



AGENDA

**LOCAL PLANNING AGENCY
JANUARY 12, 2023
AT 5:30 PM
COMMISSION CHAMBERS
121 SW FLAGLER AVE.
STUART, FLORIDA 34994**

LOCAL PLANNING AGENCY

**Chairperson - Kelly Laurine
Vice Chairperson - Margaret Bromfield
Board Member - Donald Cuozzo
Board Member - Laura Giobbi
Board Member - William Mathers
Board Member - Ryan Strom
Board Member - James "Mac" Stuckey
Ex Officio Board Member - Mark Sechrist**

ADMINISTRATIVE

**Development Director, Jodi Nentwick-Kugler
Board Secretary, 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.

CALL TO ORDER

ROLL CALL

PLEDGE OF ALLEGIANCE

1. ADVISORY BOARD MEMBER OATH
2. ANNUAL BOARD REORGANIZATION - SELECTION OF CHAIR AND VICE CHAIR

APPROVAL OF AGENDA

APPROVAL OF MINUTES

3. APPROVAL OF 12/08/2022 LPA MINUTES

COMMENTS FROM THE PUBLIC (3 Minutes Max.)

COMMENTS BY BOARD MEMBERS (Non-Agenda Items)

ACTION ITEMS

4. STUART AUTO VAULT, LLC., SUBMITTED A PETITION FOR VOLUNTARY ANNEXATION FOR PROPERTY LOCATED FRONTING SE MONTEREY ROAD (RC):

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, ANNEXING A PARCEL OF LAND FRONTING SE MONTEREY ROAD, CONSISTING OF 0.34-ACRES, SAID PARCEL BEING MORE FULLY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO; PROVIDING DIRECTIONS TO THE CITY CLERK; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

5. STUART AUTO VAULT, LLC., SUBMITTED A PETITION FOR A SMALL-SCALE COMPREHENSIVE PLAN AMENDMENT FOR PROPERTY LOCATED FRONTING SE MONTEREY ROAD (RC):

ORDINANCE NO. 2511-2023; AN ORDINANCE OF THE CITY OF COMMISSION OF THE CITY OF STUART, SMALL SCALE COMPREHENSIVE PLAN AMENDMENT AS DEFINED IN F.S.§163.3187; AMENDING THE COMPREHENSIVE PLAN, FUTURE LAND USE MAP FOR AN APPROXIMATELY 0.34-ACRE PARCEL FROM THE FUTURE LAND USE OF GENERAL COMMERCIAL (COUNTY) TO THE FUTURE LAND USE OF COMMERCIAL (CITY); AMENDING THE FUTURE LAND USE MAP; PROVIDING DIRECTIONS TO THE CITY CLERK; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

6. STUART AUTO VAULT, LLC., SUBMITTED A PETITION FOR A REZONE TO THE OFFICIAL ZONING ATLAS FOR PROPERTY LOCATED ON THE SOUTH SIDE FRONTING SE MONTEREY ROAD (RC):

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, AMENDING THE CITY'S OFFICIAL ZONING MAP; TO REZONE A 0.34-ACRE PARCEL; LOCATED ON THE SOUTH SIDE OF SE MONTEREY ROAD; BEING MORE DESCRIBED IN EXHIBIT "A" ATTACHED, FROM B-1 BUSINESS (COUNTY) ZONING DESIGNATION TO B-4 LIMITED BUSINESS/MANUFACTURING (CITY) ZONING DESIGNATION; PROVIDING DIRECTIONS TO THE CITY CLERK; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

STAFF UPDATE

7. ADVISORY BOARD ORIENTATION REVIEW BY CITY CLERK

ADJOURNMENT

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

Meeting Date: 1/12/2023

Prepared by:

Title of Item:

ADVISORY BOARD MEMBER OATH

Summary Explanation/Background Information on Agenda Request:

Advisory Board Members serving the City of Stuart will take an Oath before the City Clerk/City Attorney for public record.

Funding Source:

N/A

Recommended Action:

Take Oath.

ATTACHMENTS:

1. Board Member Oath



CITY OF STUART

Oath of Office

I, _____, am qualified under the Constitution, Laws of Florida, and the Code of Ordinances for the City of Stuart, Florida to serve as a member of the LOCAL PLANNING AGENCY; and that I will well and faithfully perform the duties of an advisory board member on which I am about to enter, so help me God.

Name

STATE OF FLORIDA
COUNTY OF MARTIN

The foregoing instrument was acknowledged before me by means of physical presence _____ or online notarization ____, this 10th day of January 2023, _____, who is personally known to me or who has produced Florida driver license as identification.

City Clerk

(Notary Seal)

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

Meeting Date: 1/12/2023

Prepared by: Susej Meleqi

Title of Item:

ANNUAL BOARD REORGANIZATION - SELECTION OF CHAIR AND VICE CHAIR

Summary Explanation/Background Information on Agenda Request:

Per the LPA By-Laws (attached) adopted by the Stuart City Commission in 2020, a Chair and Vice Chair shall be appointed according to Article 3, ELECTION OF OFFICERS.

Funding Source:

N/A

Recommended Action:

Board elects a Chair and Vice Chair.

ATTACHMENTS:

1. LPA By-Laws 2020



BY-LAWS LOCAL PLANNING AGENCY (LPA)

These By-Laws constitute the rules adopted by the City Commission and shall apply to the Local Planning Agency Advisory Board (hereinafter the “Board” or “LPA”) for the regulation and management of its affairs.

ARTICLE 1 GENERAL

- 1.1 **Establishment and Name.** The Board is established as provided in Chapter VIII, Sec. 8.00.01 of the Land Development Code of the City of Stuart. The name shall be designated as the City Planning Advisory Board. Because it also functions as the local planning agency, it may also be cited as the Local Planning Agency (LPA).
- 1.2 **Purpose and Objectives.** The Board shall be an advisory Board to the City Commission and to the City administration in performing the duties and responsibilities described in this code.
- 1.3 The Local Planning Agency shall constitute a legal entity, separate, distinct, and independent from the City Commission.

ARTICLE 2 MEMBERSHIP

- 2.1 **Qualifications.** Members shall be over the age of 18 years of age. Members must also be current residents of the City of Stuart or be property owners of real estate within the geographic limits of the City.
- 2.2 **Number.** The Board shall consist of seven (7) members. Each City Commissioner shall appoint a single member to the Board. The City Manager shall appoint two (2) members to the Board, which shall be ratified by the City Commission.
- 2.3 **Term.** The Board members shall serve annual terms. The Commissioners shall ratify the membership of the Board at the annual reorganization meeting of the City Commission.

- 2.4 **Staff Liaison.** The Development Director shall serve as the senior staff person to the Board.
- 2.5 **Secretary.** The Development Director shall appoint a Secretary of the Board and as such shall prepare Board agendas, be the custodian of all books and records of the Board, keep the minutes and a recording of all votes of all Board meetings, and send out all notices of meetings and shall perform such other duties as may be requested by the Board. In the absence of the Secretary at a meeting, the Development Director shall designate an employee to act as Secretary.
- 2.6 **City Attorney.** The City Attorney shall serve as the legal advisor to the Board and attend meetings when necessary.

ARTICLE 3 ELECTION OF OFFICERS

- 3.1 Nomination and election of officers shall occur at the annual organizational meeting of the Board. The organizational meeting shall occur at the first LPA meeting after the annual reorganizational meeting of the City Commission.
- 3.2 **Officers.** Regular officers of the Board shall be a Chair and a Vice-Chair who shall be appointed by the Board at its annual reorganizational meeting.
- 3.3 **Chair.** The Chair shall preside at all meetings of the Board and shall execute instruments in the name of the Board as may be required.
- 3.4 **Vice-Chair.** The Vice-Chair shall, in the absence, disqualification, resignation or death or disability of the Chair or at the Chair's direction, shall exercise the functions of the Chair.
- 3.5 **Vacancy.** Upon a vacancy in the office of Chair or Vice-Chair, the Board members shall select one of them to fill the position at the next regular meeting following the creation of the vacancy.

ARTICLE 4 DUTIES AND RESPONSIBILITIES

- 4.1 The Board shall constitute the Local Planning Agency as that term is defined and construed in F.S. § 163.3164;
- 4.2 The recommendations to the City Commission shall apply to those issues that fall outside of the Community Redevelopment Agency;
- 4.3 The Board shall make recommendations to the City Commission regarding proposed amendments to the text of the Stuart Comprehensive Plan;

- 4.4 The Board shall make recommendations to the City Commission regarding proposed amendments to the text of the Stuart Land Development Code;
- 4.5 The Board shall make recommendations to the City Commission regarding proposed amendments to the future land use map component of the future land use element of the Stuart Comprehensive Plan;
- 4.6 The Board shall make recommendations to the City Commission regarding proposed amendments to the zoning map of the City in the form of zoning and rezoning;
- 4.7 The Board shall make recommendations to the City Commission regarding proposed annexations to the City;
- 4.8 Consider and make recommendations regarding the consistency of proposed developments with the various elements of the City Comprehensive Plan;
- 4.9 Conduct such public hearings as may be required to gather information necessary for the preparation, establishment, and maintenance of the Comprehensive Plan, as well as all other public hearings required by the regulations or by the City Commission; and
- 4.10 Make other recommendations to the City Commission and the City administrative staff upon the request of either regarding land use in the City and the regulation thereof by the City.

ARTICLE 5 MEETINGS

- 5.1 **Regular Meetings.** Regular meetings shall be held on the second Thursday of each month at 5:30 p.m. in the City Commission Chambers at the Stuart City Hall. No meeting will be convened in the event there is no matter to be considered by the Board.
- 5.2 **Special Meetings.** Special meetings may be held at the discretion of the Local Planning Board as necessary. Special meetings may be called by the Chairperson; any two (2) members of the Board or by the Development Director by requesting the Development Director to arrange for and give notice of such special meeting.
- 5.3 **Notice.** The Secretary shall give notice of all meetings, both regular and special to all Board members at least twenty-four (24) hours in advance of the meeting, when possible. The Secretary shall determine if a quorum will be present.
- 5.4 **Attendance.** A member who misses three (3) consecutive meetings of the Board shall be deemed to have resigned and the vacancy shall be filled.
- 5.5 **Quorum.** A quorum of the Board shall be four (4) members and an affirmative vote of a majority of those present shall be necessary to conduct business. If any meeting cannot be

conducted because a quorum is not present, the Members who are present may receive information only, and take no action other than to adjourn the meeting to a time certain and notice of such adjourned meeting shall be given to each Member.

- 5.6 **Adjourned and Continued Meetings.** Where a meeting having been set and noticed under the provisions of these By-Laws and during the course of said meeting is adjourned to a future time and place certain, there shall be no requirements for giving of notice of the time and place of continuation of said meeting other than the announcement thereof at said meeting.
- 5.7 **Rules of Order.** All meetings shall be conducted informally. If a dispute arises regarding the proper procedure to be followed, Robert's Rules of Order shall take precedence.
- 5.8 **Ethics, Public Meetings and Public Records.** Board Members shall conduct themselves in accordance with the provisions of Chapter 112, Florida Statutes regarding ethics for public officials. Board meetings shall be held in accordance with the requirements of Section 286.011, Florida Statutes (Government in the Sunshine). All Board records shall be maintained in accordance with Chapter 119, Florida Statutes (Public Records Law).

ARTICLE 6 VOTING

- 6.1 Voting shall be by voice vote and shall be recorded by individual "aye" or "nay".
- 6.2 Each member present must cast a vote on each question before the Board. Any member who has a personal interest in a matter may abstain from participating as a member of the Board in that matter. A member who abstains in any matter in which the member has a personal interest must file a Memorandum of Voting Conflict with the Secretary of the Board within fifteen (15) days after such vote.
- 6.3 No member of the Board shall represent a client before the Board in any matter that will be considered by the Board. This prohibition does not preclude Board members from representing clients before other City Boards or City Administrative Staff.
- 6.4 **Order of Business.** The Board shall follow the Order of Business as set forth in the agenda prepared by the Secretary for each meeting. The order of business may be suspended by a vote of the majority of the members present.

ARTICLE 7 AMENDMENTS

- 7.1 **Amendments.** The By-Laws of the Board may be amended at any regular or special City Commission meeting by three (3) affirmative votes.
- 7.2 The LPA Board shall make recommendations to the City Commission at any time that the By-Laws need amending.

ARTICLE 8
MISCELLANEOUS

- 8.1 In addition to those public hearings required by law, the LPA Board may, at its discretion, hold such public hearings or conferences as it decides will be in the public interest.
- 8.2 The following procedures will be observed in meetings of the LPA Board for the hearing of cases:
- 8.2.1 The Secretary or Planner shall provide the Board with proof of publication of the case.
- 8.2.2 The City Planner shall present a brief report. Any correspondence in favor of or against the project shall be read into the record or summarized by the Planner during the presentation.
- 8.2.3 The applicant shall make such presentation or comments as deemed necessary.
- 8.2.4 Upon completion of all testimony, the Chairperson shall announce that no further evidence may be offered.
- 8.2.5 Discussion shall be conducted by the Board regarding the issue presented.
- 8.2.6 Final Action shall be taken by the Board after an appropriate motion and public hearing.

CITY OF STUART:



MICHAEL J. MEIER
MAYOR



MARY R. KINDEL
CITY CLERK

APPROVED AS TO FORM
AND CORRECTNESS:



MICHAEL J. MORTELL, ESQ.
CITY ATTORNEY

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

Meeting Date: 1/12/2023

Prepared by: Susej Meleqi

Title of Item:

APPROVAL OF 12/08/2022 LPA MINUTES

Summary Explanation/Background Information on Agenda Request:

APPROVAL OF 12/08/2022 LPA MINUTES

Funding Source:

N/A

Recommended Action:

Approve Minutes.

ATTACHMENTS:

1. 12082022 LPA Minutes

MINUTES
LOCAL PLANNING AGENCY OF THE CITY OF STUART
DECEMBER 8, 2022
AT 5:30 PM
COMMISSION CHAMBERS
121 SW FLAGLER AVE.
STUART, FLORIDA 34994

LOCAL PLANNING AGENCY

Chairperson - Kelly Laurine
Vice Chairperson - Margaret Bromfield
Board Member - Bill Mathers
Board Member - Ryan Strom
Board Member - Jackie Vitale
Board Member - VACANT
Board Member - VACANT
Ex Officio Board Member - Mark Sechrist

ADMINISTRATIVE

Development Director, Jodi Nentwick-Kugler
City Clerk, Mary R. Kindel

CALL TO ORDER

5:34 PM

ROLL CALL

PRESENT: Chairperson Laurine, Board Member Mathers, Board Member Strom, Board Member Vitale

ABSENT: Vice Chairperson Bromfield

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

Pinal Gandhi Savdas, CRA Executive Director, explained the rearrangement of the items in the agenda.

- Item #5 was read third.
- Item #7 was read fourth.
- Item #3 was read fifth.
- Item #6 was read sixth.
- Item #4 was read seventh.

5:36 PM MOTION: Approve with rearrangements of items.

MOVED BY: Jackie Vitale

SECONDED BY: Ryan Strom

Motion approved unanimously.

APPROVAL OF MINUTES

1. APPROVAL OF OCTOBER 13, 2022 MINUTES

5:37 PM MOTION: Approve.

MOVED BY: Ryan Strom

SECONDED BY: William Mathers

Motion approved unanimously.

COMMENTS FROM THE PUBLIC (3 Minutes Max.)

None.

COMMENTS BY BOARD MEMBERS (Non-Agenda Items)

Michael Mortell, City Attorney, spoke on the passing of Board Member Larry Massing.

ACTION ITEMS

2. EAST STUART NEIGHBORHOOD - SMALL-SCALE FUTURE LAND USE MAP AMENDMENT (RC): (THIS IS A SINGLE READING ITEM)

ORDINANCE No. 2500-2023; 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.

5:39 PM

Ms. Gandhi Savdas presented the item and stated all the notices that were sent out to the neighbors within the project area, spoke about the workshops and walking tours that took place, and all the community engagements.

Jessica Seymour, Treasure Coast Regional Planning Council presented the timeline, future land use map and their changes, and the proposed future land use map.

PUBLIC COMMENT:

1.) Brooks Dubois - SE 6th St; Spoke about a larger parcel and is in opposition of the duplexes possibly going in that parcel.

2.) Laura Giobbi - Questioned where the parking is in the multi-dwelling units.

6:00 PM MOTION: Approve.
MOVED BY: Ryan Strom
SECONDED BY: William Mathers
Motion approved unanimously.

****Clerks Note** - Ordinance No. 2499-2023 and 2507-2023 were presented together in one presentation. Discussion happened at the same time and a motion was first made on the Land Development Code and then on Zoning Map Amendment.**

5. EAST STUART NEIGHBORHOOD - ZONING MAP AMENDMENT (RC):

ORDINANCE No. 2499-2023; 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.

Ms. Seymour presented the proposed land use and zoning, showed comments from CRB Board Members and City Commissioners, the proposed process, regulating plan, thoroughfare plan, development standard typical lot sizes, zoning, dwelling units per acre, frontage types, building types, proposed neighborhood open space, low-impact development standards, vision update on the master plan, and top three take-aways.

Board Members and Ms. Seymour had a discussion about accessory dwelling unit's (ADU), facades, porches, store fronts, and building height requirements.

6:41 PM Board Member Mathers made a motion seconded by Board Member Strom.

Board Members had a discussion about ADU's and whether or not to include it in the motion.

PUBLIC COMMENT:

1.) Brooks Dubois - SE 6th St; Stated he is okay with ADU's but not the duplexes.

6:49 PM MOTION: Approve.
MOVED BY: William Mathers
SECONDED BY: Ryan Strom
Motion approved unanimously.

7. EAST STUART NEIGHBORHOOD - LAND DEVELOPMENT CODE AMENDMENT (RC):

ORDINANCE No. 2507-2023; 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.

6:48 PM MOTION: Approve, with the restriction on the Duplex but not ADU, and ensure that the language states "Non-pervious does not count towards the impervious count".

MOVED BY: William Mathers

SECONDED BY: Jackie Vitale

Motion approved unanimously.

**3. THE CREEK DISTRICT - SMALL-SCALE FUTURE LAND USE AMENDMENT
(THIS IS A SINGLE READING ITEM)**

ORDINANCE No. 2502-2023; 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.

Ms. Seymour presented the existing future land use map and the future land use element.

PUBLIC COMMENT:

1.) Mark Brechbill - SE Osceola St; Asked if the gym property will be grandfathered in and questioned how it will supply to the sound ordinance?

Board Members had a discussion with Ms. Seymour about their concerns in The Creek District.

7:05 PM MOTION: Approve.

MOVED BY: Jackie Vitale

SECONDED BY: Ryan Strom

Motion approved unanimously.

****Clerks Note** - Ordinance No. 2498-2023 and 2501-2023 were presented together in one presentation. Discussion happened at the same time and two motions were made on each Ordinance.**

6. THE CREEK DISTRICT - ZONING MAP AMENDMENT (RC):

ORDINANCE No. 2501-2023; 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.

Ms. Seymour presented the comments received from CRB, LPA, and City Commission, proposed process, proposed regulating plan, proposed development standards, creek industrial uses, creek industrial density, proposed frontage types, proposed parking

standards, proposed thoroughfare plan, proposed low impact development standards, and proposed neighborhood open space.

Board Members had a discussion with Ms. Seymour in regards bulkheads, how you measure height.

7:29 PM MOTION: Approve.

MOVED BY: Ryan Strom

SECONDED BY: Jackie Vitale

Motion approved unanimously.

4. THE CREEK DISTRICT - LAND DEVELOPMENT CODE AMENDMENT (RC):

ORDINANCE No. 2498-2023; 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.

7:31 PM MOTION: Approve, adding language for bulkheads in emergency situations.

MOVED BY: Jackie Vitale

SECONDED BY: William Mathers

Motion approved unanimously.

STAFF UPDATE

Susej Meleqi, Deputy City Clerk, stated that the Clerk's Department would be taking over the advisory board meetings.

ADJOURNMENT

7:32 PM

Mary R. Kindel, City Clerk

Kelly Laurine, Chairperson

**Minutes to be approved at the Local Planning Agency
Meeting this 12th day of January, 2023.**

CITY OF STUART, FLORIDA AGENDA ITEM REQUEST Local Planning Agency

Meeting Date: 1/12/2023

Prepared by: Jodi Nentwick

Title of Item:

STUART AUTO VAULT, LLC., SUBMITTED A PETITION FOR VOLUNTARY ANNEXATION FOR PROPERTY LOCATED FRONTING SE MONTEREY ROAD (RC):

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, ANNEXING A PARCEL OF LAND FRONTING SE MONTEREY ROAD, CONSISTING OF 0.34-ACRES, SAID PARCEL BEING MORE FULLY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO; PROVIDING DIRECTIONS TO THE CITY CLERK; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

Summary Explanation/Background Information on Agenda Request:

Redtail Design Group submitted petitions, on behalf of Stuart Auto Vault, LLC., for a Voluntary Annexation to incorporate the +/-0.34-acres from Martin County to City of Stuart jurisdiction, a Small-Scale Comprehensive Plan Amendment to assign a future land use category of Commercial, and assign a (B-4) Limited Business/Manufacturing Zoning Designation, for a project to be known as Stuart Auto Vault Baron Commerce Center. The property currently has County land use and zoning. The land use is (GC) General Commercial and the zoning is (B-1) Business.

The applicant also submitted a concurrent Major Development application to incorporate the subject site and +/- 20 acres (total of 20.35-acres) to develop 137,567 square feet of flex warehouse space and 113,802 square feet of storage space. The proposed site plan depicts ten (10) buildings, with twenty-four (24) inch clear height situated around a lake with large drive isles for maneuvering recreation vehicles and trucks on site.

Funding Source:

N/A

Recommended Action:

Staff recommends the Local Planning Agency forward recommendation of **APPROVAL** to the City Commission for the annexation of the 0.34-acres on first reading, based upon the following findings of fact:

- The subject annexation request is consistent with Chapter 1741.0444, *Florida Statutes*.
- The subject property meets the City of Stuart Level of Service Standards.
- City of Stuart Land Development Section 11.01.12.

ATTACHMENTS:

1. LPA Staff Report
2. Draft 2510-2023 Ordinance - Annexation
3. Voluntary Annexation Application

4. Public Notification Packet
5. Florida Statutes 2022 - 171.044
6. 2022.11.04 Memo to re voluntary annexation 2601 willoughby



TO: Local Planning Agency (LPA)
FROM: Jodi Nentwick-Kugler, Development Director
MEETING DATE: January 12, 2023
SUBJECT: **Stuart Auto Vault LLC**
Voluntary Annexation
Small-Scale Future Land Use Amendment
Rezone to Official Zoning Atlas

GENERAL INFORMATION

Property Owner/Applicant: Jeremiah Baron, CEO
Stuart Auto Vault LLC
49 SW Flagler Avenue 3rd Floor
Stuart, FL 34994

Agent/Agent of Record: Tod Mowery, AICP
Redtail Design Group
100 North 2nd Street
Fort Pierce, FL 34950

Location: SE Monterey Road, Stuart, FL

Parcel ID#: 16-38-41-000-000-00071-0

Parcel Size: +/-0.34-acres

Existing Future Land Use: (GC) General Commercial (County)
Proposed Future Land Use: **Commercial (City)**

Existing Zoning: (B-1) Business (County)
Proposed Zoning: **(B-4) Limited Business/Manufacturing (City)**

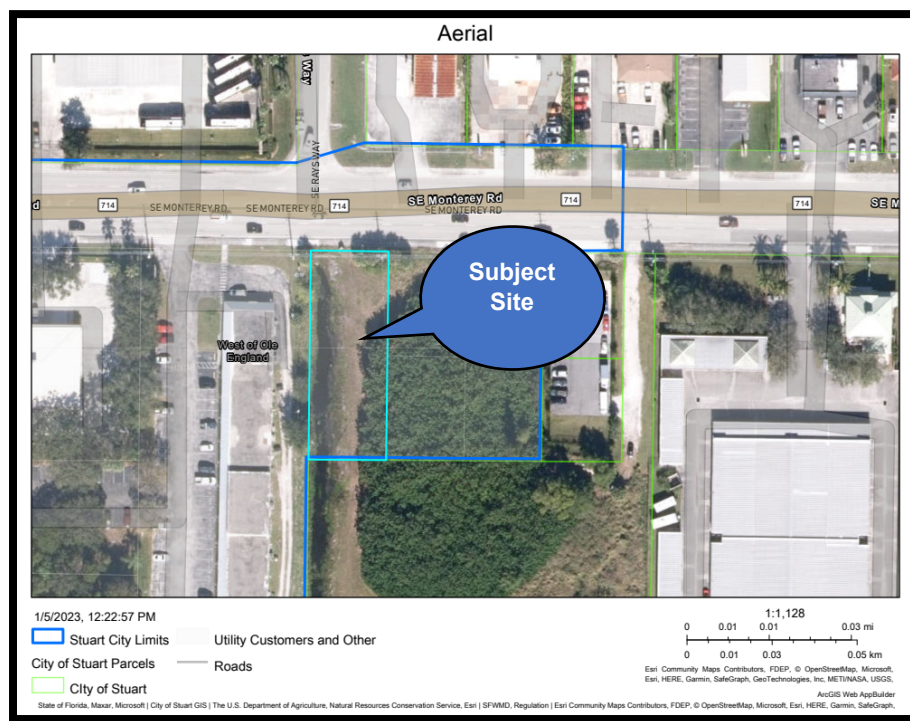
EXECUTIVE SUMMARY

This is a request from the property owner, Stuart Auto Vault, LLC., to consider three (3) petitions for Voluntary Annexation, Small-Scale Future Land Use Amendment, and Rezone to the Official Zoning Atlas for +/-0.34-acres of vacant land located within Martin County unincorporated area.

BACKGROUND

Redtail Design Group submitted petitions, on behalf of Stuart Auto Vault, LLC., for a Voluntary Annexation to incorporate the +/-0.34-acres from Martin County to City of Stuart jurisdiction, a Small-Scale Comprehensive Plan Amendment to change the future land use category from (GC) General Commercial (County) to Commercial (City), and Rezone from (B-1) Business (County) to (B-4) Limited Business/Manufacturing (City) Zoning Designation, for a project to be known as Stuart Auto Vault Baron Commerce Center.

Additionally, the applicant submitted a concurrent Major Development application to incorporate the subject site and +/- 20 acres (total of 20.35-acres) to develop 137,567 square feet of flex warehouse space and 113,802 square feet of storage space. The proposed site plan depicts ten (10) buildings, with twenty-four (24) inch clear height situated around a lake with large drive isles for maneuvering recreation vehicles and trucks on site.



LAND USE AND ZONING

The subject site currently has a Martin County Future Land Use Designation of General Commercial (GC), and a County Zoning Designation of Business District (B-1) District. The subject property is currently vacant located on the south of SE Willoughby Boulevard. The site is bounded by City of Stuart (northeast, northwest, south, and adjacent to the property to the east). The existing uses, zoning districts, and future land-use designations of the adjacent properties are summarized in Table 1.

Table 1. Existing Use, Zoning and Land-Use Designations

EXISTING USE		ZONING	FUTURE LAND USE
Subject Property:	Vacant	(B-1) Business (County)	(GC) General Commercial (County)
North:	Auto Sales/Repair Vacant	(B-2) (CPUD) Commercial Planned Unit Development	Commercial
South:	Vacant	(B-1) Business (County)	Commercial
East:	Vacant	(B-1) Business (County)	Commercial
West:	Shopping Center	(B-4) Business (County)	Commercial

SECTION 1:	VOLUNTARY ANNEXATION STANDARDS OF REVIEW AS SET FORTH IN THE LAND DEVELOPMENT CODE SECTION 11.01.12
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In accordance with LDC Section 11.01.12.G., the Local Planning Agency (LPA) shall hear from all interested parties regarding whether the application complies with the requirements of this Code and the Comprehensive Plan. The LPA shall consider the application, the written comments of each responding department, consultant, and agency as well as the compliance recommendation of the development department.

CONSISTENCY WITH FLORIDA STATUTES

Section 171.044, *Florida Statutes*, includes criteria that an area being considered for voluntary annexation shall satisfy prior to local government annexation:

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

Staff Comment: The subject area is located within unincorporated Martin County, is contiguous on all three (3) sides to the City's municipal boundaries and is reasonably compact. The parcel is concentrated in a single area. Therefore, the proposed annexation is consistent with this section of the *Florida Statutes*.

- (2) *Upon determination by the governing body of the municipality that the petition bears the signatures of all owners of property in the area proposed to be annexed, the governing body may, at any regular meeting, adopt a nonemergency ordinance to annex said property and redefine the boundary lines of the municipality to include said property. Said ordinance shall be passed after notice of the annexation has been published at least once each week for 2 consecutive weeks in some newspaper in such city or town or, if no newspaper is published in said city or town, then in a newspaper published in the same county; and if no newspaper is*

published in said county, then at least three printed copies of said notice shall be posted for 4 consecutive weeks at some conspicuous place in said city or town. The notice shall give the ordinance number and a brief, general description of the area proposed to be annexed. The description shall include a map clearly showing the area and a statement that the complete legal description by metes and bounds and the ordinance can be obtained from the office of the city clerk.

Staff Comment: The subject property is under one ownership, and the City has received the signature of the property owner of the area to be annexed. Prior to the adoption of the Ordinance by City Commission for annexation, the notice (legal advertisement) will be published once each week for two (2) consecutive weeks in the City's local newspaper (TC Palm Newspaper), to meet the requirements of the *Florida Statutes*.

- (3) *An ordinance adopted under this section shall be filed with the clerk of the circuit court and the chief administrative officer of the county in which the municipality is located and with the Department of State within seven (7) days after the adoption of such ordinance. The ordinance must include a map which clearly shows the annexed area and a complete legal description of that area by metes and bounds.*

Staff Comment: This requirement shall be satisfied within seven (7) days of adoption of the Ordinance by the City Commission.

- (4) *The method of annexation provided by this section shall be supplemental to any other procedure provided by general or special law, except that this section shall not apply to municipalities in counties with charters which provide for an exclusive method of municipal annexation.*

Staff Comment: Martin County has been directly notified of the submission of this voluntary annexation petition via certified mail in accordance with the City of Stuart Comprehensive Plan Intergovernmental Coordination Element Policy 7.A8.17. – *The City shall continue to promote data sharing and technological consistency across jurisdictions.*

- (5) *Land shall not be annexed through voluntary annexation when such annexation results in the creation of enclaves.*

Chapter 171.031(13)(a) and (b), Florida Statutes "Enclave" means: (a) Any unincorporated improved or developed area that is enclosed within and bounded on all sides by a single municipality; or (b) Any unincorporated improved or developed area that is enclosed within and bounded by a single municipality and a natural or manmade obstacle that allows the passage of vehicular traffic to that unincorporated area only through the municipality.

Staff Comment: The proposed annexation does not create an enclave as defined in Chapter 171.031(13)(a) and (b), *Florida Statutes*. Annexation of the subject property does not create an area that is enclosed and bounded on all sides by the City, nor does it create an area that is enclosed and bounded within the City and a natural or manmade obstacle that allows passage of vehicular traffic to that unincorporated area only through the City. The subject property is

located within an existing enclave as the property is only accessible by vehicular traffic through the City of Stuart on SE Monterey Road, and the annexation will reduce the size of an existing enclaves.

- (6) *Not fewer than 10 days prior to publishing or posting the ordinance notice required under subsection (2), the governing body of the municipality must provide a copy of the notice, via certified mail, to the board of the county commissioners of the county wherein the municipality is located. The notice provision provided in this subsection may be the basis for a cause of action invalidating the annexation.*

Staff Comments: A copy of the notice will be provided via certified mail to Martin County Board of County Commissioners no fewer than ten (10) days prior to publishing the Ordinance notice in the TC Palm Newspaper as required.

LEVEL OF SERVICE ANALYSIS (LOS)

Water and Wastewater

The property is located within the City of Stuart Utilities service area and currently receives potable water service and sanitary through City of Stuart Utilities. City of Stuart Utilities will continue to provide potable water and sanitary sewer service after annexation.

Solid Waste

The property is located Martin County Solid Waste Facility service area that is the provider of solid waste disposal and recycling services. The proposed annexation will not negatively impact the existing capacity.

Recreation

The City has established a level of service for parks and recreation facilities within the City of Stuart Comprehensive Plan Element 6 – Recreation and Open Space Element. The property is zoned non-residential and will not negatively impact the Levels of Services.

Drainage

The subject property is located within the South Florida Water Management District (SFWMD). Any proposed development needs to demonstrate the project does not impact adjacent properties and meets all the federal, state and local requirements.

Public Safety

The City of Stuart Police Department and City of Stuart Fire Department have indicated capacity is available to serve the proposed annexation.

Traffic

Prior to the issuance of any Final Development Order, the development will be required to demonstrate that all traffic meets the level of service in accordance with the City of Stuart Comprehensive Plan Element 2 – Transportation Element.

Conclusion of Level of Service Analysis

The Applicant's analysis demonstrates that there will be no direct adverse impacts on the adopted Level of Services (LOS) standards for water, wastewater, solid waste, recreation, police and fire services, and traffic. Therefore, the proposed annexation will not pose a negative impact on the public facilities in the area.

CONSISTENCY WITH THE CITY'S COMPREHENSIVE PLAN

The proposed annexation area is consistent with the overall Goals, Objectives, and Policies of the Comprehensive Plan. More specifically, *Objective 1.B1. – Compact urban form.*

Discourage urban sprawl by facilitating urban redevelopment and infill development of properties and planning infill and development of lands located within Stuart to achieve a compact urban form.

PUBLIC NOTIFICATION

On December 27, 2022, the applicant provided notification letters to nineteen (10) owners of property located within the 300 feet of the proposed petitions. One (1) public notification sign detailing the Local Planning Agency (LPA) and City Commission's Public Hearing was posted on the premise, and an advertisement displayed in TC Palm Newspaper on January 3, 2023.

STAFF RECOMMENDATION:

Staff recommends the Local Planning Agency forward recommendation of **APPROVAL** to the City Commission for the annexation of the 0.34-acres on first reading, based upon the following findings of fact:

- The subject annexation request is consistent with Chapter 1741.0444, *Florida Statutes*.
- The subject property meets the City of Stuart Level of Service Standards.
- City of Stuart Land Development Section 11.01.12.

SECTION 2:

**SMALL-SCALE COMPREHENSIVE PLAN AMENDMENT
STANDARDS OF REVIEW AS SET FORTH IN THE
LAND DEVELOPMENT CODE SECTION 11.01.07**

In accordance to LDC Section 11.01.07.G., the Local Planning Agency (LPA) shall hear from all interested parties regarding whether the application complies with the requirements of this Code and the Comprehensive Plan. The LPA shall consider the application, the written comments of each responding department, consultant, and agency as well as the compliance recommendation of the development department. Specifically, the LPA shall consider the following criteria:

- a. The existing land use pattern;
- b. The possible creation of an isolated land use classification unrelated and nearby classifications;
- c. The population density pattern of the area and possible increase or overtaxing of the load on public facilities such as schools, utilities and streets;

- d. The possible overloading of the city's sewage collection, treatment and disposal facilities;
- e. The possible overloading of the city's drainage system;
- f. The existing classification boundaries in relation to existing conditions on the subject property.
- g. The existence of changed or changing conditions which make the passage of the proposed amendment necessary or appropriate;
- h. The impact of the proposed amendment upon living conditions in the adjacent property in accordance with existing regulations; and
- i. The existence of other adequate sites in the city for the proposed land use classifications already permitting such use.

The LPA shall make an advisory recommendation to the city commission as to the need and justification for the change and as to the relationship of the proposed change to the Goals, Objectives, and Policies of the Comprehensive Plan and of this Code. The LPA shall include in its recommendation to the city commission any information which it deems is relevant to issues relating to the proposed amendment.

CONSISTENCY WITH THE CITY'S COMPREHENSIVE PLAN

The proposed small-scale comprehensive future land use amendment is consistent with the overall Goals, Objectives, and Policies of the Comprehensive Plan.

Goal Statement 1.A: *Maintain and enhance Stuart's quality of life, natural beauty, and small-town waterfront character. Its stable residential neighborhoods, and its status as the commercial/institutional hub for greater Martin County.*

Objective 1.A.7: *The Future Land Use Map establishes the optimum, overall distribution of land uses as well as can be established on a City-wide basis. Neither these policies nor the Future Land Use Map shall be construed to mean that every parcel in a designated area is suitable for the designated use. Other plan objectives and policies will be applied to ensure that any proposed development will be suitable for the particular site. Similarly, the Future Land Use Map does not assure the landowner the right to the most intense use allowable under the designated future land use category. The City shall have the discretion to decide that the permitted land uses shall be more limited than the maximum allowable under the discretion to decide that development is consistent with the City's plan.*

- **Policy 1.A7.1.C. – Commercial:** *Land uses, and activities predominately connected with the sale, rental, and distribution of products or performance of professional and non-professional services. Includes retail sales, service establishments, business, professional and other offices, shopping centers, financial institutions, restaurants, entertainment, hotels, motels, and other temporary lodging. A limited amount of Multi-Family Residential and indoor industrial uses are allowed. Mixed-use projects are allowed. Also, public facilities and electric distribution substations are allowed.*
- **Policy 1.A7.5.** Properties that are annexed into the City shall be given a City land use designation as soon as possible after the annexation is finalized.

Existing Future Land Use (County)

General Commercial development. The General Commercial areas are designated on the Future Land Use Map to accommodate general retail sales and services; highway-oriented sales and services; commercial amusement; and trade and warehousing facilities. These areas are principally located in highly accessible parts of the urban service district that are compatible with the unique location and market requirements of these uses. The sites are located on major or minor arterials and require a minimum net lot size of 10,000 square feet. The Floor-Area-Ratio (FAR) shall be governed by the parking standards of the Land Development Regulations. Maximum densities for hotel/motel units located in a General Commercial future land use designation shall be 20 units per gross acre. Maximum building coverage shall be 60 percent. Minimum open space shall be 20 percent. Maximum building height shall be 40 feet.

The Land Development Regulations implementing the General Commercial future land use designation shall be consistent with the development standards described above. This area is not intended to accommodate businesses, trades or services that generate significant nuisance impacts, including glare, smoke, or other air pollutants; noise; vibration; major fire hazards; need for extensive outside storage and display; or other impacts associated with more intensive industrial uses. Automotive sales and services shall be located within the General Commercial land use classification on sites appropriately designated for highway-oriented commercial uses in the Land Development Regulations.

The areas designated for General Commercial development are specifically not adapted to permanent residential housing, and such uses shall be located in other areas designated for residential development. On the other hand, transient residential facilities including hotels and motels, timesharing or fractional fee residential complexes, or other transient quarters should be located in areas designated for commercial use.

The General Commercial site should generally be removed from single-family residential development and able to be buffered and screened consistent with the Land Development Regulations requiring appropriate landscaping and screening. Screening shall include vegetative berms (where feasible), plant material and/or aesthetic decorative fences or walls to assure compatibility with less intensive uses existing or anticipated on adjacent sites.

Prior to approval of a development plan, all applicants for development in the area designated General Commercial shall provide assurances that regional water distribution and wastewater collection utilities shall be provided by a regional public utility system.

Proposed Future Land Use (City)

Commercial: Land uses, and activities predominately connected with the sale, rental, and distribution of products or performance of professional and non-professional services. Includes retail sales, service establishments, business, professional and other offices, shopping centers, financial institutions, restaurants, entertainment, hotels, motels, and other temporary lodging. A limited amount of Multi-Family Residential and indoor industrial uses are allowed. Mixed-use projects are allowed. Also, public facilities and electric distribution substations are allowed.

PUBLIC NOTIFICATION

On December 27, 2022, the applicant provided notification letters to nineteen (10) owners of property located within the 300 feet of the proposed petitions. One (1) public notification sign detailing the Local Planning Agency (LPA) and City Commission's Public Hearing was posted on the premise, and an advertisement displayed in TC Palm Newspaper on January 3, 2023.

STAFF RECOMMENDATION

Staff has reviewed the Small-Scale Comprehensive Plan Amendment petition and has determined that it conforms to the Standards of Review as set forth in Section 11.01.07 of the City of Stuart Land Development Code and is consistent with the City of Stuart Comprehensive Plan Goals, Objectives, and Policies.

Staff recommends the Local Planning Agency forward a recommendation of **APPROVAL** to the City Commission for the future land use amendment on First Reading.

SECTION 3:	REZONE TO THE OFFICIAL ZONING ATLAS STANDARDS OF REVIEW AS SET FORTH IN THE LAND DEVELOPMENT CODE SECTION 11.01.09
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In accordance to LDC 11.01.00.G., the advisory board (Local Planning Agency) shall hear from all interested parties regarding whether the rezoning application complies with the requirements of this Code and the Comprehensive Plan. The LPA shall consider the application, the written comments of each responding department, consultant, and agency as well as the compliance recommendation of the development department.

In formulating its recommendation to the city commission, the LPA shall consider the following criteria:

- a. The existing land use pattern;
- b. The possible creation of an isolated district unrelated to adjacent and nearby districts;
- c. The population creation of the area and possible increase or overtaxing of the load on public facilities such as schools, utilities and streets;
- d. The possible overloading of the city's sewage collection, treatment and disposal facilities;
- e. The possible overloading of the city's drainage system;
- f. The existing district boundaries in relation to existing conditions on the subject property;
- g. The existence of changed or changing conditions which make the passage of the proposed rezoning necessary of appropriate;
- h. The impact of the proposed rezoning upon living conditions in the adjacent neighborhood;
- i. The impact of the rezoning the flow of light and air to adjacent areas;
- j. The impact of the proposed rezoning upon property values in the adjacent areas;
- k. The impact of the proposed rezoning upon improvement or development of adjacent property in accordance with existing regulations; and
- l. The existence of other adequate sites in the city for the proposed use in districts already permitting such use.

CONSISTENCY WITH THE CITY'S COMPREHENSIVE PLAN

The proposed rezoning is consistent with the overall Goals, Objectives, and Policies of the Comprehensive Plan.

CONSISTENCY WITH THE CITY'S LAND DEVELOPMENT CODE

Current Zoning Designation (County)

The property is currently zoned B-1 Business District, in accordance Martin County LDS Section 3.417., in this district, a building or structure or land shall be used for only for the following purposes, subject any additional limitations:

1. *Any use permitted in a HB-1 Limited Business District.*
2. *Churches or schools may be constructed on property presently owned and held for such purposes, if such construction is commenced within five years from the date of September 14, 1965.*
3. *Offices, banks, theatres (not drive-ins), beauty parlors, bars and nightclubs, photograph studios, dry cleaning and laundry pickup stations, barbershops, florists, automobile salesrooms, used car lots, parking lots and storage garages, telephone exchanges, restaurants and lunchrooms, police and fire stations, motels and hotels, golf driving ranges and putt-putt golf.*
4. *Mechanical garages and gasoline and other motor fuel stations, so long as such work is confined within a building, and vehicles awaiting repair shall be screened from view on the street and abutting property.*
5. *Signs appertaining to the above uses.*
6. *Refuse and storage areas, which shall be screened from view.*

Proposed Zoning Designation (City)

The proposed rezoning to B-4 (Limited Business/Manufacturing) Zoning District is consistent with the proposed Commercial Future Land Use designation as per LDC Section 2.01.03. Table 1. – *Zoning District/Future Land Use Category Compatibility Chart.*

Table 1 - Zoning District/Future Land Use Category Compatibility Chart.

Future Land Use Categories	Implementing Zoning Categories					
	B-1	B-2	B-3	B-4	CPUD IPUD MXPUD UPUD	SE Ocean Blvd.
Commercial	X	X	X	X	X	X

PUBLIC NOTIFICATION

On December 27, 2022, the applicant provided notification letters to nineteen (10) owners of property located within the 300 feet of the proposed petitions. One (1) public notification sign detailing the Local Planning Agency (LPA) and City Commission's Public Hearing was posted on the premise, and an advertisement displayed in TC Palm Newspaper on January 3, 2023.

STAFF RECOMMENDATION

Staff has reviewed the Rezone to the Official Atlas petition and has determined that it conforms to the Standards of Review as set forth in Section 11.01.09 of the City of Stuart Land Development Code and is consistent with the City of Stuart Comprehensive Plan Goals, Objectives, and Policies.

Staff recommends the Local Planning Agency forward a recommendation of **APPROVAL** to the City Commission for the rezoning on First Reading.



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

ORDINANCE NUMBER 2510-2023

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, ANNEXING A PARCEL OF LAND TO FRONTING SE MONTEREY ROAD, CONSISTING OF 0.34-ACRES, SAID PARCEL BEING MORE FULLY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO; PROVIDING DIRECTIONS TO THE CITY CLERK; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

WHEREAS, The City of Stuart as petitioner, constituting the fee simple title holder to the 0.34-acres, more particularly described in **Exhibits "A"**, attached hereto and made a part thereof, has voluntarily requested the City of Stuart annex said land into the corporate limits of the City; and

WHEREAS, the City Commission, has considered the Petitioner's voluntary request for annexation, and has also considered the recommendation of the Stuart Local Planning Agency and City staff.

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

SECTION 1. Findings. The City Commission finds the above statements are true and correct, and serve as a basis for consideration of this ordinance; that said lands are contiguous with the

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

SECTION 2. Annexation. The parcels of land more particularly described in **Exhibits "A"**, are hereby annexed into and shall be within the corporate limits of the City of Stuart, Florida, and that same shall henceforth be a part of said City as if said lands were originally a part of the City of Stuart.

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

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

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

SECTION 6. Adoption. This ordinance shall take effect upon adoption

Passed on first reading the ____ day of _____ 2023.

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:

TROY MCDONALD, MAYOR
BECKY BRUNER, VICE MAYOR
EULA R. CLARKE, COMMISSIONER
CHRISTOPHER COLLINS, COMMISSIONER
CAMPBELL RICH, COMMISSIONER

YES	NO	ABSENT	ABSTAIN

ADOPTED on second and final reading this ____ day of _____, 2023.

ATTEST:

MARY R. KINDEL
CITY CLERK

TROY MCDONALD
MAYOR

APPROVED AS TO FORM

AND CORRECTNESS:

MICHAEL J. MORTELL, ESQ
CITY ATTORNEY

EXHIBIT “A”

Legal Description

DRAFT



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

Received by: _____

Reviewed by: _____

Annexation Application

Project ID# _____
(Staff Entry)

Pre-App Conference Date:	Application Date:
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SITE INFORMATION

Project Name: Stuart AutoVault Baron Commerce Center		Parcel ID#: 16-38-41-000-000-00071-0	
Site Address: SE MONTEREY RD STUART FL			
Subdivision:		Lot(s):	
Site Acreage: 34		Flood Zone/Base Flood Elevation:	
Current Zoning District / CRA Subdistrict (if applicable): Martin County			
Proposed Zoning District: City of Stuart			
Current Comprehensive Plan Future Land Use Designation: General Commercial			
Existing Land Use: General Commercial		Proposed Land Use:	
Proposed Square Footage (if applicable):		Proposed Density (if applicable):	

PETITIONER INFORMATION

Property Owner: Stuart AutoVault LLC		Phone Number / Email Address: 772-288-5744	
Property Owner's Mailing Address: 49 SW Flagler Ave Suite 301			
Applicant (if not Owner):		Phone Number / Email Address:	
Applicant's Mailing Address:			
Agent/Contact Person: Todd Rowery		Phone Number / Email Address: todd@redtaildg.com / 561-262-6304	
Agent's Mailing Address:			
Architect: Mike Morel		Engineer: Engineering Design Construction EDC	
Planner: Redtail DG		Landscape Architect: HJA Design Studio	

City of Stuart Development Department, 121 SW Flagler Ave. Stuart, FL 34994 Phone: (772) 288-5326 Fax: (772) 288-5388

Statement of Ownership and Designation of Authorized Agent

(Please Print or Type)

Before me, the undersigned authority, personally appeared Jeremiah Baron

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 voluntary annexation in the City of Stuart, FL.
3. That he/she has appointed Tod Mowery to act as an authorized agent on his/her behalf to accomplish the above project.

Name of Owner: Jeremiah Baron

Signature of Owner: [Signature]

49 SW Flagler Ave 3rd Floor

Street Address

P.O. Box

772-286-5744

Telephone Number

Jbaron@commercialrealestatellc.com

Email Address:

By: Name/Title

Stuart, FL 34994

City, State, Zip Code

City, State, Zip Code

Fax Number

STATE OF FLORIDA, COUNTY OF Martin

Sworn and subscribed before me by means of ☒ physical presence or ☐ online notarization, this

7 day of July, 2022 By Jeremiah Baron

Personally Known OR Produced Identification
Type of Identification Produced:

My Commission expires:

8/13/22

Notary Public



City of Stuart Development Department, 121 SW Flagler Ave. Stuart, FL 34994 Phone (888) 532-6120 Fax (888) 532-2888

Financial Responsibility Form

(Please Print or Type)

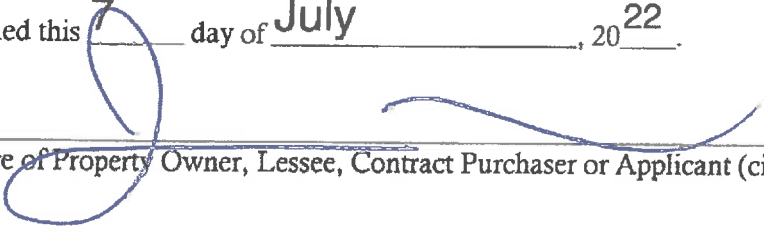
The Undersigned, as the Property Owner, Lessee, Contract Purchaser, or Applicant (circle one), acknowledges responsibility for all City expenses associated with the referenced application (s) including time spent by the City's consultants and further acknowledges that payment of consultant fees will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

Name: Jeremiah Baron
Title: CEO
Company: Stuart Autovault llc
Company Address: 49 SW Flagler Ave 3rd floor

City/State/Zip Code: Stuart FL 34994
Telephone Number: 772-286-5744
Facsimile Number:
Email Address (optional):

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

1. Signed this 7 day of July, 2022.



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

Application Requirements

Fee:

City of Stuart

- ☒ \$1,864.00 for small scale improved property less than 10 acres (this does not include fees that may be charged as a result of application review by the City's consultants or any required recording fees)
- ☐ \$2,130.00 for all other annexations
- ☐ No Fee if Single-Family Residential, Governmental, or Non-taxable Entity.

Submittal Requirements:

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

(The data requirements for a concept plan are available at the Development Department)

Approving Authority: The Development Director is required to prepare a staff report and recommendation concerning this application. For a Major PUD amendment, the Local Planning Agency (LPA) is required to hold an advertised public hearing and formulate a recommendation to the City Commission. For both types of applications, the City Commission is required to hold an advertised public hearing after which it may approve, approve with conditions, or deny the application.

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

The applicant has submitted a site plan for the development of garage and flex warehouse space which will provide much needed space to businesses in the area. This project will stimulate growth in the economy and provide additional jobs. It is inline with the comprehensive plan Objectives:

- 11.A1. (To) Retain existing businesses and attracting new businesses.
- 11.A1.2. The City will seek to prioritize the development of sites with high visibility and direct access to major transportation corridors for targeted and other industries and uses that encourage job creation
- 11.A1.5. The City will encourage new commercial and industrial development.
- 11.A1.8. to develop strategies designed to meet the economic diversification needs of the community with emphasis of job creation.

(over)



December 21, 2022

Jodi Nentwick-Kugler
Director of Development | City of Stuart
121 SW Flagler Ave. Stuart Fl. 34994

Dear Mrs. Nentwick-Kugler,

Our original annexation application along with the fee was submitted on September 12th to then interim planning director Erin Wohlitka. I've attached these items for review along with the requested annexation supplement below. We appreciate your efforts to get it onto the January City Commission meeting. Also, we look forward to receiving comments from our September Major Site Plan submittal. This is an exciting job growth project and we look forward to continued collaboration on this project.

1. For the resubmittal, please add to your narrative how the proposed voluntary annexation meets the intent of Florida Law 171.044 Voluntary Annexation:
 - **Is the site contiguous to the City?** The site is contiguous (under the same ownership) to City property and this is virtually an enclave piece. The annexation request is in line with City land development code specifically Objective 1.B1. The annexation encourages a compact urban form and discourages urban sprawl. It facilitates urban redevelopment and infill development of properties and planning for urban infill and redevelopment of lands located within the City of Stuart in order to achieve a compact urban form. This annexation, along with a vacant 20 acre piece of property, will fill a void and assist with a job growth project, thus allowing for healthy and well designed infill.

This project is in line with the goals of the City to produce a viable economy within its limits. There is a great need for additional commercial space to supply the needs of local businesses. This overall project will provide 137,567 square feet of flex warehouse space as well as 113,802 square feet of storage space.

- **Is the site "reasonably compact"?** The site is very compact and represents .34 acres. Not only is the site compact, but it is in line with Policy 1.B1.1, which states that "the City shall continue to market itself as a hub for commercial, social, and institutional governmental activities in Martin County and provide for commercial opportunities."

This project will stimulate growth in the economy and provide needed commercial space and promote job growth within the city limits. It is in line with the following additional comprehensive plan Objectives:

- 11.A1. - To Retain existing businesses and attracting new businesses.



- 11.A1 .2. - The City will seek to prioritize the development of sites with high visibility and direct access to major transportation corridors for targeted and other industries and uses that encourage job creation.
- 11 .A 1.5. - The City will encourage new commercial and industrial development.
- 11.A 1 .8. - To develop strategies designed to meet the economic diversification needs of the community with emphasis of job creation.
- *Policy 1.B1.4.* Annexation and redevelopment strategies for infill development and redevelopment should be formulated to produce a future viable economy for the City.

- **Would this annexation create an “enclave”?** No, it is an enclave piece today and this will fill a void in the existing City map.

2. Additionally, please provide the following in accordance to LDC Section 11.01.12:

C. *Application submittal requirements.*

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

The property is contiguous to the main development site directly to the south, which is in the City of Stuart. The annexation parcel in question will be used for open space thus no additional direct public costs will be incurred to provide municipal services to the site.

2. An estimate of the ad valorem taxation revenues to be generated by the subject property at the then current millage rate both prior to and after development.

The site is currently a vacant piece of property containing no structures and does not contain a use. The annual taxes on the property are \$541. Once the subject property is annexed and developed with the contiguous property, the assessed value will increase by millions of dollars. The millage rate, under the cities taxation code will increase as well. The .34 acre parcel will constitute a small portion of the overall development site sum, however its taxable value will increase by thousands of dollars.

3. An estimate of the residential population increase of the city after development

The proposed project is for commercial use and will not generate any residential units. In order to further comply with City LDR's, it is in line with Policy 1.C3.5: The City shall promote compact urban form and discourage urban sprawl consistent with FLUE Objective 1.B1 and Policy 1.B1.1.

The annexation piece of property will be joined with the larger 20 acre piece of property. The overall project is centrally located within the city limits, adjacent to



major throughfares that connect downtown Stuart to both US-1 and I-95. Developing such a large piece of vacant land, so close to downtown, discourages urban sprawl and will create a vital infill project.

Sincerely,
Tod

Tod Mowery, AICP
President, Redtail DG
On behalf of:
Stuart Auto Vault LLC
CPUD: Z22060001

THIS CHECK IS VOID WITHOUT A TWO-TONEL COLORED BACKGROUND AND AN ARTIFICIAL WATERMARK ON THE BACK. HOLD AT ANGLE TO VIEW

Stuart Auto Vault LLC
49 SW Flagler Ave. Suite 301
Stuart, FL 34994

FLAGLER BANK

1020

9/6/2022

PAY TO THE ORDER OF City of Stuart

\$ **1,864.00

One Thousand Eight Hundred Sixty-Four and 00/100 *****

City of Stuart
121 Sw Flagler Avenue
Stuart, FL 34994

722090023

MEMO Annexation Application

SIGNATURE HAS A COLORED BACKGROUND

00 10 20 06 70 14 96 11 00 30 54 11

THIS CHECK ALSO CONTAINS THE FOLLOWING SECURITY FEATURES

1. MICRO PRINTING in the body of the back - Urid - 3 magnification.
2. LOOK FOR - ORIGINAL DOCUMENT - REAR BACKGROUND and contains
3. Paper contains a TWO COL - REAR BACKGROUND and contains
4. MICRA PRINTING IN THE SIGN - as a seal
5. Paper contains a CHITRAL DOCUMENT and a REACTIVE ARTIFICIAL WATERMARK - hold it at an angle to view - it will show a "U" in the center
6. ENDOSEMENT AREA - a clear, unobstructed "U" - ground and
7. HEAT SENSITIVE ORIGINAL DOCUMENT - OSCAL V, 1 without seal
8. Signature area on face contains a "U" - and back ground to show the face of the check

0910038890
2022-09-22

[illegible]

Ⓟ Cleared September 22nd 2022



NOTICE OF PROPOSED PROPERTY TAXES
MARTIN COUNTY PROPERTY APPRAISER
JENNY FIELDS, CFA
3473 SE WILLOUGHBY BLVD., SUITE 101
STUART, FL 34994

DO NOT PAY — THIS IS NOT A BILL

2022 REAL PROPERTY

Account # 1113262

Owners STUART KEY DEVELOPERS LLC
 55 NW 9TH AVE
 HOMESTEAD, FL 33030-5798

Parcel # 16-38-41-000-000-00071-0
District 7017 - DISTRICT TWO MSTU
Situs SE MONTEREY RD

Legal Description

THAT PORTION OF E1/2 OF NW 1/4 OF NE 1/4 OF 16-38-41 AS FOLLOWS: BEG 2235.95 W/O & 33 S/O NE COR SEC 16, S 200, W 75 M/L TO W/LN, N 200 & E 75 M/L TO BEG, CONTAINING 15,000 SF M/L & BEING A PORTION OF PARCEL FOUR IN OR 2257/0476, BUT NOT BEING A PART OF THOSE LANDS ANNEXED INTO THE CITY OF STUART PER ORD 1440-95 IN OR 11/22/1033.



TAXING AUTHORITY TAX INFORMATION								
TAXING AUTHORITY	PRIOR YEAR	YOUR FINAL TAX RATE AND TAXES IN PRIOR YEAR		CURRENT YEAR	YOUR TAX RATE AND TAXES THIS YEAR IF NO BUDGET CHANGE IS MADE		YOUR TAX RATE AND TAXES THIS YEAR IF PROPOSED BUDGET CHANGE IS MADE	
	COLUMN 1 TAXABLE VALUE	COLUMN 2 RATE	COLUMN 3 TAXES	COLUMN 4 TAXABLE VALUE	COLUMN 5 RATE	COLUMN 6 TAXES	COLUMN 7 RATE	COLUMN 8 TAXES
Martin County General Operations District Two MSTU (7017)	177	10.2668	1.81	194	9.3630	1.82	9.9637	1.93
	177	0.1048	0.02	194	0.1014	0.02	0.0996	0.02
School Board By: Local Board By: State Law	73,008	2.7480	200.62	90,000	2.3968	215.71	2.7480	247.32
	73,008	3.5750	261.00	90,000	3.1181	280.63	3.2400	291.60
Children Services Council	177	0.3618	0.06	194	0.3283	0.06	0.3618	0.07
South Florida Water Mgmt. Dist. Basin Tax District Tax Everglades Const.	177	0.1146	0.02	194	0.1026	0.02	0.1026	0.02
	177	0.1061	0.02	194	0.0948	0.02	0.0948	0.02
	177	0.0365	0.01	194	0.0327	0.01	0.0327	0.01
Florida Inland Navigation Dist.	177	0.0320	0.01	194	0.0287	0.01	0.0320	0.01
TOTAL			463.57			498.30		541.00



USING A MOBILE DEVICE
 CAMERA, SCAN THIS QR
 CODE TO VISIT US ONLINE

PROPERTY APPRAISER VALUE INFORMATION

	MARKET VALUE	ASSESSED VALUE APPLIES TO SCHOOL MILLAGE	ASSESSED VALUE APPLIES TO NON-SCHOOL MILLAGE
PRIOR YEAR	73,008	73,008	177
CURRENT YEAR	90,000	90,000	194

ASSESSMENT REDUCTIONS	APPLIES TO	PRIOR VALUE	CURRENT VALUE
SAVE OUR HOMES BENEFIT	ALL TAXES	0	0
NON-HOMESTEAD 10% CAP BENEFIT	NON-SCHOOL TAXES	72,831	89,806
AGRICULTURAL CLASSIFICATION	ALL TAXES	0	0
OTHER	ALL TAXES	0	0
EXEMPTIONS	APPLIES TO	PRIOR VALUE	CURRENT VALUE
FIRST HOMESTEAD	ALL TAXES	0	0
ADDITIONAL HOMESTEAD	NON-SCHOOL COUNTY TAXES	0	0
ADDITIONAL HOMESTEAD	NON-SCHOOL CITY TAXES	0	0
LIMITED INCOME SENIOR	COUNTY TAXES	0	0
TPP EXEMPTIONS	ALL TAXES	0	0
OTHER	ALL TAXES	0	0

If you feel the market value of the property is inaccurate or does not reflect fair market value as of **January 1, 2022**, or if you are entitled to an exemption or classification that is not reflected, please contact the Martin County Property Appraiser's office at:

(772) 288-5608

or email:

info@pa.martin.fl.us

If the Property Appraiser's office is unable to resolve the matter as to the market value, classification, or an exemption, you may file a petition for adjustment with the Value Adjustment Board. Petition forms are available online at: www.pa.martin.fl.us

Petitions must be filed on or before:

September 12, 2022

SEE REVERSE SIDE FOR NON AD VALOREM ASSESSMENTS AND EXPLANATIONS OF THE COLUMNS ABOVE.

MCPA-474 Rev 03/22

Martin County Notice of Proposed Property Taxes

The Taxing Authorities which levy property taxes against your property will soon hold **PUBLIC HEARINGS** to adopt budgets and tax rates for the next year. The purpose of the **PUBLIC HEARINGS** is to receive opinions from the general public and to answer questions on the proposed tax changes and budgets **PRIOR TO TAKING FINAL ACTION**. Each Taxing Authority may **AMEND OR ALTER** its proposals at the hearing.

TAXING AUTHORITY HEARING INFORMATION		
TAXING AUTHORITY	PUBLIC HEARING LOCATION, DATE AND TIME	
Martin County 772-288-5504	Admin Center Commission Chambers 2401 SE Monterey Rd, Stuart, FL	September 13, 2022 5:05 PM
School Board 772-219-1200 x30273	500 E Ocean Blvd, Stuart, FL	September 6, 2022 5:05 PM
Children Services Council 772-288-5758	101 SE Central Parkway, Stuart, FL	September 12, 2022 5:10 PM
South Florida Water Mgmt. Dist. 561-686-8800	District Auditorium, B-1 Bldg. 3301 Gun Club Rd, W Palm Bch, FL	September 8, 2022 5:15 PM
Florida Inland Navigation Dist. 561-627-3386	MIASF Bldg 221 SW 3rd Ave, Fort Lauderdale	September 8, 2022 5:05 PM

YOUR FINAL TAX BILL MAY CONTAIN NON AD VALOREM ASSESSMENTS WHICH MAY NOT BE REFLECTED ON THIS NOTICE SUCH AS ASSESSMENTS FOR ROADS, FIRE, GARBAGE, LIGHTING, DRAINAGE, WATER, SEWAGE, OR OTHER GOVERNMENTAL SERVICES AND FACILITIES WHICH MAY BE LEVIED BY YOUR COUNTY, CITY, SPECIAL DISTRICTS OR OTHER TAXING AUTHORITY.

NOTE: Amounts shown on this form do not reflect early payment discounts you may have received or may be eligible to receive. (Discounts are a maximum of 4 percent of the amounts shown on this form.)

EXPLANATION OF 'TAXING AUTHORITY TAX INFORMATION' SECTION

COLUMN 1 - "PRIOR YEAR TAXABLE VALUE"

This column shows the prior assessed value less all applicable exemptions used in the calculation of taxes for that specific taxing authority.

COLUMNS 2 & 3 - "YOUR FINAL TAX RATE AND TAXES IN PRIOR YEAR"

These columns show the tax rate and taxes that applied last year to your property. These amounts were based on budgets adopted last year and your property's previous taxable value.

COLUMN 4 - "CURRENT YEAR TAXABLE VALUE"

This column shows the current assessed value less all applicable exemptions used in the calculation of taxes for that specific taxing authority. Various taxable values in this column may indicate the impact of Limited Income Senior or the Additional Homestead exemption. Current year taxable values are as of January 1, 2022.

COLUMNS 5 & 6 - "YOUR TAX RATE AND TAXES THIS YEAR IF NO BUDGET CHANGE IS MADE"

These columns show what your tax rate and taxes will be IF EACH TAXING AUTHORITY DOES NOT CHANGE ITS PROPERTY TAX LEVY. These amounts are based on last year's budgets and your current assessment.

COLUMNS 7 & 8 - "YOUR TAX RATE AND TAXES THIS YEAR IF PROPOSED BUDGET CHANGE IS MADE"

These columns show what your tax rate and taxes will be this year under the BUDGET ACTUALLY PROPOSED by each taxing authority. The proposal is NOT final and may be amended at the public hearings shown at the top of this notice. The difference between columns 6 and 8 is the tax change proposed by each local taxing authority and is NOT the result of higher assessments.

EXPLANATION OF 'PROPERTY APPRAISER VALUE INFORMATION' SECTION

MARKET VALUE - Also known as "just value" as provided by the constitution and described in state law. It is the amount a purchaser willing but not obliged to buy would pay to one willing but not obliged to sell, after proper consideration of all eight factors in section 193.011, F.S.

ASSESSED VALUE - Assessed value is the market value of your property minus the amount of any assessment reductions. The assessed value may be different for millage levies made by different taxing authorities.

ASSESSMENT REDUCTIONS - Properties can receive an assessment reduction for a number of reasons including the Save Our Homes Benefit, 10% non-homestead property assessment limitation, and certain types of property such as agricultural land and land used for conservation, which are valued at current use rather than their market value. Some reductions lower the assessed value only for levies of certain taxing authorities.

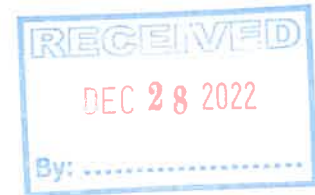
EXEMPTIONS - Exemptions are specific dollar or percentage amounts that reduce assessed value. These are usually based on characteristics of the property or property owner. Examples include the homestead exemption, veterans' disability exemptions and charitable exemptions. The discount for disabled veterans is included in this box. Many exemptions apply only to tax levies by the taxing authority granting the exemption.

TAXABLE VALUE - Taxable value is the value used to calculate the tax due on your property. Taxable value is the assessed value minus the value of your exemptions.

For more information concerning this Notice of Proposed Property Taxes, please visit our web site at: www.pa.martin.fl.us

MCPA-474 Rev 03/22

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



AFFIDAVIT ATTESTING TO NOTIFICATION

Jeremiah Baron, 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:

Project Name: Stuart Autovault Baron Commerce Center
Parcel ID Number: 16-38-41-000-000-00071-0

That a copy of the notice was sent by regular U.S. Mail on (12/27/22) to the property owners within 300 feet of the subject property; and

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; and

That notice was sent and property was posted 15+ days prior to the scheduled public hearing(s) for this item.

[Signature]
SIGNED (PROPERTY OWNER / AUTHORIZED AGENT)

[Signature]
SIGNED (PROPERTY OWNER / AUTHORIZED AGENT)

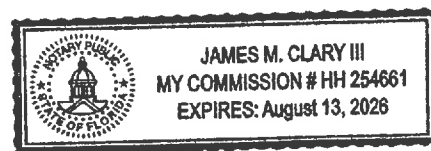
STATE OF FLORIDA, COUNTY OF MARTIN

Sworn and subscribed before me by means of ☒ physical presence or ☐ online notarization, this 20 day of December, 2022 By

Jeremiah Baron
Personally Known OR Produced Identification

[Signature]
Type of Identification Produced:

Notary Public, State of FL
(Notary Seal)



My Commission expires:

Notice to Surrounding Property Owners within 300 Feet

Subject: **Public Hearing Before:**
Local Planning Agency (LPA)

Petitioner: **Stuart AutoVault LLC**

Parcel ID Number(s): 16-38-41-000-000-00071-0 (0.34-acres)

Proposed Request: Request to consider a Voluntary Annexation, Small-Scale Comprehensive Plan Amendment from General Commercial (County) to Commercial (City), and Rezoning from B-1 Business (County) to B-4 Limited Business/Manufacturing (City).

Dear Property Owner:

Please be advised that the City of Stuart will conduct a public hearing before the City Local Planning Agency (LPA) on **Thursday, January 12, 2023, at 5:30PM** to consider the above request.

The public hearing(s) will take place in the Stuart City Hall Commission Chambers, located at 121 S. W. Flagler Avenue in Stuart and via a Zoom link available prior to the meetings.

All interested parties and citizens may appear and be heard as to any and all matters pertinent to the request. A copy of the application is available for inspection at the Office of the City Development Department located at 121 S.W. Flagler Avenue in Stuart. If you have any questions regarding this notice, please feel free to call me at (772) 288-5328, M-F 8:30 A.M. – 5:00 P.M.

Sincerely,

Jodi Nentwick-Kugler

Jodi Nentwick-Kugler
Development Director
jnentwick@ci.stuart.fl.us

NOTICE OF PUBLIC HEARING

ANNEXATION

SMALL-SCALE COMPREHENSIVE PLAN AMENDMENT REZONING REQUEST

STUART AUTOVAULT BARON COMMERCE CENTER

Parcel ID Number:

16-38-41-000-000-00071-0 (0.34-acres)

Request to consider a Voluntary Annexation, Small-Scale Comprehensive Plan Amendment from General Commercial (County) to Commercial (City), and Rezoning from B-1 Business (County) to B-4 Limited Business/Manufacturing (City), to develop 115,345 s.f. auto vault storage facility and a 138,565 of flex warehouse with up to 10% office space.

STUART LOCAL PLANNING AGENCY (LPA)

January 12, 2023 AT 5:30 PM

STUART CITY COMMISSION

February 13, 2023 AT 4:00 PM

February 27, 2023 AT 5:30 PM

STUART CITY HALL 121 FLAGLER AVE 772-288-5326 8:30AM-4:00PM
VISIT WWW.CITYOFSTUART.US FOR MORE INFORMATION

EXHIBIT B

Subject to: Taxes for the year 2022 & subsequent years; restrictions, conditions, limitations and easements of record, if any, none of which are re-imposed by this conveyance; and zoning ordinances and other restrictions and prohibitions imposed by applicable governmental authorities without seeking to re-impose same.

And

Subject to: Declaration of Restriction Covenant recorded in Official Records Book 2576, Page 2524, of the Public Records of Martin County, Florida, in accordance with said Declaration

EXHIBIT "A"

Basic Info

PIN	AIN	Situs Address	Website Updated
16-38-41-000-000-00071-0	1113262	SE MONTEREY RD STUART FL	12/27/22

General Information

Property Owners STUART AUTO VAULT LLC	Parcel ID 16-38-41-000-000-00071-0	Use Code/Property Class 1000 - 1000 Vacant Commercial
Mailing Address 49 SW FLAGLER AVE 3RD FL STUART FL 34994	Account Number 1113262	Neighborhood 31400 Monterey Rd
Tax District DISTRICT TWO MSTU	Property Address SE MONTEREY RD STUART FL	Legal Acres 0.3444
	Legal Description THAT PORTION OF E1/2 OF NW 1/4 OF NW 1/4...	Ag Use Size (Acre\Sq Ft) N/A

Current Value

Year	Land Value	Improvement Value	Market Value	Value Not Taxed	Assessed Value	Total County Exemptions	County Taxable Value
2022	\$ 90,000	\$ 0	\$ 90,000	\$ 89,806	\$ 194	\$ 0	\$ 194

Market values shown on the website reflect market conditions as of January 1st, the statutory assessment date. We are prohibited by law from relying on sales that occur after the January 1 assessment date. Therefore, market values shown on the website do not reflect today's market conditions, but rather the market conditions last year. In addition, the statutes require the county Property Appraiser to deduct for typical costs of sale (which include expenses such as commissions, title insurance, appraisals, inspection fees, etc.) when arriving at market value for tax purposes. That is why the market value for tax purposes is different from what a property would sell for today.

Current Sale

Sale Date 5/27/22	Grantor (Seller) STUART KEY DEVELOPERS LLC	Doc Num 2963113
Sale Price \$ 8,500,000	Deed Type Special Warranty Deed	Book & Page <u>3316 0819</u>

Legal Description

THAT PORTION OF E1/2 OF NW 1/4 OF NW 1/4 OF NE 1/4 OF 16-38-41 AS FOLLOWS: BEG 2235.95 W/O & 33 S/O NE COR SEC 16, S 200, W 75 M/L TO W/LN, N 200 & E 75 M/L TO BEG, CONTAINING 15,000 SF M/L & BEING A PORTION OF PARCEL FOUR IN OR 2257/0476, BUT NOT BEING A PART OF THOSE LANDS ANNEXED INTO THE CITY OF STUART PER ORD 1440-95 IN OR 1172/1033.

The legal description is intended for general information only. The Property Appraiser assumes no responsibility for the uses or interpretations of the legal description.

----- "B" Exhibit "B"



736 colorado avenue, suite a, stuart, florida 34994 · phone: (772) 283-5590 fax: (772) 283-5699 email: ptatitle@bellsouth.net

December 27, 2022

Ownership Search

Prepared For: STUART AUTO VAULT LLC.

We hereby certify that a search has been made of the Martin County Property Appraiser's records regarding a 300-foot area surrounding the following described parcel of land:

See Exhibit "A" attached hereto & made a part hereof.

TAX ID: See Exhibit "B" attached hereto
OWNER: & made a part hereof.
ADDRESS:

The apparent property owners of land surrounding the above referenced property are as follows: The list does not include any owners who qualify for confidentiality (See attached).

Iris M. Crews

icrews



736 colorado avenue, suite a, stuart, florida 34994 - phone: (772) 283-5590 fax: (772) 283-5699 email: ptatitle@bellsouth.net

OWNERSHIP REPORT
SEARCH NO. P22-11815/IC

THE ATTACHED REPORT IS ISSUED TO STUART AUTO VAULT LLC THE ATTACHED REPORT MAY NOT BE RELIED ON BY ANY OTHER PARTY. NO LIABILITY IS ASSUMED BY OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY FOR ANY UNAUTHORIZED USE OR RELIANCE. THIS OWNERSHIP REPORT IS ISSUED PURSUANT TO FLORIDA STATUTE SECTION 627.7843 AND LIABILITY HEREUNDER FOR INCORRECT INFORMATION IS LIMITED TO THE AMOUNT PAID FOR THE REPORT.

The attached Report prepared in accordance with the instructions given by the user named above includes a listing of the owner(s) of a 300 -foot area surrounding subject property. It is the responsibility of the party named above to verify receipt of each document listed. If a copy of any document listed is not received, the office issuing this Report must be contacted immediately. This Report does not include easements, restrictions, notices or other documents not listed above.

This Report does not insure or guarantee the validity or sufficiency of any document attached nor is it to be considered a title insurance policy, an opinion of title, a guarantee of title or as any other form of guarantee or warranty of title. This Report shall not be used for the issuance of any title insurance policy or form.

Use of the term "Report" herein refers to this Ownership Report and the documents attached hereto.

The land referred to herein is described as follows:

See Exhibit "A" attached hereto & made a part hereof.

PRESTIGE TITLE AGENCY, INC.

736 Colorado Ave. Ste. A

Stuart FL 34994

By: *icreus*

Iris M. Crews



Recorded in Martin County, FL 5/31/2022 3:23 PM
 Carolyn Timmann, Clerk of the Circuit Court & Comptroller
 Rec Fees: \$44.00 Deed Tax: \$59,500.00
 CFN#2963113 BK 3316 PG 819 PAGE 1 of 5

Prepared by:

Peter M. Hockman, Esq.
 Brickell City Tower
 80 SW 8th Street, Suite 3100
 Miami, FL 33130

Record and Return to:

Liberty Title Company of America, Inc.
 1800 SE Port St Lucie Blvd.
 Port St. Lucie, FL 34952

Folio Numbers: 16-38-41-000-000-00070.50000
 16-38-41-000-000-00071.00000

SPECIAL WARRANTY DEED

This Special Warranty Deed is made and entered into as of the 27th day of May, 2022, by and between **Stuart Key Developers, LLC, a Florida limited liability company**, whose post office address is 55 NW 9th Avenue, Homestead, Florida 33030 ("**Grantor**"), and **Stuart Auto Vault LLC, a Florida limited liability company**, whose post office address is 49 SW Flagler Avenue, 3rd Floor Stuart, FL 34994 ("**Grantee**").

Wherever used herein, the terms "Grantor" and "Grantee" shall be deemed to include all the parties to this Special Warranty Deed and the heirs, legal representatives and assigns of individuals and the successors and assigns of corporations. The singular shall be deemed to include the plural, and vice versa, where the context so permits.

WITNESSETH:

THAT, for and in consideration of the sum of TEN & NO/100 DOLLARS (\$10.00) and other good and valuable consideration, paid to Grantor by Grantee, the receipt and sufficiency of which are hereby acknowledged by Grantor, Grantor hereby grants, bargains, sells, and conveys to Grantee and Grantee's successors and assigns forever, that certain parcel of land, situate, lying and being in Martin County, Florida, described below (the "**Property**");

See attached Exhibit "A"

TOGETHER WITH all improvements, rights, benefits, privileges, easements, tenements, hereditaments, and appurtenances thereto belonging or in any way appertaining.

TO HAVE AND TO HOLD the same in fee simple forever.

AND Grantor hereby covenants with Grantee: (1) that Grantor is lawfully seized of the Property in fee simple; (2) that Grantor has good right and lawful authority to sell and convey the Property; (3) that Grantor hereby fully warrants the title to the Real Property and will defend the same against the lawful claims of all persons claiming by, through or under Grantor, but not otherwise; and (4) that the Real Property is free of all encumbrances, except those matters listed on **Exhibit "B"** attached hereto and made a part hereof by reference, provided, however, reference thereto shall not serve to reimpose the same. The Property is subject to the taxes, restrictions, conditions, easements, limitations and covenants as set forth in **Exhibit "B"** attached hereto.

[SIGNATURE TO FOLLOW]

EXHIBIT "A"

CFN#2963113 BK 3316 PG 820 PAGE 2 of 5

IN WITNESS WHEREOF, Grantor has caused this Special Warranty Deed to be executed as of the day and year first above written.

Signed, sealed and delivered
in the presence of:

Grantor

Stuart Key Developers, LLC, a Florida
limited liability company

Carrie Floody
Print Name of Witness 1: Carrie Floody

By: [Signature]
Name: Richard S. Jackson, III
Title: Manager

Calvin Burdick
Print Name of Witness 2: Calvin Burdick

STATE OF FLORIDA }
 }SS:
COUNTY OF MIAMI-DADE }

The foregoing instrument was sworn to and subscribed before me by means of ☒ physical presence or ☐ online notarization this 25th day of May, 2022 by Richard S. Jackson III, as Manager of Stuart Key Developers, LLC, A Florida limited liability company. Said person is ☒ personally known to me or ☐ has produced a valid driver's license as identification.

Calvin Burdick
Notary Public; State of Florida
Print Name: Calvin Burdick
My Commission Expires: 5/13/23
My Commission No.: GG 334160

[SEAL]

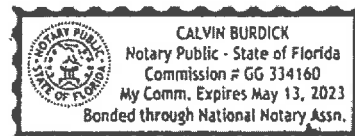


EXHIBIT "A"

EXHIBIT A

PARCEL ONE: THAT PORTION OF THE SOUTHEAST ONE-QUARTER OF THE NORTH ONE-HALF OF GOVERNMENT LOT 3, SECTION 16, TOWNSHIP 38 SOUTH, RANGE 41 EAST, LYING EASTERLY OF WILLOUGHBY BOULEVARD AS IN OFFICIAL RECORDS BOOK 1008, PAGE 1778, PUBLIC RECORDS OF MARTIN COUNTY, FLORIDA.

PARCEL TWO: THE WEST ONE-HALF OF THE SOUTHWEST ONE-QUARTER OF THE NORTHWEST ONE-QUARTER OF THE NORTHEAST ONE-QUARTER OF SECTION 16, TOWNSHIP 38 SOUTH, RANGE 41 EAST, PUBLIC RECORDS OF MARTIN COUNTY, FLORIDA.

PARCEL THREE: THE EAST ONE-HALF OF THE SOUTHWEST ONE-QUARTER OF THE NORTHWEST ONE-QUARTER OF THE NORTHEAST ONE-QUARTER OF SECTION 16, TOWNSHIP 38 SOUTH, RANGE 41 EAST, PUBLIC RECORDS OF MARTIN COUNTY, FLORIDA.

PARCEL FOUR: THE EAST ONE-HALF OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 16, TOWNSHIP 38 SOUTH, RANGE 41 EAST, EXCEPTING THEREFROM THE FOLLOWING DESCRIBED PARCEL:

STARTING AT THE NORTHEAST CORNER OF SAID SECTION, TOWNSHIP AND RANGE RUN THENCE WESTERLY ALONG THE NORTH LINE OF SAID SECTION 16 A DISTANCE OF 2010.95 FEET; THENCE RUN SOUTH 00°39'08" WEST 33 FEET FOR A POINT OF BEGINNING; THENCE SOUTH 00°39'08" WEST A DISTANCE OF 200 FEET; THENCE RUN NORTH 89° 30'52" WEST A DISTANCE OF 225 FEET; THENCE RUN NORTH 00° 39'08" EAST A DISTANCE OF 200 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF MONTEREY ROAD; THENCE RUN SOUTH 89°30'52" EAST ALONG THE SOUTH RIGHT-OF-WAY LINE OF MONTEREY ROAD A DISTANCE OF 225 FEET TO THE POINT OR PLACE OF BEGINNING, IT BEING INTENDED TO DESCRIBE AND EXCEPT LOTS A, B, C, D, E AND F AS SHOWN ON THE UNRECORDED PLAT FOR TURNER WALTON MADE BY STAFFORD AND BROCK FEBRUARY 5, 1958 AND ALSO LESS AND EXCEPT THE DITCH AND ROAD RIGHT-OF-WAY.

TOGETHER WITH AN EASEMENT FOR INGRESS AND EGRESS, IN PERPETUITY DESCRIBED AS FOLLOWS:

OVER AND UPON THE EAST 50 FEET OF THE NORTH 1/2 OF THE WEST 1/2 OF THE EAST 1/2 OF THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 AND OVER AND UPON THE NORTH 75 FEET OF THE SOUTH 1/2 OF THE WEST 1/2 OF THE EAST 1/2 OF THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 FOR ACCESS TO AND FROM THE NORTH 1/2 OF THE WEST 1/2 OF THE EAST 1/2 OF THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 AND THE EAST 1/2 OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF THE NORTHEAST 1/4, ALL OF THE FORGOING PARCELS BEING IN SECTION 16, TOWNSHIP 38 SOUTH, RANGE 41 EAST, MARTIN COUNTY, FLORIDA.

AS DESCRIBED IN WARRANTY DEED RECORDED IN O.R. BOOK 704, PAGE 1633, PUBLIC RECORDS OF MARTIN COUNTY, FLORIDA.

TOGETHER WITH A NON-EXCLUSIVE EASEMENT FOR INGRESS, EGRESS, ACCESS, DRAINAGE AND UTILITIES DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF SECTION 16, TOWNSHIP 38 SOUTH, RANGE 41 EAST; THENCE N89°34'57"W ALONG THE NORTH LINE OF SAID SECTION 16 AND THE CENTERLINE OF MONTEREY ROAD FOR A DISTANCE OF 1701.05 FEET; THENCE S0°25'03"W A DISTANCE OF 40.00 FEET TO THE NORTHEAST CORNER OF PARCEL 1 AS SHOWN AND DESCRIBED HEREON; THENCE S00°33'29"W ALONG THE EAST LINE OF PARCEL 1 FOR A DISTANCE OF 620.00 FEET TO THE SOUTHEAST CORNER OF SAID PARCEL 1 AND THE POINT OF BEGINNING; THENCE N89°34'57"W ALONG THE SOUTH LINE OF PARCEL 1 FOR A DISTANCE OF 280.16 FEET TO THE SOUTHWEST CORNER OF PARCEL 1; THENCE N00°33'29"E ALONG THE

EXHIBIT "A"

CFN#2963113 BK 3316 PG 822 PAGE 4 of 5

EAST LINE OF PARCEL 1 FOR A DISTANCE OF 60.00 FEET; THENCE S89°34'57"E ALONG A LINE 60.00 NORTH OF AND PARALLEL TO THE SOUTH LINE OF PARCEL 1 FOR A DISTANCE OF 280.16 FEET TO THE EAST LINE OF PARCEL 1; THENCE S00°33'29"W ALONG THE EAST LINE OF PARCEL 1 FOR A DISTANCE OF 60.00 FEET TO THE POINT OF BEGINNING.

AS RESERVED IN WARRANTY DEED RECORDED IN OR BOOK 1471, PAGE 1698, PUBLIC RECORDS OF MARTIN COUNTY, FLORIDA.

Copy Copy Copy

EXHIBIT "A"

- Dec. 28: Smithsonian Marine Station at Port Pierce
- Dec. 29: Environmental Studies Center
- Dec. 30: St. Lucie County Reef Builders
- Dec. 31: Pelican Island Audubon Society
- Jan. 1: Friends of the Everglades

Ed Killer is TCPalm's outdoors writer. Sign up for his and other weekly newsletters at file.tcpalm.com/newsletters/manage. Friend Ed on Facebook at Ed Killer, follow him on Twitter @tcpalmekiller or email him at ed.killer@tcpalm.com.

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NOTICE OF PUBLIC HEARING CITY OF STUART

REQUEST FOR A PROPOSED VOLUNTARY ANNEXATION, SMALL- SCALE COMPREHENSIVE PLAN AMENDMENT AND REZONE

The CITY OF STUART LOCAL PLANNING AGENCY (LPA) PLANNING ADVISORY BOARD will meet on Thursday, January 12, 2023, at 5:30 PM and the CITY COMMISSION will meet on Monday, February 13, 2023, at 4:00 PM and Monday February 27, 2023, at 5:30 PM in the City Commission Chambers at City Hall, 121 SW Flagler Avenue, Stuart, FL 34994.

ORDINANCE NO. 2508-2023

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, ANNEXING A PARCEL OF LAND TO FRONTING SE MONTEREY ROAD, CONSISTING OF 0.34-ACRES, SAID PARCEL BEING MORE FULLY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO; PROVIDING DIRECTIONS TO THE CITY CLERK; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

ORDINANCE NO. 2509-2023

AN ORDINANCE OF THE CITY OF COMMISSION OF THE CITY OF STUART, SMALL SCALE COMPREHENSIVE PLAN AMENDMENT AS DEFINED IN F.S. §163.3187; AMENDING THE COMPREHENSIVE PLAN, FUTURE LAND USE MAP FOR AN APPROXIMATELY 0.34-ACRE PARCEL FROM THE FUTURE LAND USE OF GENERAL COMMERCIAL (COUNTY) TO THE FUTURE LAND USE OF GENERAL COMMERCIAL (CITY); AMENDING THE FUTURE LAND USE MAP; PROVIDING DIRECTIONS TO THE CITY CLERK; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

ORDINANCE NO. 2510-2023

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, AMENDING THE CITY'S OFFICIAL ZONING MAP; TO REZONE A 0.34-ACRE PARCEL, LOCATED AT XXXXXX, BEING MORE DESCRIBED IN EXHIBIT "A" ATTACHED, FROM B-1 BUSINESS (COUNTY) ZONING DESIGNATION TO B-1 LIMITED BUSINESS/ MANUFACTURING (CITY) ZONING DESIGNATION; PROVIDING DIRECTIONS TO THE CITY CLERK; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.



All interested parties are invited to attend and be heard. Copies of the items will be available at the Stuart City Hall. Written comments may be directed to the Development Director, City of Stuart, at the following address: 121 SW Flagler Avenue, Stuart, FL 34994, telephone 772-288-5328.

ANY PERSON SEEKING TO APPEAL THE DECISION OF THE CITY COMMISSION AS TO THE FOREGOING IS ADVISED THAT A RECORD OF PROCEEDINGS IS REQUIRED IN ANY SUCH APPEAL AND THAT SUCH PERSON MAY NEED TO ENSURE THAT A VERBATIM RECORD OF PROCEEDINGS IS MADE INCLUDING THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.

In accordance with the Americans with Disabilities Act (ADA), and Section 288.26, Florida Statutes, persons with disabilities needing special accommodation to participate in 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.

The 2022 Florida Statutes

Title XII
MUNICIPALITIES

Chapter 171
LOCAL GOVERNMENT BOUNDARIES

[View Entire Chapter](#)

171.044 Voluntary annexation.—

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

(2) Upon determination by the governing body of the municipality that the petition bears the signatures of all owners of property in the area proposed to be annexed, the governing body may, at any regular meeting, adopt a nonemergency ordinance to annex said property and redefine the boundary lines of the municipality to include said property. Said ordinance shall be passed after notice of the annexation has been published at least once each week for 2 consecutive weeks in some newspaper in such city or town or, if no newspaper is published in said city or town, then in a newspaper published in the same county; and if no newspaper is published in said county, then at least three printed copies of said notice shall be posted for 4 consecutive weeks at some conspicuous place in said city or town. The notice shall give the ordinance number and a brief, general description of the area proposed to be annexed. The description shall include a map clearly showing the area and a statement that the complete legal description by metes and bounds and the ordinance can be obtained from the office of the city clerk.

(3) An ordinance adopted under this section shall be filed with the clerk of the circuit court and the chief administrative officer of the county in which the municipality is located and with the Department of State within 7 days after the adoption of such ordinance. The ordinance must include a map which clearly shows the annexed area and a complete legal description of that area by metes and bounds.

(4) The method of annexation provided by this section shall be supplemental to any other procedure provided by general or special law, except that this section shall not apply to municipalities in counties with charters which provide for an exclusive method of municipal annexation.

(5) Land shall not be annexed through voluntary annexation when such annexation results in the creation of enclaves.

(6) Not fewer than 10 days prior to publishing or posting the ordinance notice required under subsection (2), the governing body of the municipality must provide a copy of the notice, via certified mail, to the board of the county commissioners of the county wherein the municipality is located. The notice provision provided in this subsection may be the basis for a cause of action invalidating the annexation.

History.—s. 1, ch. 74-190; ss. 4, 5, ch. 75-297; s. 3, ch. 76-176; s. 2, ch. 86-113; s. 1, ch. 90-171; s. 16, ch. 90-279; s. 16, ch. 98-176; s. 3, ch. 2006-218.

**CITY OF STUART
OFFICE OF THE CITY ATTORNEY**



MEMORANDUM

TO: JODI NETWORK, DEVELOPMENT DIRECTOR

SUBJECT: VOLUNTARY ANNEXATION OF 2601 WILLOUGHBY BLVD.

CC: DAVID DYESS, CITY MANAGER

DATE: NOVEMBER 4, 2022

ISSUE

I have been requested by the Development Director to review a parcel of land that was submitted for annexation. More specifically, the Development Director has requested a review to determine if a voluntary request for annexation complies with state regulation pertaining to same.

Voluntary annexations are governed by the standards of Section 171.044 Florida Statutes. The basic requirement is stated as follows:

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

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

(1) Contiguous to the Municipality

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

Section 171.031(11) provides that

Separation of the territory sought to be annexed from the annexing municipality by a publicly owned right-of-way for a highway, road, railroad, canal or utility or a body of water, watercourse of other minor geographical division of a similar nature, running parallel with and between the territory sought to be annexed and the annexing municipality, shall not prevent annexation under this act, provided the presence of such division does not, as a practical matter, present the territory sought to be annexed and the annexing municipality from becoming a unified whole with respect to municipal services or prevent inhabitants from fully associating and trading with each other socially and economically.

In this matter, both the northern boundary and the southern boundary of the property are contiguous with the City. There is no portion of the northern or southern boundary that would not be contiguous.

(2) Reasonably Compact

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

As for “finger areas in serpentine patterns,” the Sanford Court found that “serpentine” is defined in Webster’s as “winding or turning one way and another”.

The court further found that the property annexed in the Sanford case did not violate the compactness requirement because “[w]hile the annexations may be viewed to some extent as being in a finger pattern, they are not winding or turning.” A review of the map, Exhibit “A”, clearly shows that both parcels #1 and #2 are compact, and that annexation would not create enclaves, pockets, or finger areas in serpentine patterns.

A review of the map and the application determines that the property is a rectangle and does not have any serpentine patterns. Although an argument could be raised that the annexation creates a pocket, that is not actually true. This area is already an enclave and the annexation of this parcel would serve to reduce the size of the existing enclave.

(3) No Enclaves

Subsection 5 of 171.044, F.S., provides that “[l]and shall not be annexed through voluntary annexation when such annexation results in the creation of enclaves”. The term “enclave” is defined under Section 171.031(13), F.S., as “any unincorporated improved or developed area that is bounded on all sides by a single municipality or any unincorporated improved or developed area that is enclosed within and bounded by a single municipality and a natural or manmade obstacle that allows the passage of vehicular traffic to that unincorporated area only through the municipality.” A review of the map, Exhibit “a”, clearly shows that annexation of parcels #1 and #2 would not create an area bounded on all sides by a single municipality, and there is no natural or manmade obstacle to vehicular traffic in close proximity to either parcel. Therefore, no enclaves are created.

Under normal circumstances, this annexation would create an enclave but because the property that would end up in an enclave is already part of a larger enclave, this annexation does not in itself “create an enclave”. The statute prohibits an annexation when such annexation results in the “creation” of an enclave. However, if this annexation were denied, would the other property no longer be in an enclave? The answer is no. This annexation in turn reduces the size of the enclave and is therefore recognized by Florida Statute, section 171.046 that it is the policy of the State to eliminate enclaves. By reducing the size of the enclave, this ordinance will be assisting with the policy.

Conclusion

Based upon the foregoing facts and analysis it is my opinion that the voluntary annexation of this parcels into the municipal boundaries of the City of Stuart comply with Florida Statute §171.044. Further, this annexation furthers the State Policy found in Florida Statute 171.046(1) by reducing an already existing enclave. This opinion is prepared solely at the request of and for the use of, the City of Stuart, and no other person or entity may rely on it for any purpose without the express written permission of the City of Stuart.

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

Meeting Date: 1/12/2023

Prepared by: Jodi Nentwick

Title of Item:

STUART AUTO VAULT, LLC., SUBMITTED A PETITION FOR A SMALL-SCALE COMPREHENSIVE PLAN AMENDMENT FOR PROPERTY LOCATED FRONTING SE MONTEREY ROAD (RC):

ORDINANCE NO. 2511-2023; AN ORDINANCE OF THE CITY OF COMMISSION OF THE CITY OF STUART, SMALL SCALE COMPREHENSIVE PLAN AMENDMENT AS DEFINED IN F.S.§163.3187; AMENDING THE COMPREHENSIVE PLAN, FUTURE LAND USE MAP FOR AN APPROXIMATELY 0.34-ACRE PARCEL FROM THE FUTURE LAND USE OF GENERAL COMMERCIAL (COUNTY) TO THE FUTURE LAND USE OF COMMERCIAL (CITY); AMENDING THE FUTURE LAND USE MAP; PROVIDING DIRECTIONS TO THE CITY CLERK; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

Summary Explanation/Background Information on Agenda Request:

Redtail Design Group is seeking a small scale Future Land Use for a parcel of land that is +/-0.34-acres. Because the parcel is the subject of an annexation, this is the initial Future Land Use assignment to the property. Based upon the surrounding future land uses and the evaluation of the criteria in Florida Statutes, the applicant has requested the property be assigned a Future Land Use of Commercial. The request is in compliance with Florida Statutes Sections 163.3184 and 163.3187.

Funding Source:

N/A

Recommended Action:

Staff has reviewed the Small-Scale Comprehensive Plan Amendment petition and has determined that it conforms to the Standards of Review as set forth in Section 11.01.07 of the City of Stuart Land Development Code and is consistent with the City of Stuart Comprehensive Plan Goals, Objectives, and Policies.

Staff recommends the Local Planning Agency forward a recommendation of **APPROVAL** to the City Commission for the future land use amendment on First Reading.

ATTACHMENTS:

1. LPA Staff Report
2. Draft Ordinance 2511-2023 - Small-Scale
3. Small-Scale Comprehensive Plan Amendment Application
4. Public Notification Packet



TO: Local Planning Agency (LPA)
FROM: Jodi Nentwick-Kugler, Development Director
MEETING DATE: January 12, 2023
SUBJECT: **Stuart Auto Vault LLC**
Voluntary Annexation
Small-Scale Future Land Use Amendment
Rezone to Official Zoning Atlas

GENERAL INFORMATION

Property Owner/Applicant: Jeremiah Baron, CEO
Stuart Auto Vault LLC
49 SW Flagler Avenue 3rd Floor
Stuart, FL 34994

Agent/Agent of Record: Tod Mowery, AICP
Redtail Design Group
100 North 2nd Street
Fort Pierce, FL 34950

Location: SE Monterey Road, Stuart, FL

Parcel ID#: 16-38-41-000-000-00071-0

Parcel Size: +/-0.34-acres

Existing Future Land Use: (GC) General Commercial (County)
Proposed Future Land Use: **Commercial (City)**

Existing Zoning: (B-1) Business (County)
Proposed Zoning: **(B-4) Limited Business/Manufacturing (City)**

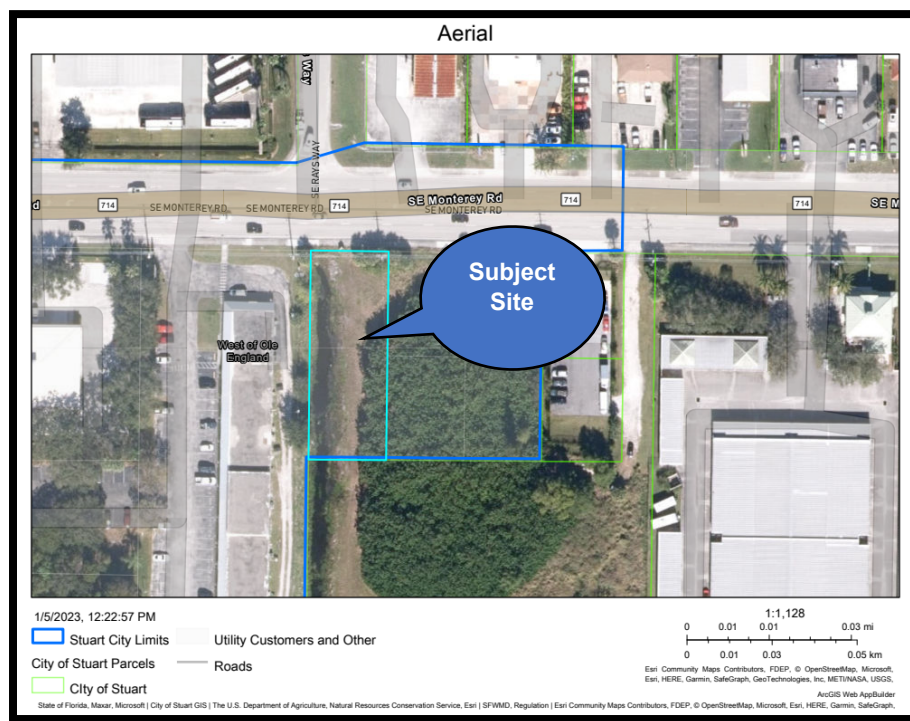
EXECUTIVE SUMMARY

This is a request from the property owner, Stuart Auto Vault, LLC., to consider three (3) petitions for Voluntary Annexation, Small-Scale Future Land Use Amendment, and Rezone to the Official Zoning Atlas for +/-0.34-acres of vacant land located within Martin County unincorporated area.

BACKGROUND

Redtail Design Group submitted petitions, on behalf of Stuart Auto Vault, LLC., for a Voluntary Annexation to incorporate the +/-0.34-acres from Martin County to City of Stuart jurisdiction, a Small-Scale Comprehensive Plan Amendment to change the future land use category from (GC) General Commercial (County) to Commercial (City), and Rezone from (B-1) Business (County) to (B-4) Limited Business/Manufacturing (City) Zoning Designation, for a project to be known as Stuart Auto Vault Baron Commerce Center.

Additionally, the applicant submitted a concurrent Major Development application to incorporate the subject site and +/- 20 acres (total of 20.35-acres) to develop 137,567 square feet of flex warehouse space and 113,802 square feet of storage space. The proposed site plan depicts ten (10) buildings, with twenty-four (24) inch clear height situated around a lake with large drive isles for maneuvering recreation vehicles and trucks on site.



LAND USE AND ZONING

The subject site currently has a Martin County Future Land Use Designation of General Commercial (GC), and a County Zoning Designation of Business District (B-1) District. The subject property is currently vacant located on the south of SE Willoughby Boulevard. The site is bounded by City of Stuart (northeast, northwest, south, and adjacent to the property to the east). The existing uses, zoning districts, and future land-use designations of the adjacent properties are summarized in Table 1.

Table 1. Existing Use, Zoning and Land-Use Designations

EXISTING USE		ZONING	FUTURE LAND USE
Subject Property:	Vacant	(B-1) Business (County)	(GC) General Commercial (County)
North:	Auto Sales/Repair Vacant	(B-2) (CPUD) Commercial Planned Unit Development	Commercial
South:	Vacant	(B-1) Business (County)	Commercial
East:	Vacant	(B-1) Business (County)	Commercial
West:	Shopping Center	(B-4) Business (County)	Commercial

SECTION 1:	VOLUNTARY ANNEXATION STANDARDS OF REVIEW AS SET FORTH IN THE LAND DEVELOPMENT CODE SECTION 11.01.12
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In accordance with LDC Section 11.01.12.G., the Local Planning Agency (LPA) shall hear from all interested parties regarding whether the application complies with the requirements of this Code and the Comprehensive Plan. The LPA shall consider the application, the written comments of each responding department, consultant, and agency as well as the compliance recommendation of the development department.

CONSISTENCY WITH FLORIDA STATUTES

Section 171.044, *Florida Statutes*, includes criteria that an area being considered for voluntary annexation shall satisfy prior to local government annexation:

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

Staff Comment: The subject area is located within unincorporated Martin County, is contiguous on all three (3) sides to the City's municipal boundaries and is reasonably compact. The parcel is concentrated in a single area. Therefore, the proposed annexation is consistent with this section of the *Florida Statutes*.

- (2) *Upon determination by the governing body of the municipality that the petition bears the signatures of all owners of property in the area proposed to be annexed, the governing body may, at any regular meeting, adopt a nonemergency ordinance to annex said property and redefine the boundary lines of the municipality to include said property. Said ordinance shall be passed after notice of the annexation has been published at least once each week for 2 consecutive weeks in some newspaper in such city or town or, if no newspaper is published in said city or town, then in a newspaper published in the same county; and if no newspaper is*

published in said county, then at least three printed copies of said notice shall be posted for 4 consecutive weeks at some conspicuous place in said city or town. The notice shall give the ordinance number and a brief, general description of the area proposed to be annexed. The description shall include a map clearly showing the area and a statement that the complete legal description by metes and bounds and the ordinance can be obtained from the office of the city clerk.

Staff Comment: The subject property is under one ownership, and the City has received the signature of the property owner of the area to be annexed. Prior to the adoption of the Ordinance by City Commission for annexation, the notice (legal advertisement) will be published once each week for two (2) consecutive weeks in the City's local newspaper (TC Palm Newspaper), to meet the requirements of the *Florida Statutes*.

- (3) *An ordinance adopted under this section shall be filed with the clerk of the circuit court and the chief administrative officer of the county in which the municipality is located and with the Department of State within seven (7) days after the adoption of such ordinance. The ordinance must include a map which clearly shows the annexed area and a complete legal description of that area by metes and bounds.*

Staff Comment: This requirement shall be satisfied within seven (7) days of adoption of the Ordinance by the City Commission.

- (4) *The method of annexation provided by this section shall be supplemental to any other procedure provided by general or special law, except that this section shall not apply to municipalities in counties with charters which provide for an exclusive method of municipal annexation.*

Staff Comment: Martin County has been directly notified of the submission of this voluntary annexation petition via certified mail in accordance with the City of Stuart Comprehensive Plan Intergovernmental Coordination Element Policy 7.A8.17. – *The City shall continue to promote data sharing and technological consistency across jurisdictions.*

- (5) *Land shall not be annexed through voluntary annexation when such annexation results in the creation of enclaves.*

Chapter 171.031(13)(a) and (b), Florida Statutes "Enclave" means: (a) Any unincorporated improved or developed area that is enclosed within and bounded on all sides by a single municipality; or (b) Any unincorporated improved or developed area that is enclosed within and bounded by a single municipality and a natural or manmade obstacle that allows the passage of vehicular traffic to that unincorporated area only through the municipality.

Staff Comment: The proposed annexation does not create an enclave as defined in Chapter 171.031(13)(a) and (b), *Florida Statutes*. Annexation of the subject property does not create an area that is enclosed and bounded on all sides by the City, nor does it create an area that is enclosed and bounded within the City and a natural or manmade obstacle that allows passage of vehicular traffic to that unincorporated area only through the City. The subject property is

located within an existing enclave as the property is only accessible by vehicular traffic through the City of Stuart on SE Monterey Road, and the annexation will reduce the size of an existing enclaves.

- (6) *Not fewer than 10 days prior to publishing or posting the ordinance notice required under subsection (2), the governing body of the municipality must provide a copy of the notice, via certified mail, to the board of the county commissioners of the county wherein the municipality is located. The notice provision provided in this subsection may be the basis for a cause of action invalidating the annexation.*

Staff Comments: A copy of the notice will be provided via certified mail to Martin County Board of County Commissioners no fewer than ten (10) days prior to publishing the Ordinance notice in the TC Palm Newspaper as required.

LEVEL OF SERVICE ANALYSIS (LOS)

Water and Wastewater

The property is located within the City of Stuart Utilities service area and currently receives potable water service and sanitary through City of Stuart Utilities. City of Stuart Utilities will continue to provide potable water and sanitary sewer service after annexation.

Solid Waste

The property is located Martin County Solid Waste Facility service area that is the provider of solid waste disposal and recycling services. The proposed annexation will not negatively impact the existing capacity.

Recreation

The City has established a level of service for parks and recreation facilities within the City of Stuart Comprehensive Plan Element 6 – Recreation and Open Space Element. The property is zoned non-residential and will not negatively impact the Levels of Services.

Drainage

The subject property is located within the South Florida Water Management District (SFWMD). Any proposed development needs to demonstrate the project does not impact adjacent properties and meets all the federal, state and local requirements.

Public Safety

The City of Stuart Police Department and City of Stuart Fire Department have indicated capacity is available to serve the proposed annexation.

Traffic

Prior to the issuance of any Final Development Order, the development will be required to demonstrate that all traffic meets the level of service in accordance with the City of Stuart Comprehensive Plan Element 2 – Transportation Element.

Conclusion of Level of Service Analysis

The Applicant's analysis demonstrates that there will be no direct adverse impacts on the adopted Level of Services (LOS) standards for water, wastewater, solid waste, recreation, police and fire services, and traffic. Therefore, the proposed annexation will not pose a negative impact on the public facilities in the area.

CONSISTENCY WITH THE CITY'S COMPREHENSIVE PLAN

The proposed annexation area is consistent with the overall Goals, Objectives, and Policies of the Comprehensive Plan. More specifically, *Objective 1.B1. – Compact urban form.*

Discourage urban sprawl by facilitating urban redevelopment and infill development of properties and planning infill and development of lands located within Stuart to achieve a compact urban form.

PUBLIC NOTIFICATION

On December 27, 2022, the applicant provided notification letters to nineteen (10) owners of property located within the 300 feet of the proposed petitions. One (1) public notification sign detailing the Local Planning Agency (LPA) and City Commission's Public Hearing was posted on the premise, and an advertisement displayed in TC Palm Newspaper on January 3, 2023.

STAFF RECOMMENDATION:

Staff recommends the Local Planning Agency forward recommendation of **APPROVAL** to the City Commission for the annexation of the 0.34-acres on first reading, based upon the following findings of fact:

- The subject annexation request is consistent with Chapter 1741.0444, *Florida Statutes*.
- The subject property meets the City of Stuart Level of Service Standards.
- City of Stuart Land Development Section 11.01.12.

SECTION 2:

**SMALL-SCALE COMPREHENSIVE PLAN AMENDMENT
STANDARDS OF REVIEW AS SET FORTH IN THE
LAND DEVELOPMENT CODE SECTION 11.01.07**

In accordance to LDC Section 11.01.07.G., the Local Planning Agency (LPA) shall hear from all interested parties regarding whether the application complies with the requirements of this Code and the Comprehensive Plan. The LPA shall consider the application, the written comments of each responding department, consultant, and agency as well as the compliance recommendation of the development department. Specifically, the LPA shall consider the following criteria:

- a. The existing land use pattern;
- b. The possible creation of an isolated land use classification unrelated and nearby classifications;
- c. The population density pattern of the area and possible increase or overtaxing of the load on public facilities such as schools, utilities and streets;

- d. The possible overloading of the city's sewage collection, treatment and disposal facilities;
- e. The possible overloading of the city's drainage system;
- f. The existing classification boundaries in relation to existing conditions on the subject property.
- g. The existence of changed or changing conditions which make the passage of the proposed amendment necessary or appropriate;
- h. The impact of the proposed amendment upon living conditions in the adjacent property in accordance with existing regulations; and
- i. The existence of other adequate sites in the city for the proposed land use classifications already permitting such use.

The LPA shall make an advisory recommendation to the city commission as to the need and justification for the change and as to the relationship of the proposed change to the Goals, Objectives, and Policies of the Comprehensive Plan and of this Code. The LPA shall include in its recommendation to the city commission any information which it deems is relevant to issues relating to the proposed amendment.

CONSISTENCY WITH THE CITY'S COMPREHENSIVE PLAN

The proposed small-scale comprehensive future land use amendment is consistent with the overall Goals, Objectives, and Policies of the Comprehensive Plan.

Goal Statement 1.A: *Maintain and enhance Stuart's quality of life, natural beauty, and small-town waterfront character. Its stable residential neighborhoods, and its status as the commercial/institutional hub for greater Martin County.*

Objective 1.A.7: *The Future Land Use Map establishes the optimum, overall distribution of land uses as well as can be established on a City-wide basis. Neither these policies nor the Future Land Use Map shall be construed to mean that every parcel in a designated area is suitable for the designated use. Other plan objectives and policies will be applied to ensure that any proposed development will be suitable for the particular site. Similarly, the Future Land Use Map does not assure the landowner the right to the most intense use allowable under the designated future land use category. The City shall have the discretion to decide that the permitted land uses shall be more limited than the maximum allowable under the discretion to decide that development is consistent with the City's plan.*

- **Policy 1.A7.1.C. – Commercial:** *Land uses, and activities predominately connected with the sale, rental, and distribution of products or performance of professional and non-professional services. Includes retail sales, service establishments, business, professional and other offices, shopping centers, financial institutions, restaurants, entertainment, hotels, motels, and other temporary lodging. A limited amount of Multi-Family Residential and indoor industrial uses are allowed. Mixed-use projects are allowed. Also, public facilities and electric distribution substations are allowed.*
- **Policy 1.A7.5.** Properties that are annexed into the City shall be given a City land use designation as soon as possible after the annexation is finalized.

Existing Future Land Use (County)

General Commercial development. The General Commercial areas are designated on the Future Land Use Map to accommodate general retail sales and services; highway-oriented sales and services; commercial amusement; and trade and warehousing facilities. These areas are principally located in highly accessible parts of the urban service district that are compatible with the unique location and market requirements of these uses. The sites are located on major or minor arterials and require a minimum net lot size of 10,000 square feet. The Floor-Area-Ratio (FAR) shall be governed by the parking standards of the Land Development Regulations. Maximum densities for hotel/motel units located in a General Commercial future land use designation shall be 20 units per gross acre. Maximum building coverage shall be 60 percent. Minimum open space shall be 20 percent. Maximum building height shall be 40 feet.

The Land Development Regulations implementing the General Commercial future land use designation shall be consistent with the development standards described above. This area is not intended to accommodate businesses, trades or services that generate significant nuisance impacts, including glare, smoke, or other air pollutants; noise; vibration; major fire hazards; need for extensive outside storage and display; or other impacts associated with more intensive industrial uses. Automotive sales and services shall be located within the General Commercial land use classification on sites appropriately designated for highway-oriented commercial uses in the Land Development Regulations.

The areas designated for General Commercial development are specifically not adapted to permanent residential housing, and such uses shall be located in other areas designated for residential development. On the other hand, transient residential facilities including hotels and motels, timesharing or fractional fee residential complexes, or other transient quarters should be located in areas designated for commercial use.

The General Commercial site should generally be removed from single-family residential development and able to be buffered and screened consistent with the Land Development Regulations requiring appropriate landscaping and screening. Screening shall include vegetative berms (where feasible), plant material and/or aesthetic decorative fences or walls to assure compatibility with less intensive uses existing or anticipated on adjacent sites.

Prior to approval of a development plan, all applicants for development in the area designated General Commercial shall provide assurances that regional water distribution and wastewater collection utilities shall be provided by a regional public utility system.

Proposed Future Land Use (City)

Commercial: Land uses, and activities predominately connected with the sale, rental, and distribution of products or performance of professional and non-professional services. Includes retail sales, service establishments, business, professional and other offices, shopping centers, financial institutions, restaurants, entertainment, hotels, motels, and other temporary lodging. A limited amount of Multi-Family Residential and indoor industrial uses are allowed. Mixed-use projects are allowed. Also, public facilities and electric distribution substations are allowed.

PUBLIC NOTIFICATION

On December 27, 2022, the applicant provided notification letters to nineteen (10) owners of property located within the 300 feet of the proposed petitions. One (1) public notification sign detailing the Local Planning Agency (LPA) and City Commission's Public Hearing was posted on the premise, and an advertisement displayed in TC Palm Newspaper on January 3, 2023.

STAFF RECOMMENDATION

Staff has reviewed the Small-Scale Comprehensive Plan Amendment petition and has determined that it conforms to the Standards of Review as set forth in Section 11.01.07 of the City of Stuart Land Development Code and is consistent with the City of Stuart Comprehensive Plan Goals, Objectives, and Policies.

Staff recommends the Local Planning Agency forward a recommendation of **APPROVAL** to the City Commission for the future land use amendment on First Reading.

SECTION 3:	REZONE TO THE OFFICIAL ZONING ATLAS STANDARDS OF REVIEW AS SET FORTH IN THE LAND DEVELOPMENT CODE SECTION 11.01.09
-------------------	---

In accordance to LDC 11.01.00.G., the advisory board (Local Planning Agency) shall hear from all interested parties regarding whether the rezoning application complies with the requirements of this Code and the Comprehensive Plan. The LPA shall consider the application, the written comments of each responding department, consultant, and agency as well as the compliance recommendation of the development department.

In formulating its recommendation to the city commission, the LPA shall consider the following criteria:

- a. The existing land use pattern;
- b. The possible creation of an isolated district unrelated to adjacent and nearby districts;
- c. The population creation of the area and possible increase or overtaxing of the load on public facilities such as schools, utilities and streets;
- d. The possible overloading of the city's sewage collection, treatment and disposal facilities;
- e. The possible overloading of the city's drainage system;
- f. The existing district boundaries in relation to existing conditions on the subject property;
- g. The existence of changed or changing conditions which make the passage of the proposed rezoning necessary of appropriate;
- h. The impact of the proposed rezoning upon living conditions in the adjacent neighborhood;
- i. The impact of the rezoning the flow of light and air to adjacent areas;
- j. The impact of the proposed rezoning upon property values in the adjacent areas;
- k. The impact of the proposed rezoning upon improvement or development of adjacent property in accordance with existing regulations; and
- l. The existence of other adequate sites in the city for the proposed use in districts already permitting such use.

CONSISTENCY WITH THE CITY'S COMPREHENSIVE PLAN

The proposed rezoning is consistent with the overall Goals, Objectives, and Policies of the Comprehensive Plan.

CONSISTENCY WITH THE CITY'S LAND DEVELOPMENT CODE

Current Zoning Designation (County)

The property is currently zoned B-1 Business District, in accordance Martin County LDS Section 3.417., in this district, a building or structure or land shall be used for only for the following purposes, subject any additional limitations:

1. *Any use permitted in a HB-1 Limited Business District.*
2. *Churches or schools may be constructed on property presently owned and held for such purposes, if such construction is commenced within five years from the date of September 14, 1965.*
3. *Offices, banks, theatres (not drive-ins), beauty parlors, bars and nightclubs, photograph studios, dry cleaning and laundry pickup stations, barbershops, florists, automobile salesrooms, used car lots, parking lots and storage garages, telephone exchanges, restaurants and lunchrooms, police and fire stations, motels and hotels, golf driving ranges and putt-putt golf.*
4. *Mechanical garages and gasoline and other motor fuel stations, so long as such work is confined within a building, and vehicles awaiting repair shall be screened from view on the street and abutting property.*
5. *Signs appertaining to the above uses.*
6. *Refuse and storage areas, which shall be screened from view.*

Proposed Zoning Designation (City)

The proposed rezoning to B-4 (Limited Business/Manufacturing) Zoning District is consistent with the proposed Commercial Future Land Use designation as per LDC Section 2.01.03. Table 1. – *Zoning District/Future Land Use Category Compatibility Chart.*

Table 1 - Zoning District/Future Land Use Category Compatibility Chart.

Future Land Use Categories	Implementing Zoning Categories					
	B-1	B-2	B-3	B-4	CPUD IPUD MXPUD UPUD	SE Ocean Blvd.
Commercial	X	X	X	X	X	X

PUBLIC NOTIFICATION

On December 27, 2022, the applicant provided notification letters to nineteen (10) owners of property located within the 300 feet of the proposed petitions. One (1) public notification sign detailing the Local Planning Agency (LPA) and City Commission's Public Hearing was posted on the premise, and an advertisement displayed in TC Palm Newspaper on January 3, 2023.

STAFF RECOMMENDATION

Staff has reviewed the Rezone to the Official Atlas petition and has determined that it conforms to the Standards of Review as set forth in Section 11.01.09 of the City of Stuart Land Development Code and is consistent with the City of Stuart Comprehensive Plan Goals, Objectives, and Policies.

Staff recommends the Local Planning Agency forward a recommendation of **APPROVAL** to the City Commission for the rezoning on First Reading.



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

ORDINANCE NUMBER 2511-2023

* * * * *

AN ORDINANCE OF THE CITY OF COMMISSION OF THE CITY OF STUART, SMALL SCALE COMPREHENSIVE PLAN AMENDMENT AS DEFINED IN F.S.§163.3187; AMENDING THE COMPREHENSIVE PLAN, FUTURE LAND USE MAP FOR AN APPROXIMATELY 0.34-ACRE PARCEL FROM THE FUTURE LAND USE OF GENERAL COMMERCIAL (COUNTY) TO THE FUTURE LAND USE OF COMMERCIAL (CITY); AMENDING THE FUTURE LAND USE MAP; PROVIDING DIRECTIONS TO THE CITY CLERK; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

WHEREAS, on December 11, 1989, the City of Stuart City Commission adopted Ordinance Number 1174-89, adopting a comprehensive growth management plan as mandated by the local government comprehensive planning and land development regulation act, Chapter 163, Part II, Florida State Statutes, also known as the City of Stuart Comprehensive Plan, that designated this future land use of this property as Industrial; and

WHEREAS, on November 30, 2022, an application was submitted to the city for a Small-Scale Future Land Use Amendment from GC General Commercial (County) to Commercial (City); and

WHEREAS, the Local Planning Agency board held a property noticed hearing at a regularly scheduled meeting on ____, 2023, to consider the applicant's request and ____ recommended ____ of the subject petition to the City Commission; and

WHEREAS, the City Commission held a properly noticed hearing at a regularly scheduled City Commission to consider the application by Stuart Auto Vault, LLC. (applicant) representing for a 1.794-acre parcel of land; and

WHEREAS, the City of Stuart has determined the need to change the Future Land Use for said lands; and

WHEREAS, the City Commission, has considered the Petitioner's voluntary request for land use designations, and has also considered the recommendation of City staff; and

WHEREAS, the City Commission has reviewed the criteria set forth in Florida Statute 153.3177 and has evaluated the data testimony, evidence, public comments, and totality of the circumstances. The City Commission has determined which data is professionally acceptable and has reacted accordingly. Pursuant to the data available at the time, the Commission has found that the character of the land is appropriate for the subject request and that adequate public facilities exist to support the land use; and

WHEREAS, based on the evidence presented by the Applicant regarding the maximum build out of the existing and proposed Future Land Use designations, the Commission finds that the proposed use is an appropriate Future Land Use for the subject property; and

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

WHEREAS, the Applicant has committed to the City that its development will comply with all development codes, plans, standards, and conditions approved by the City Commission;

and that it will bind its successors in title to any such commitments made upon approval of the Future Land Use Amendment; and

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

WHEREAS, the property is legally described in “**Exhibit A**” of this ordinance. A map depicting the property is attached hereto as **Exhibit “B”** and made a part hereof by reference;

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

SECTION 1: The Future Land Use designation in the City's Comprehensive Land Use Plan shall be established as "Commercial".

SECTION 2: This ordinance becomes effective upon adoption.

SECTION 3: All ordinances or parts of ordinances in conflict with this ordinance or any part thereof is hereby repealed to the extent of such conflict. If any provision of this ordinance conflicts with any contractual provision between the City and the Developer of the site, this ordinance shall prevail.

SECTION 4: If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared severable.

SECTION 5: Following the adoption and acceptance of this ordinance by the Owners, and in addition to any other action for failure to complete development or otherwise comply with the Development Documents, the City Development Director may obtain a hearing before the City Commission and shall thereupon give at least five (5) days written notice of the time, date, and location of the hearing, along with specific notice of the alleged breach. At the hearing before the

City Commission, the Property Owner may appear and may contest the allegation of breach or explain the reason or reasons for the breach. Upon a finding of a material breach of the Development Documents and therefore, the Ordinance(s) adopting the same, the City Commission may impose or do any or all of the following:

- a. Initiate the process to amend or repeal this or any other ordinance pertaining to the development.
- b. 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 ordinance by the Property Owner shall be considered a 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: This ordinance shall be effective upon the following to occur: adoption by the City Commission, and proper execution and acceptance by the Owner.

SECTION 7: The complete execution and recording of this Ordinance by the City Clerk shall occur no later than 60 days from the date of this approval, failing which this ordinance shall be void.

SECTION 8: Upon complete execution of this Ordinance, including the Acceptance and Agreement by the Owner, the City Clerk is directed to record this Ordinance in the Public Records of Martin County, Florida.

Passed on first reading the ____ day of ____ 2023.

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:

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:

TROY MCDONALD, MAYOR
BECKY BRUNER, VICE MAYOR
RICH CAMPBELL, COMMISSIONER
EULA R. CLARKE, COMMISSIONER
CHRISTOPHER COLLINS, COMMISSIONER

YES	NO	ABSENT	ABSTAIN

ADOPTED on second and final reading this _____ day of _____ 2023.

ATTEST:

MARY R. KINDEL
CITY CLERK MAYOR

TROY MCDONALD, MAYOR

APPROVED AS TO FORM
AND CORRECTNESS:

MICHAEL J. MORTELL, ESQ.
CITY ATTORNEY

ACCEPTANCE AND AGREEMENT

BY SIGNING THIS ACCEPTANCE AND AGREEMENT, THE UNDERSIGNED HEREBY ACCEPTS AND AGREES TO ALL OF THE TERMS AND CONDITIONS ASSOCIATED WITH THE SMALL-SCALE COMPREHENSIVE PLAN FUTURE LAND USE AMENDMENT AND IN ALL EXHIBITS, ATTACHMENTS AND DEVELOPMENT DOCUMENTS, INTENDING TO BE BOUND THEREBY, AND THAT SUCH ACCEPTANCE AND AGREEMENT IS DONE FREELY, KNOWINGLY, AND WITHOUT ANY RESERVATION,

AND FOR THE PURPOSES EXPRESSED WITHIN THE ABOVE ORDINANCE. IF IT IS LATER DISCOVERED THAT THE UNDERSIGNED, OR ITS SUCCESSORS OR ASSIGNS HAVE FAILED IN ANY MATERIAL WAY TO DEVELOP THIS SITE ACCORDING TO THIS ORDINANCE, ITS CONDITIONS, AND THE DEVELOPMENT DOCUMENTS, THE UNDERSIGNED UNDERSTANDS AND AGREES THAT THIS ORDINANCE MAY BE AMENDED OR REPEALED BY THE CITY COMMISSION, AND THAT OTHER ACTIONS MAY BE TAKEN AGAINST THE UNDERSIGNED BY THE CITY, INCLUDING BUT NOT LIMITED TO CODE ENFORCEMENT ACTIONS, PERMIT AND LICENSING REVOCATIONS, AND ALL APPLICABLE CIVIL AND CRIMINAL ACTIONS.

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

WITNESSES:

151 NW Flagler, LLC

By: _____

Print Name: _____

David Tobin, Manager

Print Name: _____

OWNERS ACKNOWLEDGMENT

The above Ordinance, Acceptance and Agreement was acknowledged before me this ____ day of _____, 2023, by Jeremiah Baron, CEO of Stuart Auto Vault, LLC.

Notary Public, State of Florida

My Commission Expires:

Notary Seal

Personally Known _____ OR Produced Identification _____

Type of Identification Produced _____

CITY'S ACKNOWLEDGMENT

The above Ordinance, Acceptance and Agreement was acknowledged before me by means of ☐ physical presence or ☐ online notarization this _____ day of _____, 2023 by Troy McDonald, 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: _____

EXHIBIT A – LEGAL DESCRIPTION

DRAFT

(The remainder of this page intentionally left blank)

EXHIBIT B – LOCATION MAP

DRAFT



121 SW Flagler Ave
Stuart, FL 34994
Tel: 772-288-5326
Fax: 772-288-5388

COMPREHENSIVE PLAN AMENDMENT/REZONING

(LDR 11.06.00, 11.09.00 & 11.10.00)

Please print clearly and provide all required information

DEVELOPMENT DEPARTMENT USE ONLY

APP Ref#

GPUD: Z22000001

Amendment Z 22110011

A.	REZONING \$1,433.60		
	SMALL SCALE COMPREHENSIVE PLAN (FLU) AMENDMENT FEE \$1,792.00	☒	LESS THAN 10 ACRES
	COMPREHENSIVE PLAN (FUTURE LAND USE MAP) AMENDMENT FEE \$1,792.00	☐	GREATER THAN 10 ACRES WILL REQUIRE DISTRIBUTION TO DCA WITHIN ONE OF THE TWO WINDOWS ALLOWED (USUALLY APRIL AND NOVEMBER EACH YEAR)

PROPERTY INFORMATION

B.	PROJECT TITLE	Stuart Autovault Baron Commerce Center		
	PARCEL ID#	Stuart Autovault Baron Commerce Center		
	CURRENT ZONING	B-1- Martin County		
	PROPOSED ZONING	B-4 Business and limited manufacturing		
	CURRENT FUTURE LAND USE	General Commercial- Martin County		
	PROPOSED FUTURE LAND USE	General Commercial- City of Stuart		
	PRESENT USE	n/a Martin County		
	SITE AREA	.34 ac		
	STREET ADDRESS	<i>Lot 16-38-41-000-000-00071-0</i>		
	AGENT	Tod Mowery		
	COMPANY	Redtail DG		
	PHONE	772-742-1555	FAX	

PETITIONER INFORMATION

C.	NAME	Stuart Autovault LLC		
	STREET ADDRESS	49 SW Flager Ave		
	CITY	Stuart		
	STATE	fl	ZIP	34994
	PHONE	722-286-5744	FAX	
	SIGNATURE OF OWNER OR AGENT	<i>Tod Mowery</i> Date <i>11/30/22</i>		

Entered 12/5/2022 - Community Plus me

D.	SUBMITTAL REQUIREMENTS (9 sets of all documents)					
	SITE PLAN	x	LANDSCAPE PLAN	x	TRAFFIC ANALYSIS	x
	BOUNDARY SURVEY	x	LEGAL DOCUMENTS DEMONSTRATING UNIFIED CONTROL	x	ARCHITECTURAL ELEVATIONS	x
	ZONING MAP EXTRACT	x	FUTURE LAND USE MAP EXTRACT	x	AFFIDAVIT PERMITTING REPRESENTATION	
	DATE OF PRE-APPLICATION				LIST OF SURROUNDING PROPERTY OWNERS WITHIN 300ft	

BRIEF EXPLANATION OF PROPOSAL

Applicant is proposing the annexation of the property from Martin County into the City of Stuart to be under the same jurisdiction, zoning and FLU of the larger contiguous parcel that is currently under of the city's jurisdiction. Applicant wished to apply B4 limited business and manufacturing zoning and General Commercial FLU to the parcel.

Annexation Application Supplement *z 22090003*

Desired Future Land Use: Commercial

Desired Zoning: B-4 Limited Business & Manufacturing

Municipal Boundary Map:



FLU Map:



Zoning Map:





Basic Info

PIN 16-38-41-000-000-00071-0	AIN 1113262	Situs Address SE MONTEREY RD STUART FL	Website Updated 12/5/22
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General Information

Property Owners STUART AUTO VAULT LLC	Parcel ID 16-38-41-000-000-00071-0	Use Code/Property Class 1000 - 1000 Vacant Commercial
Mailing Address 49 SW FLAGLER AVE 3RD FL STUART FL 34994	Account Number 1113262	Neighborhood 31400 Monterey Rd
Tax District DISTRICT TWO MSTU	Property Address SE MONTEREY RD STUART FL	Legal Acres 0.3444
	Legal Description THAT PORTION OF E1/2 OF NW 1/4 OF NW 1/4...	Ag Use Size (Acre\Sq Ft) N/A

Current Value

Year	Land Value	Improvement Value	Market Value	Value Not Taxed	Assessed Value	Total County Exemptions	County Taxable Value
2022	\$ 90,000	\$ 0	\$ 90,000	\$ 89,806	\$ 194	\$ 0	\$ 194

Market values shown on the website reflect market conditions as of January 1st, the statutory assessment date. We are prohibited by law from relying on sales that occur after the January 1 assessment date. Therefore, market values shown on the website do not reflect today's market conditions, but rather the market conditions last year. In addition, the statutes require the county Property Appraiser to deduct for typical costs of sale (which include expenses such as commissions, title insurance, appraisals, inspection fees, etc.) when arriving at market value for tax purposes. That is why the market value for tax purposes is different from what a property would sell for today.

Current Sale

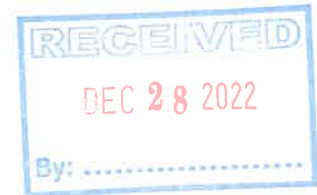
Sale Date 5/27/22	Grantor (Seller) STUART KEY DEVELOPERS LLC	Doc Num 2963113
Sale Price \$ 8,500,000	Deed Type Special Warranty Deed	Book & Page <u>3316 0819</u>

Legal Description

THAT PORTION OF E1/2 OF NW 1/4 OF NW 1/4 OF NE 1/4 OF 16-38-41 AS FOLLOWS: BEG 2235.95 W/O & 33 S/O NE COR SEC 16, S 200, W 75 M/L TO W/LN, N 200 & E 75 M/L TO BEG, CONTAINING 15,000 SF M/L & BEING A PORTION OF PARCEL FOUR IN OR 2257/0476, BUT NOT BEING A PART OF THOSE LANDS ANNEXED INTO THE CITY OF STUART PER ORD 1440-95 IN OR 1172/1033.

The legal description is intended for general information only. The Property Appraiser assumes no responsibility for the uses or interpretations of the legal description.

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



AFFIDAVIT ATTESTING TO NOTIFICATION

Tereniah Baron, 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:

Project Name: Stuart Autovault Baron Commerce Center
Parcel ID Number: 16-38-41-000-000-00071-0

That a copy of the notice was sent by regular U.S. Mail on (12/27/22) to the property owners within 300 feet of the subject property; and

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; and

That notice was sent and property was posted 15+ days prior to the scheduled public hearing(s) for this item.

[Signature]
SIGNED (PROPERTY OWNER / AUTHORIZED AGENT)

[Signature]
SIGNED (PROPERTY OWNER / AUTHORIZED AGENT)

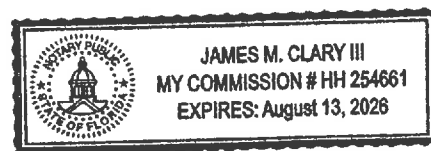
STATE OF FLORIDA, COUNTY OF MARTIN

Sworn and subscribed before me by means of ☒ physical presence or ☐ online notarization, this 20 day of December, 2022 By

[Signature]
Personally Known OR Produced Identification

[Signature]
Type of Identification Produced:

Notary Public, State of FL
(Notary Seal)



My Commission expires:

Notice to Surrounding Property Owners within 300 Feet

Subject: **Public Hearing Before:**
Local Planning Agency (LPA)

Petitioner: **Stuart AutoVault LLC**

Parcel ID Number(s): 16-38-41-000-000-00071-0 (0.34-acres)

Proposed Request: Request to consider a Voluntary Annexation, Small-Scale Comprehensive Plan Amendment from General Commercial (County) to Commercial (City), and Rezoning from B-1 Business (County) to B-4 Limited Business/Manufacturing (City).

Dear Property Owner:

Please be advised that the City of Stuart will conduct a public hearing before the City Local Planning Agency (LPA) on **Thursday, January 12, 2023, at 5:30PM** to consider the above request.

The public hearing(s) will take place in the Stuart City Hall Commission Chambers, located at 121 S. W. Flagler Avenue in Stuart and via a Zoom link available prior to the meetings.

All interested parties and citizens may appear and be heard as to any and all matters pertinent to the request. A copy of the application is available for inspection at the Office of the City Development Department located at 121 S.W. Flagler Avenue in Stuart. If you have any questions regarding this notice, please feel free to call me at (772) 288-5328, M-F 8:30 A.M. – 5:00 P.M.

Sincerely,

Jodi Nentwick-Kugler

Jodi Nentwick-Kugler
Development Director
jnentwick@ci.stuart.fl.us

NOTICE OF PUBLIC HEARING

ANNEXATION

SMALL-SCALE COMPREHENSIVE PLAN AMENDMENT REZONING REQUEST

STUART AUTOVAULT BARON COMMERCE CENTER

Parcel ID Number:

16-38-41-000-000-00071-0 (0.34-acres)

Request to consider a Voluntary Annexation, Small-Scale Comprehensive Plan Amendment from General Commercial (County) to Commercial (City), and Rezoning from B-1 Business (County) to B-4 Limited Business/Manufacturing (City), to develop 115,345 s.f. auto vault storage facility and a 138,565 of flex warehouse with up to 10% office space.

STUART LOCAL PLANNING AGENCY (LPA)

January 12, 2023 AT 5:30 PM

STUART CITY COMMISSION

February 13, 2023 AT 4:00 PM

February 27, 2023 AT 5:30 PM

STUART CITY HALL 121 FLAGLER AVE 772-288-5326 8:30AM-4:00PM
VISIT WWW.CITYOFSTUART.US FOR MORE INFORMATION

EXHIBIT B

Subject to: Taxes for the year 2022 & subsequent years; restrictions, conditions, limitations and easements of record, if any, none of which are re-imposed by this conveyance; and zoning ordinances and other restrictions and prohibitions imposed by applicable governmental authorities without seeking to re-impose same.

And

Subject to: Declaration of Restriction Covenant recorded in Official Records Book 2576, Page 2524, of the Public Records of Martin County, Florida, in accordance with said Declaration

EXHIBIT "A"

Basic Info

PIN	AIN	Situs Address	Website Updated
16-38-41-000-000-00071-0	1113262	SE MONTEREY RD STUART FL	12/27/22

General Information

Property Owners STUART AUTO VAULT LLC	Parcel ID 16-38-41-000-000-00071-0	Use Code/Property Class 1000 - 1000 Vacant Commercial
Mailing Address 49 SW FLAGLER AVE 3RD FL STUART FL 34994	Account Number 1113262	Neighborhood 31400 Monterey Rd
Tax District DISTRICT TWO MSTU	Property Address SE MONTEREY RD STUART FL	Legal Acres 0.3444
	Legal Description THAT PORTION OF E1/2 OF NW 1/4 OF NW 1/4...	Ag Use Size (Acre\Sq Ft) N/A

Current Value

Year	Land Value	Improvement Value	Market Value	Value Not Taxed	Assessed Value	Total County Exemptions	County Taxable Value
2022	\$ 90,000	\$ 0	\$ 90,000	\$ 89,806	\$ 194	\$ 0	\$ 194

Market values shown on the website reflect market conditions as of January 1st, the statutory assessment date. We are prohibited by law from relying on sales that occur after the January 1 assessment date. Therefore, market values shown on the website do not reflect today's market conditions, but rather the market conditions last year. In addition, the statutes require the county Property Appraiser to deduct for typical costs of sale (which include expenses such as commissions, title insurance, appraisals, inspection fees, etc.) when arriving at market value for tax purposes. That is why the market value for tax purposes is different from what a property would sell for today.

Current Sale

Sale Date 5/27/22	Grantor (Seller) STUART KEY DEVELOPERS LLC	Doc Num 2963113
Sale Price \$ 8,500,000	Deed Type Special Warranty Deed	Book & Page <u>3316 0819</u>

Legal Description

THAT PORTION OF E1/2 OF NW 1/4 OF NW 1/4 OF NE 1/4 OF 16-38-41 AS FOLLOWS: BEG 2235.95 W/O & 33 S/O NE COR SEC 16, S 200, W 75 M/L TO W/LN, N 200 & E 75 M/L TO BEG, CONTAINING 15,000 SF M/L & BEING A PORTION OF PARCEL FOUR IN OR 2257/0476, BUT NOT BEING A PART OF THOSE LANDS ANNEXED INTO THE CITY OF STUART PER ORD 1440-95 IN OR 1172/1033.

The legal description is intended for general information only. The Property Appraiser assumes no responsibility for the uses or interpretations of the legal description.

----- "B" Exhibit "B"



736 colorado avenue, suite a, stuart, florida 34994 · phone: (772) 283-5590 fax: (772) 283-5699 email: ptatitle@bellsouth.net

December 27, 2022

Ownership Search

Prepared For: STUART AUTO VAULT LLC.

We hereby certify that a search has been made of the Martin County Property Appraiser's records regarding a 300-foot area surrounding the following described parcel of land:

See Exhibit "A" attached hereto & made a part hereof.

TAX ID: See Exhibit "B" attached hereto
OWNER: & made a part hereof.
ADDRESS:

The apparent property owners of land surrounding the above referenced property are as follows: The list does not include any owners who qualify for confidentiality (See attached).

Iris M. Crews

icrews



736 colorado avenue, suite a, stuart, florida 34994 - phone: (772) 283-5590 fax: (772) 283-5699 email: ptatitle@bellsouth.net

OWNERSHIP REPORT
SEARCH NO. P22-11815/IC

THE ATTACHED REPORT IS ISSUED TO STUART AUTO VAULT LLC THE ATTACHED REPORT MAY NOT BE RELIED ON BY ANY OTHER PARTY. NO LIABILITY IS ASSUMED BY OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY FOR ANY UNAUTHORIZED USE OR RELIANCE. THIS OWNERSHIP REPORT IS ISSUED PURSUANT TO FLORIDA STATUTE SECTION 627.7843 AND LIABILITY HEREUNDER FOR INCORRECT INFORMATION IS LIMITED TO THE AMOUNT PAID FOR THE REPORT.

The attached Report prepared in accordance with the instructions given by the user named above includes a listing of the owner(s) of a 300 -foot area surrounding subject property. It is the responsibility of the party named above to verify receipt of each document listed. If a copy of any document listed is not received, the office issuing this Report must be contacted immediately. This Report does not include easements, restrictions, notices or other documents not listed above.

This Report does not insure or guarantee the validity or sufficiency of any document attached nor is it to be considered a title insurance policy, an opinion of title, a guarantee of title or as any other form of guarantee or warranty of title. This Report shall not be used for the issuance of any title insurance policy or form.

Use of the term "Report" herein refers to this Ownership Report and the documents attached hereto.

The land referred to herein is described as follows:

See Exhibit "A" attached hereto & made a part hereof.

PRESTIGE TITLE AGENCY, INC.

736 Colorado Ave. Ste. A

Stuart FL 34994

By: *icreus*

Iris M. Crews



Recorded in Martin County, FL 5/31/2022 3:23 PM
Carolyn Timmann, Clerk of the Circuit Court & Comptroller
Rec Fees: \$44.00 Deed Tax: \$59,500.00
CFN#2963113 BK 3316 PG 819 PAGE 1 of 5

Prepared by:

Peter M. Hockman, Esq.
Brickell City Tower
80 SW 8th Street, Suite 3100
Miami, FL 33130

Record and Return to:

Liberty Title Company of America, Inc.
1800 SE Port St Lucie Blvd.
Port St. Lucie, FL 34952

Folio Numbers: 16-38-41-000-000-00070.50000
16-38-41-000-000-00071.00000

SPECIAL WARRANTY DEED

This Special Warranty Deed is made and entered into as of the 27th day of May, 2022, by and between **Stuart Key Developers, LLC, a Florida limited liability company**, whose post office address is 55 NW 9th Avenue, Homestead, Florida 33030 ("**Grantor**"), and **Stuart Auto Vault LLC, a Florida limited liability company**, whose post office address is 49 SW Flagler Avenue, 3rd Floor Stuart, FL 34994 ("**Grantee**").

Wherever used herein, the terms "Grantor" and "Grantee" shall be deemed to include all the parties to this Special Warranty Deed and the heirs, legal representatives and assigns of individuals and the successors and assigns of corporations. The singular shall be deemed to include the plural, and vice versa, where the context so permits.

WITNESSETH:

THAT, for and in consideration of the sum of TEN & NO/100 DOLLARS (\$10.00) and other good and valuable consideration, paid to Grantor by Grantee, the receipt and sufficiency of which are hereby acknowledged by Grantor, Grantor hereby grants, bargains, sells, and conveys to Grantee and Grantee's successors and assigns forever, that certain parcel of land, situate, lying and being in Martin County, Florida, described below (the "**Property**");

See attached Exhibit "A"

TOGETHER WITH all improvements, rights, benefits, privileges, easements, tenements, hereditaments, and appurtenances thereto belonging or in any way appertaining.

TO HAVE AND TO HOLD the same in fee simple forever.

AND Grantor hereby covenants with Grantee: (1) that Grantor is lawfully seized of the Property in fee simple; (2) that Grantor has good right and lawful authority to sell and convey the Property; (3) that Grantor hereby fully warrants the title to the Real Property and will defend the same against the lawful claims of all persons claiming by, through or under Grantor, but not otherwise; and (4) that the Real Property is free of all encumbrances, except those matters listed on **Exhibit "B"** attached hereto and made a part hereof by reference, provided, however, reference thereto shall not serve to reimpose the same. The Property is subject to the taxes, restrictions, conditions, easements, limitations and covenants as set forth in **Exhibit "B"** attached hereto.

[SIGNATURE TO FOLLOW]

EXHIBIT "A"

CFN#2963113 BK 3316 PG 820 PAGE 2 of 5

IN WITNESS WHEREOF, Grantor has caused this Special Warranty Deed to be executed as of the day and year first above written.

Signed, sealed and delivered
in the presence of:

Grantor

Stuart Key Developers, LLC, a Florida
limited liability company

Carrie Floody
Print Name of Witness 1: Carrie Floody

By: [Signature]
Name: Richard S. Jackson, III
Title: Manager

Calvin Burdick
Print Name of Witness 2: Calvin Burdick

STATE OF FLORIDA }
 }SS:
COUNTY OF MIAMI-DADE }

The foregoing instrument was sworn to and subscribed before me by means of ☒ physical presence or ☐ online notarization this 25th day of May, 2022 by Richard S. Jackson III, as Manager of Stuart Key Developers, LLC, A Florida limited liability company. Said person is ☒ personally known to me or ☐ has produced a valid driver's license as identification.

Calvin Burdick
Notary Public; State of Florida
Print Name: Calvin Burdick
My Commission Expires: 5/13/23
My Commission No.: GG 334160

[SEAL]

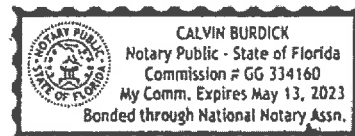


EXHIBIT "A"

EXHIBIT A

PARCEL ONE: THAT PORTION OF THE SOUTHEAST ONE-QUARTER OF THE NORTH ONE-HALF OF GOVERNMENT LOT 3, SECTION 16, TOWNSHIP 38 SOUTH, RANGE 41 EAST, LYING EASTERLY OF WILLOUGHBY BOULEVARD AS IN OFFICIAL RECORDS BOOK 1008, PAGE 1778, PUBLIC RECORDS OF MARTIN COUNTY, FLORIDA.

PARCEL TWO: THE WEST ONE-HALF OF THE SOUTHWEST ONE-QUARTER OF THE NORTHWEST ONE-QUARTER OF THE NORTHEAST ONE-QUARTER OF SECTION 16, TOWNSHIP 38 SOUTH, RANGE 41 EAST, PUBLIC RECORDS OF MARTIN COUNTY, FLORIDA.

PARCEL THREE: THE EAST ONE-HALF OF THE SOUTHWEST ONE-QUARTER OF THE NORTHWEST ONE-QUARTER OF THE NORTHEAST ONE-QUARTER OF SECTION 16, TOWNSHIP 38 SOUTH, RANGE 41 EAST, PUBLIC RECORDS OF MARTIN COUNTY, FLORIDA.

PARCEL FOUR: THE EAST ONE-HALF OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 16, TOWNSHIP 38 SOUTH, RANGE 41 EAST, EXCEPTING THEREFROM THE FOLLOWING DESCRIBED PARCEL:

STARTING AT THE NORTHEAST CORNER OF SAID SECTION, TOWNSHIP AND RANGE RUN THENCE WESTERLY ALONG THE NORTH LINE OF SAID SECTION 16 A DISTANCE OF 2010.95 FEET; THENCE RUN SOUTH 00°39'08" WEST 33 FEET FOR A POINT OF BEGINNING; THENCE SOUTH 00°39'08" WEST A DISTANCE OF 200 FEET; THENCE RUN NORTH 89°30'52" WEST A DISTANCE OF 225 FEET; THENCE RUN NORTH 00°39'08" EAST A DISTANCE OF 200 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF MONTEREY ROAD; THENCE RUN SOUTH 89°30'52" EAST ALONG THE SOUTH RIGHT-OF-WAY LINE OF MONTEREY ROAD A DISTANCE OF 225 FEET TO THE POINT OR PLACE OF BEGINNING, IT BEING INTENDED TO DESCRIBE AND EXCEPT LOTS A, B, C, D, E AND F AS SHOWN ON THE UNRECORDED PLAT FOR TURNER WALTON MADE BY STAFFORD AND BROCK FEBRUARY 5, 1958 AND ALSO LESS AND EXCEPT THE DITCH AND ROAD RIGHT-OF-WAY.

TOGETHER WITH AN EASEMENT FOR INGRESS AND EGRESS, IN PERPETUITY DESCRIBED AS FOLLOWS:

OVER AND UPON THE EAST 50 FEET OF THE NORTH 1/2 OF THE WEST 1/2 OF THE EAST 1/2 OF THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 AND OVER AND UPON THE NORTH 75 FEET OF THE SOUTH 1/2 OF THE WEST 1/2 OF THE EAST 1/2 OF THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 FOR ACCESS TO AND FROM THE NORTH 1/2 OF THE WEST 1/2 OF THE EAST 1/2 OF THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 AND THE EAST 1/2 OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF THE NORTHEAST 1/4, ALL OF THE FORGOING PARCELS BEING IN SECTION 16, TOWNSHIP 38 SOUTH, RANGE 41 EAST, MARTIN COUNTY, FLORIDA.

AS DESCRIBED IN WARRANTY DEED RECORDED IN O.R. BOOK 704, PAGE 1633, PUBLIC RECORDS OF MARTIN COUNTY, FLORIDA.

TOGETHER WITH A NON-EXCLUSIVE EASEMENT FOR INGRESS, EGRESS, ACCESS, DRAINAGE AND UTILITIES DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF SECTION 16, TOWNSHIP 38 SOUTH, RANGE 41 EAST; THENCE N89°34'57"W ALONG THE NORTH LINE OF SAID SECTION 16 AND THE CENTERLINE OF MONTEREY ROAD FOR A DISTANCE OF 1701.05 FEET; THENCE S0°25'03"W A DISTANCE OF 40.00 FEET TO THE NORTHEAST CORNER OF PARCEL 1 AS SHOWN AND DESCRIBED HEREON; THENCE S00°33'29"W ALONG THE EAST LINE OF PARCEL 1 FOR A DISTANCE OF 620.00 FEET TO THE SOUTHEAST CORNER OF SAID PARCEL 1 AND THE POINT OF BEGINNING; THENCE N89°34'57"W ALONG THE SOUTH LINE OF PARCEL 1 FOR A DISTANCE OF 280.16 FEET TO THE SOUTHWEST CORNER OF PARCEL 1; THENCE N00°33'29"E ALONG THE

EXHIBIT "A"

CFN#2963113 BK 3316 PG 822 PAGE 4 of 5

EAST LINE OF PARCEL 1 FOR A DISTANCE OF 60.00 FEET; THENCE S89°34'57"E ALONG A LINE 60.00 NORTH OF AND PARALLEL TO THE SOUTH LINE OF PARCEL 1 FOR A DISTANCE OF 280.16 FEET TO THE EAST LINE OF PARCEL 1; THENCE S00°33'29"W ALONG THE EAST LINE OF PARCEL 1 FOR A DISTANCE OF 60.00 FEET TO THE POINT OF BEGINNING.

AS RESERVED IN WARRANTY DEED RECORDED IN OR BOOK 1471, PAGE 1698, PUBLIC RECORDS OF MARTIN COUNTY, FLORIDA.

Copy Copy Copy

EXHIBIT "A"

- Dec. 28: Smithsonian Marine Station at Port Pierce
- Dec. 29: Environmental Studies Center
- Dec. 30: St. Lucie County Reef Builders
- Dec. 31: Pelican Island Audubon Society
- Jan. 1: Friends of the Everglades

Ed Killer is TCPalm's outdoors writer. Sign up for his and other weekly newsletters at file.tcpalm.com/newsletters/manage. Friend Ed on Facebook at Ed Killer, follow him on Twitter @tcpalmekiller or email him at ed.killer@tcpalm.com.

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NOTICE OF PUBLIC HEARING CITY OF STUART

REQUEST FOR A PROPOSED VOLUNTARY ANNEXATION, SMALL- SCALE COMPREHENSIVE PLAN AMENDMENT AND REZONE

The CITY OF STUART LOCAL PLANNING AGENCY (LPA) PLANNING ADVISORY BOARD will meet on Thursday, January 12, 2023, at 5:30 PM and the CITY COMMISSION will meet on Monday, February 13, 2023, at 4:00 PM and Monday February 27, 2023, at 5:30 PM in the City Commission Chambers at City Hall, 121 SW Flagler Avenue, Stuart, FL 34994.

ORDINANCE NO. 2508-2023

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, ANNEXING A PARCEL OF LAND TO FRONTING SE MONTEREY ROAD, CONSISTING OF 0.34-ACRES, SAID PARCEL BEING MORE FULLY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO; PROVIDING DIRECTIONS TO THE CITY CLERK; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

ORDINANCE NO. 2509-2023

AN ORDINANCE OF THE CITY OF COMMISSION OF THE CITY OF STUART, SMALL SCALE COMPREHENSIVE PLAN AMENDMENT AS DEFINED IN F.S. §163.3187; AMENDING THE COMPREHENSIVE PLAN, FUTURE LAND USE MAP FOR AN APPROXIMATELY 0.34-ACRE PARCEL FROM THE FUTURE LAND USE OF GENERAL COMMERCIAL (COUNTY) TO THE FUTURE LAND USE OF GENERAL COMMERCIAL (CITY); AMENDING THE FUTURE LAND USE MAP; PROVIDING DIRECTIONS TO THE CITY CLERK; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

ORDINANCE NO. 2510-2023

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, AMENDING THE CITY'S OFFICIAL ZONING MAP; TO REZONE A 0.34-ACRE PARCEL, LOCATED AT XXXXXX, BEING MORE DESCRIBED IN EXHIBIT "A" ATTACHED, FROM B-1 BUSINESS (COUNTY) ZONING DESIGNATION TO B-1 LIMITED BUSINESS/ MANUFACTURING (CITY) ZONING DESIGNATION; PROVIDING DIRECTIONS TO THE CITY CLERK; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.



All interested parties are invited to attend and be heard. Copies of the items will be available at the Stuart City Hall. Written comments may be directed to the Development Director, City of Stuart, at the following address: 121 SW Flagler Avenue, Stuart, FL 34994, telephone 772-288-5328.

ANY PERSON SEEKING TO APPEAL THE DECISION OF THE CITY COMMISSION AS TO THE FOREGOING IS ADVISED THAT A RECORD OF PROCEEDINGS IS REQUIRED IN ANY SUCH APPEAL AND THAT SUCH PERSON MAY NEED TO ENSURE THAT A VERBATIM RECORD OF PROCEEDINGS IS MADE INCLUDING THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.

In accordance with the Americans with Disabilities Act (ADA), and Section 288.26, Florida Statutes, persons with disabilities needing special accommodation to participate in 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.

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

Meeting Date: 1/12/2023

Prepared by: Jodi Nentwick

Title of Item:

STUART AUTO VAULT, LLC., SUBMITTED A PETITION FOR A REZONE TO THE OFFICIAL ZONING ATLAS FOR PROPERTY LOCATED ON THE SOUTH SIDE FRONTING SE MONTEREY ROAD (RC):

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, AMENDING THE CITY'S OFFICIAL ZONING MAP; TO REZONE A 0.34-ACRE PARCEL; LOCATED ON THE SOUTH SIDE OF SE MONTEREY ROAD; BEING MORE DESCRIBED IN EXHIBIT "A" ATTACHED, FROM B-1 BUSINESS (COUNTY) ZONING DESIGNATION TO B-4 LIMITED BUSINESS/MANUFACTURING (CITY) ZONING DESIGNATION; PROVIDING DIRECTIONS TO THE CITY CLERK; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

Summary Explanation/Background Information on Agenda Request:

Redtail Design Group is requesting that a +/-0.34-acres parcel of property that is being annexed into the City and assigned a future land use of Commercial receive an initial zoning assignment of (B-4) Limited Business/Manufacturing Zoning Designation, for a project to be known as Stuart Auto Vault Baron Commerce Center. Because this property was annexed into the City, a zoning designation is required.

Funding Source:

N/A

Recommended Action:

Staff has reviewed the Rezone to the Official Atlas petition and has determined that it conforms to the Standards of Review as set forth in Section 11.01.09 of the City of Stuart Land Development Code and is consistent with the City of Stuart Comprehensive Plan Goals, Objectives, and Policies.

Staff recommends the Local Planning Agency forward a recommendation of **APPROVAL** to the City Commission for the rezoning on First Reading.

ATTACHMENTS:

1. LPA Staff Report
2. Draft Ordinance 2512-2023 - Rezone
3. Rezone Application
4. Public Notification Packet



TO: Local Planning Agency (LPA)
FROM: Jodi Nentwick-Kugler, Development Director
MEETING DATE: January 12, 2023
SUBJECT: **Stuart Auto Vault LLC**
Voluntary Annexation
Small-Scale Future Land Use Amendment
Rezone to Official Zoning Atlas

GENERAL INFORMATION

Property Owner/Applicant: Jeremiah Baron, CEO
Stuart Auto Vault LLC
49 SW Flagler Avenue 3rd Floor
Stuart, FL 34994

Agent/Agent of Record: Tod Mowery, AICP
Redtail Design Group
100 North 2nd Street
Fort Pierce, FL 34950

Location: SE Monterey Road, Stuart, FL

Parcel ID#: 16-38-41-000-000-00071-0

Parcel Size: +/-0.34-acres

Existing Future Land Use: (GC) General Commercial (County)
Proposed Future Land Use: **Commercial (City)**

Existing Zoning: (B-1) Business (County)
Proposed Zoning: **(B-4) Limited Business/Manufacturing (City)**

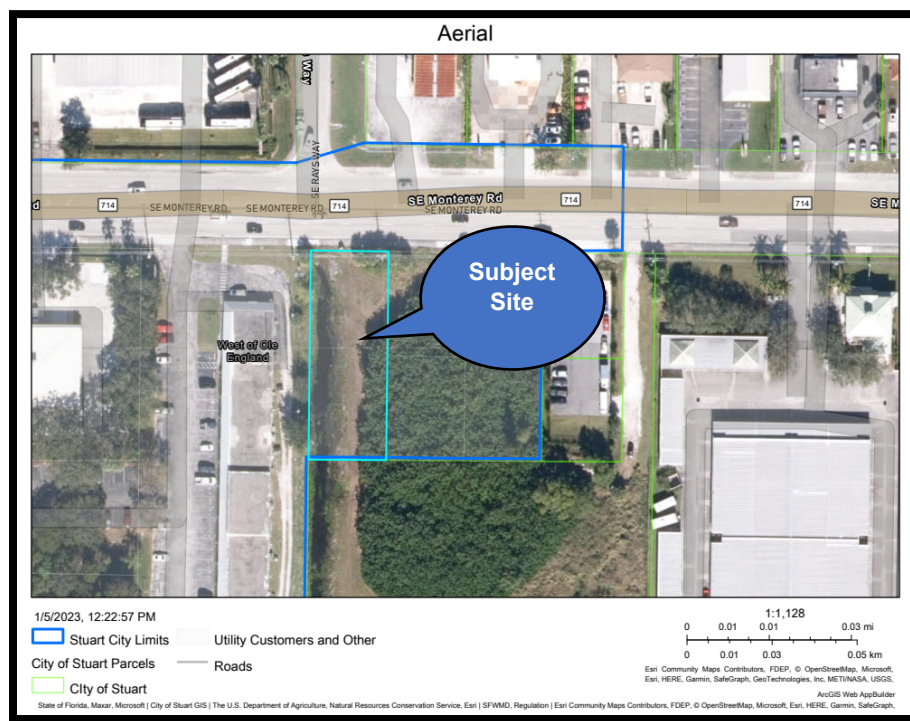
EXECUTIVE SUMMARY

This is a request from the property owner, Stuart Auto Vault, LLC., to consider three (3) petitions for Voluntary Annexation, Small-Scale Future Land Use Amendment, and Rezone to the Official Zoning Atlas for +/-0.34-acres of vacant land located within Martin County unincorporated area.

BACKGROUND

Redtail Design Group submitted petitions, on behalf of Stuart Auto Vault, LLC., for a Voluntary Annexation to incorporate the +/-0.34-acres from Martin County to City of Stuart jurisdiction, a Small-Scale Comprehensive Plan Amendment to change the future land use category from (GC) General Commercial (County) to Commercial (City), and Rezone from (B-1) Business (County) to (B-4) Limited Business/Manufacturing (City) Zoning Designation, for a project to be known as Stuart Auto Vault Baron Commerce Center.

Additionally, the applicant submitted a concurrent Major Development application to incorporate the subject site and +/- 20 acres (total of 20.35-acres) to develop 137,567 square feet of flex warehouse space and 113,802 square feet of storage space. The proposed site plan depicts ten (10) buildings, with twenty-four (24) inch clear height situated around a lake with large drive isles for maneuvering recreation vehicles and trucks on site.



LAND USE AND ZONING

The subject site currently has a Martin County Future Land Use Designation of General Commercial (GC), and a County Zoning Designation of Business District (B-1) District. The subject property is currently vacant located on the south of SE Willoughby Boulevard. The site is bounded by City of Stuart (northeast, northwest, south, and adjacent to the property to the east). The existing uses, zoning districts, and future land-use designations of the adjacent properties are summarized in Table 1.

Table 1. Existing Use, Zoning and Land-Use Designations

EXISTING USE		ZONING	FUTURE LAND USE
Subject Property:	Vacant	(B-1) Business (County)	(GC) General Commercial (County)
North:	Auto Sales/Repair Vacant	(B-2) (CPUD) Commercial Planned Unit Development	Commercial
South:	Vacant	(B-1) Business (County)	Commercial
East:	Vacant	(B-1) Business (County)	Commercial
West:	Shopping Center	(B-4) Business (County)	Commercial

SECTION 1:	VOLUNTARY ANNEXATION STANDARDS OF REVIEW AS SET FORTH IN THE LAND DEVELOPMENT CODE SECTION 11.01.12
------------	--

In accordance with LDC Section 11.01.12.G., the Local Planning Agency (LPA) shall hear from all interested parties regarding whether the application complies with the requirements of this Code and the Comprehensive Plan. The LPA shall consider the application, the written comments of each responding department, consultant, and agency as well as the compliance recommendation of the development department.

CONSISTENCY WITH FLORIDA STATUTES

Section 171.044, *Florida Statutes*, includes criteria that an area being considered for voluntary annexation shall satisfy prior to local government annexation:

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

Staff Comment: The subject area is located within unincorporated Martin County, is contiguous on all three (3) sides to the City's municipal boundaries and is reasonably compact. The parcel is concentrated in a single area. Therefore, the proposed annexation is consistent with this section of the *Florida Statutes*.

- (2) *Upon determination by the governing body of the municipality that the petition bears the signatures of all owners of property in the area proposed to be annexed, the governing body may, at any regular meeting, adopt a nonemergency ordinance to annex said property and redefine the boundary lines of the municipality to include said property. Said ordinance shall be passed after notice of the annexation has been published at least once each week for 2 consecutive weeks in some newspaper in such city or town or, if no newspaper is published in said city or town, then in a newspaper published in the same county; and if no newspaper is*

published in said county, then at least three printed copies of said notice shall be posted for 4 consecutive weeks at some conspicuous place in said city or town. The notice shall give the ordinance number and a brief, general description of the area proposed to be annexed. The description shall include a map clearly showing the area and a statement that the complete legal description by metes and bounds and the ordinance can be obtained from the office of the city clerk.

Staff Comment: The subject property is under one ownership, and the City has received the signature of the property owner of the area to be annexed. Prior to the adoption of the Ordinance by City Commission for annexation, the notice (legal advertisement) will be published once each week for two (2) consecutive weeks in the City's local newspaper (TC Palm Newspaper), to meet the requirements of the *Florida Statutes*.

- (3) *An ordinance adopted under this section shall be filed with the clerk of the circuit court and the chief administrative officer of the county in which the municipality is located and with the Department of State within seven (7) days after the adoption of such ordinance. The ordinance must include a map which clearly shows the annexed area and a complete legal description of that area by metes and bounds.*

Staff Comment: This requirement shall be satisfied within seven (7) days of adoption of the Ordinance by the City Commission.

- (4) *The method of annexation provided by this section shall be supplemental to any other procedure provided by general or special law, except that this section shall not apply to municipalities in counties with charters which provide for an exclusive method of municipal annexation.*

Staff Comment: Martin County has been directly notified of the submission of this voluntary annexation petition via certified mail in accordance with the City of Stuart Comprehensive Plan Intergovernmental Coordination Element *Policy 7.A8.17. – The City shall continue to promote data sharing and technological consistency across jurisdictions.*

- (5) *Land shall not be annexed through voluntary annexation when such annexation results in the creation of enclaves.*

Chapter 171.031(13)(a) and (b), Florida Statutes “Enclave” means: (a) Any unincorporated improved or developed area that is enclosed within and bounded on all sides by a single municipality; or (b) Any unincorporated improved or developed area that is enclosed within and bounded by a single municipality and a natural or manmade obstacle that allows the passage of vehicular traffic to that unincorporated area only through the municipality.

Staff Comment: The proposed annexation does not create an enclave as defined in Chapter 171.031(13)(a) and (b), *Florida Statutes*. Annexation of the subject property does not create an area that is enclosed and bounded on all sides by the City, nor does it create an area that is enclosed and bounded within the City and a natural or manmade obstacle that allows passage of vehicular traffic to that unincorporated area only through the City. The subject property is

located within an existing enclave as the property is only accessible by vehicular traffic through the City of Stuart on SE Monterey Road, and the annexation will reduce the size of an existing enclaves.

- (6) *Not fewer than 10 days prior to publishing or posting the ordinance notice required under subsection (2), the governing body of the municipality must provide a copy of the notice, via certified mail, to the board of the county commissioners of the county wherein the municipality is located. The notice provision provided in this subsection may be the basis for a cause of action invalidating the annexation.*

Staff Comments: A copy of the notice will be provided via certified mail to Martin County Board of County Commissioners no fewer than ten (10) days prior to publishing the Ordinance notice in the TC Palm Newspaper as required.

LEVEL OF SERVICE ANALYSIS (LOS)

Water and Wastewater

The property is located within the City of Stuart Utilities service area and currently receives potable water service and sanitary through City of Stuart Utilities. City of Stuart Utilities will continue to provide potable water and sanitary sewer service after annexation.

Solid Waste

The property is located Martin County Solid Waste Facility service area that is the provider of solid waste disposal and recycling services. The proposed annexation will not negatively impact the existing capacity.

Recreation

The City has established a level of service for parks and recreation facilities within the City of Stuart Comprehensive Plan Element 6 – Recreation and Open Space Element. The property is zoned non-residential and will not negatively impact the Levels of Services.

Drainage

The subject property is located within the South Florida Water Management District (SFWMD). Any proposed development needs to demonstrate the project does not impact adjacent properties and meets all the federal, state and local requirements.

Public Safety

The City of Stuart Police Department and City of Stuart Fire Department have indicated capacity is available to serve the proposed annexation.

Traffic

Prior to the issuance of any Final Development Order, the development will be required to demonstrate that all traffic meets the level of service in accordance with the City of Stuart Comprehensive Plan Element 2 – Transportation Element.

Conclusion of Level of Service Analysis

The Applicant's analysis demonstrates that there will be no direct adverse impacts on the adopted Level of Services (LOS) standards for water, wastewater, solid waste, recreation, police and fire services, and traffic. Therefore, the proposed annexation will not pose a negative impact on the public facilities in the area.

CONSISTENCY WITH THE CITY'S COMPREHENSIVE PLAN

The proposed annexation area is consistent with the overall Goals, Objectives, and Policies of the Comprehensive Plan. More specifically, *Objective 1.B1. – Compact urban form.*

Discourage urban sprawl by facilitating urban redevelopment and infill development of properties and planning infill and development of lands located within Stuart to achieve a compact urban form.

PUBLIC NOTIFICATION

On December 27, 2022, the applicant provided notification letters to nineteen (10) owners of property located within the 300 feet of the proposed petitions. One (1) public notification sign detailing the Local Planning Agency (LPA) and City Commission's Public Hearing was posted on the premise, and an advertisement displayed in TC Palm Newspaper on January 3, 2023.

STAFF RECOMMENDATION:

Staff recommends the Local Planning Agency forward recommendation of **APPROVAL** to the City Commission for the annexation of the 0.34-acres on first reading, based upon the following findings of fact:

- The subject annexation request is consistent with Chapter 1741.0444, *Florida Statutes*.
- The subject property meets the City of Stuart Level of Service Standards.
- City of Stuart Land Development Section 11.01.12.

SECTION 2:

**SMALL-SCALE COMPREHENSIVE PLAN AMENDMENT
STANDARDS OF REVIEW AS SET FORTH IN THE
LAND DEVELOPMENT CODE SECTION 11.01.07**

In accordance to LDC Section 11.01.07.G., the Local Planning Agency (LPA) shall hear from all interested parties regarding whether the application complies with the requirements of this Code and the Comprehensive Plan. The LPA shall consider the application, the written comments of each responding department, consultant, and agency as well as the compliance recommendation of the development department. Specifically, the LPA shall consider the following criteria:

- a. The existing land use pattern;
- b. The possible creation of an isolated land use classification unrelated and nearby classifications;
- c. The population density pattern of the area and possible increase or overtaxing of the load on public facilities such as schools, utilities and streets;

- d. The possible overloading of the city's sewage collection, treatment and disposal facilities;
- e. The possible overloading of the city's drainage system;
- f. The existing classification boundaries in relation to existing conditions on the subject property.
- g. The existence of changed or changing conditions which make the passage of the proposed amendment necessary or appropriate;
- h. The impact of the proposed amendment upon living conditions in the adjacent property in accordance with existing regulations; and
- i. The existence of other adequate sites in the city for the proposed land use classifications already permitting such use.

The LPA shall make an advisory recommendation to the city commission as to the need and justification for the change and as to the relationship of the proposed change to the Goals, Objectives, and Policies of the Comprehensive Plan and of this Code. The LPA shall include in its recommendation to the city commission any information which it deems is relevant to issues relating to the proposed amendment.

CONSISTENCY WITH THE CITY'S COMPREHENSIVE PLAN

The proposed small-scale comprehensive future land use amendment is consistent with the overall Goals, Objectives, and Policies of the Comprehensive Plan.

Goal Statement 1.A: *Maintain and enhance Stuart's quality of life, natural beauty, and small-town waterfront character. Its stable residential neighborhoods, and its status as the commercial/institutional hub for greater Martin County.*

Objective 1.A.7: *The Future Land Use Map establishes the optimum, overall distribution of land uses as well as can be established on a City-wide basis. Neither these policies nor the Future Land Use Map shall be construed to mean that every parcel in a designated area is suitable for the designated use. Other plan objectives and policies will be applied to ensure that any proposed development will be suitable for the particular site. Similarly, the Future Land Use Map does not assure the landowner the right to the most intense use allowable under the designated future land use category. The City shall have the discretion to decide that the permitted land uses shall be more limited than the maximum allowable under the discretion to decide that development is consistent with the City's plan.*

- **Policy 1.A7.1.C. – Commercial:** *Land uses, and activities predominately connected with the sale, rental, and distribution of products or performance of professional and non-professional services. Includes retail sales, service establishments, business, professional and other offices, shopping centers, financial institutions, restaurants, entertainment, hotels, motels, and other temporary lodging. A limited amount of Multi-Family Residential and indoor industrial uses are allowed. Mixed-use projects are allowed. Also, public facilities and electric distribution substations are allowed.*
- **Policy 1.A7.5.** Properties that are annexed into the City shall be given a City land use designation as soon as possible after the annexation is finalized.

Existing Future Land Use (County)

General Commercial development. The General Commercial areas are designated on the Future Land Use Map to accommodate general retail sales and services; highway-oriented sales and services; commercial amusement; and trade and warehousing facilities. These areas are principally located in highly accessible parts of the urban service district that are compatible with the unique location and market requirements of these uses. The sites are located on major or minor arterials and require a minimum net lot size of 10,000 square feet. The Floor-Area-Ratio (FAR) shall be governed by the parking standards of the Land Development Regulations. Maximum densities for hotel/motel units located in a General Commercial future land use designation shall be 20 units per gross acre. Maximum building coverage shall be 60 percent. Minimum open space shall be 20 percent. Maximum building height shall be 40 feet.

The Land Development Regulations implementing the General Commercial future land use designation shall be consistent with the development standards described above. This area is not intended to accommodate businesses, trades or services that generate significant nuisance impacts, including glare, smoke, or other air pollutants; noise; vibration; major fire hazards; need for extensive outside storage and display; or other impacts associated with more intensive industrial uses. Automotive sales and services shall be located within the General Commercial land use classification on sites appropriately designated for highway-oriented commercial uses in the Land Development Regulations.

The areas designated for General Commercial development are specifically not adapted to permanent residential housing, and such uses shall be located in other areas designated for residential development. On the other hand, transient residential facilities including hotels and motels, timesharing or fractional fee residential complexes, or other transient quarters should be located in areas designated for commercial use.

The General Commercial site should generally be removed from single-family residential development and able to be buffered and screened consistent with the Land Development Regulations requiring appropriate landscaping and screening. Screening shall include vegetative berms (where feasible), plant material and/or aesthetic decorative fences or walls to assure compatibility with less intensive uses existing or anticipated on adjacent sites.

Prior to approval of a development plan, all applicants for development in the area designated General Commercial shall provide assurances that regional water distribution and wastewater collection utilities shall be provided by a regional public utility system.

Proposed Future Land Use (City)

Commercial: Land uses, and activities predominately connected with the sale, rental, and distribution of products or performance of professional and non-professional services. Includes retail sales, service establishments, business, professional and other offices, shopping centers, financial institutions, restaurants, entertainment, hotels, motels, and other temporary lodging. A limited amount of Multi-Family Residential and indoor industrial uses are allowed. Mixed-use projects are allowed. Also, public facilities and electric distribution substations are allowed.

PUBLIC NOTIFICATION

On December 27, 2022, the applicant provided notification letters to nineteen (10) owners of property located within the 300 feet of the proposed petitions. One (1) public notification sign detailing the Local Planning Agency (LPA) and City Commission's Public Hearing was posted on the premise, and an advertisement displayed in TC Palm Newspaper on January 3, 2023.

STAFF RECOMMENDATION

Staff has reviewed the Small-Scale Comprehensive Plan Amendment petition and has determined that it conforms to the Standards of Review as set forth in Section 11.01.07 of the City of Stuart Land Development Code and is consistent with the City of Stuart Comprehensive Plan Goals, Objectives, and Policies.

Staff recommends the Local Planning Agency forward a recommendation of **APPROVAL** to the City Commission for the future land use amendment on First Reading.

SECTION 3:	REZONE TO THE OFFICIAL ZONING ATLAS STANDARDS OF REVIEW AS SET FORTH IN THE LAND DEVELOPMENT CODE SECTION 11.01.09
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In accordance to LDC 11.01.00.G., the advisory board (Local Planning Agency) shall hear from all interested parties regarding whether the rezoning application complies with the requirements of this Code and the Comprehensive Plan. The LPA shall consider the application, the written comments of each responding department, consultant, and agency as well as the compliance recommendation of the development department.

In formulating its recommendation to the city commission, the LPA shall consider the following criteria:

- a. The existing land use pattern;
- b. The possible creation of an isolated district unrelated to adjacent and nearby districts;
- c. The population creation of the area and possible increase or overtaxing of the load on public facilities such as schools, utilities and streets;
- d. The possible overloading of the city's sewage collection, treatment and disposal facilities;
- e. The possible overloading of the city's drainage system;
- f. The existing district boundaries in relation to existing conditions on the subject property;
- g. The existence of changed or changing conditions which make the passage of the proposed rezoning necessary of appropriate;
- h. The impact of the proposed rezoning upon living conditions in the adjacent neighborhood;
- i. The impact of the rezoning the flow of light and air to adjacent areas;
- j. The impact of the proposed rezoning upon property values in the adjacent areas;
- k. The impact of the proposed rezoning upon improvement or development of adjacent property in accordance with existing regulations; and
- l. The existence of other adequate sites in the city for the proposed use in districts already permitting such use.

CONSISTENCY WITH THE CITY'S COMPREHENSIVE PLAN

The proposed rezoning is consistent with the overall Goals, Objectives, and Policies of the Comprehensive Plan.

CONSISTENCY WITH THE CITY'S LAND DEVELOPMENT CODE

Current Zoning Designation (County)

The property is currently zoned B-1 Business District, in accordance Martin County LDS Section 3.417., in this district, a building or structure or land shall be used for only for the following purposes, subject any additional limitations:

1. *Any use permitted in a HB-1 Limited Business District.*
2. *Churches or schools may be constructed on property presently owned and held for such purposes, if such construction is commenced within five years from the date of September 14, 1965.*
3. *Offices, banks, theatres (not drive-ins), beauty parlors, bars and nightclubs, photograph studios, dry cleaning and laundry pickup stations, barbershops, florists, automobile salesrooms, used car lots, parking lots and storage garages, telephone exchanges, restaurants and lunchrooms, police and fire stations, motels and hotels, golf driving ranges and putt-putt golf.*
4. *Mechanical garages and gasoline and other motor fuel stations, so long as such work is confined within a building, and vehicles awaiting repair shall be screened from view on the street and abutting property.*
5. *Signs appertaining to the above uses.*
6. *Refuse and storage areas, which shall be screened from view.*

Proposed Zoning Designation (City)

The proposed rezoning to B-4 (Limited Business/Manufacturing) Zoning District is consistent with the proposed Commercial Future Land Use designation as per LDC Section 2.01.03. Table 1. – *Zoning District/Future Land Use Category Compatibility Chart.*

Table 1 - Zoning District/Future Land Use Category Compatibility Chart.

Future Land Use Categories	Implementing Zoning Categories					
	B-1	B-2	B-3	B-4	CPUD IPUD MXPUD UPUD	SE Ocean Blvd.
Commercial	X	X	X	X	X	X

PUBLIC NOTIFICATION

On December 27, 2022, the applicant provided notification letters to nineteen (10) owners of property located within the 300 feet of the proposed petitions. One (1) public notification sign detailing the Local Planning Agency (LPA) and City Commission's Public Hearing was posted on the premise, and an advertisement displayed in TC Palm Newspaper on January 3, 2023.

STAFF RECOMMENDATION

Staff has reviewed the Rezone to the Official Atlas petition and has determined that it conforms to the Standards of Review as set forth in Section 11.01.09 of the City of Stuart Land Development Code and is consistent with the City of Stuart Comprehensive Plan Goals, Objectives, and Policies.

Staff recommends the Local Planning Agency forward a recommendation of **APPROVAL** to the City Commission for the rezoning on First Reading.



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

ORDINANCE NUMBER 2512-2023

* * * * *

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, AMENDING THE CITY'S OFFICIAL ZONING MAP; TO REZONE A 0.34-ACRE PARCEL; LOCATED ON THE SOUTH SIDE OF SE MONTEREY ROAD; BEING MORE DESCRIBED IN EXHIBIT "A" ATTACHED, FROM B-1 BUSINESS (COUNTY) ZONING DESIGNATION TO B-4 LIMITED BUSINESS/MANUFACTURING (CITY) ZONING DESIGNATION; PROVIDING DIRECTIONS TO THE CITY CLERK; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

* * * * *

WHEREAS, on December 11, 1989, the City of Stuart City Commission adopted Ordinance Number 1174-89, adopting a comprehensive growth management plan as mandated by the local government comprehensive planning and land development regulation act, Chapter 163, Part II, Florida State Statutes, also known as the City of Stuart Comprehensive Plan, that designated this future land use of this property as Commercial; and

WHEREAS, on November 30, 2022, an application was submitted to the city for rezoning from B-1-Business (County) to B-4 Limited Business/Manufacturing (City); and

WHEREAS, the Local Planning Agency board held a property noticed hearing at a regularly scheduled meeting to consider the applicant's request; and

WHEREAS, the City Commission held a properly noticed hearing at a regularly scheduled City Commission to consider the application by Stuart Auto Vault, LLC (property owner) for a 0.34-acre parcel of land; and

WHEREAS, the City of Stuart has determined the need to change the Land Development Zoning District for said lands; and

WHEREAS, the City Commission, has considered the Petitioner's voluntary request for zoning designations, and has also considered the recommendation of City staff; and

WHEREAS, the Applicant has committed to the City that its development will comply with all development codes, plans, standards, and conditions approved by the City Commission; and that it will bind its successors in title to any such commitments made upon approval of the Rezoning; 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 foregoing recitals are true and adopted as findings of fact and conclusions of law.

WHEREAS, the property is legally described in “**Exhibit A**” of this ordinance. A map depicting the property is attached hereto as **Exhibit “B”** and made a part hereof by reference;

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

SECTION 1: The following new 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 “B”**, hereinafter the “Location Map”, shall be deemed a part of the development conditions, and shall supplement any earlier approvals:

SECTION 2: The Land Development (Zoning) District designation on the City of Stuart Official Zoning Map shall be established as “B-4 Limited Business/Manufacturing”.

SECTION 3: This ordinance becomes effective upon adoption.

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 City’s Land Development Code.

SECTION 5: All ordinances or parts of ordinances in conflict with this ordinance or any part thereof is hereby repealed to the extent of such conflict. If any provision of this ordinance conflicts with any contractual provision between the City and the Developer of the site, this ordinance shall prevail.

SECTION 6: If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared severable.

SECTION 7: Following the adoption and acceptance of this ordinance by the Owners, and in addition to any other action for failure to complete development or otherwise comply with the Development Documents, the City Development Director may obtain a hearing before the City Commission and shall thereupon give at least five (5) days written notice of the time, date and location of the hearing, along with specific notice of the alleged breach. At the hearing before the City Commission, the Developer may appear and may contest the allegation of breach or explain the reason or reasons for the breach. Upon a finding of a material breach of the Development Documents and therefore, the Ordinance(s) adopting the same, the City Commission may impose or do any or all of the following:

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

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

SECTION 8: This ordinance shall be effective upon the following to occur: adoption by the City Commission, and proper execution and acceptance by the Owner.

SECTION 9: The complete execution and recording of this Ordinance by the City Clerk shall occur no later than 60 days from the date of this approval, failing which this ordinance shall be void.

SECTION 10: Upon complete execution of this Ordinance, including the Acceptance and Agreement by the Owner, the City Clerk is directed to record this Ordinance in the Public Records of Martin County, Florida.

Passed on first reading the ___ day of _____ 2023.

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:

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:

TROY MCDONALD, MAYOR
BECKY BRUNER, VICE MAYOR
EULA R. CLARKE, COMMISSIONER
CHRISTOPHER COLLINS, COMMISSIONER
CAMPBELL RICH, COMMISSIONER

YES	NO	ABSENT	ABSTAIN

ADOPTED on second and final reading this _____ day of _____, 2023.

ATTEST:

MARY R. KINDEL
CITY CLERK

TROY MCDONALD
MAYOR

APPROVED AS TO FORM
AND CORRECTNESS:

MICHAEL J. MORTELL, ESQ.
CITY ATTORNEY

ACCEPTANCE AND AGREEMENT

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

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

WITNESSES:

Print Name: _____

Print Name: _____

Stuart Auto Vault, LLC

By: _____

Jeremiah Baron, CEO

OWNERS ACKNOWLEDGMENT

The above Ordinance, Acceptance and Agreement was acknowledged before me this _____ day of _____, 2023, by Jeremiah Baron, CEO, Stuart Auto Vault, LLC.

Notary Public, State of Florida
My Commission Expires:

Notary Seal

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

CITY'S ACKNOWLEDGMENT

The above Ordinance, Acceptance and Agreement was acknowledged before The above Ordinance, Acceptance and Agreement was acknowledged before me by means of ☐ physical presence or ☐ online notarization this _____ day of _____, 2023, Troy McDonald, 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: _____

EXHIBIT A – LEGAL DESCRIPTION

(The remainder of this page intentionally left blank)

EXHIBIT B – LOCATION MAP

DRAFT



121 SW Flagler Ave
Stuart, FL 34994
Tel: 772-288-5326
Fax: 772-288-5388

COMPREHENSIVE PLAN AMENDMENT/REZONING

(LDR 11.06.00, 11.09.00 & 11.10.00)

Please print clearly and provide all required information

DEVELOPMENT DEPARTMENT USE ONLY

APP Ref#

CPUD: Z22060001

Annexation Z2212001

A.	REZONING \$1,433.60	☒	
	SMALL SCALE COMPREHENSIVE PLAN (FLU) AMENDMENT FEE \$1,792.00	☐	LESS THAN 10 ACRES
	COMPREHENSIVE PLAN (FUTURE LAND USE MAP) AMENDMENT FEE \$1,792.00	☐	GREATER THAN 10 ACRES WILL REQUIRE DISTRIBUTION TO DCA WITHIN ONE OF THE TWO WINDOWS ALLOWED (USUALLY APRIL AND NOVEMBER EACH YEAR)

B.	PROPERTY INFORMATION		
	PROJECT TITLE	Stuart Autovault Baron Commerce Center	
	PARCEL ID#	Stuart Autovault Baron Commerce Center	
	CURRENT ZONING	B-1- Martin County	
	PROPOSED ZONING	B-4 Business and limited manufacturing	
	CURRENT FUTURE LAND USE	General Commercial- Martin County	
	PROPOSED FUTURE LAND USE	General Commercial- City of Stuart	
	PRESENT USE	n/a Martin County	
	SITE AREA	.34 ac	
	STREET ADDRESS	16-38-41-000-000-00071-0	
	AGENT	Tod Mowery	
	COMPANY	Redtail DG	
PHONE	772-742-1555	FAX	

C.	PETITIONER INFORMATION			
	NAME	Stuart Autovault LLC		
	STREET ADDRESS	49 SW Flager Ave		
	CITY	Stuart		
	STATE	fl	ZIP	34994
	PHONE	722-286-5744	FAX	
SIGNATURE OF OWNER OR AGENT		Date 11/30/22		

Entered into Community Plus 12/5/2022

D.	SUBMITTAL REQUIREMENTS (9 sets of all documents)								
	SITE PLAN		x	LANDSCAPE PLAN		x	TRAFFIC ANALYSIS		x
	BOUNDARY SURVEY		x	LEGAL DOCUMENTS DEMONSTRATING UNIFIED CONTROL		x	ARCHITECTURAL ELEVATIONS		x
	ZONING MAP EXTRACT		x	FUTURE LAND USE MAP EXTRACT		x	AFFIDAVIT PERMITTING REPRESENTATION		
	DATE OF PRE-APPLICATION						LIST OF SURROUNDING PROPERTY OWNERS WITHIN 300ft		

BRIEF EXPLANATION OF PROPOSAL
Applicant is proposing the annexation of the property from Martin County into the City of Stuart to be under the same jurisdiction, zoning and FLU of the larger contiguous parcel that is currently under of the city's jurisdiction. Applicant wished to apply B4 limited business and manufacturing zoning and General Commercial FLU to the parcel



Basic Info

PIN 16-38-41-000-000-00071-0	AIN 1113262	Situs Address SE MONTEREY RD STUART FL	Website Updated 12/5/22
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General Information

Property Owners STUART AUTO VAULT LLC	Parcel ID 16-38-41-000-000-00071-0	Use Code/Property Class 1000 - 1000 Vacant Commercial
Mailing Address 49 SW FLAGLER AVE 3RD FL STUART FL 34994	Account Number 1113262	Neighborhood 31400 Monterey Rd
Tax District DISTRICT TWO MSTU	Property Address SE MONTEREY RD STUART FL	Legal Acres 0.3444
	Legal Description THAT PORTION OF E1/2 OF NW 1/4 OF NW 1/4...	Ag Use Size (Acre\Sq Ft) N/A

Current Value

Year	Land Value	Improvement Value	Market Value	Value Not Taxed	Assessed Value	Total County Exemptions	County Taxable Value
2022	\$ 90,000	\$ 0	\$ 90,000	\$ 89,806	\$ 194	\$ 0	\$ 194

Market values shown on the website reflect market conditions as of January 1st, the statutory assessment date. We are prohibited by law from relying on sales that occur after the January 1 assessment date. Therefore, market values shown on the website do not reflect today's market conditions, but rather the market conditions last year. In addition, the statutes require the county Property Appraiser to deduct for typical costs of sale (which include expenses such as commissions, title insurance, appraisals, inspection fees, etc.) when arriving at market value for tax purposes. That is why the market value for tax purposes is different from what a property would sell for today.

Current Sale

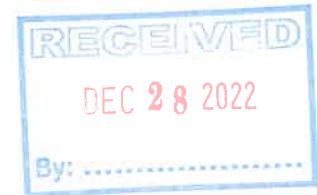
Sale Date 5/27/22	Grantor (Seller) STUART KEY DEVELOPERS LLC	Doc Num 2963113
Sale Price \$ 8,500,000	Deed Type Special Warranty Deed	Book & Page <u>3316 0819</u>

Legal Description

THAT PORTION OF E1/2 OF NW 1/4 OF NW 1/4 OF NE 1/4 OF 16-38-41 AS FOLLOWS: BEG 2235.95 W/O & 33 S/O NE COR SEC 16, S 200, W 75 M/L TO W/LN, N 200 & E 75 M/L TO BEG, CONTAINING 15,000 SF M/L & BEING A PORTION OF PARCEL FOUR IN OR 2257/0476, BUT NOT BEING A PART OF THOSE LANDS ANNEXED INTO THE CITY OF STUART PER ORD 1440-95 IN OR 1172/1033.

The legal description is intended for general information only. The Property Appraiser assumes no responsibility for the uses or interpretations of the legal description.

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



AFFIDAVIT ATTESTING TO NOTIFICATION

Tereniah Baron, 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:

Project Name: Stuart Autovault Baron Commerce Center
Parcel ID Number: 16-38-41-000-000-00071-0

That a copy of the notice was sent by regular U.S. Mail on (12/27/22) to the property owners within 300 feet of the subject property; and

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; and

That notice was sent and property was posted 15+ days prior to the scheduled public hearing(s) for this item.

[Signature]
SIGNED (PROPERTY OWNER / AUTHORIZED AGENT)

[Signature]
SIGNED (PROPERTY OWNER / AUTHORIZED AGENT)

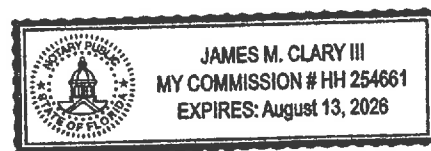
STATE OF FLORIDA, COUNTY OF MARTIN

Sworn and subscribed before me by means of ☒ physical presence or ☐ online notarization, this 20 day of December, 2022 By

Tereniah Baron
Personally Known OR Produced Identification

[Signature]
Type of Identification Produced:

Notary Public, State of FL
(Notary Seal)



My Commission expires:

Notice to Surrounding Property Owners within 300 Feet

Subject:

Public Hearing Before:
Local Planning Agency (LPA)

Petitioner:

Stuart AutoVault LLC

Parcel ID Number(s):

16-38-41-000-000-00071-0 (0.34-acres)

Proposed Request:

Request to consider a Voluntary Annexation, Small-Scale Comprehensive Plan Amendment from General Commercial (County) to Commercial (City), and Rezoning from B-1 Business (County) to B-4 Limited Business/Manufacturing (City).

Dear Property Owner:

Please be advised that the City of Stuart will conduct a public hearing before the City Local Planning Agency (LPA) on **Thursday, January 12, 2023, at 5:30PM** to consider the above request.

The public hearing(s) will take place in the Stuart City Hall Commission Chambers, located at 121 S. W. Flagler Avenue in Stuart and via a Zoom link available prior to the meetings.

All interested parties and citizens may appear and be heard as to any and all matters pertinent to the request. A copy of the application is available for inspection at the Office of the City Development Department located at 121 S.W. Flagler Avenue in Stuart. If you have any questions regarding this notice, please feel free to call me at (772) 288-5328, M-F 8:30 A.M. – 5:00 P.M.

Sincerely,

Jodi Nentwick-Kugler

Jodi Nentwick-Kugler
Development Director
jnentwick@ci.stuart.fl.us

NOTICE OF PUBLIC HEARING

ANNEXATION

SMALL-SCALE COMPREHENSIVE PLAN AMENDMENT REZONING REQUEST

STUART AUTOVAULT BARON COMMERCE CENTER

Parcel ID Number:

16-38-41-000-000-00071-0 (0.34-acres)

Request to consider a Voluntary Annexation, Small-Scale Comprehensive Plan Amendment from General Commercial (County) to Commercial (City), and Rezoning from B-1 Business (County) to B-4 Limited Business/Manufacturing (City), to develop 115,345 s.f. auto vault storage facility and a 138,565 of flex warehouse with up to 10% office space.

STUART LOCAL PLANNING AGENCY (LPA)

January 12, 2023 AT 5:30 PM

STUART CITY COMMISSION

February 13, 2023 AT 4:00 PM

February 27, 2023 AT 5:30 PM

STUART CITY HALL 121 FLAGLER AVE 772-288-5326 8:30AM-4:00PM
VISIT WWW.CITYOFSTUART.US FOR MORE INFORMATION

EXHIBIT B

Subject to: Taxes for the year 2022 & subsequent years; restrictions, conditions, limitations and easements of record, if any, none of which are re-imposed by this conveyance; and zoning ordinances and other restrictions and prohibitions imposed by applicable governmental authorities without seeking to re-impose same.

And

Subject to: Declaration of Restriction Covenant recorded in Official Records Book 2576, Page 2524, of the Public Records of Martin County, Florida, in accordance with said Declaration

EXHIBIT "A"

Basic Info

PIN	AIN	Situs Address	Website Updated
16-38-41-000-000-00071-0	1113262	SE MONTEREY RD STUART FL	12/27/22

General Information

Property Owners STUART AUTO VAULT LLC	Parcel ID 16-38-41-000-000-00071-0	Use Code/Property Class 1000 - 1000 Vacant Commercial
Mailing Address 49 SW FLAGLER AVE 3RD FL STUART FL 34994	Account Number 1113262	Neighborhood 31400 Monterey Rd
Tax District DISTRICT TWO MSTU	Property Address SE MONTEREY RD STUART FL	Legal Acres 0.3444
	Legal Description THAT PORTION OF E1/2 OF NW 1/4 OF NW 1/4...	Ag Use Size (Acre\Sq Ft) N/A

Current Value

Year	Land Value	Improvement Value	Market Value	Value Not Taxed	Assessed Value	Total County Exemptions	County Taxable Value
2022	\$ 90,000	\$ 0	\$ 90,000	\$ 89,806	\$ 194	\$ 0	\$ 194

Market values shown on the website reflect market conditions as of January 1st, the statutory assessment date. We are prohibited by law from relying on sales that occur after the January 1 assessment date. Therefore, market values shown on the website do not reflect today's market conditions, but rather the market conditions last year. In addition, the statutes require the county Property Appraiser to deduct for typical costs of sale (which include expenses such as commissions, title insurance, appraisals, inspection fees, etc.) when arriving at market value for tax purposes. That is why the market value for tax purposes is different from what a property would sell for today.

Current Sale

Sale Date 5/27/22	Grantor (Seller) STUART KEY DEVELOPERS LLC	Doc Num 2963113
Sale Price \$ 8,500,000	Deed Type Special Warranty Deed	Book & Page <u>3316 0819</u>

Legal Description

THAT PORTION OF E1/2 OF NW 1/4 OF NW 1/4 OF NE 1/4 OF 16-38-41 AS FOLLOWS: BEG 2235.95 W/O & 33 S/O NE COR SEC 16, S 200, W 75 M/L TO W/LN, N 200 & E 75 M/L TO BEG, CONTAINING 15,000 SF M/L & BEING A PORTION OF PARCEL FOUR IN OR 2257/0476, BUT NOT BEING A PART OF THOSE LANDS ANNEXED INTO THE CITY OF STUART PER ORD 1440-95 IN OR 1172/1033.

The legal description is intended for general information only. The Property Appraiser assumes no responsibility for the uses or interpretations of the legal description.

----- "B" Exhibit "B"



736 colorado avenue, suite a, stuart, florida 34994 · phone: (772) 283-5590 fax: (772) 283-5699 email: ptatitle@bellsouth.net

December 27, 2022

Ownership Search

Prepared For: STUART AUTO VAULT LLC.

We hereby certify that a search has been made of the Martin County Property Appraiser's records regarding a 300-foot area surrounding the following described parcel of land:

See Exhibit "A" attached hereto & made a part hereof.

TAX ID: See Exhibit "B" attached hereto
OWNER: & made a part hereof.
ADDRESS:

The apparent property owners of land surrounding the above referenced property are as follows: The list does not include any owners who qualify for confidentiality (See attached).

Iris M. Crews

icrews



736 colorado avenue, suite a, stuart, florida 34994 - phone: (772) 283-5590 fax: (772) 283-5699 email: ptatitle@bellsouth.net

OWNERSHIP REPORT
SEARCH NO. P22-11815/IC

THE ATTACHED REPORT IS ISSUED TO STUART AUTO VAULT LLC THE ATTACHED REPORT MAY NOT BE RELIED ON BY ANY OTHER PARTY. NO LIABILITY IS ASSUMED BY OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY FOR ANY UNAUTHORIZED USE OR RELIANCE. THIS OWNERSHIP REPORT IS ISSUED PURSUANT TO FLORIDA STATUTE SECTION 627.7843 AND LIABILITY HEREUNDER FOR INCORRECT INFORMATION IS LIMITED TO THE AMOUNT PAID FOR THE REPORT.

The attached Report prepared in accordance with the instructions given by the user named above includes a listing of the owner(s) of a 300 -foot area surrounding subject property. It is the responsibility of the party named above to verify receipt of each document listed. If a copy of any document listed is not received, the office issuing this Report must be contacted immediately. This Report does not include easements, restrictions, notices or other documents not listed above.

This Report does not insure or guarantee the validity or sufficiency of any document attached nor is it to be considered a title insurance policy, an opinion of title, a guarantee of title or as any other form of guarantee or warranty of title. This Report shall not be used for the issuance of any title insurance policy or form.

Use of the term "Report" herein refers to this Ownership Report and the documents attached hereto.

The land referred to herein is described as follows:

See Exhibit "A" attached hereto & made a part hereof.

PRESTIGE TITLE AGENCY, INC.

736 Colorado Ave. Ste. A

Stuart FL 34994

By: *icreus*

Iris M. Crews



Recorded in Martin County, FL 5/31/2022 3:23 PM
Carolyn Timmann, Clerk of the Circuit Court & Comptroller
Rec Fees: \$44.00 Deed Tax: \$59,500.00
CFN#2963113 BK 3316 PG 819 PAGE 1 of 5

Prepared by:

Peter M. Hockman, Esq.
Brickell City Tower
80 SW 8th Street, Suite 3100
Miami, FL 33130

Record and Return to:

Liberty Title Company of America, Inc.
1800 SE Port St Lucie Blvd.
Port St. Lucie, FL 34952

Folio Numbers: 16-38-41-000-000-00070.50000
16-38-41-000-000-00071.00000

SPECIAL WARRANTY DEED

This Special Warranty Deed is made and entered into as of the 27th day of May, 2022, by and between **Stuart Key Developers, LLC, a Florida limited liability company**, whose post office address is 55 NW 9th Avenue, Homestead, Florida 33030 ("**Grantor**"), and **Stuart Auto Vault LLC, a Florida limited liability company**, whose post office address is 49 SW Flagler Avenue, 3rd Floor Stuart, FL 34994 ("**Grantee**").

Wherever used herein, the terms "Grantor" and "Grantee" shall be deemed to include all the parties to this Special Warranty Deed and the heirs, legal representatives and assigns of individuals and the successors and assigns of corporations. The singular shall be deemed to include the plural, and vice versa, where the context so permits.

WITNESSETH:

THAT, for and in consideration of the sum of TEN & NO/100 DOLLARS (\$10.00) and other good and valuable consideration, paid to Grantor by Grantee, the receipt and sufficiency of which are hereby acknowledged by Grantor, Grantor hereby grants, bargains, sells, and conveys to Grantee and Grantee's successors and assigns forever, that certain parcel of land, situate, lying and being in Martin County, Florida, described below (the "**Property**");

See attached Exhibit "A"

TOGETHER WITH all improvements, rights, benefits, privileges, easements, tenements, hereditaments, and appurtenances thereto belonging or in any way appertaining.

TO HAVE AND TO HOLD the same in fee simple forever.

AND Grantor hereby covenants with Grantee: (1) that Grantor is lawfully seized of the Property in fee simple; (2) that Grantor has good right and lawful authority to sell and convey the Property; (3) that Grantor hereby fully warrants the title to the Real Property and will defend the same against the lawful claims of all persons claiming by, through or under Grantor, but not otherwise; and (4) that the Real Property is free of all encumbrances, except those matters listed on **Exhibit "B"** attached hereto and made a part hereof by reference, provided, however, reference thereto shall not serve to reimpose the same. The Property is subject to the taxes, restrictions, conditions, easements, limitations and covenants as set forth in **Exhibit "B"** attached hereto.

[SIGNATURE TO FOLLOW]

EXHIBIT "A"

IN WITNESS WHEREOF, Grantor has caused this Special Warranty Deed to be executed as of the day and year first above written.

Signed, sealed and delivered
in the presence of:

Grantor

Stuart Key Developers, LLC, a Florida
limited liability company

Carrie Floody
Print Name of Witness 1: Carrie Floody

By: [Signature]
Name: Richard S. Jackson, III
Title: Manager

Calvin Burdick
Print Name of Witness 2: Calvin Burdick

STATE OF FLORIDA }
 }SS:
COUNTY OF MIAMI-DADE }

The foregoing instrument was sworn to and subscribed before me by means of ☒ physical presence or ☐ online notarization this 25th day of May, 2022 by Richard S. Jackson III, as Manager of Stuart Key Developers, LLC, A Florida limited liability company. Said person is ☒ personally known to me or ☐ has produced a valid driver's license as identification.

Calvin Burdick
Notary Public; State of Florida
Print Name: Calvin Burdick
My Commission Expires: 5/13/23
My Commission No.: GG 334160

[SEAL]

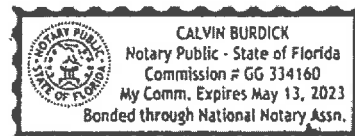


EXHIBIT "A"

EXHIBIT A

PARCEL ONE: THAT PORTION OF THE SOUTHEAST ONE-QUARTER OF THE NORTH ONE-HALF OF GOVERNMENT LOT 3, SECTION 16, TOWNSHIP 38 SOUTH, RANGE 41 EAST, LYING EASTERLY OF WILLOUGHBY BOULEVARD AS IN OFFICIAL RECORDS BOOK 1008, PAGE 1778, PUBLIC RECORDS OF MARTIN COUNTY, FLORIDA.

PARCEL TWO: THE WEST ONE-HALF OF THE SOUTHWEST ONE-QUARTER OF THE NORTHWEST ONE-QUARTER OF THE NORTHEAST ONE-QUARTER OF SECTION 16, TOWNSHIP 38 SOUTH, RANGE 41 EAST, PUBLIC RECORDS OF MARTIN COUNTY, FLORIDA.

PARCEL THREE: THE EAST ONE-HALF OF THE SOUTHWEST ONE-QUARTER OF THE NORTHWEST ONE-QUARTER OF THE NORTHEAST ONE-QUARTER OF SECTION 16, TOWNSHIP 38 SOUTH, RANGE 41 EAST, PUBLIC RECORDS OF MARTIN COUNTY, FLORIDA.

PARCEL FOUR: THE EAST ONE-HALF OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 16, TOWNSHIP 38 SOUTH, RANGE 41 EAST, EXCEPTING THEREFROM THE FOLLOWING DESCRIBED PARCEL:

STARTING AT THE NORTHEAST CORNER OF SAID SECTION, TOWNSHIP AND RANGE RUN THENCE WESTERLY ALONG THE NORTH LINE OF SAID SECTION 16 A DISTANCE OF 2010.95 FEET; THENCE RUN SOUTH 00°39'08" WEST 33 FEET FOR A POINT OF BEGINNING; THENCE SOUTH 00°39'08" WEST A DISTANCE OF 200 FEET; THENCE RUN NORTH 89° 30'52" WEST A DISTANCE OF 225 FEET; THENCE RUN NORTH 00° 39'08" EAST A DISTANCE OF 200 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF MONTEREY ROAD; THENCE RUN SOUTH 89°30'52" EAST ALONG THE SOUTH RIGHT-OF-WAY LINE OF MONTEREY ROAD A DISTANCE OF 225 FEET TO THE POINT OR PLACE OF BEGINNING, IT BEING INTENDED TO DESCRIBE AND EXCEPT LOTS A, B, C, D, E AND F AS SHOWN ON THE UNRECORDED PLAT FOR TURNER WALTON MADE BY STAFFORD AND BROCK FEBRUARY 5, 1958 AND ALSO LESS AND EXCEPT THE DITCH AND ROAD RIGHT-OF-WAY.

TOGETHER WITH AN EASEMENT FOR INGRESS AND EGRESS, IN PERPETUITY DESCRIBED AS FOLLOWS:

OVER AND UPON THE EAST 50 FEET OF THE NORTH 1/2 OF THE WEST 1/2 OF THE EAST 1/2 OF THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 AND OVER AND UPON THE NORTH 75 FEET OF THE SOUTH 1/2 OF THE WEST 1/2 OF THE EAST 1/2 OF THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 FOR ACCESS TO AND FROM THE NORTH 1/2 OF THE WEST 1/2 OF THE EAST 1/2 OF THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 AND THE EAST 1/2 OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF THE NORTHEAST 1/4, ALL OF THE FORGOING PARCELS BEING IN SECTION 16, TOWNSHIP 38 SOUTH, RANGE 41 EAST, MARTIN COUNTY, FLORIDA.

AS DESCRIBED IN WARRANTY DEED RECORDED IN O.R. BOOK 704, PAGE 1633, PUBLIC RECORDS OF MARTIN COUNTY, FLORIDA.

TOGETHER WITH A NON-EXCLUSIVE EASEMENT FOR INGRESS, EGRESS, ACCESS, DRAINAGE AND UTILITIES DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF SECTION 16, TOWNSHIP 38 SOUTH, RANGE 41 EAST; THENCE N89°34'57"W ALONG THE NORTH LINE OF SAID SECTION 16 AND THE CENTERLINE OF MONTEREY ROAD FOR A DISTANCE OF 1701.05 FEET; THENCE S0°25'03"W A DISTANCE OF 40.00 FEET TO THE NORTHEAST CORNER OF PARCEL 1 AS SHOWN AND DESCRIBED HEREON; THENCE S00°33'29"W ALONG THE EAST LINE OF PARCEL 1 FOR A DISTANCE OF 620.00 FEET TO THE SOUTHEAST CORNER OF SAID PARCEL 1 AND THE POINT OF BEGINNING; THENCE N89°34'57"W ALONG THE SOUTH LINE OF PARCEL 1 FOR A DISTANCE OF 280.16 FEET TO THE SOUTHWEST CORNER OF PARCEL 1; THENCE N00°33'29"E ALONG THE

EXHIBIT "A"

CFN#2963113 BK 3316 PG 822 PAGE 4 of 5

EAST LINE OF PARCEL 1 FOR A DISTANCE OF 60.00 FEET; THENCE S89°34'57"E ALONG A LINE 60.00 NORTH OF AND PARALLEL TO THE SOUTH LINE OF PARCEL 1 FOR A DISTANCE OF 280.16 FEET TO THE EAST LINE OF PARCEL 1; THENCE S00°33'29"W ALONG THE EAST LINE OF PARCEL 1 FOR A DISTANCE OF 60.00 FEET TO THE POINT OF BEGINNING.

AS RESERVED IN WARRANTY DEED RECORDED IN OR BOOK 1471, PAGE 1698, PUBLIC RECORDS OF MARTIN COUNTY, FLORIDA.

Copy Copy Copy

EXHIBIT "A"

- Dec. 28: Smithsonian Marine Station at Port Pierce
- Dec. 29: Environmental Studies Center
- Dec. 30: St. Lucie County Reef Builders
- Dec. 31: Pelican Island Audubon Society
- Jan. 1: Friends of the Everglades

Ed Killer is TCPalm's outdoors writer. Sign up for his and other weekly newsletters at file.tcpalm.com/newsletters/manage. Friend Ed on Facebook at Ed Killer, follow him on Twitter @tcpalmekiller or email him at ed.killer@tcpalm.com.

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NOTICE OF PUBLIC HEARING CITY OF STUART

REQUEST FOR A PROPOSED VOLUNTARY ANNEXATION, SMALL- SCALE COMPREHENSIVE PLAN AMENDMENT AND REZONE

The CITY OF STUART LOCAL PLANNING AGENCY (LPA) PLANNING ADVISORY BOARD will meet on Thursday, January 12, 2023, at 5:30 PM and the CITY COMMISSION will meet on Monday, February 13, 2023, at 4:00 PM and Monday February 27, 2023, at 5:30 PM in the City Commission Chambers at City Hall, 121 SW Flagler Avenue, Stuart, FL 34994.

ORDINANCE NO. 2508-2023

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, ANNEXING A PARCEL OF LAND TO FRONTING SE MONTEREY ROAD, CONSISTING OF 0.34-ACRES, SAID PARCEL BEING MORE FULLY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO; PROVIDING DIRECTIONS TO THE CITY CLERK; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

ORDINANCE NO. 2509-2023

AN ORDINANCE OF THE CITY OF COMMISSION OF THE CITY OF STUART, SMALL SCALE COMPREHENSIVE PLAN AMENDMENT AS DEFINED IN F.S. §163.3187; AMENDING THE COMPREHENSIVE PLAN, FUTURE LAND USE MAP FOR AN APPROXIMATELY 0.34-ACRE PARCEL FROM THE FUTURE LAND USE OF GENERAL COMMERCIAL (COUNTY) TO THE FUTURE LAND USE OF GENERAL COMMERCIAL (CITY); AMENDING THE FUTURE LAND USE MAP; PROVIDING DIRECTIONS TO THE CITY CLERK; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

ORDINANCE NO. 2510-2023

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, AMENDING THE CITY'S OFFICIAL ZONING MAP; TO REZONE A 0.34-ACRE PARCEL, LOCATED AT XXXXXX, BEING MORE DESCRIBED IN EXHIBIT "A" ATTACHED, FROM B-1 BUSINESS (COUNTY) ZONING DESIGNATION TO B-1 LIMITED BUSINESS/ MANUFACTURING (CITY) ZONING DESIGNATION; PROVIDING DIRECTIONS TO THE CITY CLERK; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.



All interested parties are invited to attend and be heard. Copies of the items will be available at the Stuart City Hall. Written comments may be directed to the Development Director, City of Stuart, at the following address: 121 SW Flagler Avenue, Stuart, FL 34994, telephone 772-288-5328.

ANY PERSON SEEKING TO APPEAL THE DECISION OF THE CITY COMMISSION AS TO THE FOREGOING IS ADVISED THAT A RECORD OF PROCEEDINGS IS REQUIRED IN ANY SUCH APPEAL AND THAT SUCH PERSON MAY NEED TO ENSURE THAT A VERBATIM RECORD OF PROCEEDINGS IS MADE INCLUDING THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.

In accordance with the Americans with Disabilities Act (ADA), and Section 288.26, Florida Statutes, persons with disabilities needing special accommodation to participate in 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.

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

Meeting Date: 1/12/2023

Prepared by: Susej Meleqi

Title of Item:

ADVISORY BOARD ORIENTATION REVIEW BY CITY CLERK

Summary Explanation/Background Information on Agenda Request:

The City Clerk will provide a brief presentation to review the orientation packet, Roberts Rules of Order, City assigned email addresses, and some general information.

Funding Source:

N/A

Recommended Action:

N/A

ATTACHMENTS: