

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, AMENDING THE FUTURE LAND USE MAP OF THE CITY'S COMPREHENSIVE PLAN, THEREBY ASSIGNING A FUTURE LAND USE DESIGNATION OF "NEIGHBORHOOD SPECIAL DISTRICT" TO THE 49+/- ACRE PROPERTY, OWNED BY NEHME HOLDINGS, LLC AND WILLOUGHBY GROUP, LLC LOCATED ALONG SR-76 KANNER HIGHWAY, SOUTH OF MARTIN COUNTY HIGH SCHOOL AND ABUTTING LYCHEE TREE NURSERY; SAID LAND, ANNEXED BY ORDINANCE No. 2327-2016 AND ORDINANCE No. 2337-2017, BEING MORE FULLY DESCRIBED IN EXHIBIT "A" ATTACHED; AND CONCURRENTLY ASSIGNING "CPUD" ZONING TO SAID LAND ON THE CITY'S OFFICIAL ZONING MAP; ESTABLISHING THE KANNER CPUD COMMERCIAL PLANNED UNIT DEVELOPMENT, CONSISTING OF 162,020 SQUARE FEET OF RETAIL, BULK MERCHANDISE, AND AUTOMOBILE REPAIR SERVICES BUILDING FOOTPRINT WITH A STAND ALONE KIOSK AND FUEL FACILITY, 398 RESIDENTIAL APARTMENT UNITS AND RETAIL AND RESTAURANT PADS PROVIDING FOR APPROVAL OF A MASTER SITE PLAN; PROVIDING FOR DEVELOPMENT CONDITIONS, INCLUDING A TIMETABLE OF DEVELOPMENT; DECLARING THE PROJECT TO BE CONSISTENT WITH THE CITY'S COMPREHENSIVE PLAN; PROVIDING DIRECTIONS TO THE CITY CLERK; REPEALING ALL ORDINANCES IN CONFLICT HERewith; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE, PROVIDING FOR ACCEPTANCE BY THE APPLICANT AND FOR OTHER PURPOSES.

**STIPULATION REGARDING
QUASI-JUDICIAL HEARING FOR SECOND READING**

The parties have agreed to enter the following stipulation in order to provide a concise statement regarding their expectations and requirements for adequate due process to be followed for the second reading of Ordinance 2466-2021. This stipulation is limited to the Second Reading of Ordinance 2466-2021 and is not intended to create a policy or precedence regarding future quasi-judicial hearings.

1. **Appearances:** The names listed on behalf of each party shall be designated to call witnesses, cross examine witnesses, introduce evidence, raise objections, provide summary statements and otherwise address the Commission on behalf of the party without being asked questions on the witness stand.
 - a. Applicant: Robert Raynes, Esquire
 - b. Intervenor 1: Linda Kay Richards
 - c. Intervenor 2: Brian DiVentura
2. **Time allotted:** The parties stipulate and agree that each intervenor shall be afforded 60 minutes and the Applicant shall be afforded 90 minutes.
 - a. The applicant believes that it should be entitled to equal time as the intervenors. However, it reserves the issue regarding the additional 30 minutes and will raise it during the hearing if it becomes necessary.
 - b. The parties agree that time shall be calculated during their respective presentations as well as when they are questioning other witnesses. Any time spent questioning other witnesses will be reduced from the time afforded for presentation.

- c. Questions by commissioners and the answers from the witnesses will not be counted toward the respective parties' allotted time.
- 3. **Witnesses:** The parties all agree that the names of all witnesses to be called shall be provide no later than 5:00 p.m. on July 23, 2021.
 - a. The failure to provide the name of a witness by the deadline will preclude the witness from being called during the hearing.
 - b. Any experts intending to provide opinion testimony must provide their report before 5:00 p.m. on July 23, 2021. The failure to provide the report by the deadline will preclude the report from being submitted during the hearing, considered as evidence by the board and preclude the witness from rendering opinion testimony as it will not be considered competent due to the fact that the other parties were not afforded an opportunity to meaningfully verify the document and its assertions.
- 4. **Public Comment:** The parties hereby stipulate that the public comment period should be limited to the extent that a single person shall only be allowed to provide public comment once.
 - a. The City Commission will allow public comment at the beginning of the meeting – during “public comment on non-agenda items. Public comment regarding Ordinance 2466-2021 will be allowed during the “non-agenda items”. However, once a person has provided public comment, they will not be afforded a second opportunity even if new issues arise.
 - b. Public Comment will also be taken at the conclusion of the evidence. Anyone who did not give public comment earlier will be allowed to provide public comment during this time period.
- 5. **August 9, 2021 Meeting:**
 - a. Meeting is scheduled to begin at 4:00 p.m.
 - b. Public comment shall be pre-set to begin at 5:00 pm.
 - c. The Second Reading for Ordinance 2466-2021 shall begin immediately following Public Comment.
- 6. **Introduction of Ordinance 2466-2021**
 - a. The City will provide the initial testimony by describing the location, size and general attributes of the project. The City will also describe the requests being made by the applicant.
 - b. The City will provide the Department of Economic Opportunity Response.
- 7. **Opening Statements:** Each party will be afforded 3 minutes to provide an unsworn introduction of the issues they intend to address during the hearing.
 - a. Applicant: 3 minutes to describe their request for approval of Ordinance 2466-2021.
 - b. Linda Kay Richards: 3 min to identify objections to the project and address why the applicant is not entitled to approval.
 - c. Brian DiVentura: 3 min to identify objections to the project and address why the applicant is not entitled to approval.
- 8. **Close of Evidence.** At the conclusion of the presentations, the City Commission will close the hearing. This will be the last opportunity to introduce any evidence or illicit any competent testimony.
- 9. **Public Comment.** At the close of the evidence, the Public shall be allowed to provide comments to the board.

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| Robert Raynes | Date: |
| Linda Kay Richards | Date: |
| Brian DiVentura | Date: |