City of Stuart

MINUTES

LOCAL PLANNING AGENCY/PLANNING ADVISORY BOARD
TO BE HELD SEPTEMBER 19, 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
Ex Officio – Garrett Grabowski

ADMINISTRATIVE

Development Director – Kev Freeman
Board Secretary – Jordan Pinkston

CALL TO ORDER **5:32 PM**

ROLL CALL **5:32 PM**
Present: Michael Herbach, Li Roberts, Larry Massing, Campbell Rich, Bill Mathers, Christina de la Vega
Absent: Ryan Strom

APPROVAL OF MINUTES:
Motion: Action: Approve.
Moved by: Li Roberts
Seconded by: Larry Massing
Motion passed unanimously.

COMMENTS FROM THE PUBLIC ON NON-AGENDA ITEMS: None.

COMMENTS FROM THE BOARD MEMBERS: None.

ACTION ITEMS:

1. 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 FAMLY/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
Michael Mortell, City Attorney

BOARD COMMENT:

Larry Massing asked why R2, when it is okay in other zoning districts.

Mike Mortell said that is more a policy question. In R1 a lot has to be 100 feet wide and R1A it can be 75 feet wide and that is because someone said so and it is a generalized practice.

Stephen Meyer said that staff hasn't revised the ordinance that is on the agenda, so it is the same request for guidance as per the City Commission.

Bill Mathers confirmed that he understood the request.

Li Roberts asked if R2 was on the map being shown because she wanted clarification on the language for R2 and what it can be butted up to.

Michael Herbach said that he understands that R2 is duplex, and R3 can be duplex or multi-family.

Cristina de la Vega said that if you are next to a duplex then you can use the different zoning if you are next to it.

Li Roberts said the verbiage that is being discussed is on 6-93, C2, page 17 of 63 and read the language.

Kev Freeman said that language was referring to primarily R3 which is mutli-family district. We are talking about R2 which is a single-family district.

Li Roberts asked for confirmation that the language would be left the same in multi-family residential districts.

Kev Freeman said that language would need to be changed in B2 on page 17 of 63. If you are in R2 and you are put into R3 with less or alternative fencing, you could apply those. Our intention would be to maintain this in R2.

Li Roberts wanted to talk about the front yard piece on page 13 of 63. She asked for confirmation that a fence would never be higher than six feet.

Stephen Mayer confirmed that was correct.

Cristina de la Vega had questions regarding page eleven. She asked if you could build a solid wood fence and not have wind restriction.

Stephen Mayer said the air flow restriction is specific to that type of stockade fence only. If you are going to build a stockade fence, then it would need to give 30% difference in where you put planks.

Cristina de la Vega asked why staff does not do that for concrete fences.

Mike Mortell said that when it was adopted it was to support the wooden fences to allow wind to blow through them so they would not tip over, rather than the concrete fences that are built to a different standard.

Cristiana de la Vega asked about metal fences and showed a picture of a metal fence that is in R2 which is made from metal as a good example. She had questions about page 12, number 13 regarding arbors and showed another photo of an example that would not be allowed and suggested they raise the height to 12 feet instead of 9 feet. She asked why we cannot have chickees in the city.

Stephen Mayer said that chickees are allowed in the city, but they must meet setbacks. An arbor does not have a front setback requirement.

Li Roberts questioned if the photo was permitted because she did not think that it met the requirements.

Stephen Mayer said that was not permitted.

Larry Massing said that what Cristina de la Vega is describing is different than a fence or wall. He said the second photo would have been looked at under another section of the code.

Michael Herbach confirmed that it would be allowed if they met setbacks and code.

Campbell Rich had questions about page eight in the second section. said that he pg. 8 second section. He asked questions about fencing in front of front doors.

Stephen Mayer confirmed that was true.

Campbell Rich said that the ordinance talks about the ability to run an opaque fence along the property line up to six feet high all the way around. He recommended a step down.

Stephen Mayer said that the step down would naturally come going 6ft to 4 ft.

Li Roberts said that on page 13 of 63 asked if we are eliminating c, d & e for the text amendment.

Stephen Mayer confirmed that the code was not be changed there that is why they were not included.

Discussion occurred for clarification of the motion being made.

MOTION:
Action: Approve with the review of the ordinance that will be sent to the City Commission to be changed on the second page of the ordinance, to be sure that it allows the type of fence we saw in the example and to delete the words in number five "mounted on steel posts".

Moved by: Cristina de la Vega
Second by: Campbell Rich
Motion passed with Li Roberts opposing.

PUBLIC COMMENT:

> **2.** ANNEXATION OF PROPERTY NORTH-W EST KANNER HIGHWAY AND INDIAN STREET. (QUASI-JUDICIAL)(RC): ORDINANCE No. 2415-2019: AN ORDINANCE OF THE CITY OF STUART, FLORIDA, ANNEXING A PARCEL OF LAND ON THE NORTHW EST CORNER OF STATE ROAD 76 (AKA KANNER HIGHWAY) AND SW MARTIN HIGHWAY, CONSISTING OF 15.88 ACRES, SAID PARCELS BEING MORE FULLY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO; PROVIDING DIRECTIONS TO THE CITY CLERK; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

PRESENTATION: Stephen Mayer, Senior Planner
Troy Holloway, Gentle Glas Holloway O'Mahoney

BOARD COMMENT:

Cristina de la Vega asked for clarification of the wetland buffers.

Troy Holloway said that the code is a 50-foot average and that minimum code requirement will be provided. There are 5.8 acres of wetlands, leaving us with 10 acres to develop on.

Mike Mortell confirmed that the board is only voting on annexation today.

Cristina de la Vega questioned that the County has a shoreline protection zone which is 75 feet and the City does not have that.

Mike Mortell said that the applicant is only entitled to do what has been approved by the county. It would only have county zoning and would only change after another application is filled out.

Cristina de la Vega said that she only wanted to see what the plan is after this. She is worried about the City of Stuart's code being less than the County. She is concerned.

Troy Holloway confirmed that they are going to meet the City of Stuart's PUD code, which is a 50ft average buffer surrounding the wetland.

Campbell Rich asked why he is seeking annexation.

Troy Holloway said that he is seeking it because they want to do residential. Currently with the COR you do some residential, but with a mixed-use environment. The plan that is currently approved is 99,000 sq. feet of office and currently in that zoning would not allow them to do what they do.

Campbell Rich said they are taking a risk by only requesting annexation with no future plan.

Marcela Camblor said that she was there representing the seller, Knight Kiplinger. She said that if the annexation were to go through then the zoning and land use will still remain the same. This company has a proven track record of doing good quality work for a more appropriate fit for the area it is located. It would be difficult because of code restrictions to do residential in the manner that they want to do it under COR or in most of the county's land use or zoning categories. It would be difficult to do residential because of height restrictions. The city is more lenient to multi-family residential in that location but yes there is a risk.

Campbell Rich asked why they are not including the parcel just south of it.

Allen Stevenson with Realty Partners said he believes Mr. Kiplinger would like to donate the land at a future date and that is why he has withheld it from the purchase.

Campbell Rich wanted to point out a typo on page 54.

Larry Massing abstained from annexation issue.

Cristina de la Vega said she wished he would say that he would stick with the county wetland setbacks. She said that she knows that the next application will be the PUD and will go to the 50ft. Eventually it will change, and I would prefer you stay at the 75ft since you are at the banks of the river.

Allen Stevenson said that they will look at that.

Marcela Camblor said that she wanted to clarify and that the county buffer for wetlands is 50 feet and 75 feet is the shoreline protection from the water meaning your PUD is comparable to the County in that sense it is the same thing.

Li Roberts said this was sent Martin County on September 9, 2019 and wanted to see if they made any comments.

Stephen Mayer said they did not have a response, but we will continue to communicate.

Li Roberts said Exhibit A shows the part south of Memorial Bridge so she was assuming that would be cleaned up to reflect the property owners parcel.

Stephen Mayer said that the survey needs to reflect the new parcel.

Li Roberts said that she appreciated all the info that was given to fit with Comprehensive Plan. She asked Mike Mortell if this is going to affect Riverland.

Mike Mortell said that he has done research and has spoken with staff and Martin County. He said there is a barrier made by the river, but you can do annexations across roads and bodies of water. It probably would be an enclave if Kanner Highway was a city road, but the exception is a county or state road going through. The original purpose of the annexation was to provide you with municipal services, but the City of Stuart deviated from that and only allows signatures on annexation papers for approval. Riverland will not lose any municipal services they are currently receiving, they will not modify their taxation, they will not lose their connection to Martin County, they will continued to receive services from Martin County fire and police however it is likely they will receive double coverage after this. As a result, they will remain unincorporated, not subject to tax and not be alienated.

Li Roberts asked for confirmation that the Martin County line is beyond Riverland. She wanted to make sure they not creating enclave.

Mike Mortell confirmed that it will not create an enclave.

Bill Mathers asked if they created a master site plan.

Troy Holloway said that he was not sure.

Bill Mathers said he assumed that they would come back with an RPUD to do the development. He recommended talking to the people at the trailer park.

Troy Holloway said that they have been in communications with the community.

Bill Mathers said the PUD allows the board to have options included above the code.

Allen Stevenson said he has reached out to people at Riverland and they continue to get input from the residents.

Bill Mathers said that they have come to our meetings and they have legitimate issues and it is important to talk to them.

Michael Herbach asked for confirmation of the process of their request.

Troy Holloway confirmed that they are still three steps away.

Staff keep track of comments.

MOTION:
Action: Approve, with adjustment to correct Exhibit A.
Moved by: Li Roberts
Second by: Bill Mathers
Motion passed unanimously with Larry Massing abstaining.

PUBLIC COMMENTS:

1. Don Barber – 3500 S. Kanner Highway, Stuart

2. Edward Colligan -- lives in Riverland

BOARD COMMENTS:

Li Roberts confirmed that Riverland will continue to be in the county. On the boarder to the east it is touching city property.

Li Roberts requested that staff keep track of comments regarding the timing of the fence to make sure it does not get lost in the shuffle.

Allen Stevenson said that they will build a fence before they do anything else.

STAFF UPDATE:

3. Staff has received a request to implement the procedure followed by the City Commission when reviewing quasi-judicial matters such as PUD and development orders.

PRESENTATION: Kev Freeman

BOARD COMMENT:

Bill Mathers asked about the commission board members stating that they come with an opened mind and was wondering if they have to say that.

Mike Herbach said that comments from the public will not come until after a motion is made.

Kev Freeman said the public is then aware where the board stands and make more of an impact with comments.

Bill Mathers said that it is a better format.

Kev Freeman he would like to see that it is putting more notice on the applicants.

Michael Herbach made comments about reading the oath at future meetings.

ADJOURNMENT:
Motion: Action: Adjourn
Moved by: Bill Mathers
Seconded by: Campbell Rich

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Michael Herbach, Chair Jordan Pinkston, Board Secretary