



City of Stuart

AGENDA

REGULAR MEETING OF THE STUART CITY COMMISSION

NOVEMBER 14, 2022

AT 4:00 PM

COMMISSION CHAMBERS

121 SW FLAGLER AVE.

STUART, FLORIDA 34994

CITY COMMISSION

Mayor Troy McDonald

Commissioner Becky Bruner

Commissioner Eula R. Clarke

Commissioner Christopher Collins

Commissioner Campbell Rich

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

PROCLAMATIONS

1. HOSPICE AND PALLIATIVE CARE MONTH - NOVEMBER 2022
2. 22ND ANNUAL BIBLE READING MARATHON - NOVEMBER 11-15, 2022
3. WORLD PREMATUREITY DAY - NOVEMBER 17, 2022
4. SMALL BUSINESS SATURDAY - NOVEMBER 26, 2022
5. WORLD AIDS DAY - DECEMBER 1, 2022

PRESENTATIONS

6. SERVICE AWARDS NOVEMBER 2022

COMMENTS BY CITY COMMISSIONERS

COMMENTS BY CITY MANAGER

APPROVAL OF AGENDA

COMMENTS FROM THE PUBLIC (3 Minutes Max.)

CONSENT CALENDAR

7. APPROVAL OF 10/24/2022 CCM MINUTES & 11/02/2022 SCM ZONING IN PROGRESS MINUTES (RC)

8. EASEMENT WITH FECR, L.L.C. FOR UNDERGROUND UTILITIES (RC):

RESOLUTION No. 99-2022; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA AUTHORIZING THE CITY MANAGER TO EXECUTE AN EASEMENT AGREEMENT BETWEEN THE CITY OF STUART AND THE FLORIDA EAST COAST RAILWAY, L.L.C. ("FECR") FOR TWO (2) TEN (10) FOOT WIDE EASEMENTS RELATED TO THE PLACEMENT OF UNDERGROUND UTILITIES AS DEPICTED IN SCHEDULE A, RESCINDING ALL RESOLUTIONS IN CONFLICT, PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

9. ADOPTION OF FISCAL POLICY (RC)

RESOLUTION No. 100-2022; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, AMENDING THE CITY OF STUART FISCAL POLICY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

10. ADOPTION OF PROCUREMENT AND P-CARD POLICY (RC)

RESOLUTION No. 101-2022; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA APPROVING THE PROCUREMENT POLICY AND PURCHASING CARD POLICY FOR THE CITY; PROVIDING AN EFFECTIVE DATE AND FOR OTHER PURPOSES.

11. FLORIDA DEPARTMENT OF TRANSPORTATION GRANT FOR PURCHASE OF A NEW TRAM (RC)

RESOLUTION No. 107-2022; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, AUTHORIZING THE MAYOR AND THE CITY CLERK TO EXECUTE A THREE (3) YEAR 50% MATCHING PUBLIC TRANSPORTATION GRANT AGREEMENT WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION FOR TRAM PURCHASE OF ONE VEHICLE AND RELATED EQUIPMENT PROVIDING FOR THE EFFECTIVE DATE AND OTHER PURPOSES.

12. FLORIDA DEPARTMENT OF TRANSPORTATION TRAM EXPANSION GRANT (RC)

RESOLUTION No. 108-2022; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, AUTHORIZING THE MAYOR AND THE CITY CLERK TO EXECUTE A THREE (3) YEAR 50% MATCHING PUBLIC TRANSPORTATION GRANT AGREEMENT WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION FOR FUNDING OF THE OPERATION OF TRANSIT SERVICE EXPANSION PROVIDING FOR THE EFFECTIVE DATE AND OTHER PURPOSES.

13. AUTHORIZATION TO NEGOTIATE RFQL# 2022-400 PROFESSIONAL ENGINEERING SERVICES (RC)

RESOLUTION No. 110-2022; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA REQUESTS AUTHORIZATION TO NEGOTIATE FOR RFQL #2022-400, PROFESSIONAL ENGINEERING SERVICES TO THE SIX MOST QUALIFIED FIRMS, PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

14. SECURE CODE ENFORCEMENT LEIN (RC)

RESOLUTION No. 115-2022; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA AUTHORIZING THE CITY ATTORNEY TO TAKE STEPS NECESSARY TO SECURE CODE ENFORCEMENT LEIN AND FILE CLAIM TO SURPLUS PROCEEDS FROM TAX DEED SALE, IF ANY, WITH THE MARTIN COUNTY CLERK OF CIRCUIT COURT AND COMPTROLLER, PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

END OF CONSENT CALENDAR

COMMISSION ACTION

15. RENEWAL OF FLAGLER CENTER LEASE WITH STUART MAIN STREET ASSOCIATION, INC. (RC)

RESOLUTION No. 106-2022; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA TO AUTHORIZE A THIRTY-SIX (36) MONTH ABSOLUTE TRIPLE NET – UNSUBORDINATED LEASE AGREEMENT RENEWAL BETWEEN THE CITY OF STUART AND STUART MAIN STREET ASSOCIATION, INC. FOR THE “FLAGLER CENTER” LOCATED AT 121 SW FLAGLER AVENUE, STUART; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

16. STUART BOAT SHOW ROAD CLOSURE (RC):

RESOLUTION No. 112-2022: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, APPROVING A ROAD CLOSURE FOR THE 49TH ANNUAL STUART BOAT SHOW FROM TUESDAY, JANUARY 10TH 5:00 AM THOUGH MONDAY, JANUARY 16TH AT 5:00 PM 2023, ALONG NW DIXIE HIGHWAY (FORMERLY SR 707) FROM ALBANY AVENUE SOUTH OF THE OLD ROOSEVELT BRIDGE TO FERN STREET AT THE FEC RR CROSSING, NORTH OF THE ST. LUCIE RIVER DRAW BRIDGE, SUBJECT TO FLORIDA DEPARTMENT OF TRANSPORTATION APPROVAL; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

17. IMPACT FEE UPDATE STUDY (RC)

RESOLUTION No. 105-2022; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA ACCEPTING THE CONSULTANT STUDY OF UPDATED IMPACT FEE OPTIONS AS CONTRACTED; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

18. ADOPT MPO VISION ZERO PLAN

RESOLUTION No. 109-2022; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA ADOPTING THE MARTIN MPO VISION ZERO PLAN TO ELIMINATE ALL TRAFFIC RELATED FATALITIES AND SERIOUS INJURIES; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

ORDINANCE SECOND READING

19. MAJOR AMENDMENT TO THE JOHNSON HONDA CPUD (QUASI-JUDICIAL)(RC):

ORDINANCE No. 2504-2022; AN ORDINANCE OF THE CITY COMMISSION OF THE

CITY OF STUART, FLORIDA, APPROVING A MAJOR AMENDMENT TO A COMMERCIAL PLANNED UNIT DEVELOPMENT (CPUD) FOR A 5.83-ACRE PROPERTY OWNED BY TURQUOISE MOON LLC AT 4200 SOUTHEAST FEDERAL HIGHWAY; SAID LAND BEING MORE FULLY DESCRIBED IN EXHIBIT "A" ATTACHED; ESTABLISHING MODIFICATIONS TO THE EXISTING JOHNSON HONDA AUTOMOBILE DEALERSHIP CPUD TO ADD TWO (2) PARKING GARAGES; PROVIDING FOR CERTAIN DEVELOPMENT DOCUMENTS AND CONDITIONS; DECLARING THE PLAN TO BE CONSISTENT WITH THE CITY'S COMPREHENSIVE PLAN; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

20. MAJOR AMENDMENT TO THE WALLACE VOLVO PUD (QUASI-JUDICIAL)(RC):

ORDINANCE No. 2505-2022; AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, APPROVING A MAJOR AMENDMENT TO A COMMERCIAL PLANNED UNIT DEVELOPMENT (CPUD) FOR A 5.78-ACRE PROPERTY OWNED BY WALLACE J 2755 SE FEDERAL HIGHWAY, LLC AT 2675 SE FEDERAL HIGHWAY; SAID LAND BEING MORE FULLY DESCRIBED IN EXHIBIT "A" ATTACHED; ESTABLISHING MODIFICATIONS TO THE EXISTING PUD TO DEMOLISH ONE SINGLE-STORY BUILDING AND ADD A SHOWROOM WITH OFFICE AND GENERAL STORAGE SPACE, AUTO REPAIR BAYS, OUTDOOR DISPLAY AREA, AND ADDITIONAL PARKING INCLUDING ELECTRIC VEHICLE CHARGING STATIONS; PROVIDING FOR CERTAIN DEVELOPMENT DOCUMENTS AND CONDITIONS; DECLARING THE PLAN TO BE CONSISTENT WITH THE CITY'S COMPREHENSIVE PLAN; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

**21. DOGSWORLD URBAN CODE CONDITIONAL USE (QUASI-JUDICIAL)(RC)
(THIS IS A SINGLE READING ITEM)**

RESOLUTION No. 73-2022; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, CONSIDERING A MAJOR URBAN CODE CONDITIONAL USE APPROVAL TO JUSTIN PHILLIPS, (CONTRACT PURCHASER) FOR THE PROPERTY LOCATED AT 400 SW 7TH STREET, CONSISTING OF APPROXIMATELY 1.62 ACRES; TO ALLOW THE USE OF KENNELS FOR DOGSWORLD; PROVIDING AN EFFECTIVE DATE; PROVIDING FOR A TIMETABLE OF DEVELOPMENT; PROVIDING FOR CONDITIONS OF APPROVAL; AND FOR OTHER PURPOSES.

22. FIRE STATION 3 - REZONE FROM CPUD TO PUBLIC (QUASI-JUDICIAL)(RC):

ORDINANCE No. 2506-2022; AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, AMENDING THE CITY'S OFFICIAL ZONING MAP; TO REZONE A 1.78-ACRE PARCEL; LOCATED AT 3473 NW GREEN RIVER PARKWAY; BEING MORE FULLY DESCRIBED IN EXHIBIT "A" ATTACHED; FROM COMMERCIAL PLANNED UNIT DEVELOPMENT "CPUD" TO PUBLIC; DEVELOPING THE SITE FOR A NEW FIRE STATION WITH 6,523 SQ FT TO SERVE THE NORTHERN PART OF THE CITY; DECLARING THE PROJECT TO BE CONSISTENT WITH THE CITY'S COMPREHENSIVE PLAN; PROVIDING FOR DEVELOPMENT CONDITIONS; PROVIDING DIRECTIONS TO THE CITY CLERK; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR

AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

23. EAST STUART NEIGHBORHOOD - SMALL-SCALE FUTURE LAND USE MAP AMENDMENT
CONTINUED TO DATE CERTAIN DECEMBER 12, 2022 CITY COMMISSION
(THIS IS A SINGLE READING ITEM)

ORDINANCE No. 2500-2022; AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, AMENDING THE FUTURE LAND USE MAP OF THE CITY'S COMPREHENSIVE PLAN THEREBY CHANGING THE FUTURE LAND USE DESIGNATION FROM "LOW DENSITY" TO "EAST STUART" FOR 8.60 ACRES OF LAND; "OFFICE-RESIDENTIAL" TO "EAST STUART" FOR 1.93 ACRES OF LAND; "MULTI-FAMILY" TO "EAST STUART" FOR 4.50 ACRES OF LAND; "PUBLIC" TO "EAST STUART" FOR .53 ACRES OF LAND; AND "EAST STUART" TO "PUBLIC" FOR 5.16 ACRES OF LAND AS DEPICTED IN EXHIBIT "A" ATTACHED; DECLARING THE PLAN TO BE CONSISTENT WITH THE CITY'S COMPREHENSIVE PLAN; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

24. THE CREEK DISTRICT - SMALL-SCALE FUTURE LAND USE AMENDMENT
CONTINUED TO DATE CERTAIN DECEMBER 12, 2022 CITY COMMISSION
(THIS IS A SINGLE READING ITEM)

ORDINANCE No. 2502-2022; AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, AMENDING THE FUTURE LAND USE MAP OF THE CITY'S COMPREHENSIVE PLAN THEREBY CHANGING THE FUTURE LAND DESIGNATION FROM "COMMERCIAL" TO "DOWNTOWN" FOR 20.07 ACRES OF LAND AND "DOWNTOWN" TO "RECREATION" FOR .25 ACRES OF LAND AS DEPICTED IN EXHIBIT "A" ATTACHED; DECLARING THE PLAN TO BE CONSISTENT WITH THE CITY'S COMPREHENSIVE PLAN; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

ORDINANCE FIRST READING

25. EAST STUART NEIGHBORHOOD - ZONING MAP AMENDMENT
CONTINUED TO DATE CERTAIN DECEMBER 12, 2022 CITY COMMISSION

ORDINANCE No. 2499-2022; AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, AMENDING THE CITY'S OFFICIAL ZONING MAP TO ASSIGN "EAST STUART NEIGHBORHOOD" ZONING AND MAKE CHANGES FOR CONSISTENCY WITH FUTURE LAND USE MAP; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

26. THE CREEK DISTRICT - ZONING MAP AMENDMENT
CONTINUED TO DATE CERTAIN DECEMBER 12, 2022 CITY COMMISSION

ORDINANCE No. 2501-2022; AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, AMENDING THE CITY'S OFFICIAL ZONING MAP TO ASSIGN "THE CREEK DISTRICT" ZONING AND MAKE CHANGES FOR

CONSISTENCY WITH THE FUTURE LAND USE MAP; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

**27. EAST STUART NEIGHBORHOOD - LAND DEVELOPMENT CODE AMENDMENT
CONTINUED TO DATE CERTAIN DECEMBER 12, 2022 CITY COMMISSION**

ORDINANCE No. 2507-2022; AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, AMENDING AND RESTATING THE CITY'S LAND DEVELOPMENT CODE; MORE SPECIFICALLY AMENDING CHAPTER III SPECIAL ZONING CODES FOR THE "EAST STUART NEIGHBORHOOD"; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING PROVISIONS; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

**28. THE CREEK DISTRICT - LAND DEVELOPMENT CODE AMENDMENT
CONTINUED TO DATE CERTAIN DECEMBER 12, 2022 CITY COMMISSION**

ORDINANCE No. 2498-2022; AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, AMENDING AND RESTATING THE CITY'S LAND DEVELOPMENT CODE; MORE SPECIFICALLY AMENDING CHAPTER II ZONING DISTRICTS USES ALLOWED, DENSITY, INTENSITY; CHAPTER III SPECIAL ZONING CODES FOR "THE CREEK DISTRICT"; AND CHAPTER XII DEFINITIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING PROVISIONS; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

DISCUSSION AND DELIBERATION

ADJOURNMENT