



A G E N D A
LOCAL PLANNING AGENCY / PLANNING ADVISORY BOARD
TO BE HELD FEBRUARY 16, 2017
AT 5:30 PM COMMISSION CHAMBERS
121 S.W. FLAGLER AVE.
STUART, FLORIDA 34994

LOCAL PLANNING AGENCY

Chair - Ryan Strom
Vice Chair - Susan O'Rourke
Board Member - Larry Massing
Board Member - Michael Herbach
Board Member - Li Roberts
Board Member - Bill Mathers
Board Member - John Leighton
Ex Officio - Garret Grabowski

ADMINISTRATIVE

Development Director, Terry O'Neil
Board Secretary, Michelle Vicat

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

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

CALL TO ORDER

ROLL CALL

ANNUAL BOARD REORGANIZATION

Annual LPA Board Reorganization

APPROVAL OF MINUTES

Approval of LPA Minutes

COMMENTS FROM THE PUBLIC (5 min. max)

COMMENTS FROM THE BOARD MEMBERS

OTHER MATTERS BEFORE THE BOARD

1. AN ORDINANCE OF THE CITY OF STUART, FLORIDA, AMENDING THE "BAKER ROAD COMMONS PUD" (ORDINANCE NO. 2312-2015), CONSISTING OF 3.02 ACRES, LOCATED AT 1440 NW FEDERAL HIGHWAY AND OWNED BY WYNNE BUILDING CORPORATION, A FLORIDA CORPORATION, SAID LAND BEING MORE FULLY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO; APPROVING AN AMENDED SITE PLAN; APPROVING CERTAIN DEVELOPMENT DOCUMENTS; DECLARING THE DEVELOPMENT TO BE CONSISTENT WITH THE COMPREHENSIVE PLAN OF THE CITY; APPROVING AMENDED DEVELOPMENT CONDITIONS AND A TIMETABLE FOR DEVELOPMENT; PROVIDING DIRECTIONS TO THE CITY CLERK; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

2. **ORDINANCE No. 2345-2017 AN ORDINANCE OF THE CITY OF STUART, FLORIDA, ANNEXING A PARCEL OF LAND FRONTING NW FEDERAL HIGHWAY (U.S. HIGHWAY 1) SOUTH OF AND ABBUTTING NORTH STUART BAPTIST CHURCH, CONSISTING OF 9.45 ACRES, SAID PARCEL BEING MORE FULLY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO; PROVIDING DIRECTIONS TO THE CITY CLERK; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.**

3. AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA AMENDING THE CITY'S COMPREHENSIVE PLAN; SPECIFICALLY AMENDING THE FUTURE LAND USE ELEMENT TABLE OF LAND USE DENSITIES AND INTENSITIES IN ORDER TO INCREASE THE MAXIMUM DENSITY CALCULATIONS FOR LOW DENSITY RESIDENTIAL, MULTI-FAMILY RESIDENTIAL, OFFICE/RESIDENTIAL AND EAST STUART DISTRICT TO PROVIDE FOR CONSISTENCY WITH THE CITY'S EXISTING MINIMUM LOT SIZE REQUIREMENTS; APPROVING TRANSMITTAL OF THE COMPREHENSIVE PLAN TO THE DEPARTMENT OF ECONOMIC OPPORTUNITIES (DEO) AND OTHER RELEVANT AGENCIES AND LOCAL GOVERNMENTS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR EFFECTIVE DATE, AND FOR OTHER PURPOSES.

4. AN ORDINANCE OF THE CITY OF STUART, FLORIDA AMENDING CHAPTER 2, SECTION 2.03.05, TABLE 3 "MAXIMUM DWELLING UNITS PER ACRE" OF THE CITY'S LAND DEVELOPMENT CODE, PROVIDING FOR CONSISTENCY WITH THE CITY'S EXISTING AND LONG-STANDING MINIMUM LOT SIZE REQUIREMENTS BY INCREASING THE MAXIMUM DENSITIES FOR THE R-1A, R-1, R-2, R-3, RPUD, B-1, CPUD AND URBAN DISTRICTS TO BE CONSISTENT WITH THE CITY'S COMPREHENSIVE PLAN; AMENDING CHAPTER 2, SECTION 2.07.00, "DESIGNATION OF PLANNED UNIT DEVELOPMENT (PUD); AMENDING CHAPTER 12, "DEFINITIONS", TO CLARIFY THE DEFINITION OF NET DENSITY AND DENSITY BONUS, DECLARING SAID AMENDMENTS TO BE CONSISTENT WITH THE CITY'S COMPREHENSIVE PLAN; PROVIDING FOR A SEVERABILITY CLAUSE, A CONFLICT CLAUSE AND CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

STAFF UPDATE

ADJOURNMENT

UPCOMING MEETINGS and EVENTS

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

Meeting Date:2/16/2017

Prepared by:Michelle Vicat

Title of Item:

Annual LPA Board Reorganization

Summary Explanation/Background Information on Agenda Request:

Elect Chair and Vice Chair

Funding Source:

N/A

Recommended Action:

Elect Chair and Vice Chair

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

Meeting Date:2/16/2017

Prepared by:Michelle Vicat

Title of Item:

Approval of LPA Minutes

Summary Explanation/Background Information on Agenda Request:

Approval of January 19, 2017 LPA Minutes

Funding Source:

N/A

Recommended Action:

Approve

ATTACHMENTS:

Description	Upload Date	Type
☐ LPA Mintues	2/10/2017	Cover Memo

MINUTES


**LOCAL PLANNING AGENCY/PLANNING ADVISORY BOARD MEETING
JANUARY 19, 2017 AT 5:30 PM
CITY COMMISSION CHAMBERS
121 S.W. FLAGLER AVE.
STUART, FLORIDA 34994**

LOCAL PLANNING AGENCY/PLANNING ADVISORY BOARD MEMBERS

**Chair - Ryan Strom
Vice Chair - Susan O'Rourke
Board Member - Larry Massing
Board Member – Michael Herbach
Board Member - Li Roberts
Board Member - Bill Mathers
Board Member - John Leighton
Ex Officio - Garret Grabowski**

**ADMINISTRATIVE
Development Director, Terry O'Neil
Board Secretary, Michelle Vicat**

CALL TO ORDER  **5:30 PM**


New Board Member Michael Herbach was sworn in by City Manager, Paul Nicoletti.  **5:37 PM**

ROLL CALL  **5:35 PM**

**Present: Susan O'Rourke, William Mathers, Larry Massing, John Leighton, Mike Herbach.
Absent: Ryan Strom, Li Roberts**

ANNUAL BOARD REORGANIZATION – Moved to the next meeting  **5:36 PM**

APPROVAL OF MINUTES

Approval of Minutes  **5:36 PM Motion: Action: Approve, Moved by John Leighton, Seconded by Larry Massing. Motion passed unanimously.**

COMMENTS FROM THE PUBLIC (5 min. max): None

COMMENTS FROM THE BOARD MEMBERS: None

OTHER MATTERS BEFORE THE BOARD

1. 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; 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

PRESENTATION: Terry O'Neil, Development Director  5:43 PM

PUBLIC COMMENT:

Ali Hamdan with his brother-in-law and partner Carlos Alvarez, business address 2225 SE Ocean Blvd., said they recently opened a smoke shop and they wanted to introduce themselves to the city government. He said they wanted to include themselves in the zoning efforts. They pride themselves in their retail environment and would like to remove the stigma from medical marijuana and its users and instead put the blame on drug addiction and irresponsible use on miseducation and emotional shortcomings. He said they've done research and are planning ahead and hope to grow their brand into a national one and hope to create a respectful open and ongoing relationship with their government as they await the state legislation to be announced.

BOARD COMMENT:

John Leighton asked if a doctor can prescribe medical marijuana now.

Terry O'Neil said he didn't know and thought his question was emblematic of the questions everyone has.

Paul Nicoletti, City Manager said a physician can prescribe but have to take a specific course and said today there are only 5 or 6 licensed companies that can dispense. He said this reflects the fact that they don't know how the state is going to treat this which is why they are presenting this ordinance. He said there is nothing in this ordinance to prevent the city from regulating sooner than a year if the state acts pretty quickly.

Bill Mathers asked if they will also look at the occupational permit requirements.

Terry O'Neil said they have a list of business tax receipts that are fixed and this would probably fit in one of those categories and it would be the Land Development Code that they would adopt the regulations.

Michael Herbach said he had a question on the wording which has marijuana treatment centers and also dispensaries and asked which one is correct.

Paul Nicoletti said it is definitional and the constitutional amendment uses treatment centers which is basically a dispensary.

MOTION:  5:51 PM **Motion: Action: Approve, Moved by Larry Massing, Seconded by John Leighton. Motion passed unanimously.**

2. AN ORDINANCE OF THE CITY OF STUART, FLORIDA AMENDING CHAPTER 2, SECTION 2.03.05, TABLE 3 "MAXIMUM DWELLING UNITS PER ACRE" OF THE CITY'S LAND DEVELOPMENT CODE, PROVIDING FOR CONSISTENCY WITH THE CITY'S EXISTING AND LONG-STANDING MINIMUM LOT SIZE REQUIREMENTS BY INCREASING THE MAXIMUM DENSITIES FOR THE R-1A, R-1, R-2, R-3, RPUD, B-1, CPUD AND URBAN DISTRICTS TO BE CONSISTENT WITH THE CITY'S COMPREHENSIVE PLAN; AMENDING CHAPTER 2, SECTION 2.07.00, "DESIGNATION OF PLANNED UNIT DEVELOPMENT (PUD); AMENDING CHAPTER 12, "DEFINITIONS", TO CLARIFY THE DEFINITION OF NET DENSITY AND DENSITY BONUS, DECLARING SAID AMENDMENTS TO BE CONSISTENT WITH THE CITY'S COMPREHENSIVE PLAN; PROVIDING FOR A SEVERABILITY CLAUSE, A CONFLICT CLAUSE AND CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES

PRESENTATION: Stephen Mayer, Senior Planner said Items 2 and 3 will be moved to the next meeting because of a noticing error but suggested he continue with the presentation, public and board comment.

PUBLIC COMMENT:

Karen Sayer who lives at 607 SE 6th St. read her reasons requesting denial of the request (which are attached to these minutes).

Chris Lowery of 320 SW Dyer Drive said these items seem similar about increasing density and asked if that is what they want. She said she's worried because they came from Miami and saw a commercial for Stuart and thought it was funny and wondered what it was that was needed here. She thought the challenge they faced was how you maintain a quality of life at the same time your property values and desirability and asked that they remember the impacts to nature.

BOARD COMMENT:

John Leighton asked for the definition of density and asked if they took out retention areas and easements dedicated for public use.

Stephen Mayer said they have taken it out of where it says "less than".

Larry Massing asked if it was a fair assessment that they applied the LDR over time based on those densities and there is a difference in the actual densities in the comp plan.

Stephen Mayer said there is the absolute scriveners error and the variances that have been granted over the years that have gone above and beyond even that much so they need to buffer in a bit of a density in the comp plan cap to allow the Board of Adjustment to provide variances.

Bill Mathers suggested adding the footnote to the chart "units per acre" and asked if existing lots are grandfathered regarding dwelling units per acre or do they have to comply with the new matrix.

Terry O'Neil said whether a lot is grandfathered or not depends as they use "lot of record" in the LDC and in 1967 when minimum lot sizes were adopted there were lots of smaller lot developments and what the code did is say as lots were combined if they met the new standard in 1967 as per minimum lot size you had to hold that together absent a variance from the BOA so some lots are grandfathered and others are not.

Paul Nicoletti said the reason that this has to be fixed on the Comprehensive Plan side is because it trumps the zoning code so they have to fix that side of it to do what they've been doing for years.

Susan O'Rourke said they are changing the low density to nine but the minimum lot size at nine is less than 5000 square feet to achieve nine and asked if she missed the value of the exercise.

Stephen Mayer said the decision to go to nine units per acre was to allow 50 foot lots which they do have in the city and has been granted with a variance where there is a hardship

MOTION:  **6:35 PM Motion: Tabled to February 8th, 2017, Action: Table, Moved by John Leighton, Seconded by William Mathers. Motion passed unanimously.**


3. AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA AMENDING THE CITY'S COMPREHENSIVE PLAN; SPECIFICALLY AMENDING THE FUTURE LAND USE ELEMENT TABLE OF LAND USE DENSITIES AND INTENSITIES IN ORDER TO INCREASE THE MAXIMUM DENSITY CALCULATIONS FOR LOW DENSITY RESIDENTIAL, MULTI-FAMILY RESIDENTIAL, OFFICE/RESIDENTIAL AND EAST STUART DISTRICT TO PROVIDE FOR CONSISTENCY WITH THE CITY'S EXISTING MINIMUM LOT SIZE REQUIREMENTS; APPROVING TRANSMITTAL OF THE COMPREHENSIVE PLAN TO THE DEPARTMENT OF ECONOMIC OPPORTUNITIES (DEO) AND OTHER RELEVANT AGENCIES AND LOCAL GOVERNMENTS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR EFFECTIVE DATE, AND FOR OTHER PURPOSES.

PRESENTATION:

PUBLIC COMMENT:

BOARD COMMENT:

MOTION:

ADJOURNMENT  **6:35 PM Motion: Action: Adjourn, Moved by John Leighton, Seconded by William Mathers. Motion passed unanimously.**

Susan O'Rourke, Chair

Michelle Vicat, Board Secretary

CITY OF STUART, FLORIDA AGENDA ITEM REQUEST Local Planning Agency

Meeting Date:2/16/2017

Prepared by:Stephen Mayer

Title of Item:

AN ORDINANCE OF THE CITY OF STUART, FLORIDA, AMENDING THE “BAKER ROAD COMMONS PUD” (ORDINANCE NO. 2312-2015), CONSISTING OF 3.02 ACRES, LOCATED AT 1440 NW FEDERAL HIGHWAY AND OWNED BY WYNNE BUILDING CORPORATION, A FLORIDA CORPORATION, SAID LAND BEING MORE FULLY DESCRIBED IN EXHIBIT “A” ATTACHED HERETO; APPROVING AN AMENDED SITE PLAN; APPROVING CERTAIN DEVELOPMENT DOCUMENTS; DECLARING THE DEVELOPMENT TO BE CONSISTENT WITH THE COMPREHENSIVE PLAN OF THE CITY; APPROVING AMENDED DEVELOPMENT CONDITIONS AND A TIMETABLE FOR DEVELOPMENT; PROVIDING DIRECTIONS TO THE CITY CLERK; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

Summary Explanation/Background Information on Agenda Request:

The subject property located on the northwest corner of Federal Highway and Palm Lake Park Drive is currently vacant and has been used periodically for seasonal Christmas tree sales.

On September 28, 2015, the City Commission approved Ordinance 2311-2015, annexing the property into the City. At the same time, they approved Ordinance 2312-2015, which adopted the "Baker Road Commons" CPUD, which granted the development of an 80-room hotel and 10,216 square feet of retail shops and offices.

The intent of this application is to amend the "Baker Road Commons" Commercial Planned Unit Development (CPUD). The previously approved site and landscape plans are being amended by removing the 10,216 square feet of retail and office, adding 26 hotel rooms (for a total of 106 rooms) to an expanded and relocated hotel and other minor site adjustments due to the relocation, including the elimination of a dumpster that was for the commercial space and a different circulation pattern around the centrally located hotel. The subject property is +/-3.02 acres or 131,551 square feet.

Staff has removed or amended certain conditions of approval that were specific to the commercial area. A condition of approval regarding the removal of the billboard has been added. Language has been added to ensure that the hotel shall not be converted to an extended stay hotel.

Finally, the time table of development has been extended 3 months, from September, 2019 to December, 2019.

The applicant has provided a letter detailing the substantive changes to the site plan (attached). In summary, the elimination of commercial space has reduced the potential traffic impacts. The relocation of the hotel to a more central location creates a more streamlined circulation pattern and does not require an emergency access only at the rear of the property. The proposed ingress and egress locations are requested to remain the same. The amount of open space and preserve area are relatively the same, although slightly reduced due to the full circular access around the building. The height of the hotel remains four stories and will not be any closer to the residential property to the north. The hotel is moving closer to the western edge of the property, however, the southern setback has been drastically increased. The architecture of the hotel has changed due to the selection of a specific hotel chain. The applicant will demonstrate the architectural changes do not constitute a reduction in architectural quality. Also, the applicant is conditioned to the same requirements to address aesthetic and safety concerns along Palm Lake Park Drive.

Funding Source:

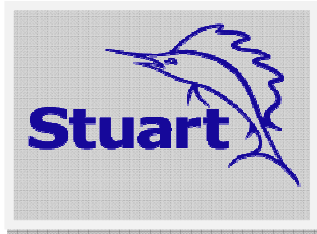
N/A

Recommended Action:

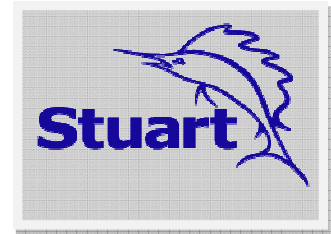
Staff recommends the LPA adopt a motion approving the project and recommending adoption of Ordinance 2343-2017 by the City Commission at first reading on February 27, 2017.

ATTACHMENTS:

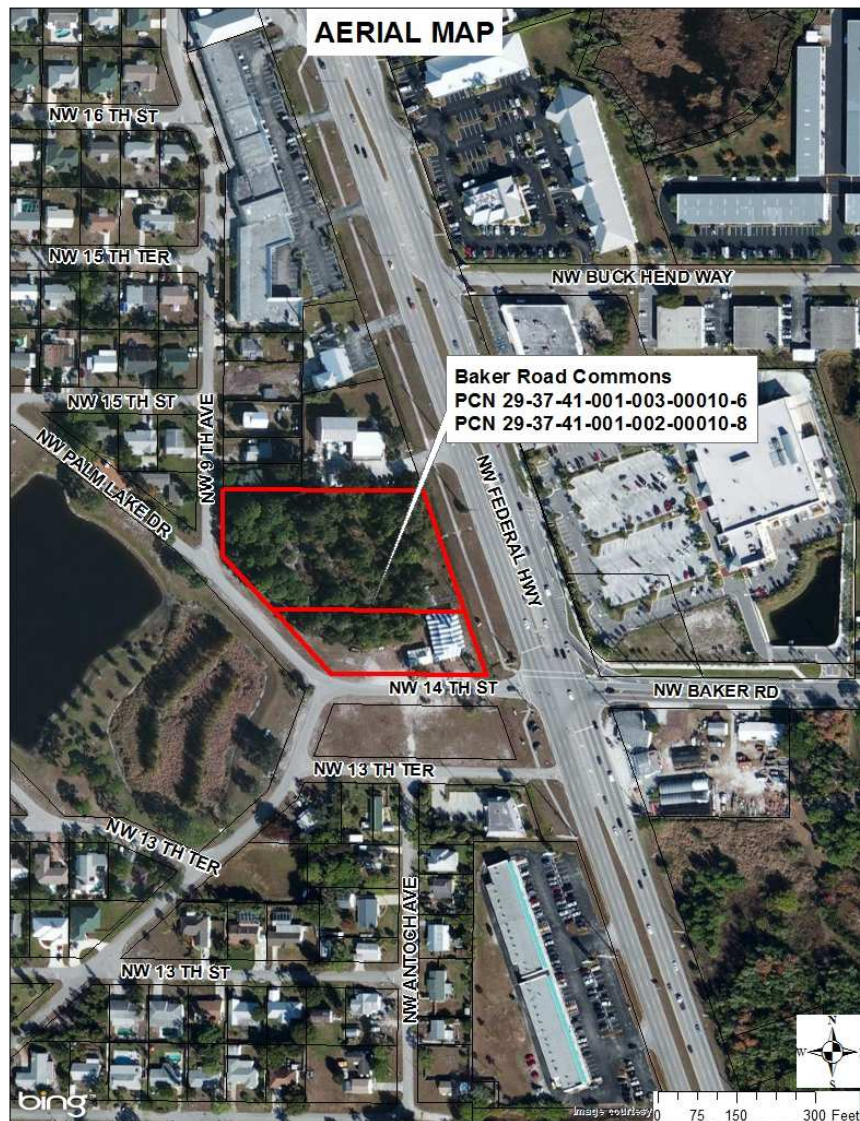
Description	Upload Date	Type
▣ Staff Report	2/9/2017	Staff Report
▣ Ordinance No. 2343-2017	2/9/2017	DRAFT ORDINANCE
▣ Site Plan and Survey	2/9/2017	Exhibit
▣ Landscape Plan pg 1	2/9/2017	Exhibit
▣ Landscape Plan pg 2	2/9/2017	Exhibit
▣ Floor Plan and Elevations	2/9/2017	Exhibit
▣ Traffic Statement	2/9/2017	Attachment
▣ Auto-Turn Exhibit	2/9/2017	Attachment
▣ Topology and Tree Survey	2/9/2017	Attachment
▣ Application Letter	2/9/2017	Attachment
▣ Application	2/9/2017	Attachment



CITY OF STUART
LOCAL PLANNING AGENCY
February 16, 2017



Project Name: Baker Road Commons CPUD Amendment (Hilton Suites)	Property Owners: Wynne Building Corporation
Project No.: Z17010004	Applicant/Petitioner: Joel Wynne
Ordinance No: 2343-2017	Agent/Representative: N/A
	Case Planner: Stephen Mayer
Location: At the northwest corner of NW 14 th Street and NW Federal Highway (U.S. 1) in unincorporated Martin County	
PCN #: 29-37-41-001-003-00010-6 and 29-37-41-001-002-00010-8	



PROJECT SUMMARY		
<i>Property Size (area)</i>		+/- 3.02 acres (2 Parcels)
<i>Present Use</i>		Undeveloped
<i>Subject Property Land Use</i>		Commercial
<i>Adjacent Future Land Use designation</i>	<i>North</i>	Martin County – Commercial/Office/Residential & Low Density
	<i>South</i>	Martin County – Commercial Limited
	<i>East</i>	City – Commercial
	<i>West</i>	Martin County – Recreational and Low Density
<i>Subject Property Zoning</i>		CPUD
<i>Adjacent Zoning District</i>	<i>North</i>	Martin County – COR-1 Commercial Office/Residential & R02B Single-Family Residential
	<i>South</i>	Martin County – LC (Limited Commercial)
	<i>East</i>	City – CPUD (Commercial Planned Unit Development)
	<i>West</i>	Martin County – R-2B (Single-Family Residential)
<i>Proposed Use</i>		Commercial – Hotel
<i>City Approvals</i>		Fire Department – Approved Public Works – Comments are in progress Police Department – Approved
<i>Brief Explanation</i>		The intent of this application is to amend the Commercial Planned Unit Development (CPUD) previously approved to include an 80-room hotel and 10,216 square feet of retail shops and office. The previously approved site and landscape plans are being amended by removing the 10,216 square feet of retail and office, adding 26 hotel rooms to an expanded and relocated hotel and other minor site adjustments due to the relocation, including the elimination of a dumpster and a different circulation pattern around the centrally located hotel. The subject property is +/-3.02 acres or 131,551 square feet. The property is currently undeveloped.
<i>Staff Recommendation:</i> Subject to the attached development conditions, staff offers no objection to the major amendment of the Baker Road Commons Commercial Planned Unit Development.		

STAFF REPORT AND RECOMMENDATION

I. LEGAL NOTICE REQUIREMENTS

A. Requirements for Application – The Applications for major amendment of the CPUD have been noticed in accordance with the requirements set forth in Sections 11.01.02, 11.01.07, 11.01.09 and 11.02.00 of the Land Development Regulations, as well as applicable sections in Florida Statutes Ch. 163, Part II and Ch. 171, Part II.

B. Site Posting Date: February 1, 2017

C. Mail Notice Postmark: February 1, 2017 to property owners within 300 feet

II. APPLICATION DATED (Attachment B): January 23, 2017

III. MAJOR RPUD AMENDMENT ORDINANCE NO. 2343-2017 See Exhibit A to this report.

IV. HISTORY OF THE SITE

In 2010, Martin County approved a Future Land Use Map amendment from Commercial Limited and Commercial Office/Residential to Commercial Limited, and a zoning district change to Limited Commercial for the larger of the two subject parcels (2.104 acres). The subject property has been used periodically for seasonal Christmas tree sales.

On September 28, 2015, the City Commission approved Ordinance 2311-2015, annexing the property into the City. At the same time, they approved Ordinance 2312-2015, which granted the Baker Road Commons CPUD, which granted the development of an 80-room hotel and 10,216 square feet of retail shops and offices.

V. STAFF ANALYSIS

A. Site and Area Characteristics (Attachment C)

The subject property consists of two undeveloped parcels totaling +/-3.02 acres in size located at the northwest corner of U.S. 1 and 14th Street, east of Palm Lake Park Subdivision, and west of the Baker Road Publix Plaza in unincorporated Martin County.

Direction	Current Use	Zoning	Future Land Use
North	Palm Lake Park Subdivision and office building (Eco Water Systems)	Martin County – COR-1 Commercial Office/Residential & R-2B Single-Family Residential	Martin County – Commercial/Office/Residential & Low Density
South	Undeveloped parcel	Martin County – LC Limited Commercial	Martin County - Commercial Limited
East	City – Publix Plaza	City – CPUD (Commercial Planned Unit Development)	City – Commercial

West	Martin County – Palm Lake Park Subdivision	Martin County – R-2B Single-family Residential	Martin County – Recreational & Low Density

B. Project Description

The subject property, consisting of two undeveloped parcels, is +/- 3.02 acres in size, containing five lots of record and an abandoned right-of-way (NW 21st Street). The subject property is located at the northwest corner of the U.S. 1 and NW 14th Street (aka: NW 20th Street) intersection, west of the Baker Road Publix Plaza. There is approximately 372 feet of frontage along U.S. 1, 298 feet of frontage along NW 14th Street (aka NW 20th Street), 310 feet along NW Palm Lake Drive, and 120 feet along NW 9th Avenue. The site is currently within unincorporated Martin County.

The proposed project is for an 80-room, four-story hotel and a stand-alone 10,216 square foot limited office/retail building. Specification regarding site and building design are discussed below in the applicable sections. The project is intended to be developed in one phase as shown in the summary tables of development below:

Use	Intensity	Building Height	Parking Required	Parking Provided
Hotel/Motel	80 room (11,615 square feet)	Four stories	114	116

Setbacks				Impervious Area	Open Space	Preserve Area (Existing and Restored)
F (East)	S (South)	S (North)	R (West)			
86'	134'	75'	90'	74,725 (57%)	56,869	33,026 (25.1%)

The applicant has provided a letter detailing the substantive changes to the site plan, dated January 5, 2016 (in error, should be 2017).

C. Land Development Code Standards

The application has been reviewed for consistency with the City's LDC. With regard to the proposed project, the following Land Development Regulations have been analyzed:

Chapter 2 – Zoning District Uses Allowed, Density and Intensity

Staff Analysis: The proposed development has been found in compliance with the applicable regulations pertaining to Planned Unit Developments (PUDs)

Chapter 4 – Concurrency Determinations

Staff Analysis: A Traffic Impact Analysis was provided and reviewed by the City's traffic consultant. It was determined that the project would not have a significant impact on adjacent roadways or exceed established Levels of Service.

Chapter 5 – Resource Protection

Staff Analysis: Twenty-five percent of the site is proposed for preservation of native habitat, retention of existing native plants (in situ) and native planting areas. All invasive and exotic trees and vegetation shall be removed from the site prior to development. It should be noted that if the parcel were developed under Martin County's Comprehensive Plan and Land Development Code, only 8.6% of the site would be held in preservation. This is due to the requirement of 25% of the 45,348 square feet of uplands being preserved, or 11,337 square feet, and not 25% of the entire site ($11,337/131,343 = 8.6\%$). There are no wetlands on the site. Gopher tortoises found on-site will be relocated via the appropriate state agency procedures.

Chapter 6 – On-site and off-site development standards

Staff Analysis: Proposed parking numbers and drive aisles meet the standards in Sec. 6.01.00 and are indicated on the site plan. The proposed plan has incorporated the use of pervious concrete in the required parking spaces and a pervious paver system in the drive aisles, designed to hold/percolate the 3-day, 25-year storm event. A 10' - 25'+ landscape buffer is supplied along the single-family property in the northwest corner of the site. The buffer shall include a 6' opaque, wood fence (with a minimum of 5' landscape planting on the residential side), with no structures, mechanical equipment, trash receptacles, etc., or internal driveways within 15' of the property line.

D. Technical Review by Other Agencies (Attachment D)

The applicant will be responsible to meet all federal, state and local permitting and environmental standards prior to the issuance of any building permits. Further, the applicant will also be required to demonstrate full compliance at all times.

VI. STAFF RECOMMENDATION (APPROVAL WITH CONDITIONS)

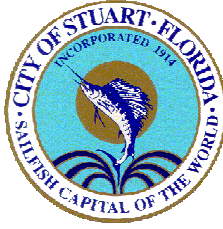
Subject to the conditions contained in the attached Ordinance No. 2343-2017, and consideration before the City Commission, staff recommends **approval** of the major amendment to the Baker Road Commons CPUD

VII. ATTACHMENTS

Attachment A: Proposed Ordinance No. 2343-2017

Attachment B: Application Materials

Application Form; and supporting information



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

ORDINANCE NUMBER 2343-2017

AN ORDINANCE OF THE CITY OF STUART, FLORIDA, AMENDING THE “BAKER ROAD COMMONS PUD” (ORDINANCE NO. 2312-2015), CONSISTING OF 3.02 ACRES, LOCATED AT 1440 NW FEDERAL HIGHWAY AND OWNED BY WYNNE BUILDING CORPORATION, A FLORIDA CORPORATION, SAID LAND BEING MORE FULLY DESCRIBED IN EXHIBIT “A” ATTACHED HERETO; APPROVING AN AMENDED SITE PLAN; APPROVING CERTAIN DEVELOPMENT DOCUMENTS; DECLARING THE DEVELOPMENT TO BE CONSISTENT WITH THE COMPREHENSIVE PLAN OF THE CITY; APPROVING AMENDED DEVELOPMENT CONDITIONS AND A TIMETABLE FOR DEVELOPMENT; PROVIDING DIRECTIONS TO THE CITY CLERK; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

* * * * *

WHEREAS, the City Commission approved Ordinance 2311-2015, annexing the property into the City and Ordinance 2312-2015, which granted the Baker Road Commons PUD on September 28, 2015, for development of an 80-room hotel and 10,216 square feet of retail shops and office; and

WHEREAS, the City Commission held a properly noticed hearing at a regularly scheduled City Commission to consider the application by Wynne Building Corporation, a Florida corporation, and the fee simple title holder to those lands located at 1440 NW Federal Highway in the northwest corner of its intersection with NW 14th Street; and

WHEREAS, the City Commission approved Ordinance 2343-2017 amending the “Baker Road Commons CPUD” to remove the 10,216 square feet of commercial from the CPUD, add 26 rooms to the hotel (for a total of 106 hotel rooms), establish a new site plan, new conditions of approval and re-establish the timetable of development; and

WHEREAS, the Applicant has committed to the City that its development will comply with all statutory requirements, and development codes, plans, standards and conditions approved by the City Commission; and that it will bind its successors in title to any such commitments made upon approval of the CPUD; and

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

WHEREAS, the City Commission has determined the application is consistent with the overall planning and development goals and objectives of the City; and

WHEREAS, the CPUD is consistent with the Stuart Comprehensive Plan and the development will be in harmony with surrounding properties and their anticipated development.

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

SECTION 1. The foregoing recitals are true and adopted as findings of fact and conclusions of laws.

SECTION 2. The legal description of the property, reflecting the 3.02 acre parcel, is set forth in **Exhibit “A”** attached hereto and made hereof by reference. A boundary survey depicting the Property is attached hereto as **Exhibit “B”** and made a part hereof by reference. The conditions of development for the property are attached hereto as **Exhibit “C”** and made a part hereof by reference, and each shall constitute one of the development documents.

SECTION 3. The Owners' written acceptance of this Ordinance shall constitute an agreement with the City for the purposes expressed herein, but the same shall not be construed as a "Development Agreement", as provided in Section 163.3221, Florida Statutes.

SECTION 4. The following documents on file as public records of the City, at the office of the City Development Department in City Hall, and attached hereto as Exhibit "D", hereinafter the "Development Documents", shall be deemed a part of the development conditions applicable to the Property, and shall replace any earlier approvals:

1. **The project shall comply with the Site Plan by Giangrande Engineering and Planning, last revised 11.17.16.**
2. **The project shall comply with the Landscape by LPLA, Inc. last revised 12/29/2016.**
3. **The project shall comply with the architectural drawings by Hilton Worldwide.**

SECTION 5. Except as otherwise provided herein, no development permits, site permits, or building permits shall be issued by the City except in compliance with the City's Land Development Code. The failure of the owner to comply with the Development with any term or condition of development set forth in this ordinance shall be deemed a zoning violation and no further permits, or other development approvals or orders shall be issued by the City to the owner until the violation has been resolved, and the matter may become the subject of a code enforcement action brought by the City. This section shall not impair the due process or other legal rights of the Owner to seek administrative or judicial redress.

SECTION 6: Following the adoption and acceptance of this ordinance by the Owner, and in addition to any other action for failure to complete development or otherwise comply with the Development Documents, the City Development Director may obtain a hearing before the City Commission, and shall thereupon give at least five (5) days written notice of the time, date and location of the hearing, along with specific notice of the alleged breach. At the hearing

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

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

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

SECTION 7: All ordinances or parts of ordinances in conflict with this ordinance or any part thereof is hereby repealed to the extent of such conflict. If any provision of this ordinance conflicts with any contractual provision between the City and the developer of the site, this ordinance shall prevail.

SECTION 8: If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared severable.

Ordinance 2343-2017
Baker Road Commons
CPUD Amendment

SECTION 9: This ordinance and agreement shall be effective upon the last of the following to occur: adoption by the City Commission, and proper execution and acceptance by the Owner.

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

PASSED on First Reading this _____ day of _____, 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:

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

YES	NO	ABSENT

ADOPTED on second and final reading this _____ day of _____, 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 COMMERCIAL 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 COMMERCIAL 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:

WITNESSES:

Print Name: _____

By: _____

Print Name: _____

OWNERS ACKNOWLEDGMENT

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

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 THOMAS F. CAMPENNI, 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 _____

EXHIBIT A – LEGAL DESCRIPTION

Lots 1 and 2, Block 3, of the Plat of PALM LAKE PARK, according to the Plat thereof, recorded in Plat Book 3, Page 41, of the Public Records of Martin County, Florida, together with the North one-half (N 1/2) of abandoned North 21st Street, lying adjacent to said Lots 1 and 2, Block 3, and Lots 1, 2 and 3, Block 2, PALM LAKE PARK, according to the Plat thereof, recorded in Plat Book 3, Page 41, Martin County, Florida Public Records, and the South one-half (1/2) of that portion of North 21st Street that lies between U.S. Highway No. 1 and North Cuthbert Road, as shown on the Plat of PALM LAKE PARK, according to the Plat thereof recorded in Plat Book 3, Page 41, Martin County, Florida Public Records.

Parcel Identification Numbers: 29-37-41-001-003-00010-6
29-37-41-001-002-00010-8

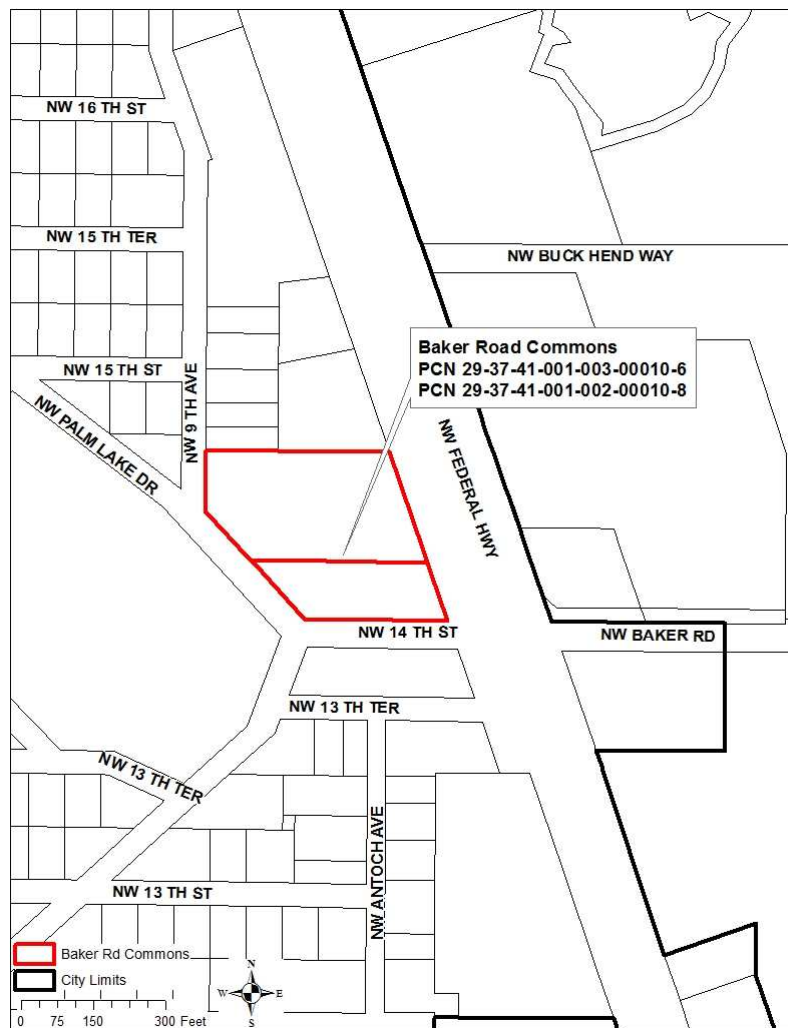


EXHIBIT B – DEVELOPMENT CONDITIONS

Approved Plans and Documents

4. The project shall comply with the Site Plan by Giangrande Engineering and Planning, last revised 11.17.16.
5. The project shall comply with the Landscape by LPLA, Inc. last revised 12/29/2016.
6. The project shall comply with the architectural drawings by Hilton Worldwide.

Permitted Uses

4. The project has been approved as a 106-room four-story hotel. The hotel rooms shall not be approved for extended stay.

Prior to Issuance of Site Permits

5. Applicant shall provide an up-to-date digital boundary survey and civil plan prior to the issuance of a site permit.
6. Civil Plans shall be reviewed and approved by all applicable City departments prior to the issuance of a site permit.
7. All regulatory agency permits shall be obtained by the applicant and copies provided to the City prior to the issuance of a site permit.
8. A lighting plan for the site shall be submitted prior to site permit approval. Lighting poles shall not exceed 15 feet in height. Lighting shall include shields to direct the light away from the residential property to the north of the property and shall not exceed 0.1 foot-candles as measured at the common boundaries. Light-Emitting Diode (LED) lighting is recommended.
9. In accordance with Section 5.04.02.B of the LDC, details regarding the proposed restoration, including any proposed re-planting of native vegetation in areas left devoid of exotic vegetation removal, shall be provided.
10. A Preserve Area Management Plan (PAMP), in accordance with LDC Section 5.04.03, shall be submitted and approved prior to the issuance of a site permit. A Florida Land Use, Cover, and Forms Classification System category summary of the acreages of each land cover type for the site shall be provided in order to finalize the preservation area calculations.
11. A tree survey and tree mitigation requirements in accordance with Section 5.05.00 shall be provided. This information shall, at a minimum, include: a) field-flag, identify, and account for all specimen trees located in the proposed developed portion of the site to

allow for field review of the tree survey; and b) detailed impact and mitigation calculations.

12. Verification of gopher tortoise relocation in accordance with Florida Fish and Wildlife Conservation Commission shall be provided.
13. A Declaration of Unity of Control between the two parcels (PCN 29-37-41-001-003-00010-6 and PCN 29-37-41-001-002-00010-8) shall be recorded with the Martin County Property Appraiser prior to the issuance of a certificate of occupancy.
14. Prior to any vertical construction permit approval, the applicant shall submit an off-site improvement plan showing dedication of all of the items required by Martin County and FDOT, and that all applicable County-issued or FDOT-issues right-of-way permits have been granted. Prior to Certificate of Occupancy, all off-site improvements required by Martin County and FDOT shall be installed.

Landscaping

15. All landscape areas shall be provided with an irrigation system of sufficient capacity to maintain the landscaping in a healthy growing condition.
16. The City's landscape inspector shall have the opportunity to inspect all trees and/or landscape material with the landscape architect prior to installation. The developer shall bear the pass-thru fee for landscape consulting fees not to exceed \$1,500.00.
17. A landscape maintenance plan, executed in accordance with the LDC, shall be submitted to the Development Department and approved prior to the issuance of a certificate of occupancy.
18. "Hat racking" of trees is prohibited on the property.

Development and Construction

19. Construction activity shall be limited from 7:00 am to 6:00 pm Monday - Saturday.
20. Erosion and dust control measures to be implemented during construction shall be provided on the civil plans and submitted during site permit review. Water trucks shall be provided by the applicant as necessary during construction in order to reduce dust generated on-site.
21. One bike rack and one bench, in accordance with Section 6.01.05.G of the Land Development Code (LDC), shall be provided for the site prior to issuance of certificates of occupancy.
22. Signage shall be appropriately permitted and constructed in compliance with the applicable regulations in Section 6.11.00 of the LDC.

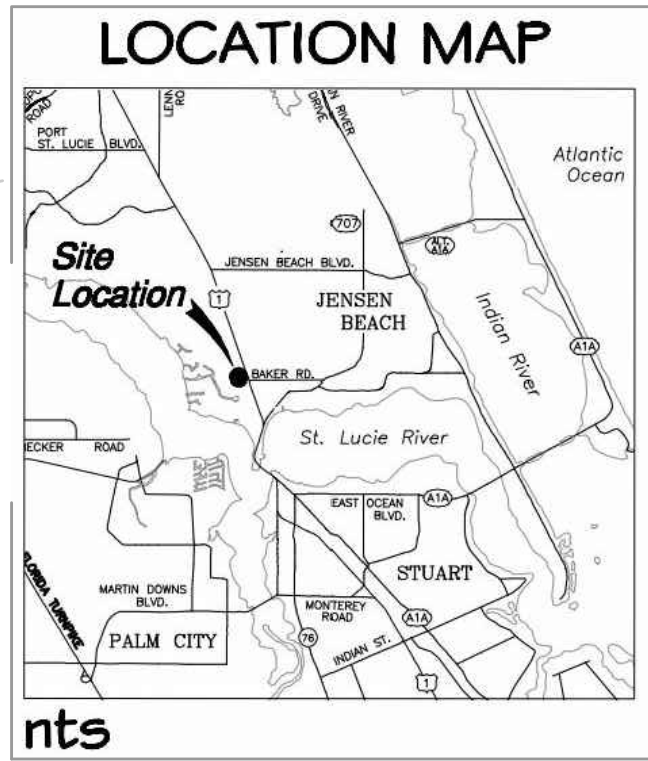
Ordinance 2343-2017
Baker Road Commons
CPUD Amendment

23. If requested by the County, the applicant shall be responsible to pay for storm water utilities charges owed to the County thru MSTU taxes.
24. Any curb or road damage during construction shall be repaired or replaced at the expense of the owner prior to the issuance of a Certificate of Occupancy.
25. Prior to development approval, the applicant shall remove the existing non-conforming billboard from the property.

Timetables

26. The project shall obtain certificates of occupancies for the hotel no later than December 28, 2019 (*Note: four years from date of Commission approval*).

PRESERVE AREA CALCULATION
TOTAL SITE AREA = 131,343 S.F.
REQUIRED 25% PRESERVE = 32,835 S.F.
PROVIDED 25.1% PRESERVE= 33,026 S.F.



SITE DATA	SQ. FT.	AC	PCT
TOTAL SITE AREA	131,594	3.02	100%
IMPERVIOUS			
BUILDINGS (HOTEL)	14,868	0.34	11%
ASPHALT	44,046	1.01	33%
POOL / POOL DECK	15,591	0.36	12%
SIDEWALK	220	0.01	0%
TOTAL	74,725	1.72	57%
PERVIOUS			
GREEN SPACE	56,869	1.31	43%
TOTAL	56,869	1.31	43%

PARKING TABULATION
1 PER ROOM @ 106 ROOMS= 106 SPACES
2 PARKING SPACES PER 3 EMPLOYEES @12= 8 SPACES
TOTAL SPACES REQUIRED 114 SPACES

REQUIRED HANDICAP SPACES 5 SPACES
TOTAL PROVIDED PARKING SPACES 116 SPACES
HANDICAP SPACES PROVIDED 5 SPACES

ZONING.....CPUD
EXISTING USE.....VACANT

REFER TO ARCHITECTURAL PLANS FOR ELEVATIONS AND FLOOR PLANS.

WYNNE COMMERCIAL
HILTON SUITES OF STUART
CITY OF STUART

SITE PLAN

GIANGRANDE ENGINEERING AND PLANNING

73 SW FLAGLER AVENUE
STUART, FLORIDA 34994
PH. (703) 999-8972

LEO GIANGRANDE, P.E.
License No: 66387

SP-1

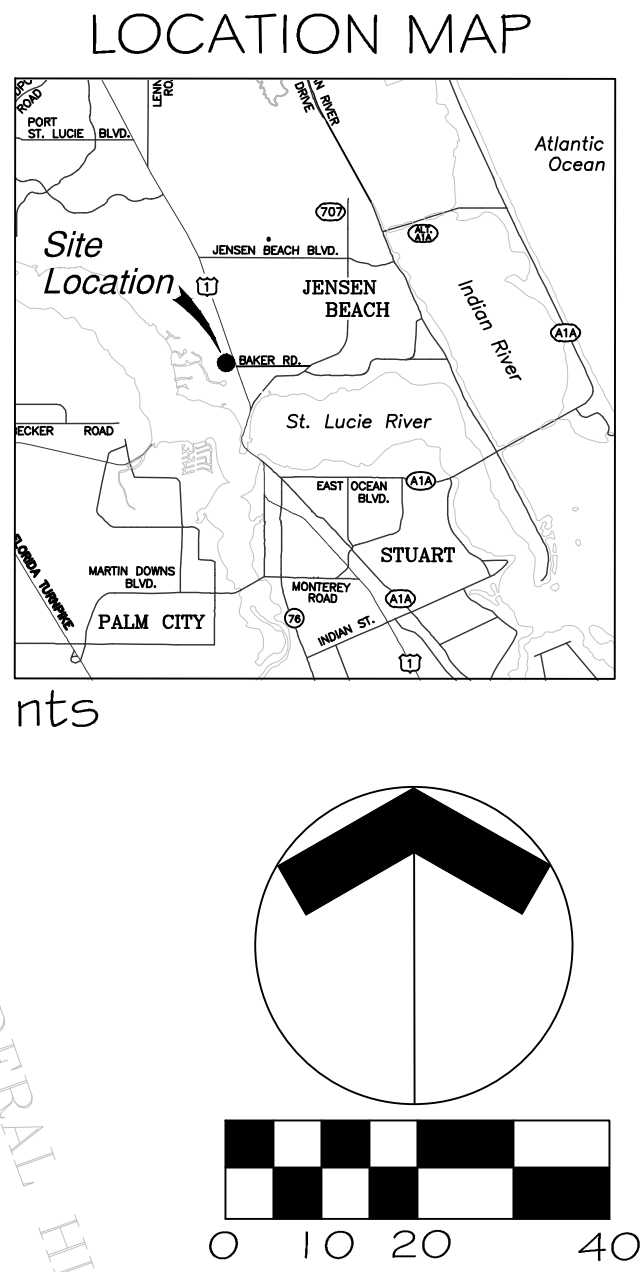
Drawing Name: C:\GEP\GEP_projects\2016\Wynne Commercial\Site Plan\Wynne Site Plan.dwg
Layout Name: SITEPLAN
Date: 11/17/2016
Scale: 1"=20'
Design By: LDG
Drawn By: JLS
Check By: JLS



**PRESERVE:
RESTORED**

Minimum of 19) Live Oak and 50) Slash Pine shall be installed (on-site transplants or nursery stock) in the open space between the Preserve Area and the NW Palm Lake Drive ROW. Any non-invasive plant materials (trees, shrubs, etc.) shall remain in place and maintained as part of the "Preserve: Restored" Area, as shown.

SEE SHEET LA.2 FOR PLANT LIST
DETAILS AND LANDSCAPE DATA.



LPLA

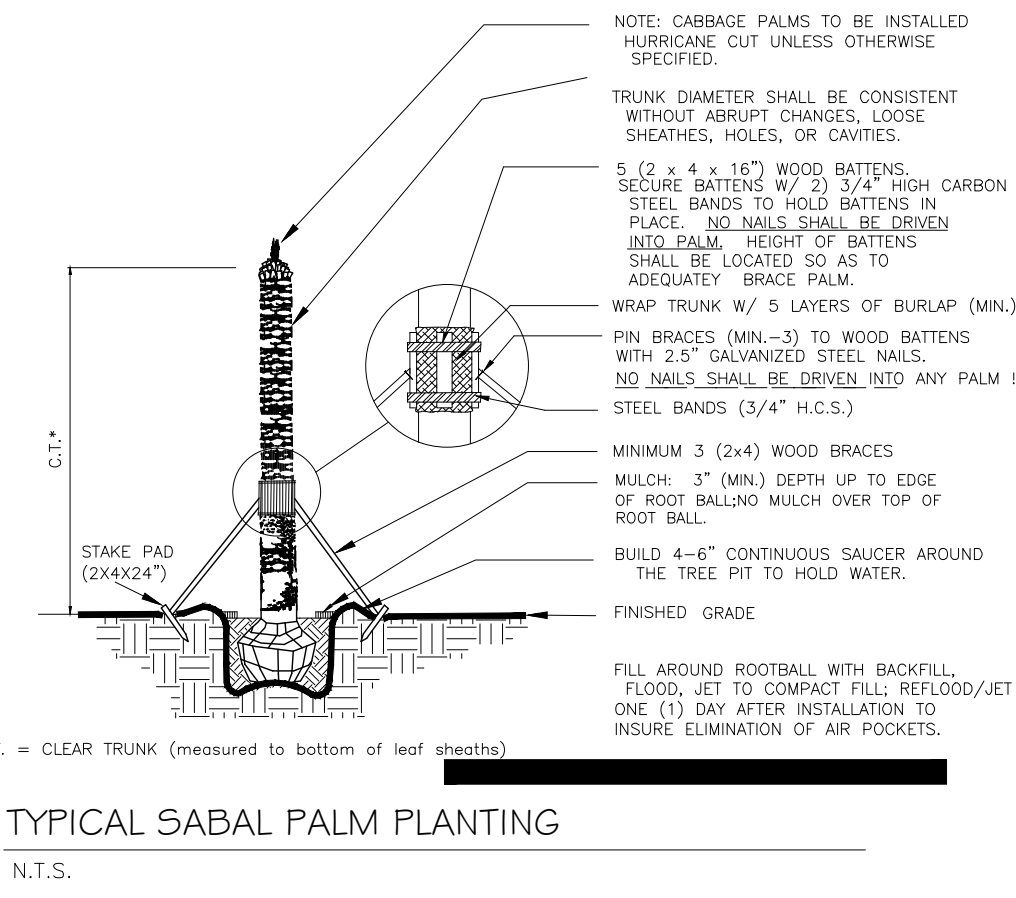
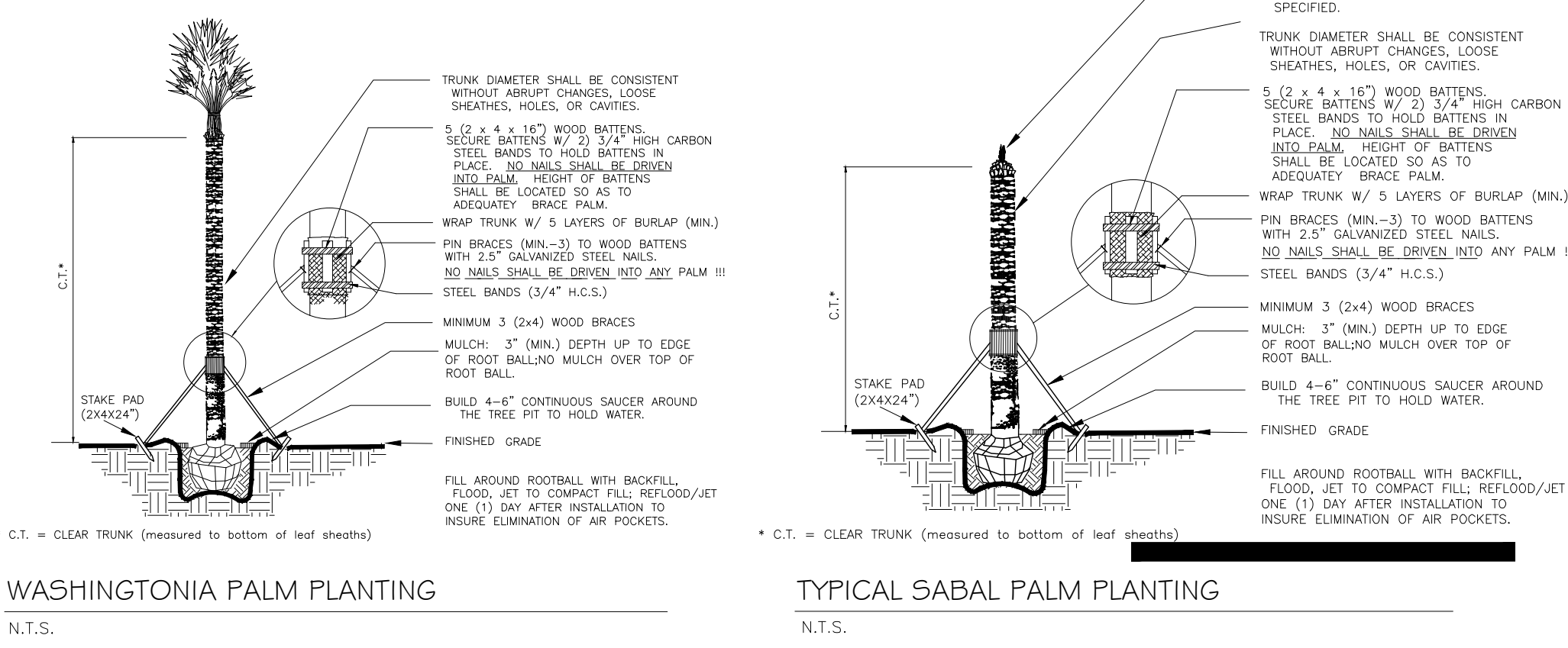
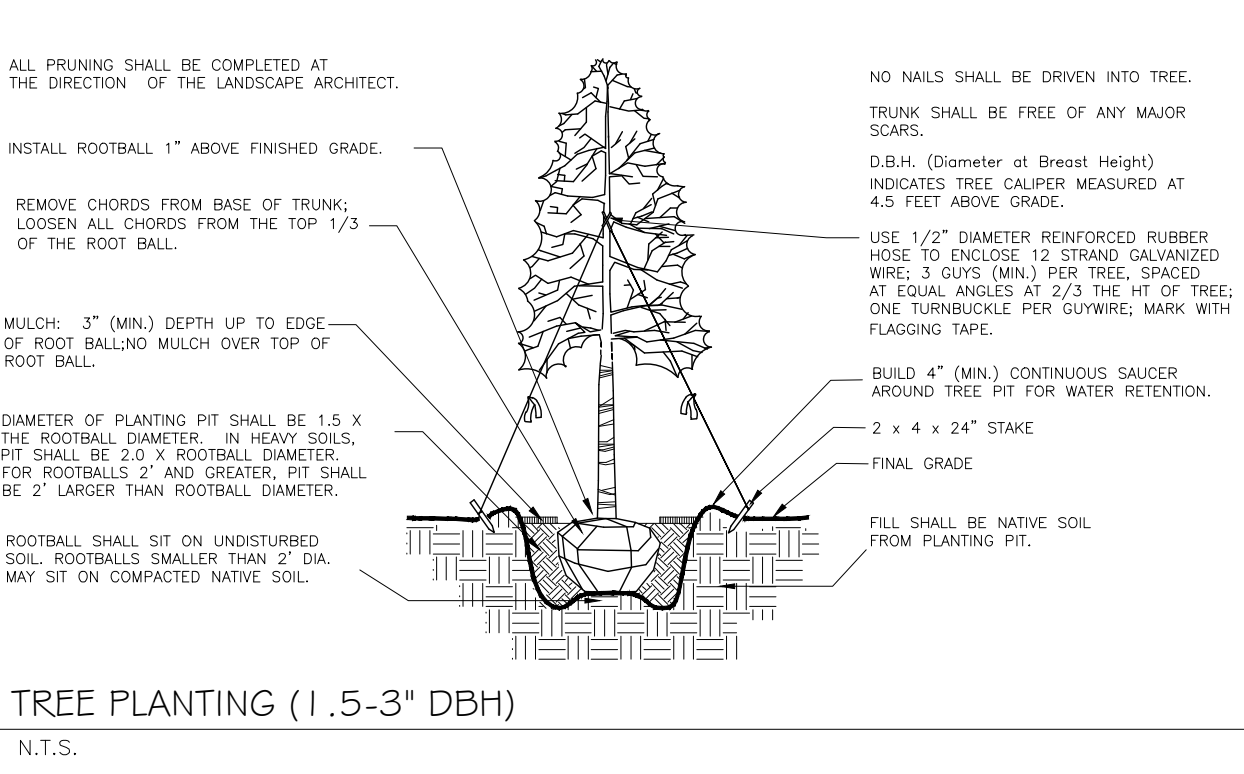
Laurence L. Parr
Landscape Architect
235 Maplewood Drive
Clarksville, Tennessee 37042
931.378.5435
lpla1@bellsouth.net

Baker Road Commons
US Hwy#1/NW 20th Street, Stuart, Florida
LA.1 Landscape Plan

JOB#: 1518
DWN: L.P.
DATE: 8.11.15
REV: 8.27.15
12.29.16

SCALE: 1" = 20'-0"

SYM	QTY	BOTANICAL NAME	COMMON NAME	SPECIFICATIONS
LJ	14	LIGUSTRUM JAPONICUM	GLOSSY PRIVET	TR.STD.; 6' X 6'; MULTI-TRNK; HVY; NO FUNGUS; B/B.
MG	8	MAGNOLIA GRANDIFLORA 'DD BLANCHARD'	MAGNOLIA VAR. 'DD BLANCHARD'	16' x 6'; 3.5" DBH; FULL-TO-BASE; HVY.; B/B.
QV	21	QUERCUS VIRGINIANA	SOUTHERN LIVE OAK	14' x 5'; 3" DBH; SINGLE STRT. TRNK.; B/B.
QV.1	11	QUERCUS VIRGINIANA 'CATHEDRAL'	'CATHEDRAL' LIVE OAK	100 GAL; 16-18" X 8-10"; 5-6" CAL.; SNGL. STRT. TRNK.; HVY.
PE	21	PINUS ELLIOTTII 'DENSE'	SLASH PINE VAR. "DENSE"	12-14' HT.; HVY; STRT. TRNK.; FULL-TO BASE; B/B.
RR	8	ROYSTONIA REGIA	FLORIDA ROYAL PALM	14-16' GW; UNIFORM DBH; NO SCARS; FULL; HVY HD.; B/B.
RR.1	2	ROYSTONIA REGIA	FLORIDA ROYAL PALM	DBL; 14-16' GW; UNIFORM DBH; NO SCARS; FULL; HVY HD.; B/B.
SP	14	SABAL PALMETTO	CABBAGE PALM	10-16' CT; HURRICANE CUT; STGG'RD HDS.; B/B.
TR	12	THRINAX RADIATA	FLORIDA THATCH PALM	25-GAL; 6' HT.; FULL, HEAVY HEAD.
WB	9	WODYETIA BIFURCATA	FOXTAIL PALM	TRPL; 10-12' CT.; SMOOTH TRNK.; FULL HDS.; B/B.
WR	30	WASHINGTONIA ROBUSTA	WASHINGTON PALM	10-16' CT; ST'GG'RD HDS.; B/B.
ALP	23	ALPINIA ZERUMBET # ALPINIA ZERUMBET 'VARIEGATA'	GREEN # VARIEGATED SHELL GINGER (EQ./EQ.)	3-GAL; 24" OA; AS SHOWN (A.S.)
BRU	3	BRUNFELSIA PAUCIFLORA	YESTERDAY, TODAY # TOMORROW	3-GAL; 24" OA; A.S.
CAR	85	CARISSA MACROCARPA 'EMERALD BLANKET'	"EMERALD BLANKET" CARISSA	3-GAL; 14-16" OA; A.S.
CHR	212	CHRYSOBALANUS ICACO 'RED TIP'	RED TIP COCOPLUM	3-GAL; 24" OA; A.S.
COD	26	CODIAEUM VARIEGATUM PICTUM 'PETRA'	"PETRA" CROTON	3-GAL; 24" OA; A.S.
COR	21	CORDYLINE FRUTICOSA 'RED SISTER'	"RED SISTER" TI PLANT	7-GAL; 3PPP (MIN.); 36-42" HT.; HVY; FULL; A.S.
CRO	45	CODIAEUM VARIEGATUM PICTUM 'MAMMEY/STOPLIGHT/GOLDUST'	"MAMMEY"/STOPLIGHT"/GOLDUST" CROTON (EQ./EQ./EQ.)	3-GAL; 24" OA; A.S. (15: EACH VARIETY; PLANT AT RANDOM)
HRS	10	HIBISCUS ROSA-SINENSIS 'DOUBLE ORANGE'	"DOUBLE ORANGE" HIBISCUS	15-GAL (MIN.); TR. STD.; 6' HT.; HVY; A.S.
MAC	65	NEPHROLEPIS FALCATA	MACHO FERN	3-GAL; 24" OA; A.S.
PEN	13	PENNISETUM SETACUM 'ALBA'	WHITE FOUNTAIN GRASS	3-GAL; 24" X 18"; A.S.
PHI	88	PHILODENDON BIPINNATIFIDUM	PHILODENDRON SELLOUM	3-GAL; 36" OA; A.S.
PLU	44	PLUMBAGO CAPENSIS 'IMPERIAL BLUE'	"IMPERIAL BLUE" PLUMBAGO	3-GAL; 24" X 18"; A.S.
POD	236	PODOCARPUS MACROCARPUS 'MAKI'	YEW PODOCARPUS	7-GAL; 36" X 14"; A.S.
RHA	255	RHAPHIOLEPIS INDICA	INDIAN HAWTHORNE	3-GAL; 15-18" OA; A.S.
ZAM	18	ZAMIA FURFURACEA	CARDBOARD PALM	25-GAL; 36" 48"; HEAVY; FULL; A.S.
ASP	423	ASPARAGUS DENSIFLORUS 'MYERSII'	FOXTAIL FERN	1-GAL; 8" OA; HEAVY; FULL; 18" OC.
CLU	313	CLUSIA GUTTIFERA 'NANA'	DWARF SMALL-LEAF CLUSIA	3-GAL; 12-14" OA; A.S. (24" OC. MIN.)
IMP	146	IMPATIENS NEW GUINEA "HARMONY: RED/SALMON/PINK"	NEW GUINEA IMPATIENS: HARMONY VARIETIES-"RED"/ "SALMON"/"PINK" (EQ/EQ/EQ)	1-GAL; FULL; HEAVY; AS SHOWN (18" OC, TYP.).
LIR	1496	LIRIOPE MUSCARI 'EVERGREEN GIANT'	"EVERGREEN GIANT" LIRIOPE	1-GAL; 12-15" HT.; FULL # THICK; 15" OC.
MOR	41	DIETES BICOLOR	YELLOW AFRICAN IRIS	3-GAL; 18-22" HT; HEAVY; FULL; A.S.
PMP	103	PODOCARPUS MACROPHYLLUS 'FRINGLES'	DWARF PODOCARPUS	3-GAL; FULL, HEAVY; AS SHOWN.
SAN	109	SANSEVIERIA TRIFASCIATA 'LAURENTII'	SNAKE PLANT VAR. "LAURENTII"	3-GAL; 18-30" HT; HEAVY; FULL; A.S.
ANN	340	ANNUAL COLOR	SEASONAL VARIETIES	4" CONT.; FULL W/ BLOSSOMS; 12" OC.
SOD	6,550 SF (+/-)	STENOTAPHRUM SECUNDATUM VAR. 'FLORITAM'	ST. AUGUSTINE SOD VAR. "FLORITAM"	SOLID SOD; DISEASE-FREE; LAID TIGHT W/ EVEN JOINTS.



JOB#: 1518
DWN : L.P.
DATE: 8.11.15
REV : 12.29.16

LA.2 Landscape Plant List/Details

**Laurence L. Parr
Landscape Architect
235 Maplewood Drive
Clarksville, Tennessee 37042
931.378.5435
lplal1@bellsouth.net**

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lpla1@bellsouth.net

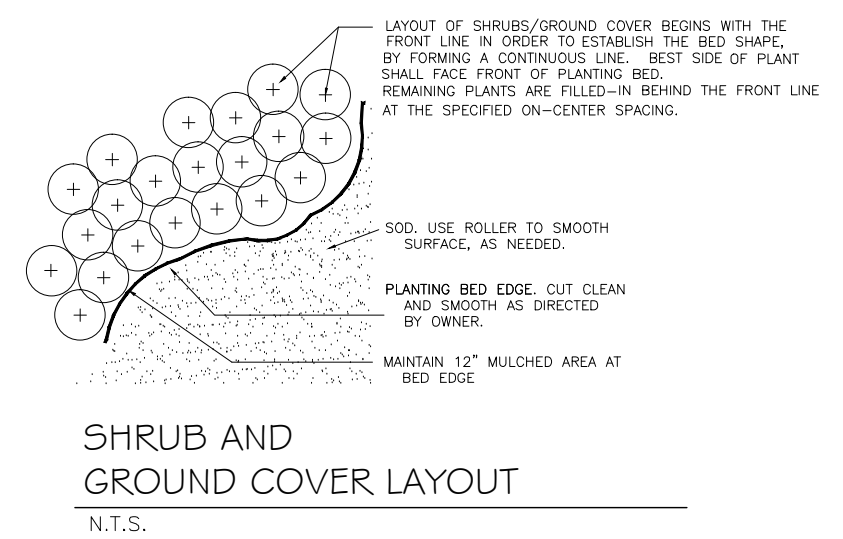
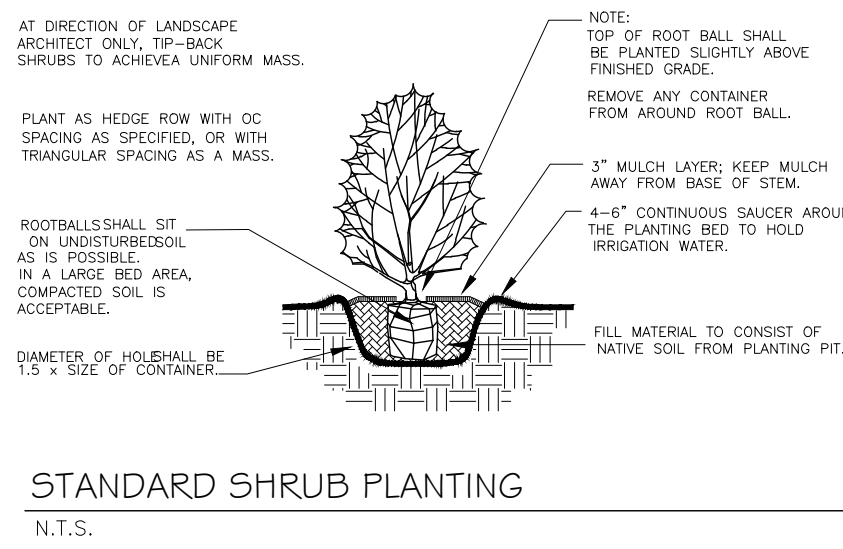
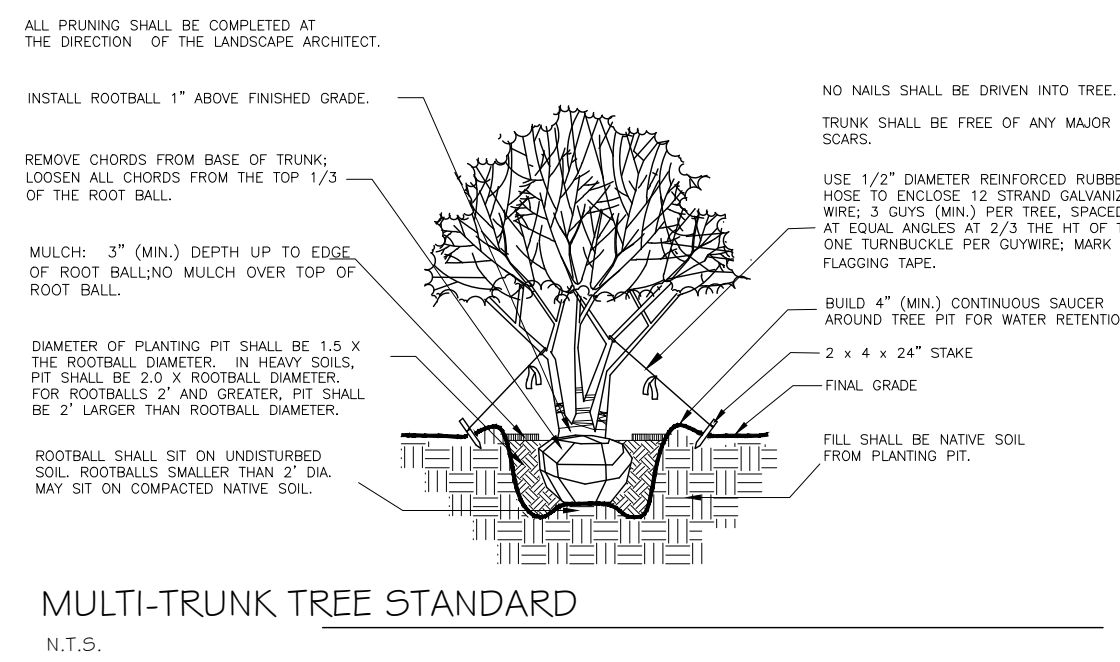
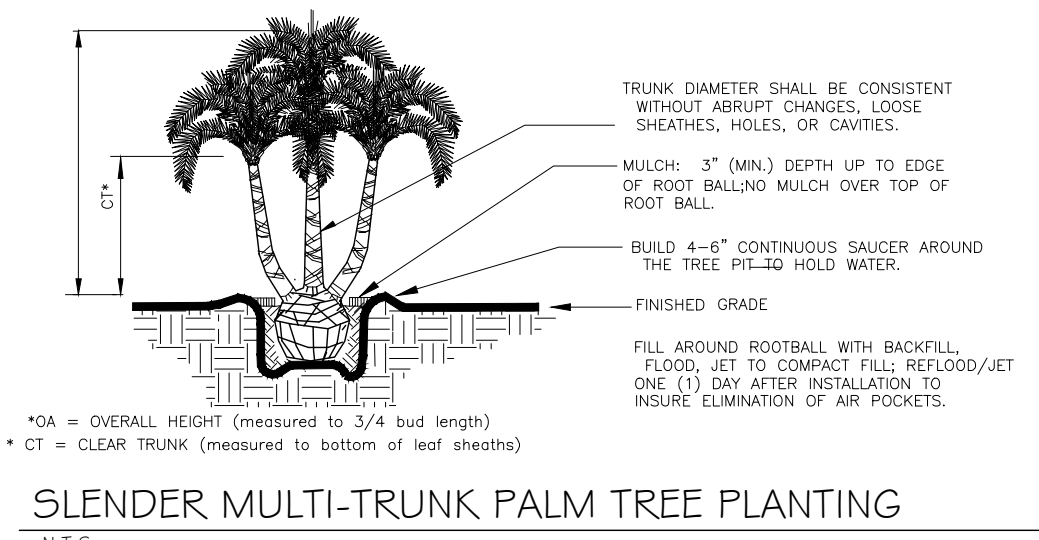
LPLA

SITE	131,343	3.02	100%
IMPERVIOUS	74,725	1.72	57 %
PERVIOUS	56,669	1.30	43 %

Proposed Zoning _____ CPUD
Existing Use _____ Vacant

Required Xeriscape Points	points
Utilization of a moisture sensing controller other than a rain-sensor override device	5
51% (or more) of the grass areas are made up of drought-tolerant grass species	10
51% (or more) of the required shrubs are made up of drought-tolerant species	10
51% (or more) of the required trees are made up of drought-tolerant species	10
Sod areas less than 50% of the landscape area	5
Utilization of compacted mulch with a 3" min. depth in all planted areas (except ground cover)	10
	total 50

- All plant material shall be Florida No. 1 or better.
- All plant material shall be installed in a neat, workman-like manner in conformance with standard Landscape Industry practice.
- All plant material shall be guaranteed for NINETY (90) days commencing on date of certification by Landscape Architect. All warranties are voided by damage from frost conditions, high winds, improper maintenance (neglect) or vandalism.
- All shrub areas shall receive 3" of organic mulch; ground cover up to 2". Keep mulch back from base of stems. Do not use RED MULCH. Cypress mulch is not permitted. Note "pine straw" area on Sheet LA. 1.
- Use clean, weed-seed free, re-cycled OR Eucalyptus mulch.
- All trees in sod areas shall retain a NON-MULCHED cleared area, large enough to extend beyond the root ball perimeter (3' radius, min.). NO SOD nor MULCH shall be placed over top of the root ball. Any weed growth shall be immediately removed BY HAND prior to installation and during grow-in period.
- Irrigation shall be supplied by an underground, automatic, pop-up type sprinkler system, guaranteeing 100% coverage of planted area w/o overspray onto any public (or private) pavement area.
- All prohibited exotic and invasive species shall be removed from entire site prior to the issuance of a Certificate of Occupancy.
- Sod quantities are estimates. Contractor shall verify actual quantities required using final, "as-built", field dimensions to calculate square footage.



*OA = OVERALL HEIGHT (measured to 3/4 bud length)
** CT = CLEAR TRUNK (measured to bottom of leaf sheaths)

C.T. = CLEAR TRUNK (measured to bottom of leaf sheaths)

* C.T. = CLEAR TRUNK (measured to bottom of leaf sheaths)

NOTE: CABBAGE PALMS TO BE INSTALLED
HURRICANE CUT UNLESS OTHERWISE
SPECIFIED.

P:\Proj\2015\15-131 Palm Lake Park-Backer Road Survey\Survey\15-131 BOUNDARY TOPO AND TREE.DWG, 1/4/2017 10:42:15 AM

LEGAL DESCRIPTION:

Lots 1 and 2, Block 3, of the Plat of PALM LAKE PARK, according to the Plat thereof, recorded in Plat Book 3, Page 41, of the Public Records of Martin County, Florida, together with the North one-half (N 1/2) of abandoned North 21st Street, lying adjacent to said Lots 1 and 2, Block 3, and Lots 1, 2 and 3, Block 2, PALM LAKE PARK, according to the Plat thereof, recorded in Plat Book 3, Page 41, Martin County, Florida Public Records, and the South one-half (1/2) of that portion of North 21st Street that lies between U.S. Highway No. 1 and North Cuthbert Road, as shown on the Plat of PALM LAKE PARK, according to the Plat thereof recorded in Plat Book 3, Page 41, Martin County, Florida Public Records.

NOTES:

- 1) NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
- 2) DESCRIPTION FURNISHED BY CLIENT
- 3) THE LAST DATE OF BOUNDARY FIELD WORK WAS AUGUST 12, 2015.
- 4) OVERALL PARCEL CONTAINS 3.021 ACRES, MORE OR LESS.
- 5) BEARINGS SHOWN HEREON ARE BASED ON THE WEST RIGHT OF WAY LINE OF U.S. HIGHWAY NO. 1 WHICH BEARS SOUTH 18°41'32" EAST AND ALL OTHER BEARINGS ARE RELATIVE THERETO.
- 6) UNDERGROUND UTILITIES, UTILITY SERVICES, FOUNDATIONS AND IMPROVEMENTS WERE NOT LOCATED AS A PART OF THIS SURVEY.
- 7) FLOOD NOTE: BY GRAPHIC PLOTTING ONLY, THIS PROPERTY IS IN ZONE "X" AND ZONE "AE(6)", ACCORDING TO FLOOD INSURANCE RATE MAP, COMMUNITY PANEL NO. 12085C0132 G, EFFECTIVE DATE MARCH 16, 2015. THE EXACT DESIGNATION CAN ONLY BE DETERMINED BY AN ELEVATION CERTIFICATE.
- 8) ADDITIONS OR DELETIONS TO SURVEY MAPS OR REPORTS BY OTHER THAN THE SIGNING PARTY OR PARTIES IS PROHIBITED WITHOUT WRITTEN CONSENT OF THE SIGNING PARTY OR PARTIES.
- 9) ALL DIMENSIONS RELATING TO THE BOUNDARY AND ITS LOCATION ARE MEASURED AND ARE THE SAME AS PLAT/DEED DIMENSIONS UNLESS OTHERWISE NOTED.
- 10) NO INTERIOR IMPROVEMENTS LOCATED AS PART OF THIS SURVEY OTHER THAN THOSE SHOWN HEREON.
- 11) ELEVATIONS SHOWN HEREON ARE BASED ON THE NORTH AMERICAN VERTICAL DATUM OF 1988 UTILIZING NATIONAL GEODETIC SURVEY (NGS) BENCHMARK K-403 HAVING A PUBLISHED ELEVATION OF 7.97', AND MARTIN COUNTY BENCHMARK US-1BAK HAVING A PUBLISHED ELEVATION OF 8.04'.

LEGEND & ABBREVIATIONS

CONC	CONCRETE	P.B.	PLAT BOOK
P.C.P.	PERMANENT CONTROL POINT	C.M.	CONCRETE MONUMENT
FLD	FIELD DATA	O.R.	ORIGINAL RECORDS BOOK
(C)	CALCULATED FROM FIELD MEASUREMENTS	CATV	CABLE TELEVISION
(E)	EXISTING	PIC	PROPERTY LINE
(D)	DEED	COR	CORNER
NO	NOTED	P.O.B.	POINT OF BEGINNING
NO	NOTED	P.O.C.	POINT OF COMMENCEMENT
NO	NOTED	P.O.D.	POINT OF DISCONTINUITY
NO	NOTED	P.O.E.	POINT OF EMBODIMENT
NO	NOTED	P.O.F.	POINT OF FLOODING
NO	NOTED	P.O.G.	POINT OF GRADING
NO	NOTED	P.O.H.	POINT OF HATCHING
NO	NOTED	P.O.I.	POINT OF INTERSECTION
NO	NOTED	P.O.J.	POINT OF JUNCTION
NO	NOTED	P.O.L.	POINT OF LATERAL
NO	NOTED	P.O.M.	POINT OF MOUNTAIN
NO	NOTED	P.O.N.	POINT OF NORTH
NO	NOTED	P.O.P.	POINT OF PAVEMENT
NO	NOTED	P.O.R.	POINT OF ROAD
NO	NOTED	P.O.S.	POINT OF SURFACE
NO	NOTED	P.O.T.	POINT OF TIE
NO	NOTED	P.O.U.	POINT OF UTILITY
NO	NOTED	P.O.V.	POINT OF VALLEY
NO	NOTED	P.O.W.	POINT OF WATER
NO	NOTED	P.O.X.	POINT OF CROSSING
NO	NOTED	P.O.Y.	POINT OF YARD
NO	NOTED	P.O.Z.	POINT OF ZONE

CERTIFIED TO:
WYNNE BUILDING CORPORATION

Thomas P. Kiernan
Professional Surveyor & Mapper
Florida Certificate No. 6199

COMPUTER FILE REF.	FIELD BK./PG.
15-131	

CULPEPPER & TERPENING, INC
CONSULTING ENGINEERS | LAND SURVEYORS
2980 SOUTH 25th STREET
FORT PIERCE, FLORIDA 34981
PHONE 772-464-3537 FAX 772-464-9497
www.ct-eng.com
STATE OF FLORIDA CERTIFICATION No. LB 4286

- REVISIONS -		BY	DATE
ADDED TOPO & TREE LOCATIONS		RNJ	1/25/16

FIELD	BY	DATE
CALCS	GA	08/11/15
DRAWN	RNJ	08/14/15
DETAILED		
CHECKED		
APPROVED		

BOUNDARY TOPOGRAPHIC & TREE SURVEY
LOTS 1&2, BLOCK 3, & LOTS 1,2,&3, BLOCK 2
PALM LAKE PARK
PREPARED FOR
WYNNE BUILDING CORPORATION

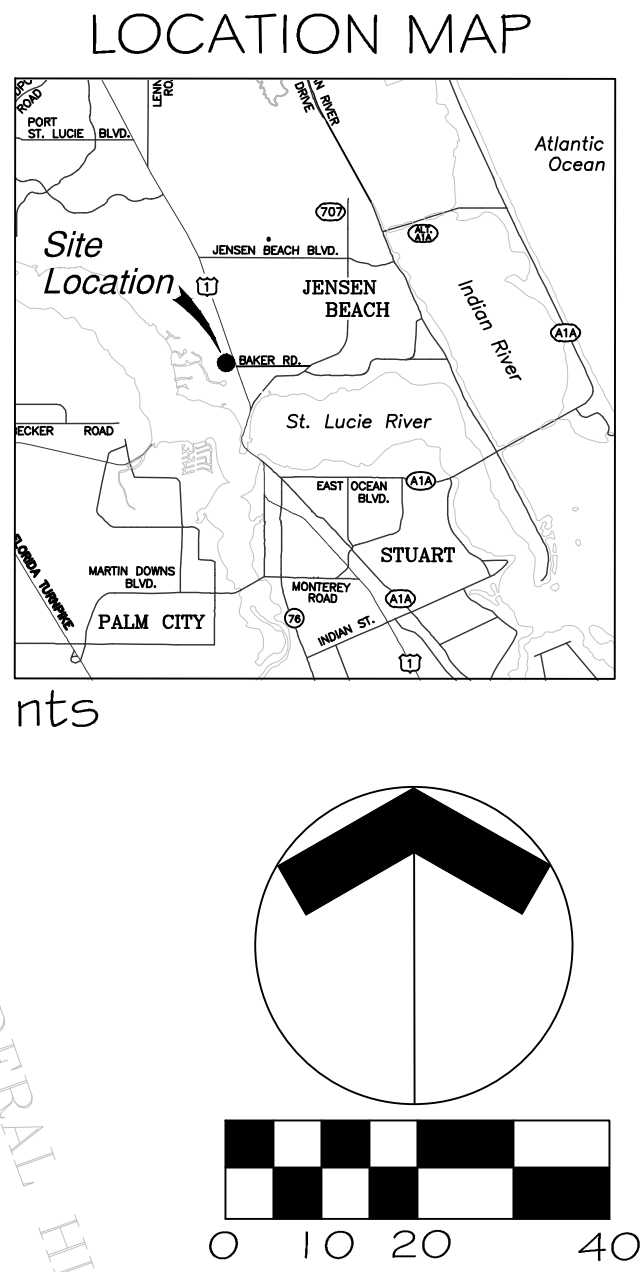
DATE: 01-26-2015
HORIZ. SCALE: 1"=30'
VERT. SCALE: N/A
JOB No. 15-131
SHEET 1 OF 1



PRESERVE: RESTORED

Minimum of 19) Live Oak and 50) Slash Pine shall be installed (on-site transplants or nursery stock) in the open space between the Preserve Area and the NW Palm Lake Drive ROW. Any non-invasive plant materials (trees, shrubs, etc.) shall remain in place and maintained as part of the "Preserve: Restored" Area, as shown.

SEE SHEET LA.2 FOR PLANT LIST DETAILS AND LANDSCAPE DATA.



LPLA

Laurence L. Parr
Landscape Architect
235 Maplewood Drive
Clarksville, Tennessee 37042
931.378.5435
lpla1@bellsouth.net

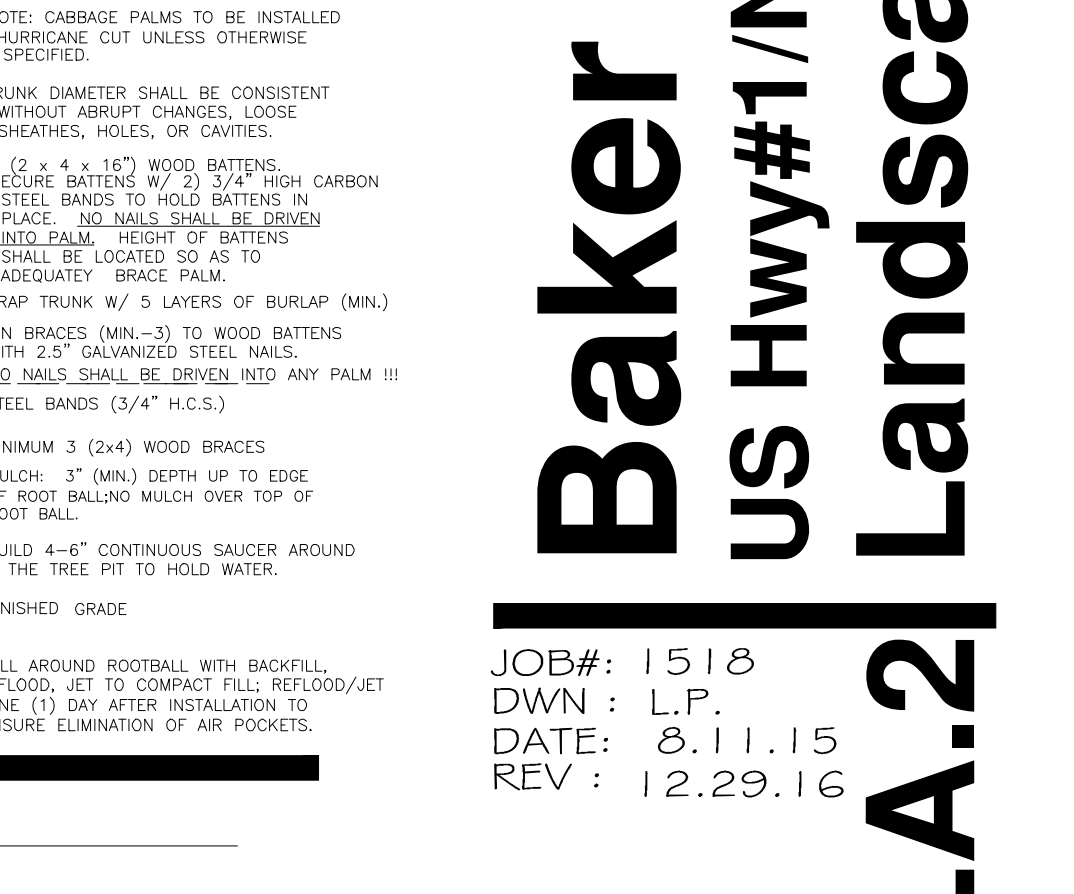
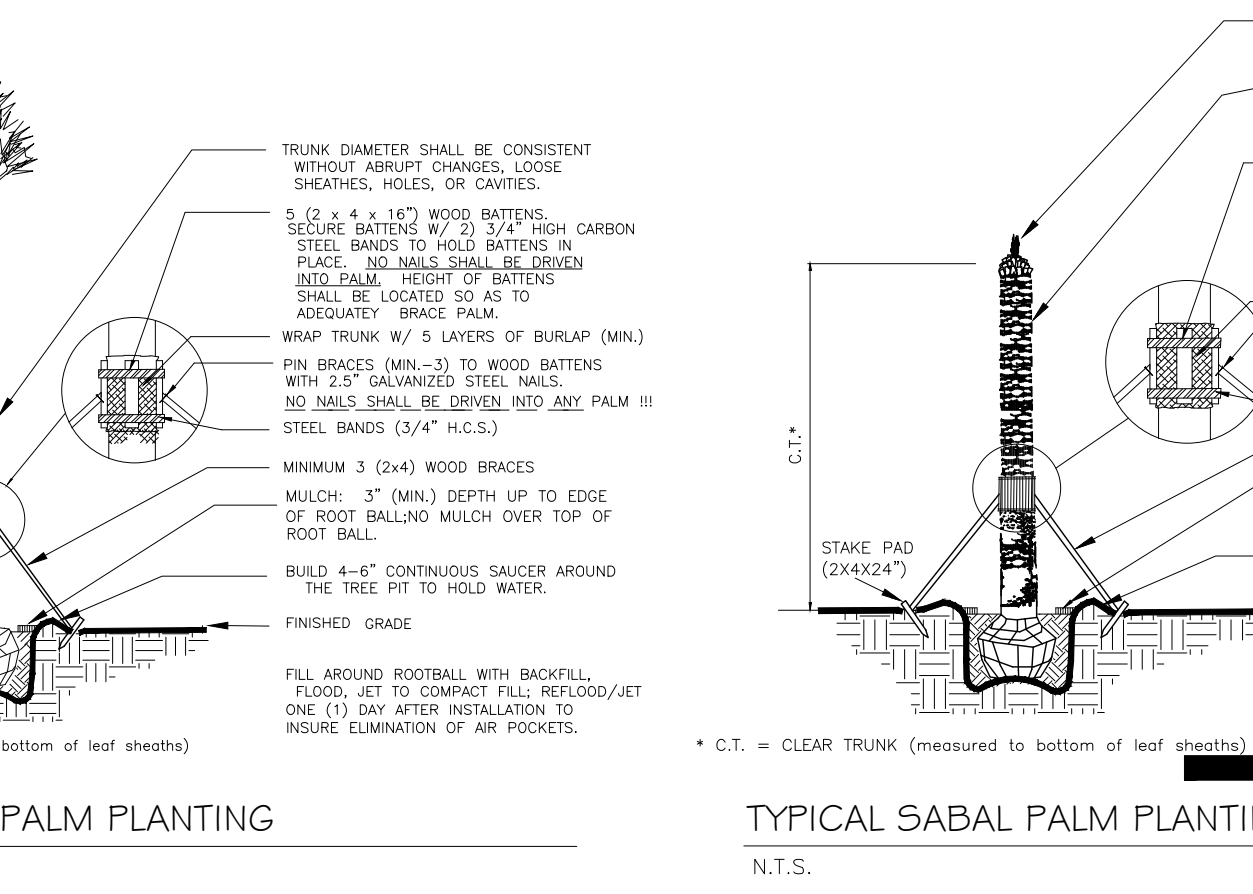
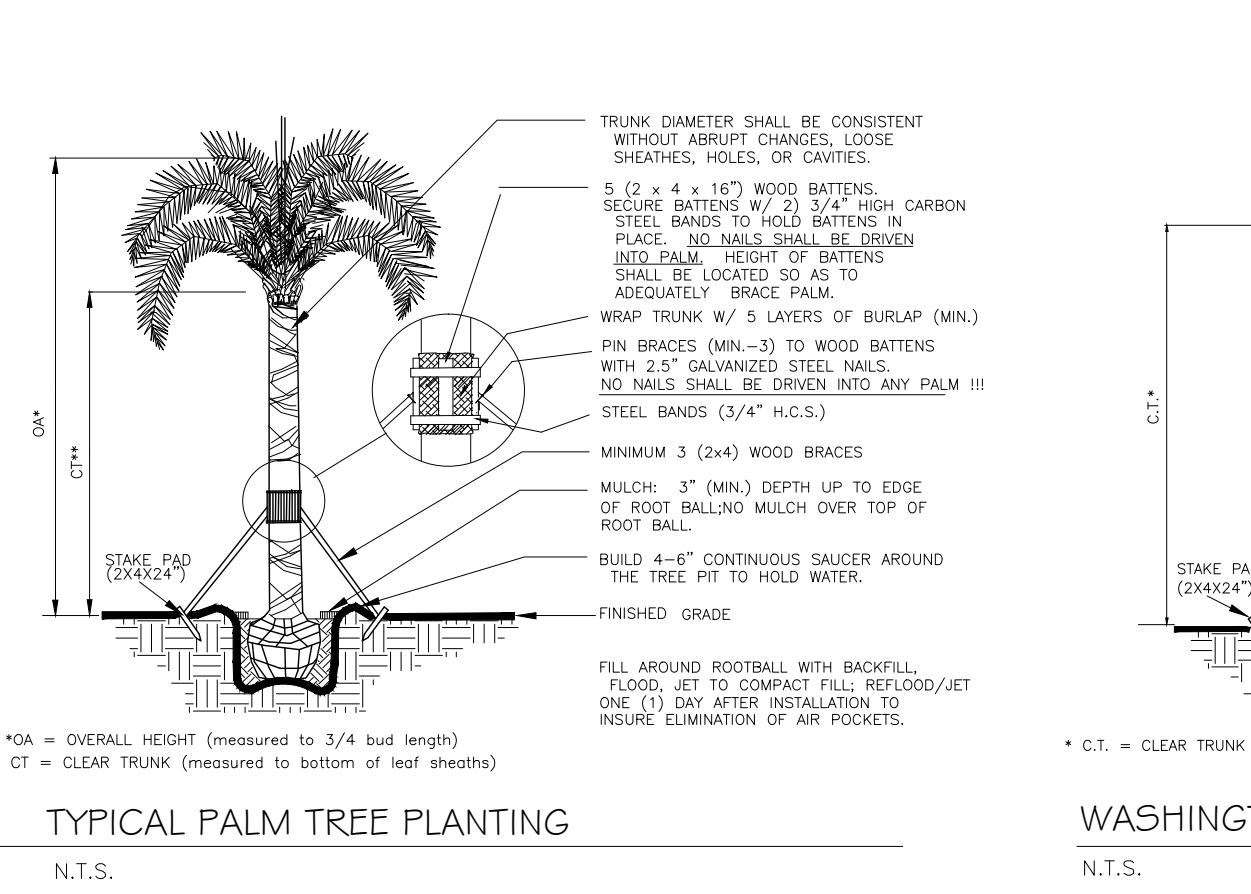
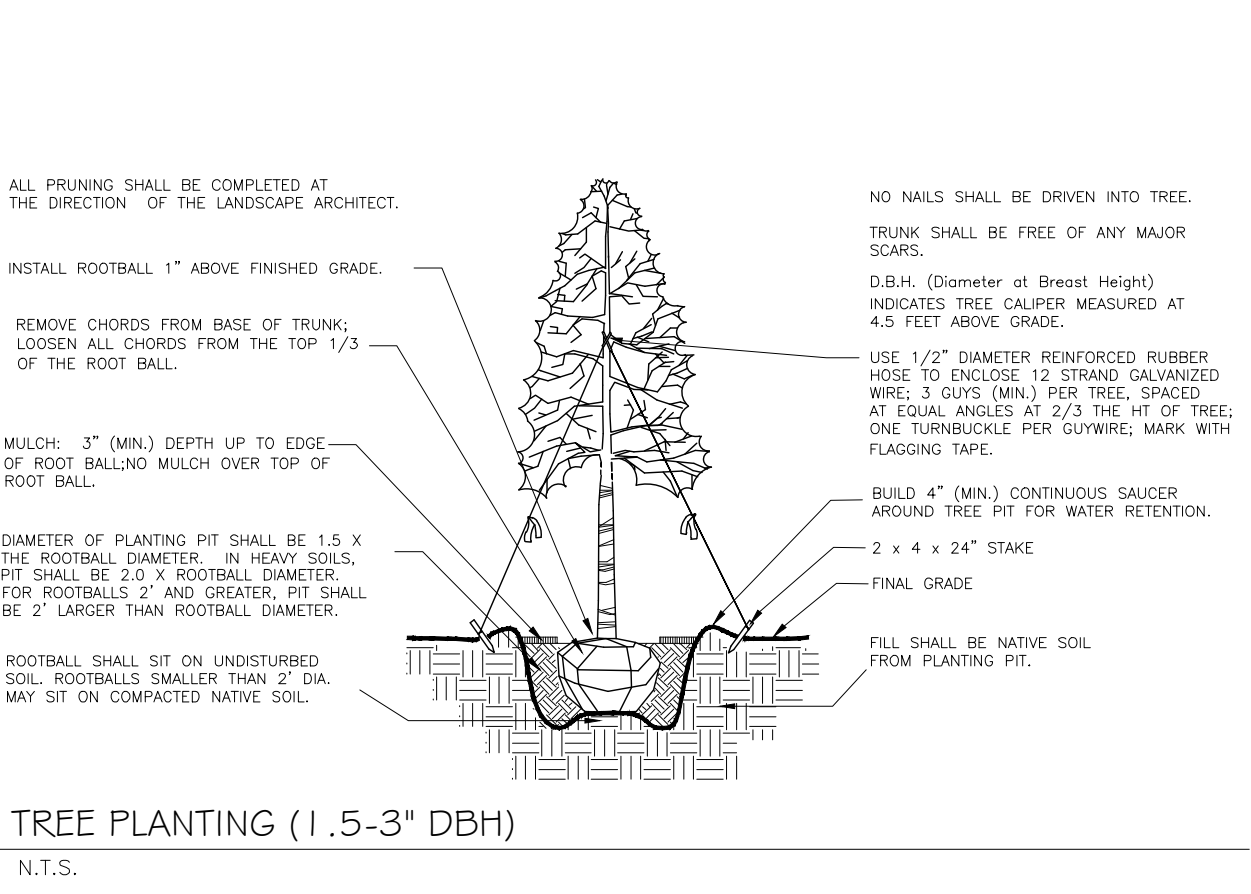
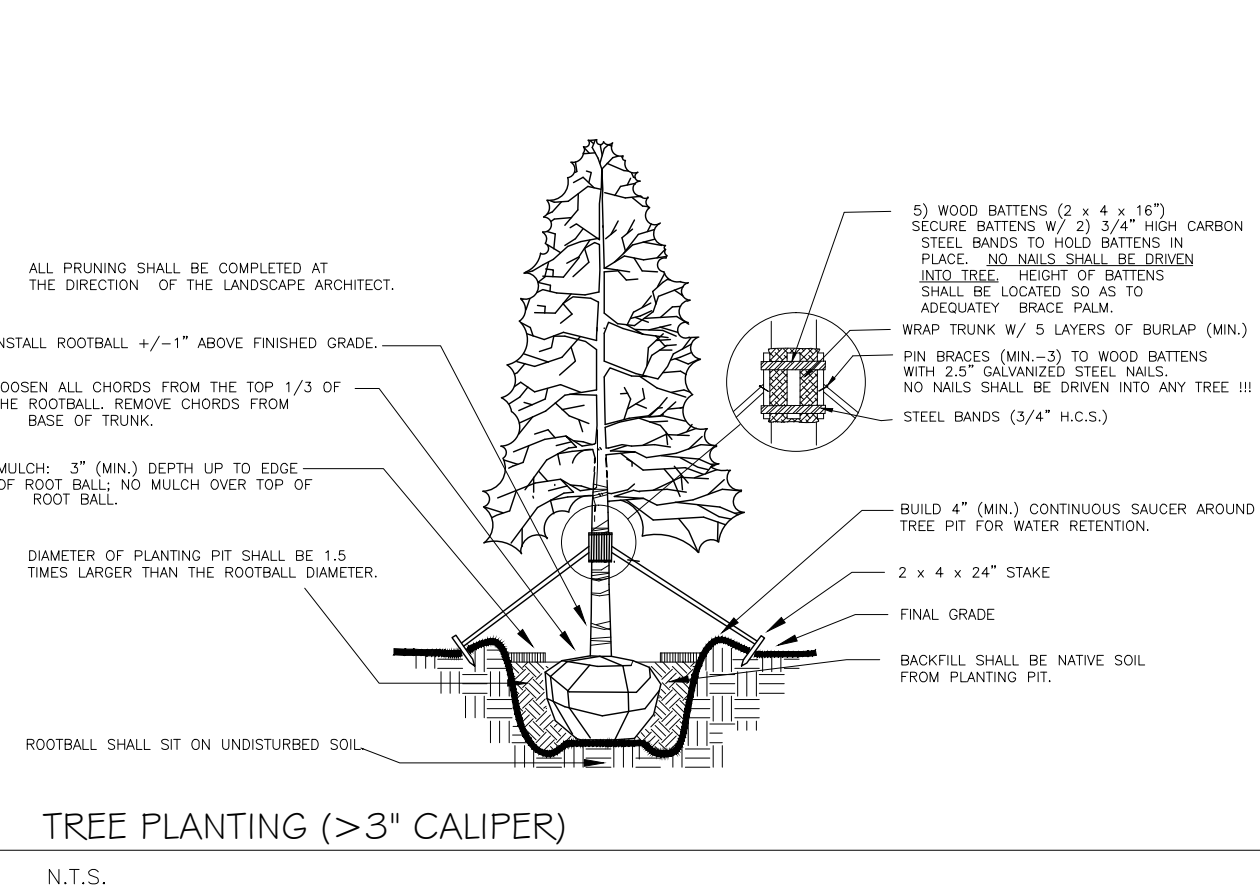
Baker Road Commons
US Hwy#1/NW 20th Street, Stuart, Florida
LA.1 Landscape Plan

JOB#: 1518
DWN: L.P.
DATE: 8.11.15
REV: 8.27.15
12.29.16

SCALE: 1" = 20'-0"

PLANT LIST

SYM	QTY	BOTANICAL NAME	COMMON NAME	SPECIFICATIONS
LJ	14	LIGUSTRUM JAPONICUM	GLOSSY PRIVET	TR.STD.;6' X 6';MULTI-TRNK;HVY;NO FUNGUS;B/B.
MG	8	MAGNOLIA GRANDIFLORA 'DD BLANCHARD'	MAGNOLIA VAR. "DD BLANCHARD"	1 6' x 6'; 3.5" DBH; FULL-TO-BASE; HVY.; B/B.
QV	21	QUERCUS VIRGINIANA	SOUTHERN LIVE OAK	1 4' x 5'; 3" DBH; SINGLE STRT. TRNK.; B/B.
QV. I	11	QUERCUS VIRGINIANA 'CATHEDRAL'	"CATHEDRAL" LIVE OAK	1 00 GAL: 1 6-1 8' X 8-1 0'; 5-6" CAL.; SNGL. STRT. TRNK.;HVY.
PE	21	PINUS ELLIOTTII 'DENSEA'	SLASH PINE VAR. "DENSEA"	1 2-1 4' HT.; HVY; STRT. TRNK.; FULL-TO BASE; B/B.
RR	8	ROYSTONEA REGIA	FLORIDA ROYAL PALM	1 4-1 6' GW; UNIFORM DBH; NO SCARS; FULL,HVY HD.;B/B.
RR. I	2	ROYSTONEA REGIA	FLORIDA ROYAL PALM	DBL: 1 4-1 6' GW; UNIFORM DBH; NO SCARS; FULL,HVY HD.;B/B.
SP	14	SABAL PALMETTO	CABBAGE PALM	1 0 -1 6' CT; HURRICANE CUT; ST'GG'R'D HDS.; B/B.
TR	12	THRINAX RADIATA	FLORIDA THATCH PALM	25-GAL; 6' HT.; FULL, HEAVY HEAD.
WB	9	WODYETIA BIFURCATA	FOXTAIL PALM	TRPL: 1 0-1 2' CT.;SMOOTH TRNKS.; FULL HDS.;B/B.
WR	30	WASHINGTONIA ROBUSTA	WASHINGTON PALM	1 0 -1 6' CT; ST'GG'R'D HDS.; B/B.
ALP	23	ALPINIA ZERUMBET # ALPINIA ZERUMBET 'VARIEGATA'	GREEN # VARIEGATED SHELL GINGER (EQ./EQ.)	3-GAL; 24" OA; AS SHOWN (A.S.)
BRU	3	BRUNFELSIA PAUCIFLORA	YESTERDAY, TODAY & TOMORROW	3-GAL; 24" OA; A.S.
CAR	85	CARISSA MACROCARPA 'EMERALD BLANKET'	"EMERALD BLANKET" CARISSA	3-GAL; 1 4-1 6" OA; A.S.
CHR	212	CHRYSOBALANUS ICACO 'RED TIP'	RED TIP COCOPLUM	3-GAL; 24" OA; A.S.
COD	26	CODIAEUM VARIEGATUM PICTUM 'PETRA'	"PETRA" CROTON	3-GAL; 24" OA; A.S.
COR	21	CORDYLINE FRUTICOSA 'RED SISTER'	"RED SISTER" TI PLANT	7-GAL; 3PPP (MIN.); 36-42" HT.; HVY; FULL; A.S.
CRO	45	CODIAEUM VARIEGATUM PICTUM 'MAMMEY'/STOPLIGHT'/GOLDUST'	"MAMMEY"/"STOPLIGHT"/"GOLDUST" CROTON (EQ./EQ./EQ.)	3-GAL; 24" OA; A.S. (15: EACH VARIETY; PLANT AT RANDOM)
HRS	10	HIBISCUS ROSA-SINENSIS 'DOUBLE ORANGE'	"DOUBLE ORANGE" HIBISCUS	15-GAL (MIN.); TR. STD.; 6' HT.; HVY; A.S.
MAC	65	NEPHROLEPIS FALCATA	MACHO FERN	3-GAL; 24" OA; A.S.
PEN	13	PENNISETUM SETACUM 'ALBA'	WHITE FOUNTAIN GRASS	3-GAL; 24" X 1 8"; A.S.
PHI	88	PHILODENDON BIPINNATIFIDUM	PHILODENDRON SELLOUM	3-GAL; 36" OA; A.S.
PLU	44	PLUMBAGO CAPENSIS 'IMPERIAL BLUE'	"IMPERIAL BLUE" PLUMBAGO	3-GAL; 24" X 1 8"; A.S.
POD	236	PODOCARPUS MACROCARPUS 'MAKI'	YEW PODOCARPUS	7-GAL; 36" X 1 4"; A.S.
RHA	255	RHAPHIOLEPIS INDICA	INDIAN HAWTHORNE	3-GAL; 15-1 8" OA; A.S.
ZAM	18	ZAMIA FURFURACEA	CARDBOARD PALM	25-GAL; 36" 48"; HEAVY; FULL;A.S.
ASP	423	ASPARAGUS DENSIFLORUS 'MYERSII'	FOXTAIL FERN	1 -GAL; 8" OA; HEAVY; FULL; 1 8" OC.
CLU	313	CLUSIA GUTTIFERA 'NANA'	DWARF SMALL-LEAF CLUSIA	3-GAL; 1 2-1 4" OA; A.S. (24" OC. MIN.)
IMP	146	IMPATIENS NEW GUINEA "HARMONY: RED/SALMON/PINK"	NEW GUINEA IMPATIENS: HARMONY VARIETIES-"RED"/"SALMON"/"PINK" (EQ/EQ/EQ)	1 -GAL; FULL; HEAVY; AS SHOWN (1 8" OC, TYP.).
LIR	1496	LIRIOPE MUSCARI 'EVERGREEN GIANT'	"EVERGREEN GIANT" LIRIOPE	1 -GAL; 1 2-15" HT.; FULL & THICK; 15" OC.
MOR	41	DIETES BICOLOR	YELLOW AFRICAN IRIS	3-GAL; 1 8-22" HT; HEAVY; FULL; A.S.
PMP	103	PODOCARPUS MACROPHYLLUS 'PRINGLES'	DWARF PODOCARPUS	3-GAL; FULL, HEAVY; AS SHOWN.
SAN	109	SANSEVIERIA TRIFASCIATA 'LAURENTII'	SNAKE PLANT VAR. "LAURENTII"	3-GAL; 1 8-30" HT; HEAVY; FULL; A.S.
ANN	340	ANNUAL COLOR	SEASONAL VARIETIES	4" CONT.; FULL W/ BLOSSOMS; 12" OC.
SOD	6,550 SF (+/-)	STENOTAPHRUM SECUNDATUM VAR. 'FLORITAM'	ST. AUGUSTINE SOD VAR. "FLORITAM"	SOLID SOD; DISEASE-FREE; LAID TIGHT W/ EVEN JOINTS.



SITE	131,343	3.02	100%
IMPERVIOUS	74,725	1.72	57 %
PERVIOUS	56,869	1.30	43 %

Landscape Data

Total Area	3.02 Ac.
------------	----------

Trees required	53
----------------	----

(3.02 Ac x 43,560/2500 = 52.62 = 53

Trees supplied	88
----------------	----

Shade trees required	27
----------------------	----

(53 x 50% = 26.5 = 27)

Shade trees supplied	61
----------------------	----

Landscape area required	0.60 Ac.
-------------------------	----------

(3.02 x 20% = 0.60 Ac.,per 6.06.03,B.1.)

Landscape area supplied	1.14 Ac.
-------------------------	----------

Interior trees required	26
-------------------------	----

(0.60 x 50% = 0.30 Ac x 43,560/500 =

26.14 = 26 per 6.06.07, C.)

Interior trees supplied	43
-------------------------	----

Perimeter trees required	20
--------------------------	----

(610LF/30LF = 20.33 = 20)

Perimeter trees supplied	29
--------------------------	----

Proposed Zoning	CPUD
Existing Use	Vacant

Required Xeriscape Points	points
Utilization of a moisture sensing controller other than a rain-sensor override device	5
51% (or more) of the grass areas are made up of drought-tolerant grass species	10
51% (or more) of the required shrubs are made up of drought-tolerant species	10
51% (or more) of the required trees are made up of drought-tolerant species	10
Sod areas less than 50% of the landscape area	5
Utilization of compacted mulch with a 3" min. depth in all planted areas (except ground cover)	10
	total 50

NOTES

- All plant material shall be Florida No. 1 or better.
- All plant material shall be installed in a neat, workman-like manner in conformance with standard Landscape Industry practice.
- All plant material shall be guaranteed for NINETY (90) days commencing on date of certification by Landscape Architect. All warranties are voided by damage from frost conditions, high winds, improper maintenance (neglect) or vandalism.
- All shrub areas shall receive 3" of organic mulch; ground cover up to 2". Keep mulch back from base of stems. Do not use RED MULCH. Cypress mulch is not permitted. Note "pine straw" area on Sheet LA.1.
- Use clean, weed-seed free, re-cycled OR Eucalyptus mulch.
- All trees in sod areas shall retain a NON-MULCHED cleared area, large enough to extend beyond the root ball perimeter (3' radius, min.). NO SOD nor MULCH shall be placed over top of the root ball. Any weed growth shall be immediately removed BY HAND prior to installation and during grow-in period.
- Irrigation shall be supplied by an underground, automatic, pop-up type sprinkler system, guaranteeing 100% coverage of planted area w/o overspray onto any public (or private) pavement area.
- All prohibited exotic and invasive species shall be removed from entire site prior to the issuance of a Certificate of Occupancy.
- Sod quantities are estimates. Contractor shall verify actual quantities required using final, "as-built", field dimensions to calculate square footage.

LPLA

Laurence L. Parr
Landscape Architect
235 Maplewood Drive
Clarksville, Tennessee 37042
931.378.5435
lpla1@bellsouth.net

Baker Road Commons
US Hwy#1/NW 20th Street, Stuart, Florida
L.A.2 Landscape Plant List/Details

JOB#: 1518
DWN : L.P.
DATE: 8.11.15
REV : 12.29.16

SCALE: no scale

Traffic Memorandum

Date: December 29, 2016
To: Stephen Mayer, City of Stuart-Senior Planner
From: Leo Giangrande, PE
Subject: Hilton Suites of Stuart (AKA Wynne Commercial, Baker Commons)
GEP #: 13-0001

Distribution: Joel Wynne, Larry Par
File

This memorandum has been prepared to provide additional information related to traffic analysis and site access. GEP has provided an updated trip generation for the proposed development. The most current version of the Institute Transportation of Engineers (ITE), *Trip Generation Manual* 9th Edition, published in 2014, provides the appropriate trip generation codes and rates. The following tables provide the trip generation approved in 2015 as well as the proposed change in development to remove the previously approved retail and propose a single 106 room hotel.

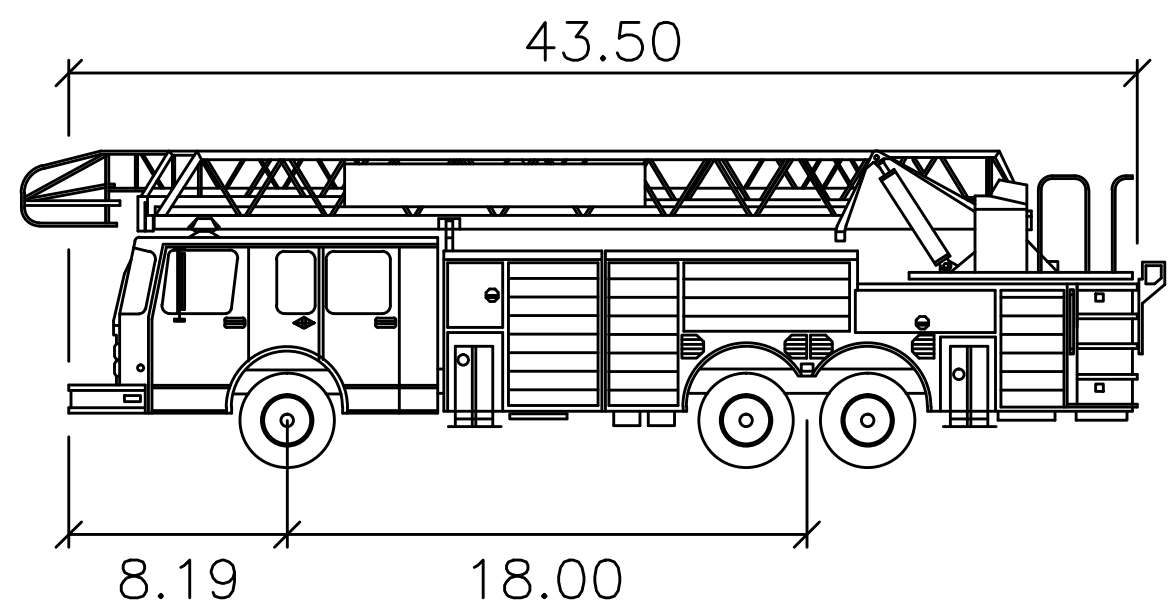
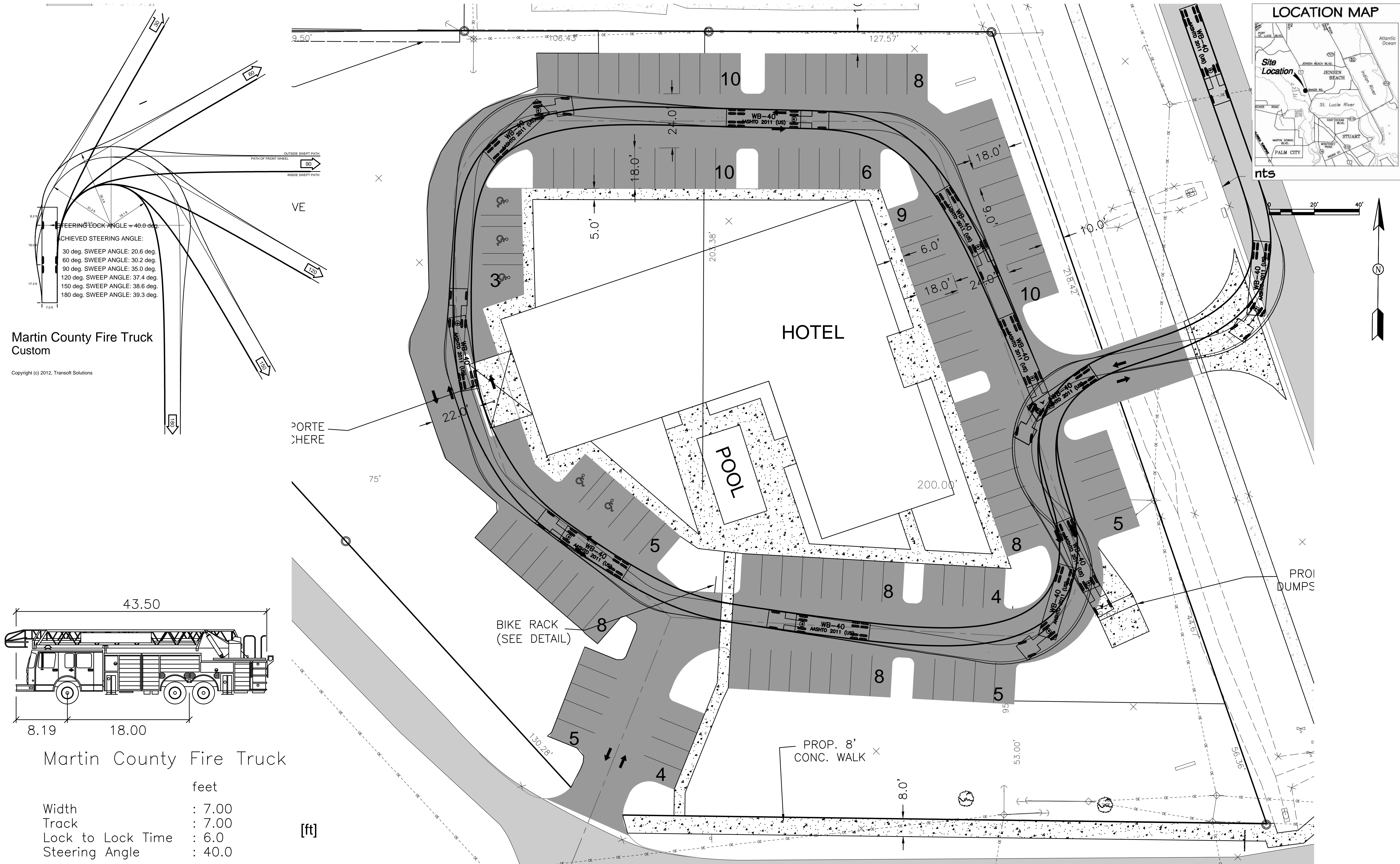
2015 Wynne Commercial Center									
Proposed Trip Generation									
			AM			PM			ADT
ITE Code	Type	Amount	In	Out	Total	In	Out	Total	Total
826	Special Retail	10,250 SF	34	36	70	26	26	51	454
310	Hotel	80 rooms	31	23	54	27	29	56	343
	Pass-By Reduction	15%	(5)	(5)	(11)	(4)	(4)	(8)	(68)
		Total	60	54	113	50	51	100	729

2016 Wynne Hilton Hotel Suites									
Proposed Trip Generation									
			AM			PM			ADT
ITE Code	Type	Amount	In	Out	Total	In	Out	Total	Total
826	Special Retail	0 SF	0	0	0	0	0	0	0
310	Hotel	106 rooms	41	30	71	36	38	74	576
	Pass-By Reduction	15%	0	0	0	0	0	0	0
		Total	41	30	71	37	39	74	576

The revised trip generation provides a peak hour (PH) of 74 trips verses the 113 trips provided in the 2015 traffic report publication. The revised trip generation provides an Average Daily Trips (ADT) of 576 trips verses the 729 trips provided in the 2015 traffic report publication.

Should you have any questions, please contact Leo Giangrande at (772) 888-9076 or e-mail at Leo@GEP-LLC.com

Drawing Name: C:\GEP\GEP_projects\2016\Wynne Commercial\Site Plan\Wynne Site Plan_GEP_2016.11.17.dwg Layout Name: autoturn -- Plotted By: GEP4 -- Date: 2/3/2017 -- 2:26 PM -- Holtz Consulting Engineers



Martin County Fire Truck

Width	: 7.00	feet
Track	: 7.00	
Lock to Lock Time	: 6.0	
Steering Angle	: 40.0	[ft]

REFER TO ARCHITECTURAL PLANS FOR ELEVATIONS AND FLOOR PLANS.

DATE	BY	REVISIONS

Date:	11-17-2016
Scale:	1"=20'
Design By:	LDG
Drawn By:	JLS
Check By:	JLS

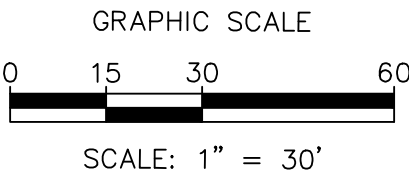
WYNNE COMMERCIAL
HILTON SUITES OF STUART
CITY OF STUART

AUTOTURN EXHIBIT

GIANGRANDE ENGINEERING AND PLANNING
73 SW FLAGLER AVENUE
STUART, FLORIDA 34994
PH. (703) 999-8972
Cert. No. 30901

LEO GIANGRANDE, P.E.
License No: 66387

EX-1



DENOTES 12" PALM TREE

DENOTES 12" PINE TREE

DENOTES 12" OAK TREE

DENOTES 12" EXOTIC TREE

DATE: 01-26-2015
HORIZ. SCALE: 1"=30'
VERT. SCALE: N/A
JOB No. 15-131
SHEET 1 OF 1

January 5, 2016

Terry O'Neil
Development Director
City of Stuart
121 SW Flagler Avenue
Stuart, FL 34994

**RE: Hilton Suites of Stuart
PUD Amendment Request**

Dear Mr. O'Neil,

Giangrande Engineering & Planning (GEP) is requesting a Planned Unit Development (PUD) Amendment for the Hilton Suites of Stuart site, located immediately north of the intersection of US 1 and NW 20th Street (see attached site plan).

The site for the proposed Hilton Suites site was previously approved, but never constructed, for a project named Baker Road Commons. The following is a comparison of the previously approved Baker Road Commons and the proposed Hilton Suites projects:

- The primary difference between the two plans is that the Baker Road Commons plan proposed 10,250 square feet of commercial retail space and a 80 room hotel, while the Hilton Suites plan proposes a 106 room hotel.
- There is no proposed change from the previously approved height of the hotel building.
- The hotel in the Baker Road Commons plan was located approximately 75 feet from the north property line, while the hotel in the Hilton Suites plan is also proposed to be approximately 75 feet from the north property line.
- The dumpster in the Baker Road Commons plan was located approximately 180 feet from the north property line, while the dumpster in the Hilton Suites plan is proposed to be approximately 250 feet from the north property line.
- The estimated average daily traffic (ADT) generated by the Baker Road Commons plan was approximately 729 daily trips, while the estimated ADT generated by the Hilton Suites plan is approximately 522 daily trips.

I appreciate your time and assistance in getting this process started. I would be happy to discuss this further with you by phone or in person if needed. Please do not hesitate to contact me with any questions or comments at 772.888.9076.

Best regards,



Leo D. Giangrande, P.E.
Principal
w/ encl.

General Information

(Please Print or Type)

1. Property Owner, Lessee, Contract Purchaser, or Applicant (circle one):

Name: Joel Wynne
Title: Owner
Company: Wynne Building Corporation
Company Address: 8000 South US-1, Suite 402

City/State/Zip Code: Port St Lucie, FL 34952
Telephone Number:
Facsimile Number:
Email Address (optional):

2. Agent of Record (if any): The following individual is designated as the Agent of Record for the property owner, lessee, or contract purchaser and should receive all correspondence related to the application review.

Name: Leo Giangrande PE
Title: Principal
Company: Giangrande Engineering & Planning
Company Address: 73 SW Flagler Avenue

City/State/Zip Code: Stuart, FL 34994
Telephone Number: 772.888.9076
Facsimile Number:
Email Address (optional): Leo@GEP-LLC.com

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

Name: Leo Giangrande, P.E.
Title: Principal
Company: Giangrande Engineering and Planning
Company Address: 73 SW Flagler Avenue

City/State/Zip Code: Stuart, FL 34994
Telephone Number: 772 888 9076
Facsimile Number:
Email Address (optional): Leo@GEP-llc.com

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

4. Signed this 8 day of December, 2016.

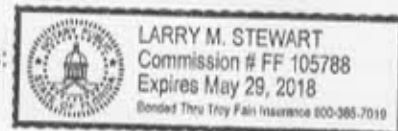


Signature of Property Owner, Lessee, Contract Purchaser or Applicant (circle one)

State of Florida, Martin County The foregoing instrument was acknowledged before me on this 8 day of December by Leo Giangrande who is personally known to me or who has produced _____ as identification and who did/did not take an oath.


Notary Signature

Commission Expires:



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

Meeting Date: 2/16/2017

Prepared by: Tom Reetz

Title of Item:

ORDINANCE No. 2345-2017 AN ORDINANCE OF THE CITY OF STUART, FLORIDA, ANNEXING A PARCEL OF LAND FRONTING NW FEDERAL HIGHWAY (U.S. HIGHWAY 1) SOUTH OF AND ABBUTTING NORTH STUART BAPTIST CHURCH, CONSISTING OF 9.45 ACRES, SAID PARCEL BEING MORE FULLY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO; PROVIDING DIRECTIONS TO THE CITY CLERK; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

Summary Explanation/Background Information on Agenda Request:

Staff has received an application to annex a property fronting NW Federal Highway south of and abutting the North Stuart Baptist Church. The parcel is owned by Anchor Commercial Bank and is 9.45 acres in size and is undeveloped. The parcel is contiguous to the City, compact in form and will not create an enclave if annexed. The City Attorney finds the attached application to be in order and in compliance with Florida Statute Section 171.044. The property owner is not proposing a development plan or timetable for development at this time. The owner understands that City land use and PUD zoning designations will be applied for at a later date. In the meantime, Martin County's land use and zoning regulations remain in effect. As called for by Florida Statute, the Martin County BOCC has been notified of the proposed annexation by certified mail. A complete copy of tonight's agenda item was provided to the County's Growth Management Department on February 10, 2017.

In addition to the Development Department's review, the City Manager, City Attorney, Public Works and Financial Services Departments have reviewed the application without objection.

With regard to cost, annexing the subject properties will have a de minimus impact on City Services. When land use, zoning and specific development plans are proposed at a later date, a comprehensive fiscal impact analysis will occur. In the meantime, based on the as-is assessed value of the parcel (\$533,820) the City's ad valorem revenues, at the current millage rate of 4.552, will be approximately \$2,430.

Funding Source:

NA

Recommended Action:

Recommend approval of Ordinance No. 2345-2017

ATTACHMENTS:

Description	Upload Date	Type
❑ Ordinance 2345-2017	2/9/2017	Resolution add to Y drive
❑ City Attorney Memorandum	2/9/2017	Backup Material
❑ Staff Report and maps	2/9/2017	Staff Report

▣	Annexation Application	2/9/2017	Backup Material
▣	Martin County Notification	2/10/2017	Backup Material
▣	Affidavit for sign posting on site with picture	2/9/2017	Backup Material

Return to:

City Attorney's Office
City of Stuart
121 SW Flagler Street
Stuart, FL 34994

ORDINANCE No. 2345-2017

AN ORDINANCE OF THE CITY OF STUART, FLORIDA, ANNEXING A PARCEL OF LAND FRONTING NW FEDERAL HIGHWAY (U.S. HIGHWAY 1) SOUTH OF AND ABBUTTING NORTH STUART BAPTIST CHURCH, CONSISTING OF 9.45 ACRES, SAID PARCEL BEING MORE FULLY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO; PROVIDING DIRECTIONS TO THE CITY CLERK; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

WHEREAS, Petitioners, Anchor Commercial Bank, constituting the fee simple title holder to the land fronting NW Federal Highway (U.S. Highway-1), consisting of 9.45 acres, more particularly described in **Exhibit "A"**, attached hereto and made a part thereof, has voluntarily requested the City of Stuart annex said land into the corporate limits of the City; and

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

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

Section 1. Findings. The City Commission finds the above statements are true and correct,

and serve as a basis for consideration of this ordinance; that said lands are contiguous with the corporate limits of the City of Stuart, creates no enclaves, is reasonably compact, and that the City can effectively provide police, fire, and sanitary services to said land, all in compliance with the terms and requirements of Sec. 171.44, Florida Statutes, and the City of Stuart Code.

Section 2. Annexation. The City Commission has determined that development of said lands upon annexation shall be in accordance with the regulatory requirements of Martin County until such time as amendments to the City's Comprehensive Land Use Plan and Official Zoning Map become effective; and that the parcel of land more particularly described in **Exhibit "A"**, are hereby annexed into and shall be within the corporate limits of the City of Stuart, Florida, and that same shall henceforth be a part of said City as if said lands were originally a part of the City of Stuart.

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

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

Section 5. Severability. If any word, clause, sentence, paragraph, section or part thereof

contained in this Ordinance is declared to be unconstitutional, unenforceable, void or inoperative by a court of competent jurisdiction, such declaration shall not affect the validity of the remainder of this Ordinance. The corporate boundary of the City shall be re-codified to include lands annexed.

Section 6. Effective Date: This ordinance shall be effective upon its adoption.

Passed on first reading the 27th 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:

THOMAS CAMPENNI, MAYOR
TROY MCDONALD, VICE MAYOR
JEFFERY KRAUSKOPF, COMMISSIONER
KELLI GLASS-LEIGHTON, COMMISSIONER
EULA CLARKE, COMMISSIONER

YES	NO	ABSENT

ADOPTED on second and final reading this 13th day of March, 2017.

ATTEST:

CHERYL WHITE
CITY CLERK

THOMAS CAMPENNI
MAYOR

APPROVED AS TO FORM
AND CORRECTNESS:

MIKE MORTELL, CITY ATTORNEY

Exhibit "A"
Legal Description & Boundary Survey

Anchor Commercial Bank Prcel

LEGAL DESCRIPTION:

A PORTION OF LOTS 10, 11, AND 12, BLOCK 2, PLAT No. 1 SAINT LUCIE GARDENS, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 1, PAGE 35 OF THE PUBLIC RECORDS OF ST. LUCIE (NOW MARTIN) COUNTY, FLORIDA. MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE SOUTHERLY 365.24 FEET (MORE OR LESS OF THE NW 1/4 OF SECTION 29, TOWNSHIP 37 SOUTH, RANGE 41 EAST, LYING WESTERLY OF THE EXISTING RIGHT OF WAY OF STATE ROAD 5 (U.S. 1).

LESS THE SOUTHERLY 315.24 FEET (MORE OR LESS) OF THE EASTERLY 335 FEET AS MEASURED AT RIGHT ANGLES FROM SAID WESTERLY RIGHT OF WAY OF STATE ROAD 5 (U.S. 1).

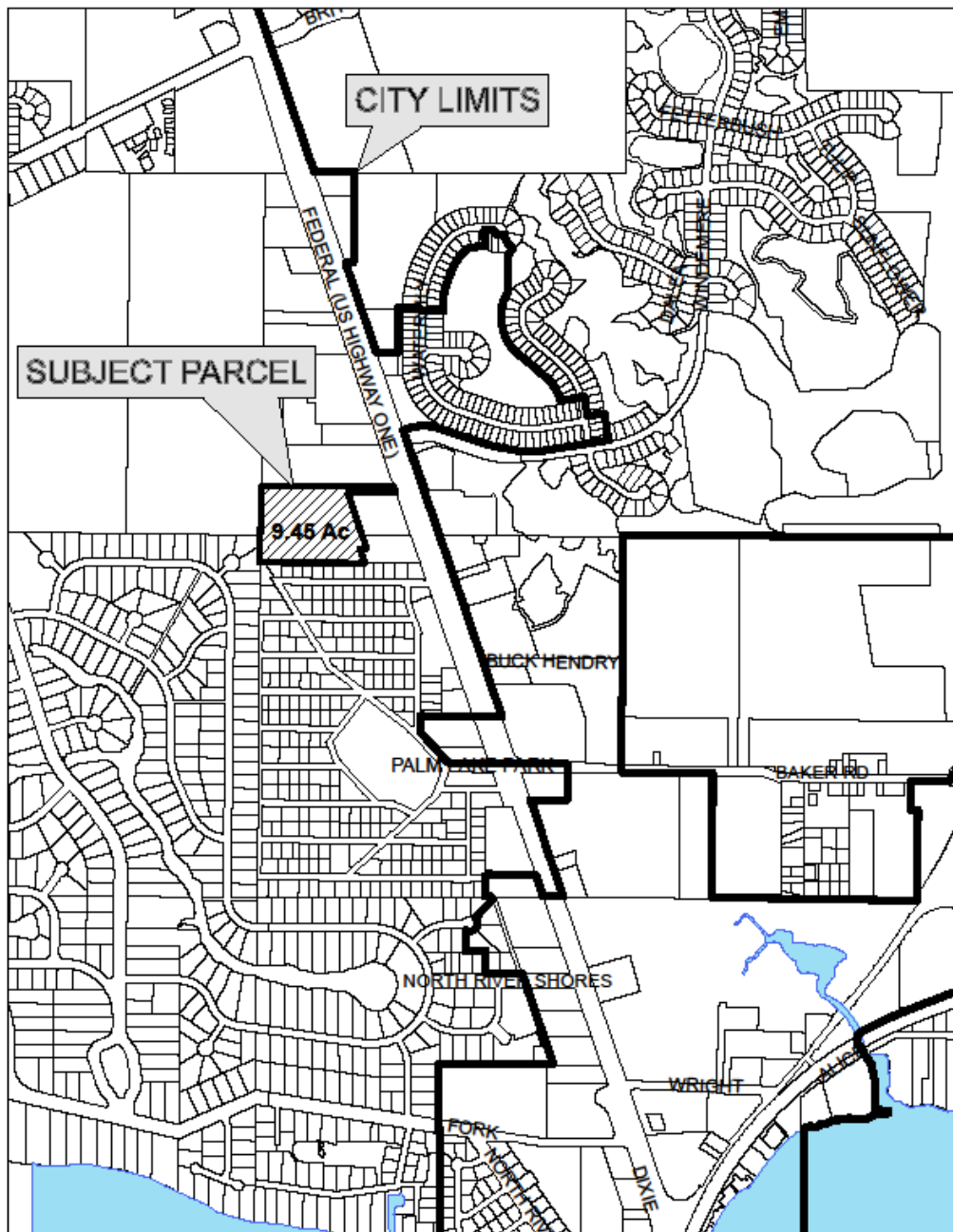
TOGETHER WITH

KNOWN AS A PORTION OF THE NORTH 200 FEET OF THE N.W. 1/4 OF THE S.W. 1/4 OF SECTION 29, TOWNSHIP 37 SOUTH, RANGE 41 EAST, LYING WEST OF THE WESTERLY RIGHT OF WAY LINE OF STATE ROAD 5 (U.S. 1), MARTIN COUNTY, FLORIDA.

BEGINNING AT THE WEST QUARTER CORNER OF SAID SECTION 29, THENCE SOUTH $89^{\circ}26'32''$ EAST ALONG THE NORTH LINE OF THE S.W. 1/4 OF SAID SECTION 29 A DISTANCE OF 742.86 FEET TO A POINT 335.00 FEET WESTERLY OF AS MEASURED AT A RIGHT ANGLE TO THE WESTERLY RIGHT OF WAY LINE OF STATE ROAD No. 5; THENCE SOUTH $18^{\circ}38'23''$ EAST PARALLEL WITH SAID RIGHT OF WAY A DISTANCE OF 96.77 FEET TO A POINT, THENCE NORTH $89^{\circ}26'32''$ WEST A DISTANCE OF 50.00 FEET TO A POINT, THENCE SOUTH $18^{\circ}38'23''$ EAST A DISTANCE OF 115.00 FEET TO A POINT ON THE SOUTH LINE OF SAID NORTH 200 FEET; THENCE NORTH $89^{\circ}26'32''$ WEST A LONG SAID LINE A DISTANCE OF 763.51 FEET TO A POINT ON THE WEST LINE OF SAID SECTION 29, THENCE NORTH $00^{\circ}50'53''$ EAST ALONG SAID WEST LINE A DISTANCE OF 200.00 FEET TO THE **POINT AND PLACE OF BEGINNING**.



Location Map



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



MEMORANDUM

TO: TERRY O'NEIL, DEVELOPMENT DIRECTOR

SUBJECT: VOLUNTARY ANNEXATION OF A 9.45 ACRE PARCEL OF LAND ON
N.W. FEDERAL HIGHWAY

CC: PAUL NICOLETTI, CITY MANAGER

DATE: FEBRUARY 9, 2017

ISSUE

I have reviewed an annexation request for a 9.45 acre parcel located on the west side of N.W. Federal Highway abutting North Stuart Baptist Church to the north, Windemere Point to the east and commercial/ residential to the south.

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

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

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

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

Section 171.031(11) provides that:

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

In the current application, all owners of the geographic area subject to annexation have signed the application and a substantial part of the boundary is coterminous with the City of Stuart. Specifically, the 52 foot wide, U.S. One Boundary (which provides the only access to the property) is coterminous with the City of Stuart. Therefore, the property meets condition one and deemed is contiguous to the City of Stuart.

3. **Reasonably Compact**

“Compactness is defined under subsection (12) of 171.031, F.S., to mean a concentration of a piece of property in a single area. The requirement for compactness precludes any action which would create enclaves, pockets, or ginger areas in serpentine patterns. The purpose of the compact and contiguous requirement is to assure creation of

geographically unified and compact municipalities, City of Sunrise v. Broward County, 473 So. 2d 1387 (Fla. 4th DCA 1985). The court in City of Sanford v. Seminole County, 538 So. 2d 113 (Fla. 5th DCA 1989) found that our statutes do not define the term pocket but Webster's defines the term in relevant part as a small isolated area of group. *Id.* AT 115 (referencing Webster's New Collegiate Dictionary, p. 879).

As for "finger areas in serpentine patterns," the Sanford Court found that "serpentine" is defined in Webster's as "winding or turning one way and another". The court further found that the property annexed in the Sanford case did not violate the compactness requirement because "[while the annexations may be viewed to some extent as being in a finger pattern, they are not winding or turning." A review of the map, Exhibit "A", clearly shows that the parcel is compact, and that annexation would not create enclaves, pockets, or finger areas in serpentine patterns.

The issue of whether a parcel of property is "small" and "isolated" is relative to, and necessarily dependent upon, the size and configuration of the parcel and the surrounding municipal property. Size, be it small or large, is a relative term that can only be determined in relation to something else. Although the Court said in City of Sanford that a pocket is "a small isolated area or group," it did so recognizing that whether a parcel is small and isolated must be determined in relationship to the overall scope and configuration of the parcel in question and the surrounding municipal property. The statutory requirement that pockets not be created by annexations was intended to insure that no vestiges of unincorporated property be left "in a sea of incorporated property." See City of Ctr. Hill v. McBryde, 952 So. 2d 599 (Fla. 5th DCA 2007).

A review of the map and the application determines that this property is reasonably compact and meet Florida Statute 171.031(12). Given the configuration of the City as well as the property requesting annexation, the annexation will not create pockets of unincorporated areas or serpentine finger areas.

(1) No Enclaves

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

A review of the map clearly shows that an annexation of this parcel would not create an area bound on all sides by a single municipality, and there is no natural or

manmade obstacle to vehicular traffic in close proximity to either parcel. Therefore, no enclaves are created.

Conclusion

Based upon the foregoing facts and analysis it is my opinion that the voluntary annexation of this parcel into the municipal boundaries of the City of Stuart comply with Florida Statute §171.044. This opinion is prepared solely at the request of and for the use of, the City of Stuart, and no other person or entity may rely on it for any purpose without the express written permission of the City of Stuart.

Exhibit 'A'

1.3 Location of Proposed Annexation Property

Tuckers Cove is a vacant 9.448-acre parcel located on the west side of US-1 north of the Roosevelt Bridge. The City of Stuart jurisdictional boundary is predominantly situated to the east and further south of the proposal site.

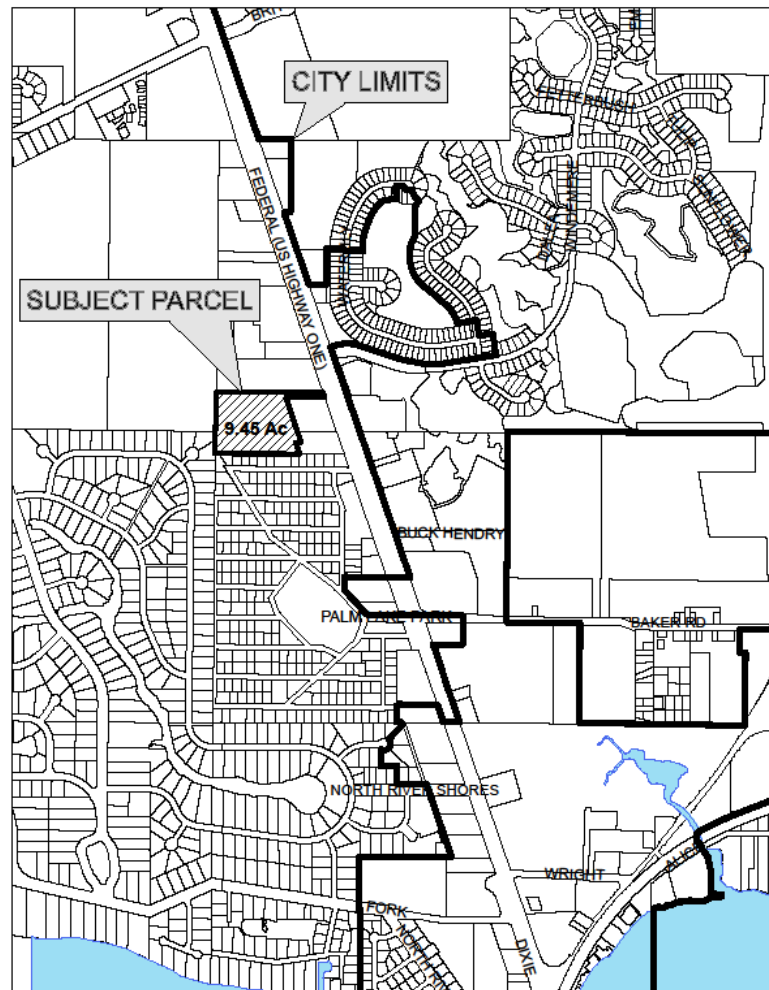


STAFF REPORT & MAPS

Background:

Staff has received an application to annex a single parcel on the west side of N.W. Federal Highway and south of North Stuart Baptist church. The 9.45 acre subject parcel owned by Anchor Commercial Bank and is undeveloped.

The property is considered contiguous to the City, compact in form and will not create an enclave if annexed. The City Attorney finds the attached application to be in order and in compliance with Florida Statute Section 171.044. The property owner is proposing a development plan or schedule of development at this time and understands that City land use and PUD zoning designations will have to be applied for at a later date. In the meantime, Martin County's land use and zoning regulations remain in effect. As called for by Florida Statute, the Martin County BOCC has been notified of the proposed annexation by certified mail. A complete copy of tonight's agenda item was provided to the County's Growth Management Department on Friday February 10, 2017.

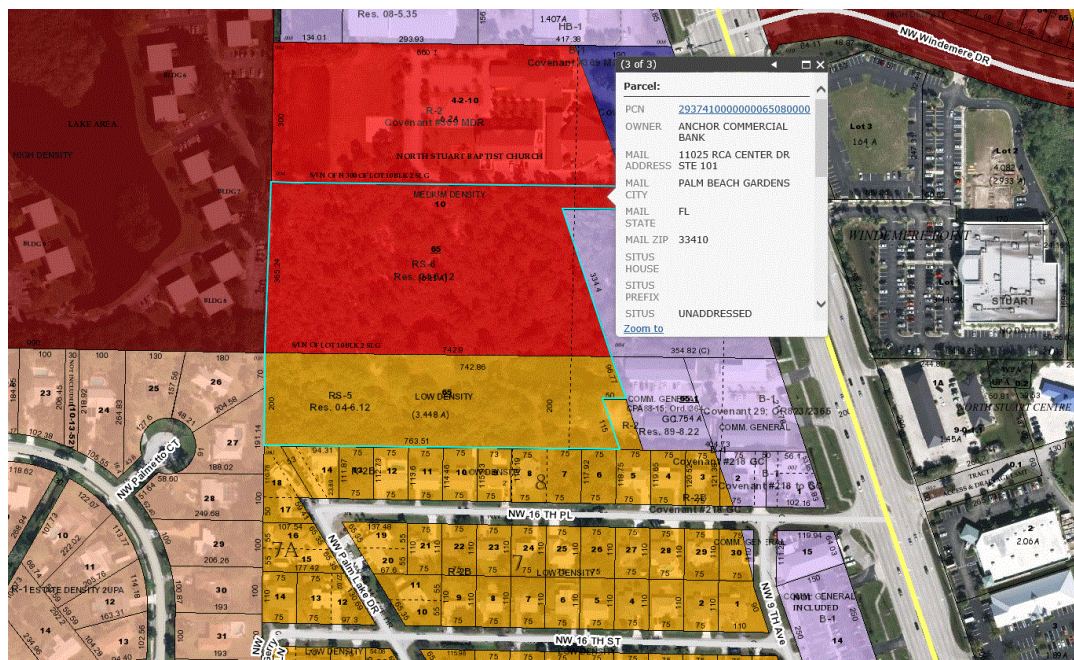


Parcel Information

	Size (Ac)	Status	County Land Use	County Zoning	City Land Use	City Zoning	Utilities
Anchor Commercial Bank	9.45	Vacant, undeveloped	Commercial Office/Residential, Medium Density, Low Density	RS-5 RS-6 Residential, RS-6 Residential and COR-2, Commercial Office Residential	TBD (Likely multi-family, limited commercial)	TBD (Likely R-PUD)	County water, sewer, storm water and sanitation

County Land Use

The parcel's land use is Commercial Office/Residential Medium Density, Low Density under the County's Comprehensive Plan, a designation which is "reserved for land in the Primary Urban Service District. Densities shall not exceed five units per gross acre for low density and six units per acre for medium density. In reviewing specific densities, the aim shall be to preserve the stability and integrity of established residential development and provide equitable treatment to lands sharing similar characteristics. Landscaping, screening, buffering and similar design techniques shall be used to as smooth transition between residential structure types and densities"



County Zoning

The property is zoned **RS-5 and RS-6 Residential District and COR Commercial Office Residential** on the County's official zoning map. *In this district, a building or structure or land shall be used for only the following purposes, subject to any additional limitations pursuant to [section 3.11](#):*

RS-5 and RS-6

1. Any use permitted in the R-2A Two-Family Residential District.
2. Modular homes
3. Multifamily dwellings
4. Single-family detached dwelling
5. Townhouse dwellings
6. Duplex dwellings
7. Zero lot line single-family dwellings

COR

8. Administrative services, not-for-profit
9. Community centers
10. Educational institutions
11. Neighborhood assisted residences with six (6) or fewer residents
12. Places of worship
13. Post offices
14. Protective and emergency services
15. Residential care facilities
16. Ancillary retail use
17. Business and professional office

RS-5 and RS-6

The required lot area shall not be less than 7,500 square feet.

Minimum setbacks required.

1. Front: 25 feet.
2. Rear and side: 10 feet.
3. No structure shall be built within 50 feet of the center line of any public platted right-of-way not a designated through-traffic highway.

COR-1 Commercial Office Residential

The required lot area shall not be less than 7,500 square feet.

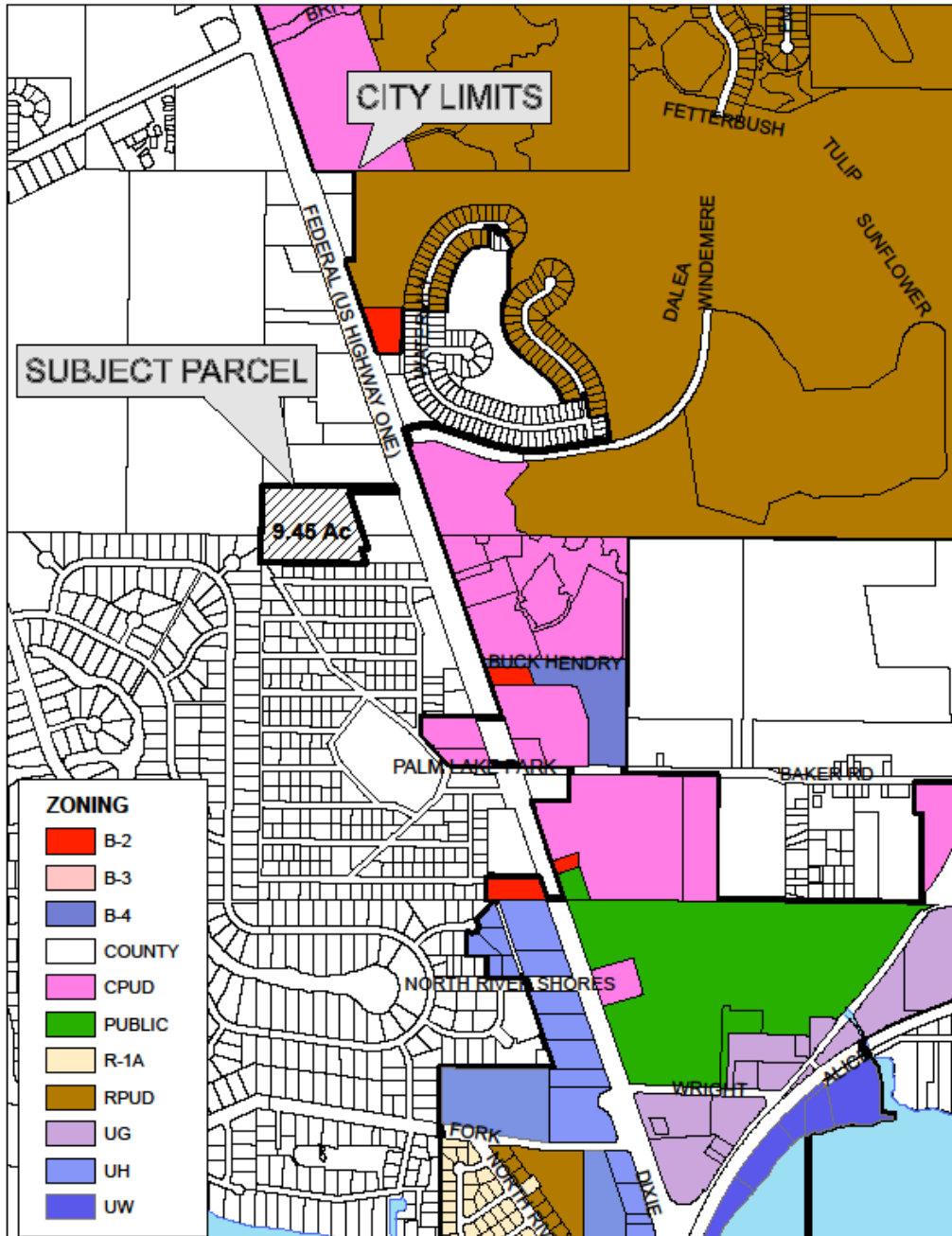
Minimum setbacks required.

4. Front: 25 feet.
5. Rear and side: 10 feet.
6. No structure shall be built within 50 feet of the center line of any public platted right-of-way not a designated through-traffic highway.

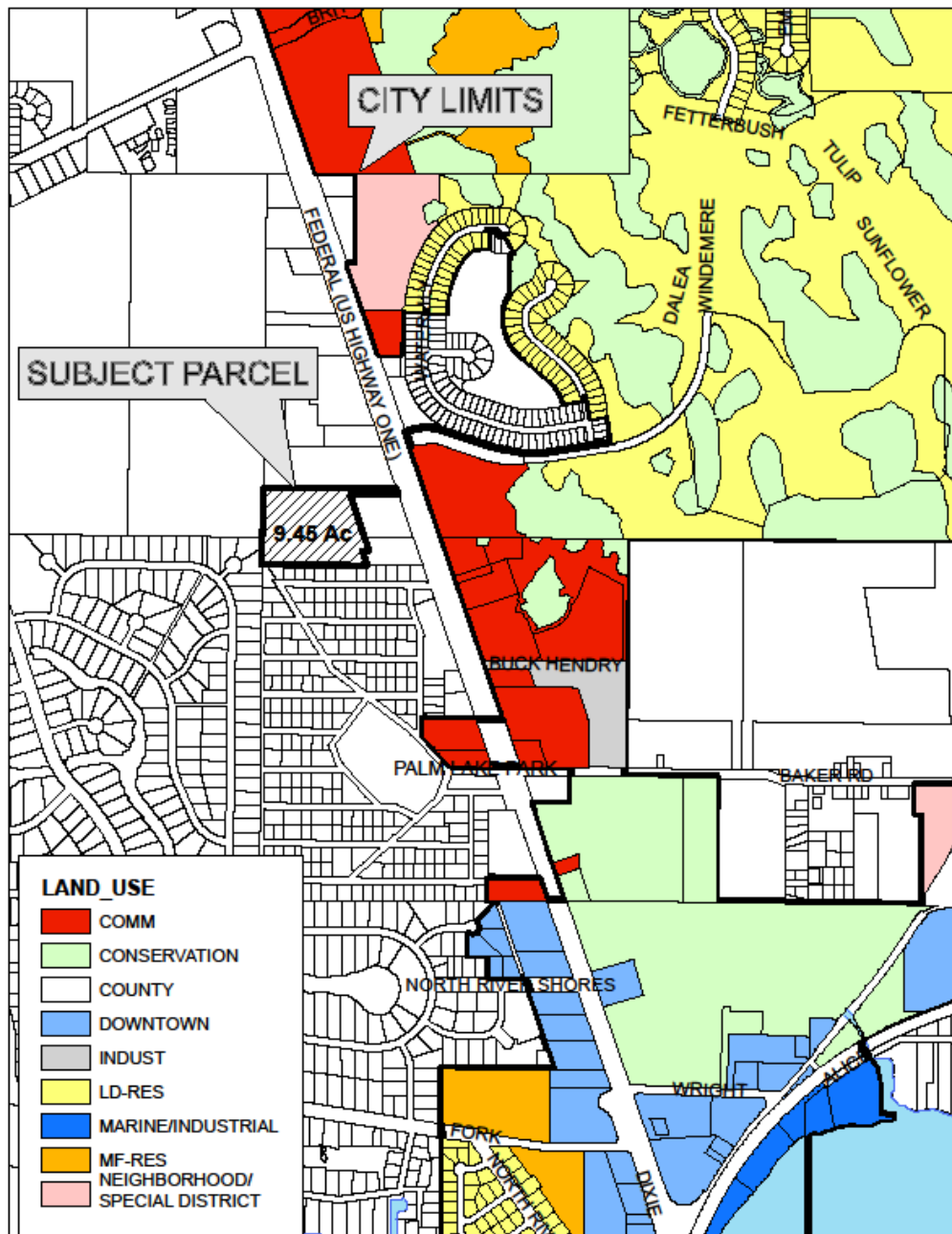
1. Any use permitted in the COR – Commercial Office Residential Districts.

Required lot area, width, front, side and rear yards and building height limits. Lots in the COR Commercial Office Residential District shall have an area of not less than 10,000 square feet, with a minimum width of 80 feet measured along the front property line. The maximum height of buildings or structures shall not exceed three stories or 30 feet, and not more than 30 percent of the lot area shall be occupied by structures or buildings. The minimum floor area of a dwelling unit in a COR-1 dwelling shall be 400 square feet, exclusive of carports, breezeways or utility rooms

Zoning Map



Land Use Map





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

Received by: TR
Reviewed by: _____
Approved by: _____

Annexation Application

Project ID# 217010005
(Staff Entry)

Pre-App Conference Date: TBD	Application Date:
Project Name: Anchor Commercial Bank Annexation	
Parcel ID#29-37-41-000-000-00650-8	Project Address: US Highway No. 1, Stuart FL
Zoning/CRA Sub-district: COR-2, RS-5 & RS-6 Martin Co.	
Subdivision: St. Lucie Gardens	Lot(s): 10, 11 & 12
Fee: \$1,792.00 (this does not include fees that may be charged as a result of application review by the City's consultants or any required recording fees)	
Submittal Requirements: <ul style="list-style-type: none">A. Completed application form;B. Payment of fees;C. A concept plan;D. An estimate of the direct public costs to provide capital facilities for City utilities and other municipal services required by the development;E. An estimate of the ad valorem tax revenues to be generated by the subject property at the current millage rate both prior to and after development;F. An estimate of the residential population increase of the City after development; andG. Any other information as may be required by the City Development Director in order to do a thorough review of the request.H. One (1) copy of all documents on a PDF formatted disc electronically signed and sealed. <p>(The data requirements for a concept plan are available at the Development Department)</p>	
Approving Authority: The Development Director is required to prepare a staff report and recommendation concerning this application. For a Major PUD amendment, the Local Planning Agency (LPA) is required to hold an advertised public hearing and formulate a recommendation to the City Commission. For both types of applications, the City Commission is required to hold an advertised public hearing after which it may approve, approve with conditions, or deny the application.	
Justification: Please explain how the proposed annexation would further the relevant goals, objectives, and policies of the City's comprehensive plan (include additional pages if needed).	
The project is contiguous to city limits and will benefit from annexation due to the development approval process of the city. The resulting project from a city development process will be far better than a project resulting from a county development approval process.	

(over)

General Information

(Please Print or Type)

1. Property Owner, Lessee, Contract Purchaser, or Applicant (circle one):

Name: Nelson Hinojosa	City/State/Zip Code: Palm Beach Gardens, FL 33410
Title: President & CEO	Telephone Number: 561-383-3170
Company: Anchor Commercial Bank	Facsimile Number: 561-775-7016
Company Address: 11025 RCA Center Drive	Email Address (optional):

2. Agent of Record (if any): The following individual is designated as the Agent of Record for the property owner, lessee, or contract purchaser and should receive all correspondence related to the application review.

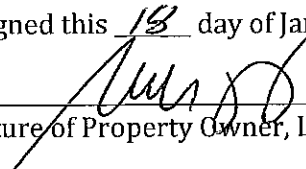
Name: Boyd Bradfield	City/State/Zip Code: Stuart, FL 34994
Title: President	Telephone Number: 772-286-6292
Company: NAI Southcoast	Facsimile Number: 772-286-7535
Company Address: 2055 S. Kanner Hwy	Email Address (optional):

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

Name: Nelson Hinojosa	City/State/Zip Code: Palm Beach Gardens, FL 33410
Title: President & CEO	Telephone Number: 561-383-3170
Company: Anchor Commercial Bank	Facsimile Number: 561-775-7016
Company Address: 11025 RCA Center Drive, Suite 101	Email Address (optional):

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

4. Signed this 13 day of January, 2017.


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

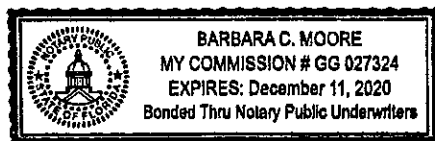
State of Florida, Martin County The foregoing instrument was acknowledged before me on this 18 day of January, 2017 by Nelson Hinojosa, President & CEO of Anchor Commercial Bank, who is personally known to me, or who has produced _____ as identification and who

did/did not take an oath.

Barbara C. Moore

Notary Signature

Commission Expires: 12-11-20



PETITION FOR ANNEXATION

I, Mr. Nelson Hinojosa, President and CEO of Anchor Commercial Bank, being the sole title owner of the 9.4481 acres of land described in the deed attached hereto as Exhibit "A," and located at US highway No. 1, Stuart, Florida, bearing Parcel Control No. 29-37-41-000-000-00650-8, hereby petition the City of Stuart to have said land annexed into the City.

In addition, I wish to join in the annexation application for the real property to the west of mine by Nehme Holdings, LLC, bearing Parcel Control No. 29-37-41-000-000-00650-8.

Nelson Hinojosa
Nelson Hinojosa, President & CEO

STATE OF FLORIDA §
COUNTY OF MARTIN §

This PETITION FOR ANNEXATION was acknowledged before me on January 18, 2017 by Nelson Hinojosa, President and CEO of Anchor Commercial Bank, the owner of the said property. He is personally known to me or has produced _____ as identification.

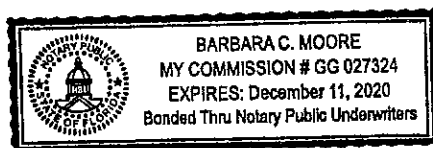
[SEAL]

Barbara C. Moore

Notary Public, State of Florida

My Commission Expires: 12-11-20

Parcel ID 29-37-41-000-000-00650-8





Development Department

City of Stuart

121 SW Flagler Avenue ~ Stuart, FL 34994

Phone: (772) 288-5326

Fax: 288-5388

February 8, 2017

Via: Return Receipt
Mail

Chairperson Doug Smith & Commissioners
MC Board of County Commissioners
2401 SE Monterey Road
Stuart, Florida 34996

Re: Application for voluntary annexation

Dear Chairperson Smith & Commissioners,

Pursuant to Florida Statute Section 171.044(6), attached please find a notice of proposed annexation which will be published in the Stuart News, once each week for two consecutive weeks, prior to the Stuart City Commission's final consideration of the item on March 13, 2017. A complete copy of the annexation ordinance and Local Planning Agency (LPA) agenda packet will be provided to County Growth Management Director, Nicki VanVonno, by February 10th, 2017. If you have any questions regarding this letter, please do not hesitate to contact this office at (772) 600-1284.

Sincerely,

Thomas J. Reetz

Tom Reetz
City of Stuart Senior Planner

cc: Taryn Kryzda, County Administrator
Nicki VanVonno, County Growth Management Director
Stuart City Commission
Paul Nicoletti, City Manager

Attached: Stuart News Advertisement

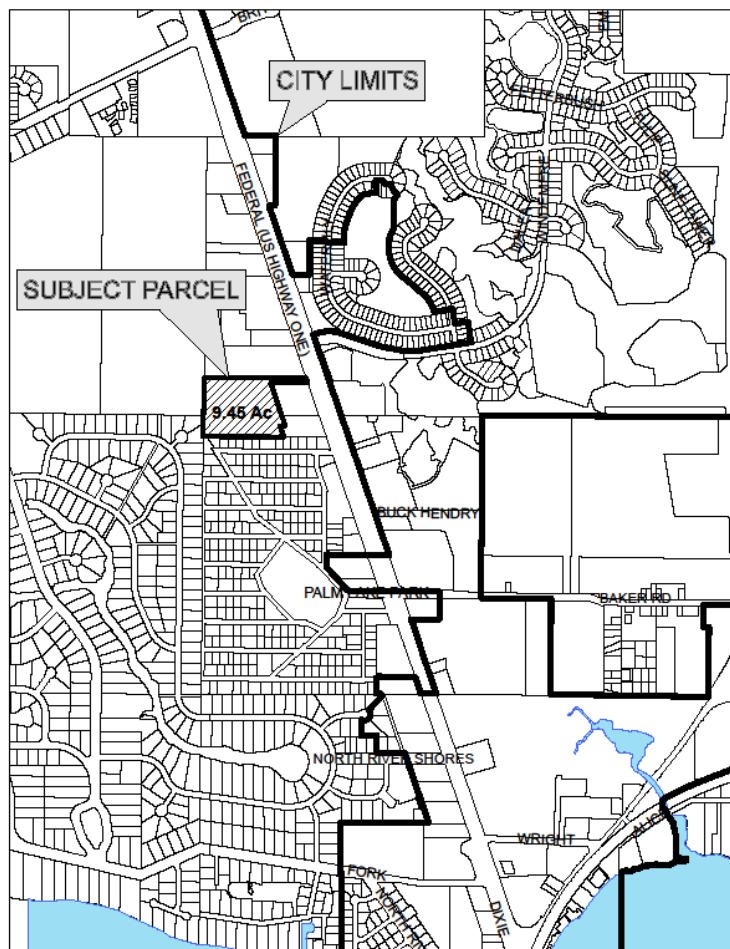
Notice of Proposed Annexation of Land

An ordinance (title shown below) to annex a single parcel (map shown below) will be considered by the Stuart Local Planning Agency (LPA) on Thursday, February 16, 2017 at 5:30 PM and by the Stuart City Commission on Monday, February 27, 2017 and Monday, March 13th at 5:30 PM. All hearings will take place at the Stuart City Hall Commission Chambers, 121 SW Flagler Avenue in Stuart. A complete legal description by metes and bounds and a complete copy of the ordinance may be obtained from the Office of the City Clerk or by calling (772) 600-1284.

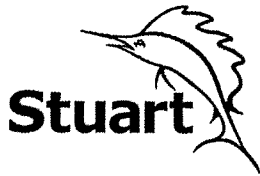
ORDINANCE No. 2345-2017

AN ORDINANCE OF THE CITY OF STUART, FLORIDA, ANNEXING A PARCEL OF LAND FRONTING NW FEDERAL HIGHWAY (U.S. HIGHWAY 1) SOUTH OF AND ABBUTTING NORTH STUART BAPTIST CHURCH, CONSISTING OF 9.45 ACRES, SAID PARCEL BEING MORE FULLY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO; PROVIDING DIRECTIONS TO THE CITY CLERK; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

Location Map



Publish February 11, 2017 & February 27th 2017 & March 6, 2017



AFFIDAVIT ATTESTING TO NOTIFICATION BY POSTING

121 SW Flagler Ave
Stuart, FL 34994

Tel: 772-288-5326

Fax: 772-288-5388

Please print clearly and provide all required information

I/We Boyd G. Bradfield, being first duly sworn, depose(s) and say(s):

1. That (I am/We are) the owner(s) of the following described property:

US Hwy 1, Stuart, FL Parcel ID # 29-37-41-000-000-00650-8

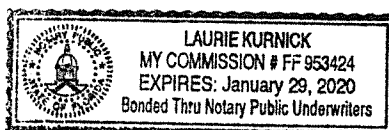
2. The sign has been posted according to and complies with the standards of the notice provisions of
Section 11.11.02 of the City of Stuart Land Development Code.

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

Signature of Property Owner/Authorized Agent

Signature of Property Owner/Authorized Agent

Sworn and subscribed before me this 1 day of FEBRUARY, 2017 by BOYD BRADFIELD who is
personally known to me/who produced _____ as identification and who did/did
not take an oath, acknowledged this foregoing instrument before me on this
1 day of FEBRUARY, 2017.

Notary Public, State of Florida



CITY OF STUART, FLORIDA AGENDA ITEM REQUEST Local Planning Agency

Meeting Date:2/16/2017

Prepared by:Stephen Mayer

Title of Item:

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA AMENDING THE CITY'S COMPREHENSIVE PLAN; SPECIFICALLY AMENDING THE FUTURE LAND USE ELEMENT TABLE OF LAND USE DENSITIES AND INTENSITIES IN ORDER TO INCREASE THE MAXIMUM DENSITY CALCULATIONS FOR LOW DENSITY RESIDENTIAL, MULTI-FAMILY RESIDENTIAL, OFFICE/RESIDENTIAL AND EAST STUART DISTRICT TO PROVIDE FOR CONSISTENCY WITH THE CITY'S EXISTING MINIMUM LOT SIZE REQUIREMENTS; APPROVING TRANSMITTAL OF THE COMPREHENSIVE PLAN TO THE DEPARTMENT OF ECONOMIC OPPORTUNITIES (DEO) AND OTHER RELEVANT AGENCIES AND LOCAL GOVERNMENTS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR EFFECTIVE DATE, AND FOR OTHER PURPOSES.

Summary Explanation/Background Information on Agenda Request:

Due to a recent application for a minimum lot size reduction variance before the Board of Adjustment (BOA) and questions raised by an objecting neighbor as to how a site's maximum residential density should be calculated, a number of long-overlooked inconsistencies between the City's Comprehensive Plan and its LDC have been brought into light. Of note is the fact that state-mandated goals, policies and objectives contained in a jurisdiction's comprehensive plan are paramount and override any conflicting or errant language that may exist in its land development regulations. However, long-standing practices and existing residential lots have been developed contrary to comprehensive plan. In order to continue these practices, the comprehensive plan must be reviewed and amended to provide consistency.

Since its adoption in 1967, Stuart's Zoning Code -- now the LDC -- has set forth, without change, the following minimum lot sizes for residential lots in the R-1A, R-1, and R-2 duplex zoning districts: (R-1A 10,000, R-1 7,500, R-2 (Duplex) 7,500.

As a result, for nearly 50 years, a single-family or duplex lot meeting these minimum standards (as well as minimum lot width, impervious coverage limitations and setbacks) has been deemed compliant and issued a permit for development. Further, since 1967, the City's BOA has routinely granted lot size variances allowing single-family and duplex homes on smaller lots. In the late 1990's, prompted by Martin County's law suits over annexation, in accordance with Chapter 163 of Florida Statute, the City Commission made several remedial amendments to its Comprehensive Plan, thereby establishing a maximum of (7) seven dwelling units per acre (UPA) in the "Low-Density Residential" land use category, which generally encompasses R-1A, R-1 and R-2 duplex zoning districts. Sometime following this amendment, the LDC was (inexplicably) altered to include more restrictive density caps of (4) four units per acre (UPA) in the R-1A zoning category and (5) five UPA in the R-1 district. In 2007, the LDC was amended to include "cottage lot" provisions to encourage smaller lot development within older established subdivisions.

Furthermore, the Land Development Code establishes a density of 17 units per acre, which is reflective of the specific historic fabric of the East Stuart neighborhood. The Comprehensive Plan established 15 units per acre for the East Stuart district and therefore would need to be amended to be consistent.

Staff has performed an analysis of every residential zone and identified several zoning districts that were in conflict with the densities prescribed in the Comprehensive Plan. To resolve these conflicts, both the City's

Comprehensive Plan and its Land Development Code must be amended. First, staff drafted a text amendment to correct the inconsistencies of the Future Land Use Element and requested the assistance of legal consultants Robert Pennock and Bob Apgar, who are well known leaders in Comprehensive Planning in the State of Florida. We requested that they provide any legal or planning issues in regard to our draft and what the legal procedures and notice requirements that the City must satisfy for adoption of the plan amendment. Their memorandum is attached and states in summary, "The amendment does not raise any legal issues, nor is any additional amendment necessary to establish its validity, unless the supporting data and analysis showed that an amendment to the 5-year Capital Improvements Schedule was needed...Moreover, the amendment would not decrease the possible density or intensity of development, thereby avoiding any issues under the Bert Harris Act, Chapter 70, Florida Statutes.

In drafting this language to the Comprehensive Plan, staff has made an assumption that the Commission wishes to retain the status quo in terms of applying the same minimum lot size and density standards that have been observed since 1967. Therefore, staff recommends approval of the draft ordinance to the Future Land Use Element, increasing the maximum density calculations for Low Density Residential, Multi-Family Residential, Office/Residential (only for duplexes), and East Stuart District.

Staff has drafted a complimentary Ordinance (Ordinance No. 2332-2017) amending the Land Development Code and due to the mutual issues regarding the two different forms of text amendment, staff anticipates that both Ordinances will be given joint consideration.

Funding Source:

N/A

Recommended Action:

Staff recommends approval of Ordinance 2342-2017 and forwarding for consideration by the Stuart City Commission for first reading.

ATTACHMENTS:

Description	Upload Date	Type
❑ Staff Memo	1/13/2017	Staff Report
❑ Ordinance No. 2342-2017	1/13/2017	DRAFT ORDINANCE
❑ Attachment A - Future Land Use Text Amendment	2/6/2017	Attachment
❑ Residential Density Analysis	1/13/2017	Attachment
❑ Legal Consultant Memo	1/13/2017	Attachment

Memorandum

To: City Commission

From: Terry O'Neil, City Development Director

Cc: Paul Nicoletti, City Manager

Mike Mortell, City Attorney

Date: January 12, 2016

Re: Inconsistencies between the City's Comprehensive Plan and its Land Development Code (and within the LDC itself) in the application of maximum residential density calculations.

Due to a recent application for a minimum lot size reduction variance before the Board of Adjustment (BOA) and questions raised by an objecting neighbor as to how a site's maximum residential density should be calculated, a number of long-overlooked inconsistencies between the City's Comprehensive Plan and its LDC have been brought into light. Of note is the fact that state-mandated goals, policies and objectives contained in a jurisdiction's comprehensive plan are paramount and override any conflicting or errant language that may exist in its land development regulations. However, long-standing practices and existing residential lots have been developed contrary to comprehensive plan. In order to continue these practices, the comprehensive plan must be reviewed and amended to provide consistency.

Since its adoption in 1967, Stuart's Zoning Code -- now the LDC -- has set forth, without change, the following minimum lot sizes for residential lots in the R-1A, R-1, and R-2 duplex zoning districts:

Zone	Minimum lot size (Sq. Ft.)
R-1A	10,000
R-1	7,500
R-2 (Duplex)	7,500

As a result, for nearly 50 years, a single-family or duplex lot meeting these minimum standards (as well as minimum lot width, impervious coverage limitations and setbacks) has been deemed compliant and issued a permit for development. Further, since 1967, the City's BOA has routinely granted lot size variances allowing single-family and duplex homes on smaller lots. In the late 1990's, prompted by Martin County's law suits over annexation, in accordance with Chapter 163 of Florida Statute, the City Commission made several remedial amendments to its Comprehensive Plan, thereby establishing a maximum of (7) seven dwelling units per acre (UPA) in the "Low-Density Residential" land use category, which generally encompasses R-1A, R-1 and R-2 duplex zoning districts. Sometime following this amendment, the LDC was (inexplicably) altered to include more restrictive density caps of (4) four units per acre (UPA) in the R-1A zoning category and (5) five UPA in the R-1 district. In 2007, the LDC was amended to include "cottage lot" provisions to encourage smaller lot development within older established subdivisions.

Furthermore, the Land Development Code establishes a density of 17 units per acre, which is reflective of the specific historic fabric of the East Stuart neighborhood. The Comprehensive Plan established 15 units per acre for the East Stuart district and therefore would need to be amended to be consistent.

DENSITY CONFLICTS BETWEEN THE COMPREHENSIVE PLAN AND THE LDC AND WITHIN THE LDC ITSELF

Notwithstanding the facts that: (1) The same minimum lot sizes standards that have been in place since 1967, (2) The BOA has maintained a long-standing practice of granting lot size variances, and (3) The 2007 “Cottage Lot” ordinance was adopted specifically to encourage in-fill development, if the CP’s and the LDC’s “newly interpreted” density standards are applied, a host of older lots may remain vacant or underdeveloped.

Staff has performed an analysis of every residential zone and identified several zoning districts that were in conflict with the densities prescribed in the Comprehensive Plan. The following table summarizes the lot size versus density conflicts for zones staff recommends corrective text amendments:

	Current minimum lot size per LDC (Sq. Ft.)	Required lot size if CP’s 7 UPA cap is applied (Sq. Ft.)	Required lot size if LDC’s 4 UPA cap is applied (Sq. Ft.)	Required lot size if LDC’s 5 UPA cap is applied (Sq. Ft.)	Required lot size if LDC’s 7 UPA density caps applied (Sq. Ft.)	Lot meets CP’s density cap	Lot meets LDC’s density cap
R-1A	10,000	6,222	10,890	NA	NA	Yes	No
R-1	7,500	6,222	NA	8,712	NA	Yes	No
R-2 duplex	7,500	12,444	NA	NA	12,444	No	No

Fixing the problem

To resolve these conflicts, both the City’s Comprehensive Plan and its Land Development Code must be amended. First, staff drafted a text amendment to correct the inconsistencies of the Future Land Use Element and requested the assistance of legal consultants Robert Pennock and Bob Apgar, who are well known leaders in Comprehensive Planning in the State of Florida. We requested that they provide any legal or planning issues in regard to our draft and what the legal procedures and notice requirements that the City must satisfy for adoption of the plan amendment. Their memorandum is attached and states in summary, “The amendment does not raise any legal issues, nor is any additional amendment necessary to establish its validity, unless the supporting data and analysis showed that an amendment to the 5-year Capital Improvements Schedule was needed...Moreover, the amendment would not decrease the possible density or intensity of development, thereby avoiding any issues under the Bert Harris Act, Chapter 70, Florida Statutes.

In drafting this language to the Comprehensive Plan, staff has made an assumption that the Commission wishes to retain the status quo in terms of applying the same minimum lot size and density standards that have been observed since 1967. Therefore, staff recommends approval of

the draft ordinance to the Future Land Use Element, increasing the maximum density calculations for Low Density Residential, Multi-Family Residential, Office/Residential (only for duplexes), and East Stuart District.



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

ORDINANCE NUMBER 2342-2017

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA AMENDING THE CITY'S COMPREHENSIVE PLAN; SPECIFICALLY AMENDING THE FUTURE LAND USE ELEMENT TABLE OF LAND USE DENSITIES AND INTENSITIES IN ORDER TO INCREASE THE MAXIMUM DENSITY CALCULATIONS FOR LOW DENSITY RESIDENTIAL, MULTI-FAMILY RESIDENTIAL, OFFICE/RESIDENTIAL AND EAST STUART DISTRICT TO PROVIDE FOR CONSISTENCY WITH THE CITY'S EXISTING MINIMUM LOT SIZE REQUIREMENTS; APPROVING TRANSMITTAL OF THE COMPREHENSIVE PLAN TO THE DEPARTMENT OF ECONOMIC OPPORTUNITIES (DEO) AND OTHER RELEVANT AGENCIES AND LOCAL GOVERNMENTS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR EFFECTIVE DATE, AND FOR OTHER PURPOSES.

*** * * * ***

WHEREAS, Section 163.3184, Florida Statutes, provides for the authority and procedure to the local government to amend its Comprehensive Plan as needed to ensure that the plan provides appropriate policy guidance for growth and development; and

WHEREAS, the City Commission of the City of Stuart, Florida adopted its last Evaluation and Appraisal Report (EAR) based Comprehensive Plan amendments in September 27, 2010.

WHEREAS, the densities established in the Comprehensive Plan serve to provide specific density and intensity measures allowed in each land use category.

WHEREAS, the City of Stuart recognizes the importance of discouraging urban sprawl by facilitating urban development and infill development in order to achieve a more compact urban form.

WHEREAS, the Local Planning Agency of City of Stuart reviewed the proposed amendments to the Comprehensive Plan at a public hearing on ____, 2017; and

WHEREAS, on ____, 2017 at a duly advertised public hearing, the City Commission considered the proposed Comprehensive Plan amendments, attached hereto as Attachment "A" and authorized transmittal of the proposed amendments to the Department of Economic Opportunities (DEO) and appropriate agencies and local government; and

WHEREAS, the City Commission has provided for full public participation in the comprehensive plan amendment process and has considered and responded to public comments.

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

SECTION 1: The City Commission hereby finds and determines that the approval of the Future Land Use Element attached hereto as Attachment "A" is consistent with the goals, objectives and policies of the City of Stuart Comprehensive Plan as amended.

SECTION 2: The City Commission does hereby approve transmittal of the Comprehensive Plan amendments for the purpose of a final order determining this adopted amendment to be in compliance.

SECTION 3: All ordinances or parts of ordinances herewith are hereby repealed to the extent of such conflict.

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

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

SECTION 6: The effective date of this plan amendment, if the amendment is not timely challenged, shall be 31 days after the state land planning agency notifies the local government that the plan amendment package is complete. If timely challenged, this amendment shall become effective on the date the state land planning agency or the Administration Commission enters a final order determining this adopted amendment to be in compliance. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before it has become effective. If a final order of noncompliance is issued by the Administration Commission, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status, a copy of which resolution shall be sent to the state land planning agency.

PASSED on First Reading this th day of _____, 2017.

Commissioner _____ offered the following 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 R. CLARK, MAYOR
THOMAS CAMPENNI, VICE MAYOR
TROY A. MCDONALD, COMMISSIONER
KELLI GLASS-LEIGHTON, COMMISSIONER
JEFFREY A. KRAUSKOPF, COMMISSIONER

YES	NO	ABSENT

ADOPTED on Second Reading this _____ day of _____, 2017.

ATTEST:

CHERYL WHITE
CITY CLERK

JEFFREY A. KRAUSKOPF
MAYOR

APPROVED AS TO FORM
AND CORRECTNESS:

MICHAEL MORTELL, CITY ATTORNEY

DRAFT

Element I

FUTURE LAND USE ELEMENT

Goals, Objectives, and Policies

City of Stuart, Florida

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

Table of Land Use Densities and Intensities

Land Use Category	In/Out CRA ¹	Residential				Non-Residential			
		General	Not A _{CLF} ⁴	A _{CLF}	>15 du/acre ⁵	%residential	General	>2.0 FAR ³	%non-residential
Low Density Residential	NA	<7 du/ae <9 du/ac Single Family <14 du/acre Duplex ⁵	<7 du/ae <9 du/ac Single Family <14 du/acre Duplex ⁵	none	None	95-100	<0.75 FAR		0-5%
Multi-Family Residential	In	<15 du/ac	<15 du/ae <30 du/ac	<30 du/ac	<5 ae	70-100	<3.0 FAR	<20 ac	0-30%
	Out	<10 du/ac multi-family <14 du/acre Duplex	<15 du/ae <30 du/ac	<30 du/ac	<40 ae	70-100	<0.5 FAR		0-30%
Commercial	In	<15 du/ac	<15	<30 du/ac	<5 ae	0-15	<3.0 FAR	<50 ac	85-100%
	Out	<10 du/ac	<10	<30 du/ac	<25 ae	0-15	<1.5 FAR		85-100%
Office/Residential	In	<15 du/ac	<15 du/ae <30 du/ac	<30 du/ac	<5 ae	0-25	<3.0 FAR	<10 ac	75-100%
	Out	<10 du/ac multi-family <14 du/acre Duplex	<10 du/ae <30 du/ac	<30 du/ac	<5 ae	0-25	<1.5 FAR		75-100%
Industrial	In	None				0	<3.0 FAR	<10 ac	100%
	Out	None				0	<1.0 FAR		100%
Public		None				0	<1.0 FAR		100%
Institutional		<10 du/ac	<30 du/ac	<30 du/ac	<5 ae	0	<0.75 FAR		100%
Recreation		None					<0.5 FAR		100%
Downtown Redevelopment		<15 du/ac ⁸	<30 du/ac	<30 du/ac	<25 ae	0-70	<4.0 FAR	<50 ac	0-70% ⁶
Neighborhood/ Special District	In	<15 du/ac		<30 du/ac	<5 ae	30-90	<3.0 FAR	<10 ac	10-70%
	Out	<15 du/ac		<30 du/ac	<5 ae	30-90	<2.0 FAR		10-70%
East Stuart	NA	<15 du/ae <17 du/ac	<15 du/ae <17 du/ac	<30 du/ac	<5 ae	70-100	<1.5 FAR		0-30%

Conservation		None				0	<10% ISR		100%
Marina/Industrial		<15 du/ac	<15 du/ac	NA	<5 ac	0-25	<3.0 FAR	<5 ac	0-75%

¹CRA = Community Redevelopment Agency. A delineated area

²RPUD = Residential Planned Unit Development; ~~Major UCE = Major Urban Code Exception~~ Major UCCU = Major Urban Code Conditional Use

³The total number of acres in developments approved and constructed after the policy effective date that exceed 2.0 FAR shall not exceed the specified amount.

⁴ALF = ~~Assisted Adult Congregate~~ Living Facility

⁵~~The Total number of acres in developments approved and constructed after the policy effective date that exceed 15 du/ac shall not exceed the specified amount and shall be approved via a Planned Unit Development or Major Urban Code Exception~~

5 The low density residential category is compatible with single family and duplex development. The maximum density for single family dwelling units is nine (9) dwelling units per acre and the maximum density for a duplex is fourteen (14) dwelling units per acre, provided that said development shall be consistent with the City's Land Development Code performance standards.

⁶Recreation uses shall not exceed 25 percent of the land area

⁷ISR = Impervious surface ratio. Not to exceed 10,000 square feet for any contiguous parcel.

⁸Shall be interpreted on an Urban Subdistrict basis within the CRA (including Urban Neighborhood, Urban General, Urban Center, Urban Waterfront, and Urban Highway)

Note: Throughout the City, properties located in the Coastal High Hazard Area (CHHA), as identified on the future land use map in the Coastal Element of the Comprehensive Plan, are limited to 15 dwelling units per acre unless the applicant can demonstrate to comply with Florida Statute 163.3178 (9)(a)1,2 and 3. ALFs shall continue to be prohibited within the Coastal High Hazard Area.

RESIDENTIAL DENSITY ANALYSIS

		COMPREHENSIVE PLAN					SCENARIO	LAND DEVELOPMENT CODE				
		Max. density per acre per Comp Plan	Total acres of LDR in City	Max. number of units allowed by Comp Plan	Approximate number of existing residential units	Percent of density used of allowed density by Comp Plan		Density cap per LDC	Sq. feet required per unit per LDC (43,560 sq. ft. divided by density cap)	Min Lot Size per LDC	Use specifically permitted by LDC	Does LDC's minimum lot size comply with maxim density per LDC
Land Use							Zoning					
1	Low Density Residential	7	821.61	5,751	2,632	46	R-1A	4 (4.36)	10,890 sq. ft.	10,000 sq. ft.	Single Family	No
	Low Density Residential	7	821.61	5,751	2,632	46	R-1	5 (5.9)	8,712 sq. ft.	7,500 sq. ft.	Single Family	No
	Low Density Residential	7	821.61	5,751	2,632	46	R-2 (Single-family)	7 (7.27)	6,222 sq. ft./unit or 12,444 sq. ft. total	6,000 sq. ft.	Single Family	No
	Low Density Residential	7	821.61	5,751	2,632	46	R-2 (Two-family)	7 (13.4)	6,222 sq. ft./unit or 12,444 sq. ft. total	7,500 sq. ft.	Duplex	No
	Low Density Residential	7	821.61	5,751	2,632	46	RPUD (Single-family)	4	10,890 sq. ft.	None	Single-family	N/A
	Low Density Residential	7	821.61	5,751	2,632	46	RPUD (Two-family)	7	6,222 sq. ft./unit or 12,444 sq. ft. total	None	Two- family	N/A
	Low Density Residential	7	821.61	5,751	2,632	46	RPUD (Multi-family - 3 units/Comp Plan doesn't allow MF)	15	2,904 sq. ft./unit or 8,712 sq. ft. total	None	Multi-family (3 units)	N/A
	Low Density Residential	30	821.61	24,648	2,632	11	RPUD (Conditional Use)	30	1,452 sq. ft./unit	None	Single-family, Two-family and Multi-family (3 units or more)	N/A
2	Multi-family Res. (MFR): Outside UCD-CRA	10	496.73	4,967	3,673	74	R-3 (Single-family)	10 (7.26)	4,356 sq. ft.	6,000 sq. ft.	Single-family	Yes
	Multi-family Res. (MFR): Outside UCD-CRA	10	496.73	4,967	3,673	74	R-3 (Two-family)	10 (11.62)	4,356 sq. ft./unit or 8,712 square feet total	7,500 sq. ft.	Two- family	No
	Multi-family Res. (MFR): Outside UCD-CRA	10	496.73	4,967	3,673	74	R-3 (Multi-family - 3 units)	10 (13.07)	4,356 sq. ft./unit or 13,068 square feet total	10,000 sq. ft.	Multi-family (3 units)	No
	Multi-family Res. (MFR): RPUD Inside or Outside UCD-CRA	15	496.73	7,451	3,673	49	RPUD (Single-family)	4	10,890 sq. ft.	None	Single-family	N/A
	Multi-family Res. (MFR): RPUD Inside or Outside UCD-CRA	15	496.73	7,451	3,673	49	RPUD (Two-family)	7	6,222 sq. ft./unit or 12,444 sq. ft. total	None	Two- family	N/A
	Multi-family Res. (MFR): RPUD Inside or Outside UCD-CRA	15	496.73	7,451	3,673	49	RPUD (Multi-family - 3 units)	15	2,904 sq. ft./unit or 8,712 sq. ft. total	None	Multi-family (3 units)	N/A
	Multi-family Res. (MFR): RPUD Inside UCD-CRA	30	496.73	14,902	3,673	25	Urban Code Conditional Use	30	1,452 sq. ft./unit	None	Single-family, Two-family and Multi-family (3 units or more)	N/A
	Multi-family Res. (MFR): Inside UCD-CRA - DOES NOT EXIST	15	496.73	7,450	3,673	49	DOES NOT EXIST					
	Multi-family Res. (MFR): Inside UCD-CRA - DOES NOT EXIST	30	496.73	14,901	3,673	25	DOES NOT EXIST					

RESIDENTIAL DENSITY ANALYSIS

3	East Suart	15	55.97	839	533	64	BMU, GRO	15	2,904 sq. ft./unit	None	Single-family, two-family and Multi-family (3 units or more)	N/A
	East Suart	15	55.97	839	533	64	BMU, GRO (Conditional Use)	30	1,452 sq. ft./unit	None	Single-family, two-family and Multi-family (3 units or more)	N/A
	East Suart	15	55.97	839	533	64	RPUD (BMU, GRO)	15	2,904 sq. ft./unit	None	Single-family, two-family and Multi-family (3 units or more)	N/A
	East Suart	15	55.97	839	533	64	RPUD (BMU, GRO/ Conditional Use)	30	1,452 sq. ft./unit	None	Single-family, two-family and Multi-family (3 units or more)	N/A
	East Suart	15	55.97	839	533	64	SFD	17	2,562 sq. ft./unit	None	Single-family and Two-family	N/A
4	Downtown Redevelopment (DTR)	15	219.42	3,291	529	16	UH, UG, UC, UW, UN	15	2,904 sq. ft./unit	None	Single-family, two-family and Multi-family (3 units or more)	N/A
	Downtown Redevelopment (DTR)	30	219.42	6,582	529	8	UH, UG, UC, UW, UN/Conditional Use	30	1,452 sq. ft./unit	None	Single-family, two-family and Multi-family (3 units or more)	N/A
	Downtown Redevelopment (DTR)	30	219.42	6,582	529	8	RPUD (UH, UG, UC, UW, UN)	30	1,452 sq. ft./unit	None	Single-family, two-family and Multi-family (3 units or more)	N/A
5	Office/Residential: Outside UCD-CRA	10	138.12	1,381	527	38	R-3 (Single-family)	10	4,356 sq. ft./unit	10,000	Single-family	Yes
	Office/Residential: Outside UCD-CRA	10	138.12	1,381	527	38	R-3 (Two-family)	10	4,356 sq. ft./unit or 8,712 sq. ft. total	10,000	Two- family	Yes
	Office/Residential: Outside UCD-CRA	10	138.12	1,381	527	38	R-3 (Multi-family)	10	4,356 sq. ft./unit or 13,068 sq. ft. total	10,000	Multi-family (3 units)	No
	Office/Residential: Outside UCD-CRA	10	138.12	1,381	527	38	R-3 (Residential units with business)	10	4,356 sq. ft. (Single-family); 8,712 sq. ft. (Two-family); 13,068 sq. ft. (3 units total)	10,000	Single-family, two-family and Multi-family (3 units or more)	Yes/Yes/No
	Office/Residential: Outside UCD-CRA	10	138.12	1,381	527	38	RPUD	15	2,904 sq. ft./unit	None	Single-family, two-family and Multi-family (3 units or more)	N/A
	Office/Residential: Outside UCD-CRA	10	138.12	1,381	527	38	RPUD (Conditional Use)	30	1,452 sq. ft./unit	None	Single-family, two-family and Multi-family (3 units or more)	N/A
	Office/Residential: Inside UCD-CRA - DOES NOT EXIST	15	138.12	2,072	527	25	DOES NOT EXIST					

MEMORANDUM

TO: City of Stuart, Florida

FROM: Robert C. Apgar, Esquire
Robert Pennock, Ph.D., AICP

RE: Review of Proposed Comprehensive Plan Amendment

DATE: December 20, 2016

This is written in response to a request from the City of Stuart that Apgar and Pennock review the attached draft amendment to comprehensive plan Policy A.7.2 (“the amendment”) and respond to the following questions:

1. Does the proposed amendment raise any legal or planning issues that might support an administrative or judicial challenge to the amendment? Is there anything missing that would be important to the validity of the amendment?
2. What are the legal procedures and notice requirements that the City must satisfy for adoption of the plan amendment.

Response to Question 1: legal and planning issues.

The proposed amendment would increase the maximum density allowable in certain land use categories; delete limitations on the total number of acres in development that exceed 15 dwelling units per acre; and add or amend footnotes for clarification. The amendment does not raise any legal issues, nor is any additional amendment necessary to establish its validity, unless the supporting data and analysis showed that an amendment to the 5-Year Capital Improvements Schedule was needed. The amendment is clearly within the City’s authority and responsibility under the Community Planning Act, Chapter 163, Part II, Florida Statutes. Moreover, the amendment would not decrease the possible density or intensity of development, thereby avoiding any issues under the Bert Harris Act, Chapter 70, Florida Statutes.

There are, however, some minor issues that should be addressed. Footnote 5 describes “flexible densities having a base of nine (9) units per acre for single family dwelling units and a maximum of fourteen (14) units per acre for duplexes . . .” The term “base” is not commonly used in regulatory documents and could be confusing. From the context, “base” appears to indicate a maximum number of single family units. If so, “maximum” would be a better term to use.

Further, we recommend that

- The maximum of 14 units per acre for duplexes be stated in the Table of Land Use Densities and Intensities. In general, all minimum and maximum limits should appear in the land use table, not in footnotes.
- The conditional language regarding compatibility would be better placed in a future land use element policy and this footnote could reference that policy.
- Footnote 2 changes the term UCE to UCCU. This acronym should also be changed in the Table of Land Use Densities and Intensities.

Finally, the “Note” that follows the numbered footnotes states that properties in the Coastal High Hazard Area are limited to a maximum of 15 units per acre except in certain cases, and ALF’s are prohibited. The City should insure that this restriction is stated in a policy or objective in the FLU element or the Coastal Element of the Plan. The Note should reference the applicable policy or objective.

The amendment must be supported by data and analysis providing the planning rationale for the amendment and showing the effect of these density increases.

The data and analysis could include the following:

- A recent review of the land development regulations, particularly Chapter 2, showed that in some instances the land development regulations, if read independently from the comprehensive plan, could cause some confusion regarding what densities are allowed in particular circumstances. This proposed plan amendment, along with subsequent revisions to the land development regulations, is intended to provide clarity and certainty with regard to the maximum residential densities that may be allowed.
- Also, these plan amendments support several important planning goals including the discouragement of urban sprawl, increased opportunities for affordable housing, and economic development within the City. (this should be expanded by City)
- Supporting data and analysis is required by section 163.3177 F.S. The DEO website <http://www.floridajobs.org/community-planning-and-development/programs/community-planning-table-of-contents/how-to-prepare-and-submit-a-proposed-expedited-state-review-comprehensive-plan-amendment> outlines these requirements which include: A description of availability of and the demand on sanitary sewer, solid waste, drainage, potable water and water supply, traffic circulation, schools (if local government has adopted school concurrency), and recreation, as appropriate.
 - This may require changes to the Capital Improvements Schedule – but this appears unlikely.

- Note that an impact analysis should take into account the population projections.
- An analysis of extra-jurisdictional impacts, if any.

Response to Question 2: Procedures for adoption.

This Memorandum provides an overview of the adoption process. It does not, however, repeat all of the detailed requirements of the statute, Fla. Stat. 163.3184. The City Staff must review the statute to insure that all requirements are met.

First, the proposed plan amendment must be reviewed by the local planning agency (“LPA”) pursuant to Fla. Stat. 163.3174. The LPA must hold at least one public hearing on the plan amendment. The LPA must make a recommendation to the local government, including whether the proposed amendment is consistent with the local comprehensive plan.

The procedures for the City Commission to adopt the proposed amendment are set out in Fla. Stat. 163.3184(3), known as the Expedited State Review Process, and 163.3184(11), which describes the public hearings and method of adoption. Additional requirements are set out in Fla. Stat. 163.3184(11) which governs adoption of ordinances by municipalities. The following is an overview of these procedures and requirements:

The local governing body must hold at least two advertised public hearings on the proposed comprehensive plan or plan amendment. The advertising and scheduling requirements are governed by Fla. Stat. 163.3184(3) and (11), and by Fla. Stat. 166.041(3). Pursuant to Fla. Stat. 163.3184(11), “For the purposes of transmitting or adopting a comprehensive plan or plan amendment, the notice requirements in chapters 125 and 166 are superseded by this subsection, except as provided in this part.”

Pursuant to this direction, the adoption procedure is as follows:

1. The first public hearing is held to decide whether to transmit the plan amendment to the reviewing agencies. An ordinance is not necessary for transmittal. A resolution is the appropriate local government action. The transmittal must be approved by no less than a majority of the members of the governing body present at the hearing.
2. The hearing must be held on a weekday at least 7 days after the day that the first advertisement is published pursuant to the requirements of chapter 166.
3. If the local government votes to transmit the proposed amendment, the local government must send the amendment with supporting data and analyses to the reviewing agencies within 10 days.
4. The agencies must send their comments to the local government within 30 days after receiving the amendment. The statute sets out in detail the limits on the scope of agency review.
5. After receipt of agency comments, the local government must hold a second public hearing for adoption. The statute allows 180 days for the adoption

hearing. If the hearing is not held within 180 days, the amendment is deemed withdrawn.

The plan amendment must be adopted by ordinance, approved by no less than a majority of the members of the governing body present at the hearing. The ordinance adoption process is also governed by Fla. Stat. 166.041(3)(a) as follows:

Except as provided in paragraph (c), a proposed ordinance may be read by title, or in full, on at least 2 separate days and shall, at least 10 days prior to adoption, be noticed once in a newspaper of general circulation in the municipality. The notice of proposed enactment shall state the date, time, and place of the meeting; the title or titles of proposed ordinances; and the place or places within the municipality where such proposed ordinances may be inspected by the public. The notice shall also advise that interested parties may appear at the meeting and be heard with respect to the proposed ordinance.

As noted above, Fla. Stat. 163.3184(11) states that the notice requirements of subsection (11) supersede the requirements of Chapter 166. Subsection (11) states: "The hearing must be held on a weekday at least **7 days** after the day that the first advertisement is published pursuant to the requirements of chapter 166." (emphasis added)

We emphasize that the notice and hearing requirements for a zoning change are much more detailed and rigorous than the requirements for amending a comprehensive plan. The statute allows comprehensive plan amendments and zoning amendments to be processed concurrently. In fact, concurrent processing is required if an applicant requests such, Fla. Stat. 163.3184(12). A complete analysis of the notice and hearing requirements for concurrent zoning and plan amendments is beyond the scope of this memorandum.

For purposes of the comprehensive plan amendment, we note that the statute requires notice by mail only when the proposed ordinance changes the zoning map designation of property, or the list of uses allowed within a zoning category. See Fla. Stat. 166.041(3)(c). The City of Stuart's proposed plan amendment does neither, and therefore notice by mail is not required for the plan amendment.

If the amendment is adopted, the local government must forward a complete copy of the amendment and supporting data and analysis to the State Land Planning Agency and the reviewing agencies and local governments within 10 days. The State has 5 working days to notify the local government of any deficiencies in the

transmittal. Once the State notifies the local government that the amendment transmittal is complete, the amendment takes effect as follows:

An amendment adopted under this paragraph does not become effective until 31 days after the state land planning agency notifies the local government that the plan amendment package is complete. If timely challenged, an amendment does not become effective until the state land planning agency or the Administration Commission enters a final order determining the adopted amendment to be in compliance. Fla. Stat. 163.3184(3)(c)4.

The statute also includes detailed provisions governing a possible administrative challenge to a comprehensive plan amendment by the state land planning agency or an “affected person” alleging that the amendment is not “in compliance” with state statutes and related requirements. Fla. Stat. 163.3184(1)(5)-(9). Such a challenge must be filed within thirty (30) days after the amendment is adopted. A review the administrative process is beyond the scope of this memorandum.

CITY OF STUART, FLORIDA AGENDA ITEM REQUEST Local Planning Agency

Meeting Date:2/16/2017

Prepared by:Stephen Mayer

Title of Item:

AN ORDINANCE OF THE CITY OF STUART, FLORIDA AMENDING CHAPTER 2, SECTION 2.03.05, TABLE 3 “MAXIMUM DWELLING UNITS PER ACRE” OF THE CITY'S LAND DEVELOPMENT CODE, PROVIDING FOR CONSISTENCY WITH THE CITY’S EXISTING AND LONG-STANDING MINIMUM LOT SIZE REQUIREMENTS BY INCREASING THE MAXIMUM DENSITIES FOR THE R-1A, R-1, R-2, R-3, RPUD, B-1, CPUD AND URBAN DISTRICTS TO BE CONSISTENT WITH THE CITY’S COMPREHENSIVE PLAN; AMENDING CHAPTER 2, SECTION 2.07.00, “DESIGNATION OF PLANNED UNIT DEVELOPMENT (PUD); AMENDING CHAPTER 12, “DEFINITIONS”, TO CLARIFY THE DEFINITION OF NET DENSITY AND DENSITY BONUS, DECLARING SAID AMENDMENTS TO BE CONSISTENT WITH THE CITY’S COMPREHENSIVE PLAN; PROVIDING FOR A SEVERABILITY CLAUSE, A CONFLICT CLAUSE AND CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

Summary Explanation/Background Information on Agenda Request:

This Land Development Code text amendment is complimentary to Ordinance No. 2342-2017, which propose increasing the maximum density calculations for Low Density Residential, Multi-Family Residential, Office/Residential (only for duplexes), and East Stuart District. These changes are due to a recent application for a minimum lot size reduction variance before the Board of Adjustment (BOA) and questions raised by an objecting neighbor as to how a site's maximum residential density should be calculated, a number of long-overlooked inconsistencies between the City's Comprehensive Plan and its LDC have been brought into light. Of note is the fact that state-mandated goals, policies and objectives contained in a jurisdiction's comprehensive plan are paramount and override any conflicting or errant language that may exist in its land development regulations. However, long-standing practices and existing residential lots have been developed contrary to comprehensive plan. In order to continue these practices, the comprehensive plan must be reviewed and amended to provide consistency.

Since its adoption in 1967, Stuart's Zoning Code -- now the LDC -- has set forth, without change, the following minimum lot sizes for residential lots in the R-1A, R-1, and R-2 duplex zoning districts: (R-1A 10,000, R-1 7,500, R-2 (Duplex) 7,500.

As a result, for nearly 50 years, a single-family or duplex lot meeting these minimum standards (as well as minimum lot width, impervious coverage limitations and setbacks) has been deemed compliant and issued a permit for development. Further, since 1967, the City's BOA has routinely granted lot size variances allowing single-family and duplex homes on smaller lots. In the late 1990's, prompted by Martin County's law suits over annexation, in accordance with Chapter 163 of Florida Statute, the City Commission made several remedial amendments to its Comprehensive Plan, thereby establishing a maximum of (7) seven dwelling units per acre (UPA) in the “Low-Density Residential” land use category, which generally encompasses R-1A, R-1 and R-2 duplex zoning districts. Sometime following this amendment, the LDC was (inexplicably) altered to include more restrictive density caps of (4) four units per acre (UPA) in the R-1A zoning category and (5) five UPA in the R-1 district. In 2007, the LDC was amended to include “cottage lot” provisions to encourage smaller lot development within older established subdivisions.

Staff has performed an analysis of every residential zone and identified several zoning districts that were in conflict with the densities prescribed in the Comprehensive Plan. To resolve these conflicts, both the City's Comprehensive Plan and its Land Development Code must be amended. First, staff drafted a text amendment to correct the inconsistencies of the Future Land Use Element and requested the assistance of legal consultants

Robert Pennock and Bob Apgar, who are well known leaders in Comprehensive Planning in the State of Florida. We requested that they provide any legal or planning issues in regard to our draft and what the legal procedures and notice requirements that the City must satisfy for adoption of the plan amendment. Their memorandum is attached and states in summary, "The amendment does not raise any legal issues, nor is any additional amendment necessary to establish its validity, unless the supporting data and analysis showed that an amendment to the 5-year Capital Improvements Schedule was needed...Moreover, the amendment would not decrease the possible density or intensity of development, thereby avoiding any issues under the Bert Harris Act, Chapter 70, Florida Statutes.

In drafting this language to the Land Development Code, staff has made an assumption that the Commission wishes to retain the status quo in terms of applying the same minimum lot size and density standards that have been observed since 1967. Therefore, staff recommends approval of the draft ordinance to increase the maximum densities of the R-1A, R-1, R-2, R-3 (for duplexes only), RPUD, B-1, CPUD and Urban Districts, amend the densities established for Planned Unit Development, and amend the definition of net density and density bonus.

The complimentary Ordinance (Ordinance No. 2342-2017) amending the Land Development Code contains mutual issues and staff anticipates that the two Ordinances will be given joint consideration.

Funding Source:

N/A

Recommended Action:

Staff recommends approval of Ordinance 2332-2017 and forwarding for consideration by the Stuart City Commission for first reading.

ATTACHMENTS:

Description	Upload Date	Type
❑ Ordinance No. 2332-2017	2/6/2017	DRAFT ORDINANCE
❑ Staff Memo	1/13/2017	Staff Report
❑ Residential Density Analysis	1/13/2017	Attachment
❑ Legal Consultant Memo	1/13/2017	Attachment

Return to:

City Attorney's Office
City of Stuart
121 SW Flagler Street
Stuart, FL 34994

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

ORDINANCE NO: 2332-2017

AN ORDINANCE OF THE CITY OF STUART, FLORIDA AMENDING CHAPTER 2, SECTION 2.03.05, TABLE 3 "MAXIMUM DWELLING UNITS PER ACRE" OF THE CITY'S LAND DEVELOPMENT CODE, PROVIDING FOR CONSISTENCY WITH THE CITY'S EXISTING AND LONG-STANDING MINIMUM LOT SIZE REQUIREMENTS BY INCREASING THE MAXIMUM DENSITIES FOR THE R-1A, R-1, R-2, R-3, RPUD, B-1, CPUD AND URBAN DISTRICTS TO BE CONSISTENT WITH THE CITY'S COMPREHENSIVE PLAN; AMENDING CHAPTER 2, SECTION 2.07.00, "DESIGNATION OF PLANNED UNIT DEVELOPMENT (PUD); AMENDING CHAPTER 12, "DEFINITIONS", TO CLARIFY THE DEFINITION OF NET DENSITY AND DENSITY BONUS, DECLARING SAID AMENDMENTS TO BE CONSISTENT WITH THE CITY'S COMPREHENSIVE PLAN; PROVIDING FOR A SEVERABILITY CLAUSE, A CONFLICT CLAUSE AND CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

WHEREAS, the effective regulation of zoning density, as a means of regulating the volume, location, and intensity of residential dwelling units is vital to the public's health safety and welfare; and

WHEREAS, Policy A7.2 of the City's Comprehensive Plan establishes a "Table of Land Use Densities and Intensities which provides that the maximum dwelling units per acre of 7 dwelling units per acre within the Low Density Residential Future Land Use Designation;

and

WHEREAS, Objective B1 of the City's Comprehensive Plan discourages urban sprawl by facilitating urban redevelopment and infill development of properties and planning for urban infill and redevelopment of lands located within Stuart in order to achieve a compact urban form.

WHEREAS, on October 20, 2016, the Local Planning Agency met for the purpose of transmitting its recommended amendment to the Land Development Code; and

WHEREAS, the Stuart City Commission held duly noticed public hearings on November 14, 2016 and November 28, 2016 to consider this ordinance and provide for full public participation in the Land Development Code amendment process.

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

SECTION 1: The City of Stuart Land Development Code Chapter 2, Section 2.03.05, Table 3, "Maximum Dwelling Units per Acre" is hereby amended as follows:

TABLE 3

MAXIMUM DWELLING UNITS PER ACRE

Comprehensive Plan Land Use Classification	Zoning Districts																			
	R1-A	R-1	R-2	R-3	RPUD ¹	B-1	B-2	B - 3	B - 4	CPU D	P	I	I P U D	H	PSP UD	MXPUD	Urban Code District	East Stuart		
																		GRO	BMU	SFD
Low Density Residential	4 9	5 9	7 9/14 8		4²/7³/15⁴ 9/14 ⁸															
Multi-family Residential				10/ 14 2	4²/7³/15⁴ 30	10	L	L								15 ²	30			
Office/Residential				10/ 14 2	15 30	10	10	1	0	5²/7 8/10 ⁴						15 ²	30			
Commercial				10		10	L	L		5²/7 8/10 ⁴						15 ²	15			
Downtown Redevelopment				15/30	15/30 ³	15/30	15/3	0		5²/7 8/10 ⁴						15 ²	15/30 ⁶			
Neighborhood/ Special Dist.					15					5²/7 8/10 ⁴						15 ²	15/30 ⁶			
Industrial																				
East Stuart																15 ²		15/30 ⁵	15/30 ⁵	17
Marine/Industrial				15			15									15 ²	15/30 ⁶			
Public											E									
Recreation																				
Institutional					4²/7³ /15 ⁴															
Conservation																				

R-1A Single Family - Estate; R-1 Single Family - General; R-2 Duplex; R-3 Multi-Family/Office; R-M Residential Multi-Family; B-1 Business -Limited; B-2 Business-General; B-3 Business-Restricted; B-4 Limited Business/Manufacturing; P Public Service; I Industrial; H Hospital; Planned Unit Development (PUD) includes Residential (RPUD), Commercial (CPUD), Public Service (PSPUD), Industrial (IPUD), and Mixed Use (MXPUD); Urban Code District includes Urban General (UG), Urban Center (UC), Urban Neighborhood (UN), Urban Highway (UH), Urban Waterfront (UW); East Stuart District includes Business and Mixed Use (BMU), General Residential and Office (GRO), Single-family and Duplex (SFD).

Footnotes:

1 = Assisted Living Facility (ALF) is allowed a maximum of 30 units per acre in land use classification multi-family residential, office/residential, and downtown redevelopment.

~~2 = Single Family Detached Dwelling Unit~~

~~3 = Single Family Attached Dwelling Unit~~

~~4 = Multi Family Dwelling Unit~~

~~2 5~~ = Potential Bonus Units Allowable. Where not less than 50% of the total residential units of site are smaller than 1,500 square feet in size, then at the sole discretion of the city commission, a residential unit variety density bonus may be awarded (Refer to Land Development Code Table 2.07.00.C).

~~3 6~~ = Up to 30 units with Major Urban Code Conditional Use

~~7 = Based on R-1 Density Requirements~~

~~8 = Based on R-2 Density Requirements~~

~~4 9~~ = Based on R-3, B-1 and B-2 Density Requirements

~~5 10~~ = Up to 30 with East Stuart District Conditional Use Approval

~~6 11~~ = Up to 30 upon approval by City Commission with a RPUD within the Downtown Redevelopment Land Use area

~~7 = Up to 14 dwelling units per acre for duplexes provided that such a density achieves certain performance standards in the Land Development Code~~

~~8 = Maximum nine (9) dwelling units per acre for single family dwelling units and 14 dwelling units per acre for duplex units~~

~~9 = Maximum ten (10) dwelling units per acre for single and multi-family dwelling units and 14 dwelling units per acre for duplex units~~

E = Only Residential dwelling unit allowed and only by Conditional Use

L = Limited. No maximum density established by Land Development Code or Comprehensive Plan at this time. Rather, the term "Limited" is used instead of a numerical value.

2.07.00 DESIGNATION OF PLANNED UNIT DEVELOPMENT (PUD)

3. Density. The net residential density for an RPUD shall not exceed the maximum permitted as prescribed by the following:

A. Single-family, detached: ~~Four~~ Nine dwelling units per acre

B. Single-family, attached: ~~Seven~~ Nine dwelling units per acre

C. Multiple-family residential: ~~15~~ Thirty dwelling units per acre

2.03.03. Planned Unit Development (PUD) density

The density for a planned unit development shall not exceed those densities set forth in Table 3 – Maximum Dwelling Units per Acre, unless a density bonus as defined herein, has been granted by the city commission as part of a planned unit development zoning agreement.

Chapter 12, “definitions”, to clarify the definition of net density and density bonus

Density Bonus: Additional residential density may be approved for a RPUD in accordance with the City of Stuart's comprehensive plan and land development regulations provided the total density does not exceed 30 dwelling units per acre. A density bonus may only be granted at the discretion of the City Commission as an incentive for developments to provide greater public amenities or housing opportunities which enhance the City, such as affordable housing, new housing stock, or housing types that are in demand.

Net density: The net density of a project shall be computed by dividing the total number of units to be constructed by the net residential acreage of the parcel. The net residential acreage of a parcel shall be the acreage devoted to residential lots, buildings, and accessory structures rights-of-way, common areas, landscape buffers and retention areas less all bodies of water including wet retention areas, the dedicated public open space, all easements dedicated to a governmental body for a public use, all public and private road right-of-ways, and required protected environmentally sensitive areas.

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 4: The provisions of this ordinance shall be codified.

SECTION 5: This ordinance shall become effective immediately upon adoption.

PASSED on First Reading this ____ day of _____, 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:

JEFFERY KRAUSKOPF, MAYOR
EULA CLARKE, VICE MAYOR
THOMAS CAMPENNI, COMMISSIONER
KELLI GLASS-LEIGHTON, COMMISSIONER
TROY MCDONALD, COMMISSIONER

ADOPTED on second and final reading this ____ day of _____, 2017.

ATTEST:

CHERYL WHITE
CITY CLERK

JEFFERY A. KRAUSKOPF
MAYOR

APPROVED AS TO FORM
AND CORRECTNESS:

MICHAEL J. MORTELL
CITY ATTORNEY

Memorandum

To: City Commission

From: Terry O'Neil, City Development Director

Cc: Paul Nicoletti, City Manager

Mike Mortell, City Attorney

Date: January 12, 2016

Re: Inconsistencies between the City's Comprehensive Plan and its Land Development Code (and within the LDC itself) in the application of maximum residential density calculations.

Due to a recent application for a minimum lot size reduction variance before the Board of Adjustment (BOA) and questions raised by an objecting neighbor as to how a site's maximum residential density should be calculated, a number of long-overlooked inconsistencies between the City's Comprehensive Plan and its LDC have been brought into light. Of note is the fact that state-mandated goals, policies and objectives contained in a jurisdiction's comprehensive plan are paramount and override any conflicting or errant language that may exist in its land development regulations. However, long-standing practices and existing residential lots have been developed contrary to comprehensive plan. In order to continue these practices, the comprehensive plan must be reviewed and amended to provide consistency.

Since its adoption in 1967, Stuart's Zoning Code -- now the LDC -- has set forth, without change, the following minimum lot sizes for residential lots in the R-1A, R-1, and R-2 duplex zoning districts:

Zone	Minimum lot size (Sq. Ft.)
R-1A	10,000
R-1	7,500
R-2 (Duplex)	7,500

As a result, for nearly 50 years, a single-family or duplex lot meeting these minimum standards (as well as minimum lot width, impervious coverage limitations and setbacks) has been deemed compliant and issued a permit for development. Further, since 1967, the City's BOA has routinely granted lot size variances allowing single-family and duplex homes on smaller lots. In the late 1990's, prompted by Martin County's law suits over annexation, in accordance with Chapter 163 of Florida Statute, the City Commission made several remedial amendments to its Comprehensive Plan, thereby establishing a maximum of (7) seven dwelling units per acre (UPA) in the "Low-Density Residential" land use category, which generally encompasses R-1A, R-1 and R-2 duplex zoning districts. Sometime following this amendment, the LDC was (inexplicably) altered to include more restrictive density caps of (4) four units per acre (UPA) in the R-1A zoning category and (5) five UPA in the R-1 district. In 2007, the LDC was amended to include "cottage lot" provisions to encourage smaller lot development within older established subdivisions.

Furthermore, the Land Development Code establishes a density of 17 units per acre, which is reflective of the specific historic fabric of the East Stuart neighborhood. The Comprehensive Plan established 15 units per acre for the East Stuart district and therefore would need to be amended to be consistent.

DENSITY CONFLICTS BETWEEN THE COMPREHENSIVE PLAN AND THE LDC AND WITHIN THE LDC ITSELF

Notwithstanding the facts that: (1) The same minimum lot sizes standards that have been in place since 1967, (2) The BOA has maintained a long-standing practice of granting lot size variances, and (3) The 2007 “Cottage Lot” ordinance was adopted specifically to encourage in-fill development, if the CP’s and the LDC’s “newly interpreted” density standards are applied, a host of older lots may remain vacant or underdeveloped.

Staff has performed an analysis of every residential zone and identified several zoning districts that were in conflict with the densities prescribed in the Comprehensive Plan. The following table summarizes the lot size versus density conflicts for zones staff recommends corrective text amendments:

	Current minimum lot size per LDC (Sq. Ft.)	Required lot size if CP’s 7 UPA cap is applied (Sq. Ft.)	Required lot size if LDC’s 4 UPA cap is applied (Sq. Ft.)	Required lot size if LDC’s 5 UPA cap is applied (Sq. Ft.)	Required lot size if LDC’s 7 UPA density caps applied (Sq. Ft.)	Lot meets CP’s density cap	Lot meets LDC’s density cap
R-1A	10,000	6,222	10,890	NA	NA	Yes	No
R-1	7,500	6,222	NA	8,712	NA	Yes	No
R-2 duplex	7,500	12,444	NA	NA	12,444	No	No

Fixing the problem

To resolve these conflicts, both the City’s Comprehensive Plan and its Land Development Code must be amended. First, staff drafted a text amendment to correct the inconsistencies of the Future Land Use Element and requested the assistance of legal consultants Robert Pennock and Bob Apgar, who are well known leaders in Comprehensive Planning in the State of Florida. We requested that they provide any legal or planning issues in regard to our draft and what the legal procedures and notice requirements that the City must satisfy for adoption of the plan amendment. Their memorandum is attached and states in summary, “The amendment does not raise any legal issues, nor is any additional amendment necessary to establish its validity, unless the supporting data and analysis showed that an amendment to the 5-year Capital Improvements Schedule was needed...Moreover, the amendment would not decrease the possible density or intensity of development, thereby avoiding any issues under the Bert Harris Act, Chapter 70, Florida Statutes.

In drafting this language to the Comprehensive Plan, staff has made an assumption that the Commission wishes to retain the status quo in terms of applying the same minimum lot size and density standards that have been observed since 1967. Therefore, staff recommends approval of

the draft ordinance to the Future Land Use Element, increasing the maximum density calculations for Low Density Residential, Multi-Family Residential, Office/Residential (only for duplexes), and East Stuart District.

RESIDENTIAL DENSITY ANALYSIS

RESIDENTIAL DENSITY ANALYSIS												
		COMPREHENSIVE PLAN					SCENARIO	LAND DEVELOPMENT CODE				
		Max. density per acre per Comp Plan	Total acres of LDR in City	Max. number of units allowed by Comp Plan	Approximate number of existing residential units	Percent of density used of allowed density by Comp Plan	Zoning	Density cap per LDC	Sq. feet required per unit per LDC (43,560 sq. ft. divided by density cap)	Min Lot Size per LDC	Use specifically permitted by LDC	Does LDC's minimum lot size comply with maxim density per LDC
1	Low Density Residential	7	821.61	5,751	2,632	46	R-1A	4 (4.36)	10,890 sq. ft.	10,000 sq. ft.	Single Family	No
	Low Density Residential	7	821.61	5,751	2,632	46	R-1	5 (5.9)	8,712 sq. ft.	7,500 sq. ft.	Single Family	No
	Low Density Residential	7	821.61	5,751	2,632	46	R-2 (Single-family)	7 (7.27)	6,222 sq. ft./unit or 12,444 sq. ft. total	6,000 sq. ft.	Single Family	No
	Low Density Residential	7	821.61	5,751	2,632	46	R-2 (Two-family)	7 (13.4)	6,222 sq. ft./unit or 12,444 sq. ft. total	7,500 sq. ft.	Duplex	No
	Low Density Residential	7	821.61	5,751	2,632	46	RPUD (Single-family)	4	10,890 sq. ft.	None	Single-family	N/A
	Low Density Residential	7	821.61	5,751	2,632	46	RPUD (Two-family)	7	6,222 sq. ft./unit or 12,444 sq. ft. total	None	Two- family	N/A
	Low Density Residential	7	821.61	5,751	2,632	46	RPUD (Multi-family - 3 units/Comp Plan doesn't allow MF)	15	2,904 sq. ft./unit or 8,712 sq. ft. total	None	Multi-family (3 units)	N/A
	Low Density Residential	30	821.61	24,648	2,632	11	RPUD (Conditional Use)	30	1,452 sq. ft./unit	None	Single-family, Two-family and Multi-family (3 units or more)	N/A
2	Multi-family Res. (MFR): Outside UCD-CRA	10	496.73	4,967	3,673	74	R-3 (Single-family)	10 (7.26)	4,356 sq. ft.	6,000 sq. ft.	Single-family	Yes
	Multi-family Res. (MFR): Outside UCD-CRA	10	496.73	4,967	3,673	74	R-3 (Two-family)	10 (11.62)	4,356 sq. ft./unit or 8,712 square feet total	7,500 sq. ft.	Two- family	No
	Multi-family Res. (MFR): Outside UCD-CRA	10	496.73	4,967	3,673	74	R-3 (Multi-family - 3 units)	10 (13.07)	4,356 sq. ft./unit or 13,068 square feet total	10,000 sq. ft.	Multi-family (3 units)	No
	Multi-family Res. (MFR): RPUD Inside or Outside UCD-CRA	15	496.73	7,451	3,673	49	RPUD (Single-family)	4	10,890 sq. ft.	None	Single-family	N/A
	Multi-family Res. (MFR): RPUD Inside or Outside UCD-CRA	15	496.73	7,451	3,673	49	RPUD (Two-family)	7	6,222 sq. ft./unit or 12,444 sq. ft. total	None	Two- family	N/A
	Multi-family Res. (MFR): RPUD Inside or Outside UCD-CRA	15	496.73	7,451	3,673	49	RPUD (Multi-family - 3 units)	15	2,904 sq. ft./unit or 8,712 sq. ft. total	None	Multi-family (3 units)	N/A
	Multi-family Res. (MFR): RPUD Inside UCD-CRA	30	496.73	14,902	3,673	25	Urban Code Conditional Use	30	1,452 sq. ft./unit	None	Single-family, Two-family and Multi-family (3 units or more)	N/A
	Multi-family Res. (MFR): Inside UCD-CRA - DOES NOT EXIST	15	496.73	7,450	3,673	49	DOES NOT EXIST					
	Multi-family Res. (MFR): Inside UCD-CRA - DOES NOT EXIST	30	496.73	14,901	3,673	25	DOES NOT EXIST					

RESIDENTIAL DENSITY ANALYSIS

3	East Suart	15	55.97	839	533	64	BMU, GRO	15	2,904 sq. ft./unit	None	Single-family, two-family and Multi-family (3 units or more)	N/A
	East Suart	15	55.97	839	533	64	BMU, GRO (Conditional Use)	30	1,452 sq. ft./unit	None	Single-family, two-family and Multi-family (3 units or more)	N/A
	East Suart	15	55.97	839	533	64	RPUD (BMU, GRO)	15	2,904 sq. ft./unit	None	Single-family, two-family and Multi-family (3 units or more)	N/A
	East Suart	15	55.97	839	533	64	RPUD (BMU, GRO/ Conditional Use)	30	1,452 sq. ft./unit	None	Single-family, two-family and Multi-family (3 units or more)	N/A
	East Suart	15	55.97	839	533	64	SFD	17	2,562 sq. ft./unit	None	Single-family and Two-family	N/A
4	Downtown Redevelopment (DTR)	15	219.42	3,291	529	16	UH, UG, UC, UW, UN	15	2,904 sq. ft./unit	None	Single-family, two-family and Multi-family (3 units or more)	N/A
	Downtown Redevelopment (DTR)	30	219.42	6,582	529	8	UH, UG, UC, UW, UN/Conditional Use	30	1,452 sq. ft./unit	None	Single-family, two-family and Multi-family (3 units or more)	N/A
	Downtown Redevelopment (DTR)	30	219.42	6,582	529	8	RPUD (UH, UG, UC, UW, UN)	30	1,452 sq. ft./unit	None	Single-family, two-family and Multi-family (3 units or more)	N/A
5	Office/Residential: Outside UCD-CRA	10	138.12	1,381	527	38	R-3 (Single-family)	10	4,356 sq. ft./unit	10,000	Single-family	Yes
	Office/Residential: Outside UCD-CRA	10	138.12	1,381	527	38	R-3 (Two-family)	10	4,356 sq. ft./unit or 8,712 sq. ft. total	10,000	Two- family	Yes
	Office/Residential: Outside UCD-CRA	10	138.12	1,381	527	38	R-3 (Multi-family)	10	4,356 sq. ft./unit or 13,068 sq. ft. total	10,000	Multi-family (3 units)	No
	Office/Residential: Outside UCD-CRA	10	138.12	1,381	527	38	R-3 (Residential units with business)	10	4,356 sq. ft. (Single-family); 8,712 sq. ft. (Two-family); 13,068 sq. ft. (3 units total)	10,000	Single-family, two-family and Multi-family (3 units or more)	Yes/Yes/No
	Office/Residential: Outside UCD-CRA	10	138.12	1,381	527	38	RPUD	15	2,904 sq. ft./unit	None	Single-family, two-family and Multi-family (3 units or more)	N/A
	Office/Residential: Outside UCD-CRA	10	138.12	1,381	527	38	RPUD (Conditional Use)	30	1,452 sq. ft./unit	None	Single-family, two-family and Multi-family (3 units or more)	N/A
	Office/Residential: Inside UCD-CRA - DOES NOT EXIST	15	138.12	2,072	527	25	DOES NOT EXIST					

MEMORANDUM

TO: City of Stuart, Florida

FROM: Robert C. Apgar, Esquire
Robert Pennock, Ph.D., AICP

RE: Review of Proposed Comprehensive Plan Amendment

DATE: December 20, 2016

This is written in response to a request from the City of Stuart that Apgar and Pennock review the attached draft amendment to comprehensive plan Policy A.7.2 (“the amendment”) and respond to the following questions:

1. Does the proposed amendment raise any legal or planning issues that might support an administrative or judicial challenge to the amendment? Is there anything missing that would be important to the validity of the amendment?
2. What are the legal procedures and notice requirements that the City must satisfy for adoption of the plan amendment.

Response to Question 1: legal and planning issues.

The proposed amendment would increase the maximum density allowable in certain land use categories; delete limitations on the total number of acres in development that exceed 15 dwelling units per acre; and add or amend footnotes for clarification. The amendment does not raise any legal issues, nor is any additional amendment necessary to establish its validity, unless the supporting data and analysis showed that an amendment to the 5-Year Capital Improvements Schedule was needed. The amendment is clearly within the City’s authority and responsibility under the Community Planning Act, Chapter 163, Part II, Florida Statutes. Moreover, the amendment would not decrease the possible density or intensity of development, thereby avoiding any issues under the Bert Harris Act, Chapter 70, Florida Statutes.

There are, however, some minor issues that should be addressed. Footnote 5 describes “flexible densities having a base of nine (9) units per acre for single family dwelling units and a maximum of fourteen (14) units per acre for duplexes . . .” The term “base” is not commonly used in regulatory documents and could be confusing. From the context, “base” appears to indicate a maximum number of single family units. If so, “maximum” would be a better term to use.

Further, we recommend that

- The maximum of 14 units per acre for duplexes be stated in the Table of Land Use Densities and Intensities. In general, all minimum and maximum limits should appear in the land use table, not in footnotes.
- The conditional language regarding compatibility would be better placed in a future land use element policy and this footnote could reference that policy.
- Footnote 2 changes the term UCE to UCCU. This acronym should also be changed in the Table of Land Use Densities and Intensities.

Finally, the “Note” that follows the numbered footnotes states that properties in the Coastal High Hazard Area are limited to a maximum of 15 units per acre except in certain cases, and ALF’s are prohibited. The City should insure that this restriction is stated in a policy or objective in the FLU element or the Coastal Element of the Plan. The Note should reference the applicable policy or objective.

The amendment must be supported by data and analysis providing the planning rationale for the amendment and showing the effect of these density increases.

The data and analysis could include the following:

- A recent review of the land development regulations, particularly Chapter 2, showed that in some instances the land development regulations, if read independently from the comprehensive plan, could cause some confusion regarding what densities are allowed in particular circumstances. This proposed plan amendment, along with subsequent revisions to the land development regulations, is intended to provide clarity and certainty with regard to the maximum residential densities that may be allowed.
- Also, these plan amendments support several important planning goals including the discouragement of urban sprawl, increased opportunities for affordable housing, and economic development within the City. (this should be expanded by City)
- Supporting data and analysis is required by section 163.3177 F.S. The DEO website <http://www.floridajobs.org/community-planning-and-development/programs/community-planning-table-of-contents/how-to-prepare-and-submit-a-proposed-expedited-state-review-comprehensive-plan-amendment> outlines these requirements which include: A description of availability of and the demand on sanitary sewer, solid waste, drainage, potable water and water supply, traffic circulation, schools (if local government has adopted school concurrency), and recreation, as appropriate.
 - This may require changes to the Capital Improvements Schedule – but this appears unlikely.

- Note that an impact analysis should take into account the population projections.
- An analysis of extra-jurisdictional impacts, if any.

Response to Question 2: Procedures for adoption.

This Memorandum provides an overview of the adoption process. It does not, however, repeat all of the detailed requirements of the statute, Fla. Stat. 163.3184. The City Staff must review the statute to insure that all requirements are met.

First, the proposed plan amendment must be reviewed by the local planning agency (“LPA”) pursuant to Fla. Stat. 163.3174. The LPA must hold at least one public hearing on the plan amendment. The LPA must make a recommendation to the local government, including whether the proposed amendment is consistent with the local comprehensive plan.

The procedures for the City Commission to adopt the proposed amendment are set out in Fla. Stat. 163.3184(3), known as the Expedited State Review Process, and 163.3184(11), which describes the public hearings and method of adoption. Additional requirements are set out in Fla. Stat. 163.3184(11) which governs adoption of ordinances by municipalities. The following is an overview of these procedures and requirements:

The local governing body must hold at least two advertised public hearings on the proposed comprehensive plan or plan amendment. The advertising and scheduling requirements are governed by Fla. Stat. 163.3184(3) and (11), and by Fla. Stat. 166.041(3). Pursuant to Fla. Stat. 163.3184(11), “For the purposes of transmitting or adopting a comprehensive plan or plan amendment, the notice requirements in chapters 125 and 166 are superseded by this subsection, except as provided in this part.”

Pursuant to this direction, the adoption procedure is as follows:

1. The first public hearing is held to decide whether to transmit the plan amendment to the reviewing agencies. An ordinance is not necessary for transmittal. A resolution is the appropriate local government action. The transmittal must be approved by no less than a majority of the members of the governing body present at the hearing.
2. The hearing must be held on a weekday at least 7 days after the day that the first advertisement is published pursuant to the requirements of chapter 166.
3. If the local government votes to transmit the proposed amendment, the local government must send the amendment with supporting data and analyses to the reviewing agencies within 10 days.
4. The agencies must send their comments to the local government within 30 days after receiving the amendment. The statute sets out in detail the limits on the scope of agency review.
5. After receipt of agency comments, the local government must hold a second public hearing for adoption. The statute allows 180 days for the adoption

hearing. If the hearing is not held within 180 days, the amendment is deemed withdrawn.

The plan amendment must be adopted by ordinance, approved by no less than a majority of the members of the governing body present at the hearing. The ordinance adoption process is also governed by Fla. Stat. 166.041(3)(a) as follows:

Except as provided in paragraph (c), a proposed ordinance may be read by title, or in full, on at least 2 separate days and shall, at least 10 days prior to adoption, be noticed once in a newspaper of general circulation in the municipality. The notice of proposed enactment shall state the date, time, and place of the meeting; the title or titles of proposed ordinances; and the place or places within the municipality where such proposed ordinances may be inspected by the public. The notice shall also advise that interested parties may appear at the meeting and be heard with respect to the proposed ordinance.

As noted above, Fla. Stat. 163.3184(11) states that the notice requirements of subsection (11) supersede the requirements of Chapter 166. Subsection (11) states: "The hearing must be held on a weekday at least **7 days** after the day that the first advertisement is published pursuant to the requirements of chapter 166." (emphasis added)

We emphasize that the notice and hearing requirements for a zoning change are much more detailed and rigorous than the requirements for amending a comprehensive plan. The statute allows comprehensive plan amendments and zoning amendments to be processed concurrently. In fact, concurrent processing is required if an applicant requests such, Fla. Stat. 163.3184(12). A complete analysis of the notice and hearing requirements for concurrent zoning and plan amendments is beyond the scope of this memorandum.

For purposes of the comprehensive plan amendment, we note that the statute requires notice by mail only when the proposed ordinance changes the zoning map designation of property, or the list of uses allowed within a zoning category. See Fla. Stat. 166.041(3)(c). The City of Stuart's proposed plan amendment does neither, and therefore notice by mail is not required for the plan amendment.

If the amendment is adopted, the local government must forward a complete copy of the amendment and supporting data and analysis to the State Land Planning Agency and the reviewing agencies and local governments within 10 days. The State has 5 working days to notify the local government of any deficiencies in the

transmittal. Once the State notifies the local government that the amendment transmittal is complete, the amendment takes effect as follows:

An amendment adopted under this paragraph does not become effective until 31 days after the state land planning agency notifies the local government that the plan amendment package is complete. If timely challenged, an amendment does not become effective until the state land planning agency or the Administration Commission enters a final order determining the adopted amendment to be in compliance. Fla. Stat. 163.3184(3)(c)4.

The statute also includes detailed provisions governing a possible administrative challenge to a comprehensive plan amendment by the state land planning agency or an “affected person” alleging that the amendment is not “in compliance” with state statutes and related requirements. Fla. Stat. 163.3184(1)(5)-(9). Such a challenge must be filed within thirty (30) days after the amendment is adopted. A review the administrative process is beyond the scope of this memorandum.