



A G E N D A
STUART COMMUNITY REDEVELOPMENT BOARD
TO BE HELD JANUARY 11, 2017
AT 4:00 PM COMMISSION CHAMBERS
121 S.W. FLAGLER AVE.
STUART, FLORIDA 34994

COMMUNITY REDEVELOPMENT BOARD

Chairman - John B. Gonzalez
Vice Chairman - Pete Walson
Board Member - Becky Bruner
Board Member - Drew Pittman
Board Member - Chris Lewis
Board Member - Mac Stout
Board Member - Frank Wacha

ADMINISTRATIVE

Development Director, Terry O'Neil
Special Assistant to the City Manager, Teresa Lamar-Sarno
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

1. Annual Board Reorganization

APPROVAL OF MINUTES

1. CRB Minute Approval

APPROVAL OF AGENDA

COMMENTS FROM THE PUBLIC (5 min. max)

COMMENTS FROM THE BOARD MEMBERS

COMMUNITY REDEVELOPMENT BOARD

OTHER MATTERS BEFORE THE BOARD

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

STAFF UPDATE

ADJOURNMENT

UPCOMING MEETINGS and EVENTS

**CITY OF STUART, FLORIDA
AGENDA ITEM REQUEST
Community Redevelopment Board**

Meeting Date: 1/11/2017

Prepared by: Michelle Vicat

Title of Item:

Annual 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
Community Redevelopment Board**

Meeting Date: 1/11/2017

Prepared by: Michelle Vicat

Title of Item:

CRB Minute Approval

Summary Explanation/Background Information on Agenda Request:

Approval of December 6, 2016 CRB Minutes

Funding Source:

N/A

Recommended Action:

Approve

ATTACHMENTS:

Description	Upload Date	Type
▢ CRB Minutes	12/16/2016	Cover Memo

MINUTES

**COMMUNITY REDEVELOPMENT BOARD
DECEMBER 6, 2016 AT 4:00PM
CITY COMMISSION CHAMBERS
121 S.W. FLAGLER AVE.
STUART, FLORIDA 34994**

COMMUNITY REDEVELOPMENT BOARD MEMBERS

**Chair – John Gonzalez
Vice Chair – Pete Walson
Board Member – Frank Wacha
Board Member – Paul Skyers
Board Member – Drew Pittman
Board Member – Becky Bruner
Board Member – Mac Stout**

ADMINISTRATIVE

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




4:04 PM CALL TO ORDER

ROLL CALL  **4:04 PM Roll Call.**

Present: Paul Skyers, Becky Bruner, Pete Walson, Mac Stout, Drew Pittman

Absent: Frank Wacha, John Gonzalez.

APPROVAL OF MINUTES

Approval of Minutes  **4:05 PM Motion: Action: Approve, Moved by Paul Skyers, Seconded by Becky Bruner. Motion passed unanimously.**


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


COMMENTS FROM THE BOARD MEMBERS

OTHER MATTERS BEFORE THE BOARD

1. Request for a Major Urban Code Conditional Use Approval to the City of Stuart (Landlord/Owner) and Mulligan's Stuart Acquisition, LLC (Tenant) at 131 SW Flagler Avenue; allowing a Formula Business in the name of Mulligan's to be relocated within The formula business area from its current location at 61 SW Osceola Street to 131 SW Flagler Avenue; further amending Resolution No. 05-2010, governing the operation of Mulligan's at its current location, and establishing the conditions for any future business at 61 SW Osceola Street premises.


PRESENTATION: Stephen Mayer  4:06 PM

Terry McCarthy, Attorney for applicant  4:12 PM

Marcela Cambolor, Planner for applicant  4:15 PM

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

COMMENTS FROM THE BOARD MEMBERS

 **4:26 PM**

Paul Skyers asked what the estimate of improvements was.

George Hart said \$4-500,000. He said the clean-up was quite an undertaking, they did a lot of electrical and plumbing work, they tore the whole kitchen out and there were unfinished bathrooms to fix. He said he just wanted to make this community better and hoped they will make the city proud.

Becky Bruner asked if there was easy access through the back from the dock.

Marcela Cambolor said they are working on both ADA and standard entrances from the boardwalk. She said they have painted and cleaned underneath and are adding lights.

Drew Pittman said that is his second favorite bar downtown next to Sneaki Tiki and loves the view.


George Hart said he is talking to three different restaurants about taking over his current location downtown and will make sure it's the right business.

 **4:33 PM Motion: Action:** Approve, **Moved by** Drew Pittman, **Seconded by** Becky Bruner. Motion passed unanimously.

Pete Walson noted Paul Skyers resignation and said they will miss him.

STAFF UPDATE:

Terry O'Neil, Development Director said they have a fair size development project coming in on Seminole Street and it will be coming before the board possibly in January, so they may ask to move the regular meeting to a later date in the month.

ADJOURNMENT  **4:36 PM Motion: Action: Adjourn, Moved by Paul Skyers, Seconded by Becky Bruner. Motion passed unanimously.**

APPROVED

RESPECTFULLY SUBMITTED

Pete Walson, Vice Chair

Michelle Vicat, Board Secretary

**CITY OF STUART, FLORIDA
AGENDA ITEM REQUEST
Community Redevelopment Board**

Meeting Date: 1/11/2017

Prepared by: Tom Reetz

Title of Item:

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

Summary Explanation/Background Information on Agenda Request:

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

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

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

Funding Source:

N/A

Recommended Action:

Based upon compliance with the City of Stuart's Comprehensive Plan and the pertinent standards found within Section 3.01.06 of the City of Stuart's Land Development Code, staff recommends **APPROVAL** of the applicant's request to consider a **CONDITIONAL USE** to allow a mixed use development of 4,235 square feet of retail and 20 residential units on a

1.21 acre site; to allow a density of 16.5 units per acre; for parking within the building envelope and for a continuous building facade of more than 100 feet in width without providing an additional vista.

Staff is requesting the Community Redevelopment Board to consider the merits of the proposal and recommend the application be forwarded to the City Commission for final action of approval.

ATTACHMENTS:

Description	Upload Date	Type
▣ Staff Report	1/5/2017	Staff Report
▣ Resolution 12-2017 Hollub Investment Partnership, LLLP	1/5/2017	Resolution add to Y drive
▣ City and Consultant comments	1/4/2017	Backup Material

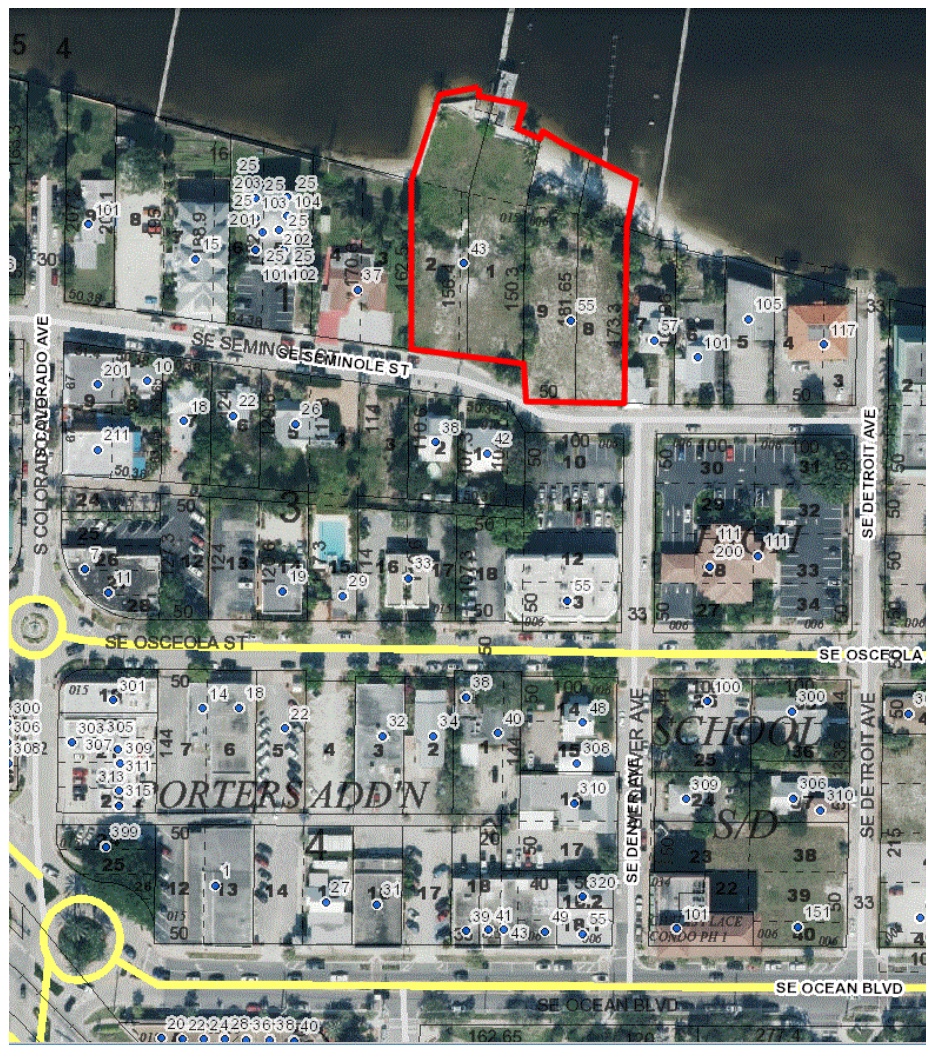
CITY OF STUART, FLORIDA
COMMUNITY REDEVELOPMENT BOARD
STAFF REPORT

MEETING DATE: January 11, 2017

PREPARED BY: Tom Reetz
Senior Planner

PROJECT NAME: Seminole Avenue – Hollub Investments

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



I. APPLICATION SUMMARY

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

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

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

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

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

II. HISTORY

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

III. ZONING AND LAND USE

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

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

IV. CITY DEPARTMENTAL REVIEWS	
<i>Public Works (Marc Rogolino)</i>	Not Approved subject to revision to the sites dumpster size and location.
<i>Fire/Building (Frank Lasaga)</i>	Approved subject to more detailed review at the Building and Site Permit stage
<i>Police (Brian Bossio)</i>	Approved subject to more detailed review at the Building and Site Permit stage
<i>Captec Engineering</i>	See attached comments.

V. EXISTING CONDITIONS:



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

VI. PUBLIC NOTIFICATION:

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

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

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

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

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

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

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

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

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

There are no proposed changes to the existing district boundary.

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

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

accommodate the vehicular traffic flow utilizing the site..

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

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

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

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

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

The uses are permitted throughout the CRA district.

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

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

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

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

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

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

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

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

have no objections to the proposed use.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

VIII. STAFF RECOMMENDATION

Based upon compliance with the City of Stuart's Comprehensive Plan and the pertinent standards found within Section 3.01.06 of the City of Stuart's Urban Code, staff recommends **APPROVAL** of the applicant's request to consider a **MAJOR URBAN CODE CONDITIONAL USE** to allow the redevelopment of mixed use buildings and luxury condominiums in accordance with the conditions attached the draft Resolution 12-2017.

Staff is requesting the Community Redevelopment Board consider the merits of the proposal and recommend the application be forwarded to the City Commission for final action of approval.



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

RESOLUTION NUMBER 12- 2017

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

* * * * *

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

WHEREAS, the Applicant, Riverside Village Stuart LLC, is requesting a Major Urban Code Conditional Use approval to allow for development of a mixed use of 4,235 square feet of retail space and 20 Residential Units on 1.21 acres of land, and **WHEREAS**, the Applicant has requested a density of 16.5 units per acre where the maximum density is 15 dwelling units per acre is allowed, for a continuous building facade of more than 100 feet in width without providing an additional vista and for parking within the building envelope; and

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

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

WHEREAS, City Commission held a properly noticed hearing at a regularly scheduled City Commission meeting to consider the application of the Petitioner to approve the Major Urban Code Conditional Use on January 23, 2017.

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

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

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

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

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

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

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

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

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

YES	NO	ABSENT

ADOPTED this 23rd day of January, 2017.

ATTEST:

CHERYL WHITE
CITY CLERK

EULA R. CLARKE,
MAYOR

APPROVED AS TO FORM
AND CORRECTNESS:

MICHAEL MORTELL
CITY ATTORNEY

ACCEPTANCE AND AGREEMENT

BY SIGNING THIS ACCEPTANCE AND AGREEMENT, THE UNDERSIGNED HEREBY ACCEPTS AND AGREES TO ALL OF THE TERMS AND CONDITIONS CONTAINED IN THE FOREGOING DEVELOPMENT ORDER, AND ALL EXHIBITS, ATTACHMENTS AND DEVELOPMENT DOCUMENTS, INTENDING TO BE BOUND THEREBY, AND THAT SUCH ACCEPTANCE AND AGREEMENT IS DONE FREELY, KNOWINGLY, AND WITHOUT ANY RESERVATION, AND FOR THE PURPOSES EXPRESSED WITHIN THE FOREGOING RESOLUTION. IN WITNESS WHEREOF THE UNDERSIGNED HAS EXECUTED THIS ACCEPTANCE AND AGREEMENT:

WITNESSES:

Riverside Village Stuart, LLC

Witness #1:

Owner: William Bethea

Print Name: _____

Print Name: _____

Signature: _____

Signature: _____

(see owner's acknowledgement next page)

Witness #2:

Print Name: _____

Signature: _____

WITNESSES:

Hollub Investment Partnership,LLLP
Hollub Holdings LLC

Witness #1:

Applicant: Harry Hollub

Print Name: _____

Print Name: _____

Signature: _____

Signature: _____

Witness #2:

Print Name: _____

Signature: _____

OWNERS ACKNOWLEDGMENT

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

Notary Public, State of Florida

My Commission Expires:

Notary Seal

Personally Known _____ OR Produced Identification _____ Type of ID _____

Exhibit “A” Legal Description:

PARCEL 1:

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

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

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

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

PARCEL 2:

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

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

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

Exhibit “B” Conditions of Approval

1. The project shall adhere to the site plan prepared by C. Calvert Montgomery and Associates, Inc. dated November 8, 2016.
2. The project shall adhere to the architectural elevations, prepared by Braden & Braden, AIA, PA dated October 19, 2016, and shall be constructed of concrete masonry units.
3. Except as provided herein, all development shall comply with City Code.
4. Any sidewalks damaged during construction shall be repaired and/or replaced by the applicant as per the City’s specification.
5. Notwithstanding the illustration shown on the site plan, all signage shall be in accordance with the City’s Land Development Regulations with regards to size, dimensions, color, etc.
6. Site lighting shall not negatively impact adjacent properties and shall not create a visual nuisance. Decorative exterior light fixtures shall be approved prior to the issuance of any development permits.
7. The applicant shall comply with all applicable Handicap Accessibility standards.
8. Final Development Plans and Construction Drawings shall be reviewed and approved by all necessary City departments prior to the issuance of any building permits.
9. Any and all regulatory agency permits, including but not limited to Martin County, the South Florida Water Management District, and Army Corp of Engineers, shall be obtained by the applicant and copies provided to the City prior to the issuance of a site permit.
10. Prior to, building permits being issued, the applicant shall accomplish abandonment of 292 square feet of R.O.W. along Seminole Street with the privilege fee being waived

contingent upon the city's acquisition of 292 sq. feet of R.O.W. per Sec. 36-2(d) of the City's Code of Ordinances.

11. The city as the grantee shall accept the 292 sq. feet of R.O.W. upon the grantor Riverside Village Stuart, LLC executing a deed which grants, bargains, sells, aliens, remises, releases, conveys, and confirms unto the grantee all that certain land situated in Martin County, Florida, to wit: That portion of Right of Way shown on the Site Plan by C. Calvert Montgomery & Associates, Sheet 1, dated 11-08-16 attached hereto as Exhibit "C" TOGETHER with all tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.
12. Prior to the issuance of any building permits for any portion of the Property, the Owner shall clearly define, to the satisfaction of the City Attorney, the number of condominium associations that will be created with respect to the Property. There shall be a Master Association created for all condominium units to be constructed on the property. The Master Association shall be the entity responsible for accepting notices from the City and correcting any violations of this Resolution, or the ordinances of the City and for any matters involving the City with respect to the Property, including, without limitation, fines and penalties. There shall be no conveyance of any units to third parties prior to the formation of the Master Association. There will be no future subdivision of the property without a plat approved by the City Commission.
13. Prior to issuance of a building permit, the applicant shall either contribute the required art fee of one and one-half percent of the vertical construction cost or provide work of art on the development pursuant to Section 3.01.08
14. Dock Facilities are for the expressed use of the owners, and or tenants. Leasing of dock slips to entities other than tenants of the project are prohibited. Commercial use of the dockage facilities is prohibited.
15. Sloping revetments and interlocking blocks shall be used in high energy areas to more effectively dissipate wave forces, boat wakes and reduce the effects of bottom scouring. Bulkheads and seawalls shall only be used to protect existing development and shall be located landward of riverine wetlands and their ecotones. Permits for replacement of deteriorating seawalls shall be granted only when alternative revetments and interlocking blocks are not feasible.

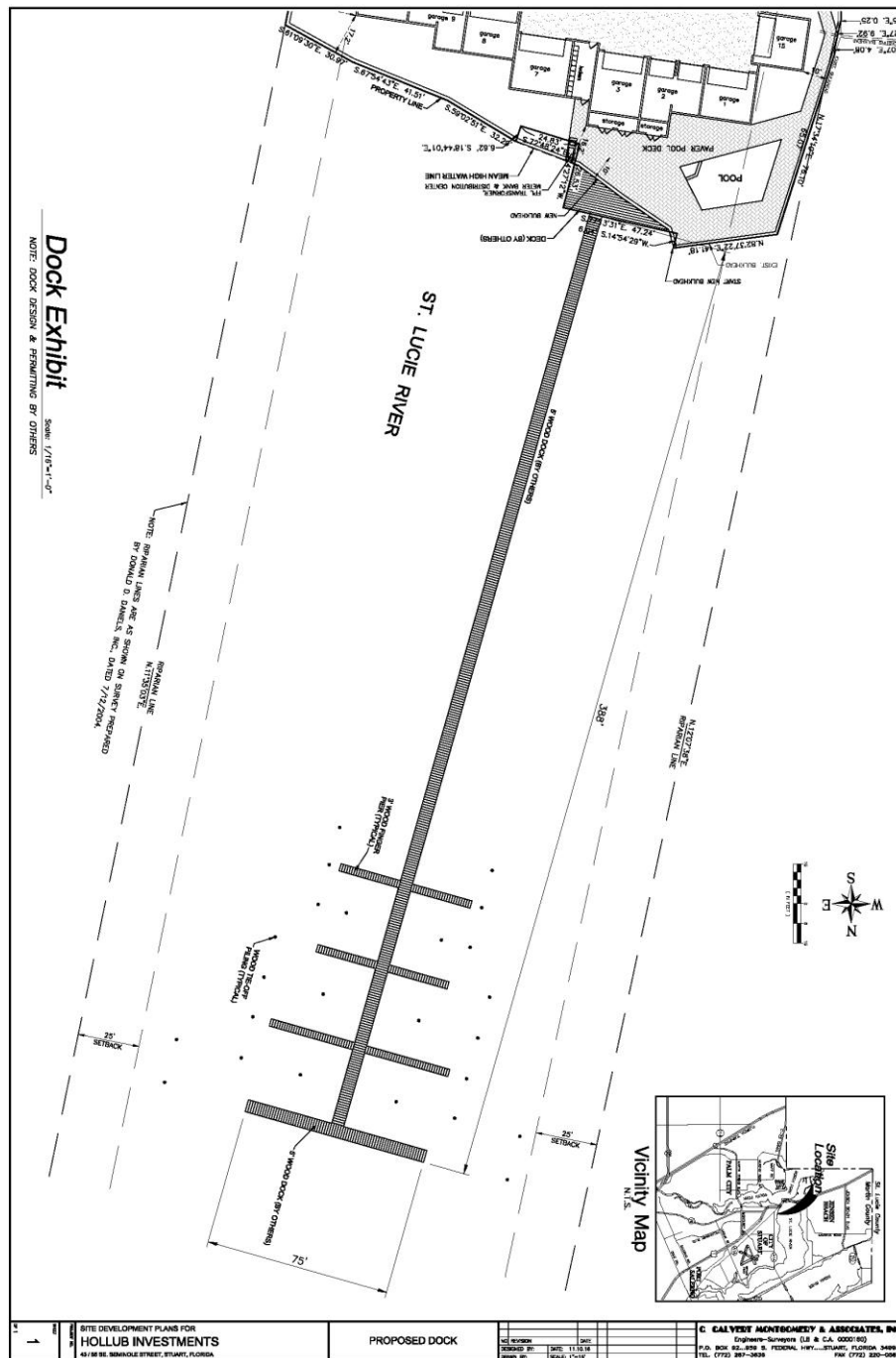
16. There shall be no improvements, fencing, installation of additional landscape material, etc. placed within the common acres that would be in nonconformance with approved vistas at the ends of the buildings.
17. All dock facilities and marine related bulkheads, hardened shorelines, etc. shall be maintained by the Master Association, any new marine related improvements , modification, repairs and permitting associated with such facilities shall be accomplished by, and the responsibility of, the association. There shall be no sheds or outbuildings constructed on the property.
18. The applicant shall obtain a Certificate of Occupancy for all of the buildings prior to January 23, 2020.
19. The uses permitted shall be consistent with the Urban Code, including the adherence to parking standards.

LEGEND

- 1. LOT 1 - 1/2 AC. (200' x 100')
- 2. LOT 2 - 1/2 AC. (200' x 100')
- 3. LOT 3 - 1/2 AC. (200' x 100')
- 4. LOT 4 - 1/2 AC. (200' x 100')
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- 96. LOT 96 - 1/2 AC. (200' x 100')
- 97. LOT 97 - 1/2 AC. (200' x 100')
- 98. LOT 98 - 1/2 AC. (200' x 100')
- 99. LOT 99 - 1/2 AC. (200' x 100')
- 100. LOT 100 - 1/2 AC. (200' x 100')

[illegible]

Exhibit “C” Dock Plan



Architectural Drawings of the Condo Complex For Hollub Investments

North Elevation (Building A)

South Elevation (Building A)

Dimensions and Details:

- Overall width: 31'-0"
- Overall height: 35'-0"
- Window types: 10'-0" x 6'-0", 8'-0" x 6'-0", 6'-0" x 6'-0", 4'-0" x 6'-0", 3'-0" x 6'-0", 2'-0" x 6'-0", 1'-0" x 6'-0", 1'-0" x 4'-0", 1'-0" x 2'-0", 1'-0" x 1'-0", 1'-0" x 0'-0"
- Structural details: 10'-0" x 6'-0" concrete slab, 8'-0" x 6'-0" concrete slab, 6'-0" x 6'-0" concrete slab, 4'-0" x 6'-0" concrete slab, 3'-0" x 6'-0" concrete slab, 2'-0" x 6'-0" concrete slab, 1'-0" x 6'-0" concrete slab, 1'-0" x 4'-0" concrete slab, 1'-0" x 2'-0" concrete slab, 1'-0" x 1'-0" concrete slab, 1'-0" x 0'-0" concrete slab

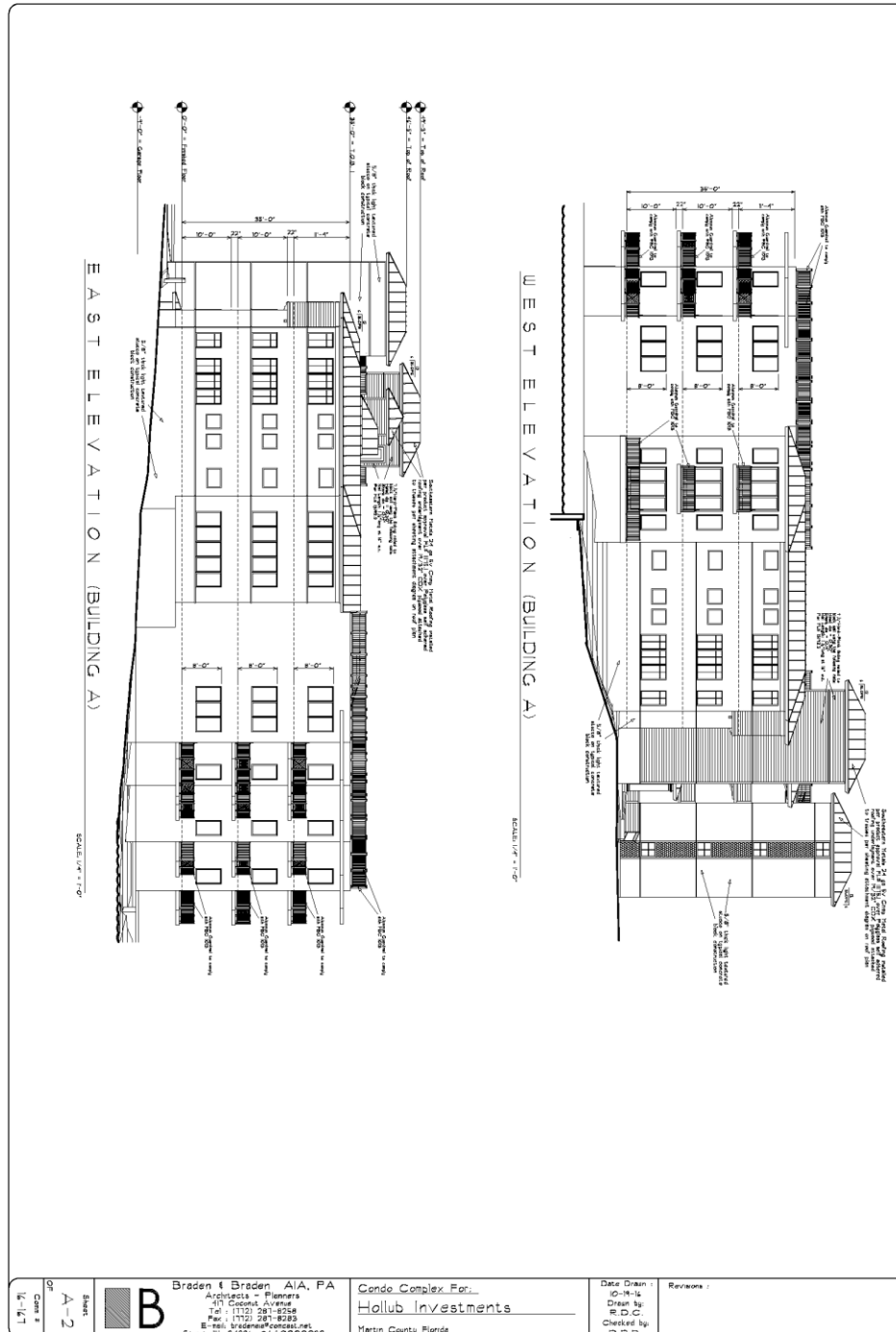
Scale: 1/8" = 1'-0"

Braden & Braden, AIA, P.A.
 Architects - Planners
 471 Colonial Avenue
 Tallahassee, FL 32301
 Tel: (904) 291-8258
 Fax: (904) 291-8258
 E-mail: braden@braden.com

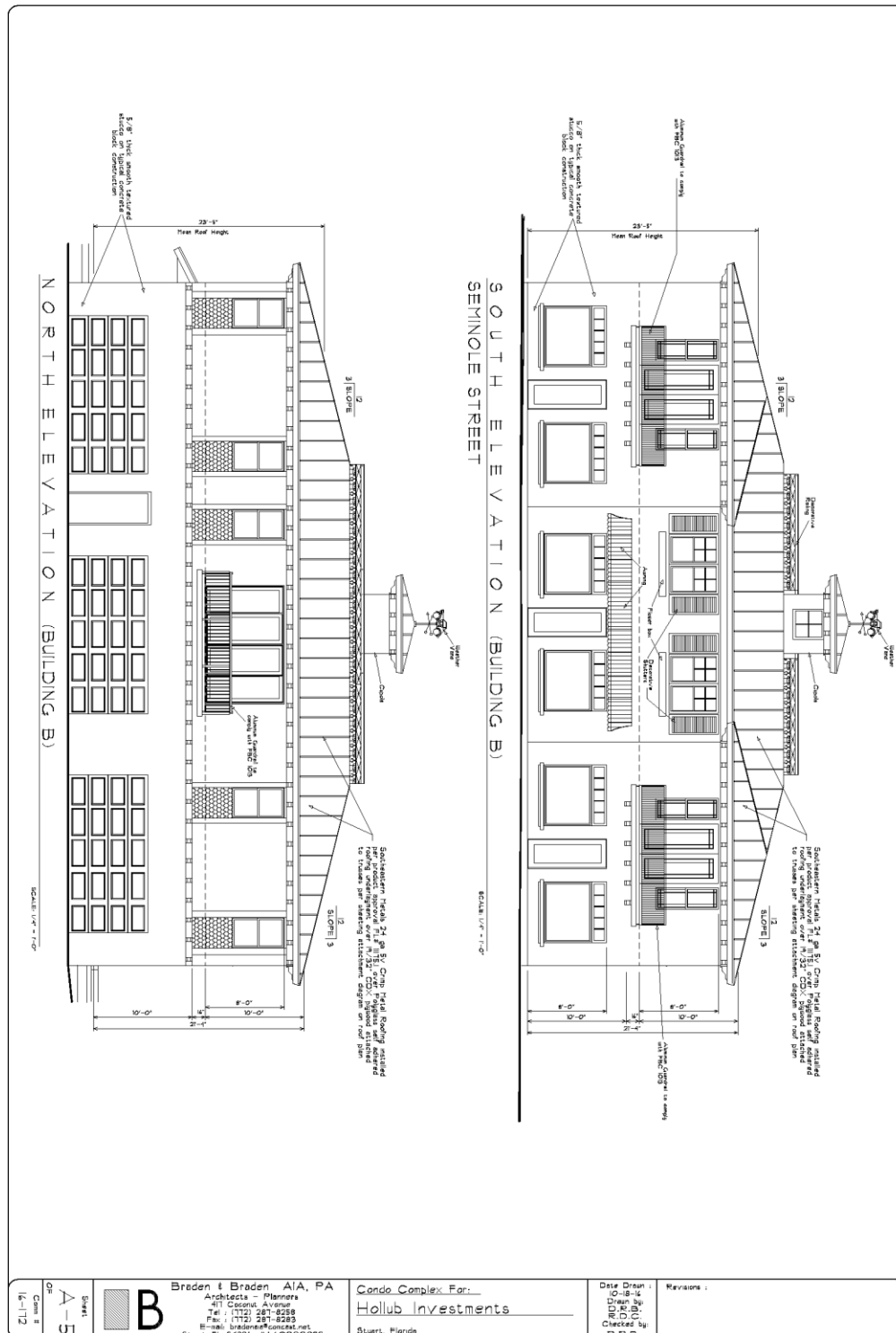
Condo Complex For Hollub Investments
 Martin County, Florida

Date Drawn: 10-14-16
Drawn by: R. D. C.
Checked by: R. D. C.

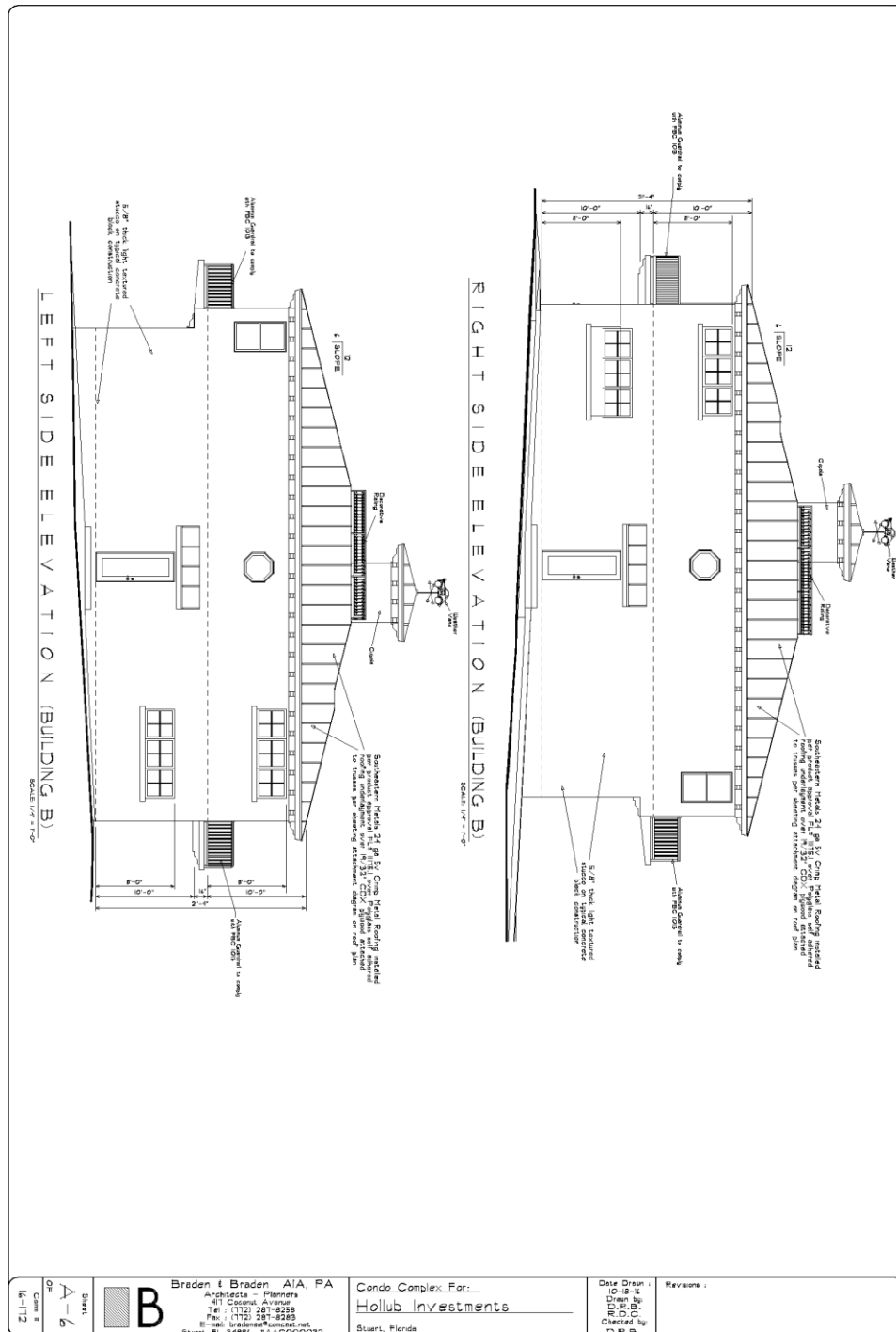
Revisions:

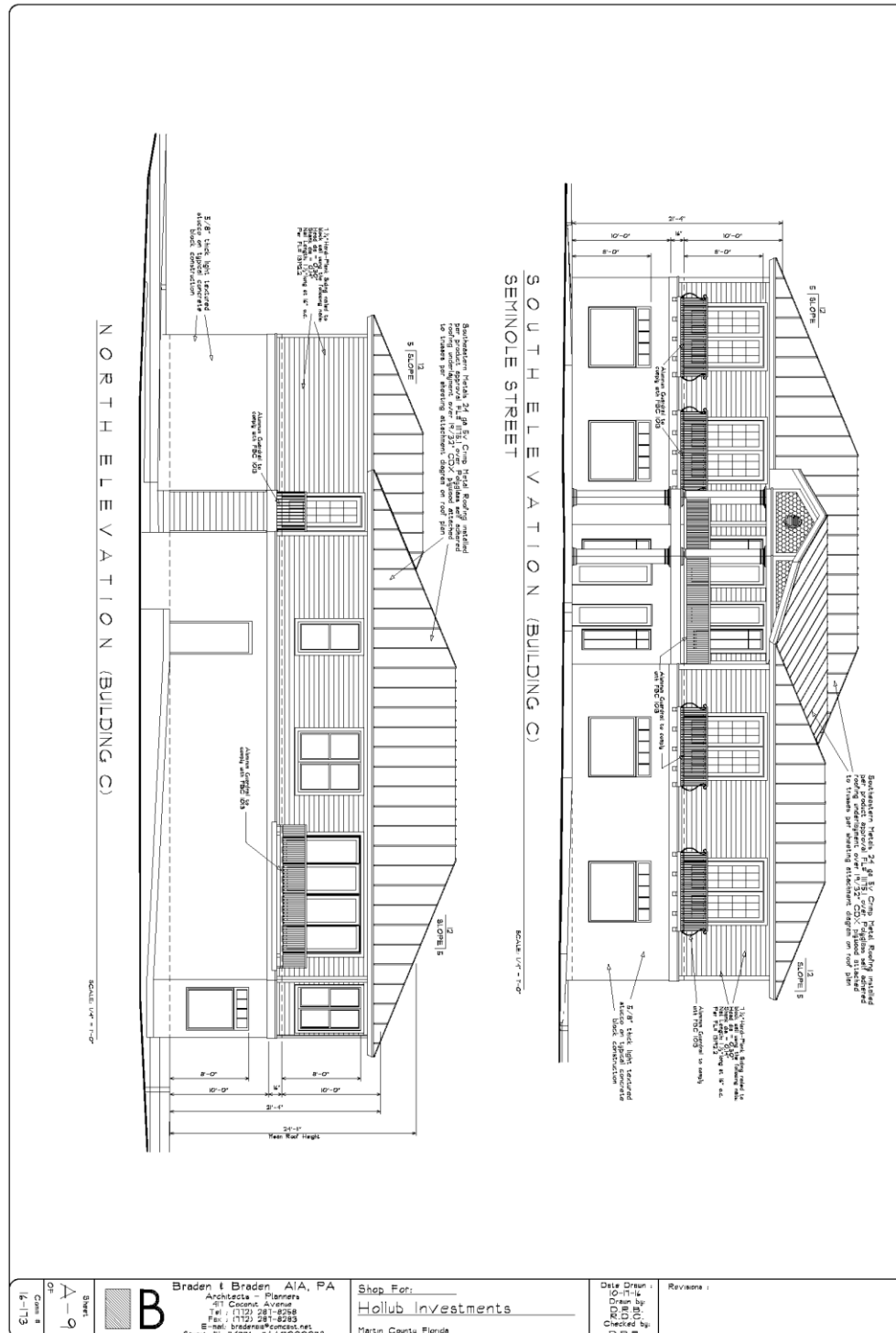


43 & 55 Seminole Street – Hollub Investment Partnership, LLLP
Major Urban Code Conditional Use Approval



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







Memorandum

To: Tom Reetz

From: Marc Rogolino

Date: 12-9-2016

Re: Hollub Investments 43-55 SE Seminole St.

– Conditional Use Application #Z16060010

In reviewing the above referenced project, this Department does not approve the submitted Conditional Use application

- The proposed solid waste capacity does not meet the City of Stuart Solid Waste & Recycling Minimum Container Standards. Per the City of Stuart Solid Waste & Recycling Minimum Container Standards the proposed retail must be supplemented by an approved double dumpster enclosure.
- Locate dumpster(s) enclosure so that minimal or zero backing is required. Orient dumpster enclosure(s) to permit full mechanically assisted pick-up by a 42ft. front end loading truck.
- All City of Stuart approved dumpster enclosure details with dimensions must be called-out on the submitted site plan.
- This review is not for construction; further review will be required for approval for construction upon submittal of civil engineered drawings.
- Further review will be required for Conditional Use approval.

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

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

Please forward comments to applicant.

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

Fire Frank Lasaga -Frank Lasaga

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

Police - Brian Bossio - I would like to see a photometric lighting plan and landscape plan as well.

Planning and Zoning Initial Comments: by Tom Reetz

1. Need a landscape plan for all existing and proposed plantings with Landscape Notes and Plant Schedule.
2. Need Dock Plan showing dock, dock slips and proof of any state agency applications as well as City Code of Ordinances Marine construction parameters, dedication to existing residences, verbiage that no rental permitted, no liveaboards, etc. Dana Small plan?
3. An environmental Impact Analysis may be necessary to prove that the City's Comprehensive Plan Objective A2. St. Lucie River access and views, Objective A3 Environmentally sensitive natural resources, objectives are being met in regard to the proposed backfilling and new bulkhead. Address shoreline stabilizing including backfill against new bulkhead.
4. Is the developer planning on making a 1-1/2% of the construction cost or provide Public Art at 1% of the vertical cost?
12. *Public art.* Public art shall be required of all development and redevelopment and shall equal not less than one percent of the total costs of vertical construction. Public art may include fountains, murals, sculptures, paintings, or other generally acceptable art form as directed by the community redevelopment board which is displayed in a public venue. All public art required under this section shall be readily visible to the public. All public art intended to meet the requirements of this section that is visible from a public right-of-way or is exterior to a building must be approved by the community redevelopment board as a minor urban code exception. A single family home on a single platted lot of record is exempt from this requirement.

Sec. 3.01.06. Urban code exception requirements.

- A. Major and minor urban code exception.* As provided below, the city commission may grant a major urban code exception and the city community redevelopment board may grant a minor urban code exception. The review of major and minor urban code exception applications shall follow the procedures set forth in section 11.01.04 relating to special exception review including but not limited to required findings of fact, conditions, notice, public hearing, standards, burden of proof, revocation and expiration. Approval of an urban code exception shall only be granted if the applicant can demonstrate that the

request is consistent with and will further the implementation of this Code, the CRA redevelopment plan, the city comprehensive plan and will measurably improve the form, function and traditional neighborhood characteristics of the urban district. The procedure for a major urban code exception shall follow the procedures set forth at section 11.01.04 with respect to submittal information and required notice for a special exception. The procedure for a minor urban code exception shall follow the procedures set forth in section 11.01.04 with respect to submittal information and required notice for special exception; however, mailed notice shall only be required to be provided to property owners which are directly abutting the subject property.

1. *Minor urban code exception.* A minor urban code exception shall be required for relief from the following regulations of the urban code; paint colors; public art, and architectural materials.



December 15, 2016
068.437

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

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

Dear Mr. Reetz:

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

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

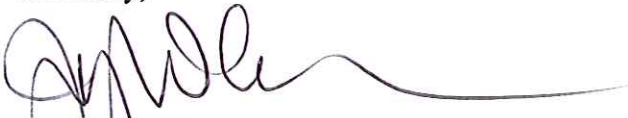
CAPTEC Engineering, Inc. performed this review for the City of Stuart in order to confirm compliance with the applicable City of Stuart Codes and Regulations. Neither the Reviewer nor the City of Stuart is the Design Engineer of Record and, therefore, neither entity accepts responsibility for the accuracy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

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

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

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

Sincerely,



Joseph W. Capra, P.E.
City Engineer

attachment: invoice

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



CAPTEC Engineering Inc
301 NW Flagler Avenue
Stuart, FL 34994
772-692-4344

City of Stuart
121 SW Flagler Avenue
Stuart, FL 34994
Tom Reetz

Invoice number 2016-586
Date 12/14/2016

Project 068.437 CITY OF STUART REVIEW -
SEMINOLE AVENUE - HOLLUB
INVESTMENTS

Professional Services rendered through 12/14/16

CONDITION USE APPLICATION

Professional Fees / Labor

	Hours	Rate	Billed Amount
PE / Sr. Project Manager	3.00	130.00	390.00
Subtotal	3.00		390.00
Project Coordinator	1.50	55.00	82.50
Subtotal	1.50		82.50
Principal / QC Manager	0.50	165.00	82.50
Subtotal	0.50		82.50
Phase subtotal			555.00

Invoice total **555.00**

Aging Summary

Invoice Number	Invoice Date	Outstanding	Current	Over 30	Over 60	Over 90	Over 120
2016-586	12/14/2016	555.00	555.00				
	Total	555.00	555.00	0.00	0.00	0.00	0.00