



AGENDA

**LOCAL PLANNING AGENCY
MAY 11, 2023
AT 5:30 PM
COMMISSION CHAMBERS
121 SW FLAGLER AVE.
STUART, FLORIDA 34994**

LOCAL PLANNING AGENCY

**Chair - Kelly Laurine
Vice Chair - 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, Susej T. Meleqi**

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.

CALL TO ORDER

ROLL CALL

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

APPROVAL OF MINUTES

1. APPROVAL OF 03/09/2023 LPA MINTUES

COMMENTS FROM THE PUBLIC (Non-Agenda Related) (3 Minutes Max.)

COMMENTS BY BOARD MEMBERS (Non-Agenda Items)

ACTION ITEMS

2. A REQUEST FOR A LAND DEVELOPMENT CODE TEXT AMENDMENT TO ALLOW CEMETERIES AND FUNERAL HOMES WITHIN THE PUBLIC DISTRICT (RC):

ORDINANCE No. XXXX-2023; AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, AMENDING THE CITY' LAND DEVELOPMENT CODE; MORE SPECIFICALLY ADMENDING SECTION 2.02.02 OF CHAPTER II, TABLE 2: LAND USES TO ALLOW CEMETERIES AND FUNERAL HOMES TO BE DESIGNATED AS "P" PEMRITTED USE WITHIN THE "I" (INSTITUTIONAL) LAND USE 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.

3. A REQUEST FROM WILLIS CUSTOM YACHTS TO CONSIDER A SMALL-SCALE COMPREHENSIVE PLAN AMENDMENT (RC):

ORDINANCE No. XXXX-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 1.794-ACRE PARCEL FROM THE INDUSTRIAL FUTURE LAND USE TO THE MARINE/INDUSTRIAL FUTURE LAND USE; AMENDING THE FUTURE LAND USE MAP; PROVIDING DIRECTIONS TO THE CITY CLERK; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

STAFF UPDATE

ADJOURNMENT

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.

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

Meeting Date: 5/11/2023

Prepared by: Susej Meleqi

Title of Item:

APPROVAL OF 03/09/2023 LPA MINTUES

Summary Explanation/Background Information on Agenda Request:

APPROVAL OF 03/09/2023 LPA MINTUES

Funding Source:

N/A

Recommended Action:

Approve minutes.

ATTACHMENTS:

1. 03152023 LPA Minutes

**MINUTES
LOCAL PLANNING AGENCY OF THE CITY OF STUART
MARCH 15, 2023
AT 5:30 PM
COMMISSION CHAMBERS
121 SW FLAGLER AVE.
STUART, FLORIDA 34994**

LOCAL PLANNING AGENCY

**Chair - Kelly Laurine
Vice Chair - 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, Susej T. Meleqi**

CALL TO ORDER

5:32 PM

ROLL CALL

PRESENT: Vice Chair Bromfield, Board Member Cuozzo, Board Member Giobbi, Board Member Mathers, Board Member Stuckey

ABSENT: Chair Laurine, Board Member Strom

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

5:32 PM MOTION: Approve.

MOVED BY: Laura Giobbi

SECONDED BY: James "Mac" Stuckey

Motion approved unanimously.

APPROVAL OF MINUTES

1. APPROVAL OF 02/09/2023 LPA MINUTES

5:33 PM MOTION: Approve.

MOVED BY: James "Mac" Stuckey

SECONDED BY: Donald Cuozzo

Motion approved unanimously.

COMMENTS FROM THE PUBLIC (3 Minutes Max.)

None.

COMMENTS BY BOARD MEMBERS (Non-Agenda Items)

None.

ACTION ITEMS

2. COMPREHENSIVE PLAN TEXT AMENDMENT - ZONING IN PROGRESS (RC):

AN ORDINANCE OF THE CITY OF COMMISSION OF THE CITY OF STUART, COMPREHENSIVE PLAN AMENDMENT AS DEFINED IN F.S. §163.3187; AMENDING THE TEXT TO THE COMPREHENSIVE PLAN FUTURE LAND USE ELEMENT 1, USE OBJECTIVE 1.A7. FUTURE LAND USE CATEGORIES, POLICY 1.A7.2. GROSS DENSITIES AND TABLE OF LAND USE DENSITIES AND INTENSITIES, OBJECTIVE 1.C1. URBAN CODE OVERLAY ZONE; AND OBJECTIVE 3.A7. DEVELOPMENT INCENTIVES; AMENDING THE TEXT TO THE FUTURE LAND USE ELEMENT 1; 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.

Jodi Nentwick- Kugler, Development Director, presented the Comprehensive Plan Text Amendment related to Zoning In Progress, addressed Section 2.07.00(i) for Density and Parking Calculations within the Urban Plan Unit Development. Multiple workshops have been held and the Resolution are before them to adopt the changes.

*** Board Member Bill Mathers arrived at 5:37 PM. ***

Board Member Giobbi commented on the handout she provided to the Board, noting that if Senate Bill 102 is passed, it could be devastating for Stuart, feels the language should be redrafted.

Board discussion included Board Member Stuckey noting he is not in favor of any building zoning amendments.

City Attorney Mortell commented on the purpose of the amendment and explained why the amendments were brought forward.

The discussion continued. Board Member Stuckey's recommendation is to tell the Commission to eliminate all fractional units and go back to one for one, Board Member Giobbi commented on her past history in the State of Connecticut and that in her

experience, such amendments did not benefit the community and that she is not in favor of the changes. Board Member Cuozzo commented on the small amount of growth in Stuart is not caused by Port St. Lucie, trend in housing is coming down in sizing and will support the Ordinance. The Board continued the discussion to include affordable housing, traffic, and density.

Motion by Cuozzo made, failed for lack of second. Motion made by Stuckey and seconded by Giobbi.

Board discussion continued and Ms. Nentwick-Kugler explained the process.

PUBLIC COMMENT:

1.) Joe Flannigan - Indian Grove Drive; Commented on political pressure, feels there is a certain standard of living and the public does not want this; concerns about parking, but Stuart needs to do what it needs to do to address affordable housing.

6:01 PM MOTION: Approve.

MOVED BY: Donald Cuozzo

SECONDED BY: ----

FAILED FOR LACK OF SECOND.

6:01 PM MOTION: Recommend to the City Commission that they eliminate fractional housing units in all the zoning code, the Comprehensive Plan and the Land Development Code.

MOVED BY: James "Mac" Stuckey

SECONDED BY: Laura Giobbi

VOTE: FAILED 2/3

YES: Laura Giobbi, James "Mac" Stuckey

NO: William Mathers, Margaret Broomfield, Donald Cuozzo

City Attorney reviewed the options of the failed motion and the item moving on before the City Commission. A brief discussion included that the Board would like to see more details about the PUD process.

3. LAND DEVELOPMENT CODE TEXT AMENDMENT - ZONING IN PROGRESS (RC):

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, AMENDING THE CITY' LAND DEVELOPMENT CODE; MORE SPECIFICALLY ADMENDING THE EXISTING SECTION 2.07.00.I OF CHAPTER II ENTITLED "URBAN PLANNED UNIT DEVELOPMENT (UPUD) DISTRICTS, TABLE 2.07.A. UPUD UNIT DENSITY AND PARKING SPACE CALCULATION TO REDUCE THE MINIMUM UNIT SIZE REQUIREMENTS; 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.

City Attorney Mortell briefly provided the Board Member with options for this item, which is Motion to continue the item and stated that the ZIP expires in April 2023.

Board Member Mathers would like to see if Ms. Nentwick-Kugler could find if there is a zoning in the area and thinks it would be best to review the details prior to approval.

Discussion continued amongst Board Members and Attorney Mortell.

6:19 PM MOTION: Approve with staff recommendation for Item #3.

MOVED BY: Donald Cuozzo

SECONDED BY: William Mathers

VOTE: 3/2 in favor.

YES: William Mathers, Margaret Broomfield, Donald Cuozzo

NO: Laura Giobbi, James "Mac" Stuckey

STAFF UPDATE

City Attorney Mortell commented on SB 102, explained that he had worked out the math and that the City's buildout is 28,000 people. He stated he is not supporting the bill but wanted to clarify that if it were to pass, he does not feel it would be a mad rush to the City's development. Further explained how the Senate Bill affects our code.

ADJOURNMENT

6:34 PM

Susej T. Meleqi, Deputy City Clerk

Kelly Laurine, Chair

**Minutes to be approved at the LPA
Meeting this 11th day of May, 2023.**

CITY OF STUART, FLORIDA

AGENDA ITEM REQUEST

Local Planning Agency

Meeting Date: 5/11/2023

Prepared by: Jodi Nentwick

Title of Item:

A REQUEST FOR A LAND DEVELOPMENT CODE TEXT AMENDMENT TO ALLOW CEMETERIES AND FUNERAL HOMES WITHIN THE PUBLIC DISTRICT (RC):

ORDINANCE No. XXXX-2023; AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, AMENDING THE CITY' LAND DEVELOPMENT CODE; MORE SPECIFICALLY ADMENDING SECTION 2.02.02 OF CHAPTER II, TABLE 2: LAND USES TO ALLOW CEMETERIES AND FUNERAL HOMES TO BE DESIGNATED AS "P" PEMRITTED USE WITHIN THE "I" (INSTITUTIONAL) LAND USE 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:

The applicant, Aycock Funeral and Cremation Center at Fernhill Memorial Gardens & Mausoleum has filed a petition for a Text Amendment to the Land Development Code (LDC), to allow cemeteries and funeral homes to be designated as permitted use within the "P" (Public District) Zoning Designation within the "I" Institutional Land Use Designation.

Funding Source:

N/A

Recommended Action:

The staff has reviewed the Land Development Code Text Amendment petition and has determined that it conforms to the Standards of Review as set forth in Section 11.01.08 of the City of Stuart Land Development Code and is consistent with the City of Stuart Comprehensive Plan Goals, Objectives, and Policies.

ATTACHMENTS:

1. Draft Ordinance - LDC Text Amendment P District
2. LPA Staff Report
3. Application Packet
4. Public Notice Advertisement
5. Exhibit A



BEFORE THE CITY COMMISSION

CITY OF STUART, FLORIDA

ORDINANCE NUMBER XXXX-2023

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, AMENDING THE CITY' LAND DEVELOPMENT CODE; MORE SPECIFICALLY ADMENDING SECTION 2.02.02 OF CHAPTER II, TABLE 2: LAND USES TO ALLOW CEMETERIES AND FUNERAL HOMES TO BE DESIGNATED AS "P" PEMRITTED USE WITHIN THE "I" (INSTITUTIONAL) LAND USE 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, the purpose of this Land Development Code Amendment is to support the objectives of the City's Comprehensive Plan to the Land Development Code to allow funeral homes and cemeteries within the Institutional Land Use Designaiton as a permitted use by rights; and

WHEREAS, On Janaury 25, 2023, an application was submitted to the City for a Text Amendment to the Land Development Code to allow cemeteries and funeral homes as a permitted use within the "I" (Institutional) Land Use Designation, subject to all other applicable requirements within the code.

WHEREAS, the Local Planning Agency Board held a properly noticed public hearing at a regularly scheduled meeting on May 11, 2023, to consider the applicant's request and recommended _____ of the subject petition to the City Commission; and

WHEREAS, the City Commission duly scheduled, advertised, and held a public hearing on _____, to consider this Ordinance and provide for full public participation in the Land

Development Code amendment process.

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

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

**CHPATER II – ZONING DISTRICT USES ALLOWED, DENSITY, INTENSITY
SECTION 2.02.02. – TABLE 2: LAND USES AS DECRIBED IN “EXHIBIT A”.**

SECTION 2: This Ordinance becomes effective upon adoption.

SECTION 3: 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 and the Florida Building Code.

SECTION 4: 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: This Ordinance shall be effective upon the following to occur: adoption by the City Commission, and proper execution and acceptance by the Owner.

SECTION 6: 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 7: Upon complete execution of this Ordinance, including the Acceptance and Agreement by the Owner, the City Clerk is directed to record 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:

TROY MCDONALD, MAYOR
BECKY BRUNER, COMMISSIONER
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
CITY MAYOR

APPROVED AS TO FORM
AND CORRECTNESS:

PAUL NICOLETTI
CITY ATTORNEY



TO: Local Planning Agency
FROM: Jodi Nentwick-Kugler, Development Director
MEETING DATE: May 5, 2023
SUBJECT: Text Amendment to the Land Development Code

The applicant, Aycock Funeral and Cremation Center at Fernhill Memorial Gardens & Mausoleum has filed a petition for a Text Amendment to the Land Development Code (LDC), to allow cemeteries and funeral homes to be designated as permitted use within the “P” (Public District) Zoning Designation within the “I” Institutional Land Use Designation.

STAFF ANALYSIS

LAND DEVELOPMENT CODE TEXT AMENDMENT STANDARDS OF REVIEW AS SET FORTH IN THE LAND DEVELOPMENT CODE SECTION 11.01.08

In accordance with the LDC 11.01.08.G., the Local Planning Agency (LPA) shall hear from all interested parties regarding whether the application complies with the requirements 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.

There are only four (4) parcels within the City of Stuart with an assigned Institutional Land Use designation and Public Zoning Designation as described in the ***Exhibit 1:***

Exhibit 1:

Parcel No.	Address	Acre Size	Existing Use:
09-38-41-000-000-00160-1	1501 S Kanner Highway	29.76	Fernhill Memorial Gardens & Mausoleum
03-38-41-039-000-00010-1	1055 SE 10 th Street	1.19	Safespace Stuart
10-38-41-000-000-00100-2	1200 SE 10 th Street	9.6	St. Joseph Catholic Church
10-38-41-000-000-00120-8	1300 SE 10 th Street	10	The Pine School

CONSISTENCY WITH THE CITY’S COMPREHENSIVE PLAN

Policy 1.A7.G. – Institutional: Private facilities that fulfill a public or quasi-public purpose or that are similar in nature or function to public facilities and including public facilities. These include schools, nursing homes, hospitals, churches, *cemeteries*, utilities, transmission towers, clubs, day care centers, and adult congregate living facilities. Also, electric distribution substations are allowed.

Per LDC Section 2.01.01. – Relationship of zoning districts to future land use map categories. Land use classifications for Stuart are identified and described in the future land use element of the comprehensive plan and delineated on the future land use map. Table 1 – zoning district/future land use category compatibility reflects the zone districts and the future land use categories that the zone districts implement.

The Institutional Future Land Use Category is consistent with the “P” Public Zoning 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 Districts									
	R-2	R-3	B-1	B-2	B-3	P	H	RPUD MXPUD UPUD	Urban District Overlay	S.E. Ocean Blvd.
Institutional	X	X	X	X	X	X	X	X	X	X

CONSISTENCY WITH THE CITY’S LAND DEVELOPMENT CODE

Per LDC Section 2.02.01.A. - Consideration of uses not specifically listed. If a use is not listed within a specific zoning district, then the use is not allowed. However, a proposed use that is not listed within a particular zoning district, but which is determined by the city development director to have a character, similar nature, and impact to a permitted use in that district, the city development director may make a determination of comparability to the applicant. Conditions may be placed on the decision. A determination by city development director that a proposed use is not similar to a permitted use may be appealed according to procedures in chapter VIII.

Cemeteries and Funeral Homes are currently not a permitted use within the Public zoning district. The only permitted uses by right are community centers, libraries, museums, and schools-private, parochial, or technical (> five acres) not is not similar use to cemetery or funeral home as defined in Chapter XII of the LDC.

Chapter XII of the LDC defines the following uses:

Cemetery means land used or intended to be used for the burial of the human dead and dedicated for cemetery purposes, including, mausoleums and funeral homes, if operated in connection with and within the boundaries of such cemetery.

Funeral home means a building used for the preparation of the deceased for burial and display of the deceased and rituals connected therewith before burial or cremation.

PUBLIC NOTIFICATION

On April 26, 2023, the public notice was advertised in the local newspaper.

STAFF RECOMMENDATION

Staff has reviewed the Land Development Code Text Amendment petition and has determined that it conforms to the Standards of Review as set forth in Section 11.01.08 of the City of Stuart Land Development Code and is consistent with the City of Stuart Comprehensive Plan Goals, Objectives, and Policies.



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

Received by: 
Reviewed by: _____

Land Development Code Text Amendment Application

Project ID# 223010001
(Staff Entry)

Pre-App Conference Date:	Application Date:
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SITE INFORMATION

Project Name: Aycock Funeral and Cremation Center at Fernhill Memorial Gardens & Mausoleum	Parcel ID#: 09-38-41-000-000-00180-1
Site Address: 1501 South Kanner Highway, Stuart, FL 34994	
Subdivision:	Lot(s):
Site Acreage: 29.78	Flood Zone/Base Flood Elevation: X, AE-N/A, 5' NAVD
Existing Zoning District / CRA Subdistrict (if applicable): 7600 - 7600 Mort./cemetaries/cremat	
Proposed Zoning District / CRA Subdistrict (if applicable):	
Current Comprehensive Plan Future Land Use Designation:	
Proposed Comprehensive Plan Future Land Use Designation:	
Existing Land Use:	Proposed Land Use:
Proposed Square Footage (if applicable):	Proposed Density (if applicable):

PETITIONER INFORMATION

Property Owner: SCI Funeral Services of Florida, LLC	Phone Number / Email Address: 713-522-5141
Property Owner's Mailing Address: 1828 Allen Parkway, Houston, TX 77019	
Applicant (if not Owner):	Phone Number / Email Address:
Applicant's Mailing Address:	
Agent/Contact Person: Kasey A. Feltner, Esq.	Phone Number / Email Address: 813-450-9690
Agent's Mailing Address: 4301 Boy Scout Blvd., Ste 300, Tampa, FL 33607	
Architect:	Engineer:
Planner:	Landscape Architect:

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 Lyndi S. Roundtree, Manager of SCI Funeral Services of Florida, LLC

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 Funeral home in the City of Stuart, FL.
3. That he/she has appointed Kasey A. Feltner, Esq. to act as an authorized agent on his/her behalf to accomplish the above project.

Name of Owner: SCI Funeral Services of Florida, LLC

Lyndi S. Roundtree
Signature of Owner:

1929 Allen Parkway

Street Address

P.O. Box

(713) 522-5141

Telephone Number

jonathan.geren@sci-us.com

Email Address:

Lyndi S. Roundtree / Manager

By: Name/Title

Houston, TX 77019

City, State, Zip Code

City, State, Zip Code

Fax Number

TEXAS
STATE OF ~~FLORIDA~~, COUNTY OF HARRIS

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

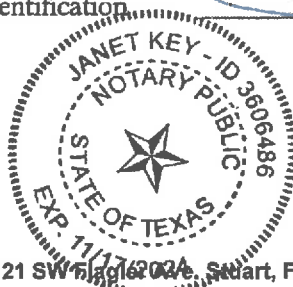
8 day of December, 2022 By Lyndi S. Roundtree

Personally Known OR Produced Identification

Type of Identification Produced:

My Commission expires:

11/17/2024



Janet Key
Notary Public

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

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: Lyndi S. Roundtree
Title: Manager
Company: SCI Funeral Services of Florida, LLC
Company Address: 1929 Allen Parkway

City/State/Zip Code: Houston, TX 77019
Telephone Number: (713) 522-5141
Facsimile Number:
Email Address (optional):

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

1. Signed this 8 day of December, 2022.



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

Application Requirements

Fee: \$1,065 (*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*)

Submittal Requirements: A completed application form, the payment of fees, and statements justifying the proposed changes, and by any other information required by the City Development Director.

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

Justification: Please explain the need and justification for the proposed changes to the text of the Land Development Code (*include additional pages if needed*):
See attached.

(over)

LAND DEVELOPMENT CODE TEXT AMENDMENT APPLICATION

ATTACHMENT

The Applicant respectfully requests a change to the text of the Land Development Code of Stuart, Florida (the "LDC") to allow for the construction of a funeral home on the premises located at 1501 S Kanner Highway Stuart, Florida 34994. Currently, there exists a cemetery and cemetery office on the premises.

As it stands, the premises is located within the P district. Per Sec. 2.02.02 – Table 2 (Land uses) of the LDC, "Cemeteries" and "Funeral Homes" are prohibited within the P District.

Applicant respectfully requests that both "Cemeteries" and "Funeral Homes" be designated as "P - Use permitted by right; subject to all other applicable requirements of the Code" under the P district in the Sec. 2.02.02 – Table 2.

Treasure Coast Newspapers

PART OF THE USA TODAY NETWORK

CITY OF STUART CLASS
121 SW FLAGLER AVE
STUART FL 34994--213

<u>Account</u>	<u>AD#</u>	<u>Net Amount</u>	<u>Tax Amount</u>	<u>Total Amount</u>	<u>Payment Method</u>	<u>Payment Amount</u>	<u>Amount Due</u>
1309475	0005679433	\$131.67	\$0.00	\$131.67	Invoice	\$0.00	\$131.67

Sales Rep: OMedrano Order Taker: OMedrano Order Created 04/24/2023

<u>Product</u>	<u># Ins</u>	<u>Column</u>	<u>Lines</u>	<u>Start Date</u>	<u>End Date</u>
TCN-Stuart News	1	1.00	77	04/26/2023	04/26/2023

* ALL TRANSACTIONS CONSIDERED PAID IN FULL UPON CLEARANCE OF FINANCIAL INSTITUTION

**NOTICE OF PUBLIC HEARING
CITY OF STUART**

The CITY OF STUART LOCAL PLANNING AGENCY (LPA) PLANNING ADVISORY BOARD will meet on Thursday, May 11, 2023, at 5:30 in the City Commission Chambers at City Hall, 121 SW Flagler Avenue, Stuart, FL 34994.

**ORDINANCE NO. XX-2023
AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, AMENDING THE CITY' LAND DEVELOPMENT CODE; MORE SPECIFICALLY ADMENDING SECTION 2.02.02 OF CHAPTER II, TABLE 2: LAND USES TO ALLOW CEMETERIES AND FUNERAL HOMES TO BE DESIGNATED AS "P" PERMITTED USE WITHIN THE "P" (PUBLIC DISTRICT) LAND USE 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 286.26, 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.

Mary Kindel, City Clerk
Publish April 26, 2023
TCN 5679433

EXHIBIT “A”

Sec. 2.02.02. Table 2: Land uses

Land Use	Zoning Districts															
	Residential				Nonresidential							PUD				
	R-1A	R-1	R-2	R-3	B-1	B-2	B-3	B-4	P	I	H	RPUD	CPUD	MXPUD	PSPUD	IPUD
<i>Residential Land Uses</i>																
Accessory dwelling units, detached (refer to section 6.09.02)	P	P	P	P	-	-	-	-	-	-	A	-	A	-	-	
Assisted living facilities of four or fewer persons (refer to supplemental standards in section 2.06.03)	P	P	P	P	-	-	-	-	-	-	A	-	-	-	-	
Assisted living facilities of five or more persons (refer to supplemental standards in section 2.06.03)	-	-	-	CU	-	-	-	-	-	-	A	-	-	-	-	
Community residential home of seven—14 residents	-	-	-	CU	-	-	-	-	-	-	A	A	A	-	-	
Duplex dwelling unit	-	-	P	P	-	-	-	-	-	-	A	-	A	-	-	
Family day care home in a residence	P	P	P	P	P	P	-	-	-	-	A	A	A	-	-	
Group home of six or fewer residents	P	P	P	P	-	-	-	-	-	-	A	A	A	-	-	
Home occupations (refer to supplemental standards in section 2.06.09)	P	P	P	P	-	-	-	-	-	-	A	A	A	-	-	
Multi-family dwelling units	-	-	-	P	P	-	-	-	-	-	A	-	A	-	-	
Residential units combined with non-residential uses	-	-	-	P	P	P	P	-	-	-	A	A	A	-	-	
Single-family dwelling unit	P	P	P	P	-	-	-	-	S	-	A	-	A	A	-	

EXHIBIT “A”

<i>Transient Residential Land Uses and Overnight Accommodations</i>																
Bed and breakfast inns	-	-	-	P	-	-	-	-	-	-	-	A	A	A	-	-
Hotels/motels	-	-	-	-	P	P	-	-	-	-	-	-	A	A	-	-
Rooming and boardinghouses	-	-	-	P	-	-	-	-	-	-	-	A	A	A	-	-
<i>Institutional Uses</i>																
Adult day care centers (< five acres)	-	-	-	CU	P	P	P	CU	-	-	-	A	A	A	-	-
Adult day care centers (> five acres)	-	-	-	-	P	P	P	CU	-	-	-	-	A	A	-	-
Cemeteries	-	-	-	-	-	P	-	-	-	P	-	-	A	-	-	-
Child care center (< five acres)	-	-	-	CU	P	P	P	CU	-	-	-	A	A	A	-	-
Child care center (> five acres) (refer to supplemental standards in section 2.06.04)	-	-	-	-	P	P	P	CU	-	-	-	-	A	A	-	-
Community centers	-	-	P	P	-	-	-	-	P	-	-	A	A	A	A	-
Crematoriums	-	-	-	-	-	CU	-	-	-	-	-	-	A	A	-	-
Funeral homes	-	-	-	-	-	P	-	-	-	P	-	-	A	A	-	-
Funeral homes with crematoriums	-	-	-	-	-	CU	-	-	-	-	-	-	A	A	-	-
Governmental buildings	-	-	P	P	-	-	-	-	-	-	-	A	A	A	-	-
Libraries	-	-	P	P	P	-	P	-	P	-	-	A	A	A	A	-
Museums	-	-	-	-	P	P	-	-	P	-	-	-	A	A	A	-
Religious institutions (< five acres)	-	-	CU	P	-	P	-	-	P	-	-	A	A	A	A	-
Religious institutions (> five acres)	-	-	-	CU	-	P	-	-	-	-	-	-	A	A	A	-
Schools—Private, parochial, or technical (< five acres)	CU	CU	CU	CU	P	P	-	-	P	-	-	A	A	A	A	-

EXHIBIT "A"

Schools—Private, parochial, or technical (> five acres)	-	-	-	-	P	P	-	-	-	-	-	A	A	A	A	-
<i>Health Care Uses</i>																
Hospital (new hospital construction shall not exceed over 45 feet in height) ¹	-	-	-	-	-	-	-	-	-	-	P	-	-	-	-	-
Hospital auxiliary uses (within main hospital or freestanding building) ²											P					
Massage therapy establishment	-	-	-	P	P	P	P	-	-	-	-	A	A	A	-	-
Nursing homes	-	-	-	P	-	-	-	-	-	-	-	A	A	A	-	-
Office, low intensity medical	-	-	-	P	P	P	P	P	-	-	-	A	A	A	-	-
Office, medical	-	-	-	P	P	P	P	P	-	-	-	A	A	A	-	-
Pain management clinics (refer to supplemental standards in Section 2.06.14)	-	-	-	CU	-	-	-	-	-	-	CU	-	CU	-	-	-
<i>Commercial Uses</i>																
Adult business (refer to supplemental standards in section 2.06.10)	-	-	-	-	-	CU	-	-	-	CU	-	-	-	-	-	A
Automatic amusement center and game room	-	-	-	-	-	P	-	-	-	-	-	-	A	A	-	-
Automobile rental/leasing	-	-	-	-	-	P	-	-	-	-	-	-	A	A	-	-
Automobile repair services, major and minor (refer to supplemental standards in section 2.06.05)	-	-	-	-	-	P	-	-	-	P	-	-	A	-	-	A
Automobile sales provided all repair and service shall	-	-	-	-	-	P	-	-	-	-	-	-	A	A	-	-

EXHIBIT "A"

be done within an enclosed building (refer to supplemental standards in section 2.06.05)																	
Bakeries, retail and/or wholesale warehouses	-	-	-	-	-	P	-	P	-	-	-	-	A	A	-	-	
Banks/financial institutions	-	-	-	-	P	P	-	P	-	-	-	-	A	A			
Barbershop, beauty salons, specialty salons	-	-	-	-	P	P	-	-	-	-	-	-	A	A	-	-	
Bars	-	-	-	-	P	P	-	-	-	-	-	-	A	A	-	-	
Boat building, indoors	-	-	-	-	-	-	-	-	-	-	-	-	A	-	-	-	
Boat building, outdoors	-	-	-	-	-	-	-	-	-	P	-	-	-	-	-	-	A
Boat sales and service (refer to supplemental standards in Section 2.06.05)	-	-	-	-	-	P	-	-	-	-	-	-	A	A	-	-	
Boat storage, dry	-	-	-	-	-	P	-	P	-	P	-	-	A	A	-	-	A
Bowling alleys	-	-	-	-	-	P	-	-	-	-	-	-	A	A	-	-	
Car washes	-	-	-	-	-	P	-	-	-	-	-	-	A	A	-	-	
Catering shops	-	-	-	-	P	P	-	-	-	-	-	-	A	A	-	-	
Clubs, lodges, fraternal organizations	-	-	-	-	-	P	-	-	-	-	-	-	A	A	-	-	
Craft distillery	-	-	-	-	P	P	-	P	-	-	-	-	A	A	-	-	
Dry cleaning establishment	-	-	-	-	-	P	-	P	-	-	-	-	A	A	-	-	
Dry cleaning plant	-	-	-	-	-	-	-	-	-	P	-	-	-	A	-	-	A
Farm equipment and supply sales establishments, including open storage	-	-	-	-	-	-	-	-	-	P	-	-	A	A	-	-	A
Flea markets	-	-	-	-	-	-	-	-	-	-	-	-	A	-	-	-	
Gasoline or other motor fuel stations (refer to supplemental standards in	-	-	-	-	-	P	-	-	-	-	-	-	A	A	-	-	

EXHIBIT "A"

sections 2.06.05 and 2.06.20)																	
Gasoline or other motor fuel stations, including tank farms (refer to supplemental standards in sections 2.06.05 and 2.06.20)	-	-	-	-	-	-	-	-	-	P	-	-	-	A	-	A	
Health clubs	-	-	-	-	-	P	-	-	-	-	-	-	A	A	-	-	
Health spas	-	-	-	-	-	P	-	-	-	-	-	-	A	A	-	-	
Kennels	-	-	-	-	-	P	-	-	-	-	-	-	A	A	-	-	
Laundry establishments (self-service)	-	-	-	-	-	P	-	P	-	-	-	-	A	A	-	-	
Manufactured home, mobile home or RV parks	-	-	-	-	-	-	-	-	-	-	-	-	A	-	-	-	
Marinas including the sale, display, and storage of new and used boats for sale, and the repair and maintenance of boats.	-	-	-	-	P	P	-	-	-	-	-	-	A	A	-	-	
Microbrewery	-	-	-	-	P	P	-	P	-	P	-	-	A	A	-	-	
Newspaper or publishing plant	-	-	-	-	-	-	-	P	-	P	-	-	A	A	-	A	
Office, business or professional	-	-	-	P	P	P	P	P	-	-	-	A	A	A	-	-	
Office, low intensity medical	-	-	-	P	P	P	P	P	-	-	-	A	A	A	-	-	
Office, veterinary	-	-	-	-	P	P	P	P	-	-	-	-	A	A	-	-	
Outdoor storage (refer to standards in section 6.10.00)	-	-	-	-	P	P	-	P	-	-	-	-	A	A	-	-	
Place of public assembly	-	-	-	-	-	P	-	-	P	-	-	-	A	A	A	-	
Pool hall/billiard parlor	-	-	-	-	-	P	-	-	-	-	-	-	A	A	-	-	

EXHIBIT "A"

Repair services	-	-	-	-	-	P	-	P	-	P	-	-	A	A	-	A
Restaurants, convenience and general	-	-	-	-	P	P	-	-	-	-	-	-	A	A	-	-
Restaurants, limited	-	-	-	-	-	-	-	P	-	-	-	-	-	A	-	-
Retail, bulk merchandise	-	-	-	-	-	P	-	P	-	-	-	-	A	A	-	-
Retail, department store	-	-	-	-	-	P	-	-	-	-	-	-	A	A	-	-
Retail, furniture store	-	-	-	-	-	P	-	-	-	-	-	-	A	A	-	-
Retail, intensive sales	-	-	-	-	P	P	-	P	-	CU	-	-	A	A	-	A
Retail, non-intensive sales and service	-	-	-	-	-	P	-	P	-	CU	-	-	A	A	-	A
Retail, regional mall	-	-	-	-	-	P	-	-	-	-	-	-	A	A	-	-
Retail, strip shopping center	-	-	-	-	-	P	-	P	-	-	-	-	A	A	-	-
Rooftop dining areas (refer to supplemental standards in section 2.06.19)	-	-	-	-	CU	CU	-	-	-	-	-	-	CU	CU	-	-
Shooting range, indoor (refer to supplemental standards in section 2.06.16)	-	-	-	-	-	P	-	P	-	P	-	-	A	-	-	A
Skating rink, rolling or ice	-	-	-	-	-	P	-	-	-	-	-	-	A	A	-	-
Studio (art, dance, music, exercise)	-	-	-	P	-	P	-	-	-	-	-	A	A	A	-	-
Theaters	-	-	-	-	P	P	-	-	-	-	-	-	A	A		
<i>Recreational Uses</i>																
Golf course	-	-	-	-	-	-	-	-	P	-	-	A	A	A	A	-
Golf driving range (not accessory to golf course)	-	-	-	-	-	P	-	-	-	-	-	-	A	A	-	-
Golf course, miniature	-	-	-	-	-	P	-	-	-	-	-	-	A	A	-	-
Public parks	P	P	P	P	P	P	P	P	P	P	P	A	A	A	A	A
Swimming pools	-	-	-	-	-	P	-	-	P	-	-	-	A	A	A	-
<i>Utility and Service Uses</i>																

EXHIBIT "A"

Public facilities and services	P	P	P	P	P	P	P	P	P	P	P	A	A	A	A	A
Public utilities (refer to section 6.02.00)	P	P	P	P	P	P	P	P	P	P	P	A	A	A	A	A
<i>Industrial Uses</i>																
Cold storage	-	-	-	-	-	-	-	-	-	P	-	-	A	A	-	A
Fuel production facilities	-	-	-	-	-	-	-	-	-	CU	-	-	-	-	-	CU
Industrial, high-impact	-	-	-	-	-	-	-	-	-	P	-	-	-	CU	A	A
Industrial, low-impact *within enclosed facility	-	-	-	-	-	-	-	P*	-	P	-	-	-	A	-	A
Industrial parks, planned (refer to supplemental standards in section 2.06.07)	-	-	-	-	-	-	-	-	-	P	-	-	-	A	-	A
Newspaper or publishing plant	-	-	-	-	-	-	-	P	-	P	-	-	A	A	-	A
Sign painting and/or sign manufacturing shops providing all storage and work is conducted in enclosed facility	-	-	-	-	-	P	-	P	-	P	-	-	A	A	-	A
<i>Telecommunications Uses</i>																
Radio and/or television broadcast stations	-	-	-	-	-	P	-	P	P	-	-	-	A	A	A	-
Stealth communication facilities - In conjunction with uses other than single family or two-family residences, stealth telecommunications facilities which do not exceed 45 feet in height or which are constructed as part of an existing	-	-	-	P	P	P	-	P	P	P	-	A	A	A	A	A

EXHIBIT "A"

architectural feature or structure provided its total height does not exceed 120 percent of the height of the architectural feature or structure (refer to supplemental standards in section 2.06.11)																	
Stealth communication facilities - In conjunction with uses other than single family or two-family residences, stealth telecommunications facilities which exceed 45 feet in height (refer to supplemental standards in section 2.06.11).	-	-	-	CU	CU	CU	-	CU	CU	CU	-	A	A	A	A	A	
Telecommunications towers (refer to supplemental standards in section 2.06.11)	-	-	-	-	-	CU	-	CU	-	CU	-	-	A	A	-	A	
Telecommunications towers to be located on real property not owned by the City of Stuart (refer to supplemental standards in section 2.06.11)	-	-	-	-	-	-	-	-	-	CU	-	-	-	A	-	A	
Telecommunications towers to be located on real property owned by the City of Stuart by resolution of the city commission (refer to supplemental	-	-	-	-	-	-	-	-	CU	-	-	-	-	A	A	-	

EXHIBIT "A"

standards in section 2.06.12)																	
<i>Storage, Transportation and Logistics Uses</i>																	
Accessory structures (refer to section 6.09.00)	P	P	P	P								A		A			
Bus and train (passenger) station/terminals	-	-	-	-	-	P	-	-	-	-	-	-	A	A	-	-	
Parking garages (private or government provided public)	-	-	-	-	P	P	-	-	-	-	-	-	A	A	-	-	
Parking lots (private or government provided public)	-	-	-	-	P	P	-	-	-	-	-	-	A	A	-	-	
Railroad freight stations and terminals	-	-	-	-	-	-	-	-	-	P	-	-	-	A	-	-	A
Truck terminals	-	-	-	-	-	-	-	-	-	P	-	-	-	A	-	-	A
Storage yards	-	-	-	-	-	-	-	-	-	P	-	-	-	-	A	-	A
Warehouse, general storage	-	-	-	-	-	-	-	P	-	P	-	-	A	A	-	-	A
Warehouse, mini-storage	-	-	-	-	-	-	-	P	-	P	-	-	A	A	-	-	A
Warehouse, wholesale and distribution	-	-	-	-	-	-	-	P	-	P	-	-	A	A	-	-	A
<i>Agricultural Uses</i>																	
Commercial nursery/tree farm	-	-	-	-	-	-	-	-	-	P	-	-	-	-	-	-	A
Community gardens (refer to supplemental standards in section 2.06.08)	P	P	P	P	P	P	P	P	P	P	P	A	A	A	A	A	A
Urban farms (refer to supplemental standards in section 2.06.08)	-	-	-	-	P	P	P	P	-	P	-	A	A	A	-	-	A

EXHIBIT “A”

Footnotes:

¹Contingent repeal and substitution authorized. At such time as a master facilities plan is adopted for the hospital district for hospital use and development, thereupon all portions of the land development regulations in conflict therewith shall be repealed and superseded by the said master facilities plan.

²E.g. radiology, anesthesiology, pathology and related uses and services, provided that such uses and services are offered by the hospital to the general public in the same manner as other hospital uses and services.

Note: Uses permitted in an urban planned unit development will be restricted to those listed as being permitted in section 3.01.00 urban code.

Key:

P - Use permitted by right; subject to all other applicable requirements of the Code.

CU - Use permitted as a conditional use by approval of a major conditional use approval through public hearing process.

A - Allowed through city commission public hearing process.

□ - Prohibited

(Ord. No. 2401-2019, § 1, 4-8-19)

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

Meeting Date: 5/11/2023

Prepared by: Kristopher McCrain

Title of Item:

A REQUEST FROM WILLIS CUSTOM YACHTS TO CONSIDER A SMALL-SCALE COMPREHENSIVE PLAN AMENDMENT (RC):

ORDINANCE No. XXXX-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 1.794-ACRE PARCEL FROM THE INDUSTRIAL FUTURE LAND USE TO THE MARINE/INDUSTRIAL FUTURE LAND USE; AMENDING THE FUTURE LAND USE MAP; PROVIDING DIRECTIONS TO THE CITY CLERK; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

Summary Explanation/Background Information on Agenda Request:

The intent of the petition is to request a Small-Scale Future Land Use Amendment from Industrial to Marin/Industrial Future Land Use for property located at 151 NW Flagler Avenue. In addition, a concurrent application was submitted for a request to consider a Major Urban Code Conditional Use to accommodate boat sales and service for Willis Custom Yachts.

Funding Source:

Recommended Action:

Staff recommends the Local Planning Agency (LPA) forward a recommendation of approval to the City Commission for a petition for a Small-Scale Future Land Use Amendment from Industrial to Marin/Industrial Future Land Use for property located at 151 NW Flagler Avenue.

ATTACHMENTS:

1. Draft Ordinance XXXX-2023 (Willis Custom Yachts FLUMA)
2. LPA Staff Report
3. Application Packet
4. Public Notice Packet



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

ORDINANCE NUMBER XXXX-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 "INDUSTRIAL" TO "MARINE/INDUSTRIAL" FOR A 1.794-ACRE PARCEL, LOCATED AT 151 NW FLAGLER AVENUE, SAID LAND BEING MORE FULLY DESCRIBED IN EXHIBIT "A" ATTACHED; DECLARING THE PLAN TO BE CONSISTENT WITH THE CITY'S COMPREHENSIVE PLAN; PROVIDING DIRECTIONS TO THE CITY CLERK; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

* * * * *

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 June 29, 2022, an application was submitted to the city for a Small-Scale Future Land Use Amendment from Industrial to Marine/Industrial; 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 151 NW Flagler, 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 "Marine/Industrial".

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 a Certified Copy of the same 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

TROY MCDONALD, MAYOR
CITY MAYOR

APPROVED AS TO FORM
AND CORRECTNESS:

PAUL NICOLETTI
INTERIM 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 David Tobin, Managing Member of 151 NW Flagler, 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

Parcel 12:

Lot 9 and 10, Block 20, RIVERSIDE PARK, according to plat thereof filed 26 March 1925, and recorded in Plat Book 4, Page 98, St Lucie (now Martin) County, Florida

Parcel 13:

Lot 6, Less the North 15 feet thereof, and Lots 7 and 8, Block 20, REVISED PLAT OF GOSLING, according to the plat thereof filed 27 June 1917, recorded in Plat Book 2, Page 35, St Lucie (now Martin) County, Florida, Public Records; said lots also shown on Plat of RIVERSIDE PARK, filed 26 March 1925, recorded in Plat Book 4, Page 98, St. Lucie (now Martin) County, Florida.

Parcel 14 (Land Deed):

A Parcel of submerged land in the St. Lucie River in Section 32, Township 37 South, Range 41 East, Martin County Florida, being more particularly described as follows:

From the Southwest corner of Lot 7, Block 20, RIVERSIDE PARK SUBDIVISION, as recorded in Plat Book 4, Page 98, Public Records of St. Lucie County, Florida, now Martin County, Florida; thence run South 87°01' East along the southerly line of lot 7, a distance of 235.88 feet to the mean high water line of St. Lucie River for a Point Beginning; thence continue 87°01' East, a distance of 227.71 feet to the Bulkhead Line as established by the City of Stuart, Florida; thence run North 04°40'27" East, along the said Bulkhead Line, a distance of 85.21 feet, thence run North 87°07' West, a distance of 233.51 feet to the aforesaid mean high water line of the St. Lucie River; thence run South 0°46'17" West, along the said mane high water line, a distance of 85.24 feet to the point of beginning.

Parcel dentification Number: 32-37-41-004-020-00061-9

Subject to taxes for 2020 and subsequent years; covenants, conditions, restrictions, easements, reservations, and limitations of record, if any.

DRAFT

EXHIBIT B – LOCATION MAP





To: Local Planning Agency (LPA)
Through: Jodi Nentwick-Kugler, Development Director
From: Kristopher McCrain, Principal Planner
Date: April 28, 2023
Subject: Willis Custom Yachts
Small Scale Comprehensive Plan Amendment (Z22060007)

GENERAL INFORMATION:

Applicant & Owners: 151 NW Flagler, LLC
David Tobin (*Manager*)
225 Mizner Boulevard, Suite 510
Boca Raton, FL 33432

Agent of Record: Matthew Barnes, AICP
WGI, Inc.
2035 Vista Parkway
West Palm Beach, FL 33411

Location: 151 NW Flagler Avenue, Stuart FL 34994

Existing Zoning: Industrial

Proposed Zoning: Industrial

Existing Land Use: Industrial

Proposed Land Use: Marine/Industrial

Parcel I.D.: 32-37-41-004-020-00061-9

Parcel Size: 1.794-acres

Existing Use: Vacant

Proposed Use: Marine Boat Sales & Service

Overlay District: Community Redevelopment Area (*CRA*)

Adjacent Land Use & Zoning:

Location		Zoning District	Future Land Use	Existing Land Use
Subject Property		Industrial	Industrial	Vacant (<i>Former Marina</i>)
Adjacent Parcels	North	Urban/Waterfront	Marine/Industrial	Harborage Yacht Residential & Mixed-Use Condominiums
	South	Industrial	Marine/Industrial	Atlantic Point Marina
	East	St. Lucie River	St. Lucie River Waterway	St. Lucie River Waterway
	West	NW Flagler Avenue, FEC Railroad N Dixie Highway	NW Flagler Avenue, FEC Railroad N Dixie Highway	Rights-of-Way

B. Project Background

The property was platted in 1917 and 1925 and has historically been utilized for industrial uses but was later included within the City of Stuart Community Redevelopment Area (CRA) boundary. The property was developed in the 1970's for marina facilities with buildings serving the Palm City Yachts, which was demolished in 2019. This use was not consistent with the Industrial Future Land Use designation at the time of its use.



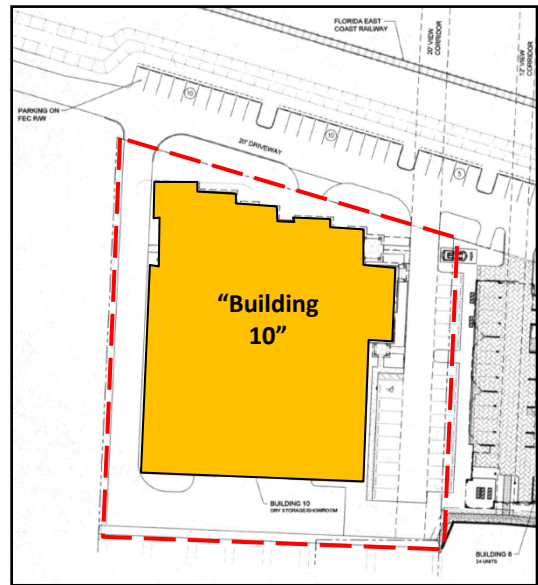
Exhibit 1.1: Historic Site Conditions (Source: *Martin County Property Appraiser 2018 Aerial*)



Exhibit 1.2: Historic Site Conditions (*Source: Google Earth Aerial*)

Previous Approvals:

- On October 25, 2004, the City Commission granted Resolution 196-04 for a Major Urban Code Conditional Use to increase the permitted density from 15 du/ac to 22.07 du/ac, for a total of 198 residential units consisting of approximately +/-10-acres of land. The approval also allowed for onsite parking within the building envelope, a reduction of the front setback for building #6 from 10-feet to zero feet, construction of a dry boat storage building, and for an increase of the building height for the project's dry boat storage building and a mixed-use condominium/yacht sales building and mixed-use cafe/yacht sales/condominium building from 35 feet to 45 feet, pursuant to Section 3.01.06 of the Land Development Code.
- On June 11, 2018, the City Commission granted Resolution 50-2018, amending the original approval for the Harborage Development. This Major Amendment to the Urban Code Conditional Use allowed for the removal of the emergency gate at the site's northern boundary, a new parking allocation plan, revision to the site traffic patterns, including the reorientation of certain parking spaces from 60 to 90 degrees, designation of boat slips for intensive "live- aboard" use, the creation of new parking spaces, and voiding a requirement to build a new parking structure in the event an existing parking lease with the Florida East Coast Railroad is dissolved.



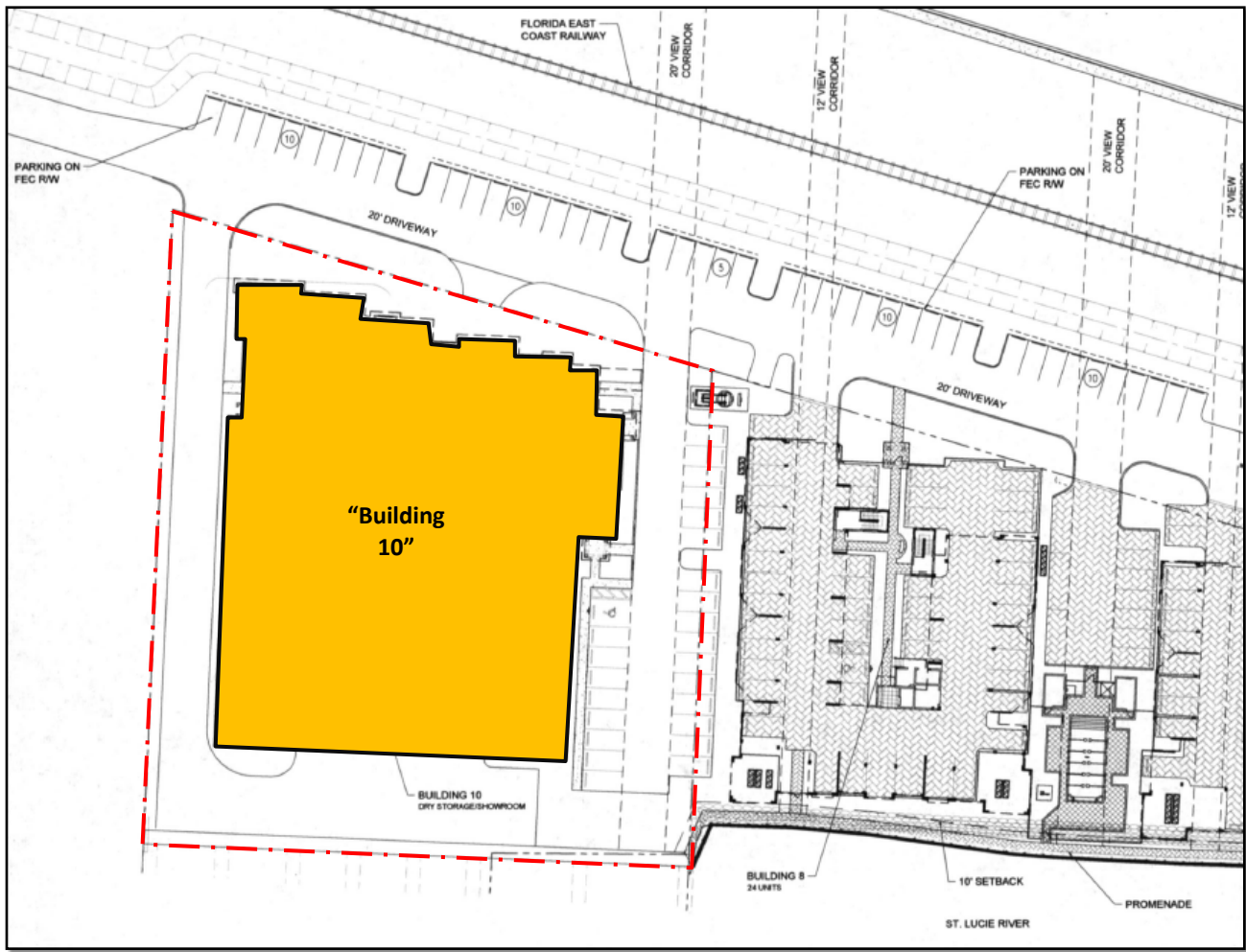


Exhibit 1.3 – Existing Site Approval Layout, per Resolution 50-2018

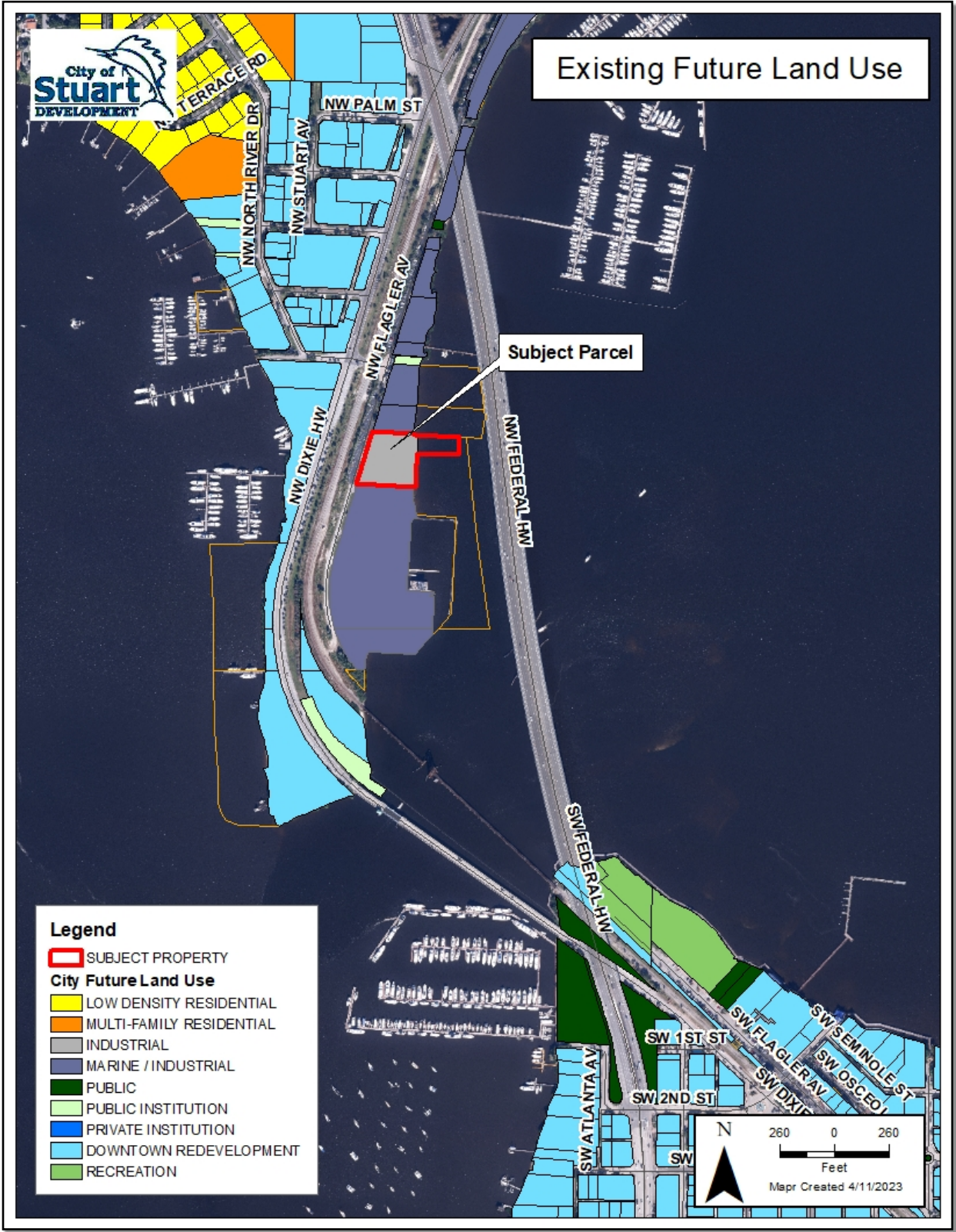
According to Condition #4 outlined within Resolution 50-2018, any owner of subject parcel (*Building 10*) may amend the development approvals for Harborage Development without joinder of other property owners within the development.

In addition to the requested Future Land Use Comprehensive Plan Amendment, the applicant submitted a concurrent application for a Major Urban Code Conditional Use to modify the approval for “Building 10” to allow for a boat sales and service facility to be known as Willis Custom Yachts. The proposed site plan identifies a 11,817 square foot boat maintenance building with attached first floor workshop (3,094 *ft*²) and second floor sales office (3,336 *ft*²). In addition, the plan identifies eighteen (18) onsite parking stalls, onsite loading area, two (2) dry boat storage slips, four (4) wet boat slips and a temporary mooring area. Pedestrian connections are provided through the property to the south where it will connect to the proposed Atlantic Point project, and landscaped buffers along the north, west, and south property boundaries. Water-based improvements include a proposed seawall, docks, and travel boat lift.

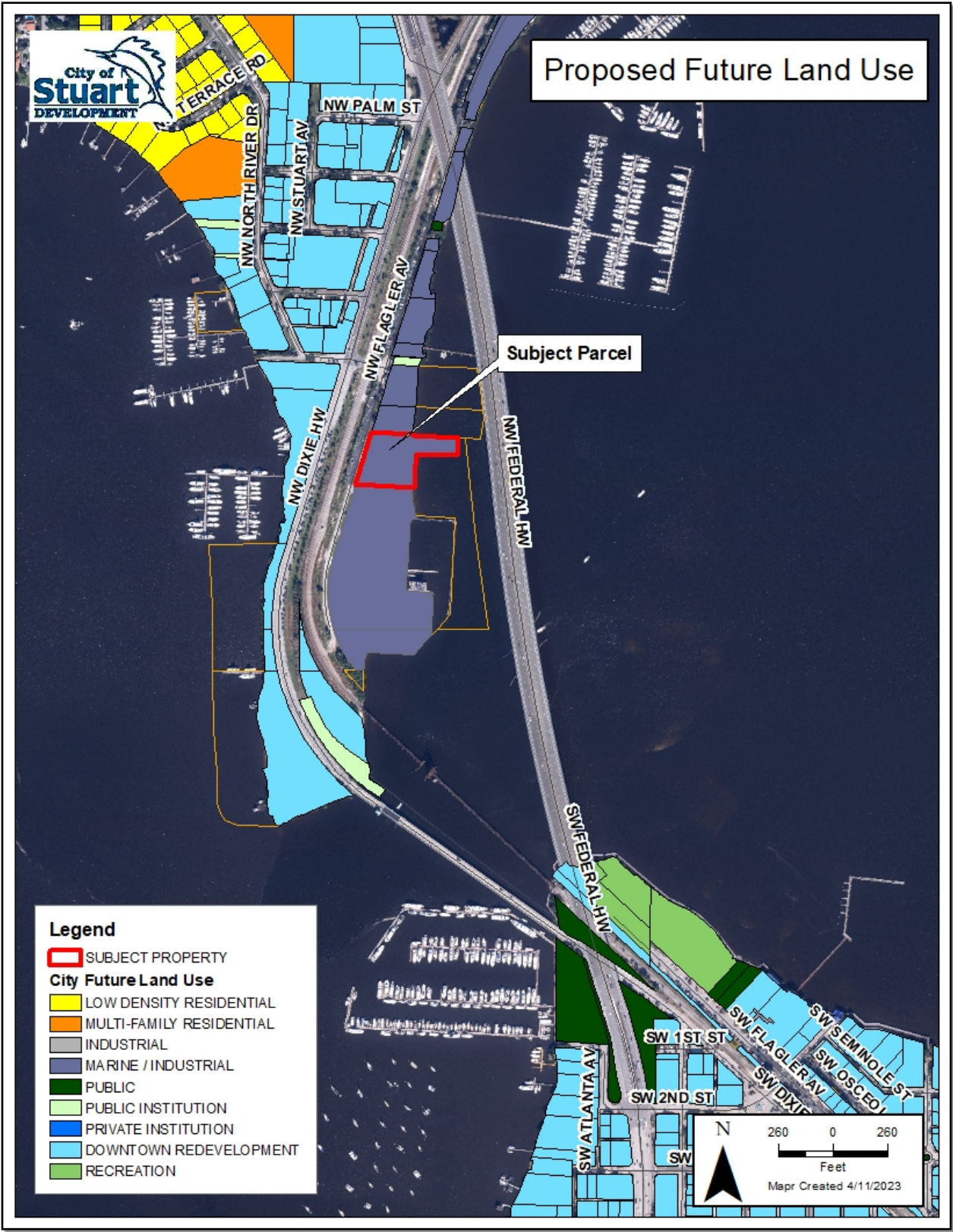
Willis Custom Yachts is an established boat manufacturer located within Unincorporated Martin County and intends to utilize the subject site to serve customers who are testing their newly purchased boat, which was manufactured or repaired at the offsite location.

C. Existing/Proposed Zoning & Future Land Use Maps

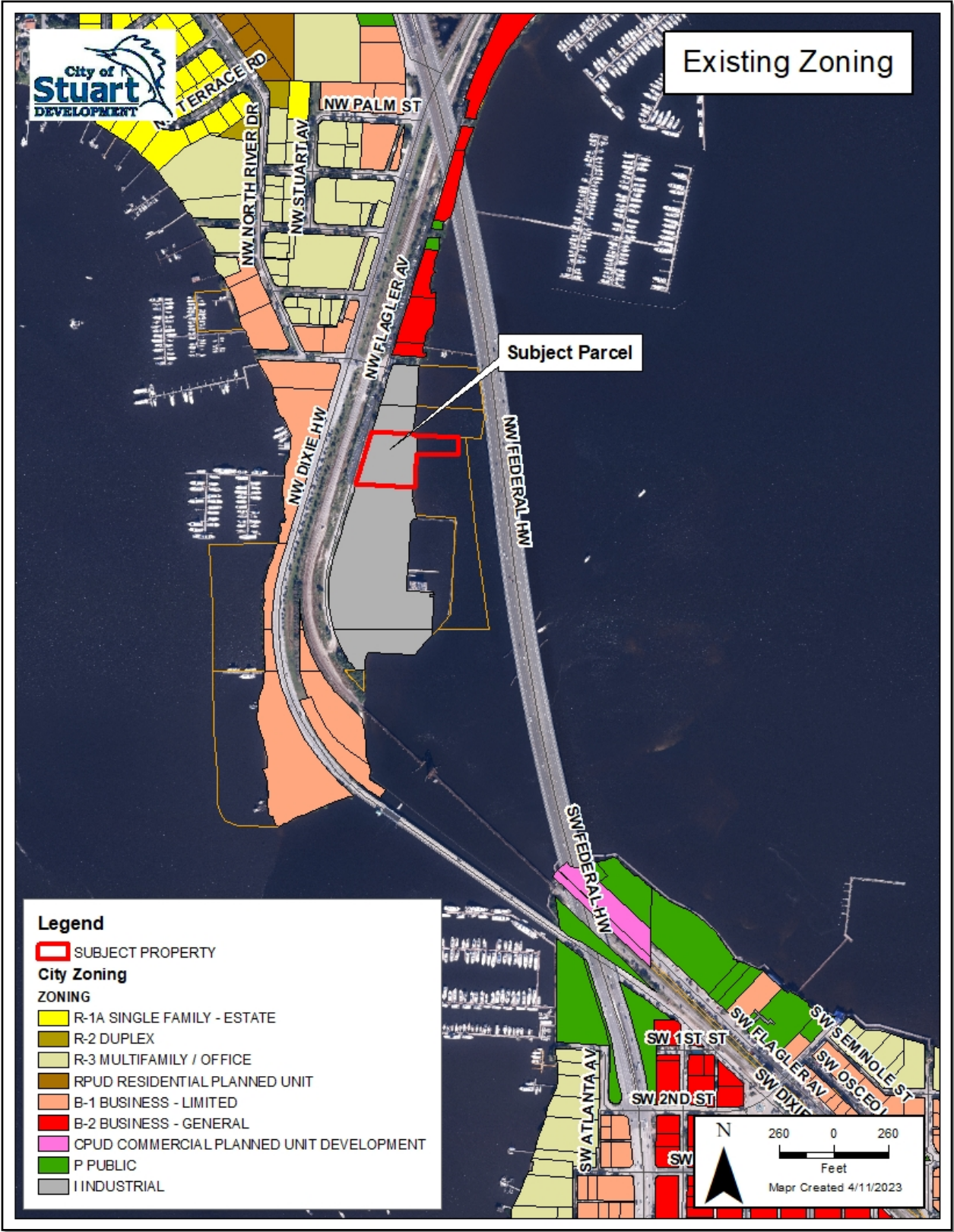
Existing Future Land Use:



Proposed Future Land Use:



Existing Zoning:



D. Land Development Code Review

Section 11.01.07(G) includes specific policy provisions required to be considered when assessing a request for a Small-Scale Comprehensive Plan Amendment. In addition to the response to each of the applicable policy criteria detailed above, staff finds the application to be consistent with the provisions outlined within Section 11.01.07 of the City of Stuart LDC regarding submittal requirements.

Staff has completed a review of the land use amendment application based on the criteria included in Section 11.01.07(G) and provides a detailed analysis based on the specific and applicable criteria as follows. The applicant is advised of requirements to follow the necessary public noticing requirements ahead of any scheduling of public hearings before the Local Planning Agency (LPA), Community Redevelopment Board (CRB), and the City Commission.

Specifically, the LPA, CRB, and City Commission shall consider the following criteria:

a. The existing land use pattern

***Staff Findings:** The existing land use pattern includes Marine/Industrial designated lands further north, in addition to Downtown land uses. A request to amend the land use from Industrial to Marine/Industrial is consistent with properties to the north and south of the subject property. Refer to land use map and table prepared by staff identifying existing land use, zoning, and site-specific uses within proximity to the site.*

b. The possible creation of an isolated land use classification unrelated to adjacent and nearby classifications.

***Staff Findings:** The subject property is located east of the St Lucie River with land use designations within the surrounding area predominantly Marine/Industrial and Downtown. The request is consistent with the establish land use patterns and water-based developments within the CRA.*

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.

***Staff Findings:** Residential use is allowed under Marine Industrial future land use, subject to site plan approval. A maximum of 27 residential units may be accommodated were the property to be developed as such. The property is located within an urban area, with access to utilities, roadway infrastructure, and local schools, were the property to be developed as a residential use. Review comments received from Utilities & Engineering Department, Police Department and Fire Rescue; no issues have been identified from reviewers at this stage have been raised regarding level of service provision within the City. Martin County School District will be consulted at the site plan stage when any residential use on the vacant property would be identified and assessed if applicable.*

d. The possible overloading of the city's sewage collection, treatment, and disposal facilities.

***Staff Findings:** Review by the Utilities and Engineering Department based on the land use amendment determined sufficient water & wastewater capacity to accommodate the maximum build out for the proposed land use amendment.*

e. The possible overloading of the city's drainage system.

***Staff Findings:** Review by the Utilities and Engineering Department based on the land use amendment identified no issues regarding the potential overloading of the city's drainage system pertaining to a request for a land use amendment. A detailed analysis will be undertaken at the site plan stage in the application process, including civil and site plan documentation directed at drainage.*

f. The existing classification boundaries in relation to existing conditions on the subject property.

Staff Findings: Existing conditions on the subject property are that of a vacant marina facility. Effective reuse of the property with uses afforded to lands designated Marine/Industrial within the boundary of the City of Stuart CRA will introduce improvements to the vacant/cleared industrial lands in an area where water-based uses are well-established.

g. The existence of changed or changing conditions which make the passage of the proposed amendment necessary or appropriate.

Staff Findings: The previous use on the property was a commercial marina. Existing buildings were demolished, and the site is vacant and cleared in 2019. Recently a property to the south, abutting the subject property, received Approval for a Marine/Industrial land use and a concurrent approval of a Major Urban Code Conditional Use to accommodate marina-based uses. Existing properties in the surrounding area have a Downtown or Marine/Industrial land use and are zoned Industrial or Urban Waterfront and are within the City of Stuart CRA. Accommodating a small-scale land use change from Industrial to Marine/Industrial is consistent with the existing conditions and future land use map patterns of established use categories within the area.

h. The impact of the proposed amendment upon living conditions in the adjacent neighborhood.

Staff Findings: The property has been established as an industrial/water-based facility for many years. The proposed small-scale land use amendment from Industrial to Industrial/Marina is consistent with uses permitted within the CRA, and established land use patterns and existing developed properties.

i. The impact of the amendment upon the flow of light and air to adjacent areas.

Staff Findings: Not applicable as per the distance and separation between established property boundaries. Lighting plans are required to be submitted and reviewed in support of any proposed site plan proposal.

j. The impact of the proposed amendment upon property values in the adjacent area.

Staff Findings: The proposed amendment does not deviate considerably from the existing Industrial Land Use Designation. A land use amendment to accommodate Marine/Industrial uses is consistent with the water based dependent uses existing or recently approved within proximity to the site.

k. The impact of the proposed amendment upon improvement or development of adjacent property in accordance with existing regulations; and

Staff Findings: The proposed amendment is consistent with property to the north and south, which share the requested Marine/Industrial Future Land Use designation. The use is also consistent with the Goals, Objectives, and Policies of the Comprehensive Plan pertaining to the retention and expansion of marine based uses, encouraging access to water, and employment generating uses.

l. The existence of other adequate sites in the city for the proposed land use classifications already permitting such use.

Staff Findings: Most of the properties designated Industrial/Marina land use are developed and established with water-based uses and development patterns. The proposal will provide additional facilities to compliment the established uses while replacing the recently demolished former marine based uses accommodated previously on the site.

E. Comprehensive Plan Review

Plan amendments that qualify as small-scale development amendments may follow the small-scale review process in s. 163.3187. Such a request may be considered at any time by the City without any limit on frequency in accordance with the procedural requirements and thresholds detailed in Sec. 11.01.07. "Small-Scale" Comprehensive Plan Amendment application. The proposal complies with the following Objectives and Policies of the City of Stuart Comprehensive Plan:

Chapter 1, Objective 1.A7. Future Land Use Categories: The future land use categories defined below provide general descriptions intended to encompass all present and future land uses in the City of Stuart. The "Table of Land Use Densities and Intensities" provides specific density and intensity measures that shall establish the maximum density and intensity allowed in each land use category. 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 use shall be more limited than the maximum allowable under the future land use category; provided, that the City shall approve some development that is consistent with the City's plan.

***Staff Findings:** The request to amend the Future Land Use Map from Industrial to Marine/Industrial is based on Comprehensive Plan Policy 1.A7.1., as it pertains to the use category options available for consideration within the City of Stuart's jurisdiction. Applicable Future Land Use categories reviewed in accordance with Comprehensive Plan Policy 1.A7.1. include the current Industrial and proposed Marine/Industrial designations based on the findings below.*

Policy 1.A7.1E. Industrial: Land uses and activities predominantly connected with manufacturing, assembly, processing, packaging, research, or storage of products. Additional permitted uses in such areas include warehousing, wholesale activity, machine repair, and limited indoor retail sales and professional and other offices. Also, public facilities and electric distribution substations are allowed.

Policy 1.A7.1M. Marine/Industrial: Waterfront district which permits continuation of industrial/marine uses while encouraging mixed use development including multi-family residential; commercial; office; lodging; marinas; and civic uses. Also, public facilities and electric distribution substations are allowed.

***Staff Findings:** The Industrial land use designation does not call out marina use in the list of land uses and activities predominantly connected with such a land use. The Marine/Industrial Future Land Use category clearly identifies industrial/marine uses in the land use category. A land use change from Industrial to Marine/Industrial is considered more consistent based on such factors as location within the CRA, previous uses related to marine industrial activities, proximity to the waterfront, and primarily based on the surrounding land use map designations as predominantly Marine/Industrial. The Industrial land use designation may be considered out of date and not applicable based on these factors.*

Objective 1.B3. Desirable Pattern of Land Uses: Promote and enhance a pattern of land uses that are convenient to City residents, businesses, and visitors; that avoid inappropriate or wasteful use of land; and that encourage efficient use of land, resources, and facilities. Future land uses shall be designated to support the existing or planned community character, thereby prohibiting the development or expansion of uses which are inconsistent with the community's character. Reduce blighted areas through redevelopment. Land development and use regulations shall include provisions to ensure consistency with this Comprehensive Plan.

***Staff Findings:** The requested petition is consistent with Objective 1.B3., desirable pattern of land uses when assessing the request to change the land use from Industrial to Marine/Industrial in an area of the city whereby most properties surrounding the subject site have a Marine/Industrial designation.*

Objective 1.B1. Compact Urban Form: Discourage urban sprawl by facilitating urban redevelopment and infill development of properties and planning for urban infill and redevelopment of lands located within Stuart to achieve a compact urban form.

***Staff Findings:** The property is within a well-established urban area of the city. Re-use of the vacant industrial marina property on a site located within lands predominantly designed Marine/Industrial offers the opportunity to redevelop the site with uses consistent with established development patterns.*

Objective 1.B3. Desirable Pattern of Land Uses: Promote and enhance a pattern of land uses that are convenient to City residents, businesses, and visitors; that avoid inappropriate or wasteful use of land; and that encourage efficient use of land, resources and facilities. Future land uses shall be designated to support the existing or planned community character, thereby prohibiting the development or expansion of uses which are inconsistent with the community's character. Reduce blighted areas through redevelopment. Land development and use regulations shall include provisions to ensure consistency with this Comprehensive Plan.

***Staff Findings:** The proposed land use change from Industrial to Marine/Industrial offers the same land use designation as the majority of the well-established and developed properties within this part of the city. Reuse of a vacant industrial property to accommodate marine/industrial type use offers an effective use of land, resources, and facilities consistent with the character of the area.*

Policy 1.B3.2. All development shall be compatible with and complementary to surrounding land uses and shall not unduly affect existing approved activities.

***Staff Findings:** Most of the properties within proximity to the site and within this part of the city have a Marine/Industrial Future Land Use designation. Such properties are established uses including water dependent marine-based uses, residential and mixed-use condos, offices, and commercial developments. A recently approved Atlantic Point Marina facility south of the subject property establishes a larger 7.94-acre Marine/Industrial land use designation with an approved site plan for a commercial/marina facility on the vacant parcel.*

The request to amend the Future Land Use on the subject property from Industrial to Marine/Industrial is consistent with the recently approved Atlantic Point Comprehensive Plan Amendment and provides a similar land use pattern along this part of the city. Re-use of a property with a more effective site layout and mix of uses will add significant improvement in terms of design consistent with the Comprehensive Plan policies and objectives.

Goal Statement C – The future land use goal for the Community Redevelopment Area (CRA) [is] to maintain and strengthen the beauty, economic viability, cultural resources, and social importance of the area. This shall be accomplished through mixed-use zoning, preservation of historic buildings, innovative zoning and land use regulations, demolition, reconstruction or substantial renovation of existing buildings and infrastructure, enhancement of marine resources, and other measures to promote urban redevelopment.

***Staff Findings:** The property has been the subject of a demolition of existing marina-based uses on the now vacant lands. Effective reuse of a vacant property located within the heart of the CRA will strengthen opportunities for economic viability, offering enhancement of marine resources and promote urban development.*

Policy 1.C3.3. The City shall promote waterfront access through FLUE Objective 1.A2 and its associated policies in order to increase the attractiveness and desirability of the CRA for new development and redevelopment.

Staff Findings: The proposal, when completed, will achieve waterfront access in pedestrian, boat, and access to waterfront within the heart of the CRA.

Policy 1.C3.5. The City shall promote compact urban form and discourage urban sprawl consistent with FLUE Objective B1 and Policy B1.1.

Staff Findings: The property is a brownfield, infill project, replacing old buildings and bringing the entire site up to date while introducing additional use and accessibility within an established urban area.

Policy 1.C3.12. The City of Stuart shall promote land use patterns which complement multiple modes of transportation, including transit, pedestrian and bicycle amenities, and marine transit such as ferries, water taxis and upland support facilities (e.g., designated anchorages, marinas, dinghy accommodations, canoe/kayak launches and the City's "blueways" program).

Staff Findings: The proposed Marine/Industrial land use is consistent with established land use patterns within this part of the city on lands abutting the St. Lucie River. The request to amend the land use from Industrial to Marine/Industrial is consistent with the objective, offering proposed water-based uses within proximity downtown Stuart.

Chapter 11, Economic Development Element Goal Statement – The City will develop and maintain an economic environment that will encourage the creation, expansion and retention of business within city limits while maintaining a high quality of life for its residents.

Objective 11.A1. - Retain existing businesses and attracting new businesses. Provide supporting services for the retention of existing businesses and attracting new businesses.

Staff Findings: Effective reuse of the site in the form of new water-based marina type facility and, fosters marine industry related business expansion and retention in a central location of the City of Stuart CRA.

Policy 11.A1.1. The city will seek to ensure the allocation of an appropriate quantity of lands that are desirable for commercial and industrial purposes to serve future growth needs of the city.

Staff Findings: A proposal to amend the land use from Industrial to Marine/Industrial provides an opportunity for additional uses, not limiting a waterfront property to only industrial uses. The concurrent request to consider a Major Urban Code Conditional Use request to accept marine use on the property is consistent with the land use change to Marine/Industrial. Retaining employment-based use opportunities on the existing property and providing opportunity for uses accessible for public enjoyment.

Policy 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.

Staff Findings: The proposed mix of uses will be well-served and accommodated with access to St. Lucie River, easy access to Okeechobee Waterway, the Intracoastal Waterway, and the Atlantic Ocean. Flagler Avenue is parallel to the subject property and easy access exists to Dixie Highway.

Policy 11.A1.4. The city will encourage the designation and preservation of industrial land for industrial uses.

Staff Findings: The request to amend the land use from Industrial to Marine/Industrial is consistent with the property location and the pattern of land use designations to the north. Rather than removing the Industrial land use designation, the comprehensive plan amendment provides the opportunity for additional commercial

uses conducive with water-based activities.

Maximum Buildout Analysis:

Comprehensive Plan: Element 1, Table of Land Use Densities, and Intensities

Policy 1.A7.2 Gross densities, gross intensities and proportional use amounts for each land use category are established in “Table of Land Use Densities and Intensities” that is adopted as part of this element.

FLU		Residential			Non-Residential			
			UPUD, RPUD, or Major UCE					
	In/Out CRA	General	Not ALF	ALF	% Residential	General	> 2.0 FAR	% Non-Residential
Industrial (Existing)	In	None			0%	< 3.0 FAR	< 10-acres	100%
	Out	None			0%	< 1.0 FAR		100%
Marine/Industrial (Proposed)		<15du/ac	<15du/ac	N/A	0-25%	< 3.0 FAR	< 5 Acres	0-100%

Policy 1.A7.4 The City will establish and monitor land use tracking and monitoring procedures to ensure that the specified proportions and acreage limitations are not exceeded and that plan amendments will be adopted in a timely manner if development does not occur as expected and desired.

Staff Findings: *Analysis of the existing lands designated Marine/Industrial land use included the map review of existing developed properties including a mix of residential and mixed-use condominiums, marina and commercial/office uses along the waterfront properties. Based on a map assessment property with a Marine/Industrial land use total approximately +/- 20 acres.*

The table of land use densities and intensities identifies a 0-25% Non-Residential threshold for properties with a Marine/Industrial land use designation. Existing uses on lands with a Marine/Industrial land use identify approximately +/- 5 acres, or 25% of those acres being residential uses such as condominiums or part of a mixed-use development.

Based specifically on the small-scale comprehensive plan amendment to change the future land use designation from Industrial to Marine/Industrial, staff finds no identified issues regarding maximum and minimum buildout thresholds for non-residential and residential use on the subject property. A more detailed assessment of the site-specific use at the site plan review stage will provide a detailed assessment based on actual proposed residential or non-residential uses.

Proliferation of Urban Sprawl:

F.S.163.3177. Primary indicators that a plan or plan amendment to the future land use element shall discourage the proliferation of urban sprawl.

F.S.163.3177. Plan amendment indicators assessed against the request for a small-scale comprehensive plan amendment to change the land use from Industrial to Marine/Industrial:	
YES/NO/NA	a. The primary indicators that a plan or plan amendment does not discourage the proliferation of urban sprawl are listed below. The evaluation of the presence of these indicators shall consist of an analysis of the plan or plan amendment within the context of features and characteristics unique to each locality to determine whether the plan or plan amendment:
NO	(I) Promotes, allows, or designates for development substantial areas of the jurisdiction to develop as low-intensity, low-density, or single-use development or uses.
N/A	(II) Promotes, allows, or designates significant amounts of urban development to occur in rural areas at substantial distances from existing urban areas while not using undeveloped lands that are available and suitable for development.
NO	(III) Promotes, allows, or designates urban development in radial, strip, isolated, or ribbon patterns generally emanating from existing urban developments.
NO	(IV) Fails to adequately protect and conserve natural resources, such as wetlands, floodplains, native vegetation, environmentally sensitive areas, natural groundwater aquifer recharge areas, lakes, rivers, shorelines, beaches, bays, estuarine systems, and other significant natural systems.
N/A	(V) Fails to adequately protect adjacent agricultural areas and activities, including silviculture, active agricultural and silvicultural activities, passive agricultural activities, and dormant, unique, and prime farmlands and soils.
NO	(VI) Fails to maximize use of existing public facilities and services.
NO	(VII) Fails to maximize use of future public facilities and services.
NO	(VIII) Allows for land use patterns or timing which disproportionately increase the cost in time, money, and energy of providing and maintaining facilities and services, including roads, potable water, sanitary sewer, stormwater management, law enforcement, education, health care, fire and emergency response, and general government.
N/A	(IX) Fails to provide a clear separation between rural and urban uses.

NO	(X) Discourages or inhibits infill development or the redevelopment of existing neighborhoods and communities.
NO	(XI) Fails to encourage a functional mix of uses.
NO	(XII) Results in poor accessibility among linked or related land uses.
NO	(XIII) Results in the loss of significant amounts of functional open space.
b. The future land use element or plan amendment shall be determined to discourage the proliferation of urban sprawl if it incorporates a development pattern or urban form that achieves four or more of the following:	
YES	(I) Directs or locates economic growth and associated land development to geographic areas of the community in a manner that does not have an adverse impact on and protects natural resources and ecosystems.
YES	(II) Promotes the efficient and cost-effective provision or extension of public infrastructure and services.
YES	(III) Promotes walkable and connected communities and provides for compact development and a mix of uses at densities and intensities that will support a range of housing choices and a multimodal transportation system, including pedestrian, bicycle, and transit, if available.
YES	(IV) Promotes conservation of water and energy.
N/A	(V) Preserves agricultural areas and activities, including silviculture, and dormant, unique, and prime farmlands and soils.
YES	(VI) Preserves open space and natural lands and provides for public open space and recreation needs.
YES	(VII) Creates a balance of land uses based upon demands of the residential population for the nonresidential needs of an area.
N/A	(VIII) Provides uses, densities, and intensities of use and urban form that would remediate an existing or planned development pattern in the vicinity that constitutes sprawl or if it provides for an innovative development pattern such as transit-oriented developments or new towns as defined in s. 163.3164

F. Development Review

Building:

N/A comments provided pertained to the separate application review of the request for Major Urban Code Conditional Approval.

Fire:

N/A comments provided pertained to the separate application review of the request for Major Urban Code Conditional Approval.

Public Works:

The Public Works Department provided the following comments: The City of Stuart has sufficient water and wastewater plan capacity to serve the maximum buildout for the proposed Willis Custom Yachts located at 151 NW Flagler Avenue, Stuart, Florida. This letter should not be construed as a commitment on behalf of the City to provide water and sewer service to the property until such time final design plans have been approved and all water and sewer availability fees have been paid.

Police:

N/A comments provided pertained to the separate application review of the request for Major Urban Code Conditional Approval.

Engineering:

Captec provided the following review comments:

CAPTEC Engineering (*CAPTEC*) has reviewed the submittal materials received via email on August 29, 2022. The Applicant is requesting a Small-Scale Comprehensive Plan Amendment to change the subject land use from existing Industrial to proposed Marine/Industrial.

The following items were reviewed by CAPTEC with comments as noted:

1. Justification Statement CAPTEC does not have any comments on the Justification Statement.
2. Environmental Plan and Statement CAPTEC has reviewed the Environmental Plan and Statement and has determined that it is sufficient.

The following items are not Civil Engineering review items, and were therefore not reviewed:

1. Traffic Statement CAPTEC Engineering, Inc. performed this review for the City of Stuart in order to confirm compliance with the applicable City of Stuart Codes and Regulations. Neither the Reviewer nor the City of Stuart is the Design Engineer of Record and, therefore, neither entity accepts responsibility for the accuracy or contents of the design documents and/or other data submitted by the Applicant. This project has not been reviewed for any Martin Count/FDOT criteria.

Environmental:

Review Comments received from EW Consultants applicable to the Small-Scale CPA:

LAND DEVELOPMENT CODE CHAPTER 5- RESOURCE PROTECTION STANDARDS

Section 5.01.00 – Avoidance or Minimization of Wetland and other Environmental Impacts

In accordance with the requirements of Section 5.01.01, the applicant should provide a demonstration that the specified

means of “environmental impact avoidance and minimization techniques have been employed to the greatest extent practicable in preparation of the proposed site plan”. For the purposes of the Small-Scale Comprehensive Plan Amendment review, a site plan is not required, thus no assessment of avoidance and minimization is required at this time.

Section 5.02.00 – Environmental Assessment Report for Sites with Wetlands or Greater Than One Acre

An “Environmental Plan and Statement” has been provided by the applicant for the subject property as requested in the completeness review. This document does not follow the specific Code outline for an Environmental Assessment Report; however, a full Environmental Assessment Report would be premature in relation to the Small-Scale Comprehensive Plan Amendment review. At such time as a site plan is under review, an Environmental Assessment Report prepared in accordance with Section 5.02.00 will be required. Section 5.03.00 – Wetlands No agency-verified wetland determination was provided, however, provision of an agency verified wetland determination would be premature in relation to the Small-Scale Comprehensive Plan Amendment review. At such time as a site plan is under review, an agency verified wetland determination will be required.

Section 5.04.00 - Environmentally Sensitive Lands

The “Environmental Plan and Statement” does not clearly indicate whether native vegetative areas exist on site, however, provision of native vegetation inventory would be premature in relation to the Small-Scale Comprehensive Plan Amendment review. In the event that native vegetative areas exist on site, preservation requirements will need to be addressed during site plan review. Section 5.05.00 – Trees A tree survey was previously submitted however, City staff indicated that a “Tree Survey, Disposition Chart, and Tree Replacement Calculation - not required to be submitted as part of the Small-Scale Comprehensive Plan Amendment” in the Completeness Letter dated July 10, 2022.

***LAND DEVELOPMENT CODE CHAPTER 11- PROCESSING OF PLAN APPLICATIONS Section 11.01.07.
"Small scale" comprehensive plan amendment application.***

Pursuant to Section 11.01.07.G, natural or environmentally sensitive resources are not one of the criteria to be considered by the local planning agency as part of their review of the "Small scale" comprehensive plan amendment application review and recommendation.

COMPREHENSIVE PLAN ELEMENT V. CONSERVATION

The Objectives of Element 5 (Conservation Element) were not specifically addressed in the Justification Statement provided by the applicant. The Completeness Letter provided by the city did not specify which elements of the Comprehensive Plan, and specifically Element 5, were to be addressed, thus there are no further environmental comments in relation to this Small-Scale Comprehensive Plan Amendment review.

Traffic:

O’Rourke Engineering, Inc. provided the following review comments:

Policy 2. 15.1. The TCEA is a specific geographic area established in the Comprehensive Plan for urban redevelopment and infill development. The TCEA exists entirely within the designated CRA and EUSA. Transportation level of service standards shall not be applied (for concurrency purposes) to any development occurring within the TCEA as depicted on the TCEA Map to promote urban redevelopment and infill development. The property is located within the City’s TCEA Boundary.

LAND USE PLAN AMENDMENT: The City of Stuart has requested that a supplemental traffic analysis be prepared that addresses the potential max development for the site. The current land use is Industrial, and the proposed land use is Marine Industrial. The maximum allowable square footage is 234,440 with an FAR of 3.0 and a lot size of 1.794

acres. The land use high cube warehouse was applied as a worst-case trip generation for the current future land use. The highest allowable use for the proposed future land use of Marine Industrial is commercial retail space. Residential use is also allowed under Marine Industrial, but this would support the development of only 27 residential units which would generate substantially less traffic compared to 234,440 SF of commercial space.

TRIP GENERATION METHODOLOGY: The vehicular trip generation estimate aims to approximate the number of new vehicle trips entering and exiting the site for various purposes (e.g., visitor trips, etc.) during peak periods. The Institute of Transportation Engineers (ITE) Trip Generation Manual, 11th Edition was applied for the trip generation analysis because of its widely accepted methodology. Since the project is not a mixed-use development no internal capture was assumed. The land uses High-Cube Fulfillment Center Warehouse (ITE land use code 155) and Shopping Center (ITE land use code 820) were applied for the analysis of the current and proposed future land uses, respectively.

ROADWAY LINK ANALYSIS: The land use plan analysis requires a five-year and long-range roadway capacity analysis. Tables 2a and 2b summarize the five-year impacts for the AM and PM peak hour at 50% project build-out (e.g., 50% of the project traffic) for the year 2027. Table 3 summarizes the 2040/2045 long range traffic conditions for the PM peak hour at full-build out. The long-range roadway capacity analysis evaluates only the incremental change between the existing and proposed future land use scenarios. If this intense land use was able to be constructed, the impact would exceed 5% or more of the roadway capacity for almost all roadway segments in the study area except portions of Flagler Avenue for both the 5-year and long-range analysis. However, the total projected peak hour traffic is not projected to exceed any roadway segments LOS D directional distribution roadway capacity for either the 5-year or long-range analysis. This shows that the roadway segments in the study area should be able to effectively support future roadway peak hour volumes.

In accordance with the state and local laws the applicant could mitigate their impacts at the time of site plan development through mitigations or a developer agreement such as a “proportionate share agreement”. Therefore, the proposed land use could be accommodated even in the worst-case scenario. The Worst-Case Scenario Supplemental Traffic Analysis for the proposed Land Use Plan amendment for 151 NW Flagler followed the procedures and outline defined in the City of Stuart Land Development Code.

School Board:

The request is specifically for a small-scale comprehensive plan amendment to change the land use from Industrial to Marine/Industrial. The School Board will be consulted at the site plan stage in the process should any residential units be proposed to be accommodate on the subject property. The School Board requires the completion of a School Capacity form as part of a site plan submission and review process. This form requires such details as the number of residential units, square footage, and unit type. Such a review is not applicable as part of a small-scale comprehensive plan amendment.

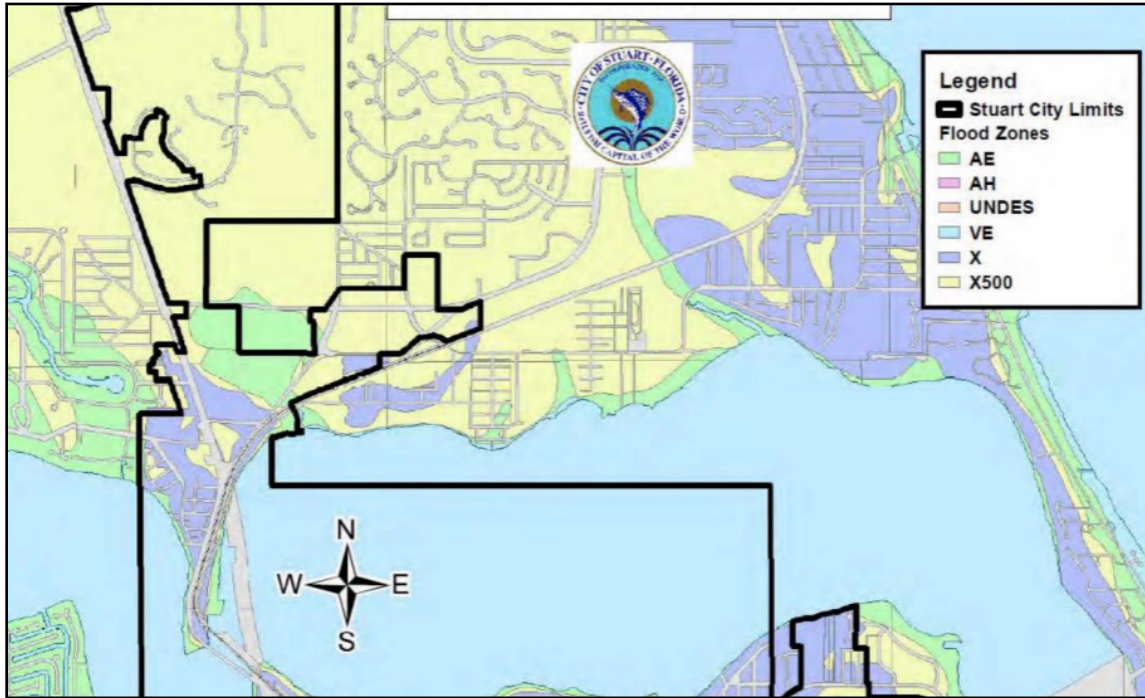
In summary of the request for a small-scale amendment to change the future land use from Industrial to Marine/Industrial, the completed project review provides a determination the project complies with objectives and policies within the City’s Comprehensive Plan, Land Development Code.

G. Staff Recommendation

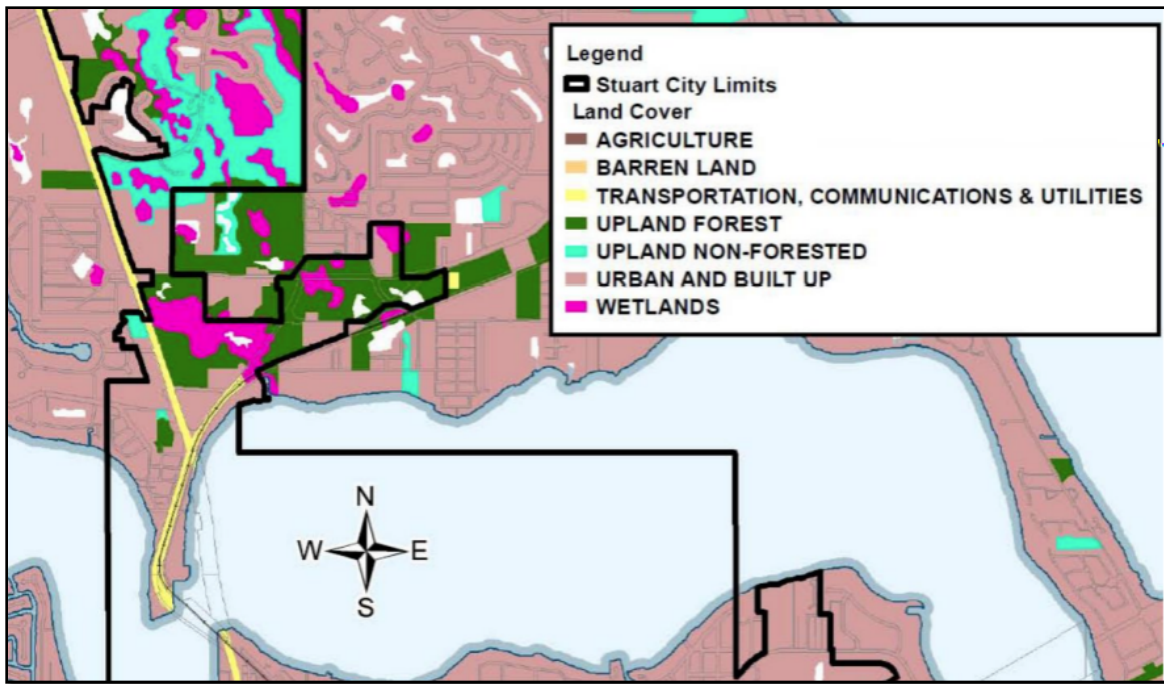
Staff has reviewed the application for a Small-Scale Comprehensive Plan Amendment to amend the Future Land Use Map from Industrial to Marine/Industrial and recommends that the City’s Local Planning Agency (LPA) forward a recommendation for approval to the City Commission.

G. Map Exhibits

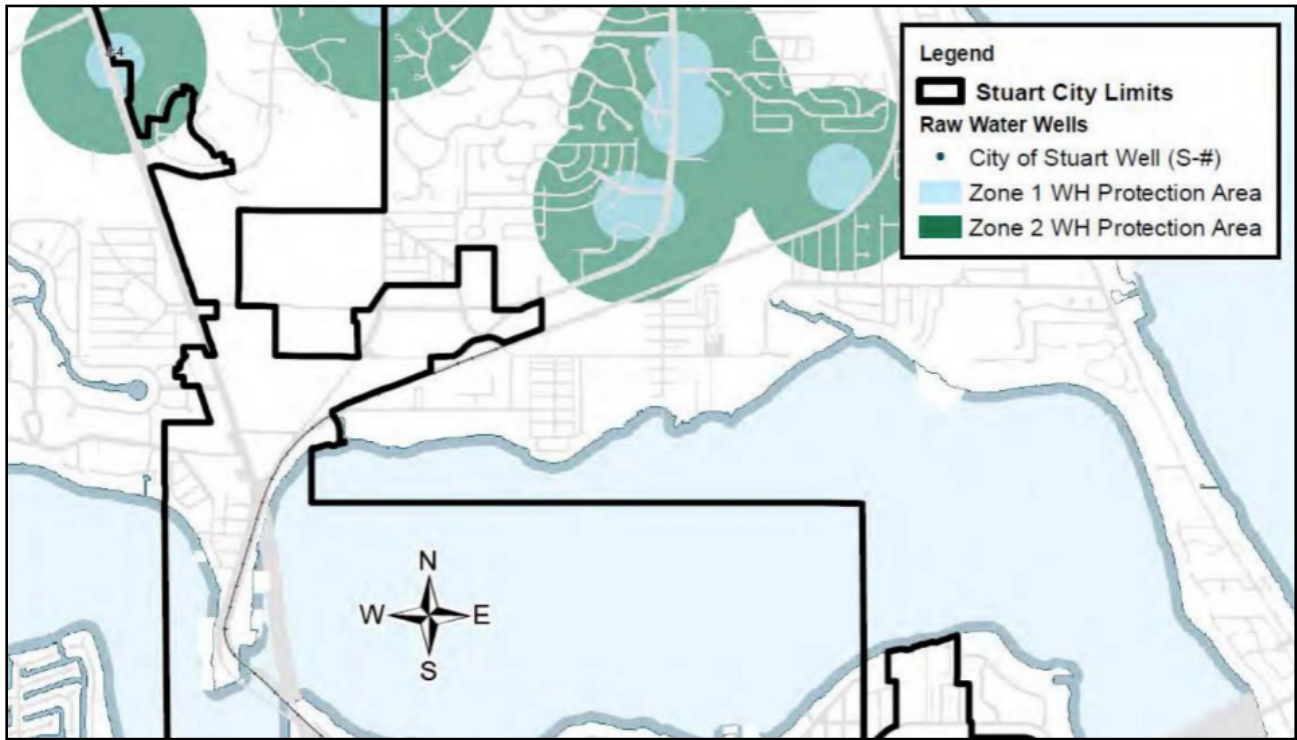
Multiple maps were reviewed based on City of Stuart GIS documentation. Extracts are provided as follows based on the maps reviewed, with no issues identified in the assessment of a request for a small-scale comprehensive plan amendment.



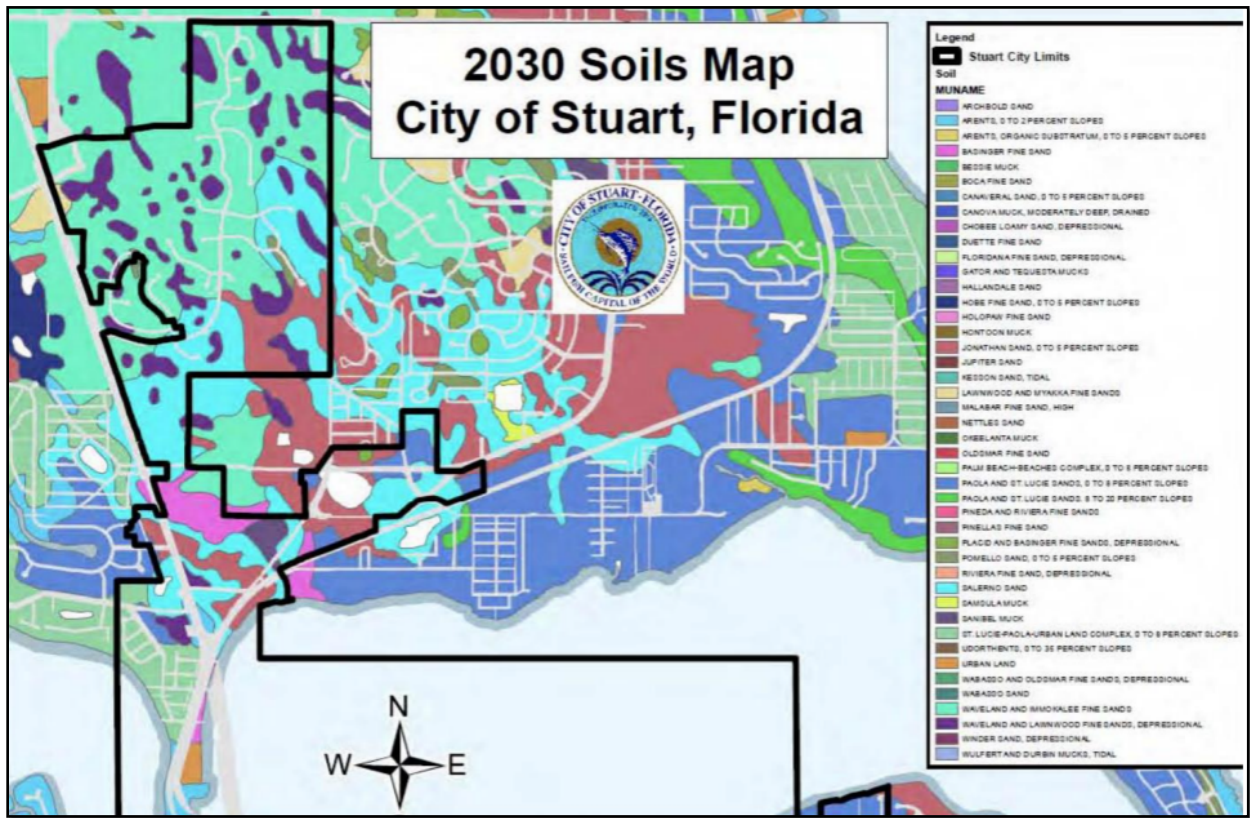
Flood Zones Map Extract City of Stuart Comp Plan: Subject property X and AE flood zone categories



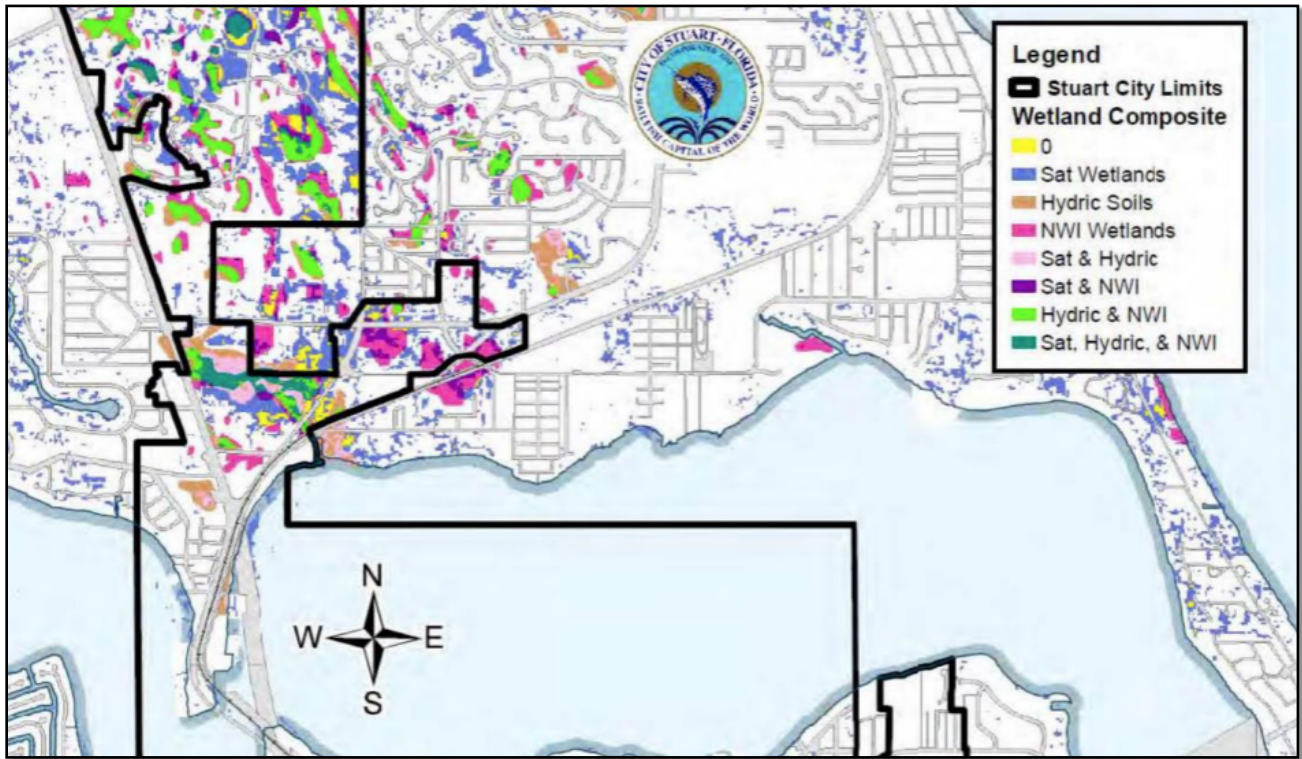
Land Cover Map: City of Stuart Comp Plan: Subject property within an area identified as Urban and Built Up



Planned Wells Map City of Stuart Comp Plan: Subject property within no planned wells area.



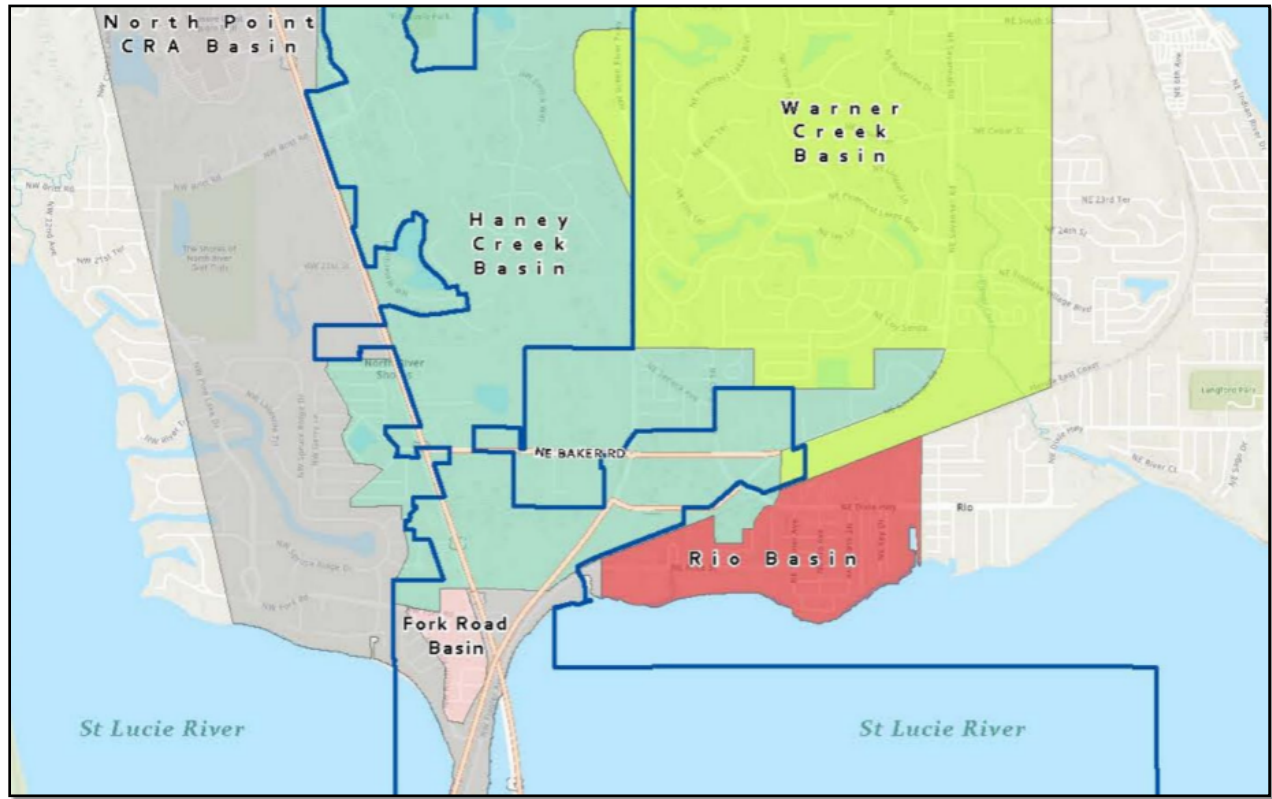
Soils Map City of Stuart Comp Plan: Subject property within Urban Land



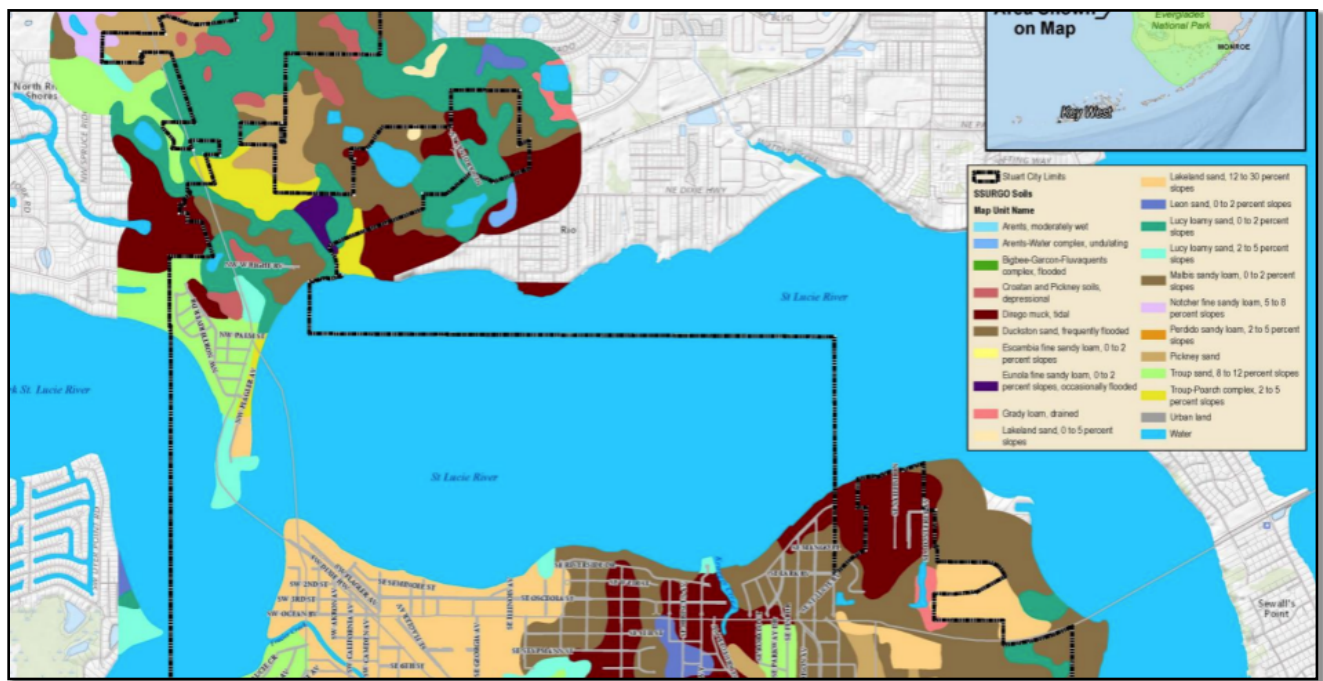
Wetlands Map City of Stuart Comp Plan: No wetlands identified on map



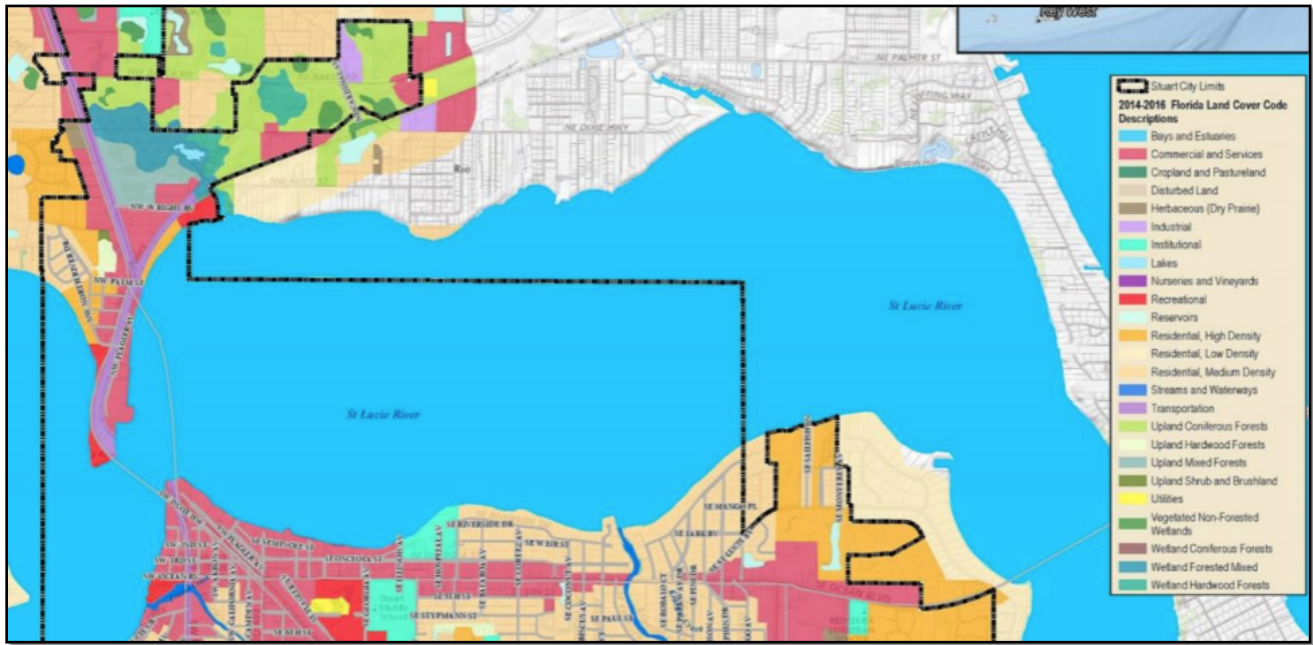
Coastal High Hazard Area Map Extract:



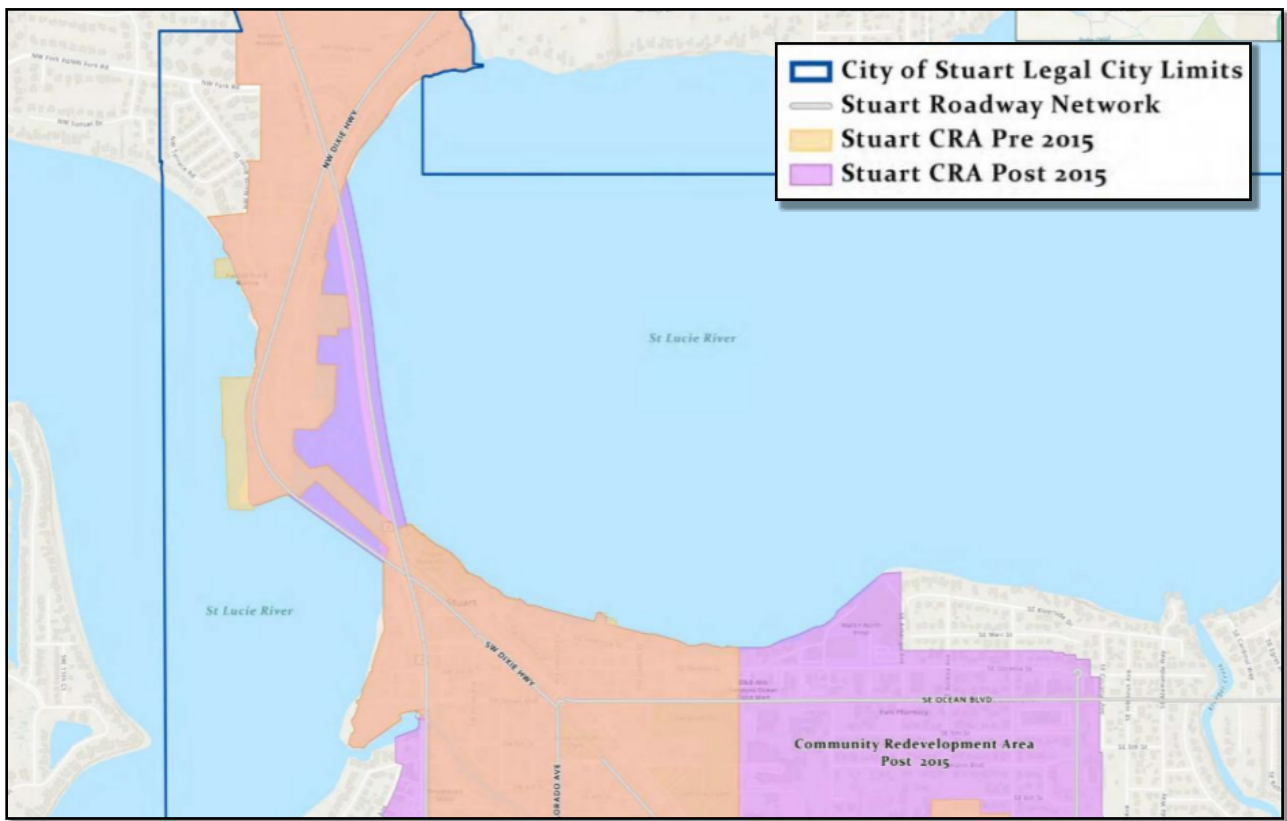
Watershed Basin: North Point CRA Basin



SSURGO Soil Types Map



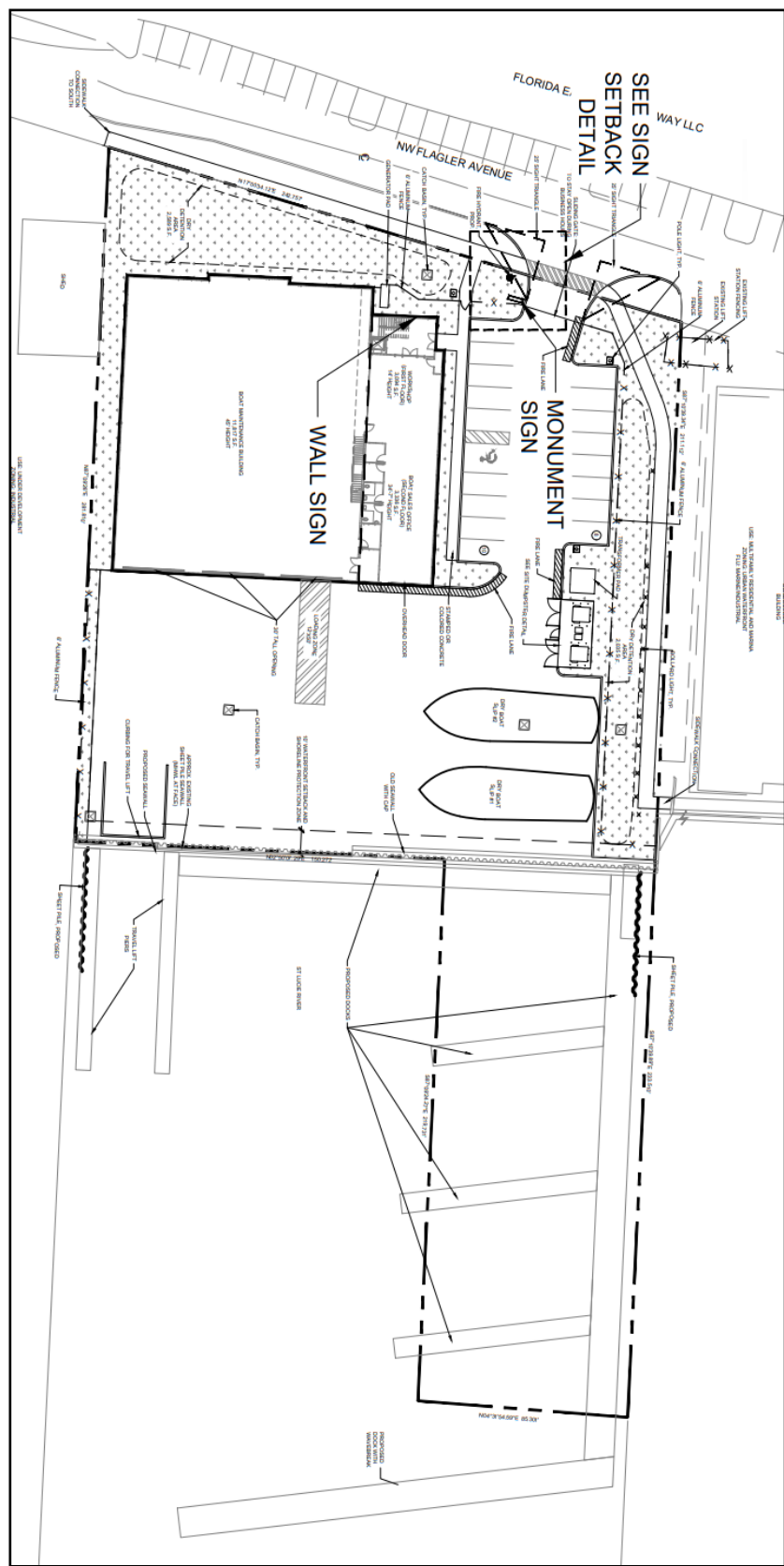
Florida Land Cover Map



Community Redevelopment Area (CRA) Map



FEMA Flood Zones Map



Proposed Site Plan

RECEIVED

JUN 29 2022



DEVELOPMENT

Received By: _____

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

Received by: _____

Reviewed by: _____

[Signature]

Small-Scale Comprehensive Plan Amendment Application

Project ID#

222060007

(Staff Entry)

Pre-App Conference Date:

1/14/2022

Application Date:

SITE INFORMATION

Project Name: Willis Custom Yachts	Parcel ID#: 32-37-41-004-020-00061-9
Site Address: 151 NW Flagler Avenue, Stuart FL 34994	
Subdivision: Riverside Park	Lot(s):
Site Acreage: 1.79 acres (1.09 upland acres)	Flood Zone/Base Flood Elevation: Zone AE/Elev 5
Existing Zoning District / CRA Subdistrict (if applicable): Industrial	
Proposed Zoning District / CRA Subdistrict (if applicable): Industrial	
Current Comprehensive Plan Future Land Use Designation: Industrial	
Proposed Comprehensive Plan Future Land Use Designation: Marine/Industrial	
Existing Land Use: Vacant	Proposed Land Use: Boat sales and service
Proposed Square Footage (if applicable): 18,720 SF	Proposed Density (if applicable): N/A

PETITIONER INFORMATION

Property Owner: 151 NW Flagler, LLC	Phone Number / Email Address: Contact Agent
Property Owner's Mailing Address: 151 NW Flagler Ave, Stuart FL 34994	
Applicant (if not Owner):	Phone Number / Email Address:
Applicant's Mailing Address:	
Agent/Contact Person: Matthew Barnes, AICP	Phone Number / Email Address: 561-713-1687 / matthew.barnes@wginc.com
Agent's Mailing Address: 2035 Vista Parkway, West Palm Beach, FL 33411	
Architect: Eric Luttmann, AIA	Engineer: Adam Schildmeier, PE
Planner: Matthew Barnes, AICP	Landscape Architect: Bryan Jackman

Statement of Ownership and Designation of Authorized Agent

(Please Print or Type)

Before me, the undersigned authority, personally appeared David Tobin, as Manager

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 Small Scale Comprehensive Plan Amendment in the City of Stuart, FL.
3. That he/she has appointed Matthew Barnes to act as an authorized agent on his/her behalf to accomplish the above project.

Name of Owner: 151 NW Flagler, LLC

Signature of Owner: [Signature] By: David Tobin, Manager

Street Address: 225 NEMER Blvd., Suite 510 City, State, Zip Code: Boca Raton, FL 33432

P.O. Box: _____ City, State, Zip Code: _____

Telephone Number: (561) 620-0656 Fax Number: (561) 620-0657

Email Address: dst@tobinreys.com

STATE OF FLORIDA, COUNTY OF Palm Beach

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

19th day of April, 2022 By David Tobin

[Signature] Notary Public

Personally Known OR Produced Identification
Type of Identification Produced:

My Commission expires: 08-25-23



Nichole Pavez
Comm. #GG907343
Expires: August 25, 2023
Bonded Thru Aaron Notary

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: <u>David Tobin</u>
Title: <u>Manager</u>
Company: <u>151 NW Flagler, LLC</u>
Company Address: <u>151 NW Flagler Ave</u>

City/State/Zip Code: <u>Stuart FL 34994</u>
Telephone Number:
Facsimile Number:
Email Address (optional):

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

1. Signed this 19th day of May, 2022.



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

Application Requirements

Fee: \$1,864.00 (*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*)

➤ **Submittal Requirements:** A completed application form, the payment of fees, one (1) copy of all documents on a PDF formatted disc electronically signed and sealed, and a justification for the proposed change and any other information required by the City Development Director.

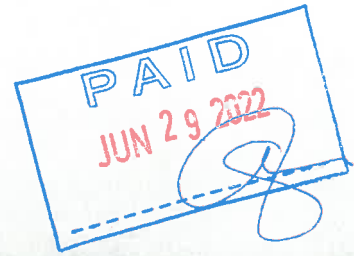
Approving Authority: The Development Director is required to prepare a staff report and recommendation concerning this application. The Local Planning Agency (LPA) is required to hold an advertised public hearing and formulate a recommendation to the City Commission. The City Commission is also required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

Justification: Please explain the need and justification of the change and the relationship of the proposed change to the goals, objectives and policies of the City of Stuart Comprehensive Plan and Land Development Code (*include additional pages if needed*).

See attached Justification Statement.

(over)

Invoice #	Date	Inv. Amount	Amt. Paid	Discount	Net Amount
3237410040200006	04/20/22	1,864.00	1,864.00	0.00	1,864.00



Check Amount \$***1,864.00

DOCUMENT IS PRINTED ON CHEMICALLY REACTIVE PAPER - THE BACK OF THIS DOCUMENT INCLUDES A TAMPER EVIDENT CHEMICAL WASH WARNING BOX

VOID AFTER 90 DAYS
Bank of America

0000024304

Willis Custom Yachts
6800 SW Jack James Dr.
Stuart, FL 34997

04/20/22 \$****1,864.00

One Thousand Eight Hundred Sixty Four Dollars and 00/100

CITY OF STUART
121 SW FLAGLER AVE.
STUART, FL 34994

222060007



⑈024304⑈ ⑆063100277⑆ 898102778730⑈

**JUSTIFICATION STATEMENT
SMALL SCALE COMPREHENSIVE PLAN AMENDMENT
&
URBAN CODE MAJOR CONDITIONAL USE
FOR
WILLIS CUSTOM YACHTS**

151 NW Flagler Ave, Stuart FL

Prepared by:

WGI, INC.

2350 Vista Parkway
West Palm Beach, FL 33411
(561) 687-2220
www.wginc.com

Initial Submittal: June 28th, 2022



CITY OF STUART - Planning & Zoning Department
121 SW Flagler Avenue, Stuart, FL 34994

Introduction

The subject property is located at 151 NW Flagler Avenue, to the east of Flagler Avenue and to the west of the St. Lucie River (the “Property”), in the City of Stuart, Florida (the “City”). The Property is identified by the following Parcel Control Number (PCN): 32-37-41-004-020-00061-9 and has a total of 1.794-acres which includes a total of approximately 1.36-upland acres and 0.43 acres of submerged lands. The Property has a Future Land Use (FLU) designation of Industrial and a Zoning District classification of Industrial. The Property is located within the City’s Community Redevelopment Agency (“CRA”) boundary. According to historic aerial photographs and Google Streetview images, the Property was previously developed as an industrial/marine use and has since been demolished, see **Figure 2** and **Figure 3**. The Property is currently vacant with remaining impervious surfaces on the site from the previous development. An aerial of the subject site (outlined in red) and surrounding areas is provided below in **Figure 1**.

Figure 1: Site Location Map



Request

On behalf of the property owner, 151 NW Flagler, LLC (the “Applicant”), WGI, Inc. requests a **Small-Scale Comprehensive Plan Amendment** to re-designate the FLU on the Property from Industrial to the Marine/Industrial FLU designation and an **Urban Code Major Conditional Use** to allow a boat sales and service use in the Industrial zoning district, see the FLU Map provided in **Exhibit A** and the Zoning Map provided by **Exhibit B**. The proposed boat sales and service development will accommodate a boat maintenance building, with an attached workshop and sales office (the “Proposed Project”). The Proposed Project also includes site improvements such as new docks and a new seawall. The Property is a part of the Harborage PUD development to the north and is listed as Building 10 on the site plan, therefore a PUD amendment is required. Condition #4 of Exhibit B of Resolution No. 50-2018 (the last approved PUD for



the Harborage) allows the owner of the Building 10 parcel to amend the Harborage development approval without the joinder of other property owners within Harborage. The condition states “A Unity of Title for density has been executed by the developer. Notwithstanding the preceding, any owner of the “Portside” parcel of “Building 10” parcel may amend the development approvals for the respective parcel, without joinder of other property owners within the Harborage development.”

Surrounding Uses

Table 1: Surrounding Land Uses			
Adjacent Land	Use	Future Land Use	Zoning
North	Harborage PUD Multifamily Residential and Marina	Marine/Industrial	Urban Waterfront (UW)
South	Atlantic Point Marina (Approved by the City Commission on May 23 rd) Marine Based Mixed-Use Development	Marine/Industrial	Industrial (I)
East	St. Lucie Waterway	Not Applicable	Not Applicable
West	Apex Marine Stuart Boat Repair Shop	Downtown	Urban Waterfront (UW)

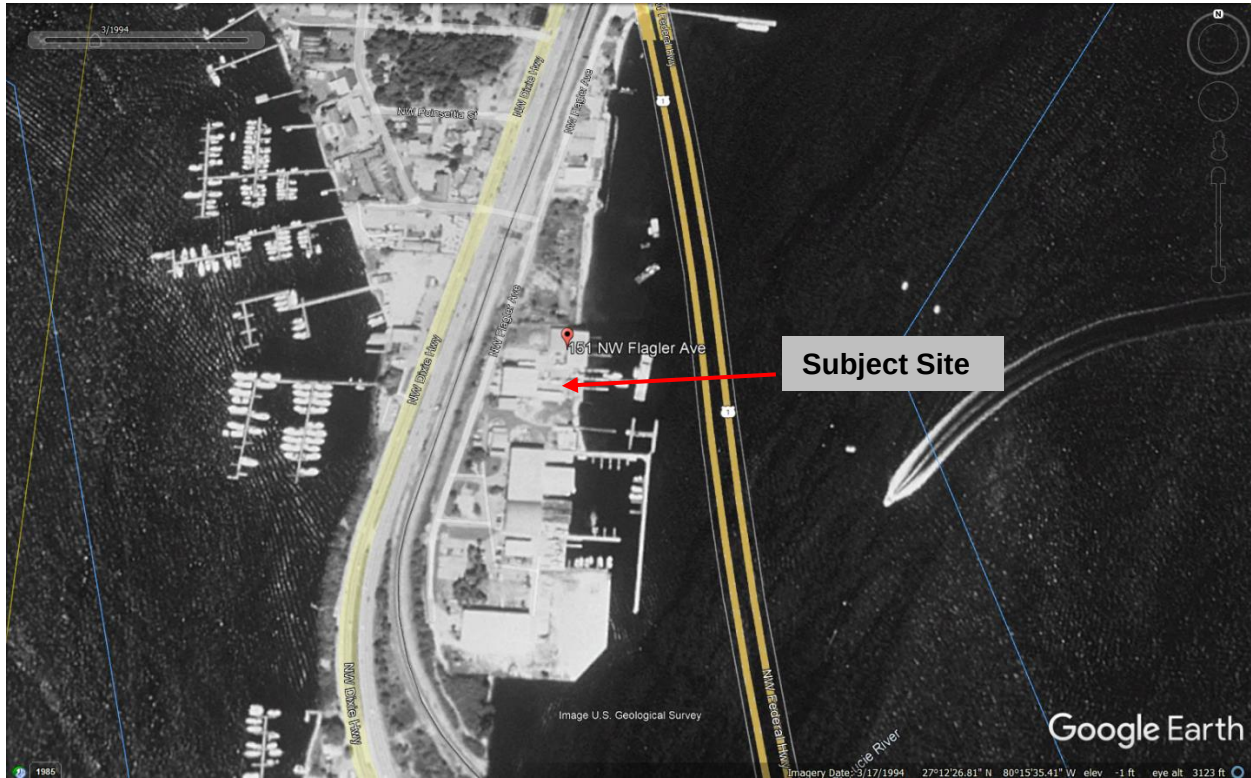
Table 1 demonstrates that the request to amend the future land use (FLU) of the Property from Industrial to Marine/Industrial is consistent with the parcel to the north and the parcel to the south, which both have a FLU of Marine/Industrial. The parcel to the south, Atlantic Point Marina, was approved on May 23rd for a small-scale comprehensive plan amendment to change the designation of the FLU from Industrial to Marine/Industrial and a Major Urban Code Conditional Use. The proximity of the Property to the St. Lucie River further demonstrates the compatibility of the Marine/Industrial FLU designation, as opposed to the existing Industrial FLU, which will be explained in further detail.

Appropriate Future Land Use Designation

The Future Land Use Element of the City of Stuart’s Comprehensive Plan defines the Industrial FLU category as “Land uses and activities predominately connected with manufacturing, assembly, processing, packaging, research, or storage of products. Additional permitted uses in such areas include warehousing, wholesale activity, machine repair, and limited indoor retail sales and professional and other offices.” The description of the Marine/Industrial FLU category as a “Waterfront district which permits continuation of industrial/marine uses while encouraging mixed use development including multi-family residential; commercial; office; lodging; marinas; and civic uses.” Marine/Industrial is a more appropriate FLU designation for the subject site since it is a “waterfront district” and it permits the “continuation of industrial/marine uses”.

The Property is located adjacent to the St. Lucie Waterway and is therefore part of the Stuart waterfront. The proposed use of boat sales and service is consistent with the uses in a waterfront district. According to historic Google Streetview images from 2019, the most recent use on the site was an industrial/marine use, see **Figures 4 and 5**. The previous use, known as Palm City Yachts, was a marine/industrial use that was at the time of its use, inconsistent with the Industrial FLU designation. Historic aerials from 1994, see **Figure 2**, show the industrial/marine development that existed until its demolition in 2021.

Figure 2: 1994 Aerial of the Subject Site



Source: Google Earth

The Marine/Industrial FLU designation is consistent with the purpose of the FLU as it allows for the continuation of the industrial/marine uses that were once located on the subject site, which in this case was Palm City Yachts. The Proposed Project is a desirable infill redevelopment project, that will improve the vacant site that exists today and is more desirable to than the approved site plan for the site as shown in **Figure 3** (next page).

The Property is part of the Harborage development and in the last PUD approval a Dry Storage/Showroom building was approved for the Property. The intense building, known as Building 10 on the site plan, had a ground floor footprint of approximately 30,000 square feet, which was approximately 50% of the total upland portion of the Property. The Proposed Project only has a footprint of just under 15,000 square feet – half the size of Building 10.

The previously approved project did not maintain much pervious surface on the parcel, which would have hindered stormwater management. The previously approved project required 44 parking spaces (compared to 18 required parking spaces for the Proposed Project) and only 25 spaces were located on the Property, the other 19 parking spaces were located in the Flagler Avenue right-of-way. Sixteen of the 25 parking spaces on the Property actually encroached past the northern property line by eight feet, which would have left no room for a landscape buffer between Building 10 and its parking and the neighboring condominium building to the north.

The Proposed Project will preserve most of the existing Areca Palms on the common northern property line, which will provide a thick landscape screen, and there is approximately 25' of buffer area along the common northern property line where a sidewalk will connect to the Harborage sidewalk (and it will connect

Figure 4: Previous Use on the Subject Site



Source: Google Streetview., May 2019

Figure 5: Previous Use on the Subject Site



Source: Google Earth

Overall, the Proposed Project will enhance the Property, which is located in the CRA. The mission of the CRA as stated in the *Community Redevelopment Agency 2021 Annual Report*, is “*To plan for a sustainable economic future while protecting and enhancing the unique character of the City.*” In its current state the Property is not consistent with the CRA’s mission as the vacant site does not generate revenue “for a sustainable economic future” and it does not enhance “the unique character of the City.” The Proposed Project is consistent with the CRA’s mission, as the boat sales and service use promotes infill redevelopment on a vacant site and the proposed use is consistent with the City of Stuart’s marine character. The Proposed Project will also bring jobs to the City in the marine industry. The proposed development is explained in further detail in the following section.



Proposed Development

The Applicant proposes to construct a boat maintenance building that is approximately 12,000 SF and an attached two-story workshop building and office/customer lounge. The workshop building is approximately 3,250 SF and is proposed on the first floor and an approximately 3,300 SF boat sales office is proposed on the second floor. In addition to the main structure, two dry dock boat slips are proposed on site. A dock and travel lift piers are proposed to extend from the eastern property line into the submerged lands and St. Lucie River.

The Applicant intends to use the Property in complement to their main manufacturing and repair site in unincorporated Martin County further up-river at 6800 SW Jack James Drive. The Proposed Project will serve customers who are testing their new boat purchase, which was manufactured or repaired at the offsite location. The maintenance building and workshop building will be used to make the final tweaks and improvements to the boat per the customer's requests. The Property provides ideal access to the water for the boat delivery (by water) and client interaction with their new boat because it has access to the St. Lucie River — in addition to easy access to the Okeechobee waterway, the Intracoastal Waterway, and the Atlantic Ocean. Flagler Avenue is parallel to the subject property and provides easy access from Dixie Highway.

The established development pattern as a historic industrial/marine use provides an opportunity for infill development that is consistent with the scale and character of the existing multifamily and marina to the north, and the proposed mixed-use development and marina to the south. The Proposed Project is located approximately half a mile from downtown Stuart and is in the City of Stuart's CRA boundary.

The Proposed Project also includes 18 parking spaces, one loading zone, dry detention, a 6' wide sidewalk that will connect the sidewalk along the east side of the Harborage through the Property to the south where it will connect to the Atlantic Point project, and landscaped buffers along the north, west, and south property lines. Water-based improvements include a proposed seawall, docks, and a travel lift to lift boats out of the water. The Proposed Project will create a viable project on the vacant parcel, that also meets the City's code requirements and contributes to the public experience through a sidewalk connection and public art installation. Stormwater management will also be improved with the development of the vacant parcel, as the existing site has an extensive amount of impervious surface which will be reduced with the dry detention and landscape buffers proposed on the north and west boundary. The site plan included in this submittal identifies the pervious surface that is proposed on the site to manage the stormwater onsite.

To compliment the scale and design of adjacent properties, the boat maintenance building and the attached workshop/customer space has a marine contemporary design. The attached space is setback from the maintenance building which breaks up the façade, along with recessed façade elements. The building design has created an intricate façade that is broken up with recessed façade elements, large windows, and the attached building is setback from the maintenance building. The proposed height of the maintenance building is 45 feet, and it is proportional and complimentary to surrounding buildings in the area. The proposed height of the Atlantic Point Marina project to the south is 45 feet with an additional 15 feet to the top of the roof. The Harborage residential buildings located to the north of the Property has a height of 42 and a half feet.

Public art onsite is strongly encouraged by the City of Stuart and the CRA. The Proposed Project incorporates a nautical mural to compliment the marine-based use and the historic character of the City of Stuart. This art intends to benefit customers of the proposed building as well as the Stuart community, as it enhances the public view and intends to employ a local artist. The proposed public art is a mural on the west facing façade of the proposed building. A conceptual depiction of the mural is provided in the architectural drawings. A final mural design will be applied for through the minor urban code conditional use process when an artist and final design are chosen by the Applicant.



Small Scale Comprehensive Plan Amendment

The Willis Custom Yachts application includes a request consistent with **LDC Section 11.01.07 – “Small scale” comprehensive plan amendment application** and meets the definition of a small-scale comprehensive plan amendment as defined in F.S. § 163.3187.

Section 11.01.07.G. includes specific policy provisions required to be considered when assessing a request for a small-scale comprehensive plan amendment. Specifically, the Community Redevelopment Board and City Commission shall consider the following criteria:

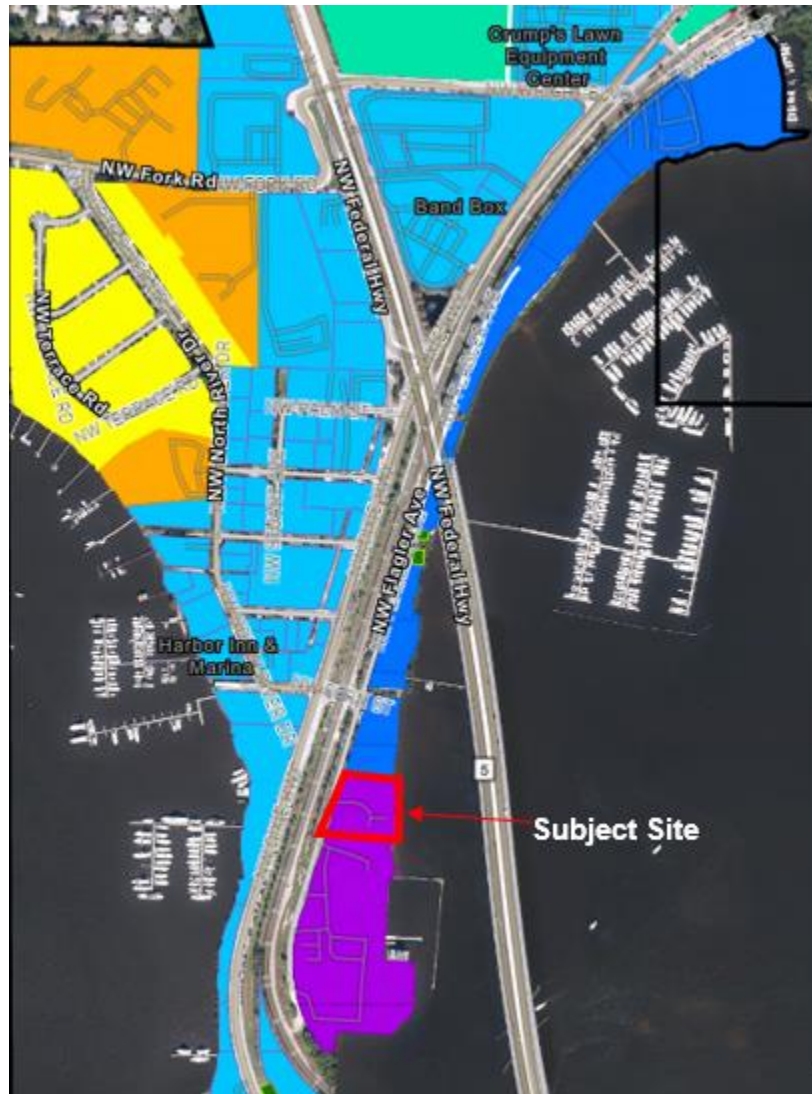
a) The existing land use pattern;

Table 1 (page 3) describes the land use pattern surrounding the Property. The analysis provided on page 3, demonstrates the consistency of the proposed FLU change from Industrial to Marine/Industrial. The proposed FLU change is consistent with the land uses to the north and the recently adopted FLU amendment to the south of the subject site and it is consistent with the previous industrial/marine use on the property. The proposed project of a boat sales and service use is consistent with the proposed Marine/Industrial FLU.

b) The possible creation of an isolated land use classification unrelated to adjacent and nearby classifications;

As depicted in **Figure 6** (next page), the majority of parcels located between NW Flagler Avenue and the St. Lucie River have a future land use designation of Marine/Industrial which is represented by the royal blue designation. The purple parcel directly to the south of the subject site was recently changed to a Marine/Industrial FLU. Therefore, the Property will soon be isolated as it exists with an Industrial FLU. A small-scale comprehensive plan amendment would enhance the consistency of the site to the surrounding uses and would no longer isolate the Property as the only Industrial FLU site in the vicinity.

Figure 6: City of Stuart Future Land Map



Source: City of Stuart Development Web Map

- 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;**

The proposed development does not include any residential units and is therefore, not applicable to this criterion.

- d) The possible overloading of the city's sewage collection, treatment and disposal facilities;**

The preliminary engineering plans in this application, provide sufficient detail to demonstrate the proposed effective reuse of the previous industrial/marine type facilities without overloading the city's sewage, treatment, and disposal facilities.

- e) The possible overloading of the city's drainage system;**



The stormwater drainage calculations and preliminary engineering plans included in this application demonstrate the Proposed Project may be accommodated without overloading the City's drainage system.

f) The existing classification boundaries in relation to existing conditions on the subject property;

The previous industrial/marine use has been demolished and the site is currently vacant with a lot of impervious surface that remains from the previous development. The proposed boat sales and service facility will better utilize the Property, as it provides a sustainable infill development project on a currently vacant site. The proposed use is not permitted with the existing Industrial FLU designation and this site would likely continue to sit vacant without the small-scale comprehensive plan amendment.

g) The existence of changed or changing conditions which make the passage of the proposed amendment necessary or appropriate;

As depicted in **Figure 4 and 5**, the previous Palm City Yachts use, was demolished in 2021 and the Property is currently vacant. The Applicant intends to revitalize the Property with uses described in the development program section above, which are compatible to the marina and multifamily use to the north and the marina use approved for the Atlantic Point Marina development to the south. To accommodate such a change, a small-scale comprehensive plan amendment from Industrial to Marine/Industrial and an Urban Code Major Conditional Use to allow a boat sales and service use is required. Such uses are allowed and encouraged within the CRA Urban Code.

h) The impact of the proposed amendment upon living conditions in the adjacent neighborhood;

The Property was previously established as an industrial/marine use, most recently known as Palm City Yachts. The proposed reuse of the Property as a boat sales and service use, is consistent with uses permitted in the Urban Code and provisions allowed with a concurrent request for a Major Urban Code conditional use application to address the underlying Industrial zoning district designation. The property boundary is a significant distance away from the multifamily residential parcels (shown in orange) that are depicted in **Figure 6** and the proposed building is setback 96' from the north property line where there is an existing multifamily residential building in the Harborage development. The previous Palm City Yachts use had an approximately 30-foot tall building that was setback only 15'-8" from the north property line at the east end of the Property. Historic aerial images also show that the previous use was developed prior to the Harborage development. Therefore, during their entitlement process, the mixed-use, Harborage development determined that their proposed development was consistent with the industrial/marine use that existed on the subject site. Due to the factors listed above, there is no negative impact on nearby residents.

i) The impact of the amendment upon the flow of light and air to adjacent areas;

Photometric plans are included in this application which demonstrate there is no impact of the Proposed Project to the adjacent areas. The Proposed Project has also followed the required distance and separation between established property boundaries as depicted in the site plan included in the application.

j) The impact of the proposed amendment upon property values in the adjacent area;



The Proposed Project will revitalize an infill site within the CRA boundaries. The CRA's vision includes "encouraging economic growth and development while enhancing the City's character." As a recently demolished, vacant parcel, in the City's CRA district, the Property is an opportune site for redevelopment. The Property is located in-between the Harborage multifamily and marina project and the proposed Atlantic Point marine commercial project. As shown in **Figures 4 and 5**, the previously existing use and current vacant site do not capture the City's marine character and it does not utilize the waterfront to its full capacity. Redevelopment on the Property with modern, well designed buildings of a scale, layout and massing that is compatible with the surrounding development will add value to the surrounding properties as intended by the CRA.

k) The impact of the proposed amendment upon improvement or development of adjacent property in accordance with existing regulations; and

The existing Harborage development was approved by Resolution No. 196-04 in 2004 and later amended by Resolution No. 50-2018. The Property is a part of the Harborage site plan, as it was approved to have a Dry Storage/Showroom on the Property. The Proposed Project will be a more desirable use than the existing waterfront vacant parcel, the approved use, and the previous use. The Property is more consistent with the development to the south known as Atlantic Point Marina, which is approved to develop a boat barn, marina use and more commercial uses. Overall, the Proposed Project is consistent with the purpose of the CRA and it provides a more aesthetically pleasing use and design than what exists there today and the large showroom that was approved previously. Initial architectural renderings are included in **Exhibit C**.

Structural architectural details are integrated into the building structure and design. The relief and form of the maintenance building and the attached 2-story building is compatible with the scale and character of the adjacent properties to the north and the recently approved Atlantic Point Marina to the south. These elements include a raised parapet, overhangs, a recessed façade, display windows, and a public art mural. Landscaped buffers and a decorative aluminum fence enhance the compatibility between the proposed use and the surrounding uses. In addition, the equipment and refuse services will be screened and not visible to the public.

l) The existence of other adequate sites in the city for the proposed land use classification already permitting such use.

The Property is an appropriate site for the proposed boat sales and service use in the City of Stuart. Other vacant sites are either not located on the waterfront or a boat sales and service use would not be compatible with the surrounding uses. The Marine/Industrial FLU is concentrated on the east side of Flagler Avenue. The other concentration of vacant waterfront parcels are surrounded by the Downtown FLU designations, which would not be as compatible for the proposed use. New development on the Property is an effective infill development project for a site where an industrial/marine based use once existed.

Consistency with the Comprehensive Plan

FLU Element Policy A2.3: City shall encourage extension and expansion of its Riverwalk system, along private properties, through public and private partnerships agreements, development incentives or other means deemed appropriate by the City Commission.

The Property, adjacent to the St. Lucie River, offers beneficial resources and encourages extension and expansion of the City's Riverwalk system. The Proposed Project would connect the Riverwalk to the parcel to the north and south and therefore, expand the system.



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

The Proposed Project is an infill site, discouraging urban sprawl by revitalizing a preexisting Marine/Industrial property. No further development outside of the Property will be needed, achieving a compact urban form.

FLU Element Objective B3. Promote and enhance a pattern of land uses that are compatible; that are convenient to City residents, businesses, and visitors; that avoid inappropriate or wasteful use of land; and that encourage efficient use of land, resources and facilities. Future land uses shall be designated to support the existing or planned community character, thereby prohibiting the development or expansion of uses which are inconsistent with the community's character. Reduce blighted areas through redevelopment. Land development and use regulations shall include provisions to ensure consistency with this Comprehensive Plan.

The Proposed Project will be compatible with the surrounding land use and support the community character, including the marina and multifamily use to the north and the proposed marina and commercial development to the south.

FLU Element Goal Statement C. The future land use goal for the Community Redevelopment Area (CRA) [is] to maintain and strengthen the beauty, economic viability, cultural resources and social importance of the area. This shall be accomplished through mixed-use zoning, preservation of historic buildings, innovative zoning and land use regulations, demolition, reconstruction or substantial renovation of existing buildings and infrastructure, enhancement of marine resources, and other measures to promote urban redevelopment.

The proposed boat sales and service use aligns with the future land use goals of the CRA. The project's design will strengthen the beauty, economic viability, and cultural resources through revitalization of the site. In addition, a mural is proposed on the development to contribute to the City's public art supply.

FLU Element Policy C1.2 The City of Stuart shall continue to implement the Stuart Architectural Regulations which have been adopted based on the Stuart Urban Code for the CRA to regulate materials, colors, and landscaping for buildings. These regulations shall encourage traditional, durable construction with materials that age well and fit with the existing architectural heritage of Stuart.

The Proposed Project is consistent with regulations in the Urban Code as the architectural design and site layout was planned with the Urban Code regulations as a priority.

FLU Element Objective C3-Urban redevelopment. Revitalize the designated Urban Redevelopment Area (URA), including the CRA, by:

- A. Maintaining or increasing the amount of development and redevelopment.***
- B. Maintaining or increasing the percentage of County-wide employment located in the City of Stuart as a whole.***
- C. Reducing blight conditions as defined by F.S. § 163.340(8)(a) and (b).***
- D. Achieving and maintaining a 90 percent occupancy rate of commercial and office spaces.***
- E. Enhancing the City's marine resources.***
- F. Promote pedestrian mobility throughout the CRA.***
- G. FLU Element Policy C3.14 Policy C3.14. The City through the CRA redevelopment shall encourage and promote pedestrian mobility and linkages throughout the CRA.***

This Proposed Project reuses existing property that was formerly an industrial/marine use, but with a design that is consistent with the objectives of policy C-3. Approval of the Proposed Project would achieve the objectives to facilitate redevelopment, enhancing the City's marine resources, and promoting pedestrian



mobility in the surrounding area within the City of Stuart CRA through the expansion of the Riverwalk system. The Proposed Project would generate approximately 15 new jobs.

Chapter 9, ECONOMIC DEVELOPMENT ELEMENT GOAL STATEMENT – The City will develop and maintain an economic environment that will encourage the creation, expansion and retention of businesses within City limits while maintaining a high quality of life for its residents.

Objective A1 – Retain existing businesses and attracting new businesses. Provide supporting services for the retention of existing businesses and attracting new businesses.

The Proposed Project will create approximately 15 new jobs in the marine industry, a highly sought-after sector of the economy for the City. The Proposed Project is also complimentary to the Applicant's other business location in Martin County at 6800 SW Jack James, where boats are manufactured and repaired.

Policy A1.1. The City will seek to ensure the allocation of an appropriate quantity of lands that are desirable for commercial and industrial purposes to serve future growth needs of the City.

The proposal to amend the future land use designation from Industrial to Marine/Industrial provides for the ability to re-establish the industrial/marine uses that previously existed on the Property, which will generate approximately 15 new jobs in the City.

Policy 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.

The Proposed Project is ideally suited for the Property due to its access to the St. Lucie River and the Proposed Project will bring approximately 15 new jobs to the City in the targeted marine industry.

Major Urban Code Conditional Use & Industrial Zoning District Analysis

Although industrially zoned, the development patterns, setbacks, and open space, pervious/impervious, and architectural design standards applied to the site are governed by a combination of the Industrial zoning district standards and the Urban Code standards. The Proposed Project has been designed to demonstrate appropriate stormwater management provisions with the dry detention areas included on the north and west property line to protect the St. Lucie River from unwanted runoff. The boat maintenance building has been setback 110' from the shoreline, far exceeding the required 10' shoreline protection zone. The previously existing building was only setback 15'-8" from the north property line and it was only setback a few feet from the east property line, which is depicted in **Figure 5**. The Proposed Project respects the shoreline protection zone and is more compatible with the neighboring property to the north. The proposed height of the main building is consistent with both the Industrial zoning designation and the Urban Code.

The previous industrial/marine use would have been grandfathered as a nonconforming use on the Property and therefore, redeveloping the Property with a similar use will require a Major Urban Code Conditional Use. A Major Urban Code Conditional Use approval includes provisions to allow uses not allowed in the underlying zoning district, which in this case is to allow a boat sales and service use in the Industrial district.

Section 11.01.11.-Major and minor conditional use approval application.

- A. Generally, A major conditional use approval is specific authorization granted by the city commission to permit certain uses of property, which are unique due to the nature of the use, size, location, or various characteristics particular to the zoning district. The issuance of a major conditional use approval is required for the use or occupancy of a structure specifically designated as a conditional use in the "zone district" chapter of this Code and is subject to the limitations and conditions specified therein.

Specific Policies Requiring Consideration as a Major Urban Code Conditional Use:



The following regulation from the City's Land Development Code require a Major Urban Code Conditional Use in the Industrial Zoning District:

- a) **Section 202.02 Table 2 Land Uses.** To allow the proposed boat sales and service use in the Industrial zoning district.
- b) **Section 3.01.03.G. a through f.** These urban code regulations relate to landscape buffer widths in relation to setbacks of the underlying zoning district or urban subdistrict. The Industrial zoning district does not have any required setbacks and the Property is not located within an urban subdistrict. Therefore, the provided landscape buffers are as per what is provided on the proposed site plan and landscape plan rather than not providing landscape buffers and landscape strips.
- c) **Section 3.01.04.A. 1.** To allow the proposed building wall material of a concrete tilt wall with a finish that will be similar in appearance to stucco.
- d) **Section 3.01.04.H. 6** To allow six-foot-tall fence in the front yard along Flagler Avenue for security purposes.
- e) **Section 3.01.04.P.** To allow a six-foot-tall fence in the front yard along Flagler Avenue for security purposes.
- f) **Section 3.01.04.R.** To allow a parapet wall over 24 inches to enhance the architectural character of the 2-story boat maintenance building.

Policy Section 11.01.11.G.5

The factors that the city commission or community redevelopment board shall consider when making its determination are as follows:

- a) ***The proposed use is not contrary to the established land uses in the immediate area.***

The Marine/Industrial FLU exists to the north and to the south of the Property. A mixed-use development with water-based uses such as a marina, exist to the north in the Harborage development. The Atlantic Point Marina use to the south was approved for a development with a marina, boat barn, and other water-based uses. More water-based uses exist to the west of Flagler Avenue. Therefore, the proposed use is consistent with the land uses in the immediate area.

- b) ***The proposed use would not significantly depart from the densities or intensities of use in the surrounding area and thereby increase or overtax the load on public facilities such as schools, utilities, and streets and other public infrastructure.***

The proposed use has been designed to meet all code requirements and to provide a more suitable land use to the currently vacant property. The preliminary engineering plans do not indicate that the existing utilities and public infrastructure in place will be overtaxed. The Proposed Project will not have traffic counts higher than 20 peak hour trips and it will not overtax the load on public streets. A traffic statement that defers a traffic analysis has been provided with this application. No residential development is proposed and therefore, the project does not apply to school concurrency.

- c) ***The proposed use will not be contrary to the future land use designation and will not have an adverse effect on the goals, policies, and objectives of the Comprehensive Plan.***

The concurrent small scale comprehensive plan amendment from Industrial to Marine/Industrial provides consistency with the adjacent uses to the north and the proposed development to the south of the Property and the proposed boat sales and service use is consistent with the intentions of the proposed FLU designation as established in the comprehensive plan.

- d) ***The existing district boundaries are illogically drawn in relation to existing conditions on the property proposed for change.***

Not applicable.



- e) *The proposed use will not create or excessively increase traffic congestion or otherwise affect public safety.***

The Proposed Project will not have traffic counts higher than 20 peak hour trips and it will not overtax the load on public streets. A traffic statement that defers a traffic analysis has been provided with this application.

- f) *The proposed use will not create drainage or a storm water quality problem.***

The preliminary engineering plans and stormwater calculations all provide sufficient information to demonstrate compliance with City policies. Due to this compliance, no stormwater quality problem is anticipated.

- g) *The proposed use will not significantly reduce light or air to adjacent areas.***

Photometric plans are included in this application which demonstrate there is no impact of the Proposed Project to the adjacent areas. The proposed development has also followed the required distance and separation between established property boundaries as depicted in the site plan included in this application.

- h) *The proposed use is less burdensome on neighboring properties and on public infrastructure than uses permitted by right in the district.***

The proposed boat sales and service use is less burdensome on neighboring properties and on public infrastructure than the uses allowed by right in the Industrial zoning district. According to the City of Stuart's Land Development Code, the following uses are allowed in the Industrial zoning district:

- Automobile, repair services – major and minor.
- Boat storage, dry.
- Dry cleaning plant.
- Farm equipment and supply and sales.
- Gas stations.
- Newspaper publishing plant.
- Repair services.
- Retail intensive/non intensive sales and services.
- Shooting range, indoor.
- Fuel production facilities.
- Industrial, high impact and low impact use.
- Industrial parks.
- Sign painting/manufacturing shop.
- Telecommunication towers.
- Railroad freight stations.
- Truck terminals.
- Storage yards.
- Warehouse, general storage, mini storage, wholesale and distribution.
- Commercial nursery and tree farms.

The uses listed above, except for the boat storage, dry use, are not suitable for a development on the water. The uses listed above are also not suitable to be located adjacent to multifamily residential. The Proposed Project will provide the finishing touches and minor repairs and service to boats for customers at the Property. This use anticipates minimal noise, air, and light pollution to the adjacent developments as opposed to the uses listed above.

- i) ***The proposed use is not out of scale with the uses permitted by right in the district and with the existing uses in the neighborhood.***

The existing Harborage development was approved by Resolution No. 196-04 in 2004 and later amended by Resolution No. 50-2018. The Property is a part of the Harborage site plan, as it was approved to have a Dry Storage/Showroom on the Property. The Proposed Project will be a more desirable use than the vacant condition, the approved use, and the previous use. The subject site is consistent with the recently approved Atlantic Point Marina development to the south, as it plans to develop a boat barn, marina use and more commercial uses. Overall, the Proposed Project is consistent with the purpose of the CRA and it provides a more aesthetically pleasing use and design than what exists there today and the large showroom that was approved previously. Initial architectural renderings are included in **Exhibit C**.

Structural architectural details are integrated into the building structure and design. The relief and form of the maintenance building and the attached 2-story building is compatible with the scale and character of the surrounding buildings to the north and the recently approved Atlantic Point Marina to the south. These elements include a raised parapet, overhangs, a recessed façade, display windows, and a public art mural. Landscaped buffers and a decorative aluminum fence enhance the compatibility between the proposed use and the surrounding uses. In addition, the equipment and refuse services will be screened and not visible to the public.

- j) ***There are no other adequate sites for the proposed use in districts in which the proposed use is permitted by right within the city.***

The Property is an appropriate site for the proposed boat sales and service use in the City of Stuart. Other vacant sites are either not located on the waterfront or a boat sales and service use would not be compatible with the surrounding uses. The Marine/Industrial FLU is concentrated on the east side of Flagler Avenue. The other concentration of vacant waterfront parcels are surrounded by the Downtown FLU designations, which would not be as compatible for the proposed use. New development on the Property is an effective infill development project for a site where an industrial/marine based use once existed.

Policy Section 11.01.11. G.G.6. in applying the above standards, the decision-maker will consider each of the following factors:

- a. ***Ingress and egress to the property and the proposed structures to be located thereon, if any, including considerations of automotive and pedestrian safety and convenience, of traffic flow and control, and of access in case of fire or catastrophe.***

Ingress, egress, pedestrian, and vehicular flow throughout the property has been designed effectively and efficiently. Customers will enter and leave through the gated driveway and sidewalk that will remain open during business hours. A 6' sidewalk is proposed to connect to the sidewalk on the property to the north and the sidewalk on the property to the south to create a continuous pedestrian pathway. The driveway widths exceed minimum standards required to accommodate emergency vehicles.

- b. ***Off-street parking and loading areas including consideration of the economic impact thereof on adjacent properties and of any noise and glare created by the location of off-street parking and loading areas on adjacent and nearby properties.***

Off-street parking is located on the northwest portion of the site and the parking spaces face both north and south. A 24.9' landscape buffer screens the parking that faces the adjacent use to the north and the proposed building screens the parking from the uses to the south. The

loading zone is located to the east of the building and faces the St. Lucie River, minimizing the impact on adjacent properties. In addition to the off-street parking and loading zone placement, there is a gate that will close after business hours, which will limit the need for cars and trucks to use their headlights during ingress, egress, or circulation around the site.

- c. Refuse and service areas including consideration of the economic impact thereof on adjacent properties and of any noise and odor created by the location of refuse and service areas on adjacent and nearby properties.***

The refuse and service area is proposed on the north side of the property. FRP-1 demonstrates the garbage truck pick up detail and the site dumpster detail. A gated dumpster enclosure is proposed to screen the area to meet the City of Stuart's standards, to minimize the impact of the refuse area on adjacent properties.

- d. Utilities including consideration of hook-up locations and availability and compatibility of utilities for the proposed uses.***

The following utilities are available: City water and sewer, Centurylink fiber, FPL electric, MCI fiber and communication lines, Comcast, Resurgence Infrastructure Group fiber, AT&T, Sprint, and MCI. All utility companies will be consulted as part of the permit process. The Applicant intends to bury all overhead utilities and connect to the existing utilities.

- e. Screening and buffering including consideration of the type, dimensions, and character thereof to preserve and improve compatibility and harmony among the proposed uses and structures specifically permitted and the uses and structures of adjacent and nearby properties.***

The proposed landscape and architectural design for the Proposed Project is a considerable improvement on the previously existing structures and currently vacant Property. The architectural details and features of the proposed building intends to be a contemporary design with nautical features to enhance the compatibility with the surrounding Harborage and Atlantic Point Marina uses and represent the character of the City. Appropriate landscape screening is provided for the project. A 24.9' foot landscape buffer is provided to the north, a landscape buffer that varies in width from 23' to 45' is provided to the west and a 10' landscape buffer is provided to the south.

- f. Signage and exterior lighting including consideration of glare, traffic safety, and economic effects thereof on adjacent and nearby properties.***

The photometric plans that are provided in this submittal package demonstrate that the exterior lighting will not create an impact to the glare, traffic safety, and economic effects of adjacent and nearby properties as it meets the City code. Signage is proposed to be a wall sign attached to the building and will meet the City of Stuart's maximum sign area of 100 square feet.

- g. Required yards and open spaces.***

The required landscape area is 20 percent and 25.4 percent of the Property is proposed to be landscaped in the Proposed Project. There are no required yards in the Industrial zoning district.

- h. Height of proposed structures including consideration of the effects thereof on adjacent and nearby properties.***

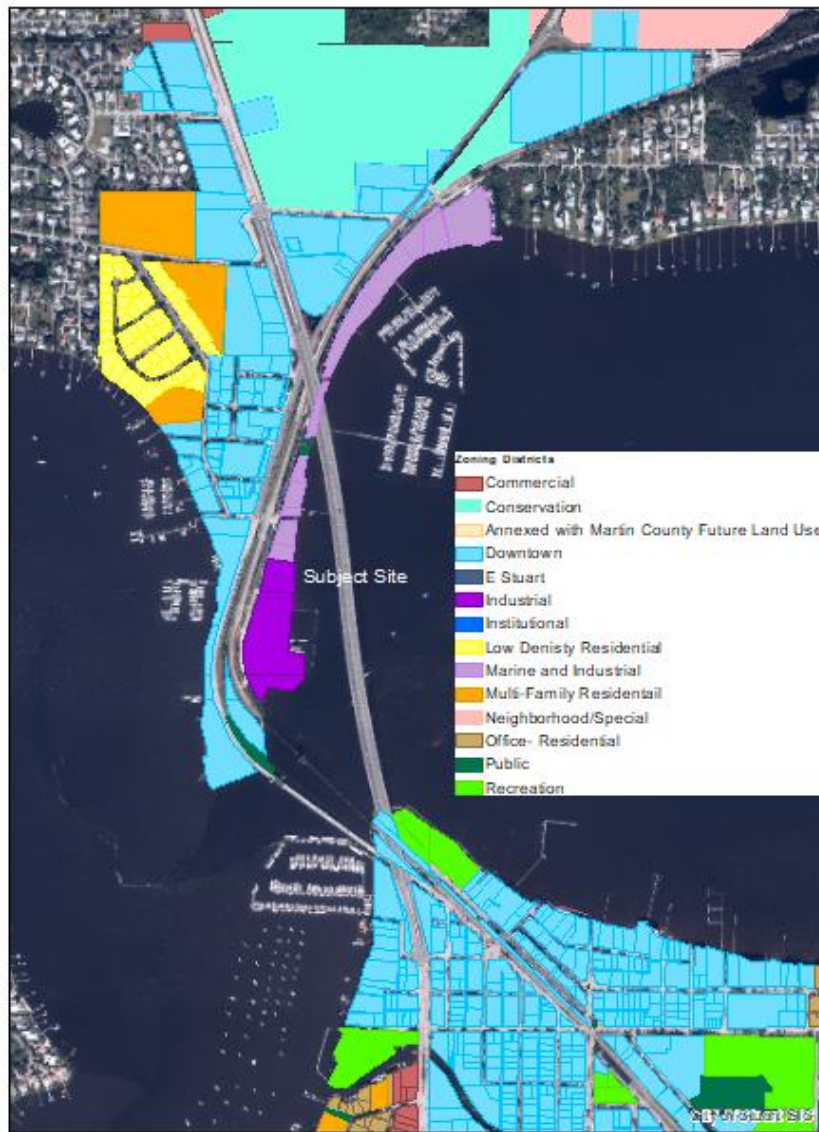


The proposed height of the maintenance building is 45 feet and is proportional and complimentary to surrounding buildings in the area. For instance, the proposed height of the Atlantic Point Marina project to the south is also 45 feet with an additional 15 feet to the top of the roof. The Harborage residential buildings located to the north have a height of 42 and a half feet, measured to the eave. This meets Section 3.01.06.A.2.b.1 which states that projects that are undergoing a Major Urban Code Conditional Use must meet the following design objective, "The proposed building is proportional and complimentary to surrounding buildings in the area." The proposed height of 45 feet is consistent with the surrounding heights of 45 feet (plus an additional 15 to the top of the roof) and 42 and a half feet.

Conclusion

On behalf of the Applicant, we respectfully request and present the aforementioned justification for the Small-Scale Comprehensive Plan Amendment from Industrial to Marine/Industrial and an Urban Code Major Conditional Use to allow a boat sales and service use on the Property.

Exhibit A: City of Stuart Future Land Use Map¹



¹ The FLU map provided does not represent the recently approved small scale comprehensive plan amendment for the Atlantic Point Marina project, located to the south, from Industrial to Marine/Industrial.

Exhibit B: City of Stuart Zoning Map



Exhibit C: Architectural Renderings







APPLICATION REQUIREMENTS

Application to amend the Future Land Use & Major Urban Code Conditional Use Components

Item #	Typical Plan Components	Response
1	Schedule a pre-application	Pre-application meeting completed in January 2022
2	Plans 24" x 36" – 1 set	Attached is a hard copy of the following plan sets: • Site Plan • Photometric Plan • Tree Inventory Plan • Architectural Plan Set • Landscaping Plan • Preliminary Engineering Plans • Survey
3	Folded drawings	All documents are folded as per requirements set by the City
4	Graphic scale displayed	Completed
5	Title Block	Completed with north arrow, street address, date prepared and the company who produced the plans
6	Site data summary	Provided site plan with site data to offer assurances on the scale, layout and intensity of development of the subject property
7	Legal Description and parcel boundary survey	A boundary survey prepared by licenses surveyor in the State of Florida, is included in the application.
8	Vicinity Map	Included at the top right corner of FSP-1.
9	Zoning Map, future Land Use Map and Aerial Map	A zoning map and future land use map that highlights the subject site are included as an exhibit in the Justification Statement. An aerial map is included in the main body of the justification statement.
10	CD in pdf downloadable file	A CD was provided along with one hard set copy of the plans.
11	Signed and sealed pdf downloadable file on disc	Scanned versions of the documents requiring signature have been attached to be read in conjunction with the original paper sets.
12	Revised plans to be clouded and accompanies by a cover letter	Not applicable as this is the initial submittal
13	Access and traffic flow plans	Traffic Study methodology statement has concluded that there is fewer than 20 peak hour trips and therefore, no traffic flow plan is required.

14	Any traffic lights installed will require traffic preemption device	Not applicable.
15	Fire Department Access, Water Supply, etc.	The use of Flagler Ave, an existing access road, is detailed on the site plan. Adequate access has been provided to accommodate Emergency Service Vehicles and maintain effective links with the existing roadway layouts adjacent to the subject property. There is a gate that will be remain open during business hours.
16	Existing buildings and structures on the project and within 50 feet of the project's property lines	The site plan depicts links with existing infrastructure and proximity to existing structures and buildings within 50 feet of the subject property. An aerial map has been provided showing the surrounding properties.
17	Existing uses and zoning on all adjacent property	This information has been included on the site plan and in the justification statement.
18	Locations of the nearest available public water supply and wastewater disposal system and the proposed tie-in points	Such detailed are included on the site plan and preliminary engineering plans and demonstrate water and wastewater systems are in place to accommodate the subject property proposal.
19	Proposed development to show location, size, allowable use, height, total gross floor area, and distance to property lines and between buildings, density per gross acre, height and type of fences, walls, etc. architectural elevations, off street parking, etc.	Details as applicable are included on the site plan and architectural elevations with more specific parameters for development on the proposed site plan.
20	Building setback distances from property lines, abutting right of way centerline, and all adjacent buildings and structures.	Details are included on the FSP-1.
21	Minimum floor elevations of buildings and finished floor elevations of subject property and adjacent property	This information is provided on FSP-1 in accordance with Florida Statutes and Building Code provisions.
22	Pedestrian Circulation System and Points of Ingress and Egress	This information is provided on the site plan with efforts to maintain and improve pedestrian and vehicular access within the subject property and adjacent property.

23	Concurrency review. Traffic Study or Statement. School concurrency.	A Traffic Methodology Statement has been provided which indicates that there are less than 20 peak hour trips. School concurrency is N/A as there is no residential component included on the site plan.
24	Phasing plan/details.	The project will not be phased.
25	Dumpsters.	Shown as per the plan detail on FRP-1.
26	Various plans included. Site lighting plan. Signage plan, landscape plan	The plans listed in the response to item 2 have been provided in accordance with LDR requirements.
27	Location, names, and widths of proposed streets etc.	There are no proposed streets included in this development program. The existing Florida East Coast Railway and NW Flagler Avenue are shown on the site plan.
28	Utility lines and structures such as water, sewer, gas, electric, telephone, hydrants, main size, etc.	Utility lines and structures are depicted in the preliminary engineering plans.
29	Cross sections and specifications of all proposed pavements	Cross sections and specifications are included in the preliminary engineering plans.
30	Location of proposed retention/detention areas	The dry detention is shown on the FSP-1.
31	Typical and special roadway and drainage sections	Provided on the preliminary engineering drawings.
32	Locations of all land to be abandoned, dedicated, or reserved for all public and private uses including rights-of way, easements, special reservations	The information is provided on the FSP-1.
33	Location of onsite well and any wells within 1500 feet	Not applicable.
34	Pre-application meetings – potential environmental impacts to be discussed.	A pre-application meeting was completed ahead of the submittal of the development application in January 2022.
34A	Avoidance or minimization of wetland or other environmental impacts.	No wetlands exist on the property or adjacent to.
34B	On site minimization.	As per the site plan details.
34C	All waterbodies, watercourses, wetlands, and associated buffers on site and immediately adjacent to the site	The Saint Lucie River is shown on the survey and FSP-1.
34D	Existing vegetation on site	A Tree Inventory and Tree Disposition Plan have been included in this submittal.
34E	Wetlands – wetland delineation map and opinion	Not applicable.

	from professional regarding wetland environmental value	
34F	Wildlife observed	Not applicable.
34G	Preserve area and upland buffer evaluation	FSP-1 depicts the provided buffers, which are provided to minimize impacts on the surrounding established residential communities as applicable.
34H	Native vegetation Preserve Area Onsite/Offsite	Not applicable.
34I	Use of drought-tolerant native vegetation in landscaping	Refer to landscape plan for details.
34J	Exotic and invasive vegetation to be removed	Refer to the tree survey and the tree disposition plan included with this submittals.
35	Frontage type(s).	Refer to architectural elevations for details regarding architectural styles, scales and massing of the buildings.
36	Minimum percentage of façade	Refer to the architectural plan sets.
37	Location of transition line if applicable.	Not applicable.
38	Minimum percentage of glass	Refer to the architectural plan sets.
39	Sloped pitched roof	Refer to the architectural plan sets.
40	Height of parapet wall, if any	Refer to the architectural plan sets.
41	List of exterior materials, colors, and finishes.	Refer to the architectural plan sets.
42	Architectural details.	Refer to the architectural plan sets.
43	Curb cut, if any	Refer to FSP-1 and the dimensions labeled on the Northwest corner of the site.
44	Outbuildings, if any	There are no outbuildings proposed.
45	Height, length, depth projection of balcony rails	There are no balconies proposed for the boat sales and service use.
46	Traffic drive isle width	FSP-1 shows a drive isle width of 24 feet between the parking spaces near the entrance.
47	Material of roofs and gutters	Refer to the architectural plan sets.
48	Specification of arcades and porches if any	Refer to the architectural plan sets.
49	Materials, configuration, and operations of windows and doors	Refer to the architectural plan sets.
50	Garden wall if any	No garden wall is provided.

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

AFFIDAVIT ATTESTING TO NOTIFICATION

Matthew Barnes, being first duly sworn, depose(s) and say(s):

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

151 N.W. Flagler Avenue, Stuart, FL, 34994

That a copy of the notice was sent by regular U.S. Mail on April 26, 2023 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 is 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.



SIGNED (PROPERTY OWNER / AUTHORIZED AGENT)

STATE OF FLORIDA, COUNTY OF PALM BEACH

Sworn and subscribed before me by means of x physical presence or online notarization, this 27th day of April, 2023 By Matthew Barnes.
Personally Known OR Produced Identification

Type of Identification Produced: N/A

Notary Public, State of Florida
(Notary Seal)



CYNDY LITTLE
Notary Public
State of Florida
Comm# HH224313
Expires 3/31/2026

My Commission expires: 3-31-26

Photographs of sign posted on the subject property





04/26/2023
SIDE B

Copy of the mailed notice sent to property owners within 300 feet of the subject property

Notice to Surrounding Property Owners

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

Petitioner: 151 NW Flagler, LLC

Parcel ID #: 32-37-41-004-020-00061-9

Address of Property: 151 N.W. Flagler Avenue, Stuart, Florida

Proposed Request: The applicant is requesting for a Small-Scale Comprehensive Plan Amendment from Industrial to Marine/Industrial Future Land Use Designation.

Dear Property Owner:

Please be advised that the City of Stuart will conduct a public hearing before the Local Planning Agency (LPA) on **Thursday, May 11, 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.

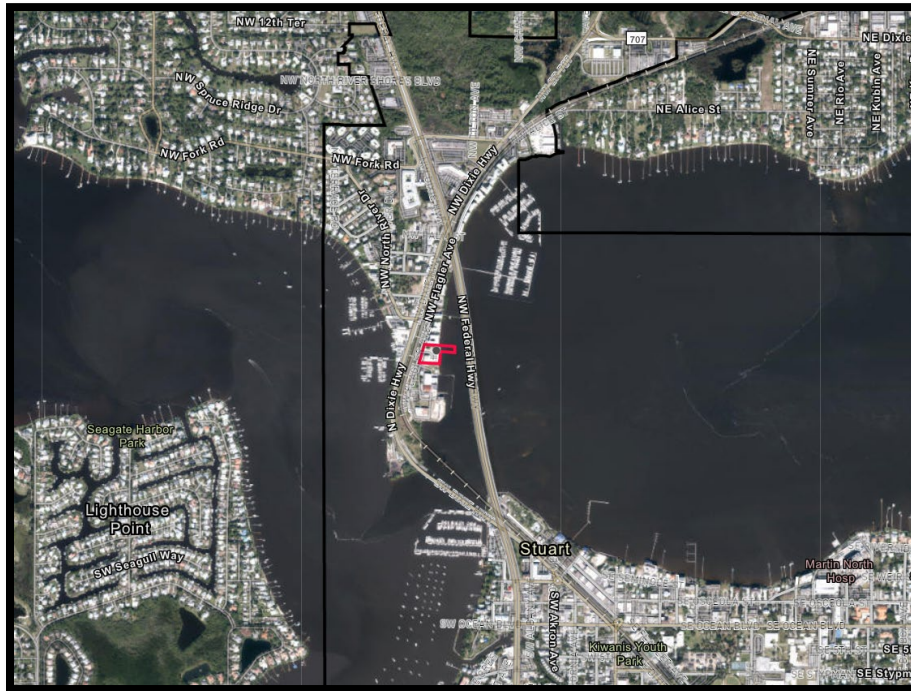
All interested parties and citizens may appear and be heard as to any and all matters pertinent to the request. A copy of the application is available for inspection at the Office of the City Development Department located at 121 S.W. Flagler Avenue in Stuart. If you have any questions regarding this notice, please feel free to call the City's Principal Planner, Kris McCrain at (772) 600-1268 or email at Kmccrain@ci.stuart.fl.us.

Sincerely,

Kris McCrain

Kris McCrain
Principal Planner

Location Map



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, May 11, 2023, at 5:30
PM in the City Commission Chambers at City Hall, 121 SW Flagler
Avenue, Stuart, FL 34994.

ORDINANCE NO. XXXX-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 1.794-ACRE PARCEL FROM
THE INDUSTRIAL FUTURE LAND USE TO THE MARINE/
INDUSTRIAL FUTURE LAND USE; AMENDING THE FUTURE
LAND USE MAP; PROVIDING DIRECTIONS TO THE CITY
CLERK; PROVIDING FOR REPEAL OF ALL ORDINANCES IN
CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR
CODIFICATION; 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 286.26, 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.

Mary Kindel, City Clerk
Publish April 27, 2023 / Local Display Ad /Affidavit Required

Sen. Scott announces plan
to deter school shootings

Tomas Rodriguez
Naples Daily News
USA TODAY NETWORK –
FLORIDA

U.S. Sen. Rick Scott
hopes to marshal a \$70
billion School Guardian
Act to help guarantee that
schools nationwide have
the presence of law en-
forcement to deter mass
school shootings.

Scott, a Naples Repub-
lican, introduced the bill
Tuesday.

“The truth is every
school is going to need
law enforcement,” Scott
emphasized. “We’ve got
to make sure all schools
are safe. Protect our kids.”

Collier County Sheriff
Kevin Rambosk, as well
as other members of the
sheriff’s office, Sarasota
County School Board
Member Bridget Ziegler
— who started the group
Moms for Liberty — and
relatives of some victims
of the 2018 Parkland
school shooting joined
Scott for the announce-
ment in Naples.

Scott said he hopes to
get the School Guardian
Act passed in the U.S.
Senate and in the House
of Representatives. He
added he hopes to get the
bill to President Joe Bi-
den’s desk for approval.

“It’s going to save lives,
that’s why I’m doing it,”
Scott said.

Scott: Plan triggered
by Parkland shooting

Scott said that after 14
students and three edu-
cators died Feb. 14, 2018,
when former student Ni-



Sen. Rick Scott, a Republican from Florida, introduces a school safety bill he hopes to get signed into law. Scott said he hopes to get the bill, School Guardian Act, passed in the U.S. Senate and in the House of Representatives. He added he hopes to get the bill to President Joe Biden’s desk for approval.

PHOTOS BY TOMAS RODRIGUEZ/ NAPLES DAILY NEWS

kolas Cruz, 24, opened
fire at Marjory Stoneman
Douglas High School in
Parkland, he spearhead-
ed the creation of three
teams that would focus
on school safety.

They were mental
health counselors, edu-
cators and law enforce-
ment, he said.

“None of us none of us
want anything like this to
happen again, anywhere
in this country. For sure in
our hometown,” Scott
said. Scott said that as a
result of the three work-
ing groups they passed the
Marjory Stoneman
Douglas High School
Public Safety Act in
March 2018, which
among things ensured
every public school in
Florida had the presence
of law enforcement. “It’s
too bad we have to do
this,” Scott said.

“It’s too bad we have to
think about this, but we
did.”

Scott said that as a re-
sult of the 2018 bill, there
would be an armed police
officer, a sheriff’s deputy
or an individual who has
completed a trained pro-
gram in safety in all
schools across Florida’s
67 counties.

“It’s remarkable the
law enforcement (that)
goes in, but also the peo-
ple at the school that keep
these kids safe,” Scott
said. Scott said the bill
isn’t just aimed at public
schools.

He referenced a recent
mass shooting at a Nash-
ville, Tennessee, private
elementary school, Cove-
nant School, that killed
three students and three
staffers. The shooter, Au-
drey Hale, a former stu-
dent, died after a cross-
fire with authorities.
Scott said the bill could be
“historic legislation.”

Tom Hoyer and Gena
Hoyer, whose son Luke
Hoyer, 15, died during the
gunfire on Feb. 14, 2018,
were among Tuesday’s
speakers.

“The tragic shooting in
Parkland urged us to
work closely with then-
Gov. Rick Scott to imple-
ment effective measures
here in Florida to protect
students and teachers in
schools,” Tom Hoyer said
during his address.

“We continue now to
do that on a national lev-
el. No family should en-
dure the heartbreak that
we still go through to this
day.”

Ryan Petty, who lost
his daughter Alaina Petty,
14, the same day, discuss-
ed Florida’s sheriff’s of-
fices’ efforts to prevent
mass school shootings



Tom and Gena Hoyer, who lost their son Luke Hoyer, 15, following the shooting at Marjory Stoneman Douglas High School on Feb. 14, 2018, speak during a press conference on April 25 at the Collier County Sheriff’s Office headquarters as Sen. Rick Scott introduces a school safety bill he hopes to get signed into law.

since.

“This is what’s needed
in every one of our
schools. We need to be
able to protect our kids,”
Ryan Petty said. “Nothing
we teach them in that
classroom matters if they
don’t make it home.”

Ziegler expressed that
while she was a school
board member in Sarasota
County when the Park-
land shooting happened
she worked with other
school boards statewide
to “quickly answer those
questions on what to do.”
“It’s a tragedy to think
about every day when
you kiss your child to
school ... Go to school ...
That there is this element
in your mind thinking
about they may not come
back,” Ziegler said. Zie-
gler said she believes ev-
ery school nationwide
should have the re-
sources and support to
protect students.

Scott to pull funds
from IRS to pay for
armed school law
enforcement

Scott said the plan will
be funded with \$70 bil-
lion the IRS has in place
for agents.

“We don’t need to look
around the country,”
Scott said.

“We don’t need those
IRS agents. What we
need is more law enforce-
ment agents. We need
more law enforcement
across the country.”

During a brief address,
Sheriff Rambosk extend-
ed his condolences to
parents of some of the
Parkland students killed
in the school shooting
more than five years ago.

“And all families who
have lost lives to school
shootings,” he added.
“This is a senseless and
unimaginable loss that
no one should have expe-
rienced.”

Rambosk said his
sheriff’s office, as well as
other neighboring agen-
cies, have made a com-
mitment to make school
safety a priority. “When it
comes to school safety,
there’s no substitute for
having a law enforcement
officer on a school cam-
pus armed, trained and
committed to stop a
threat,” Rambosk said.

During the 2021-22
school year, Lee County
Schools recorded 81 in-
cidents linked to weapons
possession, according to
data compiled by the
Florida Department of
Education.

That’s a nearly 69% in-
crease from the 48 re-
ported in the 2020-21
school year and a nearly
119% increase from the 37
reported in the 2019-20
school year.

In contrast, Collier
County Schools reported
36 incidents in the 2021-
22 school year, the data
states.

That’s an increase of
12.5% from the 32 inci-
dents in the 2020-21
school year and a 157% in-
crease from the 14 inci-
dents in the 2019-20
school year.

Collier County
schools, which don’t par-
ticipate in the state’s
Guardian Program, which
allows schools to arm
personnel, have had law
enforcement present in
schools for more than
four decades, Karie Par-
tington, spokesperson for
the sheriff’s office told
the Naples Daily News.

Tomas Rodriguez is a
Breaking/Live News Re-
porter for the Naples Dai-
ly News and The News-
Press. You can reach To-
mas at TRodriguez@gan-
nett.com or 772-333-5501.
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Twitter @TomasFRoBel-
tran, Instagram @tomas-
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