



MINUTES

LOCAL PLANNING AGENCY/PLANNING ADVISORY BOARD
TO BE HELD JULY 18, 2019 AT 5:30PM
COMMISSION CHAMBERS
121 SW FLAGLER AVE.
STUART, FL 34994

LOCAL PLANNING AGENCY

Chair – Michael Herbach
Vice Chair – Ryan Strom
Board Member – Li Roberts
Board Member – Larry Massing
Board Member – Campbell Rich
Board Member – Bill Mathers
Board Member – Christina de la Vega

ADMINISTRATIVE

Development Director – Kev Freeman
Board Secretary – Jordan Pinkston

CALL TO ORDER  5:29 PM

Present: Michael Herbach, Ryan Strom, Li Roberts, Larry Massing, Campbell Rich, Bill Mathers
Absent: Christina de la Vega

Mike Mortell swore in new board member Campbell Rich.

APPROVAL OF MINUTES:

Motion: Action: Approve.
Moved by: Li Roberts
Seconded by: Ryan Strom
Motion passed unanimously.

COMMENTS FROM THE PUBLIC: None.

COMMENTS FROM THE BOARD MEMBERS:

Larry Massing will be abstaining from the ordinance brought before the board because his company is the engineering company.

OTHER MATTERS BEFORE THE BOARD:

1. PLANTATION STORAGE OF STUART CPUD: (QUASI-JUDICIAL)(RC):
ORDINANCE NUMBER 2411-2019; AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, APPROVING A MAJOR AMENDMENT TO THE COMMERCIAL PLANNED UNIT DEVELOPMENT (CPUD) ADOPTED BY ORDINANCE No. 1527-97 FOR A 7.01 ACRE PARCEL ON THE EAST SIDE OF COMMERCE AVENUE SOUTH OF INDIAN STREET OWNED BY TED GLASRUDD ASSOCIATES FL, LLC, SAID LAND BEING MORE FULLY DESCRIBED IN EXHIBIT "A" ATTACHED; ESTABLISHING PLANTATION STORAGE OF STUART, CONSISTING OF A 98,000+/- SQUARE FOOT SELF-STORAGE FACILITY WITH 4,347 SQUARE FEET OF OUTDOOR BOAT AND VEHICULAR STORAGE AREA; APPROVING A MASTER SITE PLAN; PROVIDING FOR DEVELOPMENT CONDITIONS AND A TIMETABLE FOR DEVELOPMENT, DECLARING THE PLAN TO BE CONSISTENT WITH THE CITY'S COMPREHENSIVE PLAN; PROVIDING DIRECTIONS TO THE CITY CLERK; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

PRESENTATION: Tom Reetz, Senior Planner

Bob Raynes, Land Use Attorney for Gunster Law Firm

- Presented Exhibit C – Development Condition Changes

Charles Chase, Self Storage

Raul Ocampo, Architect

- Showed rendering photos

Dale Adams, Mathers Engineering

Daniel Sampsen, Landscape Architect

BOARD COMMENT:

Li Roberts asked if there were a manager living on site.

Charles Chase confirmed that there would be no need to have a manager on site due to surveillance.

Li Roberts asked for confirmation on the plans presented, specifically where sidewalks were going to be located.

Dale Adams said the only sidewalks were up around the office. Later on in the planning process they eliminated a lot of sidewalks.

Li Roberts asked about outdoor vehicle storage.

Charles Chase said they do not allow grass parking they have about 5,000 square feet of parking offered.

Li Roberts asked about fencing on the property and how it affects landscaping.

Dale Adams confirmed where landscape is currently going to be located.

Li Roberts asked about exterior lighting.

Charles Chase confirmed that there will be wall packs on the building.

Li Roberts asked where parking was located and where residents are expected to park.

Charles Chase confirmed that pedestrians normally do not have parking issues, any parking for storage units is done quickly.

Li Roberts asked questions about the gates and if they blocked citizens from walking onto the property.

Charles Chase said inbound you punch in a code, other than that everything is secured by fencing. We also have high security so no one will try to access the property.

Li Roberts said the goal is to have it completely secured and she was concerned about getting through the fencing after reviewing the site plans.

Charles Chase confirmed that they would not allow any pedestrian opportunity to come in and everything will be secured by fencing.

Larry Massing asked when controlled access was. He is concerned about small businesses using the units in the wrong way.

Charles Chase confirmed the facility operated 24/7 and was constantly under surveillance. There lease agreement says no business operation can happen on the property.

Campbell Rich wanted confirmation why the applicant was requesting to change to CPUD and what the benefit was for the applicant and the city.

Tom Reetz confirmed that it is a request to amend the CPUD to allow for storage. We are giving them specific allowable use and the benefit for the residents is a local storage facility that they can utilize.

Campbell Rich asked about parking spaces.

Charles Chase was not aware of the parking space rule and the amount just worked out in the design.

Campbell Rich asked questions about the report prepared by EDC about the Environmental Assessment regarding wetlands.

Bob Raynes confirmed that they have done on site surveys and found no wetlands. It has been reviewed Kimley Horn and the South Florida Water Management District.

Campbell Rich asked about the components found on the property and if they constituted as a wetland.

Bob Raynes said that he could not speak on behalf of Environmental Protection, but both the South Florida Water Management District and Kimley-Horn found no wetlands.

Key Freeman usually the applicant has an environmental consultant attending, staff relies on expert testimonials and it meets city code.

Ryan Strom asked about the shared drive to the north and how it would be developed.

Dale Adams said Commerce Avenue is a Martin County right of way and has limited all of the properties to the north and are only allowing this driveway connection serving all parcels. We have submitted plans to Martin County which will allow improvements and widening on Commerce Avenue and there will be opposing left turn lanes to go into each project.

Bob Raynes said there is shared access is on our property.

Ryan Strom said that he thought comments from staff and consultants were well reviewed by the applicant and he was impressed by the site plan.

Dale Adams said they are installing a 10-inch water main to serve all projects on Indian.

Larry Massing asked what the previously CPUD use on the property.

Tom Reetz confirmed it was annexed as a CPUD.

Campbell Rich asked about the upland preserve area requirements.

Bob Raynes said that it is the same person who owns the properties.

Tom Reetz said that the city code requires 8 feet sidewalks in front of new developments.

Bob Raynes said he believes it is an existing 5-foot sidewalk and that is under Martin County right of way jurisdiction. We are proposing to do the 6-foot sidewalk extension to the existing sidewalk.

Tom Reetz said because most of that is not developed and within the city limits, we would require neighboring properties to north and south to do 8ft sidewalks. The existing 5 foot should be corrected to 8 feet.

Key Freeman said they will work with the applicant to see what the expense is to widen the sidewalk, provided that widening is able to be done.

Li Roberts asked if the correct language should be, when that road is widened or on a certain date, whichever comes sooner than that would be an 8 ft sidewalk.

Dale Adams said that the roadway improvements are not going to be done by the county. Roadway improvements will be made by the current contract owner and paying for the construction with an understanding from Martin County on what they want in their right of way. Improvements will be made by current owner as part of contract with Mr. Chase. Widening the sidewalk may affect the County's roadside soil drainage.

Bob Raynes confirmed that it is required by the county, but private funding.

Kevin Freeman would like language that states, providing there is allowable section within the right of way that the sidewalk be incorporated at 8ft that city staff will work with county engineers included along commerce.

MOTION:

Action: Move approval with staff recommendation and following conditions:

1. Article 1 appendix D – change December 12, 2019 to June 12, 2019
2. Article 5 - Remove “and Army Corp of Engineers”
3. Article 14 – Remove “Water trucks shall be provided by the applicant as necessary during construction in order to reduce dust generated on-site.”
4. Article 19 – Add lines to read, “All on-site utilities lines shall be buried.”
5. Article 31 – Adjust time table for development to the following
 - Site and Building permit applications deemed sufficient for permit review under city codes and standards. (December 31, 2022)
 - Final Certificate of Occupancy for all site and building improvements. (December 31, 2025)
6. Article 32, appendix A – Self-Storage Facility with ancillary office and ancillary retail services customary for self-storage facilities.
7. Correcting the site plan to show appropriate fencing that was discussed
8. If feasible, provide an 8 ft sidewalk along Commerce Avenue

Moved by: Li Roberts

Second by: Larry Massing

Motion passed with Bill Mathers abstaining.

2. ZONING TEXT CHANGE TO ESTABLISH REGULATIONS ON FRONT YARD FENCES IN THE R-2 ZONING DISTRICT (RC): ORDINANCE No. 2406-2019; AN ORDINANCE OF THE CITY OF STUART, FLORIDA AMENDING CHAPTER 6, SECTION 6.09.05, "FENCES, WALLS, HEDGES AND ENCLOSURES" OF THE CITY'S LAND DEVELOPMENT CODE; PROVIDING FOR REGULATIONS THAT SHALL LIMIT THE HEIGHT, TYPE AND LOCATION OF FENCES IN THE FRONT YARD OF RESIDENTIAL SINGLE FAMILY/DUPLEX (R-2) DISTRICT PROPERTY; PROVIDING FOR A SEVERABILITY CLAUSE, A CONFLICT CLAUSE AND CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

PRESENTATION: Stephen Mayer, Senior Planner

BOARD COMMENT:

Li Roberts asked for confirmation on the wording in B1 and requested it be revised.

Larry Massing asked for confirmation on hedges and if they were included or not.

Stephen Mayer confirmed that it meant completely enclosed unless it is four feet high, not including hedges.

Li Roberts said the wording was confusing to her and wanted confirmation on opaque fencing.

Kev Freeman confirmed that she is okay with the concept, but the language needs to be clearer and better manipulated.

Campbell Rich asked if the two 8 footers could be contiguous.

Stephen Mayer confirmed that it could be.

Ryan Strom asked if we are okay with 16 feet or opaque per duplex.

Stephen Mayer confirmed that it would be 8 ft per property and 16ft max.

Michael Herbach asked about property owners purchasing lots and splitting them up.

Bill Mathers said sometimes there are lot splits with two different owners

Herbach said if there is a vacant lot for sale and he builds a duplex than that is two units.

Stephen said it is possible, but historically it is two separate units.

Li Roberts said with the language we can push the property up until there is only a 10-foot variance, so I am not really shielding anything. What she would do is to make a deal with her neighbor to build a 16-foot fence against the right of way line and plant shrubs.

Larry Massing asked Li Roberts what she accomplished by doing that.

Li Roberts said the reason that piece was in there was to allow for an accommodation of people who had something they wanted to shield something higher than 4ft.

Ryan Strom said that he does not think the cops will be worried about that because they can still see your yard, which was the concern.

Larry Massing said this does not meet the definition of a fence, it is typically a boundary and that is more of a bind.

Michael Herbach asked for confirmation that we are trying to improve streetscape.

Stephen Mayer said correct, that is why there is a 10ft zone.

Ryan Strom asked if there was any thought for a 6ft unit versus 8 ft as far as length.

Stephen Mayer responded that he wanted to be cautious and allow people to at least have 8ft.

Li Roberts said they have one thing that is ugly, so we are wanting to change the code.

Kev Freeman said that neighbors have come forward showing their concerns and that is why staff is attempting to make this ordinance. We are concerned from a planning and value point of view for having fences along street frontages that can affect long term property values. Many people look at location and appearance of the street when purchasing a home. That is why CRA has become so popular. They have more architectural regulations and people know what they are going to get and that is quality in terms of appearance. Our job is to protect the property values of all residents. We

are struggling to find an alternative way to do this. Another example would be a PUD for a residential subdivision came into the LPA, would you conceive of any PUD that came before you and allow 6ft fencing to run down the front of property lines on that PUD.

Larry Massing asked about Riverside Drive.

Kev Freeman said the value of that property is not street facing, it is waterfront. He said we are not regulating those homes, this is R2 only. This was the least intrusive regulation we found after a lot of staff time was spent. Our intent is to increase the potential value incurring on a property as a whole.

Tom Campenni made a public comment (see below).

Li Roberts asked if she felt you have seriously stepped on my rights as a property owner doing this R2 Zoning I am still able to come in and get a variance, correct?

Kev Freeman confirmed she would be able to.

Ryan Strom asked if this answered Tom Campenni's concern.

Kev Freeman said that his concern was in the regulation itself.

Larry Massing said whether we do this or not the state of Florida will do what they want.

Li Roberts said on the Board of Zoning Adjustment that one of the requirements to get a zoning variance is that you are not granting something to someone that nobody else has.

Kev Freeman said that he had a meeting with the Board of Adjustment earlier this week to get direction for staff to look at that language. The issue with the Board of Adjustment and their allowances of variances hinges on hardship. In most cases, you can argue that almost all cases are a self-imposed hardship. I am asking for the Board of Adjustment is we can make it more regulated and less subjective with options for people that come forward and to get the neighbors involved. It is regulation through community outreach.

Michael Herbach said he does not think it is a bad idea but is concerned that it will go a step further and blown out of proportion.

Larry Massing said that fences are regulated at the local level but not regulated by building code. He asked why we don't revise the fence ordinance across the entire city instead of one zoning district.

Kev Freeman said there has been a number of discussion items that have come forward to the Local Planning Agency and City Commission. That would be his preferred option, but he has been directed to regulate as least intrusive as possible to insure there would be the least amount of nonconformities as possible. Out of 300 potential nonconformities we only have three, one of which that is the fence that was brought up.

Larry Massing said it does not make sense to just choose R2 zoning and go all across the board to all fencing.

Bill Mathers asked about what our remedy was.

Kev Freeman said that will be a separate part of the code under the variance section, which will be a separate ordinance. I want to allow people to do what they want to do, but I do not want to be having to make the decision every time somebody comes in.

Mike Meier made a public comment (see below).

Bill Mathers said all R2 lots are typically small that are trying to be resolved. It is allowing someone to put a fence higher than four feet and our current ordinance is six.

Kev Freeman said that fences are mandated in certain areas, but those fences are specifically designed as picket fencing. Those are the areas where you do see a maintains of property value and aesthetic value of the street.

Bill Mathers said we need to inform the public that they can apply for a variance and they do have an alternative option.

Larry Massing confirmed that we are writing an ordinance for R2, but if I wanted to do it in an R1 or R1A so then why are we limiting it to R2.

Kev Freeman said that is what City Commission directed staff to do.

Stephen Mayer said that R2 has smaller lot sizes than the others, so smaller lots can be more compliant.

Bill Mathers said at one point the city ordinance said that you could not have a fence higher than four feet in front lot for law enforcement.

Kev Freeman said present code does not support that.

Michael Herbach said it two houses built together with a fence in between so they cannot see their neighbor. If there were spaces between the homes, it probably would not be a problem.

Larry Massing is interested in the legal implication of us endorsing a code that is isolated to one zoning district.

Kev Freeman told the board that Mike Mortell has reviewed the ordinance and we did not have any comments back.

Larry Massing asked to push the item to the next meeting to hear what the City Attorney has to say.

Michael Herbach asked about it having to meet 50lbs per square foot wind code. He asked to remove item #19.

PUBLIC COMMENT **6:53 PM**

Tom Campenni this is a solution in search of a problem. The reason why Tallahassee gets involved in what we do is because we overregulate. Right now, if I want to put a vegetable garden in the front yard, I can have my whole front yard covered. We try to regulate, but we do not need he regulation. This is silly and I would take exception to people saying the of the city is to protect property values. If that was true, you just approved something that brings very little value to the city and that's fine,

but if you really wanted to bring value to the city you would have said, let's bring 300 units there. But you didn't because it is not your job to do that, it is not the city's job to do that. So, since one guy is an idiot you are going to change a code that will affect at least 300 homes and they are not going to be happy when they can't do what they want to their property. We do not live in a police state, so it is not up to the police to say how we protect our homes. In my opinion, this is something we are looking to do because one person is an idiot. I believe the board, commission and city should just relax because this is going to come back and hurt us in the long run.

Mike Meier discussed the fencing in the Potsdam area being required. He thinks this is a great benefit to the community and streetscape. The Development Department Director said that he is looking to protect the character of the city and to increase property values. This ordinance change will not make the fence go away, but we are not frozen in time. There are a lot of people moving to the City of Stuart from down south and I hear from a lot of them. Fear of crime increases as people move here from other places and might feel like putting a fence in the front yards. This is a good policy and helps protect our character by starting small. The City Commission does not currently have the votes to do a full city-wide ordinance. As a resident I support this first step.

MOTION:  **7:08 PM**

Action: This comes back in September meeting after it has gone to legal to address our concerns.

Moved by: Li Roberts

Second by: Larry Massing

Motion passed unanimously.

ORDINANCES

3. Amendment to the Land Development Code (RC)

This amendment to the City's Land Development Code is required in order to comply with House Bill 7103

(Application Processing Timelines).

MOTION:

Action: Approve.

Moved by: Larry Massing

Second by: Li Roberts

Motion passed unanimously.

PUBLIC COMMENTS: None.

BOARD COMMENT:

Campbell Rich was disappointed to hear that neither State Representative Toby Overdorf nor Gayle Harrell called the City and asked whether the position of this ordinance would create any undo burdens like hiring additional staff.

ADJOURNMENT  **7:11 PM**

Motion: **Action:** Adjourn

Moved by: Li Roberts

Seconded by: Ryan Strom

Michael Herbach, Chair

Jordan Pinkston, Board Secretary