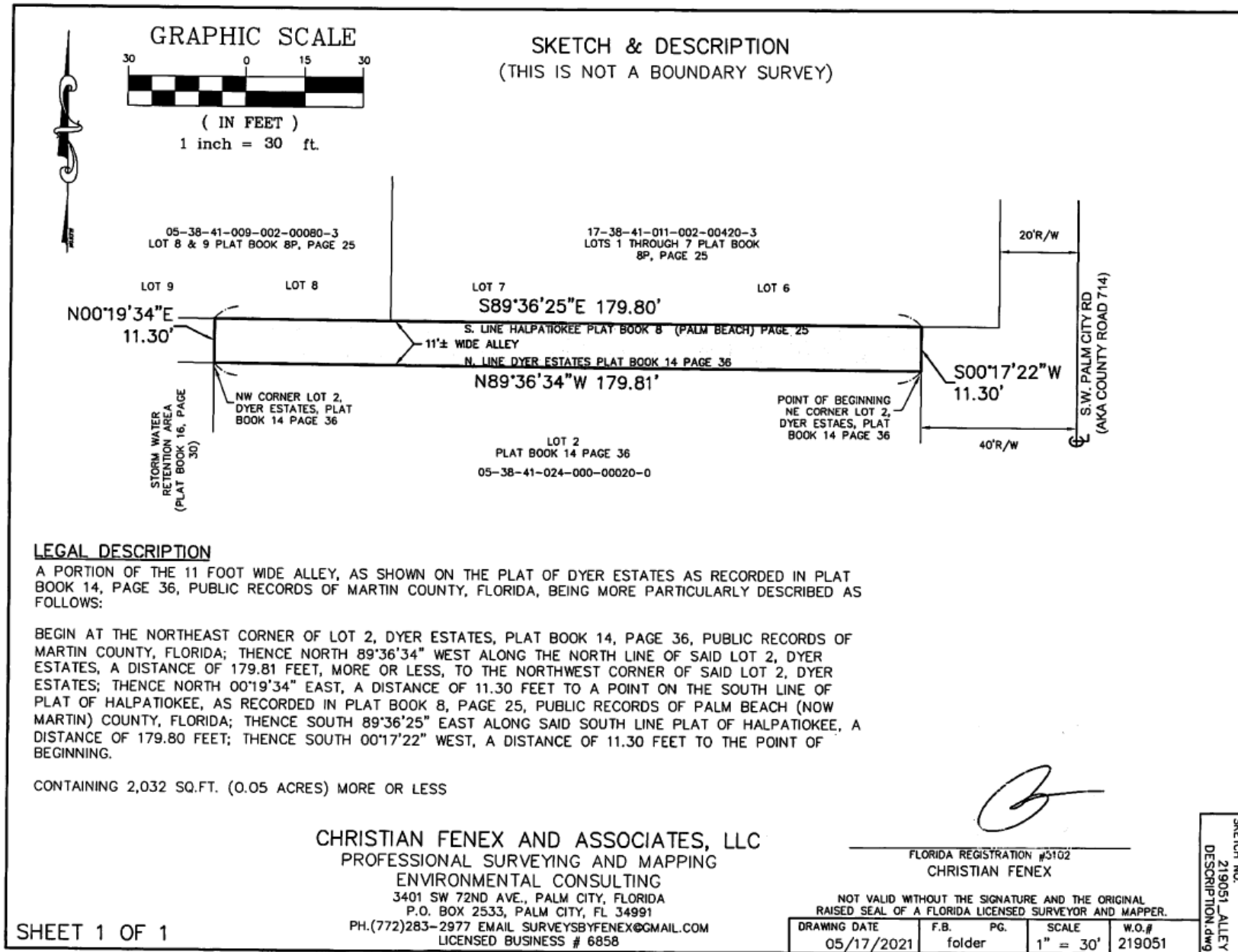


EXHIBIT 2 – MAINTENANCE AREA



**CITY OF STUART, FLORIDA
AGENDA ITEM REQUEST
City Commission**

Meeting Date: 4/25/2022

Prepared by: Ben Hogarth

Title of Item:

SUPPORTING A U.S. HOUSE RESOLUTION CITED AS THE "NORTHERN ESTUARIES RESTORATION PLAN (NERP) ACT" (RC):

RESOLUTION No. 46-2022; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, SUPPORTING A UNITED STATES HOUSE RESOLUTION INTRODUCED BY U.S. CONGRESSMAN BRIAN MAST AND CITED AS THE "NORTHERN ESTUARIES RESTORATION PLAN (NERP) ACT;" PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Summary Explanation/Background Information on Agenda Request:

On April 13, 2022 U.S. Congressman Brian Mast announced his office filing a U.S. House Resolution cited as the "Northern Estuaries Restoration Plan (NERP) Act" to direct the Secretary of the Army through the U.S. Army Corps of Engineers to develop a comprehensive plan to eliminate all harmful discharges to the northern estuaries from Lake Okeechobee. The resolution also calls for the plan to address harmful algal blooms, habitat restoration, and the dredging of muck and silt for environmental enhancement. At the request of Mayor Matheson, a supporting resolution was drafted by staff for consideration by the City Commission.

Funding Source:

N/A

Recommended Action:

Motion approval of Resolution No. 46-2022

ATTACHMENTS:

1. R46-2022 Supporting HR 7520 cited as the Northern Estuaries Restoration Plan Act (NERP)
2. R46-2022 HR 7520 the Northern Estuaries Restoration Plan Act (NERP)



BEFORE THE CITY COMMISSION
CITY OF STUART, FLORIDA

RESOLUTION NUMBER 46-2022

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, SUPPORTING UNITED STATES HOUSE RESOLUTION 7520 INTRODUCED BY U.S. CONGRESSMAN BRIAN MAST AND CITED AS THE “NORTHERN ESTUARIES RESTORATION PLAN (NERP) ACT;” PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

* * * * *

WHEREAS, the “Northern Estuaries Restoration Plan (NERP) Act” is a U.S. House Resolution recently filed by U.S. Congressman Brian Mast that would primarily direct the Secretary of the Army through the Army Corps of Engineers to develop a comprehensive plan to eliminate all harmful freshwater discharges from Lake Okeechobee; and

WHEREAS, NERP would also seek the reduction and elimination of harmful algal blooms; restoration of hydrological connections and conditions; enhancement of habitat, emergent and submerged aquatic vegetation, and keystone species populations; and the dredging and beneficial reuse of harmful silt and muck deposits in Lake Okeechobee and the northern estuaries; and

WHEREAS, the Comprehensive Everglades Restoration Plan (CERP) was authorized by Congress in 2000 as a plan to “restore, preserve, and protect the south Florida ecosystem while providing other water-related needs of the region, including water supply and flood protection;” and

WHEREAS, CERP is comprised of more than 60 capital projects with an estimated cost of more than \$10.5 billion and a thirty-five (35) year timeline constituting the largest hydrologic restoration project ever undertaken in the United States; and

WHEREAS, CERP capital projects are significantly behind initial schedule and as currently planned would only eliminate two-thirds (2/3) of harmful discharges to the St. Lucie River; and

WHEREAS, NERP would comprehensively end all remaining harmful discharges to the northern estuaries not achieved within CERP; and

WHEREAS, the City of Stuart has advocated for the elimination of all harmful discharges to the St. Lucie River for a period spanning decades while suffering catastrophic impacts and consequences of polluted and toxic water discharged to it; and

WHEREAS, the Army Corps of Engineers has repeatedly stated that management of freshwater discharges within the Lake Okeechobee Regulation Schedule and subsequent operations manuals would not alone be sufficient to end all harmful discharges to the northern estuaries; and

WHEREAS, the City Commission of the City of Stuart supports the Northern Estuaries Restoration Plan Act and urges the members of congress to adopt the measure and any comprehensive plan that would bring about the end of all harmful discharges to our estuary, providing desperately needed relief for our community and environment.

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

SECTION 1: The foregoing precatory language is adopted as if set forth below.

SECTION 2: The City Commission of the City of Stuart, Florida authorizes this resolution in support of U.S. House Resolution 7520 sponsored by U.S. Congressman Brian Mast and cited as the “Northern Estuaries Restoration Plan (NERP) Act.”

SECTION 3: This Resolution shall become effective upon its adoption and the city clerk shall provide a copy to the Members of Congress who comprise the local federal delegation.

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

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

YES	NO	ABSENT	ABSTAIN

ADOPTED this ____ day of _____, 2022.

ATTEST:

MARY R. KINDEL
CITY CLERK

MERRITT MATHESON
MAYOR

APPROVED AS TO FORM
AND CORRECTNESS:

MICHAEL J. MORTELL, ESQ.
CITY ATTORNEY

117TH CONGRESS
2D SESSION

H. R. 7520

To direct the Corps of Engineers to develop a comprehensive plan for Lake Okeechobee and northern estuaries ecosystem restoration, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 14, 2022

Mr. MAST introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

A BILL

To direct the Corps of Engineers to develop a comprehensive plan for Lake Okeechobee and northern estuaries ecosystem restoration, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. LAKE OKEECHOBEE AND NORTHERN ESTU-**
4 **ARIES ECOSYSTEM RESTORATION, FLORIDA.**

5 (a) DEFINITIONS.—In this section:

6 (1) CENTRAL AND SOUTHERN FLORIDA
7 PROJECT.—The term “Central and Southern Florida
8 Project” has the meaning given that term in section

1 601 of the Water Resources Development Act of
2 2000.

3 (2) NORTHERN ESTUARIES.—The term “north-
4 ern estuaries” means the Caloosahatchee Estuary,
5 Charlotte Harbor, Indian River Lagoon, Lake Worth
6 Lagoon, and St. Lucie River Estuary.

7 (3) SECRETARY.—The term “Secretary” means
8 the Secretary of the Army, acting through the Chief
9 of Engineers.

10 (4) SOUTH FLORIDA ECOSYSTEM.—

11 (A) IN GENERAL.—The term “South Flor-
12 ida ecosystem” means the area consisting of the
13 land and water within the boundary of the
14 South Florida Water Management District in
15 effect on July 1, 1999.

16 (B) INCLUSIONS.—The term “South Flor-
17 ida ecosystem” includes—

- 18 (i) the Everglades;
19 (ii) the Florida Keys;
20 (iii) the contiguous near-shore coastal
21 water of South Florida; and
22 (iv) Florida’s Coral Reef.

23 (5) STUDY AREA.—The term “study area”
24 means Lake Okeechobee and the northern estuaries,

1 including all lands and waters in the upstream wa-
2 tershed of those receiving bodies within—

3 (A) the South Florida ecosystem; or

4 (B) the study area boundaries of the In-
5 dian River Lagoon National Estuary Program
6 and the Coastal and Heartland Estuary Part-
7 nership, authorized pursuant to section 320 of
8 the Federal Water Pollution Control Act.

9 (b) COMPREHENSIVE PLAN.—

10 (1) IN GENERAL.—

11 (A) DEVELOPMENT.—The Secretary shall
12 develop, in cooperation with the non-Federal
13 sponsors of the Central and Southern Florida
14 project and any relevant Federal, State, and
15 Tribal agencies, a comprehensive plan for the
16 purpose of restoring, preserving, and protecting
17 Lake Okeechobee and the northern estuaries.

18 (B) INCLUSIONS.—In carrying out sub-
19 paragraph (A), the Secretary shall ensure that
20 the comprehensive plan provides for the protec-
21 tion and improvement of water quality within
22 the study area through activities that include—

23 (i) the elimination of harmful dis-
24 charges from Lake Okeechobee;

1 (ii) the reduction and elimination of
2 harmful algal blooms;

3 (iii) the restoration of hydrological
4 connections and conditions;

5 (iv) the enhancement of habitat, emer-
6 gent and submerged aquatic vegetation,
7 and keystone species populations; and

8 (v) the dredging and beneficial reuse
9 of harmful silt and muck deposits in Lake
10 Okeechobee and the northern estuaries.

11 (C) SUBMISSION.—Not later than 3 years
12 after the date of enactment of this Act, the Sec-
13 retary shall submit to Congress—

14 (i) the comprehensive plan developed
15 under this paragraph; and

16 (ii) a feasibility report and a pro-
17 grammatic environmental impact state-
18 ment for any proposed Federal actions set
19 forth in such plan.

20 (D) INTERIM REPORTS.—Not later than 1
21 year after the date of enactment of this Act,
22 and annually thereafter until the submission of
23 the comprehensive plan under subparagraph
24 (C), the Secretary shall submit to Congress an

1 interim report on the development of the com-
2 prehensive plan.

3 (E) ADDITIONAL STUDIES AND ANAL-
4 YSES.—Notwithstanding the submission of a
5 feasibility report under subparagraph (C), the
6 Secretary shall continue to conduct such studies
7 and analyses after the date of such submission
8 as are necessary for the purpose of restoring,
9 preserving, and protecting Lake Okeechobee
10 and the northern estuaries.

11 (2) WATER QUALITY.—In carrying out this sub-
12 section, the Secretary shall take into account the
13 protection of water quality, in consultation with the
14 State of Florida and by considering applicable State
15 water quality standards.

16 (3) INTEGRATION OF OTHER ACTIVITIES.—In
17 carrying out this subsection, the Secretary shall inte-
18 grate the activities included in the comprehensive
19 plan with ongoing Federal, State, and Tribal
20 projects and activities, including—

21 (A) the Lake Okeechobee System Oper-
22 ating Manual and any subsequent water control
23 plan for Lake Okeechobee; and

1 (B) the projects authorized under the Cen-
2 tral and Southern Florida project and the Com-
3 prehensive Everglades Restoration Plan.

4 (c) JUSTIFICATION.—Notwithstanding section 209 of
5 the Flood Control Act of 1970 (42 U.S.C. 1962–2) or any
6 other provision of law, in carrying out any activity in-
7 cluded in the comprehensive plan developed under sub-
8 section (b), the Secretary may determine that—

9 (1) the activity is justified by the environmental
10 benefits derived by Lake Okeechobee and the north-
11 ern estuaries; and

12 (2) no further economic justification for the ac-
13 tivity is required, if the Secretary determines that
14 the activity is cost-effective.

○