



A G E N D A

**REGULAR MEETING OF THE STUART CITY COMMISSION
TO BE HELD February 13, 2017
AT 5:30 PM
121 SW FLAGLER AVE.
STUART, FLORIDA 34994**

CITY COMMISSION

**Mayor Tom Campenni
Vice Mayor Troy A. McDonald
Commissioner Kelli Glass Leighton
Commissioner Jeffrey A. Krauskopf
Commissioner Eula R. Clarke**

ADMINISTRATIVE

**City Manager, Paul J. Nicoletti
City Attorney, Michael J. Mortell
City Clerk, Cheryl White**

Agenda items are available on our website at <http://www.cityofstuart.us>

Phone: (772) 288-5306 .Fax: (772) 288-5305 .E-mail: cwhite@ci.stuart.fl.us

Special Needs: Participants with special needs can be accommodated by calling the City Clerk at least 5 working days prior to the Meeting excluding Saturday and Sunday. We can be reached by phone at (772)288-5306, by fax at (772)288-5305, or by email at cwhite@ci.stuart.fl.us. If you are hearing impaired, please contact us using the Florida Relay Service, Customer Service: Dial 711 or English: (V) 800-682-8706, (TTY) 800-682-8786 Spanish: (V, TTY) 1-800-855-2886 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.

ROLL CALL

PLEDGE OF ALLEGIANCE

PROCLAMATIONS

PRESENTATIONS

1. 1. Arts Moment featuring vocalist Abelard Cesar. Introduction by Mike James, Community Services Department.
2. ArtsFest 2017 Summary - Nancy Turrell, Executive Director of The Arts Council of Martin County.
2. American Automobile Assn. Appreciation Presentation

COMMENTS BY CITY COMMISSIONERS

COMMENTS BY CITY MANAGER

APPROVAL OF AGENDA

COMMENTS FROM THE PUBLIC (5 min. max)

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.*

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.*

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.*

CONSENT CALENDAR

3. Minutes of 01/23/17 CCM, 01/30/2017 SCM, 02/01/2017 SCM, for approval. (RC)
4. RESOLUTION No. 12-2017; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, GRANTING A CONDITIONAL USE APPROVAL TO RIVERSIDE VILLAGE STUART LLC, OWNER OF THE PROPERTY LOCATED AT 43 & 55 S.E. SEMINOLE STREET, AS DESCRIBED WITHIN THE ATTACHED LEGAL DESCRIPTION; GRANTING APPROVAL FOR MIXED

USE DEVELOPMENT OF 4,235 SQUARE FEET OF RETAIL AND 20 RESIDENTIAL UNITS ON A 1.21 ACRE SITE; TO ALLOW A DENSITY OF 16.5 UNITS PER ACRE; FOR PARKING WITHIN THE BUILDING ENVELOPE AND FOR A CONTINUOUS BUILDING FACADE OF MORE THAN 100 FEET IN WIDTH WITHOUT PROVIDING AN ADDITIONAL VISTA; PROVIDING AN EFFECTIVE DATE; PROVIDING FOR A TIMETABLE OF DEVELOPMENT; PROVIDING FOR CONDITIONS OF APPROVAL; AND FOR OTHER PURPOSES.(RC)

5. RESOLUTION No.14-2017 A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA AUTHORIZING THE TRANSFER OF FUNDS FROM EMS GRANTS TO FIRE RESCUE EXPENDITURE ACCOUNTS, AS WELL AS, AUTHORIZING BUDGET AMENDMENT #06-2017 TO THE 2016-2017 GENERAL FUND; APPROPRIATING AND AUTHORIZING THE EXPENDITURE OF FUNDS TO PROVIDE TRAINING FOR ADVANCED VEHICLE EXTRICATION; PROJECT NAME GIVME 2013 AND GIVME 2014 AND PROVIDING AN EFFECTIVE DATE, AND FOR OTHER PURPOSES. (RC)
6. RESOLUTION No. 25-2017; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA RECOMMENDING THE VISITING NURSE ASSOCIATION APPLICATION TO FLORIDA DEPARTMENT OF TRANSPORTATION TEMPORARY CLOSING OF A STATE ROAD PERMIT FOR THE 2017 STUART CHRISTMAS PARADE ROUTE; AND PROVIDING FOR AN EFFECTIVE DATE. (RC)
7. RESOLUTION No. 27-2017; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, OPPOSING SENATE BILL 330 AND HOUSE BILL 487, RELATING TO LOCAL BUSINESS TAXES; AND PROVIDING FOR AN EFFECTIVE DATE. (RC)

END OF CONSENT CALENDAR

COMMISSION ACTION

8. RESOLUTION No. 21-2017 A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, SUPPORTING SENATE BILL 386 AND HOUSE BILL 269, IDENTIFIED AS THE "FLORIDA HIGH-SPEED PASSENGER RAIL SAFETY ACT" PROVIDING MINIMUM SAFETY STANDARDS AND REQUIREMENTS FOR HIGH-SPEED PASSENGER RAIL. (RC)
9. RESOLUTION No. 23-2017 A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, AUTHORIZING THE ADOPTION OF THE MODIFIED STUART MULTI-USE ATHLETIC TOURNAMENT COMPLEX CONCEPT MASTERPLAN INCLUDING A SPLASH PAD AND PAVERS PLAZA, FOUR ARTIFICIAL TURF BASEBALL FIELDS, AND AN ARTIFICIAL TURF MULTI-USE FOOTBALL AND SOCCER FIELD. (RC)
10. (QJ) RESOLUTION No. 24-2017; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, GRANTING A CONDITIONAL USE APPROVAL TO DENNIS A. STEELMAN, OWNER OF THE PROPERTY LOCATED AT 101 SE SEMINOLE STREET, STUART, (LEGAL DESCRIPTION ATTACHED); GRANTING A REDUCTION IN THE SIDE YARD SETBACK FROM FIVE (5) FEET TO EIGHT-TENTHS (0.8) OF A FOOT AND THE ELIMINATION OF THE REQUIRED VISTA ALONG SAID SIDE YARD TO ALLOW AN EXISTING GARAGE AND EXPANSION OF SAID GARAGE; PROVIDING AN EFFECTIVE DATE; PROVIDING FOR CONDITIONS OF APPROVAL; AND FOR OTHER PURPOSES. (QUASI-JUDICIAL) (RC)

ORDINANCE FIRST READING

11. ORDINANCE No.. 2338-2016 AN ORDINANCE OF THE CITY OF STUART, FLORIDA AMENDING CHAPTER 2 "SUPPLEMENTAL USE STANDARDS" OF THE CITY'S LAND DEVELOPMENT CODE THEREBY ESTABLISHING A TWELVE (12) MONTH MORATORIUM ON MEDICAL MARIJUANA TREATMENT CENTERS; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (RC)
12. ORDINANCE No. 2344-2017: A ORDINANCE OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA TO PROVIDE FOR THE ABANDONMENT OF CERTAIN PUBLIC RIGHT-OF-WAY WITHIN THE CITY BEING THAT CERTAIN 40-FOOT RIGHT-OF-WAY, AS SET FORTH ON THE PLAT

OF STUART FARMS, AS RECORDED IN PLAT BOOK 1, PAGE 63, PALM BEACH (NOW MARTIN) COUNTY, FLORIDA PUBLIC RECORDS RUNNING NORTH TO SOUTH THROUGH THE PROPERTY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO AND DEPICTED IN EXHIBIT "B" ATTACHED HERETO; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.(RC)

ORDINANCE SECOND READING

DISCUSSION AND DELIBERATION

13. This is a request by the City Attorney for the City Commission to hold an Attorney-Client Meeting to discuss strategy regarding the pending litigation.

The suggested date and time is February 27, 2017

The cases to be discussed are:

City of Stuart v. Harborage - Case #13-922CA (status update)

Waters Edge v. City of Stuart - Case, USDC Case #13-14991

Northpoint Ventures, LLC, v. City of Stuart - Case# 2017- CA -0073

Attendees shall be the City Commissioners, the City Manager, and the City Attorney.

ADJOURNMENT

**CITY OF STUART, FLORIDA
AGENDA ITEM REQUEST
CITY COMMISSION**

Meeting Date:2/13/2017

Prepared by:jchrulski

Title of Item:

1. Arts Moment featuring vocalist Abelard Cesar. Introduction by Mike James, Community Services Department.
2. ArtsFest 2017 Summary - Nancy Turrell, Executive Director of The Arts Council of Martin County.

Summary Explanation/Background Information on Agenda Request:

Monthly Arts Moment followed by a summary from Nancy Turrell on ArtsFest 2017.

Funding Source:

N/A

Recommended Action:

No Action Required

**CITY OF STUART, FLORIDA
AGENDA ITEM REQUEST
CITY COMMISSION**

Meeting Date:2/13/2017

Prepared by:Chief David Dyess

Title of Item:

American Automobile Assn. Appreciation Presentation

Summary Explanation/Background Information on Agenda Request:

A presentation to the Stuart Police Department in appreciation for the 'I Got Caught' program that was successfully implemented last year.

Funding Source:

N/A

Recommended Action:

Receive certificates

**CITY OF STUART, FLORIDA
AGENDA ITEM REQUEST
CITY COMMISSION**

Meeting Date:2/13/2017

Prepared by:C White, City Clerk

Title of Item:

Minutes of 01/23/17 CCM, 01/30/2017 SCM, 02/01/2017 SCM, for approval. (RC)

Summary Explanation/Background Information on Agenda Request:

Funding Source:

NA

Recommended Action:

Approve Minutes

ATTACHMENTS:

Description	Upload Date	Type
▣ 01/23/2017 CCM	2/9/2017	Backup Material
▣ 01/30/2017 SCM	2/9/2017	Backup Material
▣ 02/01/2017 SCM	2/9/2017	Backup Material

MINUTES
REGULAR MEETING OF THE STUART CITY COMMISSION
HELD January 23, 2017
AT 5:30 PM
121 SW FLAGLER AVE.
STUART, FLORIDA 34994

CITY COMMISSION

Mayor Eula R. Clarke

Vice Mayor Tom Campenni

Commissioner Kelli Glass Leighton

Commissioner Jeffrey A. Krauskopf

Commissioner Troy A. McDonald

ADMINISTRATIVE

City Manager, Paul J. Nicoletti

City Attorney, Michael J. Mortell

City Clerk, Cheryl White



5:31 PM Roll Call.

Present: Mayor Clarke, Commissioner McDonald, Vice Mayor Campenni, Commissioner Krauskopf, Commissioner Glass Leighton.



5:37 PM ROLL CALL



5:37 PM PLEDGE OF ALLEGIANCE



5:38 PM PROCLAMATIONS



5:39 PM 1. Firefighter Appreciation Month

Recipient: Jeaneece Washington and Firefighter Alex Newton



5:42 PM 1A. ADDENDUM Arbor Day in the City of Stuart

Recipient: Jody Borecki

PRESENTATIONS



5:47 PM 2. Presentation of Certificate of Recognition to the Garden Club of Stuart Celebrating its 80th Anniversary

Recipient: Sandy Decker



5:47 PM 3. Service Awards January

Donald Long – 5 Years of Service

Charles Eckhardt – 5 Years of Service

Robin LeMay – 10 Years of Service

Michael Pope – 10 Years of Service Was not Present

Elise Farrell – 20 Years of Service Was not present



5:50 PM 4. Employee of the Year 2016 and Runner-Up

Employee of the Year Runner-Up – Captain Steve Graff

Employee of the Year – John LaPadula



5:54 PM 5. Presentation of Government Finance Officers Association Certificate of Achievement for the City of Stuart 2015 Comprehensive Annual Financial Report

Shannon Ramsey-Chessman, Chief Operating Officer of Finance of the Palm Beach County Clerk and Comptroller's Office presented the Certificate of Achievement for Excellence in Finance Reporting on behalf of the GFOA. This is the 19th time that the City of Stuart has received this honor. She complemented Department Director, Joly Boglioli and the Financial Services staff. Joly complemented all City departments and their cooperation.



5:59 PM 6. City of Stuart Tourism Update by Martin County Office of Tourism and Marketing.

Narissa Ikea presented on the visit from Coastal Living Magazine staff to promote the Happiest Seaside Town and will return to downtown Stuart to pass the torch for the next Happiest Seaside Town for 2017.



6:15 PM COMMENTS BY CITY COMMISSIONERS

Commissioner Glass Leighton commented that the Boat Show was very nice but was concerned about the excessive traffic and asked if there was anything that can be done differently in the future.

Attorney Mike Mortell replied that information is always sent out in advance via Public Works but now changes have been suggested. She also asked the progress on the Triangle property.

Commissioner McDonald also commented on the traffic from the Boat Show. He plans to get staff on the MPO that may help with the traffic issue in the future.

Commissioner Krauskopf reported that he has received some complaints about the parking lot behind Duffy's Restaurant and that people think that it is a City owned lot.

Vice Mayor Campenni commented that if various board members accept positions on a board, they should attend the meetings. There is a Bill in legislature now for All Aboard Florida that regulates train speeds.

Mayor Clarke agreed about the Boat Show traffic and announced some of the activities she participated in over the weekend. She has met with staff about the City's Energy Reimbursement Program.



6:26 PM COMMENTS BY CITY MANAGER

City Manager Nicoletti is pulling Item #9 from the Consent Calendar and announced adding Item 11A. as an Addendum.



6:32 PM 7. Award of ITB #2017-313: Courtesy Dock Hurricane Repairs Project to Wilco Construction Inc., of Fort Pierce, Florida for the Base Bid Total of \$79,350.00. **City Manager Nicoletti returned to this item to announce the emergency purchase under his authority.**



6:27 PM APPROVAL OF AGENDA



6:28 PM Motion: Motion to approve the Agenda as amended., Action: Approve, Moved by Commissioner Krauskopf, Seconded by Vice Mayor Campenni. Motion passed unanimously.



6:27 PM COMMENTS FROM THE PUBLIC (5 min. max)
Speaker #1 – Ms. Karen Sayer, 607 SE 6th Street, Density Issue
Speaker #2 – Mr. John Church, 728 SE Church, Density Issue



6:35 PM CONSENT CALENDAR

8. Minutes for approval 12/12/2016 AND 1/9/2017 CCM.



6:36 PM 9. RESOLUTION No. 12-2017; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, GRANTING A CONDITIONAL USE APPROVAL TO RIVERSIDE VILLAGE STUART LLC, OWNER OF THE PROPERTY LOCATED AT 43 & 55 S.E. SEMINOLE STREET, AS DESCRIBED WITHIN THE ATTACHED LEGAL DESCRIPTION; GRANTING APPROVAL FOR MIXED USE DEVELOPMENT OF 4,235 SQUARE FEET OF RETAIL AND 20 RESIDENTIAL UNITS ON A 1.21 ACRE SITE; TO ALLOW A DENSITY OF 16.5 UNITS PER ACRE; FOR PARKING WITHIN THE BUILDING ENVELOPE AND FOR A CONTINUOUS BUILDING FACADE OF MORE THAN 100 FEET IN WIDTH WITHOUT PROVIDING AN ADDITIONAL VISTA; PROVIDING AN EFFECTIVE DATE; PROVIDING FOR A TIMETABLE OF DEVELOPMENT; PROVIDING FOR CONDITIONS OF APPROVAL; AND FOR OTHER PURPOSES. (QJ)

Record reflects 9 people sworn in. Tom Reetz, Development Department gave a presentation on the Conditional Use Approval of Seminole Street. Terry McCarthy, applicant representative agreed with staff recommendation. Cooperative in dealing with one association. Location and size of the dumpsters would be left up to the Public Works Department. Nicoletti suggested that it be written in condo docs that the garages must be used for vehicles, not for storage.

Aaron Hollub, Hollub Homes, gave a brief overview of the proposed project.

Braden, Braden & Braden Architects, presented additional plans.

Commissioner Glass Leighton expressed her concerns for the parking and retail.

Commissioner McDonald asked about the proximity of the garage structures to the edge of the water and flooding issues.

McDonald also asked about the dumpster location.

Sam Amerson, Public Works Director mentioned that there are two proposed location options that must be accessible, submitted for review.

McDonald also asked for clarity on the rooftop spaces and the driveway space. Conformation that that this property would not have bars, restaurants, or alcoholic establishments.

Commissioner Krauskopf requested clarification on plans and the possible visual obstruction.

Vice Mayor Campenni reviewed the dumpster location plans.

Commissioner Glass Leighton suggested that because of the uncertainty of many things, suggests the Commission should wait on a decision.

Vice Mayor agreed and requested more information on the docks.

Mayor Clarke asked if there will be any public access. Attorney Mortell replied no and that there is none available now.

Commissioner Campenni commented on the Commission's interest in putting the Riverwalk extension.

Timetable of this project: Aaron Hollub is committed to doing one project at a time and would begin the project as soon as possible.

Armond Pasqual – Seminole Street, Commented that this space would be used as a bar after the space is sold. Feels there is not enough space and we are not Miami Beach. The roof is too high and feels the project would not enhance the area.

Steve Voeller – 921 NW Fresco Way, Apt 204, Jensen Beach, Referred to a previously submitted document. Suggests the first floor plans are removed. If we work together, it could be the gem of Stuart.


Bruce Leraway – Neighbor of Project. Lived on Seminole Street for 30 years, has home there, raised family, and had office there. Feels building doesn't fit. Disagrees with mixed use and

Becky Bruner – 625 Alamanda Way, CRB Board Member spoke as a citizen about how this building will contribute to downtown and supports the project.

Greg Bader, 501 SW Akron, commented who is going to monitor that storage/cars in the garages. Trash concerns, fire trucks...

Fire Chief David Dyal has not personally reviewed the documents but approval has been received from the Fire Dept.

Commissioner Krauskopf would like to see the issue come back after further discussion of the dumpsters, Riverwalk extension, and single homeowners associations as well as the public's concerns.

 **7:54 PM Motion: Continuance of Item #9 for further discussion on Feb. 13, 2017, Action: Approve, Moved by Commissioner Krauskopf, Seconded by Vice Mayor Campenni. Motion passed unanimously.**

10. RESOLUTION No. 15-2017. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, AUTHORIZING THE EXECUTION OF NON-EXCLUSIVE WATER AND SEWER MAIN EASEMENTS UE-3, UE-4, UE-6, AND UE-7 AT THE ROYAL PALM FINANCIAL CENTER WITH TED GLASRUD ASSOCIATES FLORIDA, LLC., PROVIDING AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.


11. RESOLUTION No. 16-2017. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, AUTHORIZING THE EXECUTION OF NON-EXCLUSIVE WATER AND SEWER MAINS AND LIFT STATION EASEMENTS UE-1, UE-2, AND UE-5 AT THE ROYAL PALM FINANCIAL CENTER WITH ROYAL PALM 1, INC., PROVIDING AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.


11A. ADDENDUM - RESOLUTION No. 18-2017 A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA AUTHORIZING THE CITY MANAGER TO EXECUTE THE FEDERALLY FUNDED PUBLIC ASSISTANCE FUNDING AGREEMENT AND FURTHER DELEGATE THE CITYMANAGER TO SIGN ALL FUTURE AGREEMENTS BETWEEN THE STATE OF FLORIDA DIVISION OF EMERGENCY MANAGEMENT AND THE CITY OF STUART; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

 **6:35 PM END OF CONSENT CALENDAR**  **Motion: Approval of Consent Calendar, Less Item #9, but including Addendum 11A. , Action: Approve, Moved by Commissioner Krauskopf, Seconded by Vice Mayor Campenni. Motion passed unanimously.**

COMMISSION ACTION

ORDINANCE FIRST READING

 **7:58 PM 12.** ORDINANCE NO. 2341-2017; AN ORDINANCE OF THE CITY OF STUART, FLORIDA, AMENDING SECTIONS 38-64 AND 38-97 IN THE CITY OF STUART, FLORIDA CODE OF ORDINANCES TO CONFORM PROVISIONS OF THE LOCAL BUSINESS TAX WITH STATE STATUTES; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE .

 **7:58 PM Motion: Ordinance No. 2341-2017, Action: Approve, Moved by Commissioner McDonald, Seconded by Commissioner Glass Leighton. Motion passed unanimously.**

ORDINANCE SECOND READING

 **7:59 PM DISCUSSION AND DELIBERATION**
None

 **7:59 PM ADJOURNMENT**

Cheryl White, City Clerk

Eula R. Clarke, Mayor

Minutes to be approved at the Special Commission Meeting this 30th day of January, 2017.

MINUTES
SPECIAL MEETING OF THE STUART CITY COMMISSION
HELD January 30, 2017
AT 9:00 AM Stuart City Commission Chambers
121 S.W. FLAGLER AVE.
STUART, FLORIDA 34994

CITY COMMISSION

Mayor Eula R. Clarke

Vice Mayor Tom Campenni

Commissioner Kelli Glass Leighton (Absent)

Commissioner Jeffrey A. Krauskopf

Commissioner Troy A. McDonald

ADMINISTRATIVE

City Manager, Paul J. Nicoletti

City Attorney, Michael J. Mortell

City Clerk, Cheryl White



9:02 AM ROLL CALL



9:02 AM Roll Call.

Present: Mayor Clarke, Commissioner McDonald, Vice Mayor Campenni, Commissioner Krauskopf, Commissioner Glass Leighton absent .



9:03 AM PLEDGE OF ALLEGIANCE

PRESENTATIONS



9:03 AM COMMENTS BY CITY COMMISSIONERS

Commissioner Krauskopf expressed sadness over the recent incident involving Mayor Clarke and her comment to a Stuart Police Officer on January 11, 2017 at Taylors Grocery. He asked the Commission to consider Vice Mayor Campenni move to the seat of Mayor and Mayor Clarke stepping down.

City Attorney Mortell advised the Commission that this is not an agenda item therefore no action could be taken. He recommended scheduling a reorganizational meeting.



9:06 AM Motion: Motion to schedule a public meeting within 48 hours for reorganizational purposes on Wednesday February 1, 2017 at 5:00 pm , Action: Approve, Moved by Vice Mayor Campenni, Seconded by Commissioner McDonald. 4/1 Glass Leighton

John Kazanjian Palm Beach County PBA, Came forward and expressed distress over the recent comment by Mayor Clarke to one of his officers. He thanked the City for holding this meeting. He suggested having the City Police Chief gather all the officers for an apology from the Mayor to each and every officer.

Dana Bennett came forward and also was saddened by the Mayors comments. He asked the Mayor to step down from the City Commission completely.

Jerry Gore came forward and expressed concern over the divide.


4/1 Glass Leighton absent

Public Comment

 **9:34 AM COMMENTS BY CITY MANAGER**

APPROVAL OF AGENDA

 **9:42 AM COMMENTS FROM THE PUBLIC (5 min. max)**

 **10:27 AM Mayor Clarke announced that she understood a meeting has been scheduled for a reorganization. She said she needs the time to work on some matters until Wednesday. She hopes to be participating in the meeting for the reorganization.**

Vice Mayor Campenni asked that the City Manager review the procedure for harassment and the City Policy and bring it back at the special meeting.

 **9:40 AM CONSENT CALENDAR**

1. Resolution No. 20-2017 - A RESOLUTION OF THE CITY OF STUART, FLORIDA, PURSUANT TO CHAPTER 1 OF THE CITY'S LAND DEVELOPMENT CODE, EXTENDING "ZONING IN PROGRESS" FOR AN ADDITIONAL (3) THREE MONTHS DURING THE CITY COMMISSION'S CONSIDERATION OF PROPOSED ORDINANCE NO. 2338-2016 ESTABLISHING A TWELVE (12) MONTH MORATORIUM ON MEDICAL MARIJUANA TREATMENT CENTERS; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

END OF CONSENT CALENDAR

 **9:41 AM Motion:, Resolution 20-2017 Action: Approve, Moved by Vice Mayor Campenni, Seconded by Commissioner McDonald. 4/1 Glass Leighton**

The remainder of the meeting was cancelled.

COMMISSION ACTION


2. Downtown Landscape and Streetscape Plan; presented by Michael Houston, AICP, RLA, of HJA Design Studio.
3. Authorization to Advertise a Request for Qualifications (RFQ) for Professional Assistance Pursuant to the Consultants Competitive Negotiations Act (CCNA) to perform a 2017 Downtown Stuart Parking Study.
4. City Hall Site & Facilities - Review Potential Sites
5. Consideration of Amendments to the Alcoholic Beverage Ordinance


ORDINANCE FIRST READING

ORDINANCE SECOND READING

DISCUSSION AND DELIBERATION

6. Corrective Amendments to the City of Stuart Comprehensive Plan and to the Land Development Code Regarding Residential Density Provisions.

 **10:32 AM Motion: Bring back at the next meeting the procedure as it relates to harrasement. , Action: Approve, Moved by Vice Mayor Campenni, Seconded by Commissioner McDonald. 3/2 CLARKE NO, GLASS LEIGHTON ABSENT**

 **10:35 AM Motion: Action: ADJOURN AND CONTINUE THE REMAINDER OF THE ITEMS TO A FUTURE DATE., Approve, Moved by Commissioner Krauskopf, Seconded by Commissioner McDonald. 4/1 Glass Leighton absent**

ADJOURNMENT

Cheryl White, City Clerk

Tom Campenni, Mayor

Minutes to be approved at the Special Commission Meeting this 13th day of February, 2017.

**MINUTES
SPECIAL MEETING OF THE STUART CITY COMMISSION
HELD February 1, 2017
AT 5:00 PM
121 S.W. FLAGLER AVE.
STUART, FLORIDA 34994**

CITY COMMISSION

Mayor Eula R. Clarke

Vice Mayor Tom Campenni

Commissioner Kelli Glass Leighton

Commissioner Jeffrey A. Krauskopf

Commissioner Troy A. McDonald

ADMINISTRATIVE

City Manager, Paul J. Nicoletti

City Attorney, Michael J. Mortell

City Clerk, Cheryl White



5:03 PM ROLL CALL



5:03 PM Roll Call.

Present: Mayor Clarke, Commissioner McDonald, Vice Mayor Campenni, Commissioner Krauskopf, Commissioner Glass Leighton.



5:03 PM PLEDGE OF ALLEGIANCE



5:04 PM PRESENTATIONS



5:04 PM COMMENTS BY CITY COMMISSIONERS

Mayor Clarke read a letter she had written. She announced that she would be resigning as Mayor and stepped down to a City Commissioner.

Vice Mayor Campenni stepped up to run the meeting.

COMMENTS BY CITY MANAGER

APPROVAL OF AGENDA



**5:13 PM Motion: Approve Agenda , Action: Approve, Moved by Commissioner Krauskopf, Seconded by Mayor Clarke.
Motion passed unanimously.**

COMMENTS FROM THE PUBLIC (5 min. max)

Gayle Byrd came forward to report the turnout for Stuart Boat Show. She said it was large and one of the most attended. She thanked the City for their support for permitting.

CONSENT CALENDAR

END OF CONSENT CALENDAR

COMMISSION ACTION

 **5:15 PM** 1. Reorganization of the City Commission

 5:15 PM **Motion:** **Action:** Appoint Tom Campenni as Mayor  5:32 PM
Moved by Commissioner McDonald, **Seconded by** Commissioner Glass Leighton.
Motion passed unanimously.

Present: Commissioner Clarke, Vice Mayor McDonald, Mayor Campenni, Commissioner Krauskopf, Commissioner Glass Leighton.

 5:15 PM **Motion:** To appoint Troy McDonald as Vice Mayor, **Action:** Approve, **Moved by** Commissioner Glass Leighton, **Seconded by** Commissioner Krauskopf.
Motion passed unanimously.

Various Board Appointments were made.

Martin County Tourist Development Council – Commissioner Jeffrey Krauskopf

Metropolitan Planning Organization – Mayor Tom Campenni, Alternate- Vice Mayor McDonald.

Treasure Coast Council of Local Governments – Mayor Tom Campenni


Treasure Coast Regional League of Cities –Mayor Tom Campenni


Alternate: Vice Mayor Troy McDonald


Airport Noise Advisory Committee-Commissioner Kelli Glass Leighton

Boundary Advisory Committee, fka: School Board Long Range Planning Committee - Commissioner Kelli Glass Leighton

Arts Council: Commissioner -Jeffrey Krauskopf

 **5:17 PM Motion:**, Action: Approve Board Appointments, Moved by Commissioner Krauskopf, Seconded by Commissioner Glass Leighton.
Motion passed unanimously.

 **5:19 PM** 2. Human Resources Investigation of Formal Complaint by Palm Beach County Police Benevolent Association (PBA) and Letter Dated January 27, 2017.

 **5:32 PM Motion:** Authorizing and directing the City Manager to hire an Independent investigator to determine if the comments made by Commissioner Eula R. Clarke violated the City's Personnel Policy, and if they were isolated or rise to a pattern of comments. Action: Approve, Moved by Commissioner Glass Leighton, Seconded by Commissioner Krauskopf.

63 Public Comments were heard regarding the motion made.

Commissioners deliberated and a roll call for item 2 was taken as follows:

Mayor Tom Campenni	YES
Vice Mayor Troy McDonald	YES
Commissioner Kelli Glass Leighton	YES
Commissioner Jeffrey A. Krauskopf	YES
Commissioner Eula R. Clarke	NO

ORDINANCE FIRST READING

ORDINANCE SECOND READING

DISCUSSION AND DELIBERATION

 **7:42 PM ADJOURNMENT:**

Cheryl White, City Clerk

Tom Campenni, Mayor

Minutes to be approved at the Special Commission
Meeting this 13th day of February, 2017.

CITY OF STUART, FLORIDA AGENDA ITEM REQUEST CITY COMMISSION

Meeting Date:2/13/2017

Prepared by: Tom Reetz

Title of Item:

RESOLUTION No. 12-2017; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, GRANTING A CONDITIONAL USE APPROVAL TO RIVERSIDE VILLAGE STUART LLC, OWNER OF THE PROPERTY LOCATED AT 43 & 55 S.E. SEMINOLE STREET, AS DESCRIBED WITHIN THE ATTACHED LEGAL DESCRIPTION; GRANTING APPROVAL FOR MIXED USE DEVELOPMENT OF 4,235 SQUARE FEET OF RETAIL AND 20 RESIDENTIAL UNITS ON A 1.21 ACRE SITE; TO ALLOW A DENSITY OF 16.5 UNITS PER ACRE; FOR PARKING WITHIN THE BUILDING ENVELOPE AND FOR A CONTINUOUS BUILDING FACADE OF MORE THAN 100 FEET IN WIDTH WITHOUT PROVIDING AN ADDITIONAL VISTA; PROVIDING AN EFFECTIVE DATE; PROVIDING FOR A TIMETABLE OF DEVELOPMENT; PROVIDING FOR CONDITIONS OF APPROVAL; AND FOR OTHER PURPOSES.(RC)

Summary Explanation/Background Information on Agenda Request:

This agenda item was continued to tonight's meeting in order to allow the applicant time to finalize certain aspects of the proposal including dumpster size and location, limitation of storage in condominium garages, limitation of the project's master water meters to no more than one meter for each of the three buildings and owners of condominium units being prohibited from using guest parking. The applicant declined dedication of an easement for future boardwalk. Prohibited uses now include bars, alcohol sales for on or off premises consumption and food establishments thus eliminating high parking demand uses for the project. Also, two on street parking spaces have been provided for a total of 59 spaces (15 more than required). **See Exhibit 'B' Conditions of Approval** (new conditions highlighted in yellow) Both the city's Fire and Public Works departments have approved the project.

The applicant, Hollub Investments, is requesting a Major Urban Code Conditional Use approval as per Section 3.01.06 of the City of Stuart Land Development Code. If granted, the conditional use would allow for the development of a mixed use project consisting of 5 residential units over 4,235 square feet of retail space fronting Seminole Street and 3 stories of 15 luxury condominium units over parking in the rear of the site for a total of 20 residential units on a 1.21 acre site in the City's urban waterfront zoning district.

The applicant has requested the following variances from the City's code: 1. A density increase from 15 to 16.5 dwelling units per acre, 2. To allow parking within the building envelope, and 3. For a continuous building facade of more than 100 feet in width without having to provide an additional vista to the river. In lieu of not providing an additional vista, the developer has increased the side setbacks, thus increasing the view from the street, and decreasing the impact of the building on the views of adjoining property owners.

The level of parking below the condominium units provides a unique opportunity to have sufficient parking, without the parking being visible from the street. The contour of the property dipping sharply to the water allows the parking to be hidden under the building.

The Community Redevelopment Board recommended approval for the project by a majority 4-2 vote at a special meeting on January 11, 2017 with the condition that 4,235 square feet of

commercial space along Seminole Street be limited to retail and low intensity medical office uses as defined in the City's Land Development Code. Staff has also added a condition limiting the waterfront building's rooftop occupancy and prohibiting rooftop occupancy for the two buildings fronting Seminole Street.

Funding Source:

N/A

Recommended Action:

Approve Resolution No. 12-2017.

ATTACHMENTS:

Description	Upload Date	Type
❑ Resolution 12-2017	2/6/2017	Resolution add to Y drive
❑ Staff Report	2/6/2017	Staff Report
❑ Approvals and comments	2/6/2017	Backup Material
❑ January 11, 2017 CRB Minutes	1/13/2017	Backup Material
❑ Public Comments	2/9/2017	Attachment



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

RESOLUTION NUMBER 12- 2017

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, GRANTING A CONDITIONAL USE APPROVAL TO RIVERSIDE VILLAGE STUART LLC, OWNER OF THE PROPERTY LOCATED AT 43 & 55 S.E. SEMINOLE STREET, AS DESCRIBED WITHIN THE ATTACHED LEGAL DESCRIPTION; GRANTING APPROVAL FOR MIXED USE DEVELOPMENT OF 4,235 SQUARE FEET OF RETAIL AND 20 RESIDENTIAL UNITS ON A 1.21 ACRE SITE; TO ALLOW A DENSITY OF 16.5 UNITS PER ACRE; FOR PARKING WITHIN THE BUILDING ENVELOPE AND FOR A CONTINUOUS BUILDING FACADE OF MORE THAN 100 FEET IN WIDTH WITHOUT PROVIDING AN ADDITIONAL VISTA; PROVIDING AN EFFECTIVE DATE; PROVIDING FOR A TIMETABLE OF DEVELOPMENT; PROVIDING FOR CONDITIONS OF APPROVAL; AND FOR OTHER PURPOSES.

* * * * *

WHEREAS, the City Commission of Stuart, Florida, has adopted and administers Section 3.01.06 of the Land Development Code; and

WHEREAS, the Applicant, Riverside Village Stuart LLC, is requesting a Major Urban Code Conditional Use approval to allow for development of a mixed use of 4,235 square feet of retail space and 20 Residential Units on 1.21 acres of land, and

WHEREAS, the applicant has requested a density of 16.5 units per acre where the maximum density of 15 dwelling units per acre is allowed, for a continuous building facade of more than 100 feet in width without providing an additional vista and for parking within the building envelope; and

WHEREAS, at the hearing the applicant showed by substantial competent evidence that the application does not create any detrimental effects on adjacent land uses within three hundred (300) feet of the proposed location; and

WHEREAS, the Community Redevelopment Board held a properly noticed hearing at a regularly scheduled meeting to consider the application of the Petitioner and recommended approval of the Major Urban Code Conditional Use on January 11, 2017; and

WHEREAS, City Commission held a properly noticed hearing at a regularly scheduled City Commission meeting to consider the application of the Petitioner to approve the Major Urban Code Conditional Use on February 13, 2017.

WHEREAS, the conditional use approval shall run with the land; and

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

SECTION 1: Subject to the conditions attached hereto, the City Commission hereby approves a Major Urban Code Conditional Use approval to Hollub Investment Partnership, LLLP, as owner of certain real property located at 43 & 55 Seminole Street, Stuart Florida, as detailed within the attached legal description.

SECTION 2: A legal description of the property is set forth in “**Exhibit A**” attached hereto and made a part hereof by reference.

SECTION 3: The applicants business shall operate in accordance with all conditions set forth in “**Exhibit B**”, as attached.

SECTION 4: The purpose of this Urban Waterfront Sub-district Conditional Use approval is to allow for the development of 4,235 square feet of retail and 20 residential units, varying from code requirements by allowing a density of 16.5 units per acre where a maximum of 15 dwelling units per acre is allowed, for a continuous building facade of more than 100 feet in width without providing an additional vista and for parking within the building envelope as per the details included on the site plan, landscape plan and architectural elevations included as **“Exhibit C”**.

SECTION 5: This resolution shall take effect immediately upon its adoption.

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

THOMAS F. CAMPENNI, MAYOR
TROY A. MCDONALD, VICE MAYOR
EULA R. CLARKE, COMMISSIONER
JEFFREY A. KRAUSKOPF, COMMISSIONER
KELI GLASS LEIGHTON, COMMISSIONER

YES	NO	ABSENT

ADOPTED this 13th day of February, 2017

ATTEST:

CHERYL WHITE
CITY CLERK

THOMAS F. CAMPENNI,
MAYOR

APPROVED AS TO FORM
AND CORRECTNESS:

MICHAEL MORTELL
CITY ATTORNEY

ACCEPTANCE AND AGREEMENT

BY SIGNING THIS ACCEPTANCE AND AGREEMENT, THE UNDERSIGNED HEREBY ACCEPTS AND AGREES TO ALL OF THE TERMS AND CONDITIONS CONTAINED IN THE FOREGOING DEVELOPMENT ORDER, AND 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 FOREGOING RESOLUTION. IN WITNESS WHEREOF THE UNDERSIGNED HAS EXECUTED THIS ACCEPTANCE AND AGREEMENT:

WITNESSES:

Riverside Village Stuart, LLC

Witness #1:

Owner: William Bethea

Print Name: _____

Print Name: _____

Signature: _____

Signature: _____

(see owner's acknowledgement next page)

Witness #2:

Print Name: _____

Signature: _____

WITNESSES:

Hollub Investment Partnership,LLLP
Hollub Holdings LLC

Witness #1:

Applicant: Harry Hollub

Print Name: _____

Print Name: _____

Signature: _____

Signature: _____

Witness #2:

Print Name: _____

Signature: _____

OWNERS ACKNOWLEDGMENT

The above Acceptance and Agreement was acknowledged before me this ____ day of _____, 2017, by _____.

Notary Public, State of Florida

My Commission Expires:

Notary Seal

Personally Known _____ OR Produced Identification _____ Type of ID _____

Exhibit “A” Legal Description:

PARCEL 1:

LOTS 1 & 2, BLOCK 1, AMENDED PLAT OF CHAS. A. PORTER ADDITION, ACCORDING TO THE PLAT THEREOF, FILED FEBRUARY 8, 1913, AND RECORDED IN PLAT BOOK 2, PAGE 75, PUBLIC RECORDS OF PALM BEACH (NOW MARTIN) COUNTY, FLORIDA; TOGETHER WITH THE FOLLOWING DESCRIBED PARCEL:

A PARCEL OF LAND LYING IN SECTION 4, TOWNSHIP 38 SOUTH, RANGE 41 EAST, MARTIN COUNTY, FLORIDA. SAID PARCEL LYING NORTH OF AND ADJACENT TO THE NORTH LINE OF CHAS. PORTER ADDITION AS RECORDED IN PLAT BOOK 2, PAGE 75, PUBLIC RECORDS OF PALM BEACH (NOW MARTIN) COUNTY, FLORIDA, SAID PARCEL DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHWEST CORNER OF SAID LOT 2, BLOCK 1, OF THE AFOREMENTIONED CHAS. A. PORTER ADDITION; THENCE NORTH 89°58'25" EAST, A DISTANCE OF 0.25 FEET; THENCE NORTH 12°05'27" EAST, A DISTANCE OF 9.92 FEET; THENCE NORTH 06°39'07" EAST, A DISTANCE OF 4.08 FEET; THENCE NORTH 17°34'10" EAST, A DISTANCE OF 76.10 FEET; THENCE NORTH 82°37'22" EAST, A DISTANCE OF 42.46 FEET; THENCE SOUTH 14°54'29" WEST, A DISTANCE OF 6.04 FEET; THENCE SOUTH 77°13'31" EAST, A DISTANCE OF 47.24 FEET; THENCE SOUTH 14°27'12" WEST, A DISTANCE OF 26.53 FEET; THENCE SOUTH 72°48'24" EAST, A DISTANCE OF 24.83 FEET; THENCE SOUTH 11°43'20" WEST, A DISTANCE OF 68.24 FEET; THENCE SOUTH 15°44'49" EAST, A DISTANCE OF 2.16 FEET; THENCE NORTH 77°10'09" WEST, A DISTANCE OF 119.19 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL OF LAND.

TOGETHER WITH ANY PROPERTY LYING LANDWARD OF THE MEAN HIGH WATER LINE AS ESTABLISHED BY C. CALVERT MONTGOMERY & ASSOCIATES, INC ON JANUARY 15, 2014 AND LYING NORTHERLY OF THE MEAN HIGH WATER LINE ESTABLISHED BY LINDAHL, BROWNING, FERRARI & HELLSTROM ON OCTOBER 14, 1987.

PARCEL 2:

LOTS 8 AND 9, HIGH SCHOOL SUBDIVISION, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 2 PAGE 85 , PUBLIC RECORDS OF PALM BEACH (NOW MARTIN) COUNTY, FLORIDA; TOGETHER WITH THE FOLLOWING DESCRIBED PARCEL:

A PARCEL OF LAND LYING IN SECTION 4, TOWNSHIP 38 SOUTH, RANGE 41 EAST, MARTIN COUNTY, FLORIDA. SAID PARCEL LYING NORTH OF AND ADJACENT TO THE NORTH LINE OF SAID HIGH SCHOOL SUBDIVISION AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHEAST CORNER OF LOT 8, HIGH SCHOOL SUBDIVISION, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 2, PAGE 85, PUBLIC RECORDS OF PALM BEACH (NOW MARTIN) COUNTY, FLORIDA; THENCE NORTH 80°58'09" WEST, ALONG THE NORTH LINE OF SAID LOT 8, A DISTANCE OF 50.63 FEET; THENCE NORTH 82°41'13" WEST, ALONG THE NORTH LINE OF LOT 9 OF SAID HIGH SCHOOL SUBDIVISION, A DISTANCE OF 50.41 FEET; THENCE NORTH 15°44'49" WEST, A DISTANCE OF 2.16 FEET; THENCE NORTH 11°43'20" EAST, A DISTANCE OF 68.24 FEET; THENCE NORTH 18°44'01" EAST, A DISTANCE OF 6.62 FEET TO THE MEAN HIGH WATER LINE, ELEVATION -0.42 FEET NAVD 1988, RECORDED ON 11-02-12; THENCE SOUTH 59°02'51" EAST, ALONG SAID MEAN HIGH WATER LINE, A DISTANCE OF 32.29 FEET; THENCE SOUTH 67°54'43" EAST, A DISTANCE OF 41.51 FEET; THENCE SOUTH 61°09'30" EAST, A DISTANCE OF 30.97 FEET; THENCE SOUTH 11°35'03" WEST, DEPARTING SAID MEAN HIGH WATER LINE, A DISTANCE OF 43.26 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL OF LAND.

Exhibit “B” Conditions of Approval

1. The project shall adhere to the site plan prepared by C. Calvert Montgomery and Associates, Inc., dated February 3, 2017.
2. The project shall adhere to the architectural plans and elevations, prepared by Braden & Braden, AIA, PA dated October 19, 2016, December 15, 2016 (Sheet A1) and January 5, 2017 (Sheet A-2). The buildings shall be constructed of concrete masonry units.
3. The project shall adhere to the landscape plan by Michael Flaugh, Landscape Architect dated 12.21.16 and last revised on 1.12.17.
4. Except as provided herein, all development shall comply with City Code.
5. Any sidewalks damaged during construction shall be repaired and/or replaced by the applicant as per the City’s specification.
6. Notwithstanding the illustration shown on the site plan, all signage shall be in accordance with the City’s Land Development Regulations with regards to size, dimensions, color, etc.
7. Site lighting shall not negatively impact adjacent properties and shall not create a visual nuisance. Decorative exterior light fixtures shall be approved prior to the issuance of any development permits.
8. The applicant shall comply with all applicable Handicap Accessibility standards.
9. Final Development Plans and Construction Drawings shall be reviewed and approved by all necessary City departments prior to the issuance of any building permits.
10. Any and all regulatory agency permits, including but not limited to Martin County, the South Florida Water Management District, and Army Corp of Engineers, shall be obtained by the applicant and copies provided to the City prior to the issuance of a site permit.

11. Prior to, building permits being issued, the applicant shall accomplish abandonment of 292 square feet of R.O.W. along Seminole Street with the privilege fee being waived contingent upon the city's acquisition of 292 sq. feet of R.O.W. per Sec. 36-2(d) of the City's Code of Ordinances.
12. The city as the grantee shall accept the 292 sq. feet of R.O.W. upon the grantor Riverside Village Stuart, LLC executing a deed which grants, bargains, sells, aliens, remises, releases, conveys, and confirms unto the grantee all that certain land situated in Martin County, Florida, to wit: That portion of Right of Way shown on the Site Plan by C. Calvert Montgomery & Associates, Sheet 1, dated 1-9-17 attached hereto as Exhibit "C" TOGETHER with all tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.
13. Prior to the issuance of any building permits for any portion of the Property, the Owner shall clearly define, to the satisfaction of the City Attorney, the number of condominium associations that will be created with respect to the Property. There shall be a Master Association created for all condominium units to be constructed on the property. The Master Association shall be the entity responsible for accepting notices from the City and correcting any violations of this Resolution, or the ordinances of the City and for any matters involving the City with respect to the Property, including, without limitation, fines and penalties. There shall be no conveyance of any units to third parties prior to the formation of the Master Association. There will be no future subdivision of the property without a plat approved by the City Commission.
14. The condominium documents for the property shall contain a restriction that only incidental storage may occur in the garage and in no event may storage in the garage prevent the use of the garage for the parking of two vehicles as large as an SUV. In addition, in the event a resident uses the garage for storage in a manner that prevents the parking of two vehicles as large as an SUV in a garage, the storage will be deemed a violation of this ordinance.
15. Owners of condominium units shall not use Guest Parking, as identified on the site plan, for parking of their personal vehicles for periods longer than three (3) hours
16. The project shall have no more than one water meter for each of the three buildings unless public works deems more water meters are appropriate.

17. Prior to issuance of a building permit, the applicant shall either contribute the required art fee of one and one-half percent of the vertical construction cost or provide work of art on the development pursuant to Section 3.01.08
18. Dock Facilities are for the expressed use of the owners, and or tenants. Leasing of dock slips to entities other than tenants of the project is prohibited. Commercial use of the dockage facilities is prohibited. The number of slips shall be limited to 20 slips (one per residential unit). Dock & slips are illustrative in nature and not final documents.
19. All dock facilities and marine related bulkheads, hardened shorelines, etc. shall be maintained by the Master Association, any new marine related improvements , modification, repairs and permitting associated with such facilities shall be accomplished by, and the responsibility of, the Master Association. There shall be no sheds or outbuildings constructed on the property. There shall be no liveaboards permitted by definition of the Department of Environmental Protection. The term “liveaboard” is defined as a vessel docked at the facility and inhabited by a person or persons for any five (5) consecutive days or a total of ten (10) days within a thirty (30) day period.
20. Sloping revetments and interlocking blocks shall be used in high energy areas to more effectively dissipate wave forces, boat wakes and reduce the effects of bottom scouring. Bulkheads and seawalls shall only be used to protect existing development and shall be located landward of riverine wetlands and their ecotones. Permits for replacement of deteriorating seawalls shall be granted only when alternative revetments and interlocking blocks are not feasible.
21. There shall be no improvements, fencing, installation of additional landscape material, etc. placed within the common acres that would be in nonconformance with approved vistas at the ends of the buildings.
22. The applicant shall obtain a Certificate of Occupancy for both mixed use buildings and the 15 unit condominium building prior to January 23, 2020.
23. The following uses shall be permitted:
 - a. Retail
 - b. Office, low-intensity medical: as defined in the City’s Land Development Code
 - c. Any occupancy of the waterfront building’s rooftop shall be ancillary to the building’s residential use and shall be enclosed by a code-compliant safety railing as shown on the building elevation approved herein. No permanently affixed structures, including, gazebos, trellises, or other similar structures shall be allowed on the roof of the

waterfront building. No rooftop occupancy of the two buildings fronting Seminole Street shall be permitted.

24. The following uses shall be prohibited:

- a. Bars
- b. No alcohol sales for on premises or off premises consumption.
- c. Food Establishments

25. The 4,235 square feet of retail space can not be combined to make a larger unit(s).

Site Plan

Scale: 1/8"=1'-0"

PROPERTY DESCRIPTION:

PARCELS 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817,

[illegible]

43 & 55 Seminole Street – Hollub Investment Partnership, LLLP
Major Urban Code Conditional Use Approval

Exhibit “C” landscape Plan



SOUTH ELEVATION (BUILDING A)

NORTH ELEVATION (BUILDING A)

SCALE: 1/8" = 1'-0"

PROJECT INFORMATION:

BRADLEY T. BRADLEY, AIA, P.A.
 ARCHITECTS - PLANNERS
 1115 S. 2ND ST.
 PHILADELPHIA, PA 19102
 TEL: (215) 261-8283
 FAX: (215) 261-8283
 E-MAIL: BRADLEY@BRADLEYAIA.COM

RESIDENCE FOR:
HOLUB CONSTRUCTION
 HEINRICH HEINRICH

DATE DRAWN:
 12-2-17
DRAWN BY:
 C. B. B.

REVISIONS:

SHEET:
 A-1

CANS:
 16-167

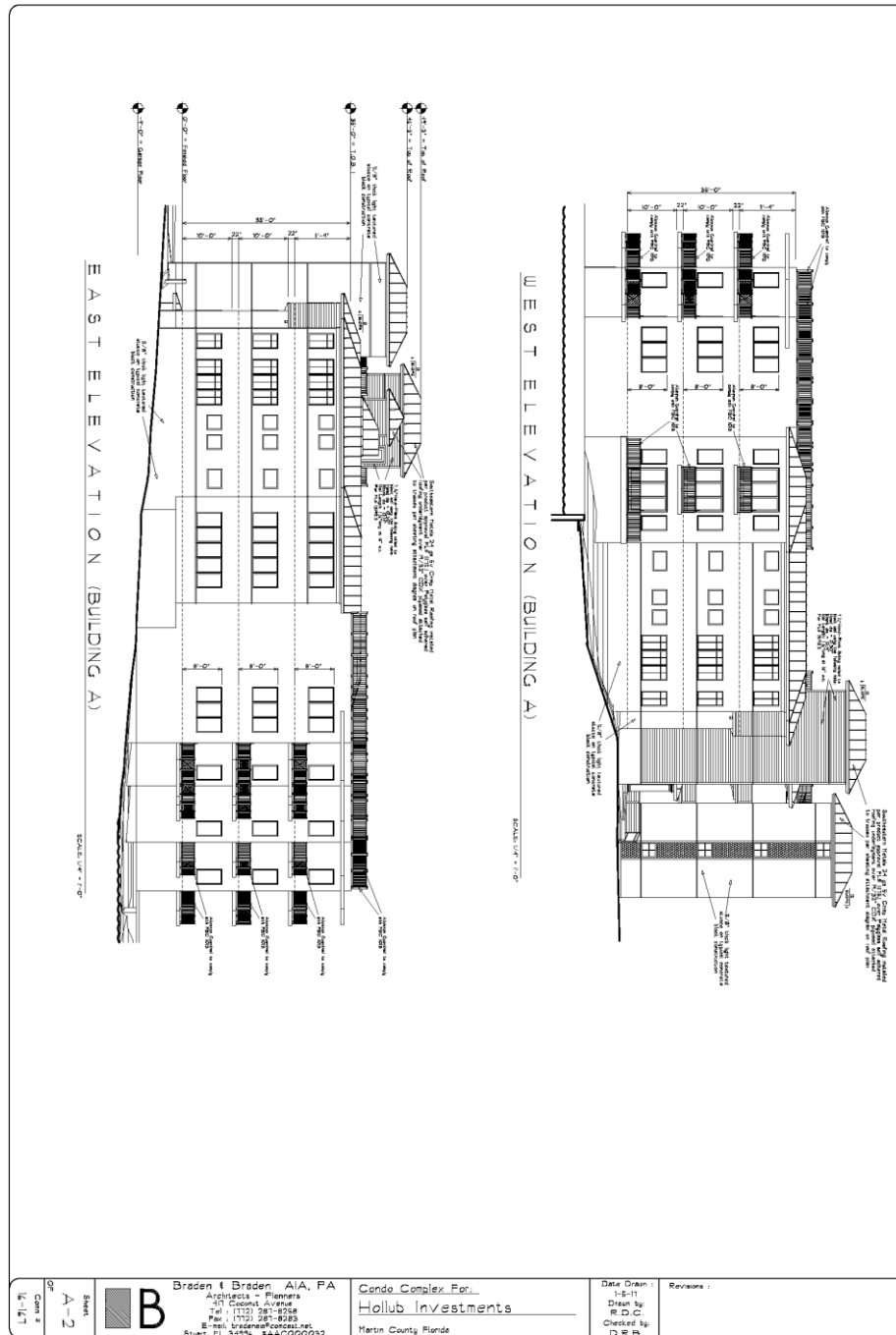
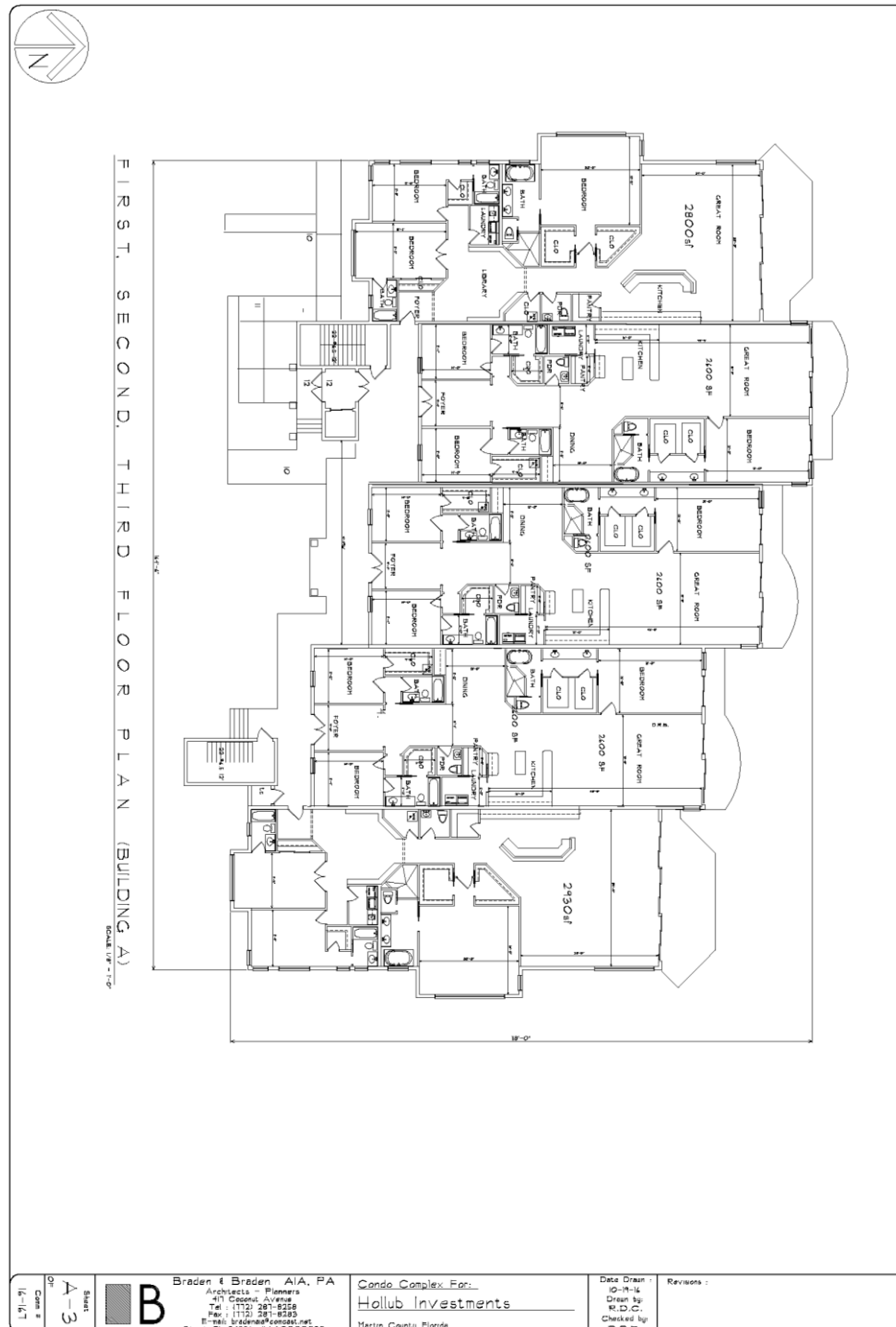
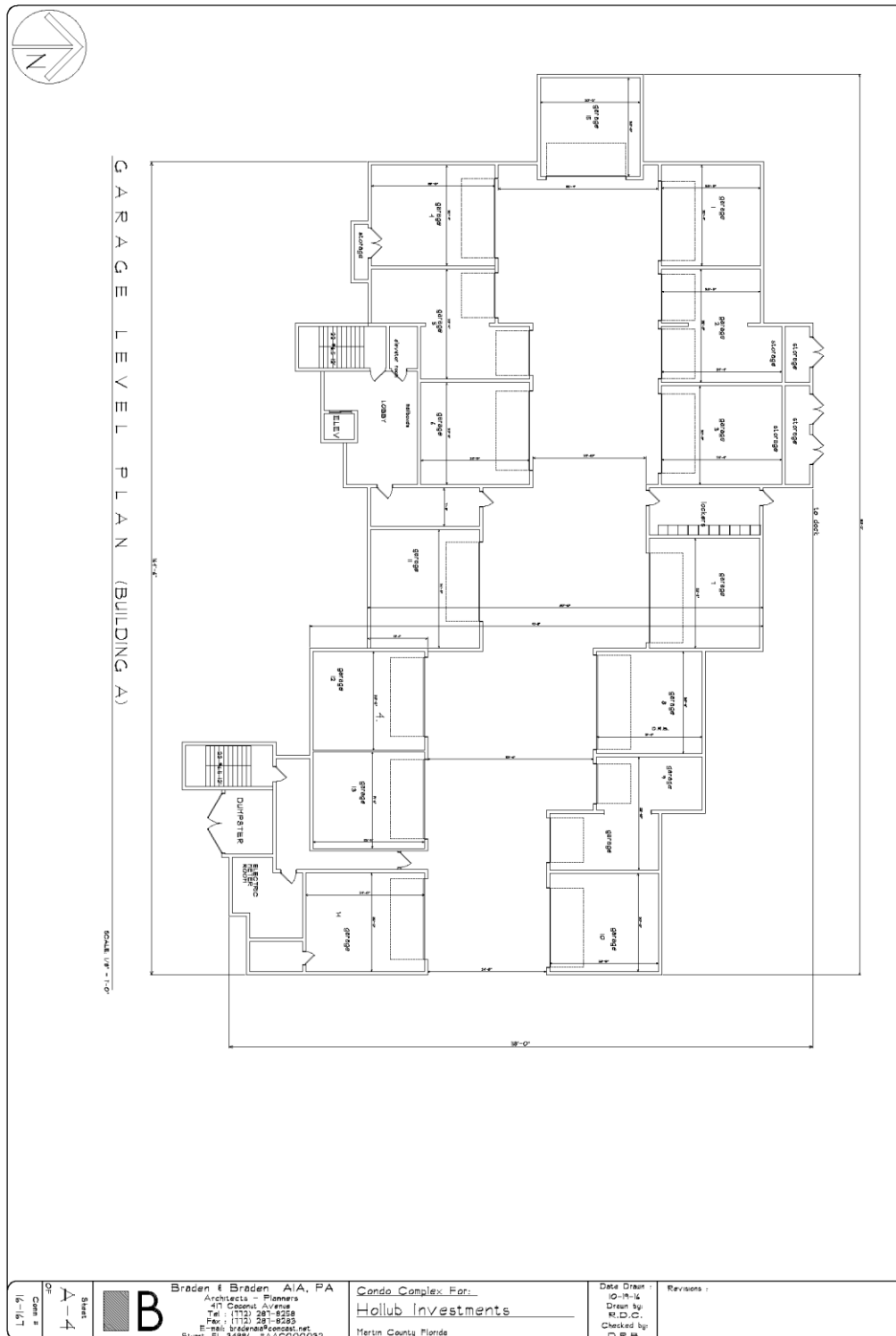


Exhibit “C” Floor Plans





SOUTH ELEVATION (BUILDING B)

SCALE: 1/4" = 1'-0"

NORTH ELEVATION (BUILDING B)

SCALE: 1/4" = 1'-0"

CONDO COMPLEX FOR:
Hollub Investments
Stuart, Florida

DATE DRAWN: 10-18-12
BY: BDB
CHECKED BY: BDB
DATE: 10-18-12

REVISIONS:

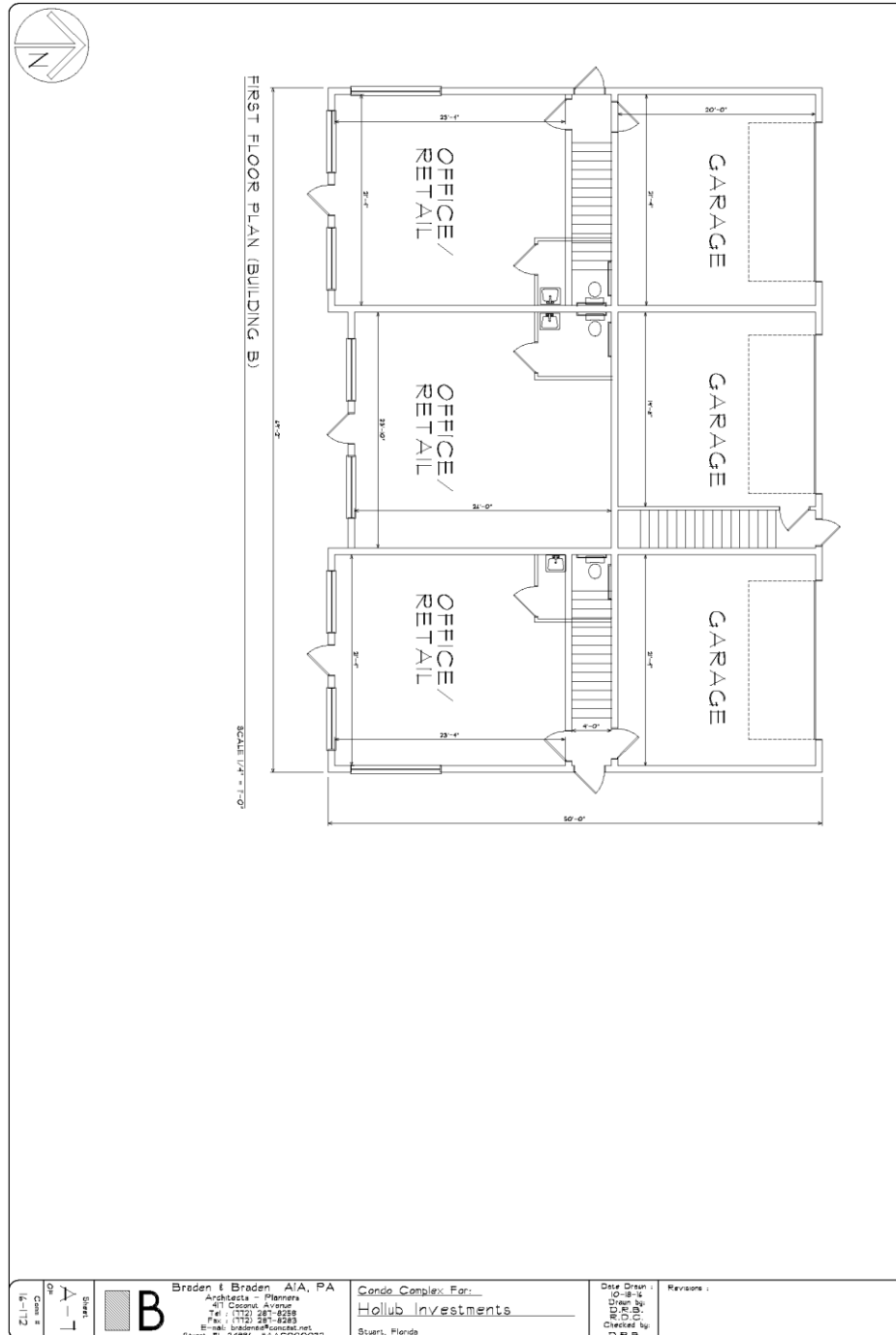
BRADEN & BRADEN, AIA, PA
Architects - Planners
1710 Coconut Avenue
Tel.: (772) 287-9288
Fax: (772) 287-1828
E-mail: braden@concept.net
Web: www.concept.net

CONDO 2
16-1172

Major Urban Code Conditional Use Approval



Exhibit “C” Floor Plans



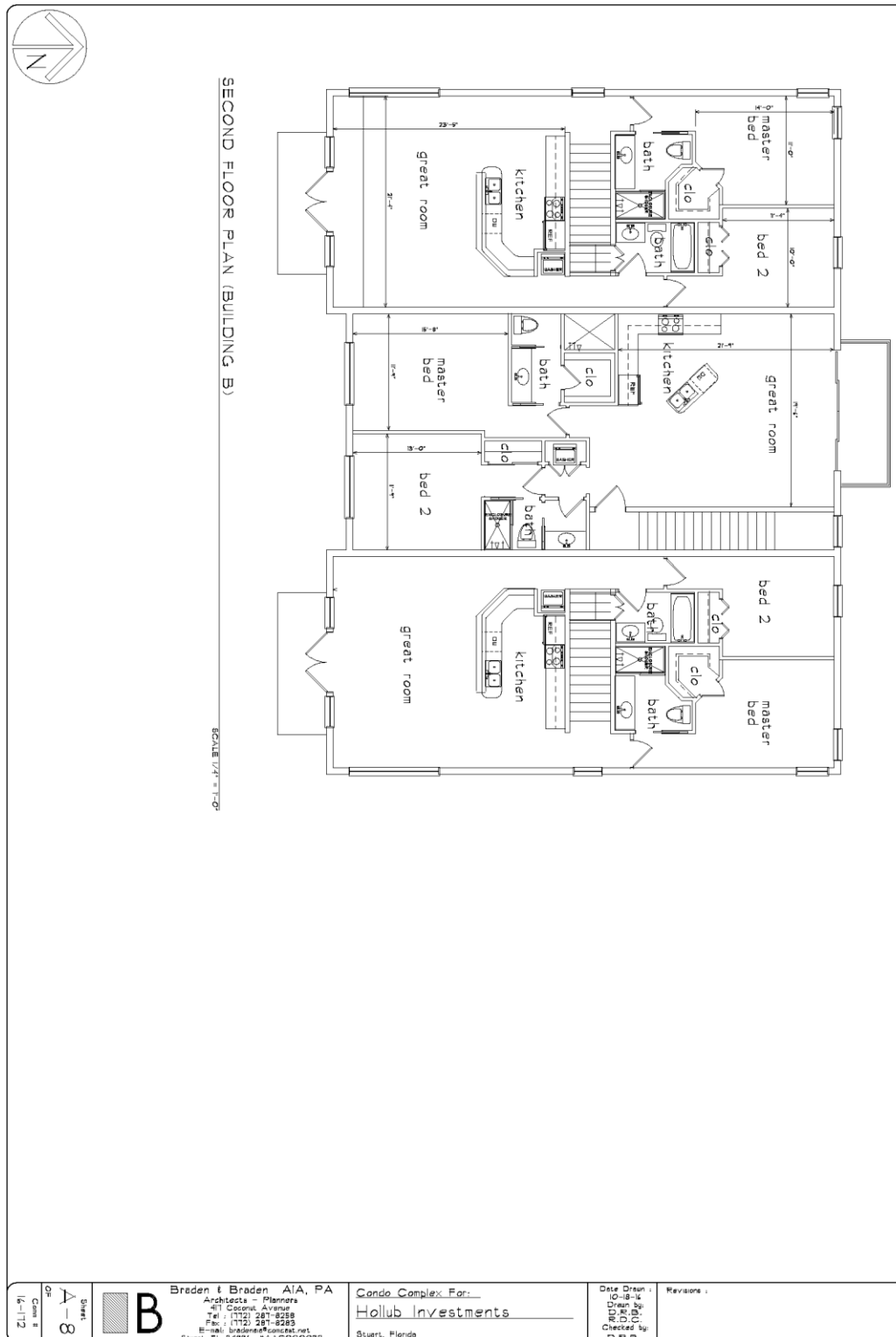
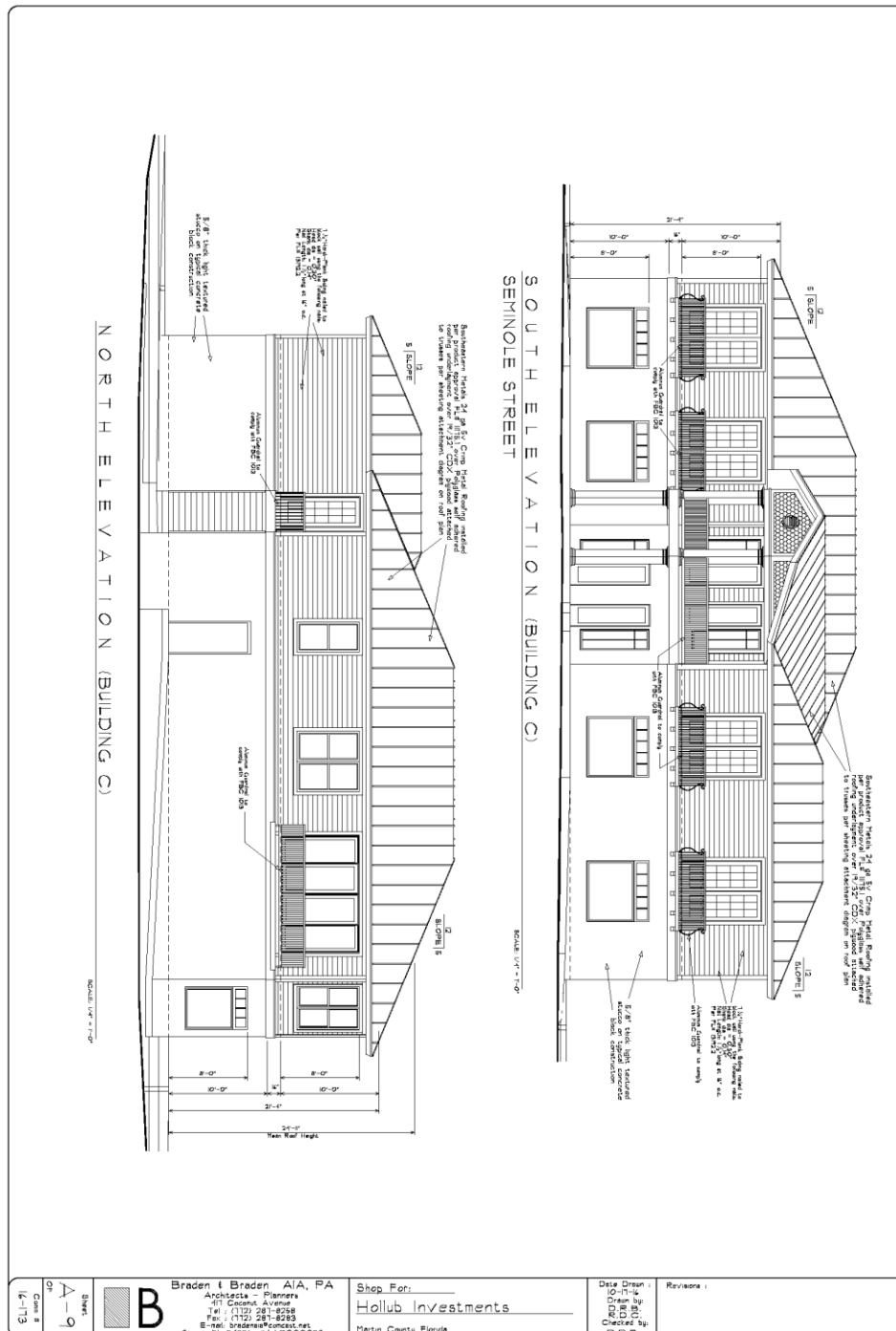


Exhibit “C” Elevations





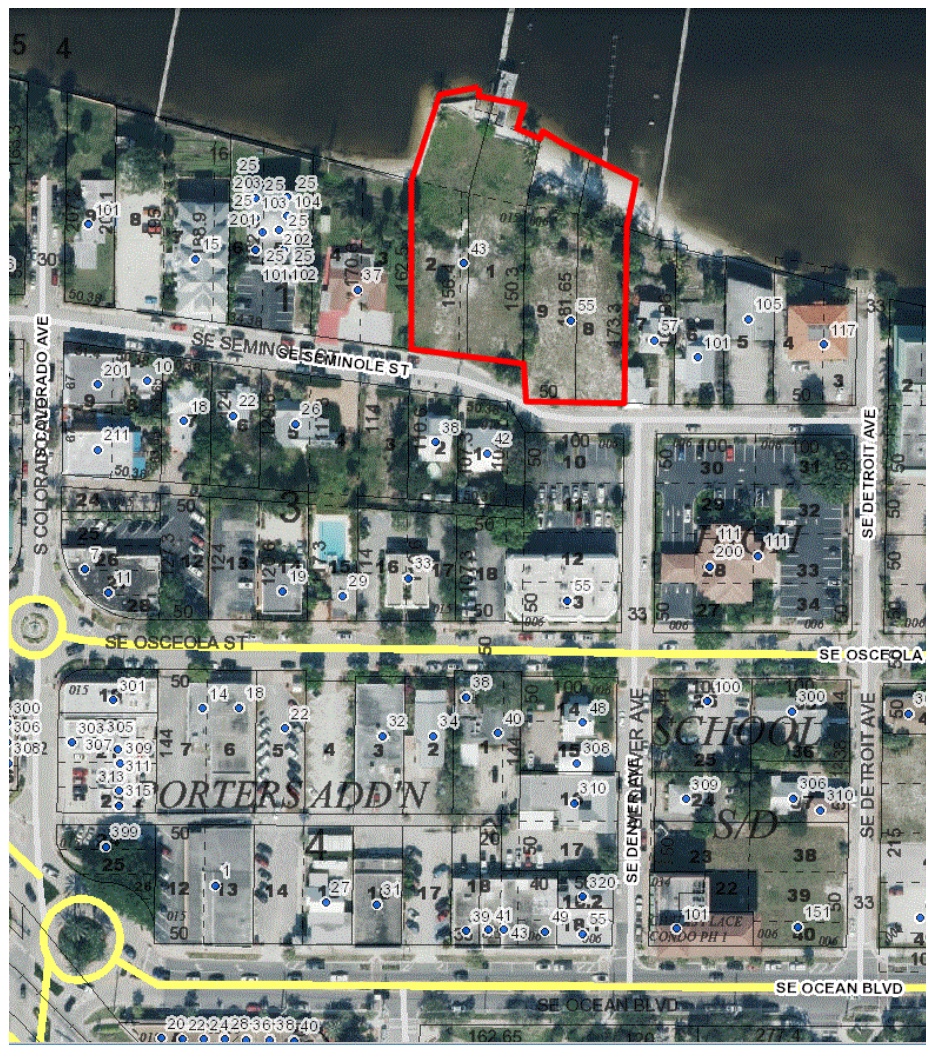
CITY OF STUART, FLORIDA
CITY COMMISSION
STAFF REPORT

MEETING DATE: February 13, 2017

PREPARED BY: Tom Reetz
Senior Planner

PROJECT NAME: Seminole Avenue – Hollub Investments

TITLE OF ITEM: Request to consider a Major Urban Code Conditional Use approval to allow a mixed use development of 4,235 square feet of retail space and 20 residential units. The Applicant has requested a density of 16.5 units per acre where the maximum density is 15 dwelling units per acre is allowed, for a continuous building facade of more than 100 feet in width without providing an additional vista and for parking within the building envelope within the City of Stuart Community Redevelopment Area.



I. APPLICATION SUMMARY

The applicant, Hollub Investments, is requesting a major urban code conditional use approval as per Section 3.01.06 of the City of Stuart Land Development Code. The applicant has recently purchased the property, and if granted, the conditional use would allow for the development of a mixed use project consisting of 5 condominium units over retail space fronting Seminole Street and 15 luxury condominiums over parking in the rear of the site on the water in the City's urban waterfront zoning district.

The applicant is required to request a Major Urban Code Conditional use due to the per parcel density of 16.5 units per acre, to allow for the 20 total units to occupy a 1.2 acre site. Also, the applicant is requesting two variances to the urban code: a relief from a prohibition to parking within the building envelope and allowing a continuous building façade of more than 100 feet in width without providing an additional vista to the river.

In lieu of not providing an additional vista, the developer has increased the side setbacks, thus increasing the view from the street, and decreasing the impact of the structure on the views of adjoining property owners.

The acceptance of parking under the building footprint is due to the street level providing the unique opportunity to have sufficient parking, without the parking being visible from the street. The unusual contour of the property dipping sharply to the water allows the parking to be hidden under the buildings.

The applicant is permitted to construct property at a maximum height of three stories or 35 feet in height. If 50% or more of the building is residential or hotel, a fourth story is permitted. The maximum building height of a four story building is 45 feet. The proposal includes 3 a story building over a level of parking for a total height of 35 feet from the finished floor to eave of the of the third floor roof. There is also and roof access that projects above the third floor and within the overall hieght allowance. The total height of the Condominium building including roof access is 49'-3"

II. HISTORY

The property is currently undeveloped after the existing buildings were demolished several years ago in the interest of redevelopment.

III. ZONING AND LAND USE

Site Location	43 & 55 SE Seminole Street	
Parcel Size (area)	1.24 Acres	
	0438410150010002000000 0438410150010001050000 04384100600000009000000 04384100600000008030000	
Subject Property Land Use	Downtown Redevelopment	
Adjacent FLU (Future Land Use)	North	Downtown Redevelopment

		<i>South</i>	Downtown Redevelopment
		<i>East</i>	Downtown Redevelopment
		<i>West</i>	Downtown Redevelopment
Subject Zoning	Property Overlay	Urban Waterfront	
		<i>North</i>	St. Lucie River
		<i>South</i>	Urban Center
		<i>East</i>	Urban Waterfront
		<i>West</i>	Urban Waterfront
Proposed Use		2 Mixed Use Buildings with a total of 5 dwelling units over 4,235 square feet of retail space fronting S.E. Seminole Street and one 3 story building with 15 luxury condominium dwelling units over parking fronting the St. Lucie River.	
Present Use		Undeveloped	
Land Use Plan		Downtown Redevelopment	
ROADWAY AND UTILITIES			
Street Functional Classifications		Seminole street is a one way street with eastbound traffic maintained by the City of Stuart	
Utilities		Sewer and Water are provided by the City of Stuart.	

IV. CITY DEPARTMENTAL REVIEWS	
<i>Public Works (Marc Rogolino)</i>	Approved
<i>Fire/Building (Frank Lasaga)</i>	Approved
<i>Police (Brian Bossio)</i>	Approved subject to more detailed review at the Building and Site Permit stage
<i>Captec Engineering</i>	See attached comments.

V. EXISTING CONDITIONS:



The property's previously were developed with single and multifamily housing which was demolished in the interest of redevelopment.

VI. PUBLIC NOTIFICATION:

The legal notification requirements have been met for this request of a **Major Urban Code Conditional Use** approval. In accordance with the requirements set forth in Section 11 of the City of Stuart's Land Development Code. Documentation of the public notice is part of the record as well as on file within the City Development Department.

VII. STANDARDS FOR URBAN CODE CONDITIONAL USE REVIEW: LAND DEVELOPMENT CODE – SECTION 3.01.06

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

The Future Land Use of all of the properties within proximity to the site is Downtown and the property is situated within the City of Stuart Community Redevelopment Area (CRA). The list of permitted uses included in the Urban Code are applicable to all property situated within the CRA, and include commercial and residential uses. The proposed mix use of retail and multifamily units will comply with the list of uses list in the Urban Code and is therefore consistent with the established land uses.

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

Approval of the urban code conditional use would allow for the increase of densities or intensities of use of 16.5 units per acre (16.5 units/acre) which is currently not consistent with the surrounding area, but due to the small nature of the site (1.2 acres), would not increase or overtax the load on public utilities and facilities. The applicant is requesting an increase of 1.5 units, which represents a density that is allowed by an urban code conditional use in Chapter 2 (Densities and Intensities) of the Land Development Code.

- 3. The proposed use will not be contrary to the proposed land use plan and will not have an adverse effect on the goals, policies and objectives of the comprehensive plan.**

Approval of the urban code conditional use would not be contrary to the adopted land use plan or other relevant goals, objectives, and policies concerning retail use. The Downtown Future Land Use references individual projects and sites consisting of single uses. A mixed use building is consistent with this language and would not detract from the mixture of commercial uses that exist downtown, but would increase the commercial opportunities for such uses.

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

There are no proposed changes to the existing district boundary.

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

The proposed mixed use development will rely on on existing infrastructure to

accommodate the vehicular traffic flow utilizing the site..

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

The development of the entire site will be performed in accordance with approved building permits, which will ensure that the required drainage and stormwater quality is obtained.

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

The proposed 3 story luxury condominium building over a level of parking will not reduce light of air to adjacent areas because of the increased side setbacks that will provide wider vistas to the river than required by code.

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

The uses are permitted throughout the CRA district.

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

The proposed mixed use building is in scale with the uses permitted by right in the Community Redevelopment Area district. The proposal is a development project to vacant site and its appearance, as demonstrated by the illustrative elevations, are consistent with the intent and quality of construction the City desires of the Community Redevelopment Area.

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

A major urban code conditinal use would be required for the proposed uses in all of the Community Redevelopment Area and is a permitted use within Section 3 of the Urban Code.

IX. CONDITIONAL USE REVIEW FACTORS TO BE CONSIDERED BY THE DECISION MAKER: SEC. 11.01.10(G)(6)

In applying the above standards, the decision-maker will consider each of the following factors:

- 1. 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.**

The proposal has been reviewed by the Fire and Public Works Departments who

have no objections to the proposed use.

2. **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 offstreet parking and loading areas on adjacent and nearby properties.**

The proposal does not have off-street parking. The parking is on site.

3. **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 applicant will use the refuse and service areas associated with the proposed site plan and acceptable to the City's Public Works Department.

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

Public Works has reviewed the proposal and have no objections in regard proposed connections to utilities.

5. **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 specially permitted and the uses and structures of adjacent and nearby properties.**

The applicant proposes adequate landscaping within the site as per the landscaping shown on the site plan. The applicant will maintain an unobstructed view from public right-of-way to the St. Lucie River on both ends of the site.

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

1. *All signage shall be in accordance with the City's Land Development Regulations with regards to size, dimensions, color, etc. The exterior lighting will be minimal considering its a single family residence and will not have a negative effects on adjacent and nearby properties.*

7. **Required yards and open spaces.**

The proposal includes wider than required corridors (vistas) a courtyard on Seminole Street and common pool/paver deck space at the rear of the site.

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

The applicant is permitted to construct property at a maximum height of three stories or 35 feet in height. If 50% or more of the building is residential or hotel, a fourth story is permitted. The maximum building height of a four story building is

45 feet. The proposal includes 3 a story building over a level of parking for a total height of 35 feet from the finished floor to eave of the of the third floor roof. There is also and roof access that projects above the third floor and within the overall hieght allowance. The total height of the Condominium building including roof access is 49'-3"

VIII. STAFF RECOMMENDATION

The Community Redevelopment Board approved the project by a majority 4-2 vote at its special meeting on January 11, 2016 with the condition that the commercial use be limited to retail and light medical office use.

Staff recommends **APPROVAL** of the applicant's request to consider a **MAJOR URBAN CODE CONDITIONAL USE** to allow the redevelopment of mixed use buildings and luxury condominiums in accordance with the conditions attached the Resolution 12-2017.

DATE: 02/06/2017

Client Name

MODULE : libNotes

TIME: 09:22:32

Zoning And Development Notes

SELECTION CRITERIA: Permit No = Z16110011 and Review Stop = PW and Revision =

Note Date/Time	Date of Record	Operator	Note Code	Reminder Date
2017-02-03 14:28:47	02/03/2017	mrogolin		

Memorandum

To: Tom Reetz

From: Marc Rogolino

Date: 2-3-2017

Re: Hollub Investments 43-55 SE Seminole St.

M-^V Conditional Use Application #Z16060011rev

In reviewing the above referenced project, this Department does approve the submitted Conditional Use application

M-^U The proposed dumpster enclosure dimensions must meet City of Stuart Standard Specifications.

M-^U This review is not for construction; further review will be required for approval for construction upon submittal of civil engineered drawings.

All construction pertinent to this Department shall be installed, inspected and tested in accordance with the City of Stuart Minimum Design and Construction Standards latest edition and the City of Stuart Specifications and Ordinances where applicable. In case of discrepancies between the construction plans and afore mentioned manuals, the most restrictive shall apply.

All plans to be reviewed by this Department shall be routed through the Permit Technician in the Development Department. Approval by this department shall not be construed to be a license to proceed with work and shall not be construed as authority to violate, cancel, alter or set aside any of the provisions of the City Code. Approval shall not prevent this department from thereafter requiring a correction of errors in plans, construction or violation of City Code.

Please forward comments to applicant.

If there are any questions, please contact me at your earliest at (772) 221-4700

DATE: 02/06/2017

Client Name

MODULE : libNotes

TIME: 09:23:14

Zoning And Development Notes

SELECTION CRITERIA: Permit No = Z16110011 and Review Stop = F and Revision =

Note Date/Time	Date of Record	Operator	Note Code	Reminder Date
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2017-01-26 15:28:08	01/26/2017	flasaga		
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Frank Lasaga

The plan is approved according to the information provided with the understanding that the development will be fully sprinklered with hose connections throughout, the dock will have a standpipe system, and the fire department connections for the systems will be situated in areas immediately adjacent to emergency vehicle access way. Review for code compliance of the structures and site will be made upon submittal of construction permit application(s).

2016-12-06 17:17:04	12/06/2016	flasaga		
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Frank Lasaga

This review represents an acceptance of the concept of the proposed development. Review of fire and life safety code requirements, including fire separations, fire sprinkler systems with hose connections, and fire alarm system, shall be performed upon submission of the site and building permit applications.



December 15, 2016
068.437

Mr. Thomas Reetz
CITY OF STUART
121 S.W. Flagler Avenue
Stuart, Florida 34994
(772) 600-1284

**RE: SEMINOLE AVENUE HOLLUB INVESTMENTS
1ST CONDITIONAL USE REVIEW**

Dear Mr. Reetz:

We have reviewed the submittal materials for request of Conditional Use received in email on December 5, 2016 and we offer the following comments:

1. The Applicant is responsible for obtaining all state, federal and local permits. FDEP/ACOE permits for any proposed docks may be required prior to construction approval.
2. The City of Stuart Public Works and Fire Departments should review the plan for water, sewer, dumpster, fire hydrant, and accessibility issues. Please verify if a single dumpster is adequate for the proposed development.
3. Section 6.01.03 requires a Right-of-Way width of 20-feet on each side of the centerline for local streets. Please verify if this is being provided for E. Seminole St. Additional dedication may be required.
4. Prior to final approval, the Applicant is requested to provide a drainage statement on how the site will comply with Local and State water quantity and quality criteria.
5. A density of 15 dwelling units per acre is permitted in all urban districts. The number of dwelling units may be increased to a maximum of 30 dwelling units per acre with a major code exception. The Applicant is seeking 20 dwelling unit per acre.
6. The Applicant is required to provide the proposed finished floor elevation and FEMA Flood Zone Elevations.

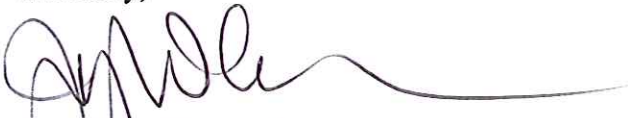
CAPTEC Engineering, Inc. performed this review for the City of Stuart in order to confirm compliance with the applicable City of Stuart Codes and Regulations. Neither the Reviewer nor the City of Stuart is the Design Engineer of Record and, therefore, neither entity accepts responsibility for the accuracy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

The applicant is requested to provide a written response to the above comments. CAPTEC'S fees for the above stated review are attached. Payment is due upon receipt of these comments to the applicant. CAPTEC will not review further response to comments until all prior fees are paid in full.

Please note suggestions provided by CAPTEC Engineering, Inc. are offered in order to assist the Applicant in complying with the City of Stuart Codes and Regulations. However, the Applicant bears the burden of demonstrating that their submittal meets the applicable City Code requirements.

If you should need further clarification or have any questions with regard to this matter, please feel free to contact me.

Sincerely,



Joseph W. Capra, P.E.
City Engineer

attachment: invoice

JWC/RK/gc
P:\000\068\068.437\1st Review 121516 ltr.doc

MINUTES

**COMMUNITY REDEVELOPMENT BOARD
JANUARY 11, 2017 AT 4:00PM
CITY COMMISSION CHAMBERS
121 S.W. FLAGLER AVE.
STUART, FLORIDA 34994**

COMMUNITY REDEVELOPMENT BOARD MEMBERS

**Chair – John Gonzalez
Vice Chair – Pete Walson
Board Member – Frank Wacha
Board Member – Chris Lewis
Board Member – Drew Pittman
Board Member – Becky Bruner
Board Member – Matt Stout**

ADMINISTRATIVE

**Development Director, Terry O'Neil
Teresa Lamar-Sarno, Special Assistant to the City Manager
Board Secretary, Michelle Vicat**

CALL TO ORDER  4:02 PM

New board member Chris Lewis was sworn in by the City Attorney Mike Mortell.

ROLL CALL  4:05 PM Roll Call.

Present: Drew Pittman, Becky Bruner, Frank Wacha, John Gonzalez, Pete Walson, Chris Lewis. Absent: Mac Stout

ANNUAL BOARD REORGANIZATION

John Gonzalez said he would continue on as Chair if the board agreed.

Frank Wacha nominated John Gonzalez as Chair. Becky Bruner seconded the motion. Motion passed unanimously.

Frank Wacha nominated Drew Pittman as Vice Chair. Pete Walson seconded the motion. Motion passed unanimously

APPROVAL OF MINUTES

 4:05 PM **Motion: Action:** Approve, **Moved by** Pete Walson **Seconded by** Frank Wacha.
Motion passed unanimously.

COMMENTS FROM THE PUBLIC (5 min. max)

COMMENTS FROM THE BOARD MEMBERS


Pete Walson commented on the lights being installed on US1 and said there were a lot of traffic issues.

Frank Wacha said the boat show didn't help.

John Gonzalez asked if when the commission passed the golf cart ordinance if there was an intent to create parking for them. He said he has one and didn't like taking up a whole parking spot.

OTHER MATTERS BEFORE THE BOARD

1. Resolution No. 12-2017: A resolution of the City Commission of the City of Stuart, Florida, granting a Conditional Use Approval to Riverside Village Stuart LLC, owner of the property located at 43 & 55 S.E. Seminole Street, as described within the attached legal description; granting approval for mixed use development of 4,235 square feet of retail and 20 residential units on a 1.21 acre site; to allow a density of 16.5 units per acre; for parking within the building envelope and for a continuous building facade of more than 100 feet in width without providing an additional vista; providing an effective date; providing for a timetable of development; providing for conditions of approval; and for other purposes.

PRESENTATION: Tom Reetz, Senior Planner  4:10 PM
Terry McCarthy, Attorney for Riverside Village Stuart, LLC
Dan Braden, Braden & Braden Architects

COMMENTS FROM THE PUBLIC (5 min. max):

John Maiucci who owns the property at the corner of Denver and Osceola said he supports the project and conceptually it's beautiful for the neighborhood.

Steven Voller who lives in Marathon, FL said they have his presentation in writing.

Armond Pasquale, a 38 year resident of Seminole Street thought this building destroys the neighborhood and thought there might be a bar added and said that bars are a constant problem, there is no parking on Seminole, they would prefer a building that didn't look like Miami Beach, there wasn't enough green, it's too dense and with a rooftop plus parking garage it is a 5 story building. He said his building is 33 feet to the roof and they will be able to see their patio and thought the building needed to be redesigned.

Bruce Laraway who lives next to the building said he doesn't like it at all. He said there is no parking on Seminole Street and this will make it worse and thought the whole thing is crazy. He said the stairwell comes down onto his beach. He said he didn't receive anything in the mail, he didn't think they should have more than 15 units; it was too close and didn't want it in his yard. He said he particularly didn't like the 5th floor looking down onto his living room.

Brandon Bulicky who lives on Seminole said it has been a tough season with traffic and thanked the Police Department but said he liked the project and thought it could all be worked out. He thought it could be more scaled down.

Mike Gorman who has a house on Seminole Street has no particular objections but said there is no parking on this street and asked the board to pay strict attention to the parking requirements and didn't think retail should be allowed on that street.

COMMENTS FROM THE BOARD MEMBERS

Chris Lewis asked if there was sufficient parking.

Dan Braden said they had more than was required.

Frank Wacha asked if Garage 15 was a freestanding garage.

Dan Braden said it was attached.

John Gonzalez asked if each unit had a garage door.

Dan Braden said some did, but not all.

John Gonzalez asked if the dumpster issue had been addressed.

Dan Braden said it had.

Becky Bruner asked when the last development like this was built and asked who was responsible for the dilapidated dock.

Terry McCarthy said a new dock would replace the dilapidated one.

Chris Lewis asked if there would be boat slips.

Terry McCarthy said there would be slips.

Pete Walson said it was a beautiful project but said he was not fond of all the colors. He thought Seminole was a much more muted neighborhood.

Frank Wacha asked if there were any restrictions on the commercial use.

Terry McCarthy said he agreed that there should be.

Terry O'Neil said they could look at it before it goes to the commission.

Frank Wacha asked if they could control the scale on the edges.

Dan Braden said if you start getting smaller, it doesn't work on the garages.

Drew Pittman agreed with Pete Walson on the colors and thought it seemed chopped up but he liked the concept.

Pete Walson asked staff to take a look at the retail and thought the building was in scale with the neighborhood.

Scott Montgomery, C. Calvert Montgomery said they would modify the parking spaces. He said they are 25% over by code but they could look at that. He didn't think they should rule out retail altogether but they will look at modifying the calculation.

John Gonzalez asked that the dumpster location be worked on so it is as unobtrusive as possible.

Frank Wacha thought it was great that new projects were coming through and liked the colors and oscillation, but thought they should limit some of the uses.

Chris Lewis said he was on the fence. He liked the idea of condos but parking is tight in that area. He said building it would affect all the residents and loved the intention of it.

Becky Bruner said times are changing and so is our city and she is proud of the city and how they grow and is all for this project.

Drew Pittman said his grandfather was on the board when they came up with the four story rule and he loves the four story limit and didn't think because of these small projects it would never become Miami and did not think there would be retail there and would probably be offices.

MOTION:  **5:14 PM Motion: Action: Approve, Moved by Pete Walson, Seconded by Becky Bruner including all comments made by board members. Motion passes 4/2 with Frank Wacha and Chris Lewis dissenting**

STAFF UPDATE

ADJOURNMENT  **5:17 PM Motion: Action: Adjourn, Moved by Frank Wacha, Seconded by Drew Pittman. Motion passed unanimously.**

APPROVED

RESPECTFULLY SUBMITTED

John Gonzalez, Chair

Michelle Vicat, Board Secretary

King, Nicole

From: Nicoletti, Paul
Sent: Tuesday, January 24, 2017 3:28 PM
To: Sharon Kenny Esposito
Cc: Commissioners; White, Cherie; O'Neil, Terry; King, Nicole; Mortell, Michael
Subject: Re: City of Stuart: The proposed condo development on Seminole Street

Thanks, Ms. Esposito, for your perspective on this project. We will print your comments and make them part of the record when this item comes back o February 13th.

Paul J. Nicoletti
City Manager

Sent from my iPhone

On Jan 24, 2017, at 2:17 PM, City of Stuart <DO-NOT-REPLY@cityofstuart.us> wrote:

This is an enquiry email via <http://www.cityofstuart.us/> from:
Sharon Kenny Esposito <sharonkenny88@gmail.com>

The issue with this proposed development, outlined in the Stuart News on Tues 24 January, is not the location of the dumpster, or the HOA -- it is the density! This property is too small to have 15 condominium units plus offices. I have been a resident of this area for over 25 years, and have had an office downtown for most of that time, 12 years at the other end of Seminole Street -- this section is a relatively quiet area with single family homes, and to 'shoehorn in' three buildings, multi-story, would change the whole nature of the environment there. It would be very unfair to the residents. A developer from Miami, Aaron Holub, might be accustomed to this crowded density, and is not interested in the effect on the quality of life in little old Stuart. He should make a plan that would fit the land and the atmosphere here. If he is only interested in making the maximum profit, he should focus his work in Miami-Dade and Broward, where they do not care. My office was on Seminole Street during the height of the real estate boom; I witnessed every day the developers roaming the streets, in their khakis with clipboards, scanning and planning and thinking of profits. Please, take into consideration the long term effect of this kind of density on the river on such a small piece of property - for the sake of the citizens, and local residents, and the future of this area.

**CITY OF STUART, FLORIDA
AGENDA ITEM REQUEST
CITY COMMISSION**

Meeting Date:2/13/2017

Prepared by:David Dyal

Title of Item:

RESOLUTION No.14-2017 A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA AUTHORIZING THE TRANSFER OF FUNDS FROM EMS GRANTS TO FIRE RESCUE EXPENDITURE ACCOUNTS, AS WELL AS, AUTHORIZING BUDGET AMENDMENT #06-2017 TO THE 2016-2017 GENERAL FUND; APPROPRIATING AND AUTHORIZING THE EXPENDITURE OF FUNDS TO PROVIDE TRAINING FOR ADVANCED VEHICLE EXTRICATION; PROJECT NAME GIVME 2013 AND GIVME 2014 AND PROVIDING AN EFFECTIVE DATE, AND FOR OTHER PURPOSES. (RC)

Summary Explanation/Background Information on Agenda Request:

EMS grant funds are collected annually from funds dispersed by the state of Florida to EMS agencies to improve and enhance EMS in the state. Training is an acceptable use of these funds. New vehicles with high strength steel and other metals make extrication more difficult and require additional skills, knowledge, and abilities to effectively and efficiently extract trapped persons in damaged vehicles.

Funding Source:

From: Givme Grant 2013	\$2,062.07
Givme Grant 2014	\$1,937.93

To: 1201-555 Training \$4,000.00

Recommended Action:

Approve Resolution No. 14-2017; BA06-2017

CITY OF STUART, FLORIDA AGENDA ITEM REQUEST CITY COMMISSION

Meeting Date: 2/13/2017

Prepared by: Teresa Lamar-Sarno, AICP

Title of Item:

RESOLUTION No. 25-2017; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA RECOMMENDING THE VISITING NURSE ASSOCIATION APPLICATION TO FLORIDA DEPARTMENT OF TRANSPORTATION TEMPORARY CLOSING OF A STATE ROAD PERMIT FOR THE 2017 STUART CHRISTMAS PARADE ROUTE; AND PROVIDING FOR AN EFFECTIVE DATE. (RC)

Summary Explanation/Background Information on Agenda Request:

A RESOLUTION RECOMMENDING THE VISITING NURSE ASSOCIATION APPLICATION TO FLORIDA DEPARTMENT OF TRANSPORTATION TEMPORARY CLOSING OF A STATE ROAD PERMIT FOR THE 2017 STUART CHRISTMAS PARADE ROUTE.

Funding Source:

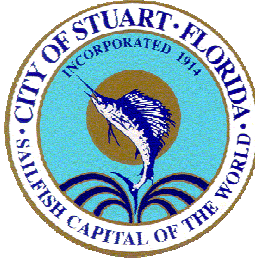
n/a

Recommended Action:

Adopt Resolution No. 25-2017.

ATTACHMENTS:

Description	Upload Date	Type
<input type="checkbox"/> R25-2017 VNA FDOT Road Closure Support Christmas Parade	2/6/2017	Resolution add to Y drive
<input type="checkbox"/> 2017 FDOT Permit	2/6/2017	Backup Material



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

RESOLUTION No. 25-2017

**A RESOLUTION OF THE CITY COMMISSION OF THE
CITY OF STUART, FLORIDA RECOMMENDING THE
VISITING NURSE ASSOCIATION APPLICATION TO
FLORIDA DEPARTMENT OF TRANSPORTATION
TEMPORARY CLOSING OF A STATE ROAD PERMIT FOR
THE 2017 STUART CHRISTMAS PARADE ROUTE.**

* * * * *

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

Section 1: The City of Stuart has supported the Stuart Christmas Parade for over 51 years, and supports the Visiting Nurse Association request to FDOT of temporary lane closures on Monterey Road, to support that reversal of the parade route on East Ocean heading west on East Ocean toward the historic Downtown.

Section 2: This resolution shall take effect upon adoption.

Resolution 25 -2017
VNA FDOT Temp Street Closure Permit

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:

TOM CAMPENNI, MAYOR
TROY A. MCDONALD, VICE MAYOR
EULA R. CLARKE, COMMISSIONER
KELLI GLASS LEIGHTON, COMMISSIONER
JEFFREY A. KRAUSKOPF, COMMISSIONER

YES	NO	ABSENT

ADOPTED this 13TH day of February, 2017.

ATTEST:

CHERYL WHITE
CITY CLERK

TOM CAMPENNI
MAYOR

APPROVED AS TO FORM
AND CORRECTNESS:

MICHAEL J. MORTELL
CITY ATTORNEY

TEMPORARY CLOSING OF STATE ROAD PERMITDate: 1/4/17

Permit No. _____

Governmental Entity

Approving Local Government City of Stuart Contact Person Paul Nicoletti
 Telephone 772-288-5312 Email Tsarno@ci.stuart.fl.us

Organization Requesting Special Event

Name of Organization Visiting Nurse Association of Florida Contact Person Kerri Whittle
 Telephone 772-286-1844 Email Kerri.whittle@VNAflorida.org

Description of Special Event

Event Title Stuart Christmas Parade Date of Event 12-1-17
 Start Time 4 PM End Time 7 PM
 Event Route (attach map) attached

 Detour Route (attach map) attached

Law Enforcement Agency Responsible for Traffic Control

Name of Agency Stuart Police Department

US Coast Guard Approval for Controlling Movable Bridge

Not Applicable ☐
 Copy of USCG Approval Letter Attached ☐
 Bridge Location _____

The Permittee will assume all risk of and indemnify, defend and save harmless the State of Florida and the FDOT from and against any and all loss, damage, cost or expense arising in any manner on account of the exercise of this event.

The Permittee shall be responsible to maintain the portion of the state road it occupies for the duration of this event, free of litter and providing a safe environment to the public.

Signatures of Authorization

Event Coordinator Donald R. Crow, CEO Signature _____ Date _____
 Law Enforcement Name/Title David Dyess, Chief of Police Signature _____ Date _____
 Government Official Name/Title Paul S. Nicoletti, City Mgr. Signature _____ Date _____

FDOT Special Conditions

FDOT Authorization

Name/Title _____ Signature _____ Date _____

CITY OF STUART, FLORIDA AGENDA ITEM REQUEST CITY COMMISSION

Meeting Date: 2/13/2017

Prepared by: jchrulski

Title of Item:

RESOLUTION No. 27-2017; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, OPPOSING SENATE BILL 330 AND HOUSE BILL 487, RELATING TO LOCAL BUSINESS TAXES; AND PROVIDING FOR AN EFFECTIVE DATE. (RC)

Summary Explanation/Background Information on Agenda Request:

Resolution in Opposition of SB 330 and HB 487 which would effectively eliminate the City of Stuart and Martin County local business tax levy and create a \$630,000 revenue shortfall for the City equivalent to around three percent (3%) of the total City budget annually.

Funding Source:

N/A

Recommended Action:

Adopt Resolution No. 27-2017

ATTACHMENTS:

Description	Upload Date	Type
<input type="checkbox"/> R27-2017 Opposing SB 330 HB 487 Local Business Tax	2/7/2017	Resolution add to Y drive
<input type="checkbox"/> SB 330 Local Business Tax	2/7/2017	Attachment
<input type="checkbox"/> HB 487 Local Business Tax	2/7/2017	Attachment



BEFORE THE CITY COMMISSION
CITY OF STUART, FLORIDA

RESOLUTION NUMBER 27-2017

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF
STUART, FLORIDA, OPPOSING SENATE BILL 330 AND HOUSE BILL
487, RELATING TO LOCAL BUSINESS TAXES.

* * * * *

WHEREAS, the City of Stuart and Martin County currently levy a local business tax at a rate above the permitted maximum in SB 330 and HB 487; and

WHEREAS, if these bills become law the City would lose business tax revenue in the amount of \$638,607 or around three percent (3%) of the total City budget; and

WHEREAS, it is the position of the City Commission of the City of Stuart to strengthen 'home rule' authority whenever practicable; and

WHEREAS, SB 330 and HB 487 disable local governments and communities by excising their ability to levy taxes in a manner that conforms to local needs and desires; and

WHEREAS, the loss of business tax revenue would limit the options for local governments in compensating for revenue shortfalls by shifting the burden to other taxpayers.

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

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

Resolution No. 27-2017

Resolution Opposing SB 330 and HB 487 Relating to Local Business Taxes

SECTION 2: The City of Stuart, Florida opposes SB 330 and HB 487 relating to local business taxes and requests the Florida Legislature and local delegation address the negative implications of these bills on local governments and communities.

SECTION 3: This Resolution shall become effective upon its adoption.

TOM CAMPENNI, MAYOR
TROY A. MCDONALD, VICE MAYOR
EULA R. CLARKE, COMMISSIONER
KELLI GLASS LEIGHTON, COMMISSIONER
JEFFREY A. KRAUSKOPF, COMMISSIONER

YES	NO	ABSENT

ADOPTED this 13th day of February, 2017.

ATTEST:

CHERYL WHITE
CITY CLERK

TOM CAMPENNI
MAYOR

APPROVED AS TO FORM
AND CORRECTNESS:

MICHAEL MORTELL
CITY ATTORNEY

By Senator Steube

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A bill to be entitled
An act relating to local business taxes; amending ss.
205.032 and 205.042, F.S.; prohibiting the governing
bodies of counties and municipalities, respectively,
from levying a local business tax that was not adopted
before a specified date; limiting the amount of the
tax; making conforming changes; amending s. 205.033,
F.S.; deleting certain provisions that, for counties,
limit the rate of the tax and authorize increases of
the tax; revising the maximum limits of certain
transfer fees; revising applicability of provisions
apportioning revenues from the tax; deleting certain
provisions authorizing the levying of an additional
business tax; amending s. 205.043, F.S.; deleting
certain provisions that, for municipalities, limit the
rate of the tax and authorize increases of the tax;
revising the maximum limits of certain transfer fees;
amending ss. 205.0535 and 205.054, F.S.; conforming
provisions to changes made by the act; creating s.
205.055, F.S.; providing an exemption from the
business tax, subject to certain conditions, to
specified veterans, spouses of veterans and active
servicemembers, and low-income individuals; repealing
s. 205.171, F.S., relating to exemptions allowed
disabled veterans of any war or their unremarried
spouses; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Section 205.032, Florida Statutes, is amended to
read:

205.032 Levy; counties.—The governing body of a county may

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33 not levy a business tax for the privilege of engaging in or
34 managing any business, profession, or occupation within its
35 jurisdiction if the county did not adopt such tax before January
36 1, 2017. The governing body of a county may continue to levy, ~~by~~
37 ~~appropriate resolution or ordinance,~~ a business tax for the
38 privilege of engaging in or managing any business, profession,
39 or occupation within its jurisdiction if the county adopted the
40 business tax before January 1, 2017, but in no case may such
41 business tax exceed \$25 for any single taxpayer. ~~However, the~~
42 ~~governing body must first give at least 14 days' public notice~~
43 ~~between the first and last reading of the resolution or~~
44 ~~ordinance by publishing a notice in a newspaper of general~~
45 ~~circulation within its jurisdiction as defined by law. The~~
46 ~~public notice must contain the proposed classifications and~~
47 ~~rates applicable to the business tax.~~

48 Section 2. Section 205.042, Florida Statutes, is amended to
49 read:

50 205.042 Levy; municipalities.—The governing body of an
51 incorporated municipality may not levy a business tax for the
52 privilege of engaging in or managing any business, profession,
53 or occupation within its jurisdiction if the municipality did
54 not adopt such tax before January 1, 2017. The governing body of
55 an incorporated municipality may continue to levy, ~~by~~
56 ~~appropriate resolution or ordinance,~~ a business tax for the
57 privilege of engaging in or managing any business, profession,
58 or occupation within its jurisdiction if the municipality
59 adopted the business tax before January 1, 2017, but in no case
60 may such business tax exceed \$25 for any taxpayer. ~~However, the~~
61 ~~governing body must first give at least 14 days' public notice~~

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~~between the first and last reading of the resolution or ordinance by publishing the notice in a newspaper of general circulation within its jurisdiction as defined by law. The notice must contain the proposed classifications and rates applicable to the business tax.~~ The business tax may be levied on:

(1) Any person who maintains a permanent business location or branch office within the municipality, for the privilege of engaging in or managing any business within its jurisdiction.

(2) Any person who maintains a permanent business location or branch office within the municipality, for the privilege of engaging in or managing any profession or occupation within its jurisdiction.

(3) Any person who does not qualify under subsection (1) or subsection (2) and who transacts any business or engages in any occupation or profession in interstate commerce, if the business tax is not prohibited by s. 8, Art. I of the United States Constitution.

Section 3. Section 205.033, Florida Statutes, is amended to read:

205.033 Conditions for levy; counties.—

(1) The following conditions are imposed on the authority of a county governing body to levy a business tax:

(a) The tax must be based upon reasonable classifications and must be uniform throughout any class.

~~(b) Unless the county implements s. 205.0535 or adopts a new business tax ordinance under s. 205.0315, a business tax levied under this subsection may not exceed the rate provided by this chapter in effect for the year beginning October 1, 1971;~~

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91 ~~however, beginning October 1, 1980, the county governing body~~
92 ~~may increase business taxes authorized by this chapter. The~~
93 ~~amount of the increase above the tax rate levied on October 1,~~
94 ~~1971, for taxes levied at a flat rate may be up to 100 percent~~
95 ~~for business taxes that are \$100 or less; 50 percent for~~
96 ~~business taxes that are between \$101 and \$300; and 25 percent~~
97 ~~for business taxes that are more than \$300. Beginning October 1,~~
98 ~~1982, the increase may not exceed 25 percent for taxes levied at~~
99 ~~graduated or per unit rates. Authority to increase business~~
100 ~~taxes does not apply to licenses or receipts granted to any~~
101 ~~utility franchised by the county for which a franchise fee is~~
102 ~~paid.~~

103 ~~(e)~~ A receipt is not valid for more than 1 year, and all
104 receipts expire on September 30 of each year, except as
105 otherwise provided by law.

106 (2) Any receipt may be transferred to a new owner, when
107 there is a bona fide sale of the business, upon payment of a
108 transfer fee of up to 10 percent of the annual business tax, but
109 not less than \$3 nor more than \$10 ~~\$25~~, and presentation of the
110 original receipt and evidence of the sale.

111 (3) Upon written request and presentation of the original
112 receipt, any receipt may be transferred from one location to
113 another location in the same county upon payment of a transfer
114 fee of up to 10 percent of the annual business tax, but not less
115 than \$3 nor more than \$10 ~~\$25~~.

116 (4) The revenues derived from the business tax, exclusive
117 of the costs of collection and any credit given for municipal
118 business taxes, shall be apportioned between the unincorporated
119 area of the county and the incorporated municipalities located

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therein by a ratio derived by dividing their respective populations by the population of the county. ~~This subsection does not apply to counties that have established a new rate structure under s. 205.0535.~~

(5) The revenues so apportioned shall be sent to the governing authority of each municipality, according to its ratio, and to the governing authority of the county, according to the ratio of the unincorporated area, within 15 days following the month of receipt. ~~This subsection does not apply to counties that have established a new rate structure under s. 205.0535.~~

~~(6)(a) Each county, as defined in s. 125.011(1), or any county adjacent thereto may levy and collect, by an ordinance enacted by the governing body of the county, an additional business tax up to 50 percent of the appropriate business tax imposed under subsection (1).~~

~~(b) Subsections (4) and (5) do not apply to any revenues derived from the additional tax imposed under this subsection. Proceeds from the additional business tax must be placed in a separate interest-earning account, and the governing body of the county shall distribute this revenue, plus accrued interest, each fiscal year to an organization or agency designated by the governing body of the county to oversee and implement a comprehensive economic development strategy through advertising, promotional activities, and other sales and marketing techniques.~~

~~(c) An ordinance that levies an additional business tax under this subsection may not be adopted after January 1, 1995.~~

(6) ~~(7)~~ Notwithstanding any other provisions of this

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chapter, the revenue received from a county business tax may be used for overseeing and implementing a comprehensive economic development strategy through advertising, promotional activities, and other sales and marketing techniques.

Section 4. Section 205.043, Florida Statutes, is amended to read:

205.043 Conditions for levy; municipalities.—

(1) The following conditions are imposed on the authority of a municipal governing body to levy a business tax:

(a) The tax must be based upon reasonable classifications and must be uniform throughout any class.

~~(b) Unless the municipality implements s. 205.0535 or adopts a new business tax ordinance under s. 205.0315, a business tax levied under this subsection may not exceed the rate in effect in the municipality for the year beginning October 1, 1971; however, beginning October 1, 1980, the municipal governing body may increase business taxes authorized by this chapter. The amount of the increase above the tax rate levied on October 1, 1971, for taxes levied at a flat rate may be up to 100 percent for business taxes that are \$100 or less; 50 percent for business taxes that are between \$101 and \$300; and 25 percent for business taxes that are more than \$300. Beginning October 1, 1982, an increase may not exceed 25 percent for taxes levied at graduated or per unit rates. Authority to increase business taxes does not apply to receipts or licenses granted to any utility franchised by the municipality for which a franchise fee is paid.~~

~~(c)~~ A receipt is not valid for more than 1 year and all receipts expire on September 30 of each year, except as

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otherwise provided by law.

(2) Any business receipt may be transferred to a new owner, when there is a bona fide sale of the business, upon payment of a transfer fee of up to 10 percent of the annual tax, but not less than \$3 nor more than \$10 ~~\$25~~, and presentation of the original receipt and evidence of the sale.

(3) Upon written request and presentation of the original receipt, any receipt may be transferred from one location to another location in the same municipality upon payment of a transfer fee of up to 10 percent of the annual tax, but not less than \$3 nor more than \$10 ~~\$25~~.

(4) If the governing body of the county in which the municipality is located has levied a business tax or subsequently levies such a tax, the collector of the county tax may issue the receipt and collect the tax thereon.

Section 5. Paragraph (b) of subsection (3) of section 205.0535, Florida Statutes, is amended to read:

205.0535 Reclassification and rate structure revisions.—

(3)

(b) The total annual revenue generated by the new rate structure for the fiscal year following the fiscal year during which the rate structure is adopted may not exceed:

1. For municipalities, the sum of the revenue base and 10 percent of that revenue base. The revenue base is the sum of the business tax revenue generated by receipts issued for the most recently completed local fiscal year ~~or the amount of revenue that would have been generated from the authorized increases under s. 205.043(1)(b), whichever is greater,~~ plus any revenue received from the county under s. 205.033(4).

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2. For counties, the sum of the revenue base, 10 percent of that revenue base, and the amount of revenue distributed by the county to the municipalities under s. 205.033(4) during the most recently completed local fiscal year. The revenue base is the business tax revenue generated by receipts issued for the most recently completed local fiscal year ~~or the amount of revenue that would have been generated from the authorized increases under s. 205.033(1)(b), whichever is greater~~, but may not include any revenues distributed to municipalities under s. 205.033(4).

Section 6. Subsection (1) of section 205.054, Florida Statutes, is amended to read:

205.054 Business tax; partial exemption for engaging in business or occupation in enterprise zone.—

(1) Notwithstanding ~~the provisions of~~ s. 205.033(1)(a) or s. 205.043(1)(a), the governing body of a county or municipality may authorize by appropriate resolution or ordinance, adopted pursuant to the procedure established in ~~s. 205.032 or s.~~ 205.042, the exemption of 50 percent of the business tax levied for the privilege of engaging in or managing any business, profession, or occupation in the respective jurisdiction of the county or municipality when such privilege is exercised at a permanent business location or branch office located in an enterprise zone.

Section 7. Section 205.055, Florida Statutes, is created to read:

205.055 Exemptions; veterans, certain spouses, and low-income individuals.—On or after July 1, 2016, a veteran or the surviving spouse of a veteran of the United States Armed Forces;

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the spouse of an active military servicemember who has relocated to the county or municipality pursuant to a permanent change of station order; an individual who is receiving public assistance, as that term is defined in s. 409.2554; or an individual whose household income is less than 130 percent of the federal poverty level based on the current year's federal poverty guidelines is entitled to an exemption from the business tax and any fees imposed under this chapter, if such individual completes and signs, under penalty of perjury, a Request for Fee Exemption to be furnished by the local governing authority and provides written documentation in support of his or her request.

Section 8. Section 205.171, Florida Statutes, is repealed.

Section 9. This act shall take effect upon becoming a law.

1 A bill to be entitled
2 An act relating to local business tax; amending s.
3 205.032, F.S.; authorizing a county to continue to
4 levy a business tax if a resolution or ordinance was
5 adopted by a specified date; providing the maximum
6 amount of business tax a county may impose; removing
7 notice requirements; amending s. 205.033, F.S.;
8 deleting a county's authority to increase its business
9 tax rates or impose additional business taxes;
10 reducing the maximum amount of transfer fees a county
11 may impose; removing exemption from apportionment
12 requirements for certain counties; amending s.
13 205.042, F.S.; authorizing a municipality to continue
14 to levy a business tax if a resolution or ordinance
15 was adopted by a specified date; providing the maximum
16 amount of business tax a municipality may impose;
17 removing notice requirements; amending s. 205.043,
18 F.S.; deleting a municipality's authority to increase
19 its business tax rates; reducing the maximum amount of
20 transfer fees a municipality may impose; amending s.
21 205.0535, F.S.; conforming provisions to changes made
22 by the act; conforming cross-references; amending s.
23 205.162, F.S.; exempting low-income persons from
24 paying business taxes; providing conditions; amending
25 s. 205.171, F.S.; revising the exemption for disabled

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26 veterans and their unmarried spouses to include
27 veterans, the veterans' spouses, and active duty
28 military servicemembers' spouses; providing
29 conditions; conforming provisions to changes made by
30 the act; providing an effective date.
31

32 Be It Enacted by the Legislature of the State of Florida:
33

34 Section 1. Section 205.032, Florida Statutes, is amended
35 to read:

36 205.032 Levy; counties.—The governing body of a county may
37 continue to levy, ~~by appropriate resolution or ordinance,~~ a
38 business tax for the privilege of engaging in or managing any
39 business, profession, or occupation within its jurisdiction if
40 an appropriate resolution or ordinance was adopted before
41 January 1, 2017. The business tax imposed on a taxpayer may not
42 exceed \$25 ~~However, the governing body must first give at least~~
43 ~~14 days' public notice between the first and last reading of the~~
44 ~~resolution or ordinance by publishing a notice in a newspaper of~~
45 ~~general circulation within its jurisdiction as defined by law.~~
46 ~~The public notice must contain the proposed classifications and~~
47 ~~rates applicable to the business tax.~~

48 Section 2. Section 205.033, Florida Statutes, is amended
49 to read:

50 205.033 Conditions for levy; counties.—

51 (1) The following conditions are imposed on the authority
52 of a county governing body to levy a business tax:

53 (a) The tax must be based upon reasonable classifications
54 and must be uniform throughout any class.

55 ~~(b) Unless the county implements s. 205.0535 or adopts a~~
56 ~~new business tax ordinance under s. 205.0315, a business tax~~
57 ~~levied under this subsection may not exceed the rate provided by~~
58 ~~this chapter in effect for the year beginning October 1, 1971;~~
59 ~~however, beginning October 1, 1980, the county governing body~~
60 ~~may increase business taxes authorized by this chapter. The~~
61 ~~amount of the increase above the tax rate levied on October 1,~~
62 ~~1971, for taxes levied at a flat rate may be up to 100 percent~~
63 ~~for business taxes that are \$100 or less; 50 percent for~~
64 ~~business taxes that are between \$101 and \$300; and 25 percent~~
65 ~~for business taxes that are more than \$300. Beginning October 1,~~
66 ~~1982, the increase may not exceed 25 percent for taxes levied at~~
67 ~~graduated or per unit rates. Authority to increase business~~
68 ~~taxes does not apply to licenses or receipts granted to any~~
69 ~~utility franchised by the county for which a franchise fee is~~
70 ~~paid.~~

71 (b)(e) A receipt is not valid for more than 1 year, and
72 all receipts expire on September 30 of each year, except as
73 otherwise provided by law.

74 (2) A ~~Any~~ receipt may be transferred to a new owner, when
75 there is a bona fide sale of the business, upon payment of a

76 transfer fee of up to 10 percent of the annual business tax, ~~but~~
77 ~~not less than \$3 nor more than \$25,~~ and presentation of the
78 original receipt and evidence of the sale. Such transfer fee
79 must be at least \$3 but not more than \$10.

80 (3) Upon written request and presentation of the original
81 receipt, a ~~any~~ receipt may be transferred from one location to
82 another location in the same county upon payment of a transfer
83 fee of up to 10 percent of the annual business tax. Such
84 transfer fee must be at least \$3 but not more than \$10, ~~but not~~
85 ~~less than \$3 nor more than \$25.~~

86 (4) The revenues derived from the business tax, exclusive
87 of the costs of collection and any credit given for municipal
88 business taxes, shall be apportioned between the unincorporated
89 area of the county and the incorporated municipalities located
90 therein by a ratio derived by dividing their respective
91 populations by the population of the county. ~~This subsection~~
92 ~~does not apply to counties that have established a new rate~~
93 ~~structure under s. 205.0535.~~

94 (5) The revenues so apportioned shall be sent to the
95 governing authority of each municipality, according to its
96 ratio, and to the governing authority of the county, according
97 to the ratio of the unincorporated area, within 15 days after
98 ~~following~~ the month of receipt. ~~This subsection does not apply~~
99 ~~to counties that have established a new rate structure under s.~~
100 ~~205.0535.~~

~~(6)(a) Each county, as defined in s. 125.011(1), or any county adjacent thereto may levy and collect, by an ordinance enacted by the governing body of the county, an additional business tax up to 50 percent of the appropriate business tax imposed under subsection (1).~~

~~(b) Subsections (4) and (5) do not apply to any revenues derived from the additional tax imposed under this subsection. Proceeds from the additional business tax must be placed in a separate interest-earning account, and the governing body of the county shall distribute this revenue, plus accrued interest, each fiscal year to an organization or agency designated by the governing body of the county to oversee and implement a comprehensive economic development strategy through advertising, promotional activities, and other sales and marketing techniques.~~

~~(c) An ordinance that levies an additional business tax under this subsection may not be adopted after January 1, 1995.~~

(6)(7) Notwithstanding any other provisions of this chapter, the revenue received from a county business tax may be used for overseeing and implementing a comprehensive economic development strategy through advertising, promotional activities, and other sales and marketing techniques.

Section 3. Section 205.042, Florida Statutes, is amended to read:

205.042 Levy; municipalities.—The governing body of an

126 incorporated municipality may continue to levy, ~~by appropriate~~
127 ~~resolution or ordinance~~, a business tax for the privilege of
128 engaging in or managing any business, profession, or occupation
129 within its jurisdiction if an appropriate resolution or
130 ordinance was adopted before January 1, 2017. The business tax
131 imposed on a taxpayer may not exceed \$25 ~~However, the governing~~
132 ~~body must first give at least 14 days' public notice between the~~
133 ~~first and last reading of the resolution or ordinance by~~
134 ~~publishing the notice in a newspaper of general circulation~~
135 ~~within its jurisdiction as defined by law. The notice must~~
136 ~~contain the proposed classifications and rates applicable to the~~
137 ~~business tax.~~ The business tax may be levied on:

138 (1) A ~~Any~~ person who maintains a permanent business
139 location or branch office within the municipality, for the
140 privilege of engaging in or managing any business within its
141 jurisdiction.

142 (2) A ~~Any~~ person who maintains a permanent business
143 location or branch office within the municipality, for the
144 privilege of engaging in or managing any profession or
145 occupation within its jurisdiction.

146 (3) A ~~Any~~ person who does not qualify under subsection (1)
147 or subsection (2) and who transacts any business or engages in
148 any occupation or profession in interstate commerce, if the
149 business tax is not prohibited by s. 8, Art. I of the United
150 States Constitution.

151 Section 4. Subsections (1), (2), and (3) of section
152 205.043, Florida Statutes, are amended to read:

153 205.043 Conditions for levy; municipalities.—

154 (1) The following conditions are imposed on the authority
155 of a municipal governing body to levy a business tax:

156 (a) The tax must be based upon reasonable classifications
157 and must be uniform throughout any class.

158 ~~(b) Unless the municipality implements s. 205.0535 or~~
159 ~~adopts a new business tax ordinance under s. 205.0315, a~~
160 ~~business tax levied under this subsection may not exceed the~~
161 ~~rate in effect in the municipality for the year beginning~~
162 ~~October 1, 1971; however, beginning October 1, 1980, the~~
163 ~~municipal governing body may increase business taxes authorized~~
164 ~~by this chapter. The amount of the increase above the tax rate~~
165 ~~levied on October 1, 1971, for taxes levied at a flat rate may~~
166 ~~be up to 100 percent for business taxes that are \$100 or less;~~
167 ~~50 percent for business taxes that are between \$101 and \$300;~~
168 ~~and 25 percent for business taxes that are more than \$300.~~
169 ~~Beginning October 1, 1982, an increase may not exceed 25 percent~~
170 ~~for taxes levied at graduated or per unit rates. Authority to~~
171 ~~increase business taxes does not apply to receipts or licenses~~
172 ~~granted to any utility franchised by the municipality for which~~
173 ~~a franchise fee is paid.~~

174 (b)-(c) A receipt is not valid for more than 1 year and all
175 receipts expire on September 30 of each year, except as

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otherwise provided by law.

(2) A ~~Any~~ business receipt may be transferred to a new owner, when there is a bona fide sale of the business, upon payment of a transfer fee of up to 10 percent of the annual tax, ~~but not less than \$3 nor more than \$25,~~ and presentation of the original receipt and evidence of the sale. Such transfer fee must be at least \$3 but not more than \$10.

(3) Upon written request and presentation of the original receipt, a ~~any~~ receipt may be transferred from one location to another location in the same municipality upon payment of a transfer fee of up to 10 percent of the annual tax. Such transfer fee must be at least \$3 but not more than \$10, ~~but not less than \$3 nor more than \$25.~~

Section 5. Paragraphs (a) and (b) of subsection (3) of section 205.0535, Florida Statutes, are amended to read:

205.0535 Reclassification and rate structure revisions.—

(3)(a) After the reclassification and rate structure revisions have been transmitted to and considered by the appropriate local governing body, it may adopt by majority vote a new business tax ordinance. The business tax imposed on a taxpayer may not exceed \$25 ~~Except that a minimum tax of up to \$25 is permitted, the reclassification may not increase the tax by more than the following: for receipts costing \$150 or less, 200 percent; for receipts costing more than \$150 but not more than \$500, 100 percent; for receipts costing more than \$500 but~~

201 ~~not more than \$2,500, 75 percent; for receipts costing more than~~
202 ~~\$2,500 but not more than \$10,000, 50 percent; and for receipts~~
203 ~~costing more than \$10,000, 10 percent; however, in no case may~~
204 ~~the tax on any receipt be increased more than \$5,000.~~

205 (b) The total annual revenue generated by the new rate
206 structure for the fiscal year following the fiscal year during
207 which the rate structure is adopted may not exceed:

208 1. For municipalities, the sum of the revenue base and 10
209 percent of that revenue base. The revenue base is the sum of the
210 business tax revenue generated by receipts issued for the most
211 recently completed local fiscal year ~~or the amount of revenue~~
212 ~~that would have been generated from the authorized increases~~
213 ~~under s. 205.043(1)(b), whichever is greater,~~ plus any revenue
214 received from the county under s. 205.033(4).

215 2. For counties, the sum of the revenue base, 10 percent
216 of that revenue base, and the amount of revenue distributed by
217 the county to the municipalities under s. 205.033(4) during the
218 most recently completed local fiscal year. The revenue base is
219 the business tax revenue generated by receipts issued for the
220 most recently completed local fiscal year ~~or the amount of~~
221 ~~revenue that would have been generated from the authorized~~
222 ~~increases under s. 205.033(1)(b), whichever is greater,~~ but may
223 not include any revenues distributed to municipalities under s.
224 205.033(4).

225 Section 6. Subsection (2) of section 205.162, Florida

Statutes, is renumbered as subsection (3), and a new subsection (2) is added to that section to read:

205.162 Authorized exemptions for ~~exemption allowed~~ certain disabled persons, the aged, ~~and~~ widows with minor dependents, and low-income persons.—

(2) A person receiving public assistance, as defined in s. 409.2554, or a person whose household income is less than 130 percent of the federal poverty level based on the current year's federal poverty guidelines may engage in any business or occupation in a county in which he or she lives without paying a business tax. A person claiming an exemption under this subsection must submit a completed and signed request, under penalty of perjury, for fee waiver and supporting documents to the local governing authority.

Section 7. Section 205.171, Florida Statutes, is amended to read:

205.171 Authorized exemptions for ~~allowed disabled veterans, veterans' of any war or their unremarried spouses, or active duty military servicemembers' spouses.~~—

(1) A person ~~Any bona fide, permanent resident elector of the state who served as an officer or enlisted person during any of the periods specified in s. 1.01(14) in the Armed Forces of the United States, National Guard, or United States Coast Guard or Coast Guard Reserve, or any temporary member thereof, who has actually been, or may hereafter be, reassigned by the air force,~~

251 ~~army, navy, coast guard, or marines to active duty during any~~
252 ~~war, declared or undeclared, armed conflicts, crises, etc., who~~
253 ~~was honorably discharged from the service of the United States,~~
254 ~~or such person's spouse, may engage in any business or~~
255 occupation in the county in which he or she lives without paying
256 a business tax. ~~and who at the time of his or her application~~
257 ~~for a business tax receipt is disabled from performing manual~~
258 ~~labor shall, upon sufficient identification, proof of being a~~
259 ~~permanent resident elector in the state, and production of an~~
260 ~~honorable discharge from the service of the United States:~~

261 (2) An active duty military servicemember's spouse who has
262 relocated to a county or municipality pursuant to receipt of a
263 permanent change of station order may engage in any business or
264 occupation in the county in which he or she lives without paying
265 a business tax.

266 ~~(a) Be granted a receipt to engage in any business or~~
267 ~~occupation in the state which may be carried on mainly through~~
268 ~~the personal efforts of the receiptholder as a means of~~
269 ~~livelihood and for which the state license or county or~~
270 ~~municipal receipt does not exceed the sum of \$50 for each~~
271 ~~without payment of any business tax otherwise provided for by~~
272 ~~law; or~~

273 ~~(3)(b) Be entitled to an exemption to the extent of \$50 on~~
274 ~~any receipt to engage in any business or occupation in the state~~
275 ~~which may be carried on mainly through the personal efforts of~~

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~~the receipt holder as a means of livelihood when the state~~
~~license or county or municipal receipt for such business or~~
~~occupation is more than \$50. An~~ The exemption under this section
includes ~~shall extend to and include~~ the right of the
receipt holder to operate an automobile-for-hire of not exceeding
five-passenger capacity, including the driver, when such
automobile is owned or contracted to be purchased by the
receipt holder and is being operated by him or her as a means of
livelihood and that the proper business tax for the operation of
such motor vehicle for private use has been applied for and
attached to the motor vehicle and the proper fees paid by the
receipt holder.

(4) A person claiming an exemption under this section must
submit a completed and signed, under penalty of perjury, request
for fee waiver and supporting documents to the local governing
authority.

~~(2) When such person applies for a receipt to conduct any~~
~~business or occupation for which the county or municipal~~
~~business tax exceeds \$50, the remainder of such tax in excess of~~
~~\$50 shall be paid in cash.~~

(5) ~~(3)~~ The local governing authority must ~~Each tax~~
~~collecting authority of this state and of each county and each~~
~~municipality shall~~ issue to a person entitled to an exemption
under this section ~~such persons as may be entitled hereunder a~~
~~receipt pursuant to the foregoing provision and subject to the~~

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301 ~~conditions thereof. Such receipt when issued shall be marked~~
302 across the face "Veteran ~~Veterans~~ Exempt Receipt" – "Not
303 Transferable," "Veteran Spouse Exempt Receipt" – "Not
304 Transferable," or "Active Duty Military Servicemember Spouse
305 Exempt Receipt" – "Not Transferable," as appropriate. Before
306 issuing the receipt, proof shall be duly made that the applicant
307 is entitled under this section ~~law~~ to receive the exemption. ~~The~~
308 ~~proof may be made by establishing to the satisfaction of such~~
309 ~~tax collecting authority by means of certificate of honorable~~
310 ~~discharge or certified copy thereof that the applicant is a~~
311 ~~veteran within the purview of this section and by exhibiting:~~
312 ~~(a) A certificate of government-rated disability to an~~
313 ~~extent of 10 percent or more;~~
314 ~~(b) The affidavit or testimony of a reputable physician~~
315 ~~who personally knows the applicant and who makes oath that the~~
316 ~~applicant is disabled from performing manual labor as a means of~~
317 ~~livelihood;~~
318 ~~(c) The certificate of the veteran's service officer of~~
319 ~~the county in which applicant lives, duly executed under the~~
320 ~~hand and seal of the chief officer and secretary thereof,~~
321 ~~attesting the fact that the applicant is disabled and entitled~~
322 ~~to receive a receipt within the meaning and intent of this~~
323 ~~section;~~
324 ~~(d) A pension certificate issued to him or her by the~~
325 ~~United States by reason of such disability; or~~

326 ~~(c) Such other reasonable proof as may be required by the~~
327 ~~tax collecting authority to establish the fact that such~~
328 ~~applicant is disabled.~~

329
330 All receipts issued under this section shall be in the same
331 general form as other state, county, and municipal licenses and
332 expire ~~shall expire~~ at the same time as such other licenses are
333 fixed by law to expire.

334 (6)~~(4)~~ Receipts obtained by the commission of fraud upon
335 any issuing authority are void. Any person who has fraudulently
336 obtained a receipt, or who has fraudulently received any
337 transfer of a receipt issued to another, and has thereafter
338 engaged in any business or occupation requiring a receipt under
339 color thereof is subject to prosecution for engaging in a
340 business or occupation without having the required receipt under
341 the laws of the state. Such receipt may not be issued in any
342 county other than the county where the veteran is a resident
343 citizen elector, unless such veteran produces a certificate of
344 the tax collector of his or her home county to the effect that
345 no exemption from taxation has been granted to such veteran in
346 his or her home county under this section.

347 (7)~~(5)~~ Neither this nor any other law exempts any person
348 from the payment of any amount required by law for the issuance
349 of a license to sell intoxicating liquors or malt and vinous
350 beverages.

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~~(6) The unremarried spouse of a deceased disabled veteran
of any war in which the United States Armed Forces participated
is entitled to the same exemptions as the disabled veteran.~~

Section 8. This act shall take effect July 1, 2017.

**CITY OF STUART, FLORIDA
AGENDA ITEM REQUEST
CITY COMMISSION**

Meeting Date:2/13/2017

Prepared by:JChrulski

Title of Item:

RESOLUTION No. 21-2017 A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, SUPPORTING SENATE BILL 386 AND HOUSE BILL 269, IDENTIFIED AS THE “FLORIDA HIGH-SPEED PASSENGER RAIL SAFETY ACT” PROVIDING MINIMUM SAFETY STANDARDS AND REQUIREMENTS FOR HIGH-SPEED PASSENGER RAIL. (RC)

Summary Explanation/Background Information on Agenda Request:

R21-2017: A Resolution Supporting SB 386 and HB 269, the “Florida High-Speed Passenger Rail Safety Act”

Funding Source:

N/A

Recommended Action:

Approve Resolution No. 21-2017

ATTACHMENTS:

Description	Upload Date	Type
□ Res 21-07	2/8/2017	Resolution add to Y drive



BEFORE THE CITY COMMISSION
CITY OF STUART, FLORIDA

RESOLUTION NUMBER 21-2017

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, SUPPORTING SENATE BILL 386 AND HOUSE BILL 269, IDENTIFIED AS THE “FLORIDA HIGH-SPEED PASSENGER RAIL SAFETY ACT” PROVIDING MINIMUM SAFETY STANDARDS AND REQUIREMENTS FOR HIGH-SPEED PASSENGER RAIL.

* * * * *

WHEREAS, the City of Stuart City Commission is a committed advocate for safer standards of high-speed passenger rail including those established by local governments; and

WHEREAS, the Federal Railroad Safety Act of 1970 permits State governments and their subsidiaries to adopt safety standards more stringent than federal standards if the rule does not create an undue burden on interstate commerce, is compatible with federal standards, and is necessary to eliminate or reduce local safety hazards; and

WHEREAS, Florida Senate Bill 386 by Senator Mayfield and House Bill 269 by Representative Magar, provide new minimum safety standards for the operation of high-speed passenger rail systems and authorize local governments with further regulatory capacity; and

WHEREAS, the City of Stuart believes the proposed legislation adequately conforms to federal law while authorizing State and local governments to reinforce national uniform standards with local requirements designed to provide the safest possible high-speed passenger rail system.

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

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

SECTION 2: The City of Stuart, Florida supports SB 386 and HB 269 titled the “Florida High-Speed Passenger Rail Safety Act” as filed during the 2017 Legislative Session, and requests the State Legislature approve this vital legislation which will provide state agencies and local governments with reasonable regulatory authority over high-speed passenger rail systems.

SECTION 3: This Resolution shall become effective upon its adoption.

TOM CAMPENNI, MAYOR
TROY A. MCDONALD, VICE MAYOR
EULA R. CLARKE, COMMISSIONER
KELLI GLASS LEIGHTON, COMMISSIONER
JEFFREY A. KRAUSKOPF, COMMISSIONER

YES	NO	ABSENT

ADOPTED this 13th day of February, 2017.

ATTEST:

CHERYL WHITE
CITY CLERK

TOM CAMPENNI
MAYOR

APPROVED AS TO FORM
AND CORRECTNESS:

MICHAEL MORTELL
CITY ATTORNEY

CITY OF STUART, FLORIDA AGENDA ITEM REQUEST CITY COMMISSION

Meeting Date:2/13/2017

Prepared by:jchrulski

Title of Item:

RESOLUTION No. 23-2017 A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, AUTHORIZING THE ADOPTION OF THE MODIFIED STUART MULTI-USE ATHLETIC TOURNAMENT COMPLEX CONCEPT MASTERPLAN INCLUDING A SPLASH PAD AND PAVERS PLAZA, FOUR ARTIFICIAL TURF BASEBALL FIELDS, AND AN ARTIFICIAL TURF MULTI-USE FOOTBALL AND SOCCER FIELD. (RC)

Summary Explanation/Background Information on Agenda Request:

Presentation of the Master Plan modifications FOR the 10th Street Recreation Complex.

Funding Source:

Phase 1:

4 Artificial Turf Baseball Fields:

Estimated Construction Cost: \$4,000,000 (Representative Harrell State Appropriation Request) HB 2141 (2017), Stuart Multi-Use Athletic Tournament Complex.

Phase 2a:

1 Artificial Turf Multi-purpose soccer/football field

Estimated Construction Cost: \$1,000,000 (TIF, Infrastructure, General Fund or Short Term Bridge Loan, Contingent on securing \$4M State Appropriation)

Phase 2b:

1 Splash Pad and Restrooms

Estimated Construction Cost: \$500,000 (TIF, Infrastructure, General Fund or Short Term Bridge Loan, Contingent on securing \$4M State Appropriation)

Recommended Action:

Adopt R23-2017 Modification of Stuart's Multi-Use Athletic Tournament Complex. (10th Street Recreation Complex)

ATTACHMENTS:

	Description	Upload Date	Type
❑	R23-2017 Adopting Modified Stuart Multi-Use Athletic Tournament Complex Masterplan	2/7/2017	Resolution add to Y drive
❑	PowerPoint Modified Stuart Multi-Use Athletic Tournament Complex	2/8/2017	Presentation



BEFORE THE CITY COMMISSION
CITY OF STUART, FLORIDA

RESOLUTION NUMBER 23-2017

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, AUTHORIZING THE ADOPTION OF THE MODIFIED STUART MULTI-USE ATHLETIC TOURNAMENT COMPLEX MASTERPLAN INCLUDING A SPLASH PAD AND PAVERS PLAZA, FOUR ARTIFICIAL TURF BASEBALL FIELDS, AND AN ARTIFICIAL TURF MULTI-USE FOOTBALL AND SOCCER FIELD.

* * * * *

WHEREAS, the City of Stuart adopted as one of its 2017 legislative priorities, a \$4,000,000 State appropriation request for artificial-turf ball fields at 10th Street for regional, state, and national recreation tournaments to utilize as a premier, all-season venue; and

WHEREAS, it is the desire of the City Commission to enhance local, regional, and state tourism through the promotion of recreational tournaments in the City; and

WHEREAS, the Treasure Coast Sports Commission has provided support and recommendation for the Stuart Multi-Use Athletic Tournament Complex Masterplan; and

WHEREAS, the Babe Ruth League has also signified its desire to use the City of Stuart as a future hosting location for World Series Championship tournaments; and

WHEREAS, artificial turf ball fields as designed in the modified Masterplan will accommodate all recreation baseball and softball league tournament requirements.

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

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

SECTION 2: The City of Stuart, Florida and City Commission hereby approve and adopt the modified Stuart Multi-Use Athletic Tournament Complex Masterplan, which is contingent upon State appropriation in the amount of \$4,000,000.

SECTION 3: This Resolution shall become effective upon its adoption.

TOM CAMPENNI, MAYOR
TROY A. MCDONALD, VICE MAYOR
EULA R. CLARKE, COMMISSIONER
KELLI GLASS LEIGHTON, COMMISSIONER
JEFFREY A. KRAUSKOPF, COMMISSIONER

YES	NO	ABSENT

ADOPTED this 13th day of February, 2017.

ATTEST:

CHERYL WHITE
CITY CLERK

TOM CAMPENNI
MAYOR

APPROVED AS TO FORM
AND CORRECTNESS:

MICHAEL MORTELL
CITY ATTORNEY

City of Stuart

Multi-Use Athletic

Tournament Complex

Conceptual Master Plan & Recommended Modification

Stuart



[illegible]

PROJECTED CONSTRUCTION COSTS MAINTENANCE

Summary of Anticipated Costs Phases 1 & 2

Est. Cost

Phase 1 4 Artificial Turf Baseball Fields
(Representative Harrell State Appropriation Request)
HB 2141 (2017), Transportation & Tourism Subcommittee
Stuart Multi-Use Athletic Tournament Complex

4,000,000

Phase 2a 1 Artificial Turf Multi-purpose soccer/football field

1,000,000

Phase 2 b 1 Splash Pad & Pavers Plaza & Rest Rooms

500,000

Total

\$ 5,500,000

*** Additional Parking Estimate**

475,000

Annual Estimated Maintenance

Est. Cost (\$)

4 Artificial Turf Baseball Fields & Concession

50,000

1 Artificial Turf Multi-Purpose Soccer/Football field

10,000

Total

\$ 60,000



ECONOMIC IMPACT EXAMPLE BABE RUTH WORLD SERIES



Event Economic Impact Report

Event Name 2016 Babe Ruth World Series (16U & 12U) & N.I.T. (6U, 8U, 10U, 14U)
Event Date July 28 - August 11, 2016

State estimates for average spending are: \$143-adult hotel stay, \$72-youth hotel stay, \$75-no hotel stay. Information provided via the Florida Sports Foundation.

Total Expected Adult Participants:
Overnight 230 Total Expected Youth Participants: Overnight 1,088
Total Expected Adult Spectators:
Overnight 3,264 Total Expected Youth Spectators: Overnight 544

	Number		Avg. # Nights in Hotel		Avg. Spending		Economic Impact
Adult Participants	230	X	6	X	\$143.00	=	\$ 197,340.00
Adult Spectators	3,264	X	6	X	\$143.00	=	\$ 2,800,512.00
Youth Participants	1,088	X	6	X	\$72.00	=	\$ 470,016.00
Youth Spectators	544	X	6	X	\$72.00	=	\$ 235,008.00
Projected Economic Impact							\$ 3,702,876.00

Total Expected Adult Participants:
Local/Drive-in 15 Total Expected Youth Participants: Local/Drive-in 80
Total Expected Adult
Spectators: Local/Drive-in 400 Total Expected Youth Spectators: Local/Drive-in 160

	Number		Avg. # Days Participating		Avg. Spending		Economic Impact
Adult Participants	15	X	6	X	\$75.00	=	\$ 6,750.00
Adult Spectators	400	X	6	X	\$75.00	=	\$ 180,000.00
Youth Participants	80	X	6	X	\$75.00	=	\$ 36,000.00
Youth Spectators	160	X	6	X	\$75.00	=	\$ 72,000.00
Projected Economic Impact							\$ 294,750.00

Total Direct Economic Impact \$ 3,997,626.00 MC \$ 2,678,409 SLC \$ 1,319,217
Total Output Impact \$ 6,915,892.98 MC \$ 4,633,648 SLC \$ 2,282,245

Total Room Nights 4,035 IRC _____ MC 2,462 SLC 1,573
Total No. of Teams _____
Total Participants 5,781 Total Athletes & Coaches 1,413

Grant Requested	
Grant Awarded	
Approved	

[For Internal Use Only]



ECONOMIC IMPACT EXAMPLE INDIAN RIVER COUNTY



Economic Impact Report Fiscal Year 2015-2016 Quarterly Overview

Event Date	Numer of Events	Total # of Participants	Hotel Room Nights	Economic Impact	Total Output Impact	Grant Awarded	Bid Fee
1st Quarter	10	8,112	2,084	\$ 1,577,773	\$ 2,729,546	\$ 12,850	\$ -
2nd Quarter	8	8,200	8,556	\$ 2,351,380	\$ 5,134,780	\$ 27,560	\$ -
3rd Quarter	14	33,552	14,059	\$ 7,055,761	\$ 11,486,508	\$ 33,040	\$ 8,656
4th Quarter	4	8,102	1,801	\$ 1,863,238	\$ 3,223,402	\$ 9,700	\$ -
Total	36	57,966	26,500	\$ 12,848,152	\$ 22,574,236	\$ 83,150	\$ 8,656



TREASURE COAST SPORTS COMMISSION TOURISM MARKETING



Description:

- Four (4) multi-use baseball, softball, youth baseball, soccer, football and lacrosse sports turf fields.
- All fields will have sufficient field lighting for night usage.
- All fields designed with artificial (turf) grass.
- Bleachers located on all fields to accommodate fans.
- Scoreboards on all fields.
- Scoring and observation tower with restrooms and concessions located at the center of the complex.

Facility Use:

- Local little leagues, youth softball teams and high school baseball.
- Local High School softball teams.
- Local travel baseball and youth softball teams.
- Regional little league and youth softball tournaments.
- State High School softball tournament site.

Possible Event Owners or Rights Holders, which are looking for venues of this type, are:

Baseball (Youth): organizations which currently have age divisions (6U, 8U, 10U and 12U) that will utilize 3 fields with the ability for adjustable base paths and use of portable pitching mounds.

- Little League Baseball
- Cal Ripken Baseball
- Baseball Youth National Baseball
- Prospect Wire Baseball
- Elite 5
- USSSA Baseball
- AAU Baseball
- Triple Crown
- Diamond Nine
- Babe Ruth Baseball
- Baseball Factory

Softball (Girls): organizations which currently have age divisions (6U, 8U, 10U, 12U, 14U, 16U, High School, Junior College and College) that will utilize these fields.

- NCAA Softball (collegiate showcase tournaments)
- National Junior College Athletic Association (NJCAA)
- Florida High School Athletic Association (FHSAA)
- USSA Softball
- AAU Softball
- Babe Ruth Softball World Series
- Softball Factory
- ASA Softball
- NSA Softball
- Golf Diamond Exposure Tournaments

Note:

The City of Stuart and the Treasure Coast Region has quickly become the destination for event owners, rights holders and tournament directors looking for options to relocate or create events that have an economic impact on the community. The addition of these fields will be an asset for the local community and a tourism-driving engine for the Treasure Coast Sports Commission.



SUPPORT LETTERS HB 2141 (HARRELL)

- **Treasure Coast Sports Commission**
- **US Representative Brian Mast, (18th Congressional District)**
- **Martin County North Little League**
- **Babe Ruth League**
- **Economic Council of Martin County**

STAFF RECOMMENDATION

**Staff Recommends Approval of
R23-2017 “Multi-Use Athletic
Tournament Complex Conceptual
Master Plan and Recommendation
Modification”**

CITY OF STUART, FLORIDA AGENDA ITEM REQUEST CITY COMMISSION

Meeting Date:2/13/2017

Prepared by:Stephen Mayer

Title of Item:

(QJ) RESOLUTION No. 24-2017; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, GRANTING A CONDITIONAL USE APPROVAL TO DENNIS A. STEELMAN, OWNER OF THE PROPERTY LOCATED AT 101 SE SEMINOLE STREET, STUART, (LEGAL DESCRIPTION ATTACHED); GRANTING A REDUCTION IN THE SIDE YARD SETBACK FROM FIVE (5) FEET TO EIGHT-TENTHS (0.8) OF A FOOT AND THE ELIMINATION OF THE REQUIRED VISTA ALONG SAID SIDE YARD TO ALLOW AN EXISTING GARAGE AND EXPANSION OF SAID GARAGE; PROVIDING AN EFFECTIVE DATE; PROVIDING FOR CONDITIONS OF APPROVAL; AND FOR OTHER PURPOSES. (QUASI-JUDICIAL) (RC)

Summary Explanation/Background Information on Agenda Request:

The existing single family house (1,806 square feet) and a garage (240 square feet) on the side of the lot is proposed to be renovated and expanded to include a storage room, home office in the west side yard and a Florida room facing the river in the rear yard. The existing building on site is currently occupied as a residence by Dennis Steelman, the applicant and property owner. The 1,806 square foot principal building was built in 1939; however, official city records do not prove the age of the 240 square foot garage

The proposed residence will maintain the same height, architecture and scale as the original building. The existing residential garage has a 0.8 foot side setback whereas the required side setback and St. Lucie River vista is five (5) feet. The expansion of the residence will occur behind the garage and will expand an existing non-conformity.

The existing garage is a non-conforming structure due to the setback infringement. Replacement structures and expansions are required to be constructed with the current code requirements. Replacement that does not result in conforming structures will require conditional use approval to vary from the code. The applicant is requesting acceptance of the existing non-conforming structure and the approval of additional structures that will not meet the current side setback requirements.

The architectural features of the proposed outbuilding will be similar in character of the primary building.

Funding Source:

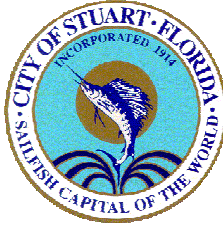
N/A

Recommended Action:

Approve Resolution No. 24-2017

ATTACHMENTS:

Description	Upload Date	Type
□ R24-2017 Steelman UCE	2/6/2017	Resolution add to Y drive
□ Staff Report	2/6/2017	Staff Report
□ Proposed Site Plan	2/1/2017	Exhibit



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

RESOLUTION NUMBER 24-2017

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, GRANTING A CONDITIONAL USE APPROVAL TO DENNIS A. STEELMAN, OWNER OF THE PROPERTY LOCATED AT 101 SE SEMINOLE STREET, STUART, (LEGAL DESCRIPTION ATTACHED); GRANTING A REDUCTION IN THE SIDE YARD SETBACK FROM FIVE (5) FEET TO EIGHT-TENTHS (0.8) OF A FOOT AND THE ELIMINATION OF THE REQUIRED VISTA ALONG SAID SIDE YARD TO ALLOW AN EXISTING GARAGE AND EXPANSION OF SAID GARAGE; PROVIDING AN EFFECTIVE DATE; PROVIDING FOR CONDITIONS OF APPROVAL; AND FOR OTHER PURPOSES.

* * * * *

WHEREA the City Commission of Stuart, Florida, has adopted and administers Section 3.01.06 of the Land Development Code; and

WHEREAS, the City Commission approved Resolution No. 24-2017, which granted the Applicant, Dennis Steelman, a conditional use approval to allow the expansion of a residential dwelling unit by maintaining existing side setbacks to the property line, which is at eight-tenths (0.8) of a foot, where five (5) feet are required for a home office and storage room, on property situated within the Community Redevelopment Area of the City of Stuart; and

WHERAS, the applicant is requesting a Conditional Use to allow a side setback for the proposed renovation and expansion of the residence at eight-tenths (0.8) of a foot, where five (5) feet is required.

WHERAS, at a public hearing the applicant has shown by substantial competent evidence that the proposed renovation and expansion does not create any detrimental effects on adjacent properties, within three hundred (300) feet of the proposed location; and

WHEREAS, the Community Redevelopment Board held a properly noticed hearing at a regularly scheduled meeting to consider the application of the Petitioner and recommended approval of the Urban Waterfront sub-district Conditional Use on February 7, 2017;

WHEREAS, City Commission held a properly noticed hearing on February 27, 2017 to consider the application of the Petitioner to approve the Urban Waterfront sub-district conditional use.

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

SECTION 1: Subject to the conditions attached hereto, the City Commission hereby grants a Conditional Use Approval to Dennis Steelman, as owner of certain real property located at 101 SE Seminole Street, Stuart, Florida, as detailed within the attached legal description.

SECTION 2: The purpose of this Urban Waterfront Sub-district Conditional Use approval is to allow the existence of a garage and re-construction of the house with expansion at eight-tenths (0.8) of a foot as per the details included on the proposed site plan included as “**Exhibit C**”.

SECTION 3: A legal description of the Property is set forth in “**Exhibit A**” attached hereto and made a part hereof by reference.

SECTION 4: The Applicant shall operate in accordance with all conditions set forth in “**Exhibit B**”, as attached.

SECTION 5: This resolution shall take effect immediately upon its adoption.

Resolution #24-2017
Dennis Steelman
Urban Waterfront Sub-district Conditional Use Approval

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:

THOMAS CAMPENNI, MAYOR
TROY A. MCDONALD, VICE MAYOR
KELLI GLASS-LEIGHTON, COMMISSIONER
JEFFREY A. KRAUSKOPF, COMMISSIONER
EULA R. CLARK, COMMISSIONER

YES	NO	ABSENT

ADOPTED this _____ day of _____, 2017.

ATTEST:

CHERYL WHITE
CITY CLERK

THOMAS CAMPENNI,
MAYOR

APPROVED AS TO FORM
AND CORRECTNESS:

MICHAEL MORTELL
CITY ATTORNEY

STATE OF _____:
COUNTY OF _____

Resolution #24-2017

Dennis Steelman

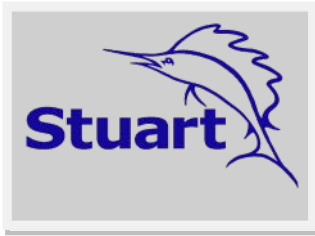
Urban Waterfront Sub-district Conditional Use Approval

Exhibit A – Legal Description

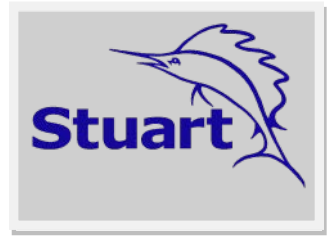
Lot Number Six (6), High School Subdivision, according to plat thereof filed 10th March, 1913, and recorded in Plat Book Two (2), Page Eighty-Five (85), Palm Beach (now Martin) County, Florida Records. Together with all riparian rights appertaining.

Exhibit B
Conditions of Approval

- 1) The project shall operate in accordance with and adhere to the Proposed Site Plan prepared by Joseph P. McCarty, Architect, Inc.
- 2) The variance request is for a residence only and any changes to the use will require a change in use permit.
- 3) The owner of the property shall be responsible to paint and maintain the outside of all sides of the house per the City's Land Development Code and City of Stuart Code of Ordinances.
- 4) Any expansion and re-construction/renovation of the house shall be compatible in terms of architecture, roof lines and slopes and colors as the remaining sections of the house.



CITY OF STUART
CITY COMMISSION
February 13, 2017



Project Name: Steelman Residence	Property Owner: Dennis A. Steelman
Project No.: Z16100010	Applicant/Petitioner: Dennis A. Steelman
Resolution No: 24-2017	Agent/Representative: Joe McCarthy
Location: 101 SE Seminole Street, PCN 04-38-41-006-000-000607	



I. APPLICATION SUMMARY

The existing single family house (1,806 square feet) and a garage (240 square feet) on the side of the lot is proposed to be renovated and expanded to include a storage room, home office in the west side yard and a Florida room facing the river in the rear yard. The proposed residence will maintain the same height, architecture and scale as the original building. The existing residential garage has a 0.8 foot side setback whereas the required side setback and St. Lucie River vista is five (5) feet. The expansion of the residence will occur behind the garage and will expand an existing non-conformity.

The existing garage is a non-conforming structure due to the setback infringement. Replacement structures and expansions are required to be constructed with the current code requirements. Replacement that does not result in conforming structures will

require conditional use approval to vary from the code. The applicant is requesting acceptance of the existing non-conforming structure and the approval of additional structures that will not meet the current side setback requirements.

The architectural features of the proposed outbuilding will be similar in character of the primary building.

II. HISTORY

The existing building on site is currently occupied as a residence by Dennis Steelman, the applicant and property owner. The 1,806 square foot principal building was built in 1939; however, official city records do not prove the age of the 240 square foot garage.

III. ZONING AND LAND USE

Site Location	101 SE Seminole Street, Stuart	
Parcel Size (area)	0.1846 Acre.	
	Property approximately 1,806 square foot principle building used as residence, a 240 square foot garage and a 24 square foot utility shed, totaling 2,070 square feet.	
Subject Property Land Use	Downtown Redevelopment	
Adjacent FLU (Future Land Use)	<i>North</i>	St Lucie River
	<i>South</i>	Downtown Redevelopment
	<i>East</i>	Downtown Redevelopment
	<i>West</i>	Downtown Redevelopment
Subject Property Overlay	Urban Waterfront	
	<i>North</i>	St Lucie River
	<i>South</i>	Urban Center
	<i>East</i>	Urban Waterfront
	<i>West</i>	Urban Waterfront
Proposed Use	Residence	
Present Use	Residence	
Land Use Plan	Downtown Redevelopment	
ROADWAY AND UTILITIES		
Street Functional Classifications	SE Seminole Street is a one lane roadway maintained by the City of Stuart.	
Utilities	Sewer and Water are provided by the City of Stuart.	

IV. CITY DEPARTMENTAL REVIEWS

<i>Public Works</i>	There are no objections from Public Works Dept.
<i>Fire/Building</i>	There are no objections from Fire Rescue.
<i>Police</i>	Not Required

V. EXISTING CONDITIONS:

The property is currently occupied by the applicant as a residence. The principal structure is approximately 1,806 square feet off of SE Seminole Street in downtown Stuart's Community Redevelopment Area. There is also one garage addition, totaling 240 square feet. The garage addition was built at 0.8 feet setback from the west side property line.



101 SE Seminole Street (Front)



Variance to the side setback from five feet to 0.8 feet. Acceptance of less than required vista.



Larger than required vista on opposite side lot line

VI. PUBLIC NOTIFICATION:

The legal notification requirements have been met for this request of a **Conditional Use Approval**, in accordance with the requirements set forth in Section 11.01.04 and 11.02.00 of the City of Stuart's Land Development Code. Documentation of the public notice is part of the record as well as on file within the City Development Department.

VII. SPECIAL EXCEPTION REVIEW 11.01.04 (7)(E)

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

The Future Land Use of all of the properties within proximity to the site is Downtown, with the area being part of the City of Stuart Community Redevelopment Area (CRA). The list of permitted uses included in the Urban Code are applicable to all property situated within the CRA, and include single-family residence use. The proposed single family residence use is therefore consistent with the established land uses in proximity.

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

Approval of the Conditional Use would not significantly depart from the densities or intensities of use in the surrounding area and thereby would not increase or overtax the load on public utilities and facilities. The applicant is not requesting an increase in density from what is allowed in Chapter 2 (Densities and Intensities) of the Land Development Code.

- 3. The proposed use will not be contrary to the proposed land use plan and will not have an adverse effect on the goals, policies and objectives of the comprehensive plan.**

Approval of the Conditional Use would not be contrary to the adopted land use plan or other relevant goals, objectives, and policies concerning single family residence use.

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

There are no proposed changes to the existing district boundary.

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

The replacement of a single family residence will not create or increase traffic congestion.

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

The replacement of a single family residence will not create drainage or storm water quality problems.

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

The replacement of single family residence will not significantly reduce light or air to adjacent areas because it will not change the size of the building's footprint and its height.

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

The proposal is a replacement of an existing single family residence and not likely to cause an excessive or burdensome use of existing infrastructure.

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

The proposed single family residence is in scale with the uses permitted by right in the urban sub-districts and will not change the size of the existing building's footprint and its height (one story). Its appearance is consistent with the intent of the Community Redevelopment Area.

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

A Conditional Use Approval is required throughout the City of Stuart's Community Redevelopment Area for any project requiring exception to the minimum setback and St. Lucie River vista requirements

IX. CONDITIONAL USE REVIEW FACTORS TO BE CONSIDERED BY THE DECISION MAKER: SEC. 11.01.04 (7)(F)

In applying the above standards, the decision-maker will consider each of the following factors:

- 1. 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.**

The proposal has been reviewed by the Fire and Public Works Departments who have no objections to the proposed use.

- 2. 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 offstreet parking and loading areas on adjacent**

and nearby properties.

The proposal does not have off-street parking. The parking is on site.

- 3. 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 applicant would continue to use the existing refuse and service areas associated with the existing residence.

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

Public Works has reviewed the proposal and have no objections. The proposed project would hook-up to existing utilities.

- 5. 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 specially permitted and the uses and structures of adjacent and nearby properties.**

The applicant intends to provide some landscaping within the site as per the landscaping shown on the site plan. The applicant will maintain existing unobstructed view from public right-of-way to the St. Lucie River on the east side yard, which is a width greater than required by code.

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

No signage is proposed. The exterior lighting will be minimal considering its a single family residence and will not have a negative effects on adjacent and nearby properties.

- 7. Required yards and open spaces.**

The proposal will include onsite storage of site runoff and prevent from discharging into adjacent private properties.

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

The applicant is permitted to construct property at a maximum height of three stories or 35 feet in height. If 50% or more of the building is residential or hotel, a fourth story is permitted. The proposed residence is a one story building and the height is not changing with this proposal.

Staff proposed Conditions of Approval

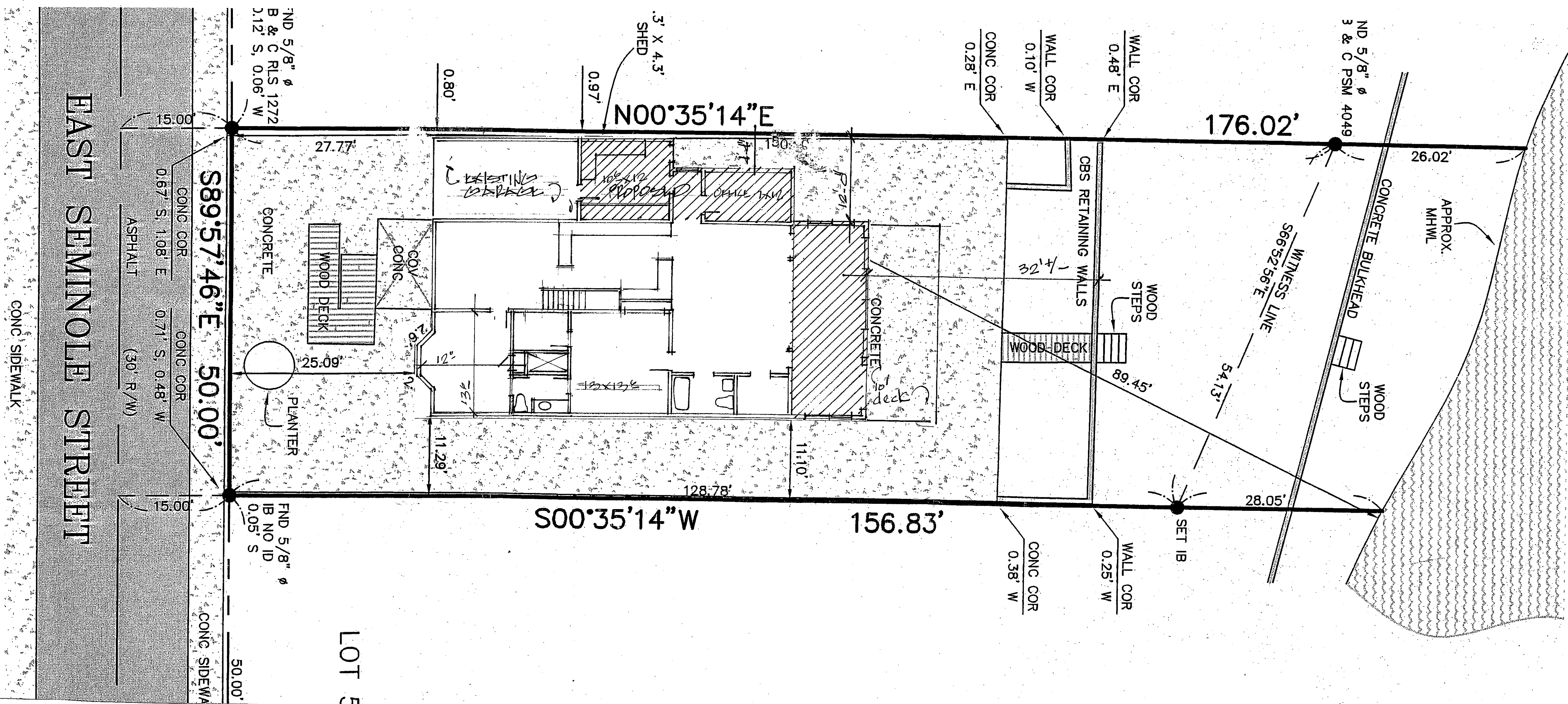
- 1) The project shall operate in accordance with and adhere to the Proposed Site Plan prepared by Joseph P. McCarty, Architect, Inc.
- 2) The variance request is for a residence only and any changes to the use will require a change in use permit.
- 3) The owner of the property shall be responsible to paint and maintain the outside of all sides of the house per the City's Land Development Code and City of Stuart Code of Ordinances.
- 4) Any expansion and re-construction/renovation of the house shall be compatible in terms of architecture, roof lines and slopes and colors as the remaining sections of the house.

X. STAFF RECOMMENDATION

Based upon compliance with the City of Stuart's Comprehensive Plan and the pertinent standards found within Section 3.01.06 of the City of Stuart's Land Development Code, staff recommends **APPROVAL** of the applicant's request to consider a **CONDITIONAL USE** to allow a renovation with expansion to a residential dwelling unit and an outbuilding by maintaining the existing outbuilding close proximity to the side property line, which is at 0.8 feet from the side property line, where 5 feet is required.

D.P.R. Registration Number 9639

101 EAST SEMINOLE
PROPOSED SITE PLAN



CITY OF STUART, FLORIDA AGENDA ITEM REQUEST CITY COMMISSION

Meeting Date:2/13/2017

Prepared by:T. O'Neil

Title of Item:

ORDINANCE No.. 2338-2016 AN ORDINANCE OF THE CITY OF STUART, FLORIDA AMENDING CHAPTER 2 "SUPPLEMENTAL USE STANDARDS" OF THE CITY'S LAND DEVELOPMENT CODE THEREBY ESTABLISHING A TWELVE (12) MONTH MORATORIUM ON MEDICAL MARIJUANA TREATMENT CENTERS; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (RC)

Summary Explanation/Background Information on Agenda Request:

Anticipating that medical marijuana was likely to gain voter approval last November, the month prior staff prepared a draft ordinance establishing a (12) twelve month moratorium on medical marijuana treatment centers, thereby giving the City time to secure and understand the state's regulatory regime which has yet to be approved.

A newspaper ad, notifying the public of the LPA's consideration of the matter on January 19, 2017, was published on November 7, 2016. This ad also triggered "zoning in progress" which means that no plans, permit(s), licenses or other development orders of any kind shall be issued for medical marijuana facilities during a "freeze period" while the moratorium is under consideration. In this instance, the freeze period ends on February 7, 2017, however, the City Commission may extend the period for up to an additional three months. The Commission will be asked to approve a three month extension at its special meeting of January 30, 2017.

As for drafting local medical marijuana regulations, as soon as the state's regulatory regime is made known, staff intends to move quickly and bring something forward to the LPA and City Commission as much in advance of the moratorium's 11/8/17 expiration date as possible.

Funding Source:

N/A

Recommended Action:

Approve Ordinance No. 2338-2016 on first reading.

Note: The LPA unanimously approved this item at its meeting of January 19, 2017.

ATTACHMENTS:

Description	Upload Date	Type
❑ Ordinance No. 2338-2016 Medical Marijuana Treatment Center Moratorium	1/26/2017	Ordinance add to Y drive
❑ November 7, 2016 Newspaper Ad	1/11/2017	Backup Material
❑ Section 1.04.04 Zoning in Progress	1/11/2017	Backup Material
❑ Draft Resolution No. 20-2017 Extending Three Month Freeze Period	1/26/2017	Backup Material



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

Ordinance Number 2338-2016

**AN ORDINANCE OF THE CITY OF STUART, FLORIDA AMENDING
CHAPTER 2 "SUPPLEMENTAL USE STANDARDS" OF THE CITY'S
LAND DEVELOPMENT CODE THEREBY ESTABLISHING A TWELVE
(12) MONTH MORATORIUM ON MEDICAL MARIJUANA
TREATMENT CENTERS; PROVIDING FOR AN EFFECTIVE DATE; AND
FOR OTHER PURPOSES.**

*** * * * ***

WHEREAS, in light of the unforeseen result of an upcoming Constitutional Amendment petition (known as Amendment #2) on the 2016 ballot; and

WHEREAS, the Stuart City Commission has adopted the Stuart Comprehensive Plan, including goals, objectives, and policies related to zoning and land development; and

WHEREAS, Chapter 163, Part II, Florida Statutes, requires the implementation of these goals, objectives and policies through the adoption of a consistent Land Development Code; and,

WHEREAS, it is important to provide city staff with time to undertake a study of appropriate distance separation requirements, appropriate locations and other regulations of medical marijuana treatment centers; and

WHEREAS, a moratorium on applications for, or approval of, any permits or development orders for medical marijuana treatment centers and facilities with similar functions will maintain the status quo during the course of the study and planning process; and

WHEREAS, by amending Chapter 1, "Supplemental Use Standards" of the City's Land Development Code the Stuart City Commission intends to limit the duration of a moratorium on medical marijuana treatment centers to no more than twelve (12) months; and

WHEREAS, consideration of this ordinance has been duly advertised and has occurred during properly held public hearings before the Stuart Local Planning Agency and City Commission; and

WHEREAS, the Stuart City Commission finds it is in the best interest of the citizens of Stuart to adopt a moratorium on applications for, or approval of, any permits for medical marijuana treatment centers and facilities with similar functions.

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

SECTION 1: Chapter 2, "Supplemental Use Standards" of the City of Stuart Land Development Code, is amended as follows:

Section 2.06.23 Twelve month moratorium on uses allowed in each zoning district specifically regarding medical marijuana treatment centers, their consideration of use, desirable locations, and other development regulations. Notwithstanding provisions elsewhere in this code, effective November 7, 2016 there shall be a twelve (12) month moratorium on the placement of medical marijuana treatment centers and facilities with similar functions within the City during which no permit(s), licenses or other development orders of any kind shall be issued for medical marijuana treatment centers and facilities with similar functions.

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

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

SECTION 5: The provisions of this ordinance shall be codified.

SECTION 6: This ordinance shall take effect upon adoption.

PASSED on First Reading this 13th day of February, 2017.

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:

EULA CLARKE, MAYOR

TOM CAMPENNI, VICE MAYOR

JEFFERY A. KRAUSKOPF, COMMISSIONER

KELLI GLASS-LEIGHTON, COMMISSIONER

TROY A. MCDONALD, COMMISSIONER

YES	NO	ABSENT

ADOPTED on Second Reading this 27th day of February, 2017.

ATTEST:

CHERYL WHITE

CITY CLERK

APPROVED AS TO FORM

AND CORRECTNESS:

MICHAEL MORTELL

CITY ATTORNEY

EULA CLARKE, MAYOR

ELECTION 2016

Clinton makes plenty of promises on campaign trail

CATHERINE LUCEY
ASSOCIATED PRESS

DES MOINES, Iowa - If Hillary Clinton makes it to the White House, a whole lot of eyes will be on her list of do's and don'ts.

Throughout the presidential campaign against Donald Trump, Clinton has made some very specific pledges about what she would and wouldn't do. Those could come back at Clinton if she's elected. Republicans and liberal Democrats would keep watch to see whether she keeps her word.

"I think Republicans are going to be dogging her any time she flirts with something that sounds like a campaign pledge that's been broken," said Republican strategist Katie Packer, who isn't backing Trump.

Charles Chamberlain, executive director of Democracy for America, said liberals would look at how Clinton tackles issues, and "the key is seeing if she actually fights, rather than insisting that she has to achieve that goal."

Complicating Clinton's path is the reality that the best-laid plans can change. President George H.W. Bush, for example, pledged "no new taxes" but eventually agreed to a budget compromise with Democrats that did include some tax increases. He lost his re-election bid to Democrat Bill Clinton.

A look at some pledges Hillary Clinton made in the final presidential debate and what they could mean for her as president:

Taxes

"I will not raise taxes on anyone making \$250,000 or less. I also will not add a penny to the debt."

Clinton has focused her campaign on working- and middle-class families and promised to tax the wealthy to pay for more social programs, but she repeatedly said those making \$250,000 or less will be exempt. That's the cutoff her campaign has identified to protect the middle class. Clinton says that by taxing the wealthy, she won't create any new debt, though she has not said she would cut the current debt.

This tax pledge means any new fees or costs for lower-earning families will be scrutinized. When it comes to the national debt, Packer said that "there's a lot of different ways you can do the math that make that a very hard promise to keep."

Trans-Pacific Partnership

"I'm against it now. I'll be against it after the election. I'll be against it when I'm president."

This is a big one for Clinton. She came out against the trade deal last year amid mounting pressure from liberals. She previously praised the deal as secretary of state, calling it the "gold standard" of trade agreements. In the past, she has supported some trade deals and opposed others. So progressives will watch Clinton if she wins, not just after Jan. 20 but during the transition, to see if she mounts opposition to a vote in the lame-duck Congress.

"It's going to be critically important that she steps up, she stands up and says it's not going to be passed in the lame duck," said Chamberlain, adding that if Clinton does not take such a stand, "in many people's eyes that would be breaking a promise."

Military

"I will not support putting American soldiers into Iraq as an occupying force."

Clinton has made it clear that she does not want more American soldiers to serve on the ground in the Middle East. There are several thousand U.S. troops in Iraq now serving as trainers and advisers to the Iraqi military. She has made similar statements about Syria, where dozens of U.S. special operators are helping. Still, Chamberlain said that on this pledge, liberals see "a lot of wiggle room there. The progressive movement wants to see less military action, period."

Republican strategist Rick Tyler, who advised Texas Sen. Ted Cruz's presidential bid, said this type of promise could be hard, depending on world events.

College costs

"I want to make college debt-free, and for families making less than \$125,000, you will not get a tuition bill from a public college or university if the plan that I worked on with Bernie Sanders is enacted."

Clinton enhanced her college affordability plan with the Vermont senator, her rival in the presidential primaries, in an effort to win over his supporters.

Packer said this might be an area that both sides want to work on: "That strikes me as a thing that transcends ideology."

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NOTICE OF PUBLIC MEETING

CITY OF STUART LOCAL PLANNING AGENCY/PLANNING ADVISORY BOARD

NOTICE: The CITY OF STUART LOCAL PLANNING AGENCY/PLANNING ADVISORY BOARD will meet on Thursday, January 19, 2017 at 5:30 PM in the City Commission Chambers at City Hall, 121 SW Flagler Avenue, Stuart, Florida.

The following items are scheduled on the agenda for review and recommendation to the Stuart City Commission:

1. ORDINANCE #2338-2016: AN ORDINANCE OF THE CITY OF STUART, FLORIDA AMENDING CHAPTER 2 "SUPPLEMENTAL USE STANDARDS" OF THE CITY'S LAND DEVELOPMENT CODE THEREBY ESTABLISHING A TWELVE (12) MONTH MORATORIUM ON MEDICAL MARIJUANA TREATMENT CENTERS, DECLARING SAID MORATORIUM TO BE "ZONING IN PROGRESS" IN ACCORDANCE WITH CHAPTER 1 OF THE CITY'S LAND DEVELOPMENT CODE, PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

The public is encouraged to attend and participate in the public meeting. Any questions regarding the meeting may be addressed by calling the City Development Department at (772) 288-5375 from 8:30 a.m. to 5:00 p.m. Monday through Friday.

In compliance with the Americans with Disabilities Act (ADA), anyone who needs a special accommodation for this meeting should contact the City's ADA coordinator at (772) 288-5375 or TDD at (772) 288-5302 at least 48 hours in advance of the meeting, excluding Saturday and Sunday.

Terry O'Neil
Development Department

TR-160017

**To Our Veterans,
Thank you for serving our country
and protecting our freedom.
With respect, honor and gratitude,
Your Martin County
Property Appraiser's
Office**



*I have an
open door policy,
and we are here
to serve you.*
Laurel Kelly
Laurel Kelly, CFA
Martin County
Property Appraiser

Property Tax Benefits for Active Duty Military and Veterans

Property Tax Exemptions and Discounts:

- Disabled Ex-Service Member
- Service-Connected Total and Permanent Disability or Confined to a Wheelchair
- Discount for Veterans 65 or Older with a Combat-Related Disability
- Deployed Military Exemption
- Surviving Spouse of Military Veteran Who Died in the Line of Duty

The eligibility requirements for the original \$25,000 homestead exemption must be met to be eligible for these Veterans & Active Duty Military exemptions, and other exemptions.

To find out about applying for these and other exemptions, please call us at (772) 288-5608, or visit our website at www.pa.martin.fl.us.

FILING DEADLINE FOR ALL EXEMPTIONS IS MARCH 1, 2017

Main Office:
1111 SE Federal Hwy.,
Suite 330, Stuart
(772) 288-5608
Office Hours: 8am-6pm
Mon.-Fri.

Hobe Sound Office:
11723 SE Federal Hwy.
(Public Shopping Ctr.)
(772) 548-1309
Office Hours: 8am-6pm
Mon.-Fri.

Indiantown Office:
Governmental Complex,
16650 W. Highway Blvd.,
Open Part Time
Please contact our main
office for schedule.

Star Light...Star Bright!



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Monday through Wednesday
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TR-160017



- C. Development shall not exceed the established density requirements, except as otherwise provided within of this Code.
- D. Occupancy of all structures shall comply with provisions established herein.
- E. *Only one principal building.* Every building or structure hereafter erected in an R-1A, R-1, or R-2 zoning district shall be located on a lot or tract as defined in Chapter XII of this Code; and in no case shall there be more than one principal building on one lot, plus its accessory structures.
- F. *Street frontage.* No building shall hereafter be erected on a lot which does not abut or have immediate frontage on a publicly dedicated, publicly approved, or publicly maintained street.
- G. *On-site and off-site improvements.* With the exception of infill single-family and duplex development, all other development shall be reviewed for adverse traffic impact by the city development department. If it is determined upon review that there exists reasonable grounds to believe that specific improvements are needed to accommodate the perceived adverse traffic impact of the development, such specified improvements shall be included as condition of approval and completed prior to certificate of occupancy. Such improvements are defined as, but not limited to; roads, alleyways, sidewalks or curbing, drainage structures, acceleration and deceleration lanes, traffic control devices including signalization, directional signs, regulatory or any other device or construction for the benefit of the public.

Sec. 1.04.03. Exceptions.

A. *Previously issued development permits.* The provisions of this Code and any amendments thereto shall not affect the validity of any lawfully issued and effective development permit if a permit was issued for the development activity prior to October 18, 2010, provided further that the development activity continues without interruption until the development is complete, or permit extension(s) are obtained. If the development permit expires, any further development on that site shall occur only in conformance with the requirements of this Code.

Sec. 1.04.04. Zoning in progress.

- (1) *Purpose.* The purpose of zoning in progress is to allow the city to make a text amendment or district map change to the Stuart Land Development Code, and apply that change to development applications submitted following the declaration of zoning in progress. Additionally, zoning in progress allows a temporary hold on permits, licenses and other development orders already in progress, if there is a pending change in the Land Development Code that would affect the permit, license or other development order.
- (2) *No permits issued; and period of time.* During the period of time that the land planning agency or the city commission is considering either a text amendment or a change of zoning district to the Stuart Land Development Code, no plans, permit(s), license(s), or other development order(s) of any kind shall be issued if issuance would result in the nonconforming or unlawful use of the subject property in the event that the text amendment or zoning district change be enacted by the city commission (freeze period). The maximum freeze period allowed for zoning in progress shall be three months, except that the city



commission may extend the period for up to an additional three months for good cause, and upon making a finding that it is in the public interest to do so.

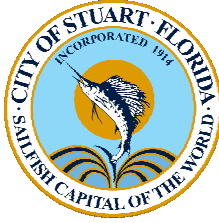
- (3) *Notice of declaration.* The declaration of zoning in progress, and the freeze period on development orders, permits and licenses shall begin on the earlier of:
- (a) Publication of a notice of a public hearing before the city commission to consider a resolution declaring zoning in progress; or
 - (b) Publication of a notice of a public hearing before the local planning agency on a text amendment or zoning district change, which notice also includes a notice of zoning in progress.
- (4) *Applicability.*
- (a) Upon adoption of a text amendment or district map change, all pending applications, permits, licenses, and other development orders shall conform to the new provisions.
 - (b) Notwithstanding anything contained in this section to the contrary, no application for a text amendment to the Code, or map rezoning, plan approval, permit, or other development order shall be held up by this procedure for more than a total of six months, including all time periods described herein. Any such approval shall be deemed granted, if so affected, except as provided in subsection (c) below.
 - (c) Where an affected property owner requests a postponement or other delay of an application, such period of delay shall toll the running of the freeze period.
 - (d) If it is determined by the city development director that an application for a text amendment or map rezoning, plan, permit, license, or other development order would not violate the provisions of a pending zoning measure, such application, shall be exempt from this section.
- (Ord. No. 2056-05, § 1, 11-28-05)

1.05.00. INCORPORATION BY REFERENCE

Sec. 1.05.01. Maps.

The approximate boundaries of the zoning districts, special districts, overlay zones, Old Downtown District, and Formula Business district, of the City of Stuart are shown on the map entitled "Official Zoning Map, City of Stuart, Florida," dated and certified by the city clerk. Said map is hereby incorporated into and made a part of this Code by reference.

Regardless of the existence of copies of the zoning map which may from time to time be made or published, the official zoning map of the City of Stuart, Florida, in the office of the city clerk shall be the final authority for zoning districts in the city.



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

Resolution Number 20-2017

**A RESOLUTION OF THE CITY OF STUART, FLORIDA,
PURSUANT TO CHAPTER 1 OF THE CITY'S LAND
DEVELOPMENT CODE, EXTENDING "ZONING IN PROGRESS"
FOR AN ADDITIONAL (3) THREE MONTHS DURING THE CITY
COMMISSION'S CONSIDERATION OF PROPOSED ORDINANCE
NO. 2338-2016 ESTABLISHING A TWELVE (12) MONTH
MORATORIUM ON MEDICAL MARIJUANA TREATMENT
CENTERS; PROVIDING FOR AN EFFECTIVE DATE; AND FOR
OTHER PURPOSES.**

WHEREAS, anticipating that a November 8, 2016 state-wide ballot initiative to allow medical marijuana treatment centers (MMTC's) would be successful, City staff prepared draft ordinance No. 2338-2016 creating a (12) twelve month moratorium on MMTC's, thereby allowing sufficient time to receive and understand the State's yet-to-be-promulgated rules for MMTC's, and

WHEREAS, in publishing a newspaper advertisement on November 7, 2016, advising of the moratorium's consideration by the City's Local Planning Agency on January 19, 2017, the City also invoked "zoning in progress" in accordance with Chapter 1, Section 1.04.04 of the City's Land Development Code, and

WHEREAS, Chapter 1, Section 1.04.04 (2) states that during the period of time that the land planning agency or the city commission is considering either a text amendment or a change of zoning district to the Stuart Land Development Code, no plans, permit(s), license(s), or other development order(s) of any kind shall be issued if issuance would result in the nonconforming or unlawful use of the subject property in the event that the text amendment or zoning district change be enacted by the city commission (freeze period). The maximum freeze period allowed for zoning in progress shall be three months, except that the city commission may extend the period for up to an additional three months for good cause, and upon making a finding that it is in the public interest to do so, and

WHEREASE, the initial freeze period invoked on November 7, 2016 expires on February 7, 2017, and

WHEREAS, the City Commission deems it to be in the public's best interest to extend the freeze period for an additional (3) three month's during its consideration of Ordinance No. 2338-2016.

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

SECTION 1: Pursuant to Land Development Code Section 1.04.04 (2), the freeze period for the City Commission's consideration of Ordinance No. 2338-2016 is hereby extended for an additional three months.

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

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

SECTION 4: This resolution shall take effect upon adoption.

Adopted this 30th day of January, 2017.

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:

EULA CLARKE, MAYOR

TOM CAMPENNI, VICE MAYOR

JEFFERY A. KRAUSKOPF, COMMISSIONER

KELLI GLASS-LEIGHTON, COMMISSIONER

TROY A. MCDONALD, COMMISSIONER

YES	NO	ABSENT

ATTEST:

CHERYL WHITE

CITY CLERK

APPROVED AS TO FORM

AND CORRECTNESS:

MICHAEL MORTELL

CITY ATTORNEY

EULA CLARKE, MAYOR

Vicat, Michelle

From: O'Neil, Terry
Sent: Wednesday, January 18, 2017 9:06 AM
To: Vicat, Michelle
Cc: Dyess, David; Nicoletti, Paul; Mortell, Michael; Commissioners; Dyal, David; Mayer, Stephen; Reetz, Thomas; Gandhi-Savdas, Pinal
Subject: FW: LPA on medical marijuana
Attachments: Ordinance No. 2338-2016 Medical Marijuana Facility Twelve Month Moratorium.docx

Michelle,

Please forward this e-mail to the LPA members and make sure it becomes part of the record during their consideration of the attached "medical marijuana facility" moratorium ordinance, which takes place tomorrow evening. Thank you.

And thank you Chief for the briefing.

Terry

-----Original Message-----

From: Dyess, David
Sent: Tuesday, January 17, 2017 7:41 PM
To: O'Neil, Terry
Subject: LPA on medical marijuana

At the Florida Police Chief's meeting (Week of Jan 9th) I attended the regions meeting as the president of our regions association. During the meeting it was recommended that cities get a moratorium in place.

The constitutional amendment requires the DOH (dept of health) to have rules in place within 6 months. Without a law passed by the legislation DOH does not have the authority to implement these rules. It is not expected that a law will be in place within the 6 months. To compound that the DOH is having their office of compassionate use (a previously formed division to set rules for the original low THC non-smokable law that passed last year) work on this and there are only two people in that area.

Many doctors have already taken the class to be able to prescribe marijuana and there is a belief that without the proper rules in place people will make their own rules and start writing scripts, selling and possessing then fall back on the constitutional right to do so.

Sent from my iPhone

**CITY OF STUART, FLORIDA
AGENDA ITEM REQUEST
CITY COMMISSION**

Meeting Date:2/13/2017

Prepared by:Stephen Mayer

Title of Item:

ORDINANCE No. 2344-2017: A ORDINANCE OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA TO PROVIDE FOR THE ABANDONMENT OF CERTAIN PUBLIC RIGHT-OF-WAY WITHIN THE CITY BEING THAT CERTAIN 40-FOOT RIGHT-OF-WAY, AS SET FORTH ON THE PLAT OF STUART FARMS, AS RECORDED IN PLAT BOOK 1, PAGE 63, PALM BEACH (NOW MARTIN) COUNTY, FLORIDA PUBLIC RECORDS RUNNING NORTH TO SOUTH THROUGH THE PROPERTY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO AND DEPICTED IN EXHIBIT "B" ATTACHED HERETO; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.(RC)

Summary Explanation/Background Information on Agenda Request:

On January 9th, 2017, the City Commission voted to approve the Clarity Pointe PUD, which contained the condition that the applicant shall undertake all necessary means to abandon a 40 foot right-of-way bisecting the property in a north to south direction. During City Commission discussion, the intent to abandon the property was established and the Commission authorized the Mayor to execute all documentation necessary to accomplish this task. The Applicant has requested that the City transfer any interests in the said right-of-way and has provided an appraisal (attached) of the property. The appraisal value (\$40,000) shall be remitted to the City prior to second hearing of the right-of-way abandonment, scheduled for February 27th. The value of the appraisal will be paid in exchange for a privilege fee.

Funding Source:

N/A

Recommended Action:

Staff recommends approval of Ordinance 2344-2017 on FIRST READING.

ATTACHMENTS:

Description	Upload Date	Type
❑ Ordinance No. 2344-2017	2/8/2017	Ordinance add to Y drive
❑ Appraisal of Right-of-Way	2/8/2017	Exhibit
❑ Exhibit A - Legal Description	2/6/2017	Exhibit
❑ Exhibit B - Survey	2/6/2017	Exhibit



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

ORDINANCE NUMBER 2344-2017

A ORDINANCE OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA TO PROVIDE FOR THE ABANDONMENT OF CERTAIN PUBLIC RIGHT-OF-WAY WITHIN THE CITY BEING THAT CERTAIN 40-FOOT RIGHT-OF-WAY, AS SET FORTH ON THE PLAT OF STUART FARMS, AS RECORDED IN PLAT BOOK 1, PAGE 63, PALM BEACH (NOW MARTIN) COUNTY, FLORIDA PUBLIC RECORDS RUNNING NORTH TO SOUTH THROUGH THE PROPERTY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO AND DEPICTED IN EXHIBIT "B" ATTACHED HERETO; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

*** * * * ***

WHEREAS, Clarity Pointe Development Partners, LLC has filed a petition for abandonment relating to the public right-of-way described below that conforms to the requirements of Section 36 of the Code of Ordinances of the City of Stuart, Florida; and

WHEREAS, at the public hearing to consider the requested abandonment the City Commission has determined that it is the best public interest that the said right-of-way be abandoned as said right-of-way is needed for continuity of several existing parcels.

Ordinance No. 2344-2017 – Clarity Pointe PUD R.O.W. Abandonment

NOW THEREFORE, THE CITY COMMISSION OF THE CITY OF STUART,
FLORIDA ordains, as follows:

SECTION 1: That any interest vested with the City of Stuart in that certain 40-foot right-of-way, as set forth on the Plat of STUART FARMS, as recorded in Plat Book 1, Page 63, Palm Beach (Now Martin) County, Florida Public Records running North to South through the Property described in **Exhibit “A”** attached hereto and depicted in **Exhibit “B”** attached hereto is hereby abandoned.

SECTION 2: A location map depicting the subject area is hereby attached as **Exhibit “C.”**

SECTION 3: Conflicts. All ordinances or parts of ordinances in conflict herewith shall be repealed.

SECTION 4: Severability: If any word, clause, sentence, paragraph, section or part thereof contained in this Ordinance is declared to be unconstitutional, unenforceable, void or inoperative by a court of competent jurisdiction, such declaration shall not affect the validity of the remainder of this ordinance.

SECTION 5: Effective Date: This Ordinance shall become effective immediately upon adoption.

Passed on first reading this _____ day of February 13, 2017.

Commissioner _____ offered the foregoing ordinance and moved approval on the second reading. The motion was seconded by Commissioner _____ and upon being put to a roll call vote, the vote was as follows:

Ordinance No. 2344-2017 – Clarity Pointe PUD R.O.W. Abandonment

THOMAS F. CAMPENNI, MAYOR
TROY MCDONALD, VICE MAYOR
KELLI GLASS LEIGHTON, COMMISSIONER
JEFFREY A. KRAUSKOPF, COMMISSIONER
EULA R. CLARK, COMMISSIONER

YES	NO	ABSENT

Adopted on second reading this 27th day of February, 2017.

ATTEST:

CHERYL WHITE
CITY CLERK

THOMAS F. CAMPENNI
MAYOR

APPROVED AS TO FORM
AND CORRECTNESS:

MICHAEL MORTELL
CITY ATTORNEY

ACCEPTANCE AND AGREEMENT

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

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

Ordinance No. 2344-2017 – Clarity Pointe PUD R.O.W. Abandonment

WITNESSES:

CP-Stuart Development, LLC

Print Name: _____

By: _____
Richard Olson, Managing Partner

Print Name: _____

WITNESSES:

Treasure Coast Properties, LLC

Print Name: _____

By: _____

Print Name: _____

Ordinance No. 2344-2017 – Clarity Pointe PUD R.O.W. Abandonment

PETITIONER’S ACKNOWLEDGMENT

The above Ordinance, Acceptance and Agreement was acknowledged before me this ____ day
of _____, 2017, by Richard Olson, Managing Partner.

Notary Public, State of Florida
My Commission Expires:

Notary Seal

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

OWNER’S ACKNOWLEDGMENT

The above Ordinance, Acceptance and Agreement was acknowledged before me this ____ day
of _____, 2016, by _____.

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 this ____ day of _____, 2017, by Eula R. Clarke, Mayor, and Cheryl White, City Clerk, respectively, of the City of Stuart, Florida, a Florida municipal corporation.

Notary Public, State of Florida

My Commission Expires:

Notary Seal

Personally Known _____ OR Produced Identification _____

Type of Identification Produced _____

Ordinance No. 2344-2017 – Clarity Pointe PUD R.O.W. Abandonment

EXHIBIT “A”

The Property

Ordinance No. 2344-2017 – Clarity Pointe PUD R.O.W. Abandonment

EXHIBIT “B”

Depiction of the Property

Ordinance No. 2344-2017 – Clarity Pointe PUD R.O.W. Abandonment

EXHIBIT “C”

Location Map Depicting Subject Area

AN APPRAISAL OF
**THE ROAD DEDICATION ABANDONMENT
LOCATED ON THE CLARITY POINTE PROPERTY
IN STUART, FLORIDA**

FILE #16-75152

PREPARED FOR
MR. RICHARD OLSEN
CP-STUART DEVELOPMENT, LLC

AS OF
SEPTEMBER 13, 2016

BY
STEPHEN G. NEILL, MAI
CALLAWAY & PRICE, INC.



Callaway & Price, Inc.

Real Estate Appraisers And Consultants
www.callawayandprice.com
Licensed Real Estate Brokers

Please respond to Treasure Coast Office
E-Mail: s.neill@callawayandprice.com

SOUTH FLORIDA

1410 Park Lane South
Suite 1
Jupiter, FL 33458
Phone (561) 686-0333
Fax (561) 686-3705

Michael R. Slade, MAI, SRA, CRE
Cert Gen RZ116
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Stephen D. Shaw, MAI
Cert Gen RZ1192
sds@cpwpb.com

Robert A. Callaway, MRICS
Cert Gen RZ2461
rac@cpwpb.com

TREASURE COAST

1803 South 25th Street
Suite 1
Fort Pierce, FL 34947
Phone (772) 464-8607
Fax (772) 461-0809

Stuart
Phone (772) 287-3330
Fax (772) 461-0809

Stephen G. Neill, Jr., MAI
Cert Gen RZ2480
s.neill@callawayandprice.com

SPACE COAST

1120 Palmetto Avenue
Suite 1
Melbourne, FL 32901
Phone (321) 726-0970
Fax (321) 726-0384

Curtis L. Phillips, MAI
Cert Gen RZ2085
clp@cpmel.com

CENTRAL FLORIDA

2816 E. Robinson Street
Orlando, FL 32803
Phone (321) 726-0970
Fax (321) 726-0384

Curtis L. Phillips, MAI
Cert Gen RZ2085
clp@cpmel.com

October 19, 2016

Mr. Richard Olsen
4300 Legendary Drive, Suite 234
Destin, FL 32541

Dear Mr. Olsen:

We have made an investigation and analysis of the road dedication abandonment parcel located on the Clarity Pointe Property, which is specifically located on the south side of Indian Street, west of Kanner Highway, Stuart, Florida. The Subject Property will be further described both narratively and legally within the following Appraisal Report. The purpose of this investigation and analysis was to provide our opinion of the current Market Value of the Fee Simple Interest of the Subject Property as of September 13, 2016.

The Subject Property is considered to be the 40-foot road right of way that runs through the Clarity Pointe Parcel. Given the property type associated with the Subject Property, we have incorporated the across the fence methodology for valuing the Subject Property.

This report has been prepared for our client, Mr. Richard Olsen. The intended use was to assist the client in evaluation for abandonment and possible purchase. The scope of work performed is specific to the needs of the intended user and the intended use. No other use is intended, and the scope of work may not be appropriate for other uses.

The scope of work performed included a complete analysis of the Subject Property with no omitted approaches to value. A detailed scope of work description can be found in the body of this report.

Mr. Richard Olsen
October 19, 2016
Page 2

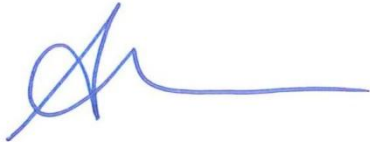
Based upon the scope of the assignment, our investigation and analysis of the information contained within this report, as well as our general knowledge of real estate valuation procedures and market conditions, it is our opinion that the Market Value of the Fee Simple of the Subject Property as of September 13, 2016 was:

\$40,000

A description of the property appraised, together with an explanation of the valuation procedures utilized, is contained in the body of the attached report. For your convenience, an Executive Summary follows this letter. Your attention is directed to the Limiting Conditions and underlying assumptions upon which the value conclusions are contingent.

Respectfully submitted,

CALLAWAY & PRICE, INC.

A handwritten signature in blue ink, appearing to read 'S. Neill', with a long horizontal flourish extending to the right.

Stephen G. Neill, MAI
Cert Gen RZ2480

SGN/clw:16-75152
Attachments



Executive Summary

PROPERTY TYPE	: Road Dedication Abandonment/Vacant Commercial Land
LOCATION	: The Subject Property is located on the south side of Indian Street, just west of Kanner Highway.
DATE OF VALUATION	: September 13, 2016
PROPERTY DESCRIPTION:	
LAND	: The total parcel associated with the Clarity Pointe Property contains a total of 11.27 acres. The road abandonment contains approximately 24,539 square feet (40 feet by 613) or 0.563 acres.
BUILDING	: None
ZONING	: RPUD, Residential PUD by City of Stuart
LAND USE PLAN	: OP, Office Park
HIGHEST AND BEST USE	
AS IF VACANT	: Commercial Development
THE MARKET VALUE OF THE FEE SIMPLE ESTATE OF THE SUBJECT PROPERTY ROAD DEDICATION ABANDONMENT AS OF SEPTEMBER 13, 2016	: \$40,000



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Stephen G. Neill, MAI	



CERTIFICATION

We certify that, to the best of our knowledge and belief:

1. The statements of fact contained in this report are true and correct.
2. The reported analyses, opinions, and conclusions are limited only by the reported assumptions and limiting conditions, and are our personal, impartial, and unbiased professional analyses, opinions, and conclusions.
3. We have no present or prospective interest in the property that is the subject of this report, and we have no personal interest or bias with respect to the parties involved.
4. We have not performed services, as an appraiser or in any other capacity, regarding the subject of this report within the three-year period immediately preceding acceptance of this assignment.
5. We have no bias with respect to the property that is the subject of this report or to the parties involved with this assignment.
6. Our engagement in this assignment was not contingent upon developing or reporting predetermined results.
7. Our compensation for completing this assignment is not contingent upon the development or reporting of a predetermined value or direction in value that favors the cause of the client, the amount of the value opinion, the attainment of a stipulated result, or the occurrence of a subsequent event directly related to the intended use of this appraisal.
8. The analyses, opinions, and conclusion were developed, and this report was prepared, in conformity with the Uniform Standards of Professional Appraisal Practice (USPAP) and The Interagency Appraisal and Evaluation Guidelines, December 10, 2010.
9. Stephen G. Neill, MAI has made a personal inspection of the property that is the subject of this report.
10. No one provided significant real property appraisal assistance to the person(s) signing this certification.
11. The use of this report is subject to the requirements of the State of Florida relating to review by the Florida Real Estate Appraisal Board.
12. The reported analyses, opinions and conclusion were developed, and this report was prepared, in conformity with the Code of Professional Ethics and Standards of Professional Appraisal Practice of the Appraisal Institute.



Certification

13. The use of this report is subject to the requirements of the Appraisal Institute relating to review by its duly authorized representatives.
14. As of the date of this report, Stephen G. Neill, MAI has completed the continuing education program of the Appraisal Institute.

A handwritten signature in blue ink, appearing to read 'S. Neill', followed by a long horizontal flourish.

Stephen G. Neill, MAI
Cert Gen RZ2480

SGN/clw:16-75152



LIMITING CONDITIONS

1. Unless otherwise stated, the value appearing in this appraisal represents the opinion of the Market Value or the Value Defined AS OF THE DATE SPECIFIED. Market Value of real estate is affected by national and local economic conditions and consequently will vary with future changes in such conditions.
2. The value estimated in this appraisal report is gross, without consideration given to any encumbrance, restriction or question of title, unless specifically defined.
3. This appraisal report covers only the property described and any values or rates utilized are not to be construed as applicable to any other property, however similar the properties might be.
4. It is assumed that the title to the premises is good; that the legal description is correct; that the improvements are entirely and correctly located on the property described and that there are no encroachments on this property, but no investigation or survey has been made.
5. This appraisal expresses our opinion, and employment to make this appraisal was in no way contingent upon the reporting of predetermined value or conclusion.
6. No responsibility is assumed for matters legal in nature, nor is any opinion of title rendered. In the performance of our investigation and analysis leading to the conclusions reached herein, the statements of others were relied on. No liability is assumed for the correctness of these statements.
7. Neither all nor any part of the contents of this report (especially any conclusions, the identity of the appraiser or the firm with which he is connected, or any reference to the Appraisal Institute or any of its designations) shall be disseminated to the public through advertising media, public relations media, news media, sales media or any other public means of communication without our prior written consent and approval.
8. It is assumed that there are no hidden or unapparent conditions of the property, subsoil, or structures which would render it more or less valuable. The appraiser assumes no responsibility for such conditions or the engineering which might be required to discover these factors.



Limiting Conditions

9. Unless otherwise stated in this report, the existence of hazardous substances, including without limitation stachybotrys chartarum (mold), asbestos, polychlorinated biphenyls, petroleum leakage, "Chinese drywall", or agricultural chemicals, which may or may not be present on the property, or other environmental conditions, was not called to the attention of, nor did the appraiser become aware of such during the appraiser's inspection. The appraiser has no knowledge of the existence of such materials on or in the property unless otherwise stated. The appraiser, however, is not qualified to test for such substances or conditions. If the presence of such substances, such as asbestos, urea formaldehyde foam insulation, or other hazardous substances or environmental conditions, may affect the value of the property, the value estimated is predicated on the assumption that there is no such proximity thereto that would cause a loss in value. We are unaware of very wet conditions that may have existed for days or weeks which are required to grow mold. No responsibility is assumed for any such conditions, or for any expertise or engineering knowledge required to discover them.
10. The Americans with Disabilities Act ("ADA") became effective January 26, 1992. The appraisers have not made a specific compliance survey and analysis of this property to determine whether or not it is in conformity with the various detailed requirements of the ADA. It is possible that a compliance survey of the property, together with a detailed analysis of the requirements of the ADA, could reveal that the property is not in compliance with one or more of the requirements of the Act. If so, this fact could have a negative effect upon the value of the property. Since the appraisers have no direct evidence relating to this issue, possible noncompliance with the requirements of ADA in estimating the value of the property has not been considered.
11. Our opinion of value was based on the assumption of competent marketing and management regarding the Subject Property. If there is no competent marketing and management, then the value contained herein may not apply.



Subject Photos



VIEW OF SUBJECT PROPERTY ALONG INDIAN STREET



VIEW OF SUBJECT PROPERTY ALONG INDIAN STREET



Subject Photos



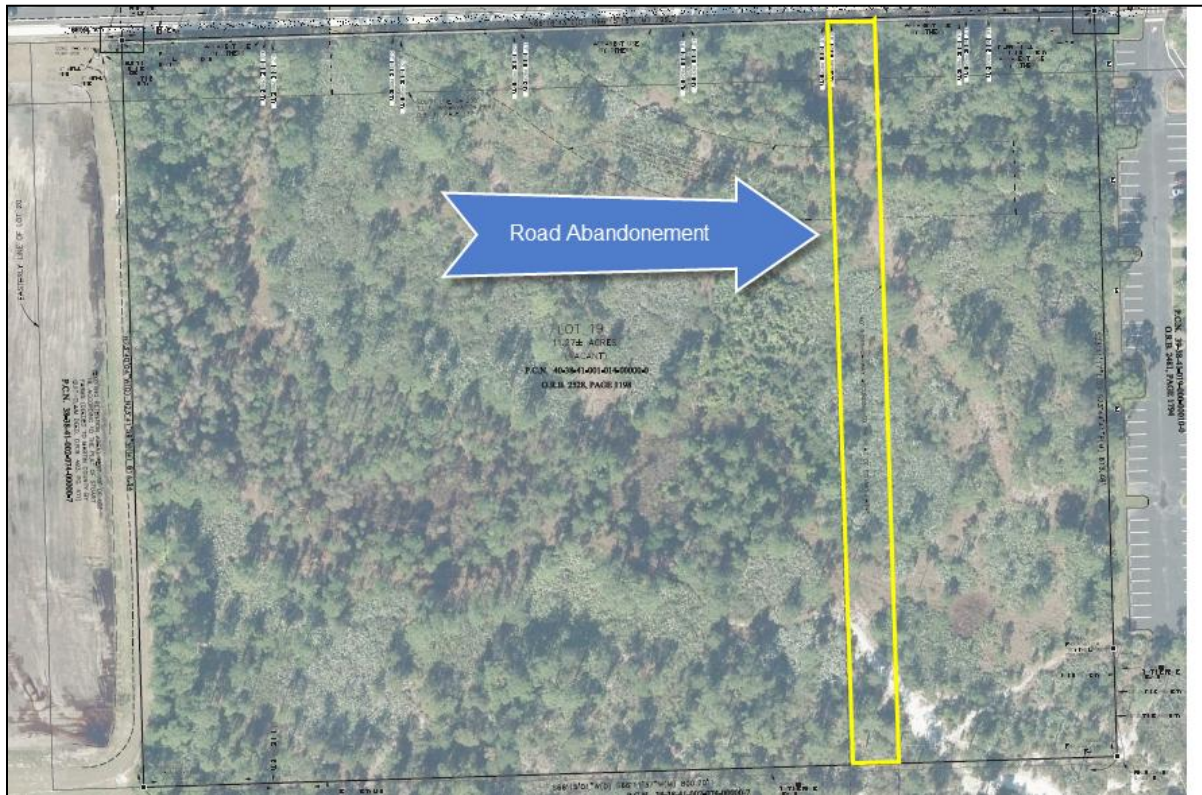
INTERIOR VIEW



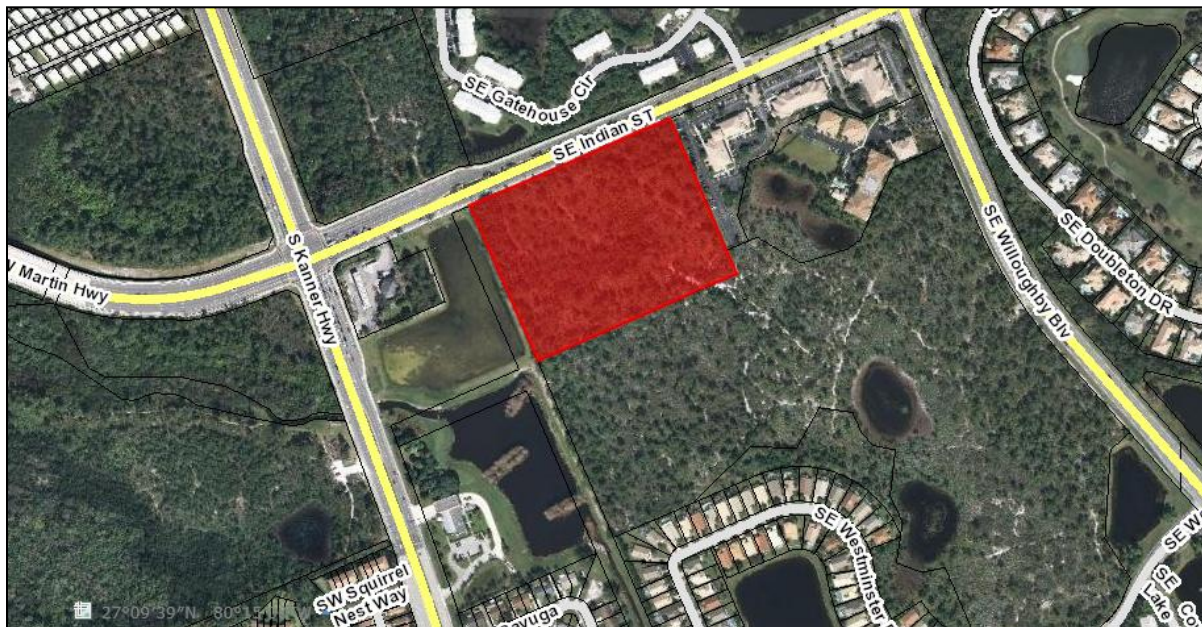
INTERIOR VIEW



Subject Photos



AERIAL PHOTO
(Right-of-Way Parcel in Yellow/Boundaries are Approximate)



AERIAL PHOTO



DEFINITION OF THE APPRAISAL PROBLEM

Purpose, Date of Value, and Interest Appraised

The purpose of this investigation and analysis was to provide our opinion of the Market Value of the Fee Simple Interest of the Subject Property as of September 13, 2016.

Intended Use and User of Appraisal

This report has been prepared for our client, Mr. Richard Olsen. The intended use was to assist the client in evaluation for abandonment and possible purchase. The scope of work performed is specific to the needs of the intended user and the intended use. No other use is intended, and the scope of work may not be appropriate for other uses.

Legal Description

LEGAL DESCRIPTION

A PARCEL OF LAND BEING A PORTION OF LOTS 14 AND 15, LYING SOUTH OF INDIAN STREET AND LOTS 18 AND 19 AND A PORTION OF THE FORMER 60 FEET WIDE ROAD RIGHT-OF-WAY THROUGH AFORESAID LOTS ACCORDING TO THE PLAT OF STUART FARMS, AS RECORDED IN PLAT BOOK 1, PAGE 83, PUBLIC RECORDS OF MARTIN COUNTY, FLORIDA; SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE POINT OF INTERSECTION OF THE CENTERLINE OF STATE ROAD 76 AND THE CENTERLINE OF INDIAN STREET; THENCE NORTH 66°18'43" EAST, ALONG SAID CENTERLINE OF INDIAN STREET, A DISTANCE OF 47.42 FEET; THENCE SOUTH 23°41'17" EAST, A DISTANCE OF 30.00 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF INDIAN STREET; THENCE NORTH 66°18'43" EAST ALONG SAID SOUTH RIGHT-OF-WAY LINE, A DISTANCE OF 602.34 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE NORTH 66°18'43" EAST ALONG SAID SOUTH RIGHT-OF-WAY LINE, A DISTANCE OF 799.73 FEET; THENCE SOUTH 23°41'17" EAST DEPARTING SAID SOUTH RIGHT-OF-WAY, A DISTANCE OF 613.46 FEET; THENCE SOUTH 66°15'01" WEST, A DISTANCE OF 799.95 FEET; THENCE NORTH 23°40'04" WEST, A DISTANCE OF 614.34 FEET TO THE POINT OF BEGINNING.

CONTAINING 11.27 ACRES, MORE OR LESS.

Client Provided

Market Value

"As defined in the Agencies' appraisal regulations, the most probable price which a property should bring in a competitive and open market under all conditions requisite to a fair sale, the buyer and seller each acting prudently and knowledgeably, and assuming the price is not affected by undue stimulus. Implicit in this definition are the consummation of a sale as of a specified date and the passing of title from seller to buyer under conditions whereby:

- a. Buyer and seller are typically motivated;
- b. Both parties are well informed or well advised, and acting in what they consider their own best interests;



Definition of the Appraisal Problem

- c. A reasonable time is allowed for exposure in the open market;
- d. Payment is made in terms of cash in U.S. dollars or in terms of financial arrangements comparable thereto; and
- e. The price represents the normal consideration for the property sold unaffected by special or creative financing or sales concessions granted by anyone associated with the sale."

Source: The Interagency Appraisal and Evaluation Guidelines, Federal Register, Volume 75, No. 237, December 10, 2010, Pgs. 61-62.

Hypothetical Conditions or Extraordinary Assumptions

No Hypothetical Conditions or Extraordinary Assumptions were made for the valuation of the Subject Property.

Marketing Time

The Dictionary of Real Estate Appraisal, Sixth Edition 2015, by the Appraisal Institute, defines Marketing Time on page 140 as follows:

"An opinion of the amount of time it might take to sell a real or personal property interest at the concluded market value level during the period immediately after the effective date of an appraisal. Marketing time differs from exposure time, which is always presumed to precede the effective date of an appraisal."

"Advisory Opinion 7 of the Appraisal Standards Board of The Appraisal Foundation and Statement on Appraisal Standards No. 6, "Reasonable Exposure Time in Real Property and Personal Property Market Value Opinions" address the determination of reasonable exposure and marketing time."

As in most markets, properties that are priced competitively and marketed professionally will sell before others which are not. Based on this, the Subject should have a marketing time of less than 12 months, provided adequate financing is available, the property is listed for sale at market value and is marketed by a competent brokerage firm.

Exposure Time

The Dictionary of Real Estate Appraisal, Sixth Edition 2015, by the Appraisal Institute, defines Exposure Time on page 83 as follows:

1. "The time a property remains on the market."



Definition of the Appraisal Problem

2. "The estimated length of time that the property interest being appraised would have been offered on the market prior to the hypothetical consummation of a sale at market value on the effective date of the appraisal. Exposure time is a retrospective opinion based on an analysis of past events assuming a competitive and open market."

There is a requirement under Standard Two to report exposure time according to the latest USPAP publication. "Exposure Time" is different for various types of property under different market conditions.

We have reviewed the exposure time on the sales contained in the Sales Comparison Approach in this appraisal. Based on that data and the current market, it is our opinion that the Subject Property would have had an exposure time of approximately 12 months or less.

Across the Fence Method

The Dictionary of Real Estate Appraisal, Sixth Edition 2015, by the Appraisal Institute, defines Across the Fence Method on page 3 as follows:

"A land valuation method often used in the appraisal of corridors. The across the fence method is used to develop a value opinion based on comparison to abutting land."

Across the Fence Value

The Dictionary of Real Estate Appraisal, Sixth Edition 2015, by the Appraisal Institute, defines Across the Fence Value on page 3 as follows:

"In the valuation of real estate corridors, the value concluded based on a comparison with adjacent lands before the consideration of any other adjustment factors."

**SCOPE OF WORK**

According to the 14th Edition of The Appraisal of Real Estate, page 38, "Scope of work encompasses all aspects of the valuation process, including which approaches to value will be used; how much data is to be gathered, from what sources, from which geographic area, and over what time period; the extent of the data verification process; and the extent of property inspection, if any."

The scope of work decision is appropriate when it allows the appraiser to arrive at credible assignment results and is consistent with the expectations of similar clients and the work that would be performed by the appraiser's peers in a similar situation."

The first step in the appraisal process involved defining the appraisal problem which included the purpose and date of value, determining the interest being appraised, intended use and user of the appraisal, and identifying the real estate (legal description). This step also determined if the appraisal were subject to any extraordinary assumptions or hypothetical conditions. In this case of the Subject Property, there were none.

The next step involved the inspection of the Subject Property on September 13, 2016 by Stephen G. Neill, MAI. The inspection allowed us to understand the physical components of the Subject Property. In addition to the inspection of the Subject Property, we also began the data collection process and, subsequently, an analysis of the factors that affect the market value of the Subject Property, including a market area analysis, neighborhood analysis, and property data analysis. We gathered and reviewed information from the Martin County Property Appraiser's Office and the City of Stuarts Planning Department. We also relied on information provided by the broker and surveyor.

The third step in the process was to determine the Highest and Best Use of the Subject Property as vacant and as improved. Through the Highest and Best Use analysis, we determined the issues that have an effect on the final opinion of value. To determine the Highest and Best Use, we relied on information obtained from the data collection process.

The fourth step was the application of the appropriate approaches to value. *No approaches were specifically omitted from this appraisal by the client.* However, for this assignment the Sales Comparison Approach was used to value raw land.

Since only one approach was used, no reconciliation of value was necessary.



NEIGHBORHOOD ANALYSIS

The relationship of the Subject Property with surrounding properties forms the basis of neighborhood analysis. The Appraisal of Real Estate, 14th Edition on page 165 states: "The boundaries of market areas, neighborhoods, and districts identify the areas that influence a subject property's value. These boundaries may coincide with observable changes in land use or demographic characteristics. Physical features such as structure types, street patterns, terrain, vegetation, and lot sizes help to identify land use districts. Transportation arteries (highways, major streets, and railroads), bodies of water (rivers, lakes, and streams), and changing elevation (hills, mountains, cliffs, and valleys) can also be significant boundaries."

Neighborhood Map



The neighborhood boundaries are defined to be as follows:

North:	SE Ocean Boulevard
South:	SE Pomeroy Street
East:	St. Lucie River
West:	S. Kanner Highway



Neighborhood Data

The neighborhood is considered to be the central portion of the City of Stuart and portions of unincorporated Martin County.

The predominant transportation routes for the neighborhood are as follows:

Major North-South: Federal Highway, Dixie Highway, Kanner Highway

Major East-West: Monterey Road, Indian Street, SE Ocean Boulevard

Uses along U.S. Highway 1 include office, fast food restaurants, neighborhood and community shopping centers, gas station/convenience stores, and several auto dealerships. In addition, a Wal-Mart Supercenter is located on the east side of U.S. Highway 1.

Commercial development within the City of Stuart is a significantly higher percentage than that of an average city of comparable size. This is due primarily to the fact that Stuart is the county seat and commercial hub for Martin County, servicing a market area much larger than the population of Stuart. Additionally, the main Martin Memorial Hospital campus is within the city limits.

Industrial development within the City of Stuart is typical of an average city of comparable size. Industrial properties are situated primarily along a corridor adjacent to the FEC Railroad and Dixie Highway with scattered industrial uses along SE Federal Highway.

Indian Street Bridge

This project was completed in November 2013. It involves a newer bridge crossing of the South Fork of the St. Lucie River in Martin County, to connect Palm City with the City of Stuart. The bridge begins at the SR 714 (Martin Downs Boulevard)/Florida's Turnpike intersection in Palm City and proceeds east to Willoughby Boulevard in Stuart. The corridor uses existing roadways as a footprint for the new alignment, by following CR 714 (Martin Highway) to the intersection with Mapp Road, then continuing along SW 36th Street to the River. On the east bank, the corridor picks up again at the Indian Street intersection with SR 76 (Kanner Highway) and proceeds east along Indian Street to Willoughby Boulevard. The ultimate crossing would serve as an alternate to SR 714 and the Palm City Bridge.

Conclusion

The City of Stuart will continue to be the hub of both governmental and commercial activity within Martin County. While growth within the city limits is hampered by a limited amount of current vacant land, there will continue to be revitalization and upgrading of existing properties. The continued growth in the unincorporated areas of Martin County will increase the demand for goods and services that are provided within the city limits of Stuart.

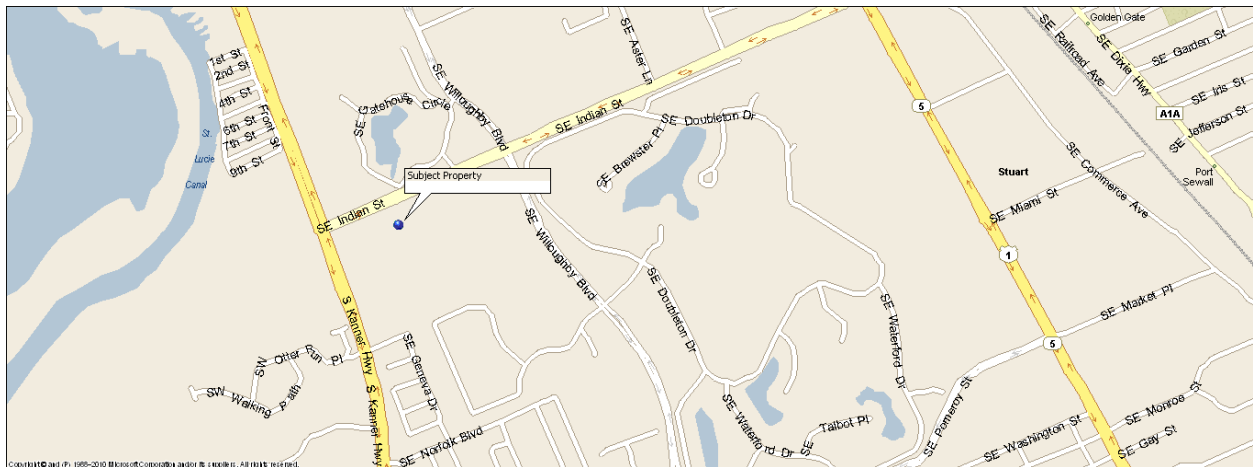


PROPERTY DATA

Location

The Subject Property is located along the south side of Indian Street, just west of Kanner Highway within the city limits of Stuart. A location map is located below for the reader's convenience.

Location Map



Zoning

The Subject Property has a zoning classification of R-PUD, Residential Planned Unit Development. According to the zoning department this PUD has expired and the zoning would fall to the current land use. According to the planner working on the project, they have submitted to update a portion of the site to R-PUD to allow for a memory care facility and C-PUD for a small retail outparcel.

Land Use

The Subject Property has a land-use classification of MF, Multi-Family Residential by the City of Stuart. This land-use classification allows for multi-family residential up to 15 units per acre with limited commercial.

Concurrency

In 1985, the Florida Legislature enacted the Local Government Comprehensive Planning and Land Development Regional Act (Chapter 163, Part II, Florida Statutes), commonly referred to as "The Growth Management Act".

In 2011, the state legislature rescinded this law, and now each county can address almost all of these factors as they wish. Sanitary sewer, solid waste, drainage, and

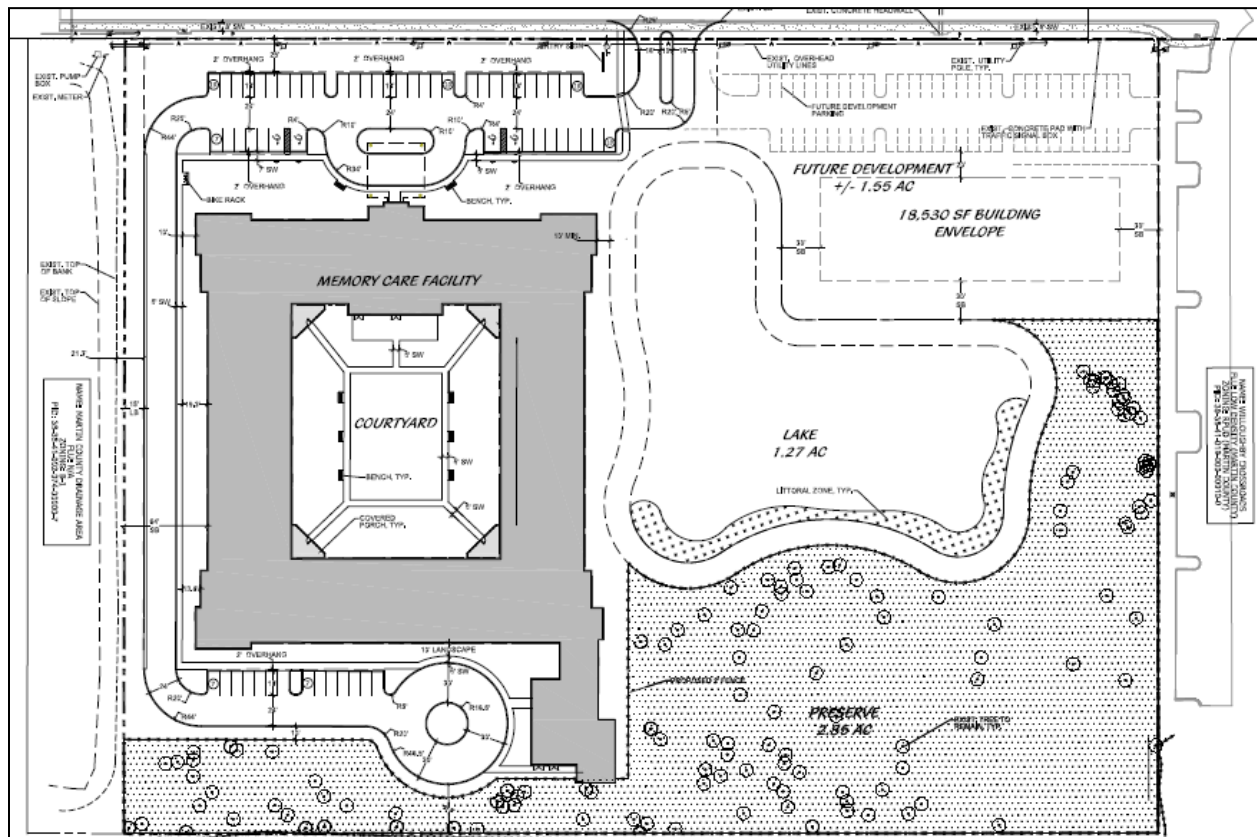


Property Data

potable water are the only public facilities and services subject to the concurrency requirement on a statewide basis. If concurrency is applied to other public facilities, the local government comprehensive plan must provide the principles, guidelines, standards, and strategies, including adopted levels of service, to guide its application. In order for a local government to rescind any optional concurrency provisions, a comprehensive plan amendment is required. An amendment rescinding optional concurrency issues is not subject to state review. To the best of our knowledge, we are not aware of any concurrency issues with the Subject Property.

Site Size, Shape and Access

The road abandonment is part of a larger 11.27-acre parcel that will be known as Clarity Pointe. The site is rectangular and has good access from Indian Street. Located below is a proposed site plan.





Property Data

Utilities

Currently the public water, sewer and electricity are available to the Subject Property.

Topography

The Subject Property appears to be at road grade and according to the national wetlands mapper there are no wetlands.



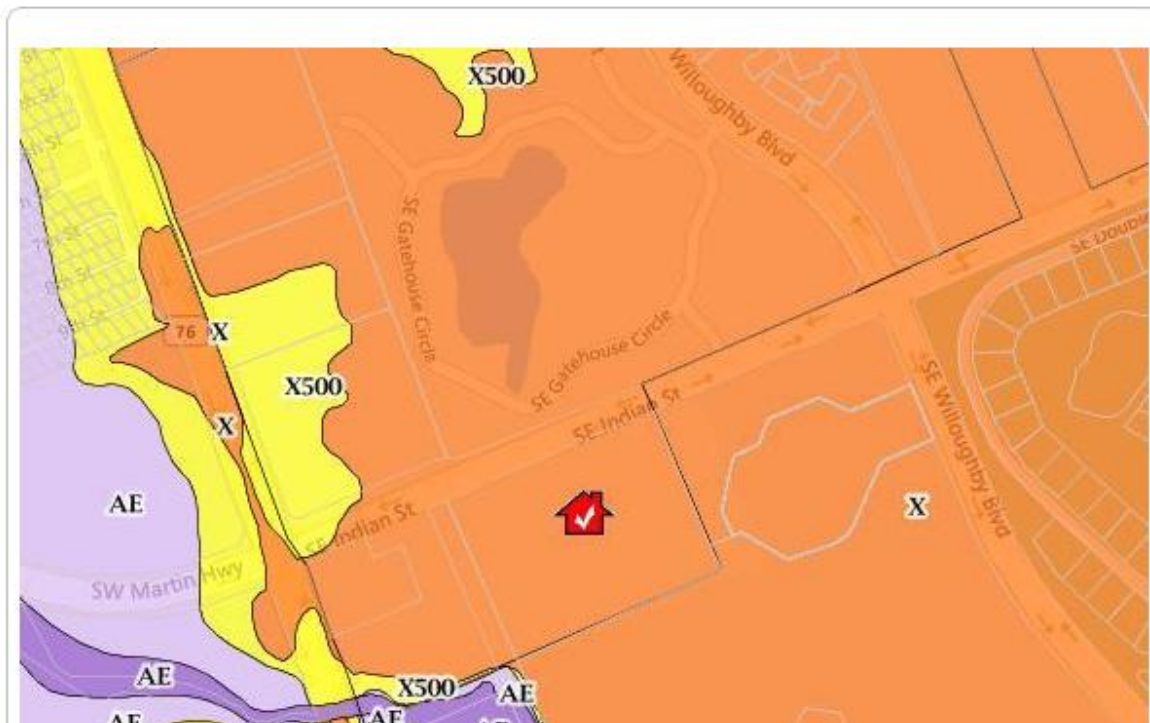


Flood Hazard Zone

Flood Zone Code	Flood Zone Panel	Panel Date
X	120165 - 12085C0161G	03/16/2015
Special Flood Hazard Area (SFHA)	Within 250 ft. of multiple flood zones?	Community Name
Out	No	STUART

Flood Zone Description:

Zone X-An area that is determined to be outside the 100- and 500-year floodplains.





Property Data

Assessed Value and Taxes

The total 2016 assessment value and the 2015 taxes for the Subject Property were as follows:

2016 Taxes							
Subject Property Parcel Control Number	Land Assessment	Building Assessment	Total Assessed Value	Total Just Value	Advalorem Taxes	Non-Advalorem Taxes	Total Taxes
40-38-41-001-014-00000.0000	\$832,250	\$0	\$832,250	\$832,250	\$14,902	\$108	\$15,011
Totals	\$832,250	\$0	\$832,250	\$832,250	\$14,902	\$108	\$15,011

* *It is noted that according to the contract price the assessed value may increase.*

Property History

The Subject Property is currently under the ownership of Treasure Coast Properties Investment. The current owner purchased the Subject Property in May 2011 for \$1,100,000. This property was purchased from Capstone Resdev, LLC which was a holding company for PNC/National City Bank.

The property is currently under contract for \$2,550,000. This includes approximately \$400,000 in prepaid impact fees. The property is being purchased for development of a memory care facility. The property was listed for \$2,750,000 prior to going under contract.



HIGHEST AND BEST USE

The Dictionary of Real Estate Appraisal, Sixth Edition 2015, by the Appraisal Institute defines Highest and Best Use on page 109 as follows:

1. "The reasonably probable use of property that results in the highest value. The four criteria that the highest and best use must meet are legal permissibility, physical possibility, financial feasibility, and maximum productivity."
2. "The use of an asset that maximizes its potential and that is possible, legally permissible, and financially feasible. The highest and best use may be for continuation of an asset's existing use or for some alternative use. This is determined by the use that a market participant would have in mind for the asset when formulating the price that it would be willing to bid. (IVS)"
3. "The highest and most profitable use for which the property is adaptable and needed or likely to be needed in the reasonably near future. (Uniform Appraisal Standards for Federal Land Acquisitions)."

Conclusion

It is our opinion that the Highest and Best Use of the Subject Property is for future mixed-use development in conjunction with neighboring parcels. The reasons for this conclusion are as follows:

1. The surrounding properties are generally zoned R-PUD, with an Multi-Family Future Land-Use Classification. The Subject is proposing to update the existing zoning to R-PUD and C-PUD. Both of these classifications allow for commercial development as well as residential development up to 15 units per acre.
2. The size, shape, and location of the Subject is ideal for a mixed-use development. The location has been upgraded by the recent opening of the Indian Street Bridge.
3. From all indications commercial and residential developments are financially feasible. Overall there appears to be demand for multi-family, medical office, and other similar type developments.
4. Given the Subject's current surrounding uses, it is our opinion that the maximally productive use of the Subject Property would be for future commercial/residential or mixed use development.



LAND VALUE ANALYSIS

According to the 14th Edition of The Appraisal of Real Estate on page 44, the valuation of land begins by identifying the real estate and property rights valued, any encumbrances, use restrictions, and the land's physical characteristics. An appraiser can use several techniques to obtain an indication of land value:

- Sales Comparison
- Extraction
- Allocation
- Subdivision Development
- Land Residual
- Ground Rent Capitalization

Usually the most reliable way to estimate land value is by sales comparison. When few sales are available, however, or when the value indications produced through sales comparison need additional support, procedures like extraction or allocation may be applied. In the case of the Subject Property the only approach used was the sales comparison approach.

Discussion of Vacant Land Sales

In order to estimate the value of the Subject site, a search was made for sales with development potential similar to the Subject and located along the waterfront. A search was made for commercial or mixed use land sales with similar location features and/or similar development potential.

We analyzed the Subject Property based on price per square foot basis, as this is the most recognized unit of comparison in this market. All of the comparables were considered with regard to property rights appraised, financing, conditions of sale, time or market conditions, location, size, quality, access and frontage, and zoning. The three comparable sales and current Subject Contract indicated a non-adjusted range from \$2.83 to \$5.42 per square foot.

Details of each sale along with a location map are located on the following pages. A sales chart and discussion follow.



Pending Land Sale 1



Property Identification

Record ID	3114
Property Type	Commercial, Office
Property Name	Clarity Pointe
Address	Stuart, Martin County, Florida
Location	South side of Indian Street, east of Kanner Highway
Tax ID	40-38-41-001-014-00000.000
Future Land Use	OP

Sale Data

Grantor	Treasure Coast Properties Investment
Grantee	Clarity Pointe Development Partners
Closing Date	October 01, 2016
Property Rights	Fee
Conditions of Sale	Arm's Length
Financing	Cash to Seller
Contract Price	\$2,550,000
Cash Equivalent	\$2,550,000
Downward Adjustment	\$500,000
Adjusted Price	\$2,050,000

Land Data

Zoning	RPUD, RPUD
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Land Size Information

Gross Land Size	11.270 Acres or 490,921 SF
------------------------	----------------------------

**Indicators**

Sale Price/Gross Acre \$226,264 Actual or \$181,898 Adjusted

Sale Price/Gross SF \$5.19 Actual or \$4.18 Adjusted

Remarks

The property is being purchased for the development of a memory care facility. The property included approximately \$500,000 in prepaid impact fees.

**Land Sale 2****Property Identification**

Record ID	3113
Property Type	Commercial, Office
Property Name	Treasure Coast Behavioral Health
Address	5995 SE Community Drive, Stuart, Martin County, FL
Tax ID	55-38-41-000-067-00030.10000
Future Land Use	COR

Sale Data

Grantor	Treasure Coast Properties
Grantee	Treasure Coast Behavioral Health
Sale Date	January 08, 2016
Deed Book/Page	2829/154
Property Rights	Fee
Conditions of Sale	Arm's Length
Sale Price	\$2,100,000
Cash Equivalent	\$2,100,000
Adjusted Price	\$2,100,000

Land Data

Zoning	PUD, PUD
Topography	Most Uplands
Utilities	All Available

**Land Size Information**

Gross Land Size 9.400 Acres or 409,464 SF

Indicators

Sale Price/Gross Acre \$223,404 Actual or \$223,404 Adjusted

Sale Price/Gross SF \$5.13 Actual or \$5.13 Adjusted

Remarks

The property is located behind the Martin Memorial Hospital, south of Salerno Road. The property was purchased for development of a psychiatric hospital. The first phase will be a 52,000 square feet, 80-bed facility and the second phase will be 20,000 square feet and 40 beds.

According to the broker the property had been balanced and retention was in-place. The buyer got the approvals and the seller waited to close until they had them. There were no wetlands as an area of the property were disturbed and could be used as retention.



Land Sale 3



Property Identification

Record ID	2879
Property Type	Commercial, Commercial Land
Address	6500 SE Federal Highway, Stuart, Martin County, Florida
Location	West side of SE Federal Highway and just north of Seabranche Boulevard
Tax ID	31-38-42-008-000-0003.0, Multiple Parcels

Sale Data

Grantor	FCB Treasure Coast LLC
Grantee	Ribbon Ventures LLC
Sale Date	June 26, 2015
Deed Book/Page	2793/1889
Property Rights	Fee
Conditions of Sale	Arm's Length
Financing	Cash to Seller
Sale Price	\$2,150,000
Cash Equivalent	\$2,150,000
Adjusted Price	\$2,150,000

Land Data

Zoning	PUD-C, Planned Development Commercial
---------------	---------------------------------------



Land Value Analysis

Topography	Generally level, heavily wooded
Utilities	All available
Shape	Irregular

Land Size Information

Gross Land Size	17.450 Acres or 760,122 SF
------------------------	----------------------------

Indicators

Sale Price/Gross Acre	\$123,209
Sale Price/Gross SF	\$2.83

Remarks

This is the sale of a 17.45-acre site that is part of the Mariner Village Square PUD. The property was marketed for over two years and was most recently listed at \$2,275,000 prior to selling at \$2,150,000. The buyer has had a preliminary site plan drawn that involves a possible 41,000± square foot Wal-Mart grocery store, Negotiations have been in place for a ground lease with Wal-Mart for near \$300,000 per year. Additionally, the buyer also plans on two out parcels, and approximately 3.80 acres for a residential care facility.

The site has an existing lake and small wetlands preserve that can be used in the sites retention plan.



Land Sale 4



Property Identification

Record ID	2902
Property Type	Commercial, Commercial Land
Address	7539 SW Lost River Road, Stuart, Martin County, Florida
Location	Just north of Kanner Highway and east of I-95
Tax ID	05-39-41-000-000-0013.0-4-0000

Sale Data

Grantor	95 Riverside LTD
Grantee	Ubinas LLC
Sale Date	May 22, 2015
Deed Book/Page	2785/1901
Property Rights	Fee
Conditions of Sale	Arms Length
Financing	Cash to Seller
Sale Price	\$1,880,000
Cash Equivalent	\$1,880,000
Adjusted Price	\$1,880,000

Land Data

Zoning	C-PUD, Commercial Planned Unit Development
Topography	Generally level and at road grade
Utilities	All available

**Land Size Information**

Gross Land Size 11.710 Acres or 510,088 SF

Indicators

Sale Price/Gross Acre \$160,546 Actual or \$160,546 Adjusted

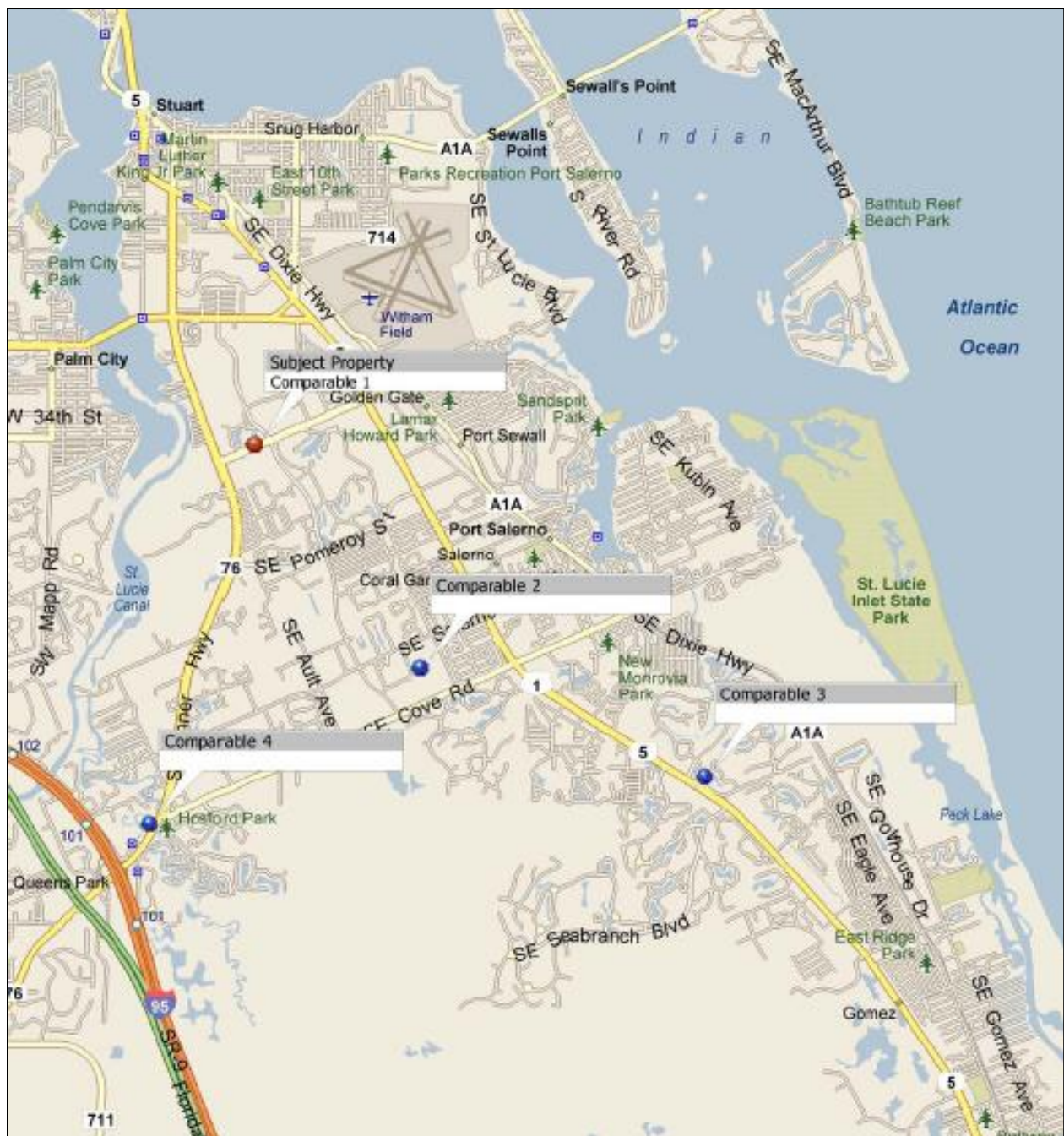
Sale Price/Gross SF \$3.69 Actual or \$3.69 Adjusted

Remarks

This is the sale of 11.72 acres of commercial zoned land as part of the 95 Riverside Commercial PUD located on the north side of Kanner Highway and east of I-95. The property was purchased as an investment and it was noted that full list price was paid.



Comparable Location Maps





Land Value Analysis

Discussion of Adjustments

We analyzed the Subject Property based on price per square foot basis, as this is the most recognized unit of comparison in this market. All of the comparables were considered with regard to property rights appraised, financing, conditions of sale, time or market conditions, location, size, quality, access and frontage, and zoning. The three comparable sales and current Subject Contract indicated a non-adjusted range from \$2.83 to \$5.42 per square foot.

Comparable Land Sales Clarity Pointe Callaway & Price, Inc. #16-75152					
Sale Number	Subject	1	2	3	4
Record ID #	-	3114	3113	2879	2902
ORBK/PG	-	Contract	2829-0154	2793-1889	2785-1901
Sale Price	-	\$2,050,000	\$2,100,000	\$2,150,000	\$1,880,000
Size Acres	11.270	11.270	9.400	17.450	11.710
Size - SF	490,921	490,921	387,131	760,122	510,088
Price/Square Foot	-	\$4.18	\$5.42	\$2.83	\$3.69
Location	South side of Indian Street, east of Kanner Highway	South side of Indian Street, east of Kanner Highway	South of SE Community Drive, north of SE Cove Road	6500 SE Federal Highway, just north of Seaboard Boulevard	7539 SW Lost River Road, north side of Kanner Highway east of I-95
City	Stuart	Stuart	Stuart	Stuart	Stuart
Arm's Length	Yes	Yes	Yes	Yes	Yes
Property Rights	Fee	Fee	Fee	Fee	Fee
Date of Sale (Contract)		Current	Jan-16	Jun-15	May-15
Date of Value	Sep-16				
Zoning/Land Use	RPUD/OP	RPUD/OP	PUD/COR	PUD-C/CG	C-PUD/CG
Time Interval (Months)		Current	8	15	16
Conditions of Sale	0%	0%	0%	0%	0%
Market Condition Adj.	0%	0%	0%	10%	10%
Adjusted Price Per SF	-	\$4.18	\$5.42	\$3.11	\$4.05
Physical Adjustments					
Location	0%	0%	0%	0%	0%
Size	0%	0%	0%	10%	0%
Site Quality	0%	0%	-10%	0%	0%
Access & Frontage	0%	0%	0%	0%	0%
Zoning	0%	0%	0%	0%	0%
Total Physical Adjustment	0%	0.00%	-10.00%	10.00%	0.00%
Adjusted Price Per SF	-	\$4.18	\$4.88	\$3.42	\$4.05

Average	\$4.13
Minimum	\$3.42
Maximum	\$4.88
Median	\$4.12



Property Rights Conveyed

All the sales in this analysis were transferred on a Fee Simple Estate basis, with the buyers receiving full property rights ownership. We are also unaware of any adverse deed restrictions or any other property rights limitations which would have affected the sales. Therefore, no adjustment was considered necessary for property rights conveyed.

Terms of Financing (Cash Equivalency)

The transaction price of one property may differ from that of a similar property due to atypical financing arrangements. In a case where favorable financing is established, a cash equivalency adjustment is often necessary. However, all of the sales analyzed herein involved either market terms or cash to Grantor. Therefore, no adjustments were made, nor any cash equivalency performed.

Additional Consideration

The contract of the Subject Property was adjusted down to consider the pre-paid items that are included in the contract. These include pre-paid impact fees and mitigation credits. These items were adjusted as we are valuing the fee simple interest of the land without consideration of these fees.

Conditions of Sale

Adjustments for conditions of sale usually reflect the motivations of the buyer and seller at the time of conveyance. Within the confirmation process, detailed attention was made to ensure the conditions of each sale. None were noted.

Expenditures Made

A knowledgeable buyer considers expenditures that will have to be made upon purchase of the property because these costs affect the price a buyer will pay. Our sales did not require any adjustments for expenditures made after the sale.

Time or Changes in Market Conditions

Market conditions generally change over time and may be caused by inflation, deflation, fluctuations in supply and demand, or other factors. The comparables occurred from May 2015 to a current pending contract. Comparables 4 and 5 are the oldest comparable and general market trends show that property values have slowly increased since this time period. Therefore, we have adjusted these comparables to note the increase in market conditions.



Location

All of the comparable properties have similar locations when compared to the Subject Property. Comparable 2 does not have the visibility of the Subject, however is located behind the hospital.

Size

The parent tract of the Subject Property contains 11.27 acres. The comparable sales indicate a range from 9.4 acres to 17.45 acres.

In our opinion, all of the sales are considered to be of similar size and no adjustments were necessary.

Site Quality

No adjustments were warranted.

Zoning

All of the comparables have similar commercial type zonings that allow for much of the same development uses. Therefore, we have not made any adjustments with regard to zoning.

Conclusion – Land Value Analysis

As can be seen on the comparable sales chart displayed earlier, the sales indicate an adjusted range from \$3.42 to \$4.88 per square foot, with an average indication of \$4.13 per square foot and median indication of \$4.13 per square foot. The best available data was analyzed and adjusted accordingly. After giving consideration to the adjusted values all of the comparable data and the current pending contract, it is our opinion the Market Value of the Subject site is best represented at \$4.25 per square foot.

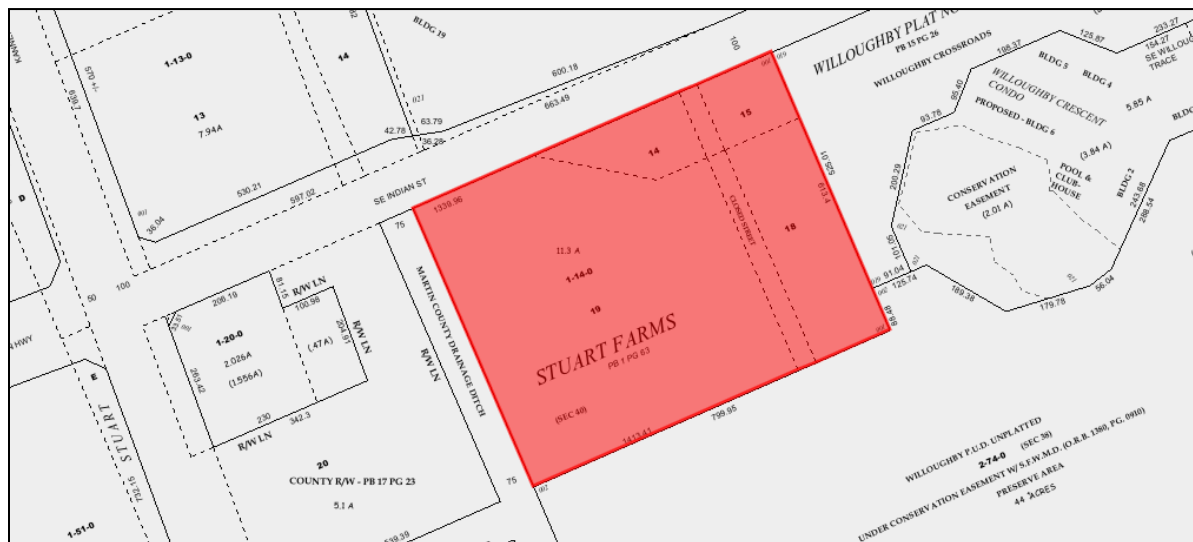


Road Dedication Abandonment Valuation

To determine the value of the road dedication abandonment we first must consider the original dedication. The road was originally dedicated in the 1920's as the Stuart Farms Plat. The roads were dedicated to the perpetual use of the public for streets and alleys. However, the property does revert back to the property owner whenever closed or discontinued by law. Given that the use is limited to streets and alleys only and reverts back to the property owners, this dedication is considered to be most similar to an easement and not fee simple title.

Said tract of land being subdivided into blocks and lots, the streets and alleys as shown on attached plat are hereby dedicated to the perpetual use of the public for the proper purposes, reserving however to ourselves, our heirs, administrators and assigns the reversion or reversions thereof whenever closed or discontinued by law.

From all indications this dedication for this platted area has been abandoned both to the north and south of the Subject Property. To the south of the Subject Property is the Willoughby PUD that is encumbered by a conservation easement and to the north there is a multi-family project that has vacated this dedication. Therefore, the dedication is only on the 11.27-acre Subject Property and does not have any public good other than to serve the Subject Property. It is worth noting that the Martin County GIS system has the property closed on their system.



Given that the area is encumbered by this dedication and would have some effect on developability, we have considered that it would have some value to the dedication owner (the city). In our opinion this most resembles an easement.

**Negative Effects on Easement**

- Area is only can be used for streets and alleys per dedication
- Area reverts back to the property owner per dedication
- The dedication of the roadway to the north and south have already been abandoned. No access lost to the public.
- Roadway would not serve the public, only the surrounding fee simple owner and the roadway would be at the cost of the property owner, not the city.

Positive Effects on Easement

- Dedication could affect the development of the site
- Dedication affects the clear title of the property, nuisance factor

To support a diminution in value due to the Fee Simple Estate, we have provided an easement matrix published by Donald Sherwood, MAI summarizing different findings and data for easement types. Donald Sherwood, MAI is qualified in Federal and Texas State Courts as an expert on real estate values. He was appointed Special Commissioner for County District Court in 1980. Mr. Sherwood published an Easement Valuation Article in Right-of-Way Magazine dated May/June 2006.

EASEMENT VALUATION MATRIX

Percentage of Fee	Comments	Potential Types of Easements
90% - 100%	<ul style="list-style-type: none">• Severe impact on surface use• Conveyance of future uses	<ul style="list-style-type: none">• Overhead electric• Flowage easements• Railroad right-of-way• Irrigation canals• Access roads
75% - 80%	<ul style="list-style-type: none">• Major impact on surface use• Conveyance of future uses	<ul style="list-style-type: none">• Pipelines• Drainage easements• Flowage easements
51% - 74%	<ul style="list-style-type: none">• Some impact on surface use• Conveyance of ingress/egress rights	<ul style="list-style-type: none">• Pipelines• Scenic easements
50%	<ul style="list-style-type: none">• Balance use by both owner and easement holder	<ul style="list-style-type: none">• Water or sewer lines• Cable line• Telecommunications
20% - 49%	<ul style="list-style-type: none">• Location along a property line, location across non-usable land area	<ul style="list-style-type: none">• Water or sewer line• Cable lines
11% - 25%	<ul style="list-style-type: none">• Subsurface or air rights that have minimal effect on use and utility• Location with a setback	<ul style="list-style-type: none">• Air rights• Water or sewer line
0% - 10%	<ul style="list-style-type: none">• Nominal effect on use and utility	<ul style="list-style-type: none">• Small subsurface easement



Land Value Analysis

In our opinion, the existing dedication has a "some limited impact" on the use of the site given that there is no reason for the municipality to ever build this roadway as the dedication to the north and the south has already been closed. However, this dedication does need to be cleared for future development of the site. Therefore, the existing dedication would fall into the 25% to 50% category. This indicates that the land value associated with the proposed road abandonment of the Subject Property is \$40,000. This is calculated as follows:

24,539 square feet (ROW Parcel) X \$4.25 psf X 25% Diminution = \$26,073

24,539 square feet (ROW Parcel) X \$4.25 psf X 50% Diminution = \$52,145

Rounded, \$40,000

ADDENDA



Callaway & Price, Inc.

Real Estate Appraisers and Consultants
www.callawayandprice.com
Licensed Real Estate Brokers

Please respond to Treasure Coast office
E-Mail: s.neill@callawayandprice.com

SOUTH FLORIDA

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Phone (561) 686-0333
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August 29, 2016

Mr. Richard Olson
CP – Stuart Development, LLC
4300 Legendary Drive, Suite 234
Destin, FL 32541

VIA EMAIL: megan@olsonlandpartners.com

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Fax (772) 461-0809

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Orlando, FL 32803
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Fax (321) 726-0384

Curtis L. Phillips, MAI
Cert Gen RZ2085
clp@cpmel.com

RE: Appraisal Fee Quote

Dear Mr. Olson:

We would be pleased to prepare an Appraisal of the Clarity Pointe property located on Indian Street in Stuart. It is our understanding that the purpose of this appraisal is to estimate the current Market Value of the Subject Property for road abandonment purposes.

This report will be prepared for CP – Stuart Development, LLC. The intended use is to assist the client for road abandonment purposes. The scope of work performed is specific to the needs of the intended user and the intended use. No other use is intended, and the scope of work may not be appropriate for other use.

The fee would be \$2,500. It is our policy to require a retainer and \$1,250 will suffice for this purpose. The balance of the fee will be due and payable upon delivery of the report. We will provide an electronic copy of the final report. Hard copies of the final report are available upon request.

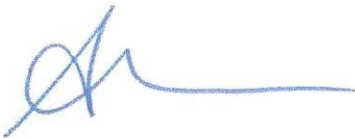
We will have the report completed in approximately two to three weeks from the day we receive your authorization and information requested; **be aware that delays in our receipt of information requested could postpone completion.**

Mr. Richard Olson
August 29, 2016
Page 2

If the above is agreeable to you, please sign below as our authorization and return it together with the retainer and information requested and we will begin work immediately. This agreement is subject to the Agreements and Conditions listed on the attached page, a copy of which should also be signed and returned to us. Our work will be done in accordance with the Appraisal Institute Code of Ethics and Standards of Professional Practice. Thank you for the opportunity to be of service.

Respectfully submitted,

CALLAWAY & PRICE, INC.



Stephen G. Neill, MAI
Cert Gen RZ2480

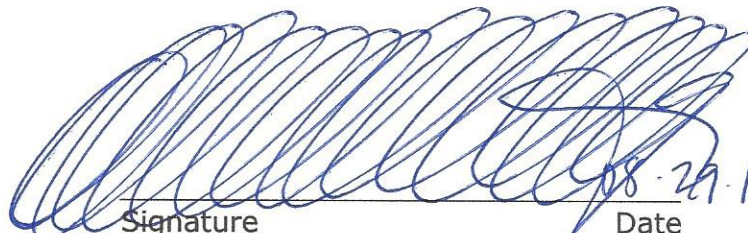
SGN:clw
Attachments

Client:

Accepted By\Date:

Name and Title (Printed or Typed):

Client Fed ID# or SS#:

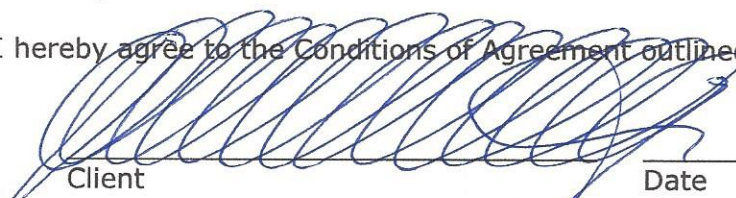


Signature _____ Date 08-29-16
RICK OLSON, MANAGER
81-2603412

Conditions of Agreement

1. Premise: The completed report shall comply with the professional and ethical standards of the Appraisal Institute. The report will be addressed to the Client, or as directed by the Client.
2. Compensation: The fee is due and payable as designated in the contract letter; the retainer is to be sent to the Appraiser along with the signed contract letter, which constitutes authorization to commence the assignment. The Appraiser's/Consultant's compensation is in no event contingent upon a predetermined value or conclusion.
3. Completion Date: Every effort will be made to deliver the report as per the specified date in the contract letter. If delays occur for reasons beyond the control of the Appraiser/Consultant, such as not receiving necessary data requested from the Client in a timely manner, changes in the scope of services of the assignment, acts of God, et cetera, the due date shall be extended.
4. Changes: The Appraiser/Consultant shall, to the best of his ability, complete the assignment in compliance with professional and ethical standards of the appraisal industry. Changes that are not in keeping with these standards will necessitate a new contract letter and renegotiation of the original fee, or billed on a time basis plus the original fee.
5. Cancellation: The Client may cancel this agreement by written notice, or telephone followed by written notice. Appraiser/Consultant shall submit a statement based on professional time and expenses accrued, if applicable, for all services expended to the date of cancellation.
6. Additional Report Copies: Additional copies will be furnished upon request, and prepayment of \$1.00 per page per report.
7. Collection: All fees and expenses are due upon delivery of the final report. A late charge of 1.5% per month shall be imposed on balances unpaid 30 days after the statement date. If collection efforts become necessary, all costs for same, including court costs and attorney's fees, will be added to the balance due. We are currently operating under an agreement with a collection agency, which charges us 53.8%. **If their collection services are required, Client's total balance due will be increased by 53.8%.**
8. Limiting Conditions: This agreement and the completed report shall be subject to the Limiting Conditions (included in said report).
9. Confidential Data: Data assembled for the assignment will remain the property of the Appraiser/Consultant. Data provided by the Client will be held in our file, unless otherwise instructed by the Client, and considered confidential. Appraiser/Consultant is authorized by the Client to disclose the report to appropriate representative of the Appraisal Institute to comply with the Bylaws and Regulations of this professional organization.

I hereby agree to the Conditions of Agreement outlined above.


Client

Date

08-29-16

QUALIFICATIONS



Qualifications – Stephen G. Neill, MAI

Professional Designations\Licenses\Certifications

Member, Appraisal Institute, MAI Designation #12248
Florida State-Certified General Real Estate Appraiser #RZ2480
Florida Licensed Real Estate Broker #BK-0660406
Associate Member, American Society of Farm Managers and Rural Appraisers
International Right of Way Association Certified Right of Way Appraiser R/W-A/C

Professional Experience

Principal, Callaway & Price, Inc. – Since January 2006
Appraisal Consultant, Callaway & Price, Inc. – 7/02 – 12/05
Appraisal Consultant, Diskin Property Research - 4/00 – 6/02
Appraisal Consultant, Callaway & Price, Inc. – 5/97 – 4/00

Education

Bachelor of Science Degree in Business/Real Estate, Florida State University
Associates of Arts Degree, Indian River Community College

Appraisal Institute Courses:

- 410 Standards of Professional Practice, Part A
- 420 Standards of Professional Practice, Part B
- 510 Advanced Income Capitalization
- 520 Highest and Best Use and Market Analysis
- 530 Advanced Sales and Cost Approaches
- 540 Report Writing
- 550 Advance Applications
- Analyzing Operating Expenses
- Appraisal from Blueprints and Specifications
- FHA and the Appraisal Process
- Real Estate Finance Statistics & Valuation Modeling
- Analyzing Distressed Real Estate
- Expert Witness
- An Appraiser's Introduction & Overview of the U.S. Hotel Industry
- Hotel Market Studies & Valuating – Using Hotel Valuation Software
- Fundamentals of Separating Real Property, Personal Property,
and Intangible Business Assets

International Right of Way Courses:

- 103 Ethics and the Right of Way Profession
- 400 Principles of Real Estate Appraisal
- 401 The Appraisal of Partial Acquisitions

USPAP – Biennial

Florida State Law for Real Estate Appraisers
Florida Law Update
Roles and Rules of Supervisors & Trainees
Appraisal Institute – Leadership Conference Participant



Qualifications – Stephen G. Neill, MAI

Qualified Expert Witness

Miami-Dade
Broward County
Indian River
Martin County
St. Lucie County
Bay County
US Bankruptcy Court, Middle District of Florida
Indian River County Special Magistrate – 2010, 2011, 2012 & 2013
St. Lucie County Special Magistrate – 2007, 2008, 2009, 2010, 2011, 2012 & 2013
Martin County – 2012 & 2013

Appraising\Consulting Expertise

ACLFs	Mobile Home Parks
Agricultural	Multifamily Residential
Aircraft Hangers	Office Buildings
Apartment Complexes	Ranchland
Branch Banks	Restaurants
Car Dealership	Retail Buildings
Citrus Groves	Salvage Yards
Condominium Projects	Single-Family Residential
Eminent Domain	Sports Complexes
Golf Courses	Subdivisions
Luxury RV Parks	Truckstops/Gas Stations
Marinas	Warehouses
Mining Operations	Vacant Land
Mini-Warehouses	Special Purpose Properties

Organizations and Affiliations

Rotary Member – Past President/Board of Directors
John Carroll High School Advisory Board
Treasure Coast Seminole Booster Club



Qualifications - Stephen G. Neill, MAI



**STATE OF FLORIDA
DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

FLORIDA REAL ESTATE APPRAISAL BD
1940 N. MONROE ST.
TALLAHASSEE FL 32399-0783

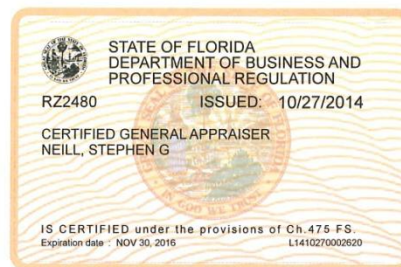
850-487-1395

NEILL, STEPHEN G
1803 S25TH STREET SUITE 1
FORT PIERCE FL 34947

Congratulations! With this license you become one of the nearly one million Floridians licensed by the Department of Business and Professional Regulation. Our professionals and businesses range from architects to yacht brokers, from boxers to barbeque restaurants, and they keep Florida's economy strong.

Every day we work to improve the way we do business in order to serve you better. For information about our services, please log onto www.myfloridalicense.com. There you can find more information about our divisions and the regulations that impact you, subscribe to department newsletters and learn more about the Department's initiatives.

Our mission at the Department is: License Efficiently, Regulate Fairly. We constantly strive to serve you better so that you can serve your customers. Thank you for doing business in Florida, and congratulations on your new license!





DETACH HERE

RICK SCOTT, GOVERNOR

KEN LAWSON, SECRETARY

STATE OF FLORIDA DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION FLORIDA REAL ESTATE APPRAISAL BD	
LICENSE NUMBER	
RZ2480	
The CERTIFIED GENERAL APPRAISER Named below IS CERTIFIED Under the provisions of Chapter 475 FS. Expiration date: NOV 30, 2016	
NEILL, STEPHEN G 500 SOUTH US HIGHWAY 1 SUITE 107 FORT PIERCE FL 34950	



ISSUED: 10/27/2014

DISPLAY AS REQUIRED BY LAW

SEQ # L1410270002620

EXHIBIT "A"

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE COUNTY OF MARTIN, STATE OF FLORIDA, AND IS DESCRIBED AS FOLLOWS:

A parcel of land being a portion of Lots 14 and 15, lying South of Indian Street and Lots 18 and 19 and a portion of the former 50 foot wide Right of Way through aforesaid Lots, according to the Plat of Stuart Farms, as recorded in Plat Book 1, Page 63, Public Records of Martin County, Florida; said parcel being more particularly described as follows:

Commence at the Point of Intersection of the centerline of State Road 76 and the centerline of Indian Street; thence North 66 degrees 44' 27" East, along said centerline of Indian Street, a distance of 47.42 feet; thence South 23 degrees 15' 53" East, a distance of 50.00 feet to the South Right of Way line of Indian Street; thence North 66 degrees 44' 27" East along said South Right of Way line, a distance of 602.34 feet to the Point of Beginning; thence continue North 66 degrees 44' 27" East along said South right of way line, a distance of 799.73 feet; thence South 23 degrees 15' 33" East departing said South right of way, a distance of 613.48 feet; thence South 66 degrees 40' 45" West, a distance of 800.20 feet; thence North 23 degrees 15' 33" West, a distance of 614.34 feet to the Point of Beginning.

Together with all existing or subsequently erected or affixed buildings, improvements and fixtures; all easements, rights of way, appurtenances; all water, water rights, water/courses and ditch rights (including stocks and utilities with ditch or irrigation rights); and all other rights, royalties and profits relating to the real property including without limitation all mineral, oil, gas, geothermal, similar matters and all rights relating to the real property in and to all impact fees, utility reservation fees and similar fees paid to governmental agencies in connection with the development of the property.

Point of
Commencement
FND. NAIL & WASHER
(UNNUMBERED) 0.3'
BELOW ASPHALT
(JULY 1994)
NOW DESTROYED

STATE ROAD 76

N66°18'43"E(D)
N66°15'19"E(M)
47.42'

S23°41'17"E(M)
S23°44'41"E(M)
50.00'

NORTHERLY LINE OF
LOT 20 ACCORDING TO
THE PLAT OF STUART FARMS
N66°18'43"E(D) N66°15'20"E(M) 602.34'

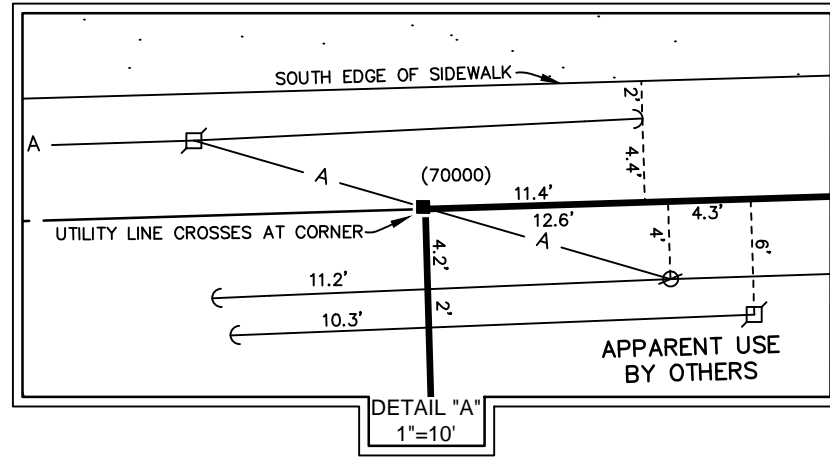
SOUTH R/W LINE
OF INDIAN STREET

EASTERLY R/W LINE OF S.R. 76
(AS SHOWN ON THE F.D.O.T. R/W
MAP FOR S.R. 76, SECTION 89060-2510(2511)
PAGES 13 & 14, LATEST REVISION 6-25-91)

EASTERLY LINE OF LOT 20

(EXISTING RETENTION AREA) WEST 75' OF LOT
19, ACCORDING TO THE PLAT OF STUART
FARMS (DEEDED TO MARTIN COUNTY, FLA.
QUIT-CLAIM DEED, 38-38-41-002-074-00000-7
P.C.N. 38-38-41-002-074-00000-7

N23°40'04"W(D) N23°41'58"W(M) 614.34'



NORTH LINE OF 200'
T.I.I.F. RESERVATION PER
D.B. 31, PAGE 137

CENTERLINE 100' R/W, O.R.B. 141, PAGE 350

S.E. INDIAN STREET

N66°18'43"E(D) N66°15'19"E(M) 799.72'

EXCEPTION 7
FORMER 60' RIGHT-OF-WAY ACCORDING TO THE PLAT OF
STUART FARMS, ABANDONED BY RESOLUTION OF THE
BOARD OF COUNTY COMMISSIONERS OF MARTIN COUNTY,
FLORIDA, O.R.B. 141, PAGE 350 &
O.R.B. 108, PAGE 240

SOUTH LINE OF 200'
T.I.I.F. RESERVATION PER
D.B. 31, PAGE 137

LOT 19
11.27± ACRES
(VACANT)

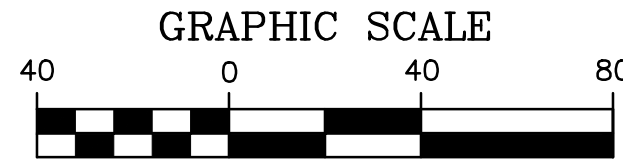
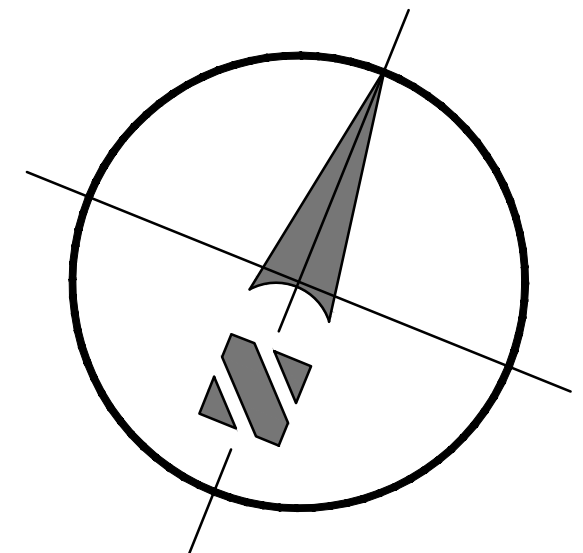
P.C.N. 40-38-41-001-014-00000-0

O.R.B. 2528, PAGE 1198

Subject Right of Way

P.C.N. 39-38-41-019-000-00010-0
O.R.B. 2481, PAGE 1794

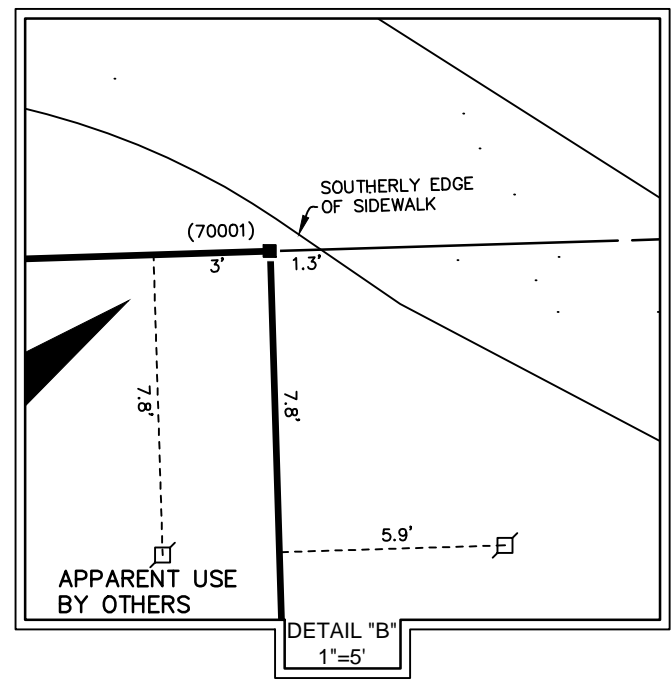
S23°41'17"E(D) S23°44'41"E(M) 613.48'



(IN FEET)
Intended display scale:
1 inch = 40 feet

LEGEND

- ⊙ = ELECTRIC LIGHT HANDHOLE
- = HANDRAIL
- = CHAINLINK FENCE
- = OVERHEAD UTILITY LINE
- ⊙ = WOOD POWER POLE
- ⊙ = CONCRETE POWER POLE
- = POLE ANCHOR
- = CONCRETE MONUMENT
- CONC. = CONCRETE
- = SIGN
- ⊙ = FIBER OPTIC MARK
- ⊙ = LIGHT POLE
- O.R.B. = OFFICIAL RECORDS BOOK
- R.C.P. = REINFORCED CONCRETE PIPE
- (TYP.) = TYPICAL
- T.I.F. = TRUSTEES INTERNAL IMPROVEMENT FUND
- (M) = MEASURED
- (D) = DEED



(70004)
FND 4"x4" C.M.
"PCP 3036" 94.3'
F 0.02'

1.4' INSIDE PROPERTY

CROSSES PROPERTY LINE

S66°15'01"W(D) S66°11'37"W(M) 800.20'

P.C.N. 38-38-41-002-074-00000-7
O.R.B. 1888, PAGE 1271

BOUNDARY SURVEY

GCY
INCORPORATED
PROFESSIONAL SURVEYORS AND MAPPERS
CERTIFICATE OF AUTHORIZATION LB 4108
CORPORATE OFFICE
PO BOX 1469 • 1505 SW MARTIN HWY.
PALM CITY, FL 34991
(800) 386-1066 • WWW.GCYINC.COM

BOUNDARY SURVEY FOR: CLARITY POINT DEVELOPMENT PARTNERS MARTIN COUNTY, FLORIDA			
Scale: 1"=40'	Date: JAN. 2016	File & Drawing No: 16-1001-01-01	
Drawn By: M.F.M.	Checked By: P.A.	Sheet 2 of 4	

No.	Revisions	Date	By

**CITY OF STUART, FLORIDA
AGENDA ITEM REQUEST
CITY COMMISSION**

Meeting Date:2/13/2017

Prepared by:Michael Mortell

Title of Item:

This is a request by the City Attorney for the City Commission to hold an Attorney-Client Meeting to discuss strategy regarding the pending litigation.

The suggested date and time is February 27, 2017

The cases to be discussed are:

City of Stuart v. Harborage - Case #13-922CA (status update)

Waters Edge v. City of Stuart - Case, USDC Case #13-14991

Northpoint Ventures, LLC, v. City of Stuart - Case# 2017- CA -0073

Attendees shall be the City Commissioners, the City Manager, and the City Attorney.

Summary Explanation/Background Information on Agenda Request:

The City Attorney desires to discuss strategy regarding the above referenced cases. In Harborage, the matter will be an update as to current status of case and discussion of further direction. In Waters Edge, the Plaintiff has filed an amended Complaint which shall be discussed. Northpoint is a new lawsuit filed against the City for Breach of Contract.

Funding Source:

N/A

Recommended Action:

Schedule meeting.