



## APPLICATION FOR INTERVENOR STATUS

**RECEIVED**  
MAY 12 2021  
BY: M. Kindel - Clerk

INFORMATION ABOUT THE PETITIONER		For Office Use Only	
APPLICATION FEE: \$400.00 (LDR) 11.03.06		Check # 19356 \$400.00	
FILE NAME:			
FIRST NAME: Linda Kay		LAST NAME: RICHARDS	
MAILING ADDRESS			
STREET	CITY	STATE	ZIP
166 SW CABANA PT CIR	STUART	FL	34994
CONTACT INFORMATION			
WORK PHONE	EMAIL LINDAKAYRICHARDS@GMAIL.COM		
CELL PHONE 772-485-2323			
PETITIONER'S REPRESENTATIVE IF APPLICABLE			
FIRM/ORGANIZATION NAME:			
FIRST NAME:		LAST NAME:	
MAILING ADDRESS			
STREET	CITY	STATE	ZIP
CONTACT INFORMATION			
WORK PHONE	EMAIL		
CELL PHONE			
LIST OBJECTIONS TO BE INCLUDED IN AGENDA:			
① Amending the future land use map of the city's comprehensive plan, thereby assigning a Future Land Use Designation of "Neighborhood Special District."			
② Assigning "CPUD" ZONING TO SAID LAND ON THE CITY'S OFFICIAL zoning map; Establishing The Kanner CPUD			
③ The use of City STAFF to create loopholes using the Future Land use.			
Signature: <u>[Signature]</u>		Date: 5/12/2021	

**STATEMENT TO BE DELIVERED TO THE CITY OF STUART CITY COMMISSION May 24,2021**  
**By Jim Snedeker, 4369 S.E. Frazier Court, Stuart**

Thank you for your service to our community.

My name is Jim Snedeker and my background is risk management and law enforcement. While in risk management I worked with a team whose focus was modeling windstorms and related weather issues.

When it comes to such modeling the industry best practices and standard is to always model on the basis of a 1 in one hundred year event. Anything less than this can create a bogus result.

All modeling today considers a 100 year event. But the developer in its application used a one in 25 year event.

This is a huge problem since it means they have intentionally designed retention ponds smaller than they should be.

That is, to calculate rainfall and the size of the retention ponds they have used a factor of 2.5 inches of rain per hour for a one in 25 year event. But, they should have used 4.8 inches which is the amount of rain for a one in one hundred year event..

Again, this means that the retention ponds are ½ the size of what they should be.

Since the ponds are ½ the size of what they should be, in the event of a large rain storm there will be significant overflow into the St. Lucie River.

If this overflow was clean water it would be OK but, here's where you have been given wrong information.

Now that I've carefully reviewed their written documents and listened to their verbal representations, I've identified one glaring problem that relates to this run off.

The developer contends that any run-off from impervious surfaces containing oil drippings, transmission fluid and other pollutants from trucks and cars will immediately sink to the bottom of the retention ponds. They have stated that the pollutants can not run into the St. Lucie river. .... Period full stop.

BUT, this is flat out wrong since oil and transmission fluids do not decompose and form into globs when they drip from a truck or car and gather on a parking lot. They only form such masses after an extended period of being in water and then only after, at the earliest, 5 days.

Oils and transmission fluids will form a slick that floats on top of the water and will dump into the St. Lucie River. They will not form globs that sink to the bottom of the retention ponds.

So the take-aways are:

Firstly, that the retention ponds are almost ½ the size of what they should be

And

Secondly, the oils, transmission fluids and other pollutants will flow into the St. Lucie River and make its water problems worse.

Due to the above, I urge you to reject this application and require the developer to properly account for the water run off by doubling the footprint of the retention ponds. Going deeper won't work since the site is only 4 to 5 feet above sea level and the ponds are already this deep so that's why the footprints must be expanded.

In the unlikely event that this project is approved the Commissioners of the City of Stuart, and considering the developers' representation that no pollutants will flow into the St. Lucie and other navigable waterways from the

projects impervious surfaces, that it is clear that such Commissioners have a Fiduciary responsibility to the citizens to require the developer to assume all liability for clean-up and damages caused by any pollutants including oil, transmission fluid etc that originate from this project's impervious surfaces and that such liability for all clean-up and damages should continue in perpetuity.

Thank you,

May 12, 2021

City Commission  
121 SW Flagler Avenue  
Stuart, FL 34994

SUBJECT: Proposed Costco, Retail and Residential Site on Kanner Highway

Dear Commission:

I am forwarding this letter to provide information to the Commission regarding the proposed CPUD development that will include a Costco Retail outlet, 398 apartments and a separate retail center on 48.99 Acres. I previously presented these facts at the LPA Meeting on April 29 and, like many others, believed that the LPA was dismissive of not only the facts and the violations presented, but also dismissive of the presenters that were residents of both the City of Stuart and of Martin County. Residents of Martin County have a vested interest in this project as the project, though technically located in a newly annexed area of the City of Stuart, will have an impact on Martin County in many areas including:

- Ingress and egress from the site onto both Kanner Highway and Willoughby Blvd
- The proposed internal roadway that impacts traffic patterns in the County and near MCHS
- The proximity of the project (bordering on) MCHS
- An increase of the population of Stuart by nearly one half percent with not a single dedication to the City or to the County to offset the negative externalities of the project, of which there are many
- An increase of traffic flow in the County on a major roadway with no provision for the traffic.

Some specific concerns, though there are many more:

1. The site, bordering Kanner Highway on approximately 1200 linear feet, plans for three entrances. The center entrance is planned to have a traffic light and has a deceleration lane of approximately 250'. The northern entrance which will serve only the residential community has a deceleration lane of approximately 250'. The southern entrance – the entrance that will serve the bulk haulers, tankers and up to 18 wheelers to serve Costco and the Costco 18, future to be 24, lane fuel facility does not have a deceleration lane. It can be fully expect that the right lane of Kanner Highway will be perpetually blocked. Always. Kanner Highway just 2 years ago was widened to make it a fully functioning 6 lane arterial to the City and to the County. The Costco site would end its full use and interrupt traffic.

2. The internal roadway in the site plan is a nightmare. All bulk haulers and tankers will have to exit via the traffic circle – as will all traffic leaving Costco. That traffic circle serves all traffic into the Costco site with the exception of a very small amount of the residential traffic that can use the northern entrance. There is only one right turn lane from the center entrance on to Kanner Highway to service all of Costco traffic, almost all of the residential traffic. There is no acceleration lane on a right turn to Kanner – meaning that due to the speed of traffic on Kanner highway, all traffic would necessarily be waiting for a green light. I understand that the internal roadway is “internal”, but the poor design of that roadway impacts the traffic flow of both Kanner Highway and Willoughby Blvd. Perhaps it is the best that could be done leading to the core issue of putting so much on such a small site – there is not sufficient area to support all that is planned including the 398 apartments.
3. As you I am sure know, the residential density exceeds the allowable limits by your own code. There are 398 housing units for this site. These housing units are planned on 14.70 acres of the site. This comes to 27 housing units per acre. The residential acreage and the number of units come directly from the site plan submitted. The City Ordinance and Commission approved as law that the residential density will be based on the Residential Acreage – yet the developer and planner based their calculation on total acreage. They say 8.1 units per acre. The City law says 27 units per acre. Allowable is 15 units per acre for a CPUD. This is not in question, it is the law.
4. The use of a PUD (in this case a CPUD) is in itself a variance to normal zoning criteria. The purpose of a PUD is to improve land use, not to abuse land use. There are a number of violations of the spirit and the intent of using a PUD for this project. In summary the use of a PUD is a violation because of the total lack of synergy between 398 high density residential apartments and a destination “big box” store. Section 2.07.00 of your code explains in significant detail that a PUD is used to improve land use and enhance the locale of the PUD involved. In the Costco site, the PUD is used to bypass zoning restrictions to “put a square peg in a round hole” and at the same time to grossly violate existing codes. It is an impossibility for the Commission to declare that both 398 residential units, a 24 pump gas station and a destination box store simultaneously “provide a variety of natural features and scenic areas, efficient and economical land use, improved amenities, orderly and economical development and the protection of adjacent existing and future development” as demanded by your own code.
5. It is quite possible that the entire site design, particularly the residential area, does not meet NFPA criteria making it a fire hazard disaster. It is possible, though not certain, that the hose reach requirement may be met, but only marginally if at all. However, any review of the parking areas in the residential

area will substantiate that it will be impossible for Fire Rescue to respond to fires due to parked cars resulting in substandard turning radii and also an inability to actually access hydrants in real life. No Fire Marshall in his right mind would approve this site plan given the limited ingress and egress available for response and the inability to maneuver to respond due to parked vehicles. And this is without even considering the lack of places for trash dumpsters apparently conveniently left from the plan due to lack of space and access. The City will take on a huge fire liability if this site is approved according to this plan.

6. There is at this time no “Unified Control” of this PUD, in fact there is not even unified land ownership, and this is a violation of Florida State Law. The ability to accept deviations from normal zoning requirements is granted because there is legally unified control, meaning that one person or one entity has the requirement to enforce the provisions of the PUD which become a City Ordinance. The City has to hold one person or one entity responsible for the enforcement of the PUD provisions. To not do this is not only to violate the spirit of the State Law and the City Codes it is in legal violation of the law to approve this PUD. “Unified Control” documents were requested at the LPA meeting. That request was ignored.
7. It is normal that if a PUD is granted, there is a dedication of something to the granting entity, in this case the City, to overcome the negative externalities of the PUD. In this case, the developer is asking for the addition of 398 residential units. This results in an increase of approximately one half of a percent increase in the population of the City of Stuart. Yet not one square foot of land of this site or PUD is granted for public access or facilities. Not a square foot of parks, of usable open space, no trails not recreation facility – nothing for the City, only advantages to the developers. This is not only unusual for any form of PUD involving residential increases, it borders on disrespect that the Commission would be so dismissive of the City residents. One must certainly begin to wonder the motive behind supporting such a site.

It the City Commissioners were to approve this plan it is a signal to the City and the County residents that the Commissioners ca NOT be trusted with the future development of the land of the City, with the trust of the residents or with proper planning to insure that the desires of the community will be met. Approval of this plan says to all living in the City that the Commission will not hesitate to violate not only the spirit and the intent but also the codes and ordinances in order to provide ill planned growth.

Jerry Kyckelhahn

[jerry@traks.com](mailto:jerry@traks.com)

772-708-5627

We the undersigned are residents of Cabana Point Circle which will be directly affected by the Kanner CPUD development. We believe this development will adversely affect our quality life by increasing traffic, noise pollution, and light pollution and will compromise the safety and security of our children walking to school.

[illegible]