MINUTES

LOCAL PLANNING AGENCY/PLANNING ADVISORY BOARD MEETING
NOVEMBER 1, 2018 AT 5:30 PM
CITY COMMISSION CHAMBERS
121 S.W. FLAGLER AVE.
STUART, FLORIDA 34994

LOCAL PLANNING AGENCY/PLANNING ADVISORY BOARD MEMBERS
Chair – Li Roberts
Vice Chair – Michael Herbach
Board Member - Larry Massing
Board Member – Bill Mathers
Board Member – Susan O'Rourke
Board Member – Ryan Strom
Board Member – Michael Conner
Ex Officio - Garret Grabowski

ADMINISTRATIVE
Development Director, Kev Freeman
Board Secretary, Michelle Vicat

CALL TO ORDER

ROLL CALL

APPROVAL OF MINUTES

Motion: Approve, Moved by Larry Massing, Seconded by Ryan Strom. Motion passed unanimously.

COMMENTS FROM THE PUBLIC (5 min. max)

COMMENTS FROM THE BOARD MEMBERS

OTHER MATTERS BEFORE THE BOARD

1. ORDINANCE No. 2392-2018: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA TO APPROVE THE SECOND AMENDMENT TO THE "MARKETPLACE OF STUART CPUD" LOCATED ON THE WEST SIDE OF SE FEDERAL HIGHWAY AND NORTH OF MAR STUART CPUD (AUDI-INFINITI CAR DEALERSHIPS) AND SOUTH OF LOWES; PROVIDING FOR APPROVAL OF A REVISED SITE PLAN; PROVIDING CONDITIONS FOR COMPLIANCE WITH SITE DESIGN QUALITATIVE DEVELOPMENT STANDARDS; DECLARING THE DEVELOPMENT TO BE CONSISTENT WITH THE COMPREHENSIVE PLAN OF THE CITY; APPROVING CERTAIN DEVELOPMENT DOCUMENTS; APPROVING CERTAIN

CONDITIONS OF DEVELOPMENT; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; PROVIDING FOR ACCEPTANCE BY THE APPLICANT; AND PROVIDING FOR DIRECTIONS TO THE CITY CLERK.

PRESENTATION: Tom Reetz, Senior Planner
Chris Hollan, Kimley Horn
Jacob Gerb, Counsel for Konover South

PUBLIC COMMENT:

Jack Schubert, a neighbor to the parcel asked if the wooded area would remain wooded or be grassed as they had a few groups of homeless people that lived in the woods.

Chris Hollan from Kimley Horn showed him which area would remain wooded.

Linda Schubert asked if they would need to come back again when they developed the back portion and if any of the businesses were open 24 hours**.**

Li Roberts said yes.

BOARD COMMENT:

Li Roberts asked where the notice was sent.

Tom Reetz said the whole parcel.

Susan O'Rourke asked that they clarify that eventually all of the wooded area would be built out.

Tom Reetz said the original timetable had expired so it would have to come back for amendment.

Larry Massing asked if Jack Schubert was concerned about the homeless people.

Jack Schubert said he was but was also concerned about the lights.

Li Roberts asked how you amend something that is timed out.

Tom Reetz said the 2012 timetable expired and just this portion will have a new timetable.

Ryan Strom said on page 23 there was a typo and asked if staff received a response from the second set of Captec comments.

Tom Reetz said not yet, but the applicant could respond tonight if they wished.

Chris Hollan said they are currently under review and they will respond prior to the commission meeting.

Ryan Strom asked how this will be platted.

Jacob Gerb on behalf of the applicant said the bio swale would be developed for the portion that is being developed now and will always be maintained and they are entering into an agreement with the owner for joint maintenance

Ryan Strom asked if the entire parcel was legally split.

Jacob Gerb said the entire parcel is owned by Mr. Banks and they would be purchasing the front portion from Mr. Banks.

Larry Massing asked if they triggered a plat threshold if the subdivided the parcel.

Tom Reetz said he didn't know the answer to that.

Jacob Gerb said if an attorney determines that is needed, they are amenable.

Ryan Strom asked staff if Mr. Banks would still own the bio swale and they would have an easement and how they develop a piece they don't own.

Tom Reetz compared this to another property.

Li Robert said what he was comparing was backwards and the swale piece was on the piece he owned.

Jacob Gerb said Mr. Banks had reviewed the plan and agreed to an easement agreement which allowed them to enter the property and construct and maintain the bio swale.

Li Roberts asked if it was included in the agreement that the precise dimensions are included.

Jacob Gerb said it was spelled out in the agreement.

Susan O'Rourke said she was unsure because all of the conditions relate to the CPUD and apply to Mr. Banks agreement. She said the traffic study and preservation area are included in the timetable.

Kev Freeman said that when the owner wants to develop the back portion, he would have to come in to re-negotiate the terms as well as apply for a new timetable.

Michael Herbach said the sign base elevations all say 8 feet and they really aren't and brought up the question of the sign ordinance and wanted to make sure they are meeting that ordinance.

Chris Hollan they would have to comply with the sign ordinance and it's not their intention to ask for a variance.

Susan O'Rourke said Item 15 needs to be re-worded to include who it is reciprocal to, thought they needed clarification on the timing of traffic study and asked what paragraph 3 means.

Chris Hollan said paragraph 3 was to provide a break in development to allow the signal design.

Tom Reetz said these conditions were carried over from the original approval in 2012.

Susan O'Rourke thought they should add "subject to DOT approval" as well as look at the two driveways that are close together.

Michael Conner asked if there was discussion of a pass through between Lowe's and Marketplace.

Chris Hollan said they did propose a cross access road with Lowes.

Li Roberts said the elevations for Cumberland Farms didn't show where on the roof they were putting the HVAC.

Agustin Amaro, Architect for the project said they are on the back side hidden by the railing.

Li Roberts said if they flip the drive thru building they need to clean up the front piece.

Jacob Gerb agreed.

Li Roberts asked if the QSR was open 24 hours whether the neighbors were going to hear the speakers.

Jacob Gerb said they would comply with the noise ordinance.

Michael Herbach said they needed something in the language prohibiting running refrigerated trucks idling behind the building.

Tom Reetz said he would use the same language as Wawa.

Li Roberts said they have never seen a menu before on a landscape plan and asked if they didn't want to commit.

Chris Hollan said that was what was in the code and could commit before going to commission.

Li Roberts asked what the plan was as far as the homeless people and whether they would notify them.

Jacob Gerb said they were very sensitive to that and have worked with the police department on the same situation on a parcel across the street and made sure to give notice. He said Konover has very strict policies on how to handle these issues and will work closely with the police department.

Li Roberts suggested working with the House of Hope as well as some of these people had an aversion to law enforcement.

Li Roberts said when she went out there they had tagged a tree numbered 20337 that they had labeled an oak at 46 feet and it's really three trees, larger than 46 and it's a banyan, slash pine and a third tree. She said it's a huge tree and they have more than enough parking and asked them to save the tree.

Chris Hollan said they would definitely consider that.

Ryan Strom said to consider their FFE's and drainage plan.

Susan O'Rourke said when the Cumberland Farms goes in they should look at the conditions again regarding the number of trips.

Jacob Gerb said they would review that.

Linda Schubert said they really appreciate the ordinance about the truck noise and asked if it applied to the dumpster noise because they dump the big dumpsters in the middle of the night.

The board said they would check into it.

Michael Herbach said they have vestibules on the plans and thought it was great.

MOTION: Approve, Moved by Susan O'Rourke with the comments, Seconded by Larry Massing. Motion passed unanimously.

ADJOURNMENT

MOTION: Adjourn, Moved by Michael Herbach, Seconded by Larry Massing. Motion passed unanimously.

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Li Roberts, Chair **Michelle Vicat, Board Secretary**