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

Received by: _____
Reviewed by: AR
Approved by: _____

Planned Unit Development (PUD) Amendment Application

Project ID# Z18070006
(Staff Entry)

Pre-App Conference Date:	Application Date:
Project Name: Windemere Point	
Parcel ID#29-37-41-010-0020-0	Project Address: 1921-1941 Windemere Drive
Zoning/CRA Sub-district:	
Subdivision:	Lot(s): 2

Fees: Major PUD Amendment - $3,072.00; Minor PUD Amendment: $2,048.00; PUD Agreement Amendment (text change only): $1,024.00 *(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)*

A Major Planned Unit Development Amendment is one which shall include any one of the following;

1. A change of two (2) percent or more in the area of any land use designations shown on the site plan;
2. Any change in the list of proposed uses;
3. An increase in residential density of five (5) percent or more;
4. An increase in nonresidential Building square footage of ten (10) percent or more;
5. A change in the boundary of the PUD district;
6. A change in the site plan or approval regarding any area(s) set aside and designated for future development;
7. Any other change determined by the City Development Director to have a potentially significant impact on City services or the surrounding neighborhood;
8. An amendment of greater than twelve (12) months to an originally approved timetable of development. Such an amendment may only be approved upon good cause shown to the City Commission. Any contributions conditioned as part of the original PUD agreement shall be revisited upon application for timetable extension. A timetable extension greater than twelve (12) months will require a full concurrency review.

(A Minor Planned Unit Development Amendment is any amendment that is not a major amendment.)

Submittal Requirements: A completed application form, the payment of fees, a site plan, one (1) copy of all documents on a PDF formatted disc electronically signed and sealed, and any other information as may be required by the City Development Director in order to do a thorough review of the request. (Note: A concept plan may, at the discretion of the applicant, be submitted instead of a site plan if a site plan has not previously been approved. However, in doing so the applicant acknowledges that a site plan will need to be submitted for City Commission approval prior to making application for a development permit.) *(The data requirements for a site plan and a concept plan are available at the Development Department)*

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: Written justification supporting the application and demonstrating how the application remains: (a) consistent with the relevant components of the City of Stuart Comprehensive Plan including concurrency with adopted levels-of-service for utilities/facilities and compatibility with existing/planned uses and (b) complies with the relevant development standards of the City of Stuart Land Development Code.

(over)

General Information

(Please Print or Type)

1. The Lot 2 Owner and the Lot 3 Owner request a modification to the Commercial Planned Unit Development Final Site Plan by Lucido and Associates, dated October 31, 2008 adopted by Ordinance No. 2149-08 on February 25, 2008, amended by Resolution No. 137-08, Resolution No. 15-2010, Ordinance No. 2237-2011, Ordinance No. 2273-2014 and Resolution No. 99-2017, specifically an expansion of the list of specific uses approved, which are as following: retail, restaurant and fitness center, to include an additional list of permitted uses on Lot 1, Lot 2, and Lot 3 to include the current and proposed uses set forth in the parking study conducted by Traffic Impact Group, LLC dated May 15, 2018. Any use shall be subject to obtaining the consent of the Lot 1 Owner, the Lot 2 Owner, and the Lot 3 Owner, if a use is not consistent with the Amended and Restated Construction, Operation, and Reciprocal Easement Agreement, dated June 28, 2013, recorded July 24, 2013, in Official Records Book 2665 at Page 2451, Instrument No. 2407365, of the Public Records of Martin County, Florida, as amended by the First Amendment dated March 20, 2015, recorded June 10, 2015, in Official Records Book 2789 at Page 1600, Instrument No. 2519693, of the Public Records of Martin County, Florida. The Undersigned, as the Lot 2 Owner and the Lot 3 Owner, acknowledge joint 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: Alan Sakowitz	City/State/Zip Code: Bay Harbor Islands, FL 33154
Title: President	Telephone Number: 305.865.1923
Company: **Jensen Beach Investors, LLC**	Facsimile Number:
Company Address: 1132 Kane Concourse-Suite 200	Email Address (optional): asakowitz@pointecompanies.com

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

Signed this 23rd day of ~~June~~ July, 2018.

x _____

Signature of Property Owner

State of Florida, Miami-Dade County The foregoing instrument was acknowledged before me on this 23rd day of July, 2018 by Alan Sakowitz who is personally known to me, or who has produced (Personally Known) as identification and who did/did not take an oath.

_____

Notary Signature

Commission Expires:

Notary Public State of Florida
William Manning-Marshall
My Commission GG 115178
Expires 06/15/2021

2. Property Owner:

Name: Joseph Castellana	City/State/Zip Code: Port Washington, NY 11050
Title: President	Telephone Number: 16.723.2200
Company: **1560 Boone, LLC**	Facsimile Number:
Company Address: 80 Seaview Blvd.	Email Address (optional):

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

Signed this 24 day of July, 2018.

Joseph Castellana
Signature of Property Owner

State of New York, Nassau **County**

The foregoing instrument was acknowledged before me on this 24th day of July, 2018 by Joseph Castellana who is personally known to me, ~~or who has produced~~ _____ ~~as identification~~ and who did/did not take an oath.

Allan J. Marrus
Notary Signature

Commission Expires:

ALLAN J. MARRUS
Notary Public, State of New York
No. 02MA6099109
Qualified in Nassau County
My Commission Expires Sept. 22, 20 19

2. Property Owner:

Name: Joseph Castellana	City/State/Zip Code: Port Washington, NY 11050
Title: President	Telephone Number: 16.723.2200
Company: **1560 Boone, LLC**	Facsimile Number:
Company Address: 80 Seaview Blvd.	Email Address (optional):

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

Signed this 24 day of July, 2018.

Joseph Castellana
Signature of Property Owner

State of New York, Nassau **County**

The foregoing instrument was acknowledged before me on this 24th day of July, 2018 by Joseph Castellana who is personally known to me, ~~or who has produced~~ _____ ~~as identification~~ and who did/did not take an oath.

Notary Signature

Commission Expires:

ALLAN J. MARRUS
Notary Public, State of New York
No. 02MA6099109
Qualified in Nassau County
My Commission Expires Sept. 22, 2019

General Information

(Please Print or Type)

3. Property Owner:

Name: Michael R. Pfeiffer	City/State/Zip Code: San Diego, CA 92130
Title: Executive Vice President, General Counsel	Telephone Number: 858.284.5000
Company: **Realty Income Properties 5, LLC**	Facsimile Number:
Company Address: 11995 El Camino Real	Email Address (optional):

Realty Income Properties 5, LLC, the owner of Lot 1 as shown on the plat dated June 7, 2013 and recorded in plat book 17, page 22 of the Public Records of Martin County, does not object to the Application of Jensen Beach Investors, LLC with respect to Ordinance Number No. 2149-08 as amended, to clarify and provide an additional list of uses permitted in Windemere Point, subject to the Amended and Restated Construction, Operation, and Reciprocal Easement Agreement, dated June 28, 2013, recorded July 24, 2013, in Official Records Book 2665 at Page 2451, Instrument No. 2407365, of the Public Records of Martin County, Florida, as amended by the First Amendment dated March 20, 2015, recorded June 10, 2015, in Official Records Book 2789 at Page 1600, Instrument No. 2519693, of the Public Records of Martin County, Florida. Notwithstanding the foregoing, the acknowledgment herein by Realty Income Properties 5, LLC is limited to its non-objection to the application of the Lot 2 and Lot 3 owners, to request an expansion to the list of uses permitted in Windemere Point. Realty Income Properties 5, LLC is not responsible for any city expenses, consultant fees, or any other costs associated with this Application. I hereby certify that all information, if any, with respect to Realty Income Properties 5, LLC, contained herein is true and correct.

WITNESSES: Print Name: Jennifer Eigst	Realty Income Properties 5, LLC a Delaware limited liability company By: Realty Income Corporation, a Maryland corporation, its sole and managing member By: _____ Michael R. Pfeiffer, Executive Vice President
Kristina Gasperino Print Name: Kristina Gasperino	

See attached certificate for acknowledgment.

Approved As To Form
Legal Department
Y. Siler

ACKNOWLEDGMENT

A Notary Public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA

COUNTY OF SAN DIEGO

On July 19, 2018 before me, Angelic Rutherford, Notary Public, personally appeared Michael R. Pfeiffer, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

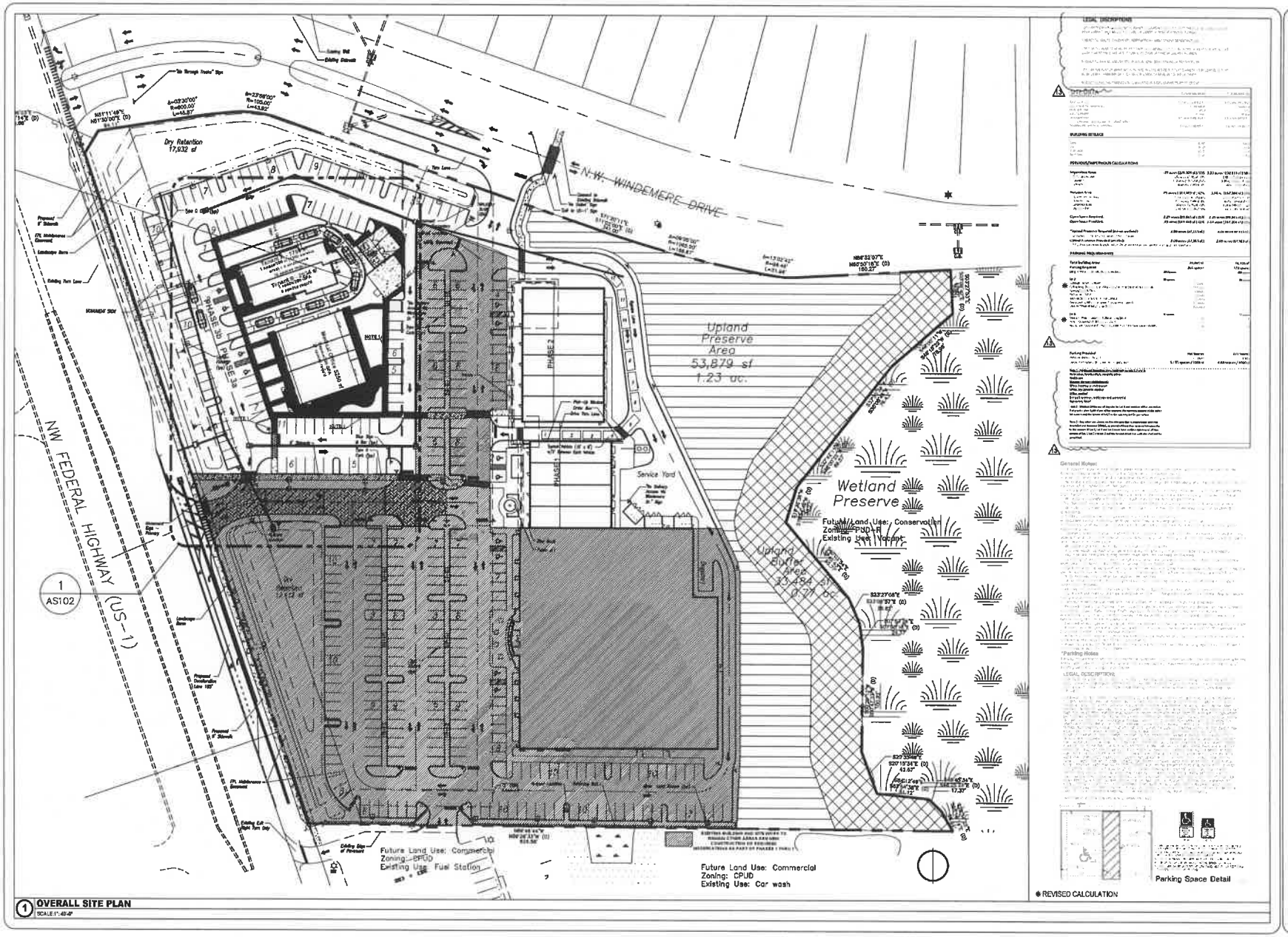
I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Angelic Rutherford

Signature of Notary Public (Notary Seal)



CONTRACTOR(S) SHALL VERIFY EXISTING CONDITIONS AND CORRELATE DIMENSIONS PRIOR TO PROVIDING THE WORK DETAILED IN THESE DRAWINGS, AND SHALL PROMPTLY NOTIFY THE DESIGNER OF ANY DISCREPANCIES.

GALLO HERBERT ARCHITECTS
1311 W NEWPORT CENTER DRIVE
DEERFIELD BEACH, FLORIDA 33442
PH. 954.784.0330 FX. 954.784.0331
AA.0003135

WINDEMERE POINT - PHASE 3
STUART, FLORIDA

1	DRC	07.11.14
2	REVISION	08.22.14
3	REVISION	10.13.14
4	COORD.	12.01.14
5	ZONING COMMENT	12.31.14
6	L.P.A. COMMENTS	01.15.15
7	PUBLIC WORKS REV	01.22.15
8	PERMIT SUBMITTAL	06.20.15
9	V.E./CODE UPDATE	12.16.16
10	OUT PARCEL REV.	5.16.17
11	AMENDMENT 5	7.28.17
12	Prg Calc clarification	12.1.17
13	Prg Calc Prop view	05.22.18

15-2014	AS NOTED
DC	BH

OVERALL SITE PLAN

AS-101

IT IS A VIOLATION OF THE LAW FOR ANY PERSON, UNLESS ACTING UNDER THE DIRECTION OF A LICENSED ARCHITECT, TO ALTER THESE PLANS AND SPECIFICATIONS / THIS DOCUMENT CONTAINS PROPRIETARY INFORMATION AND SHALL NOT BE USED OR REPRODUCED, OR ITS CONTENTS DISCLOSED, IN WHOLE OR IN PART, WITHOUT THE PRIOR WRITTEN CONSENT OF GALLO HERBERT ARCHITECTS COPYRIGHT 2015 GALLO HERBERT ARCHITECTS

TRAFFIC IMPACT GROUP, LLC

TO: Alan Sakowitz

FROM: Scott Israelson

DATE: 15 May 2018

RE: Parking Study
Windemere Point
Stuart, FL

Introduction

This memorandum examines the parking needs of Windermere Point in Stuart. Windemere Point consists of retail and services and is located in the southeast corner of US 1 (Federal Highway) & NW Windemere Drive. Traffic Impact Group was retained to determine if existing parking will accommodate the existing and proposed uses for Lot 2 and if adding additional uses such as medical office and service will be accommodated by the existing parking.

Existing Conditions

The site has three lots. Lot 1 contains an LA Fitness Center sized at 45,000 square feet.

Lot 2 has a 6,800 square foot building with a donut/coffee shop, a massage therapy establishment, a tanning salon, and a nail salon. Each tenant is in a 1,700 square foot space. A second building will be completed consisting of 10,400 square feet. This building has a signed lease for a medical office (1,600 square feet), and a proposed medical practice of 5,200 square feet. The remaining 2000 square feet and 1600 square feet spaces are not yet leased.

Lot 3 is an outparcel that is currently vacant and is approved for one 5,250 square foot building for retail. A second building was approved for a 1,794 square foot fast food restaurant and 2,034 square feet of retail. Lot 3 was originally planned to be a 15,000 square foot building for retail. Initially, Lot 3 required 68 parking spaces but now only needs 47.

Existing Parking

The site was initially approved for a total of 374 parking spaces. Those are broken down as follows:

- Lot 1
  - Fitness Center (45,000 SF) 1 space per 200 SF 225 spaces
- Lot 2
  - Strip Shop Retail (10,500 SF) 1 space per 250 SF 42 spaces
  - Restaurant with Drive Through (900 SF of service)
    1 space per 100 SF plus 1 space per employee 13 spaces
  - Restaurant (78 seats)

1 space per 3 seats plus 1 space per employee 34 spaces

Lot 2 currently has 89 parking spaces.

- Lot 3
  - Retail (15,000 SF) 1 space per 250 SF 42 spaces

The actual number of parking spaces is 366, however, the requirements are for only 359 as a result of Lot 3 changing from 15,000 square feet of retail to the following:

- Lot 3 (Current)
  - Retail (5,250 SF) 1 space per 250 SF 21 spaces
  - Retail (2,034 SF) 1 space per 250 SF 9 spaces
  - Restaurant (1,794 SF) (1,200 SF service)
    1 space per 100 SF plus 1 space per employee (4) 16 spaces

Parking Generation

The parking demand for the existing and proposed uses in Lot 2 was analyzed based on existing and proposed uses. The parking generation rates used to estimate the parking demand was based on the *Institute of Transportation Engineers (ITE) Parking Generation Manual, 4th Edition*. Some of the land uses (Massage therapy establishment and Tanning Salon) are not included in the *Manual*; in those cases, the City Code was used to determine parking demand.

Table 1 shows a summary of the estimated parking generation rate for each use.

Table 1 - Parking Demand (Weekday)

Land Use	Size		Rate	Based On	Peak Required Spaces
Coffee Shop	1.3*	Th.Sq.Ft.GLA	9.98	City Code	13
Massage Therapy Establishment	1.7	Th.Sq.Ft.GLA	3.5	City Code	6
Service Business/Tanning Salon	1.7	Th.Sq.Ft.GLA	3.5	City Code	6
Specialty or nail salon	1.7	Th.Sq.Ft.GLA	See below	see below	6
Medical/office	1.6	Th.Sq.Ft.GLA	4.94	ITE	8
Medical/office	5.2	Th.Sq.Ft.GLA	4.94	ITE	26
Other Retail/medical/office	3.6	Th.Sq.Ft.GLA	3.79	ITE	14
Total Parking Demand					**79**

* Note - 1,300 SF of service area

According to estimates, the demand is expected to be 79 parking spaces for a coffee shop, massage therapy, service or tanning, specialty or nail salon, the medical practices, and the other space for retail/office. This is fewer than the 89 parking spaces currently available.

It should be noted that there is no data for a nail salon in the *Parking Generation Manual*. The City Code does not specifically address nail salons. If nail salons were to be treated like hair salons, which requires two parking spaces per chair, most nail salons would require parking that would be five to ten times greater than needed.

Nail salons are operated differently than hair salons, with many more seats and fewer customers. Nail salons commonly have as many stations as can fit into a space with no chairs for customers to wait. It is typical for nail salons to have many stations but at any given time very few are filled by a nail technician. Also, each technician has their own station with their own supplies and tools. Even though most technicians are scheduled only for set days and times, the station is not used by others.

Also, not every customer requires a separate parking space since it is common for friends or relatives to visit the nail salon together. Moreover, it is also common for nail salon patrons to visit other retail or service shops in the development, where parking spaces have already been accounted for.

According to the operator of the current nail salon, their peak period consists of three customers, with an average of one to two customers at any given time. They frequently have no customers. This analysis assumes a peak parking demand of three parking spaces for customers and three parking spaces for employees. This equals a total of six parking spaces needed for a nail salon.

Conclusion and Recommendation

In conclusion, currently available parking can accommodate the existing and proposed land uses in Lot 2 as listed on Attachment A. If the proposed medical use takes the 5,200 SF space in the northmost part of Lot 2 instead of a restaurant, the overall parking demand for Lot 2 would be less intensive than the initial approved use which included 5,000 SF of restaurant, the donut/coffee shop with drive-through, and the remaining retail uses.

It should be noted that a 1,600 square foot retail space and a 2,000 square foot retail space have not yet been leased. If one space were to be leased for a use other than retail, there would be 10 additional parking spaces remaining to meet the demand of the Lot 2 parking requirements. Thus, if one space were an office tenant, then 3 of the 10 excess spaces would be available for that use. Windemere Point provides sufficient parking for a variety of uses. The current and proposed uses can be accommodated on the site without further review for parking demand.

Lot 3 has the capacity to have the 5,250 SF which was approved as retail to be used as Medical Office which would require 5 spaces per 1,000 SF rather than retail which would require 4 spaces per 1,000 SF. and thus lot 3 would require 6 more parking spaces for a total of 52 spaces rather than 46.

Lot 1 has capacity to be used as retail which would require 4 spaces per 1,000 SF which would require which is 180 spaces or 45 less than it currently uses. If Lot 1 were to be used for Medical Office space, it would require 5 spaces per 1,000' which would be 225 SF which is the same amount required for the current fitness center use.

Attachment "A"

Barbershop, beauty salons, specialty salons
Health spas
Massage therapy establishments
Office, business or professional
Office, low intensity medical
Office, medical
Service businesses, residential and commercial

Sakowitz & Sakowitz, Chartered

1132 Kane Concourse, Suite 200, Bay Harbor Islands, Florida 33154
Phone: 305.865.6700

VIA FEDEX AND EMAIL

August 2, 2018

Kevin Freeman
City of Stuart
121 S.W. Flagler Avenue
Stuart, Florida 34994

RE: **Windemere Point – Expansion of Uses**

Dear Mr. Freeman:

Pursuant to my discussions with Tom Reetz, I am pleased to enclose the following:

1. Planned Unit Development Amendment Application, signed by all three Lot Owners;
2. Our client's check made payable to the City of Stuart, in the amount of $3,072.00;
3. Site Plan by Gallo Herbert Architects; and
4. Parking Study, dated May 15, 2018, prepared by Traffic Impact Group, LLC.

The purpose of this Major PUD Amendment is to clarify and expand the uses allowed on Lots 1, 2, and 3. The approved uses included on the Commercial Planned Unit Development Final Site Plan by Lucido and Associates, dated October 31, 2008 are limited to: retail, restaurant and fitness center. We request an expansion of those uses to now include the uses listed in the in the parking study conducted by Traffic Impact Group, LLC dated May 15, 2018 and as shown on the revised site plan.

You will note from the Parking Study that Scott Israelson has determined that the existing parking spaces located on Lots 1, 2, and 3 are adequate to serve the proposed uses.

If you need any additional information or documentation in support of this amendment request, please do not hesitate to contact me.

Sincerely,

Hannah Handler Hostyk

Hannah Handler Hostyk

cc: Thomas Reetz (via email)
Alan Sakowitz (via email)
David Ross (via email)