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

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

Application to Rezone Real Property
(including Planned Unit Developments)

Project ID#_____
(Staff Entry)

Pre-App Conference Date:	Application Date:
Project Name: **Townhouses at Frazier Creek**	
Parcel ID#: **05-38-41-011-004-00110-9; 05-38-41-011-004-00100-1**; and **05-38-41-011-004-00080-5**	Project Address: **513, 517 and 521 SW Ocean Blvd., Stuart, FL**
Current Zoning: **UW (Urban Waterfront)**	Current Land Use: **Downtown Redevelopment**
Proposed Zoning: **RPUD**	Proposed Land Use: **Downtown Redevelopment**
Present Use: **Residential**	Site Area/Acreage: **0.565 Acres**

Fees *(check box)*: *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.*

Rezoning to CPUD	$3,584.00	☐	Site space must be greater than 20,000 sq. ft.
Rezoning to RPUD	$3,584.00	☐	Site area must be greater than .5 acre
Rezoning to MXPUD	$3,584.00	☐	Site area must be greater than .5 acre
Rezoning to Industrial IPUD	$3,584.00	☐	Site area must be greater than 1 acre
Rezoning to Public Service PSPUD	$3,584.00	☐	Site area must be greater than 2.5 acres
Non-PUD District Rezoning	$1,433.00	☐	

Submittal Requirements: A completed application form, the payment of fees, one (1) copy of all documents on a PDF formatted disc electronically signed and sealed, and a site plan. (Note: A concept plan may, at the discretion of the applicant, be submitted instead of a site plan. 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. The Local Planning Agency (LPA) is required to hold an advertised public hearing and formulate a recommendation to the City Commission. The City Commission is also required to hold an advertised public hearing after which it may approve, approve with conditions, or deny the application.

Written justification supporting the application and demonstrating how the application:

(a) is 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 *(include additional pages if needed).*

APPLICATION TO REZONE REAL PROPERTY
SIGNATURE PAGES:

Project Name: **Townhouses at Frazier Creek**

General Information

(Please Print or Type)

1. Property Owner, Lessee, Contract Purchaser, or Applicant (circle one):

Name:	City/State/Zip Code: **Stuart, FL 34996**
Title:	Telephone Number: **(772) 260-9618**
Company: **Frasier Creek LLC. Frazier Creek Two LLC** and **Gary L. Hufnagel & Karol Hufnagel**	Facsimile Number:
Company Address: **825 SE St. Lucie Blvd.**	Email Address (optional): **princesskarol52@yahoo.com**

2. Agent of Record (if any): The following individual is designated as the Agent of Record for the property owner, lessee, or contract purchaser and should receive all correspondence related to the application review.

Name: **Terence P. McCarthy, Esquire**	City/State/Zip Code: **Stuart, FL 34994**
Title: **Power of Attorney**	Telephone Number: **(772) 286-1700**
Company: **McCarthy Summers et al**	Facsimile Number: **(772) 283-1803**
Company Address: **2400 SE Federal Highway**	Email Address (optional): **tpm@mccarthysummers.com**

3. The Undersigned, as the Property Owner, Lessee, Contract Purchaser, or Applicant (circle one), acknowledges 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:	City/State/Zip Code: **Stuart, FL 34996**
Title:	Telephone Number: **(772) 260-9618**
Company: **Frasier Creek LLC. Frazier Creek Two LLC** and **Gary L. Hufnagel & Karol Hufnagel**	Facsimile Number:
Company Address: **825 SE St. Lucie Blvd.**	Email Address (optional): **princesskarol52@yahoo.com**

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

Signed this 20th day of August, 2018.

FRASIER CREEK LLC, a Florida limited liability company

By: Gary L. Hufnagel By Terence P. McCarthy

Gary L. Hufnagel, Manager by Terence P. McCarthy, Power of Attorney

Signature of Property Owner, Lessee, Contract Purchaser or Applicant (circle one)

State of Florida, Martin County The foregoing instrument was acknowledged before me on this 20th day of August by **Gary L. Hufnagel, Manager of Frasier Creek LLC, a Florida limited liability company, by Terence P. McCarthy, Power of Attorney**, on behalf of the Company, who is personally known to me, or who has produced _____ as identification and who did/did not take an oath.

Donna A. Dempsey

Commission Expires:

DONNA A. DEMPSEY
MY COMMISSION # FF 159127
EXPIRES: December 15, 2018
Bonded Thru Notary Public Underwriters

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

FRAZIER CREEK TWO LLC, a Florida limited liability company

Signed this 20th day of August, 2018.

By: Gary L. Hufnagel By: Terence P. McCarthy

Gary L. Hufnagel, Manager by Terence P. McCarthy, Power of Attorney

Signature of Property Owner, Lessee, Contract Purchaser or Applicant (circle one)

State of Florida, Martin County The foregoing instrument was acknowledged before me on this 20th day of August by **Gary L. Hufnagel, Manager of Frazier Creek Two LLC, a Florida limited liability company, by Terence P. McCarthy, Power of Attorney**, who is personally known to me, or who has produced _____ as identification and who did/did not take an oath.

Donna A. Dempsey
Notary Signature

Commission Expires:

DONNA A. DEMPSEY
MY COMMISSION # FF 159127
EXPIRES: December 15, 2018
Bonded Thru Notary Public Underwriters

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

Signed this 20th day of August, 2018.

Gary L. Hufnagel By: Terence P. McCarthy

Gary L. Hufnagel

Signature of Property Owner, Lessee, Contract Purchaser or Applicant (circle one)

State of Florida, Martin County The foregoing instrument was acknowledged before me on this 20th day of August by **Gary L. Hufnagel**, who is personally known to me, or who has produced _____ as identification and who did/did not take an oath.

Donna A. Dempsey
Notary Signature

Commission Expires:

DONNA A. DEMPSEY
MY COMMISSION # FF 159127
EXPIRES: December 15, 2018
Bonded Thru Notary Public Underwriters

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

Signed this 20th day of August, 2018.

Karol Hufnagel By: Teresa Drevlow

Karol Hufnagel

Signature of Property Owner, Lessee, Contract Purchaser or Applicant (circle one)

State of Florida, Martin County The foregoing instrument was acknowledged before me on this 20th day of August by **Karol Hufnagel,** who is personally known to me, or who has produced _____ as identification and who did/did not take an oath.

Donna A. Dempsey

Notary Signature

Commission Expires:

DONNA A. DEMPSEY
MY COMMISSION # FF 159127
EXPIRES: December 15, 2018
Bonded Thru Notary Public Underwriters

LIMITED POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS:

WHEREAS, Gary L. Hufnagel and **Karol Hufnagel** ("Owner") is the owner of certain real property lying and being in the City of Stuart, Martin County, Florida, more particularly described on **Exhibit "A"** attached hereto.

WHEREAS, the Owner wishes to appoint the individual hereinafter named as their Attorney-In-Fact, for the purposes hereinafter set forth.

NOW, THEREFORE, the Owner hereby appoints **Terence P. McCarthy** as its Attorney-In-Fact (the "Attorney"), to act, manage, conduct, do and perform any and all acts and deeds of whatsoever nature which shall or may be, in the reasonable judgment of the Attorney, perform any and all acts and deeds of whatsoever nature which shall or may be, in the reasonable judgment of the Attorney, proper and expedient in connection with the Land Use Application for the Property with the City of Stuart, Florida (the "Land Use Application"). This Power of Attorney shall extend to and include, but not be limited to, the execution by the Attorney of all other acts necessary for Land Use Application.

The Attorney shall have full power to accomplish the purposes of this Power of attorney as fully and effectually in all respects as the Owner could do if personally present. The Attorney shall not be required to post bond of any nature in connection with this Power of Attorney.

No action by the Owner subsequent to the making of this instrument shall be considered or treated as a revocation of the actions taken by the Attorney pursuant hereto. The exercise by the Attorney at any time, for from time to time, of any of the rights or powers hereunder shall not exhaust the capacity and power of the Attorney thereafter from time to time to exercise such rights and powers, or any of them, but such capacity and power shall continue at all times so long as this instrument shall be in effect.

The Owner hereby ratifies and confirms, and agrees at all times to ratify and confirm, all that the Attorney shall lawfully do or cause to be done in and about the Property by virtue of this instrument.

The address of the Attorney is: McCarthy, Summers, Bobko, Wood, Norman, Bass & Melby, P.A., Attention: Terence P. McCarthy, Esquire.

This Limited Power of Attorney shall terminate upon the earlier of (a) sixty (60) days after the approval or disapproval of the Land Use Application or (b) written notice from the Owner to the Attorney.

IN WITNESS WHEREOF, the parties hereto have signed and sealed these presents the 7th day of August, 2018.

Witnesses:

Roni Welton

RONI WELTON
Printed Name of Witness

Gina M. Crews

Gina M. Crews
Printed Name of Witness

Gary L Hufnagel

STEPHEN J. BROWN
Printed Name of Witness

STATE OF Florida
COUNTY OF Martin

The foregoing instrument was acknowledged before me this 7th day of August, 2018, by **Gary L. Hufnagel.** He [X] is personally known to me or [ ] has produced _____ as identification.

WITNESS my hand and official seal in the County and State last aforesaid this 7 day of August, 2018.

GINA M. CREWS
Notary Public – State of Florida
Commission # GG 120888
My Comm. Expires Oct 28, 2021
Bonded through National Notary Assn.

Gina M. Crews
Notary Public
Printed Name: Gina M. Crews
My Commission Expires: Oct. 28, 2021

Witnesses:

STEPHEN J. BROWN
Printed Name of Witness

Gina M. Crews

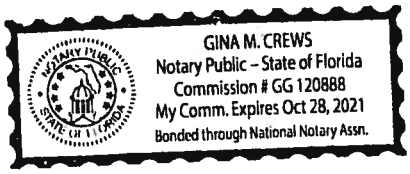
Gina M. Crews
Printed Name of Witness

Karol Hufnagel
Karol Hufnagel

STATE OF Florida
COUNTY OF Martin

The foregoing instrument was acknowledged before me this 7 day of August, 2018, by **Karol Hufnagel.** She [Y] is personally known to me or [ ] has produced _____ as identification.

WITNESS my hand and official seal in the County and State last aforesaid this 7 day of August, 2018.



Gina M. Crews
Notary Public
Printed Name: Gina M. Crews
My Commission Expires: Oct. 28, 2021

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EXHIBIT "A"

Legal Description

Lots 8 and 9, Block 4, FINAL PLAT OF KITCHING'S ADDITION TO THE TOWN OF STUART, FLORIDA, according to the map or plat thereof, as recorded in Plat Book 2, Page(s) 86, of the Public Records of Palm Beach (now Martin) County, Florida

LIMITED POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS:

WHEREAS, Frasier Creek LLC ("Owner") is the owner of certain real property lying and being in the City of Stuart, Martin County, Florida, more particularly described on **Exhibit "A"** attached hereto.

WHEREAS, the Owner wishes to appoint the individual hereinafter named as their Attorney-In-Fact, for the purposes hereinafter set forth.

NOW, THEREFORE, the Owner hereby appoints **Terence P. McCarthy** as its Attorney-In-Fact (the "Attorney"), to act, manage, conduct, do and perform any and all acts and deeds of whatsoever nature which shall or may be, in the reasonable judgment of the Attorney, perform any and all acts and deeds of whatsoever nature which shall or may be, in the reasonable judgment of the Attorney, proper and expedient in connection with the Land Use Application for the Property with the City of Stuart, Florida (the "Land Use Application"). This Power of Attorney shall extend to and include, but not be limited to, the execution by the Attorney of all other acts necessary for Land Use Application.

The Attorney shall have full power to accomplish the purposes of this Power of attorney as fully and effectually in all respects as the Owner could do if personally present. The Attorney shall not be required to post bond of any nature in connection with this Power of Attorney.

No action by the Owner subsequent to the making of this instrument shall be considered or treated as a revocation of the actions taken by the Attorney pursuant hereto. The exercise by the Attorney at any time, for from time to time, of any of the rights or powers hereunder shall not exhaust the capacity and power of the Attorney thereafter from time to time to exercise such rights and powers, or any of them, but such capacity and power shall continue at all times so long as this instrument shall be in effect.

The Owner hereby ratifies and confirms, and agrees at all times to ratify and confirm, all that the Attorney shall lawfully do or cause to be done in and about the Property by virtue of this instrument.

The address of the Attorney is: McCarthy, Summers, Bobko, Wood, Norman, Bass & Melby, P.A., Attention: Terence P. McCarthy, Esquire.

This Limited Power of Attorney shall terminate upon the earlier of (a) sixty (60) days after the approval or disapproval of the Land Use Application or (b) written notice from the Owner to the Attorney.

IN WITNESS WHEREOF, the parties hereto have signed and sealed these presents the 7th day of August, 2018.

Witnesses:

Roni Welton

RONI WELTON
Printed Name of Witness

Donna Dempsey

DONNA DEMPSEY
Printed Name of Witness

Frasier Creek LLC, a Florida limited liability company

By: _____
Gary L Hufnagel, Manager

STATE OF FLORIDA
COUNTY OF MARTIN

The foregoing instrument was acknowledged before me this 7th day of August, 2018, by **Gary L. Hufnagel, Manager of Frasier Creek LLC, a Florida limited liability company, on behalf of the Company** He [✓] is personally known to me or [ ] has produced _____ as identification.

WITNESS my hand and official seal in the County and State last aforesaid this 7th day of August, 2018.

DONNA A. DEMPSEY
MY COMMISSION # FF 159127
EXPIRES: December 15, 2018
Bonded Thru Notary Public Underwriters

Donna A. Dempsey
Notary Public
Printed Name: DONNA A. DEMPSEY
My Commission Expires: _____

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EXHIBIT "A"

Legal Description

Lot 11, Block 4, Final Plat of Kitching's Addition to the Town of Stuart, Florida, according to the Plat thereof, filed March 17, 1913 and recorded in Plat Book 2, Page 85, Palm Beach (now Martin) County, Florida, public records.

LIMITED POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS:

WHEREAS, Frazier Creek Two LLC ("Owner") is the owner of certain real property lying and being in the City of Stuart, Martin County, Florida, more particularly described on **Exhibit "A"** attached hereto.

WHEREAS, the Owner wishes to appoint the individual hereinafter named as their Attorney-In-Fact, for the purposes hereinafter set forth.

NOW, THEREFORE, the Owner hereby appoints **Terence P. McCarthy** as its Attorney-In-Fact (the "Attorney"), to act, manage, conduct, do and perform any and all acts and deeds of whatsoever nature which shall or may be, in the reasonable judgment of the Attorney, perform any and all acts and deeds of whatsoever nature which shall or may be, in the reasonable judgment of the Attorney, proper and expedient in connection with the Land Use Application for the Property with the City of Stuart, Florida (the "Land Use Application"). This Power of Attorney shall extend to and include, but not be limited to, the execution by the Attorney of all other acts necessary for Land Use Application.

The Attorney shall have full power to accomplish the purposes of this Power of attorney as fully and effectually in all respects as the Owner could do if personally present. The Attorney shall not be required to post bond of any nature in connection with this Power of Attorney.

No action by the Owner subsequent to the making of this instrument shall be considered or treated as a revocation of the actions taken by the Attorney pursuant hereto. The exercise by the Attorney at any time, for from time to time, of any of the rights or powers hereunder shall not exhaust the capacity and power of the Attorney thereafter from time to time to exercise such rights and powers, or any of them, but such capacity and power shall continue at all times so long as this instrument shall be in effect.

The Owner hereby ratifies and confirms, and agrees at all times to ratify and confirm, all that the Attorney shall lawfully do or cause to be done in and about the Property by virtue of this instrument.

The address of the Attorney is: McCarthy, Summers, Bobko, Wood, Norman, Bass & Melby, P.A., Attention: Terence P. McCarthy, Esquire.

This Limited Power of Attorney shall terminate upon the earlier of (a) sixty (60) days after the approval or disapproval of the Land Use Application or (b) written notice from the Owner to the Attorney.

IN WITNESS WHEREOF, the parties hereto have signed and sealed these presents the 7th day of August, 2018.

Witnesses:

Roni Welton

RONI WELTON
Printed Name of Witness

Donna Dempsey

DONNA DEMPSEY
Printed Name of Witness

Frazier Creek Two LLC, a Florida limited liability company

By: _____
Gary L Hufnagel, Manager

STATE OF FLORIDA
COUNTY OF MARTIN

The foregoing instrument was acknowledged before me this 7th day of August, 2018, by **Gary L. Hufnagel, Manager of Frasier Creek Two LLC, a Florida limited liability company, on behalf of the Company** He [✓] is personally known to me or [ ] has produced _____ as identification.

WITNESS my hand and official seal in the County and State last aforesaid this 7th day of August, 2018.

Donna A. Dempsey
Notary Public
Printed Name: DONNA A. DEMPSEY
My Commission Expires: _____

DONNA A. DEMPSEY
MY COMMISSION # FF 159127
EXPIRES: December 15, 2018
Bonded Thru Notary Public Underwriters

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EXHIBIT "A"

Legal Description

Lot 10, Block 4, Final Plat of KITCHING'S ADDITION, according to the Plat thereof, recorded in Plat Book 2, page 86, Palm Beach County, Florida, said property now lying and being in Martin County, Florida.