



## **A G E N D A**

**REGULAR MEETING OF THE STUART CITY COMMISSION  
TO BE HELD July 10, 2017  
AT 5:30 PM Commission Chambers  
121 SW FLAGLER AVE.  
STUART, FLORIDA 34994**

### **CITY COMMISSION**

**Mayor Troy A. McDonald  
Vice Mayor Kelli Glass Leighton  
Commissioner Jeffrey A. Krauskopf  
Commissioner Eula R. Clarke  
Commissioner Tom Campenni**

### **ADMINISTRATIVE**

**Interim City Manager, Sam Amerson  
City Attorney, Michael J. Mortell  
City Clerk, Cheryl White**

Agenda items are available on our website at <http://www.cityofstuart.us>  
Phone: (772) 288-5306 .Fax: (772) 288-5305 .E-mail: [cwhite@ci.stuart.fl.us](mailto:cwhite@ci.stuart.fl.us)

**Special Needs:** Participants with special needs can be accommodated by calling the City Clerk at least 5 working days prior to the Meeting excluding Saturday and Sunday. We can be reached by phone at (772)288-5306, by fax at (772)288-5305, or by email at [cwhite@ci.stuart.fl.us](mailto:cwhite@ci.stuart.fl.us). If you are hearing impaired, please contact us using the Florida Relay Service, Customer Service: Dial 711 or English: (V) 800-682-8706, (TTY) 800-682-8786 Spanish: (V, TTY) 1-800-855-2886 If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, he will need a record of the proceeding, and that for such purpose he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

**(RC)** next to an item denotes there is a City Code requirement for a Roll Call vote.

**(QJ)** next to an item denotes that it is a quasi-judicial matter or public hearing.

## ROLL CALL

## PLEDGE OF ALLEGIANCE

## PROCLAMATIONS

## PRESENTATIONS

1. Certificate of Appreciation - Annelies van Vonno

## COMMENTS BY CITY COMMISSIONERS

## COMMENTS BY CITY MANAGER

## APPROVAL OF AGENDA

## COMMENTS FROM THE PUBLIC (5 min. max)

**WHAT IS CIVILITY?:** *Civility is caring about one's identity, needs and beliefs without degrading someone else's in the process. Civility is more than merely being polite. Civility requires staying "present" even with those persons with whom we have deep-rooted and perhaps strong disagreements. It is about constantly being open to hear, learn, teach and change. It seeks common ground as a beginning point for dialogue. It is patience, grace, and strength of character. Civility is practiced in our City Hall.* **PUBLIC COMMENT:** *If a member of the public wishes to comment upon ANY subject matter, including quasi-judicial matters, please submit a Request to Speak form. These forms are available in the back of the Commission Chambers, and should be given to the City Clerk prior to introduction of the item number you would like to address.*

**QUASI-JUDICIAL HEARINGS:** *Some of the matters on the Agenda may be "quasi-judicial" in nature. City Commissioners will disclose all ex-parte communications, and may be subject to voir dire by any interested party regarding those communications. All witnesses testifying will be "sworn" prior to their testimony. However, the public is permitted to comment without being sworn. Unsworn testimony will be given appropriate weight and credibility by the City Commission.*

**CONSENT CALENDAR:** *Those matters included under the Consent Calendar are self-explanatory, non-controversial, and are not expected to require review or discussion. All items will be enacted by one motion. If discussion on an item is desired by any City Commissioner that item may be removed by a City Commissioner from the Consent Calendar and considered separately. If an item is quasi-judicial it may be removed by a Commissioner or any member of the public from the Consent Calendar and considered separately.*

## CONSENT CALENDAR

2. Minutes 06/26/2017 CCM for approval (RC)
3. RESOLUTION No. 79-2017; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA AUTHORIZING THE RENEWAL OF THE MARTIN COUNTY LAW ENFORCEMENT ASSISTANCE AND VOLUNTARY COOPERATION MUTUAL AID AGREEMENT; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (RC)
4. RESOLUTION No. 81-2017; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA DECLARING PURSUANT TO CHAPTER 36 OF THE CODE OF ORDINANCES OF THE CITY OF STUART, FLORIDA THE INTENTION OF THE CITY COMMISSION TO ABANDON AND TO SET PUBLIC HEARINGS ON JULY 24, 2017, AND AUGUST 14, 2017, AT 5:30 P.M. IN THE CITY COMMISSION CHAMBERS TO CONSIDER THE

ABANDONMENT OF CERTAIN PUBLIC RIGHT-OF-WAY WITHIN THE CITY RELATED TO THE SEMINOLE AVENUE – HOLLUB INVESTMENTS, A MAJOR URBAN CODE CONDITIONAL USE APPROVAL, MORE CLEARLY DESCRIBED IN THE ATTACHED EXHIBITS "A" & "B"; AND FOR OTHER PURPOSES. (RC)

**END OF CONSENT CALENDAR**

**COMMISSION ACTION**

**ORDINANCE FIRST READING**

5. ORDINANCE No. 2343-2017; (QUASI-JUDICIAL) AN ORDINANCE OF THE CITY OF STUART, FLORIDA, AMENDING THE "BAKER ROAD COMMONS PUD" (ORDINANCE NO. 2312-2015), CONSISTING OF 3.02 ACRES, LOCATED AT 1440 NW FEDERAL HIGHWAY AND OWNED BY WYNNE BUILDING CORPORATION, A FLORIDA CORPORATION, SAID LAND BEING MORE FULLY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO; APPROVING AN AMENDED SITE PLAN; APPROVING CERTAIN DEVELOPMENT DOCUMENTS; DECLARING THE DEVELOPMENT TO BE CONSISTENT WITH THE COMPREHENSIVE PLAN OF THE CITY; APPROVING AMENDED DEVELOPMENT CONDITIONS AND A TIMETABLE FOR DEVELOPMENT; 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.(RC) (QJ)

**ORDINANCE SECOND READING**

**DISCUSSION AND DELIBERATION**

**ADJOURNMENT**

# CITY OF STUART, FLORIDA AGENDA ITEM REQUEST CITY COMMISSION

**Meeting Date:** 7/10/2017

**Prepared by:** Nicole King

**Title of Item:**

Certificate of Appreciation - Annelies van Vonno

**Summary Explanation/Background Information on Agenda Request:**

The City of Stuart has formalized an internship program, and through this program we were able to secure Annelies van Vonno as staff assistant to the City Managers office. Annelies brought knowledge and experience through her previous work with the Georgetown Business Improvement District.

She diligently worked on the Department of Economic Opportunity Competitive Florida Partnership Grant; and in the end was a key author of the final product. She was critical at coordinating the asset mapping exercise and developing the final Asset Map for the City of Stuart. She was also the lead when it came to gathering input through our focus groups and interviews with staff and Commissioners. Her professionalism, resourcefulness and inquisitive mind will be missed as she continues her education at the University of Colorado where she will earn a Master's Degree in Urban Regional Planning.

***CITY MANAGER'S NOTE: Annelies van Vonno has greatly contributed her considerable professional talents to the development of the DEO supported 2017-18 Economic Development Plan. She has proven to be well-organized, thorough in her work, and a great asset to the entire Office of the City Manager. We will miss her, and wish her well in the future. PJN***

**Funding Source:**

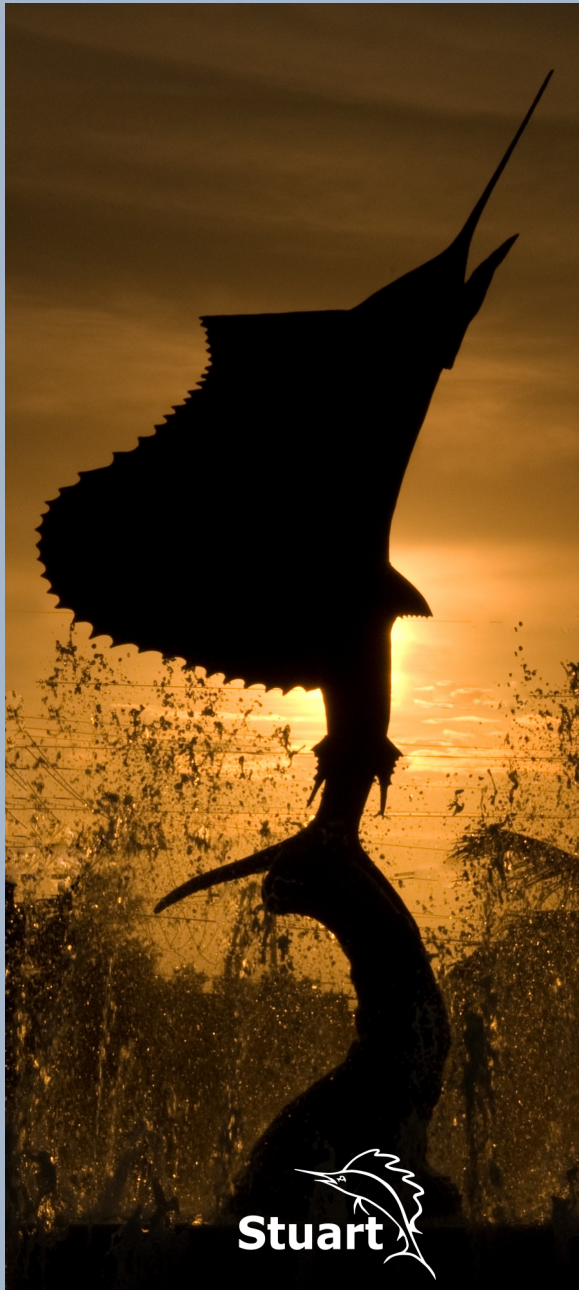
N/A

**Recommended Action:**

Award Certificate of Appreciation

**ATTACHMENTS:**

Description	Upload Date	Type
□ Cert of Appreciation - Annelies van Vonno	7/6/2017	Cover Memo



The City of Stuart Wishes to  
Extend Appreciation to

*Annelies van Vonno*

*For her contributions to the  
Economic Development  
Strategy Plan 2017-18*

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Troy A. McDonald, Mayor

A handwritten signature in blue ink, which appears to read "Paul J. Nicoletti". The signature is fluid and cursive, written over a horizontal line.

Paul J. Nicoletti, City Manager

**CITY OF STUART, FLORIDA  
AGENDA ITEM REQUEST  
CITY COMMISSION**

**Meeting Date:** 7/10/2017

**Prepared by:** CWhite

**Title of Item:**

Minutes 06/26/2017 CCM for approval (RC)

**Summary Explanation/Background Information on Agenda Request:**

**Funding Source:**

**Recommended Action:**

Approve Minutes

**ATTACHMENTS:**

Description	Upload Date	Type
▣ 06/26/2017 CCM	6/29/2017	Attachment

**MINUTES**  
**REGULAR MEETING OF THE STUART CITY COMMISSION**  
**TO BE HELD June 26, 2017**  
**AT 5:30 PM Commission Chambers**  
**121 SW FLAGLER AVE.**  
**STUART, FLORIDA 34994**

**CITY COMMISSION**

**Mayor Troy A. McDonald**  
**Vice Mayor Kelli Glass Leighton**  
**Commissioner Jeffrey A. Krauskopf**  
**Commissioner Eula R. Clarke**  
**Commissioner Tom Campenni**

**ADMINISTRATIVE**

**City Manager, Paul J. Nicoletti**  
**City Attorney, Michael J. Mortell**  
**City Clerk, Cheryl White**



**5:30 PM Roll Call.**

**Present: Mayor McDonald, Vice Mayor Glass Leighton, Commissioner Krauskopf, Commissioner Clarke, Commissioner Campenni.**



**5:30 PM ROLL CALL**



**5:30 PM PLEDGE OF ALLEGIANCE**

**PROCLAMATIONS**




**PRESENTATIONS**



**5:31 PM 1. June Service Awards**

All came forward and accepted their awards.

Darmonique Butler 5 Years  
Marty Wall 5 Years  
Tom Reetz 10 Years  
Janine Wilde 10 Years  
Mick Jacobson 15 Years  
Cherie White 30 Years


 **5:37 PM** 2. Employee of the Month for June, 2017.

**Anne Ellig was awarded employee of the Month and graciously accepted her award and thanked the Commission.**

 **5:42 PM**

**Mayor McDonald read a Proclamation honoring Paul J. Nicoletti for his 12 years of service to the City and wishing him well on his retirement.  
( A copy of the Proclamation will be attached to the official minutes.)**

**City Manager Nicoletti thanked everyone for the honor of serving the City and wished everyone the best. He graciously recognized Paula Nicoletti and thanked her for her support to him.**

 **5:50 PM** 3. United Way "Top 10 Most Generous Companies" Designation of the City of Stuart Employees

**Carol Houwaart-Diez United Way Foundation Secretary came forward and presented the City of Stuart with the top 10 Most Generous companies who donated to the United Way.**

 **5:51 PM** 4. PRESENTATION OF A POTENTIAL UBER PILOT PROJECT FOR THE CITY OF STUART

Teresa Lamar Sarno gave a brief overview of a potential Uber Pilot Project to expand additional transit opportunities.

Commissioner Krauskopf supports the pilot program.

 **5:58 PM Motion: , Action: Approve to have staff bring back an agreement for approval in July, Moved by Commissioner Clarke, Seconded by Vice Mayor Glass Leighton.**

**Motion passed unanimously.**

 **5:58 PM COMMENTS BY CITY COMMISSIONERS**

**Vice Mayor Glass Leighton requested item 17 be pulled off the Consent Calendar She also thanked the citizens who have put the trust in her to serve another two years. She also applauded the three candidates who have filed to serve n group II and wished them well.**

**Commissioner Clarke said she participated in the Colorado Avenue Crawl , and spoke with a new business owner who asked for the CRA and Main Street to be more involved with those businesses. She also congratulated Kelli Glass Leighton. Set up something specific for affordable housing task force in the events following the Taylor property and the displaced families.**

**City Manager Nicoletti requested that Commissioner Clarke meet with Sam and Teresa to discuss the matter and seek what exactly it is she is looking for.**

**She announced an upcoming crusade entitled “Taking back our City” in order to gather the residents and invited the Commission 6 PM July 1 2017. Sponsored by the East Stuart Ministerial Alliance. The Commission and public is invited to attend.**

**She asked to either discuss or pull item 14 from Consent.**

**City Manager Nicoletti said he could dicuss the item 14 under his comments.**

**Commissioner Krauskopf and Mayor McDonald congratulated Vice Mayor Glass Leighton and City Manager Nicoletti.**


**Mayor McDonald thanked Public Works for the additional 6 acre watershed that has been restored to a functional wetland. He announced that a ribbon cutting and dedication will take place on Wednesday June 18, 2017 at 11am beginning at TC3 Church 20 NE Dixie Highway. The Commission agreed to hold a Sales Tax Workshop on July 10, 2017 at 4PM. He also thanked Paul Nicoletti for his service, and support and wished he and his wife Paula the best.**

 **6:10 PM COMMENTS BY CITY MANAGER**

**5. Comments by the City Manager regarding several upcoming items.**

**City Manager Nicoletti explained item 14 and the dates for the New Urban Communities project and explained the amendments to the dates and recommends approval.**

**He also explained a drawing has been received from Martin Health System for a master facility plan and asked the Commission to make a motion to direct staff to come back with an Ordinance defining Master Facility Plan. He explained that the term is commonly used by hospitals and medical facilities but not defined in our Ordinance.**

 **6:14 PM Motion: , Action: Approve bring back an Ordinance defining Master Facility Plan. Moved by Commissioner Krauskopf, Seconded by Commissioner Clarke. Motion passed unanimously.**

**He also noted the City and County have been discussing collection of City impact fees and conforming the benefit district requiring a County Ordinance that has not been accepted by county staff. He stated the item should come back by the end of summer either resolved or stale mated.**

**Martin County is allowing the Fire Rescue Interlocal Agreement Mutual Aid to expire but staff are working toward a resolution.**

## **APPROVAL OF AGENDA**

 **6:17 PM Motion: Approve Agenda, Action: Approve, Moved by Commissioner Krauskopf, Seconded by Vice Mayor Glass Leighton. Motion passed unanimously.**

 **6:18 PM COMMENTS FROM THE PUBLIC (5 min. max)**

**Caryn Yost Rudge came forward and stated that their case has made it to the docket of the Supreme Court on May 7, 2017 and on June 22, 2017 they agreed to discuss the case.**

**Carol Waxler came forward and thanked Paul Nicoletti for his service.**

**Thelma Washigton came forward and thanked the City for their support to the displaced residents in East Stuart. She especially thanked City Attorney Mortell for his professional assistance providing the right information to those displaced residents**

## **CONSENT CALENDAR**

**6. Approve Minutes of 06/12/2017 and 06/19/2017 SCM**

**7. Appointment of the Interim City Manager to Sit "Ex Officio" on the Stuart/Martin County Chamber of Commerce Board.**

**8. RESOLUTION No. 63-2017; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA TO ADOPT THE ECONOMIC DEVELOPMENT STRATEGY PLAN 2016-2017; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

**9. RESOLUTION No. 71-2017; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, SUPPORTING THE TREASURE COAST COUNCIL OF LOCAL GOVERNMENTS IN PROMOTING AND DEFENDING HOME RULE AUTHORITY; AND DIRECTING CERTIFIED COPIES OF THIS RESOLUTION TO BE PROVIDED TO VARIOUS OFFICIALS.**

**10. RESOLUTION No. 72-2017; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, AUTHORIZING THE EXECUTION OF A LEGAL SERVICES AGREEMENT WITH MORGAN & MORGAN COMPLEX LITIGATION GROUP AND WEITZ & LUXENBERG, P.C., PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.**

**11. RESOLUTION No. 73-2017; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA TO APPROVE THE RENEWAL OF RFQL NO. 2015-156: UNDERGROUND UTILITY CONSTRUCTION SERVICES WITH THE FOLLOWING FIRMS: DBE UTILITY SERVICES OF LOXAHATCHEE, FLORIDA, FELIX ASSOCIATES OF STUART, FLORIDA, AND JOHNSON-DAVIS INC. OF LANTANA, FLORIDA; FOR THE**

SECOND OF TWO RENEWAL PERIODS THROUGH JULY 12, 2018, PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**12. RESOLUTION No. 74-2017;** A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, AUTHORIZING THE PURCHASE OF A RESUCE TRUCK, APPROPRIATING FUNDS AND AUTHORIZING EXPENDITURES FOR NO MORE THAN \$350,000; PROVIDING FOR CONFLICTS; SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

**13. RESOLUTION No. 75-2017;** A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA AUTHORIZING BUDGET AMENDMENT #11 TO THE 2016-2017 GENERAL FUND; APPROPRIATING AND AUTHORIZING THE EXPENDITURE OF FUNDS FOR THE SE KINDRED STREET / SE JOHNSON AVENUE IMPROVEMENTS PROJECT. PROVIDING AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

**14. RESOLUTION No. 77-2017;** (Quasi-Judicial) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA APPROVING A MINOR AMENDMENT TO THE AZUL (AKA TRIANGLE PARCEL) RESIDENTIAL PLANNED UNIT DEVELOPMENT (RPUD) ON PROPERTY LOCATED ON THE NORTHW EST CORNER OF JOAN JEFFERSON WAY AND SOUTH DIXIE HIGHWAY, THEREBY AMENDING THE TIMETABLE OF DEVELOPMENT; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (QJ)

**15. RESOLUTION No. 78-2017;** A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE A LEASE AGREEMENT W ITH FLORIDA POW ER AND LIGHT COMPANY FOR ITS SOLARNOW PROGRAM;PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**16. RESOLUTION No. 80-2017;** A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, AMENDIDNG AND RESTATING A CODE OF CONDUCT FOR CITY COMMISSIONERS; PROVIDING FOR CONFLICTING PROVISIONS; AND PROVIDING AN EFFECTIVE DATE.

**17. Investigation Report regarding City Charter**

#### **END OF CONSENT CALENDAR**



6:25 PM **Motion:** Consent Calendar excluding item 17, **Action:** Approve, **Moved by** Commissioner Krauskopf, **Seconded by** Commissioner Glass Leighton. Motion passed unanimously.

**Caryn Yost Rudge came forward and expressed concern over the transcripts of the Attorney Client sessions held in the past by the Commission regarding the Rudge property case.**

**Item 17 was heard here.**

**17. Investigation Report regarding City Charter**

Vice Mayor Glass Leighton expressed concern over the alleged actions by Commissioner Campenni. She said that she was appalled at the derogatory comments by Commissioner Campenni toward City employees. She thanked the City employees for their hard work and dedication. She asked the City staff to report any unethical behavior by any Commissioner to be reported. She also noted that Commissioner Campenni had not signed the recently adopted Code of Conduct for Commissioners, and was the only one not to do so. She asked that if he could not or would not sign then he should step down as a Commissioner.

Ron Hart came forward and congratulated Mr. Nicoletti on his retirement. He went on to say that he was upset over the appointment by Commissioner Campenni of a committee member for the Sound Ordinance, who at the first meeting stated he didn't know much about sound but hopes that Terra Fermata gets shut down. He was also upset to learn that after a recent DBA meeting when he called out Commissioner Campenni for some misrepresented facts. He said after that meeting Commissioner Campenni immediately left and instructed the City Attorney to find something to pin on Terra Fermata that would result in a Code violation. He said that based on the investigative report it proves that Commissioner Campenni targeted Ron Hart. He said he feels that he has been personally harmed by Commissioner Campenni actions and is looking into what recourse he has to rectify this egregious behavior directed at a private citizen by a local government official.

Caryn Yost Rudge expressed concern over the City Commission removing Commissioner Clarke and Commissioner Campenni from committees.

Michael Myer came forward and said the Commission were elected by the citizens who are in control.

Commissioner Krauskopf said the City staff work really hard and also stated asked City staff through proper channels to report any such behavior in the future. He thanked the City staff for their hard work and they are appreciated.

Mayor McDonald said he was sad and disappointed over this incident and said that he supports the City staff and was also upset over the comments regarding Ron Hart and Terra Fermata. He reiterated what Commissioner Krauskopf and Vice Mayor Glass Leighton said that if anything that is improper to please go to your supervisor or HR and report it. He wanted to assure that City staff have a safe comfortable place to come to work every day.

 6:47 PM **Motion:** Accept and Receive Report, **Action:** Approve, **Moved by** Commissioner Krauskopf, **Seconded by** Vice Mayor Glass Leighton. 4/1 Campenni opposed

## COMMISSION ACTION

### 18. Reorganization of the: City Commission to Various Board Appointments

 **6:57 PM Motion: Reinstate the Commissioners back to their respective boards before Commissioner Clarke incident in December 2016, Action: Approve, Moved by Commissioner Clarke, Seconded by Commissioner Campenni.**

Caryn Yost Rudge came forward and expressed concern over the transcripts of the Attorney Client sessions held in the past by the Commission regarding the Rudge property case.

Motion passed unanimously.

## ORDINANCE FIRST READING

### **6:56 PM ORDINANCE SECOND READING**

**19. ORDINANCE No. 2347-2017; AN ORDINANCE OF THE CITY OF STUART, FLORIDA, AMENDING SECTION 8-2(b) IN THE STUART CODE OF ORDINANCES TO ALLOW BACKYARD CHICKENS IN CERTAIN RESIDENTIAL ZONING DISTRICTS; AMENDING SECTION 2.06.00 OF THE STUART LAND DEVELOPMENT CODE, SUPPLEMENTAL USE STANDARDS FOR URBAN AGRICULTURE, TO PROVIDE FOR CHICKENS IN COMMUNITY GARDENS AND SINGLE FAMILY RESIDENTIAL PROPERTIES; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.**

Michael Meier came forward in support of the proposed Ordinance.

John Gonzalez came forward and asked the City to hold off on adoption of the Ordinance and expressed concern over enforcement of chickens and regulations.

Amelia Fry came forward in support of the proposed Ordinance.

Becca Huy came forward in support of the proposed Ordinance.

Jennifer Schucechl came forward in support of the proposed Ordinance.

Paula Rubino came forward in support of the proposed Ordinance.

Benjamin Juengst of the Department of Health to educate the Commission and public on chicken disease.

Robin Nunley came forward and stated she was opposed to the proposed Ordinance as written and asked for the Commission to hold off on adoption until some of the matters were resolved and look at neighborhoods and their complexity.

 7:30 PM Motion: Ordinance 2347-2017 changing to allow 2 and not 4 chickens and also add the clause to review the Ordinance in 3 years. , Action: Approve, Moved by Commissioner Krauskopf, Seconded by Commissioner Campenni.

3/2 Glass Leighton/McDonald NO

DISCUSSION AND DELIBERATION

 7:37 PM ADJOURNMENT

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Cheryl White, City Clerk

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Troy McDonald, Mayor

Minutes to be approved at the Regular Commission Meeting this 10th day of July, 2017.

## CITY OF STUART, FLORIDA AGENDA ITEM REQUEST CITY COMMISSION

**Meeting Date:** 7/10/2017

**Prepared by:** Chief David Dyess

**Title of Item:**

RESOLUTION No. 79-2017; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA AUTHORIZING THE RENEWAL OF THE MARTIN COUNTY LAW ENFORCEMENT ASSISTANCE AND VOLUNTARY COOPERATION MUTUAL AID AGREEMENT; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (RC)

**Summary Explanation/Background Information on Agenda Request:**

This is a request to renew the countywide law enforcement mutual aid agreement. There is no change to the agreement, and it has been reviewed by all agencies and their legal departments.

**Funding Source:**

N/A

**Recommended Action:**

Adopt Resolution No. 79-2017.

**ATTACHMENTS:**

Description	Upload Date	Type
☐ Resolution 79-2017	6/30/2017	Resolution add to Y drive
☐ Mutual Aid Agreement	6/30/2017	Backup Material



**BEFORE THE CITY COMMISSION  
CITY OF STUART, FLORIDA**

**RESOLUTION NUMBER 79-2017**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF  
STUART, FLORIDA AUTHORIZING THE RENEWAL OF THE  
MARTIN COUNTY LAW ENFORCEMENT ASSISTANCE AND  
VOLUNTARY COOPERATION MUTUAL AID AGREEMENT;  
PROVIDING AN EFFECTIVE DATE; AND FOR OTHER  
PURPOSES.**

\* \* \* \* \*

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE  
CITY OF STUART, FLORIDA THAT:**

SECTION 1: The City Commission of the City of Stuart, Florida authorizes the execution of the renewal of the Martin County Law Enforcement Operational Assistance and Voluntary Cooperation Mutual Aid Agreement between the Sheriff of Martin County, the Town of Jupiter Island, the Town of Sewall's Point and the City of Stuart Police Department. Said agreement shall remain in force until January 7, 2020.

SECTION 2: The City Commission authorizes the Mayor, City Clerk, Chief of Police, and any other designated City Official to execute the necessary documents, after review and approval of the City Attorney.

SECTION 3: This resolution shall take effect upon adoption.

Res.79-2017  
Renew Police Mutual Aid Agreement

Commissioner \_\_\_\_\_ offered the foregoing resolution and moved its adoption. The motion was seconded by Commissioner \_\_\_\_\_ and upon being put to a roll call vote, the vote was as follows:

TROY MCDONALD, MAYOR  
KELLI GLASS LEIGHTON, VICE MAYOR  
JEFFREYA.KRAUSKOPF, COMMISSIONER  
EULA CLARKE, COMMISSIONER  
TOM CAMPENNI, COMMISSIONER

YES	NO	ABSENT

ADOPTED this 10<sup>th</sup> day of July, 2017.

ATTEST:

\_\_\_\_\_  
CHERYL WHITE  
CITY CLERK

\_\_\_\_\_  
TROY MCDONALD  
MAYOR

APPROVED AS TO FORM  
AND CORRECTNESS:

\_\_\_\_\_  
MICHAEL MORTELL  
CITY ATTORNEY

**MARTIN COUNTY LAW ENFORCEMENT AGENCIES  
COMBINED  
OPERATIONAL ASSISTANCE AND VOLUNTARY COOPERATION**

**MUTUAL AID AGREEMENT**

**WITNESSETH**

**WHEREAS**, the subscribing Law Enforcement Agencies are so located in relation to each other that it is to the advantage of each to receive and extend Mutual Aid in the form of law enforcement services and resources to adequately response to:

- (1) Intensive situations, including but not limited to emergencies as defined under Sections 252.34, Florida Statutes, and
- (2) Continuing, multi-jurisdictional law enforcement problems, so as to protect the public peace and safety and preserve the lives and property of the people; and,

**WHEREAS**, the subscribing Law Enforcement Agencies have the authority under Section 23.1225, Florida Statutes, et seq., The Florida Mutual Aid Act, to enter into a combined Mutual Aid Agreement (Agreement) for law enforcement services which:

- (1) Permits voluntary cooperation and assistance of a routine law enforcement nature across jurisdictional lines, and;
- (2) Provides for rendering of assistance in a law enforcement emergency as defined in Section 252.34, Florida Statutes.

NOW, THEREFORE, the Agencies agree as follows:

**SECTION I:                    PROVISIONS FOR OPERATIONAL ASSISTANCE**

Each of the subscribed Law Enforcement Agencies hereby approves and enters into this agreement whereby each of the agencies so represented may request and render law enforcement assistance to the others to include, but not necessarily be limited to dealing with: civil disturbances, large protest demonstrations, aircraft disasters, fires, natural or man-made disasters, sporting events, concerts, parades, escapes from detention facilities, and incidents requiring utilizations of specialized units.

**SECTION II:                    PROVISIONS FOR VOLUNTARY COOPERATION**

Each of the subscribed Law Enforcement Agencies hereby approves and enters into this agreement whereby each of the agencies may request and render law enforcement assistance to the other in dealing with any violations of Florida Statutes to include, but not necessarily be limited to:

Investigations, Homicides, Sex Offenses, Robberies, Assaults, Burglaries, Larcenies, Gambling, Motor Vehicle Thefts, Drug Violations Pursuant to Chapter 893, Florida

Statutes, Support of Backup Services During Patrol Activities, and Inter-Agency Task Forces and/or Joint Investigations.

### **SECTION III: PROCEDURE FOR REQUESTING ASSISTANCE**

A. In the event that a subscribed Law Enforcement Agency is in need of assistance as set forth above, such agency shall notify the agency or agencies from whom such assistance is required. The Sheriff or his authorized designee, for the Sheriff's Office, and the Chief of Police or his authorized designee as the Law Enforcement Agency, whose assistance is sought shall evaluate the situation and his/her available resources, and will respond in a manner he/she deems appropriate.

B. The agency head in whose jurisdiction assistance is being rendered may determine who is authorized to lend assistance in his/her jurisdiction, for how long such assistance is authorized and for what purpose such authority is granted. This authority may be granted either verbally or in writing as the particular situation dictates.

C. Should a sworn law enforcement officer be in another subscribed agency's jurisdiction for matters of a routine nature, such as traveling through the jurisdiction on routine business, attending a meeting, or transporting a prisoner, and a violation of Florida Statutes occurs in the presence of that law enforcement officer, representing his/her respective agency, he/she shall be empowered to render law enforcement assistance and act in accordance with law. Should enforcement action be taken, that law enforcement officer shall notify the agency having normal jurisdiction and upon the latter's arrival, turn the situation over to them and offer any assistance requested including but not limited to a follow-up written report documenting the event and the actions taken. This provision so prescribed in this paragraph is not intended to grant general authority to conduct investigations, serve warrants and/or subpoenas, but is intended to address critical, life-threatening, or public safety situations, prevent bodily injury to citizens, or secure apprehension of criminals whom the law enforcement officer may encounter.

D. The agency head's decision in these matters shall be final.

### **SECTION IV: COMMAND AND SUPERVISORY RESPONSIBILITY**

The personnel and equipment that are assigned by the assisting agency head shall be under the immediate command of a supervising officer designated by the assisting agency head. Such supervising officer shall be under the direct supervision and command of the agency head or his/her designee of the agency requesting assistance.

### **SECTION V: INDEMNIFICATION/LIABILITY**

To the extent it is responsible, each subscribed Law Enforcement Agency engaging in any cooperation and assistance, pursuant to this agreement, agrees with respect to any third party suit or claim for damages resulting from any and all negligent acts, omissions, or conduct of such agency's own employees occurring while engaging in rendering such aid pursuant to this agreement, to hold harmless, defend and indemnify the other participating agencies and its appointees or employees, and to assume full responsibility for same, subject to provisions of Section 768.28, Florida Statutes, where applicable, and

provided such agency shall have control of the defense of any suit or claim to which said duty to indemnify and assumption of responsibility applies.

#### **SECTION VI: POWERS, PRIVILEGES, IMMUNITIES AND COSTS**

A. Employees of each subscribed Law Enforcement Agency when actually engaging in mutual cooperation and assistance outside of their jurisdictional limits but inside the State of Florida, under the terms of this agreement, shall, pursuant to the provisions of Section 23.127 (1) Florida Statutes, have the same powers, duties, rights, privileges and immunities as if those employees were performing duties inside the employee's political subdivision in which normally employed.

B. Each subscribed Law Enforcement Agency agrees to furnish necessary personnel, resources and facilities and to render services to each other subscribed Law Enforcement Agency; provided however, that no agency shall be required or obligated to unreasonably deplete its own personnel, equipment, resources, facilities, and services in furnishing such mutual aid.

C. A political subdivision or agency that furnishes equipment pursuant to this Agreement agrees to bear the cost of loss or damage to that equipment and must pay any expense incurred in the operation and maintenance for that equipment.

D. Subject to the reimbursement provisions of Section VIII (B), the agency furnishing aid or personnel pursuant to this section shall compensate its appointees/employees during the time such aid is rendered and shall pay any amounts due for compensation due to personal injury or death while such employees are engaged in rendering such assistance.

E. The privileges and immunities from liability, exemption from laws, ordinances and rules, and all pension, insurance, relief, disability, workers' compensation, salary, death and other benefits that apply to the activity of an employee of an agency when performing the employee's duties within the territorial limits of the employee's agency apply to the employee to the same degree, manner, and extent while engaged in the performance of the employee's duties extra-territorially under the provisions of this Mutual Aid Agreement. The provisions of this section shall apply with equal effect to paid, volunteer, and reserve employees.

F. Nothing herein shall prevent the requesting agency from requesting supplemental appropriations from the governing authority having budgeting jurisdiction to reimburse the assisting agency for any actual costs or expenses incurred by the assisting agency performing hereunder.

#### **SECTION VII: SATISFACTORY PROOF OF INSURANCE**

Each subscribed Law Enforcement Agency shall maintain liability insurance in an amount which is, in the judgment of the governing body of that agency, at least adequate to cover the risk to which that agency may be exposed in the fulfillment of its obligations under this Agreement. However, should any part of the insurance coverage provided as proof of insurance be canceled or undergo material change, that agency shall notify all

subscribed Law Enforcement Agencies of such change within ten (10) days of receipt of notice or actual knowledge of such change.

#### **SECTION VIII: REIMBURSEMENT FOR COSTS AND EXPENSES**

A. The subscribed Law Enforcement Agencies acknowledge and agree that with respect to any aid or services provided pursuant to **SECTION II: PROVISIONS FOR VOLUNTARY COOPERATION**, there shall be no reimbursement for costs or expenses incurred by the assisting agency. However, this provision shall not be interpreted to prevent the requesting agency from agreeing in advance to pay for the costs or expenses of the operation even if the assisting agency or its employees benefit there from.

B. The subscribed Law Enforcement Agencies acknowledge and agree that with respect to any aid or services provided pursuant to **SECTION I: PROVISIONS FOR OPERATIONAL ASSISTANCE**, the assisting agency shall be entitled to reimbursement for investigative expenses including, but not limited to, car rentals, hotel rentals or other incidental expenses reasonably incurred by the assisting agency in providing operational assistance. Reimbursement under this section does not include compensation for the assisting agency's employees or overtime pay. To be entitled to reimbursement for investigative expenses relating to Operational Assistance, the assisting agency shall first obtain the prior written authorization from the requesting agency which shall ultimately bear the investigative expenses.

#### **SECTION IX: FORFEITURES OR OTHER RECOVERIES**

In response situations where forfeiture of seized property is likely, the subscribed Law Enforcement Agencies shall endeavor to agree in advance to an equitable sharing of all proceeds. If an advance agreement cannot be made, the proceeds shall be equitably distributed in a manner reflective of the time, manpower and resources contributed by each agency. Proceeds shall be defined as the amount of money or properties existing after the forfeiting agency's costs and legal expenses have been paid.

#### **SECTION X: LOST OR ABANDONED PROPERTY**

Should any lost property, abandoned property, or unclaimed evidence, as those terms are defined by law, be found, located or seized by any subscribed Law Enforcement Agency during the performance of this Agreement, the subscribed Law Enforcement Agencies further agree to dispose of said property through public sale or auctions, the net proceeds of which shall be equally distributed among those agencies whose participation was initiated through this Agreement. Individual exceptions to this disposal procedure may occur with mutual written consent of both parties.

#### **SECTION XI: EFFECTIVE DATE**

Upon execution and approval by the hereinafter named officials, this Agreement shall take effect upon execution by the subscribing parties and shall continue in full force and effect until January 7, 2020. Under no circumstances may this agreement be renewed, amended, or extended except in writing.

**SECTION XII: CANCELLATION**

Any subscribed Law Enforcement Agency may cancel their participation in this agreement upon delivery of written notices to the other subscribed agencies. Cancellation will be at the direction of any subscribed Law Enforcement Agency.

**END OF TEXT**

**IN WITNESS WHEREOF**, the agencies hereto cause these presents to be signed on the date specified.

Signed, sealed and delivered  
In the presence of:

**Office of the Sheriff of Martin County**

\_\_\_\_\_  
Witness as to Sheriff (date)

BY: \_\_\_\_\_  
William Snyder, Sheriff (date)

\_\_\_\_\_  
Sheriff's Attorney Review (date)

**City of Stuart Police Department**

\_\_\_\_\_  
Witness as to Chief of Police (date)

BY: \_\_\_\_\_  
David Dyess, Chief of Police (date)

\_\_\_\_\_  
Attorney Review (date)

BY: \_\_\_\_\_  
Troy McDonald, Mayor (date)

**Town of Sewall's Point Police Department**

\_\_\_\_\_  
Witness as to Chief of Police (date) BY: \_\_\_\_\_  
(date) Tina Ciechanowski, Chief of Police

\_\_\_\_\_  
Attorney Review (date) BY: \_\_\_\_\_  
James Campo, Mayor (date)

**Town of Jupiter Island Department of Public Safety**

\_\_\_\_\_  
Witness as to Director of Public Safety BY: \_\_\_\_\_  
Bob Garlo, Director of Public Safety

\_\_\_\_\_  
Attorney Review (date) BY: \_\_\_\_\_  
Whitney D. Pidot, Mayor (date)

## CITY OF STUART, FLORIDA AGENDA ITEM REQUEST CITY COMMISSION

**Meeting Date:** 7/10/2017

**Prepared by:** Tom Reetz

**Title of Item:**

RESOLUTION No. 81-2017; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA DECLARING PURSUANT TO CHAPTER 36 OF THE CODE OF ORDINANCES OF THE CITY OF STUART, FLORIDA THE INTENTION OF THE CITY COMMISSION TO ABANDON AND TO SET PUBLIC HEARINGS ON JULY 24, 2017, AND AUGUST 14, 2017, AT 5:30 P.M. IN THE CITY COMMISSION CHAMBERS TO CONSIDER THE ABANDONMENT OF CERTAIN PUBLIC RIGHT-OF-WAY WITHIN THE CITY RELATED TO THE SEMINOLE AVENUE – HOLLUB INVESTMENTS, A MAJOR URBAN CODE CONDITIONAL USE APPROVAL, MORE CLEARLY DESCRIBED IN THE ATTACHED EXHIBITS “A”&“B”; AND FOR OTHER PURPOSES. (RC)

**Summary Explanation/Background Information on Agenda Request:**

On January 9th, 2017, the City Commission granted a Conditional Use Approval for the Hollub mixed-use development consisting of 4,235 square feet of retail and 20 luxury residential units at 43 & 55 Seminole Street.

The Commission will recall that the applicant was required to deed private property to the City in exchange for a comparable portion of city right-of- way. This reconfiguration will benefit both the developer and the City as the reconfiguration will more accurately define the sidewalk in its relation to the roadway.

The applicant, with staff's concurrence, has requested the privilege fee for vacation of right-of-way be waived by the commission having shown that the abandonment will benefit the public and its residents at large and not the applicant exclusively. In addition, there is an offsetting contribution of land from the developer of approximately the same dimensions. **See Attachment - Resolution No. 81-2017**

**Funding Source:**

N/A

**Recommended Action:**

Approve Resolution No. 81-2017.

**ATTACHMENTS:**

Description	Upload Date	Type
❑ Resolution No. 81-2017	7/5/2017	Resolution add to Y drive
❑ Exhibit A & B	7/5/2017	Exhibit
❑ Location map	7/5/2017	Backup Material

Return to:

City Attorney's Office  
City of Stuart  
121 SW Flagler Street  
Stuart, FL 34994

**BEFORE THE CITY COMMISSION  
CITY OF STUART, FLORIDA**

**RESOLUTION NUMBER 81-2017**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA DECLARING PURSUANT TO CHAPTER 36 OF THE CODE OF ORDINANCES OF THE CITY OF STUART, FLORIDA THE INTENTION OF THE CITY COMMISSION TO ABANDON AND TO SET PUBLIC HEARINGS ON JULY 24, 2017, AND AUGUST 14, 2017, AT 5:30 P.M. IN THE CITY COMMISSION CHAMBERS TO CONSIDER THE ABANDONMENT OF CERTAIN PUBLIC RIGHT-OF-WAY WITHIN THE CITY RELATED TO THE SEMINOLE AVENUE – HOLLUB INVESTMENTS, A MAJOR URBAN CODE CONDITIONAL USE APPROVAL, MORE CLEARLY DESCRIBED IN THE ATTACHED EXHIBITS “A”& “B”; AND FOR OTHER PURPOSES.**

\* \* \* \* \*

WHEREAS, the City has received a petition for abandonment relating to the public right-of-way described below that conforms to the requirements of Chapter 36 of the Code of Ordinances of the City of Stuart, Florida.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA that:

SECTION 1: The purpose of this resolution is to state the intention of the City Commission to abandon a portion of public right-of-way and to set public hearings before the City Commission at its regular meeting on July 24, 2017 and August 14, 2017 at 5.30 p.m. in the City Commission Chambers to consider the abandonment of the subject property within Martin County, Florida:

SECTION 2: A legal description and sketch depicting the subject right-of-way being abandoned

City of Stuart, Florida - Resolution No. 81-2017

by the City and deeded to Seminole Street Stuart, LLC is attached hereto as Exhibit "A", and a legal description and sketch depicting the subject right-of-way to being conveyed to the City is attached hereto as Exhibit "B".

SECTION 3: This resolution shall take effect upon adoption.

Commissioner \_\_\_\_\_ offered the foregoing ordinance and moved its adoption. The motion was seconded by Commissioner \_\_\_\_\_ and upon being put to a roll call vote, the vote was as follows:

TROY MCDONALD, MAYOR  
KELLI GLASS LEIGHTON, VICE MAYOR  
EULA R. CLARK, COMMISSIONER  
THOMAS F. CAMPENNI, COMMISSIONER  
JEFFREY A. KRAUSKOPF, COMMISSIONER

YES	NO	ABSENT

ADOPTED this \_\_\_\_ day of \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
CHERYL WHITE  
CITY CLERK

\_\_\_\_\_  
TROY MCDONALD  
MAYOR

APPROVED AS TO FORM AND CORRECTNESS:

\_\_\_\_\_  
MICHAEL MORTELL  
CITY ATTORNEY

## **EXHIBIT A**

### **DESCRIPTION OF PART OF RIGHT OF WAY OF EAST SEMINOLE STREET LYING SOUTH OF LOT 1, BLOCK 1, AMENDED PLAT OF CHAS. A PORTER ADDITION TO CITY OF STUART, MARTIN COUNTY, FLORIDA TO BE DEEDED TO RIVERSIDE VILLAGE STUART, LLC.**

That part of the right of way of East Seminole Street lying South of Lot 1, Block 1, Amended Plat of CHAS. A. PORTER ADDITION, according to the plat thereof recorded in Plat Book 2, Page 75, Public Records of Palm Beach (now Martin) County, Florida, being more particularly described as follows:

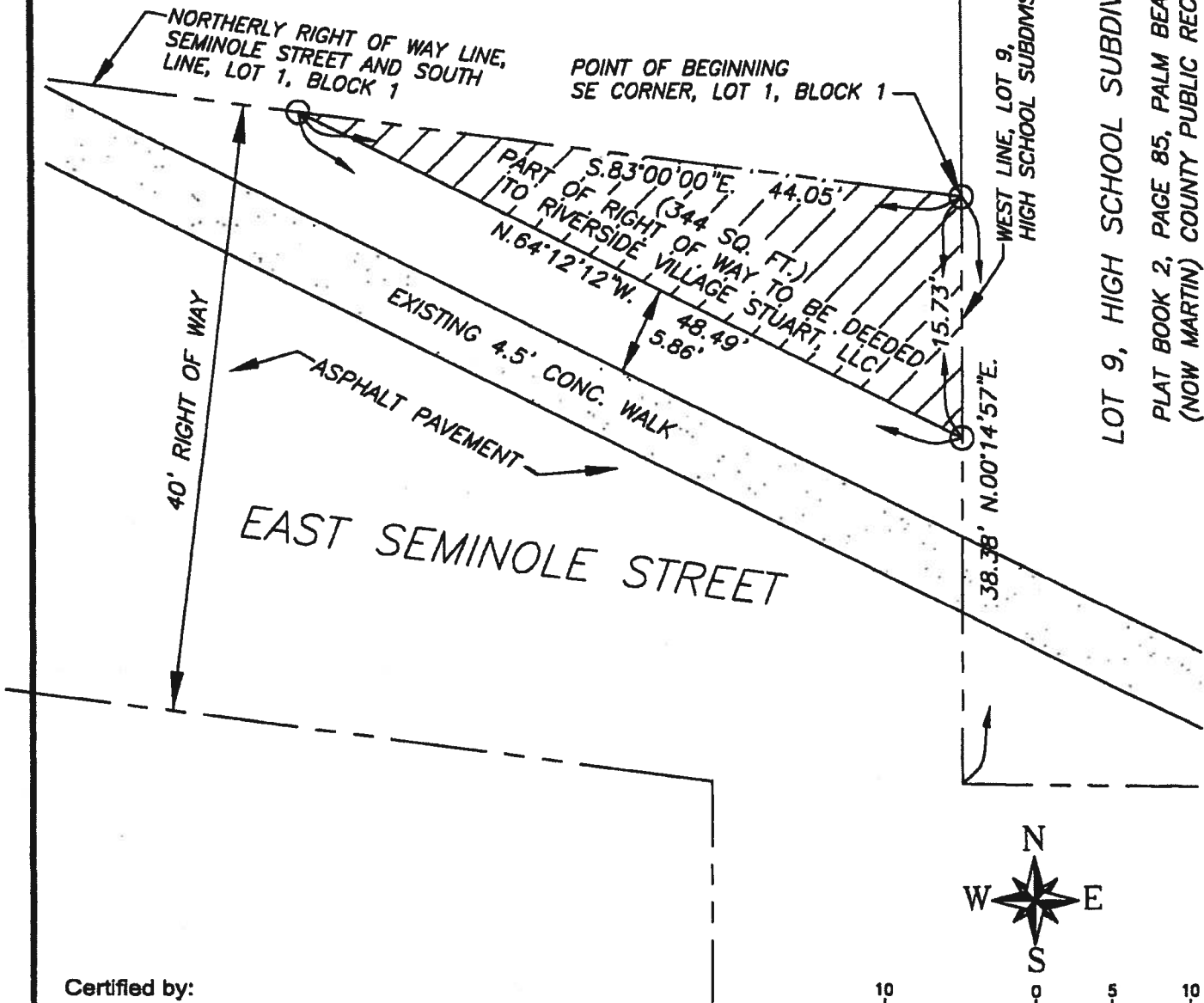
BEGIN at the Southeast corner of said Lot 1, Block 1 and run South  $00^{\circ}14'57''$  West along the West line of Lot 9, HIGH SCHOOL SUBDIVISION, according to the plat thereof recorded in Plat Book 2, Page 85, Public Records of Palm Beach (now Martin) County, Florida, for 15.73 feet; Thence run North  $64^{\circ}12'12''$  West for 48.49 feet, to a point lying on the South line of said Lot 1, Block 1 also lying on the Northerly right of way line of East Seminole Street; Thence run South  $83^{\circ}00'00''$  East along said South line of Lot 1, Block 1 and along the Northerly right of way line of East Seminole Street for 44.05 feet to the Point of Beginning.

The area of this parcel is 344 square feet, more or less.

This description and sketch were prepared by Arthur Speedy, Professional Surveyor and Mapper, for C. Calvert Montgomery & Associates, Inc.; P.O. Box 92, 959 South Federal Highway, Stuart, Florida 34995.

LOT 1, BLOCK 1, AMENDED PLAT  
OF CHAS. A. PORTER ADDITON  
PLAT BOOK 2, PAGE 75, PALM BEACH  
(NOW MARTIN) COUNTY PUBLIC RECORD

LOT 9, HIGH SCHOOL SUBDIVISION  
PLAT BOOK 2, PAGE 85, PALM BEACH  
(NOW MARTIN) COUNTY PUBLIC RECORD



Certified by:

Arthur Speedy  
Professional Surveyor & Mapper  
Florida License No. 3343

SKETCH TO ACCOMPANY DESCRIPTION FOR  
SWAP OF PROPERTY BETWEEN RIVERSIDE  
VILLAGE STUART, LLC AND CITY OF STUART  
AT SEMINOLE STREET

**SURVEYOR'S NOTES:**

1. THIS IS NOT A BOUNDARY SURVEY.
2. LANDS SHOWN HEREON WERE NOT ABSTRACTED OR RESEARCHED BY THIS OFFICE FOR RIGHTS-OF-WAY, EASEMENTS, RESERVATIONS OR RESTRICTIONS OF RECORD.

DATE: 4.03.17			
SCALE: 1"=10'			
PAGE 2 OF 2	NO.	REVISION	DATE

**C CALVERT MONTGOMERY & ASSOCIATES, INC.**  
ENGINEERS • SURVEYORS (C.A. & L.B. 000160)  
P.O. BOX 92...959 S. FEDERAL HWY.....STUART, FLORIDA 34985  
(Tel.) 772-287-3636 (Fax) 772-220-0580

## **EXHIBIT B**

### **DESCRIPTION OF PART OF LOT 9, HIGH SCHOOL SUBDIVISION IN THE CITY OF STUART, MARTIN COUNTY, FLORIDA TO BE DEEDED TO THE CITY OF STUART**

That part of Lot 9, HIGH SCHOOL SUBDIVISION, according to the plat thereof recorded in Plat Book 2, Page 85, Public Records of Palm Beach (now Martin) County, Florida, to be deeded to the City of Stuart for right of way purposes for East Seminole Street, more particularly described as follows:

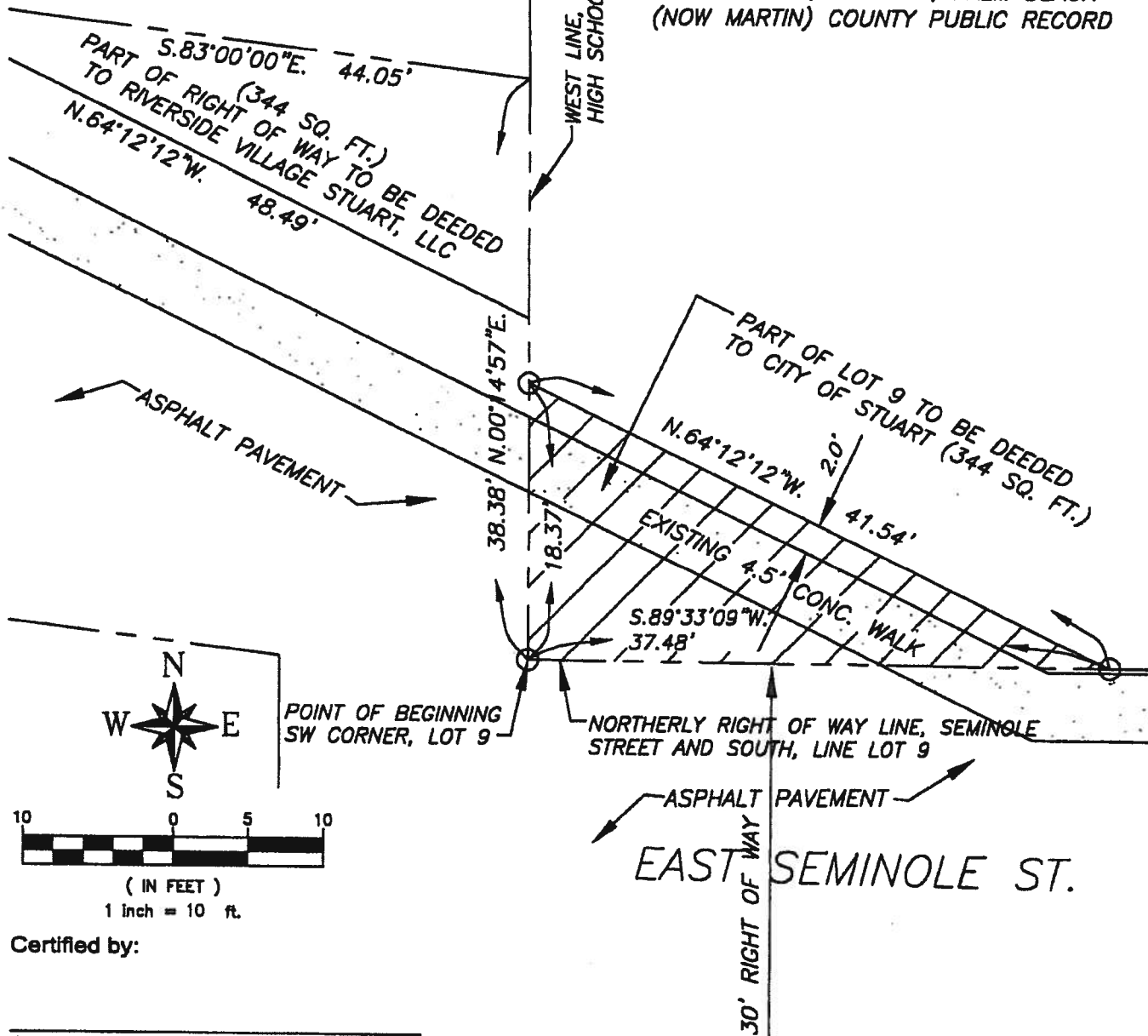
BEGIN at the Southwest corner of said Lot 9 and run North  $00^{\circ}14'57''$  East along the West line of said Lot 9 for 18.37 feet; Thence run South  $64^{\circ}12'12''$  East for 41.54 feet to a point on the South line of said Lot 9, said point also lying on the Northerly right of way line of East Seminole Street; Thence run South  $89^{\circ}33'09''$  West along said South line of Lot 9 and along the Northerly right of way line of East Seminole Street for 37.48 feet to the Point of Beginning.

The area of this parcel is 344 square feet, more or less.

This description and sketch were prepared by Arthur Speedy, Professional Surveyor and Mapper, for C. Calvert Montgomery & Associates, Inc.: P.O. Box 92, 959 South Federal Highway, Stuart, Florida 34995.

LOT 1, BLOCK 1, AMENDED PLAT  
OF CHAS. A. PORTER ADDITON  
PLAT BOOK 2, PAGE 75, PALM BEACH  
(NOW MARTIN) COUNTY PUBLIC RECORD

LOT 9, HIGH SCHOOL SUBDIVISION  
PLAT BOOK 2, PAGE 85, PALM BEACH  
(NOW MARTIN) COUNTY PUBLIC RECORD



Certified by:

Arthur Speedy  
Professional Surveyor & Mapper  
Florida License No. 3343

SKETCH TO ACCOMPANY DESCRIPTION FOR  
SWAP OF PROPERTY BETWEEN RIVERSIDE  
VILLAGE STUART, LLC AND CITY OF STUART  
AT SEMINOLE STREET

**SURVEYOR'S NOTES:**

1. THIS IS NOT A BOUNDARY SURVEY.
2. LANDS SHOWN HEREON WERE NOT ABSTRACTED OR RESEARCHED BY THIS OFFICE FOR RIGHTS-OF-WAY, EASEMENTS, RESERVATIONS OR RESTRICTIONS OF RECORD.

DATE: 4.03.17			
SCALE: 1"=10'			
PAGE 2 OF 2	NO.	REVISION	DATE

**C. CALVERT MONTGOMERY & ASSOCIATES, INC.**  
ENGINEERS • SURVEYORS (C.A. & L.B. 000180)  
P.O. BOX 92...859 S. FEDERAL HWY.....STUART, FLORIDA 34995  
(Tel.) 772-287-3836 (Fax) 772-220-0580



Recorded in Martin County, FL 3/28/2017 10:08 AM  
 Carolyn Timmann, Clerk of the Circuit Court & Comptroller  
 Rec Fees: \$27.00 Deed Tax: \$15,792.00  
 CFN#2626526 BK 2914 PG 2707 PAGE 1 of 3

Prepared by:  
 Jeffrey E. Levey, Esquire  
 JEFFREY E. LEVEY, P.A.  
 9130 South Dade Blvd Suite 1528  
 Miami, FL 33156  
 305-670-1976  
 File Number: 2017-0025

Printed Above This Line For Recording Only

## Warranty Deed

This Warranty Deed made this 27 day of March, 2017 between Riverside Village Street LLC, a Florida Limited Liability company, whose post office address is 1000 Riverland Road, Fort Saint Louis, FL 34904, grantor, and Riverside Street Street, LLC, a Florida Limited Liability company whose post office address is 9771 South Dixie Highway, Miami, FL 33154, grantee:

(Wherever used herein the terms "grantor" and "grantee" include all the parties to this instrument and the heirs, legal representatives, and assigns of individuals, and the successors and assigns of corporations, trusts and trusts)

Witnesseth, that said grantor, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable consideration to said grantor in hand paid by said grantee, the receipt whereof is hereby acknowledged, has granted, bargained, and sold to the said grantee, and grantee's heirs and assigns forever, the following described land, situate, lying and being in Martin County, Florida to-wit (the "Property"):

SEE EXHIBIT "A" ATTACHED HERETO

Parcel Identification Numbers: 94-38-41-015-001-00010-5 and 94-38-41-004-000-00000-3

Grantee is wholly-owned by Hollib Investment Partnership, LLP, a Florida Limited Liability Limited partnership ("HIP"). This Warranty Deed is an absolute conveyance of the simple title to the Property, and a portion of the consideration paid by the Grantee in connection with this Warranty Deed is the cancellation of the debt secured by a mortgage encumbering the Property which is recorded in the Public Records of Martin County, Florida in favor of HIP (the "Mortgage"); moreover, simultaneous with the execution hereof, HIP is executing and recording in the Public Records of Martin County, Florida a complete Satisfaction of the Mortgage.

Subject to the following:

1. All covenants, conditions, covenants, restrictions, limitations and agreements of record, provided this instrument shall not reimpose same.
2. Real estate taxes for the year 2017 and all subsequent years.
3. Existing applicable governmental building and zoning ordinances and other governmental regulations.

Together with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

To Have and to Hold, the same in fee simple forever.

And the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor lawfully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances, except taxes accruing subsequent to December 31, 2016.

DoubleTime

CFN#2626526 BK 2914 PG 2708 PAGE 2 of 3

In Witness Whereof, grantor has hereunto set grantor's hand and seal the day and year first above written.

Signed, sealed and delivered in our presence:

Riverside Village Stuart, LLC, a Florida Limited Liability company

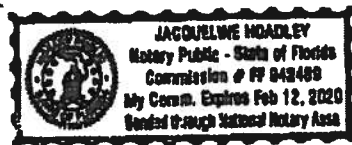
By: William Bethen  
William Bethen, Manager

Paul L. King  
Witness Name: Paul L. King  
William Bethen  
Witness Name: William Bethen

State of Florida  
County of St. Lucie

The foregoing instrument was acknowledged before me on the 25 day of March, 2017 by William Bethen on behalf of Riverside Village Stuart, LLC, a Florida Limited Liability company. Bethen ☒ is personally known to me or ☐ has produced a driver's license as identification.

[Notary Seal]



Jacqueline Moadley  
Notary Public  
Printed Name: Jacqueline Moadley  
My Commission Expires: 2/12/20

Notary Seal - Page 2

DoubleTime

## Exhibit A Legal Description

Plat File Number:  
414879

Agent's File Reference:  
2017.0025

All those certain pieces, parcels or tracts of land situate, lying and being in the County of Martin and State of Florida and being more particularly described as follows:

### PARCEL 1:

Lots 1 and 2, Block 1, Plat of Chas. A. Porter Addition, according to the plat thereof, recorded in Plat Book 2, page 75, Public Records of Palm Beach (now Martin) County, Florida together with the following

ing parcel of land, being more particularly described as follows:

Begin at the Northwest corner of said Lot 2, Block 1, of the aforementioned Chas. A. Porter Addition: Thence North 89 degrees 58 minutes 25 seconds East, a distance of 0.25 feet; thence North 12 degrees 05 minutes 27 seconds East, a distance of 9.37 feet; thence North 06 degrees 39 minutes 07 seconds East, a distance of 4.08 feet; thence North 17 degrees 34 minutes 10 seconds East, a distance of 76.10 feet; thence North 82 degrees 37 minutes 22 seconds East, a distance of 42.46 feet; thence South 14 degrees 54 minutes 29 seconds West, a distance of 6.04 feet; thence South 77 degrees 13' 31" East, a distance of 47.24 feet; thence South 14 degrees 27' 12" East, a distance of 26.53 feet; thence South 72 degrees 48 minutes 24 seconds East, a distance of 34.83 feet; thence South 11 degrees 43' 20" West, a distance of 68.24 feet; thence South 15 degrees 44' 49" East, a distance of 2.16 feet; thence North 77 degrees 10 minutes 09 seconds West, a distance of 119.19 feet to the POINT OF BEGINNING of the herein described parcel of land.

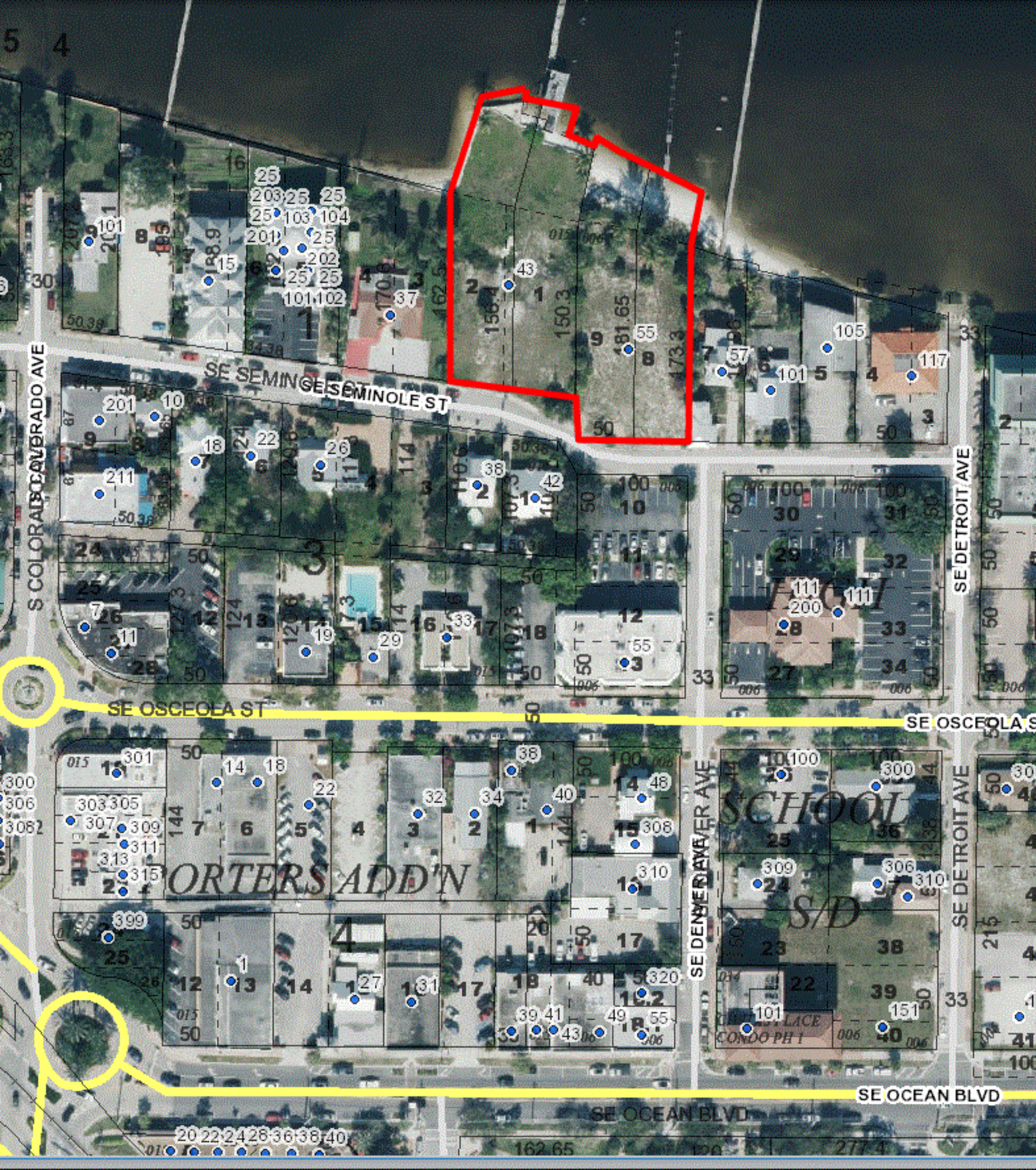
### PARCEL 2:

Lots 8 and 9, HIGH SCHOOL SUBDIVISION, according to the plat thereof, recorded in Plat Book 2, page 85, public records of Palm Beach (now Martin) County, Florida.

Together with:

A parcel of land situate, lying and being in the County of Martin and State of Florida and being more particularly described as follows:

Begin at the Northeast corner of Lot 8, High School Subdivision, according to the Plat thereof, recorded in Plat Book 2, page 85, Public Records of Palm Beach (now Martin) County, Florida; thence North 80 degrees 58' 09" West, along the North line of said Lot 8, a distance of 50.63 feet; thence North 82 degrees 41' 13" West along the North line of Lot 9 of said High School Subdivision, a distance of 50.41 feet; thence North 15 degrees 44' 49" West, a distance of 2.16 feet; thence North 11 degrees 43' 20" East, a distance of 68.24 feet; thence North 18 degrees 44' 01" East, a distance of 6.62 feet to the mean high water line, elevation -0.42 Nvd 1983, recorded on 11-02-12; Thence South 59 degrees 02' 51" East, along said mean high water line, a distance of 32.29 feet; thence South 67 degrees 54' 43" East, a distance of 41.51 feet; thence South 61 degrees 09' 30" East, a distance of 30.97 feet; Thence South 11 degrees 35' 03" West, departing said mean high water line, a distance of 43.26 feet to the Point of Beginning of the herein described parcel of land.



## CITY OF STUART, FLORIDA AGENDA ITEM REQUEST CITY COMMISSION

**Meeting Date:** 7/10/2017

**Prepared by:** Stephen Mayer

**Title of Item:**

ORDINANCE No. 2343-2017; (QUASI-JUDICIAL) AN ORDINANCE OF THE CITY OF STUART, FLORIDA, AMENDING THE "BAKER ROAD COMMONS PUD" (ORDINANCE NO. 2312-2015), CONSISTING OF 3.02 ACRES, LOCATED AT 1440 NW FEDERAL HIGHWAY AND OWNED BY WYNNE BUILDING CORPORATION, A FLORIDA CORPORATION, SAID LAND BEING MORE FULLY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO; APPROVING AN AMENDED SITE PLAN; APPROVING CERTAIN DEVELOPMENT DOCUMENTS; DECLARING THE DEVELOPMENT TO BE CONSISTENT WITH THE COMPREHENSIVE PLAN OF THE CITY; APPROVING AMENDED DEVELOPMENT CONDITIONS AND A TIMETABLE FOR DEVELOPMENT; 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.(RC) (QJ)

**Summary Explanation/Background Information on Agenda Request:**

The subject property located on the northwest corner of Federal Highway and Palm Lake Park Drive is currently vacant and has been used periodically for seasonal Christmas tree sales.

On September 28, 2015, the City Commission approved Ordinance 2311-2015, annexing the property into the City. At the same time, they approved Ordinance 2312-2015, which adopted the "Baker Road Commons" CPUD, which granted the development of an 80-room hotel and 10,216 square feet of retail shops and offices.

The intent of this application is to amend the "Baker Road Commons" Commercial Planned Unit Development (CPUD). The previously approved site and landscape plans are being amended by removing the 10,216 square feet of retail and office, adding 26 hotel rooms (for a total of 106 rooms) to an expanded and relocated hotel and other minor site adjustments due to the relocation, including the elimination of a dumpster that was for the commercial space and a different circulation pattern around the centrally located hotel. The subject property is (+/-3.02 acres) 131,551 square feet.

Staff has removed or amended certain conditions of approval that were specific to the formerly proposed commercial area. A condition of approval regarding the removal of the billboard has been added. Language has been added to ensure that the hotel shall not be converted to an extended stay hotel.

Finally, the time table of development has been extended 3 months, from September, 2019 to December, 2019.

The applicant has provided a letter detailing the substantive changes to the site plan (attached). In summary, the elimination of commercial space has reduced the potential traffic impacts. The relocation of the hotel to a more central location creates a more streamlined circulation pattern and does not require an emergency access only at the rear of the property. The proposed ingress and egress locations are requested to remain the same. The amount of open space and preserve area are relatively the same, although slightly reduced due to the full circular access around the building. The height of the hotel remains four stories and will not be any closer to the residential property to the north. The hotel is moving closer to the western edge of the property, however, the southern setback has been drastically increased. The architecture of the hotel has changed due to the selection of a specific hotel chain. The applicant will demonstrate the architectural changes do not constitute a reduction

in architectural quality. Also, the applicant is conditioned to the same requirements to address aesthetic and safety concerns along Palm Lake Park Drive.

On June 15, 2017, The Local Planning Agency voted unanimously to recommend approval of Ordinance 2343-2017.

***Director's note: This item was presented to the City Commission on a previous agenda, however, a flaw in the applicant's notification signs requires a "do over" of the public hearing process.***

**Funding Source:**

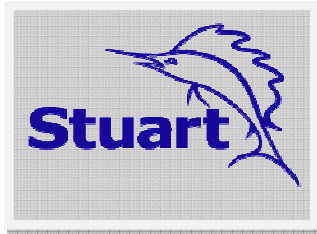
N/A

**Recommended Action:**

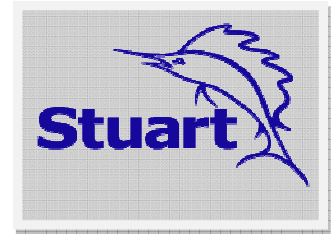
Approve Ordinance No. 2343-2017 on first reading.

**ATTACHMENTS:**

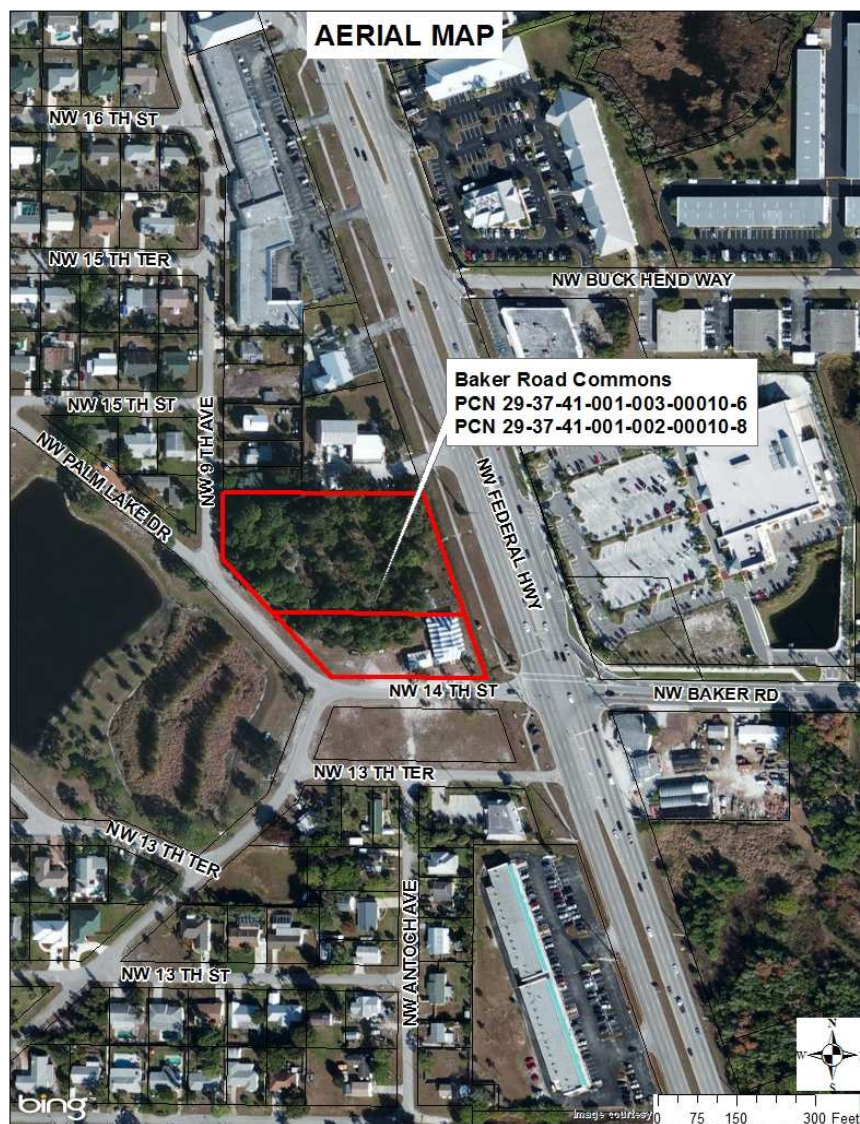
Description	Upload Date	Type
▣ Staff Report	6/29/2017	Staff Report
▣ Ordinance 2343-2017	6/29/2017	Ordinance add to Y drive
▣ Site Plan	6/29/2017	Exhibit
▣ Landscape Plan pg 1	2/9/2017	Exhibit
▣ Landscape Plan pg 2	2/9/2017	Exhibit
▣ Floor Plan and Elevations	2/9/2017	Exhibit
▣ Traffic Statement	2/9/2017	Attachment
▣ Auto-Turn Exhibit	2/9/2017	Attachment
▣ Topology and Tree Survey	2/9/2017	Attachment
▣ Application Letter	2/9/2017	Attachment
▣ Application	2/9/2017	Attachment
▣ LPA Minutes	2/21/2017	Backup Material



**CITY OF STUART  
CITY COMMISSION**  
July 10, 2017



<b>Project Name:</b> Baker Road Commons CPUD Amendment (Hilton Suites)	<b>Property Owners:</b> Wynne Building Corporation
<b>Project No.:</b> Z17010004	<b>Applicant/Petitioner:</b> Joel Wynne
<b>Ordinance No:</b> 2343-2017	<b>Agent/Representative:</b> N/A
	<b>Case Planner:</b> Stephen Mayer
<b>Location:</b> At the northwest corner of NW 14 <sup>th</sup> Street and NW Federal Highway (U.S. 1) in unincorporated Martin County	
<b>PCN #:</b> 29-37-41-001-003-00010-6 and 29-37-41-001-002-00010-8	



<b>PROJECT SUMMARY</b>		
<b><i>Property Size (area)</i></b>		+/- 3.02 acres (2 Parcels)
<b><i>Present Use</i></b>		Undeveloped
<b><i>Subject Property Land Use</i></b>		Commercial
<b><i>Adjacent Future Land Use designation</i></b>	<i>North</i>	Martin County – Commercial/Office/Residential & Low Density
	<i>South</i>	Martin County – Commercial Limited
	<i>East</i>	City – Commercial
	<i>West</i>	Martin County – Recreational and Low Density
<b><i>Subject Property Zoning</i></b>		CPUD
<b><i>Adjacent Zoning District</i></b>	<i>North</i>	Martin County – COR-1 Commercial Office/Residential & R02B Single-Family Residential
	<i>South</i>	Martin County – LC (Limited Commercial)
	<i>East</i>	City – CPUD (Commercial Planned Unit Development)
	<i>West</i>	Martin County – R-2B (Single-Family Residential)
<b><i>Proposed Use</i></b>		Commercial – Hotel
<b><i>City Approvals</i></b>		Fire Department – Approved Public Works – Comments are in progress Police Department – Approved
<b><i>Brief Explanation</i></b>		The intent of this application is to amend the Commercial Planned Unit Development (CPUD) previously approved to include an 80-room hotel and 10,216 square feet of retail shops and office. The previously approved site and landscape plans are being amended by removing the 10,216 square feet of retail and office, adding 26 hotel rooms to an expanded and relocated hotel and other minor site adjustments due to the relocation, including the elimination of a dumpster and a different circulation pattern around the centrally located hotel. The subject property is +/-3.02 acres or 131,551 square feet. The property is currently undeveloped.
<b><i>Staff Recommendation:</i></b> Subject to the attached development conditions, staff offers no objection to the major amendment of the Baker Road Commons Commercial Planned Unit Development.		

## **STAFF REPORT AND RECOMMENDATION**

### **I. LEGAL NOTICE REQUIREMENTS**

**A. Requirements for Application** – The Applications for major amendment of the CPUD have been noticed in accordance with the requirements set forth in Sections 11.01.02, 11.01.07, 11.01.09 and 11.02.00 of the Land Development Regulations, as well as applicable sections in Florida Statutes Ch. 163, Part II and Ch. 171, Part II.

**B. Site Posting Date:** May 31, 2017

**C. Mail Notice Postmark:** May 31, 2017 to property owners within 300 feet

### **II. APPLICATION DATED (Attachment B): January 23, 2017**

### **III. MAJOR RPUD AMENDMENT ORDINANCE NO. 2343-2017 See Exhibit A to this report.**

### **IV. HISTORY OF THE SITE**

In 2010, Martin County approved a Future Land Use Map amendment from Commercial Limited and Commercial Office/Residential to Commercial Limited, and a zoning district change to Limited Commercial for the larger of the two subject parcels (2.104 acres). The subject property has been used periodically for seasonal Christmas tree sales.

On September 28, 2015, the City Commission approved Ordinance 2311-2015, annexing the property into the City. At the same time, they approved Ordinance 2312-2015, which granted the Baker Road Commons CPUD, which granted the development of an 80-room hotel and 10,216 square feet of retail shops and offices.

### **V. STAFF ANALYSIS**

#### **A. Site and Area Characteristics (Attachment C)**

The subject property consists of two undeveloped parcels totaling +/-3.02 acres in size located at the northwest corner of U.S. 1 and 14<sup>th</sup> Street, east of Palm Lake Park Subdivision, and west of the Baker Road Publix Plaza in unincorporated Martin County.

<b>Direction</b>	<b>Current Use</b>	<b>Zoning</b>	<b>Future Land Use</b>
North	Palm Lake Park Subdivision and office building (Eco Water Systems)	Martin County – COR-1 Commercial Office/Residential & R-2B Single-Family Residential	Martin County – Commercial/Office/Residential & Low Density
South	Undeveloped parcel	Martin County – LC Limited Commercial	Martin County - Commercial Limited
East	City – Publix Plaza	City – CPUD (Commercial Planned Unit Development)	City – Commercial

West	Martin County – Palm Lake Park Subdivision	Martin County – R-2B Single-family Residential	Martin County – Recreational & Low Density

## B. Project Description

The subject property, consisting of two undeveloped parcels, is +/- 3.02 acres in size, containing five lots of record and an abandoned right-of-way (NW 21<sup>st</sup> Street). The subject property is located at the northwest corner of the U.S. 1 and NW 14<sup>th</sup> Street (aka: NW 20<sup>th</sup> Street) intersection, west of the Baker Road Publix Plaza. There is approximately 372 feet of frontage along U.S. 1, 298 feet of frontage along NW 14<sup>th</sup> Street (aka NW 20<sup>th</sup> Street), 310 feet along NW Palm Lake Drive, and 120 feet along NW 9<sup>th</sup> Avenue. The site is currently within unincorporated Martin County.

The proposed project is for an 80-room, four-story hotel and a stand-alone 10,216 square foot limited office/retail building. Specification regarding site and building design are discussed below in the applicable sections. The project is intended to be developed in one phase as shown in the summary tables of development below:

Use	Intensity	Building Height	Parking Required	Parking Provided
Hotel/Motel	80 room (11,615 square feet)	Four stories	114	116

Setbacks				Impervious Area	Open Space	Preserve Area (Existing and Restored)
F (East)	S (South)	S (North)	R (West)			
86'	134'	75'	90'	74,725 (57%)	56,869	33,026 (25.1%)

The applicant has provided a letter detailing the substantive changes to the site plan, dated January 5, 2016 (in error, should be 2017).

## C. Land Development Code Standards

The application has been reviewed for consistency with the City's LDC. With regard to the proposed project, the following Land Development Regulations have been analyzed:

### *Chapter 2 – Zoning District Uses Allowed, Density and Intensity*

**Staff Analysis:** The proposed development has been found in compliance with the applicable regulations pertaining to Planned Unit Developments (PUDs)

### *Chapter 4 – Concurrency Determinations*

**Staff Analysis:** A Traffic Impact Analysis was provided and reviewed by the City's traffic consultant. It was determined that the project would not have a significant impact on adjacent roadways or exceed established Levels of Service.

## *Chapter 5 – Resource Protection*

**Staff Analysis:** Twenty-five percent of the site is proposed for preservation of native habitat, retention of existing native plants (in situ) and native planting areas. All invasive and exotic trees and vegetation shall be removed from the site prior to development. It should be noted that if the parcel were developed under Martin County's Comprehensive Plan and Land Development Code, only 8.6% of the site would be held in preservation. This is due to the requirement of 25% of the 45,348 square feet of uplands being preserved, or 11,337 square feet, and not 25% of the entire site ( $11,337/131,343 = 8.6\%$ ). There are no wetlands on the site. Gopher tortoises found on-site will be relocated via the appropriate state agency procedures.

## *Chapter 6 – On-site and off-site development standards*

**Staff Analysis:** Proposed parking numbers and drive aisles meet the standards in Sec. 6.01.00 and are indicated on the site plan. The proposed plan has incorporated the use of pervious concrete in the required parking spaces and a pervious paver system in the drive aisles, designed to hold/percolate the 3-day, 25-year storm event. A 10' - 25'+ landscape buffer is supplied along the single-family property in the northwest corner of the site. The buffer shall include a 6' opaque, wood fence (with a minimum of 5' landscape planting on the residential side), with no structures, mechanical equipment, trash receptacles, etc., or internal driveways within 15' of the property line.

### **D. Technical Review by Other Agencies (Attachment D)**

The applicant will be responsible to meet all federal, state and local permitting and environmental standards prior to the issuance of any building permits. Further, the applicant will also be required to demonstrate full compliance at all times.

## **VI. LOCAL PLANNING AGENCY AND STAFF RECOMMENDATION (APPROVAL WITH CONDITIONS)**

On June 15, 2017, the LPA unanimously recommended approval to forward the amendment on to the City Commission. Subject to the conditions contained in the attached Ordinance No. 2343-2017, and consideration before the City Commission, staff also recommends **approval** of the major amendment to the Baker Road Commons CPUD.

## **VII. ATTACHMENTS**

**Attachment A: Proposed Ordinance No. 2343-2017**

**Attachment B: Application Materials**

*Application Form; and supporting information*



**BEFORE THE CITY COMMISSION  
CITY OF STUART, FLORIDA**

**ORDINANCE NUMBER 2343-2017**

**AN ORDINANCE OF THE CITY OF STUART, FLORIDA, AMENDING THE “BAKER ROAD COMMONS PUD” (ORDINANCE NO. 2312-2015), CONSISTING OF 3.02 ACRES, LOCATED AT 1440 NW FEDERAL HIGHWAY AND OWNED BY WYNNE BUILDING CORPORATION, A FLORIDA CORPORATION, SAID LAND BEING MORE FULLY DESCRIBED IN EXHIBIT “A” ATTACHED HERETO; APPROVING AN AMENDED SITE PLAN; APPROVING CERTAIN DEVELOPMENT DOCUMENTS; DECLARING THE DEVELOPMENT TO BE CONSISTENT WITH THE COMPREHENSIVE PLAN OF THE CITY; APPROVING AMENDED DEVELOPMENT CONDITIONS AND A TIMETABLE FOR DEVELOPMENT; 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.**

\* \* \* \* \*

**WHEREAS**, the City Commission approved Ordinance 2311-2015, annexing the property into the City and Ordinance 2312-2015, which granted the Baker Road Commons PUD on September 28, 2015, for development of an 80-room hotel and 10,216 square feet of retail shops and office; and

**WHEREAS**, the City Commission held a properly noticed hearing at a regularly scheduled City Commission to consider the application by Wynne Building Corporation, a Florida corporation, and the fee simple title holder to those lands located at 1440 NW Federal Highway in the northwest corner of its intersection with NW 14<sup>th</sup> Street; and

WHEREAS, the City Commission approved Ordinance 2343-2017 amending the “Baker Road Commons CPUD” to remove the 10,216 square feet of commercial from the CPUD, add 26 rooms to the hotel (for a total of 106 hotel rooms), establish a new site plan, new conditions of approval and re-establish the timetable of development; and

WHEREAS, the Applicant has committed to the City that its development will comply with all statutory requirements, and development codes, plans, standards and conditions approved by the City Commission; and that it will bind its successors in title to any such commitments made upon approval of the CPUD; and

WHEREAS, at the hearing the applicant showed by substantial competent evidence that the application is consistent with the Comprehensive Plan and Land Development Code of the City, and with the procedural requirements of law; and

WHEREAS, the City Commission has determined the application is consistent with the overall planning and development goals and objectives of the City; and

WHEREAS, the CPUD is consistent with the Stuart Comprehensive Plan and the development will be in harmony with surrounding properties and their anticipated development.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY OF STUART:**

SECTION 1. The foregoing recitals are true and adopted as findings of fact and conclusions of laws.

SECTION 2. The legal description of the property, reflecting the 3.02 acre parcel, is set forth in **Exhibit “A”** attached hereto and made hereof by reference. A boundary survey depicting the Property is attached hereto as **Exhibit “B”** and made a part hereof by reference. The conditions of development for the property are attached hereto as **Exhibit “C”** and made a part hereof by reference, and each shall constitute one of the development documents.

SECTION 3. The Owners' written acceptance of this Ordinance shall constitute an agreement with the City for the purposes expressed herein, but the same shall not be construed as a "Development Agreement", as provided in Section 163.3221, Florida Statutes.

SECTION 4. The following documents on file as public records of the City, at the office of the City Development Department in City Hall, and attached hereto as Exhibit "D", hereinafter the "Development Documents", shall be deemed a part of the development conditions applicable to the Property, and shall replace any earlier approvals:

- 1. The project shall comply with the Site Plan by Giangrande Engineering and Planning, last revised 11.17.16.**
- 2. The project shall comply with the Landscape by LPLA, Inc. last revised 12/29/2016.**
- 3. The project shall comply with the architectural drawings by Hilton Worldwide.**

SECTION 5. Except as otherwise provided herein, no development permits, site permits, or building permits shall be issued by the City except in compliance with the City's Land Development Code. The failure of the owner to comply with the Development with any term or condition of development set forth in this ordinance shall be deemed a zoning violation and no further permits, or other development approvals or orders shall be issued by the City to the owner until the violation has been resolved, and the matter may become the subject of a code enforcement action brought by the City. This section shall not impair the due process or other legal rights of the Owner to seek administrative or judicial redress.

SECTION 6: Following the adoption and acceptance of this ordinance by the Owner, and in addition to any other action for failure to complete development or otherwise comply with the Development Documents, the City Development Director may obtain a hearing before the City Commission, and shall thereupon give at least five (5) days written notice of the time, date and location of the hearing, along with specific notice of the alleged breach. At the hearing

before the City Commission the developer may appear, and may contest the allegation of breach or explain the reason or reasons for the breach. Upon a finding of a material breach of the Development Documents and therefore, the Ordinance(s) adopting the same, the City Commission may impose or do any or all of the following:

- a. Initiate the process to amend or repeal this or any other ordinance pertaining to the development.
- b. Direct the City Development Director to initiate the process to rezone the RPUD property or any portion of the RPUD property.
- c. Impose an administrative penalty of up to \$1,000.00 for each violation, and up to \$5,000.00 for each repeat violation that occurs, along with all reasonable costs, including attorney's fees incurred by the City.

Any breach of any provision or condition of this RPUD ordinance by the developer shall be considered a zoning violation subject to any remedies provided herein, or as otherwise provided by law. In the event a violation found continues from day to day, each day the violation is found to continue shall be deemed a separate violation.

SECTION 7: All ordinances or parts of ordinances in conflict with this ordinance or any part thereof is hereby repealed to the extent of such conflict. If any provision of this ordinance conflicts with any contractual provision between the City and the developer of the site, this ordinance shall prevail.

SECTION 8: If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared severable.

Ordinance 2343-2017  
Baker Road Commons  
CPUD Amendment

SECTION 9: This ordinance and agreement shall be effective upon the last of the following to occur: adoption by the City Commission, and proper execution and acceptance by the Owner.

SECTION 10: Upon complete execution of this Ordinance, including the Acceptance and Agreement by the Owner, the City Clerk is directed to record a Certified Copy of the same in the Public Records of Martin County, Florida.

PASSED on First Reading this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

Commissioner \_\_\_\_\_ offered the foregoing ordinance and moved its adoption.

The motion was seconded by Commissioner \_\_\_\_\_ and upon being put to a roll call vote, the vote was as follows:

TROY MCDONALD, MAYOR  
KELLI GLASS LEIGHTON, VICE MAYOR  
JEFFREY A. KRAUSKOPF, COMMISSIONER  
EULA CLARK, COMMISSIONER  
THOMAS F. CAMPENNI, COMMISSIONER

YES	NO	ABSENT

ADOPTED on second and final reading this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

ATTEST:

\_\_\_\_\_  
CHERYL WHITE  
CITY CLERK

\_\_\_\_\_  
TROY MCDONALD  
MAYOR

APPROVED AS TO FORM  
AND CORRECTNESS:

\_\_\_\_\_  
MICHAEL MORTELL  
CITY ATTORNEY

ACCEPTANCE AND AGREEMENT

BY SIGNING THIS ACCEPTANCE AND AGREEMENT, THE UNDERSIGNED HEREBY ACCEPTS AND AGREES TO ALL OF THE TERMS AND CONDITIONS CONTAINED IN A COMMERCIAL PLANNED UNIT DEVELOPMENT AND IN ALL EXHIBITS, ATTACHMENTS AND DEVELOPMENT DOCUMENTS, INTENDING TO BE BOUND THEREBY, AND THAT SUCH ACCEPTANCE AND AGREEMENT IS DONE FREELY, KNOWINGLY, AND WITHOUT ANY RESERVATION, AND FOR THE PURPOSES EXPRESSED WITHIN THE ABOVE ORDINANCE. IF IT IS LATER DISCOVERED THAT THE UNDERSIGNED, OR ITS SUCCESSORS OR ASSIGNS HAVE FAILED IN ANY MATERIAL WAY TO DEVELOP THIS COMMERCIAL PLANNED UNIT DEVELOPMENT ACCORDING TO THIS ORDINANCE, ITS CONDITIONS, AND THE DEVELOPMENT PLANS AND DOCUMENTS, THE UNDERSIGNED UNDERSTANDS AND AGREES THAT THIS ORDINANCE MAY BE AMENDED OR REPEALED BY THE CITY COMMISSION, AND THAT OTHER ACTIONS MAY BE TAKEN AGAINST THE UNDERSIGNED BY THE CITY, INCLUDING BUT NOT LIMITED TO CODE ENFORCEMENT ACTIONS, PERMIT AND LICENSING REVOCATIONS, AND ALL APPLICABLE CIVIL AND CRIMINAL ACTIONS.

IN WITNESS WHEREOF THE UNDERSIGNED HAS EXECUTED THIS ACCEPTANCE AND AGREEMENT:

WITNESSES:

\_\_\_\_\_  
Print Name: \_\_\_\_\_

By: \_\_\_\_\_

\_\_\_\_\_  
Print Name: \_\_\_\_\_

OWNERS ACKNOWLEDGMENT

The above Ordinance, Acceptance and Agreement was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2017, by \_\_\_\_\_, the \_\_\_\_\_ of \_\_\_\_\_.

\_\_\_\_\_  
Notary Public, State of Florida  
My Commission Expires:

Notary Seal

Personally Known \_\_\_\_\_ OR Produced Identification \_\_\_\_\_  
Type of Identification Produced \_\_\_\_\_

CITY'S ACKNOWLEDGMENT

The above Ordinance, Acceptance and Agreement was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2017, by TROY MCDONALD, MAYOR, and Cheryl White, City Clerk, respectively, of the City of Stuart, Florida, a Florida municipal corporation.

\_\_\_\_\_  
Notary Public, State of Florida  
My Commission Expires:

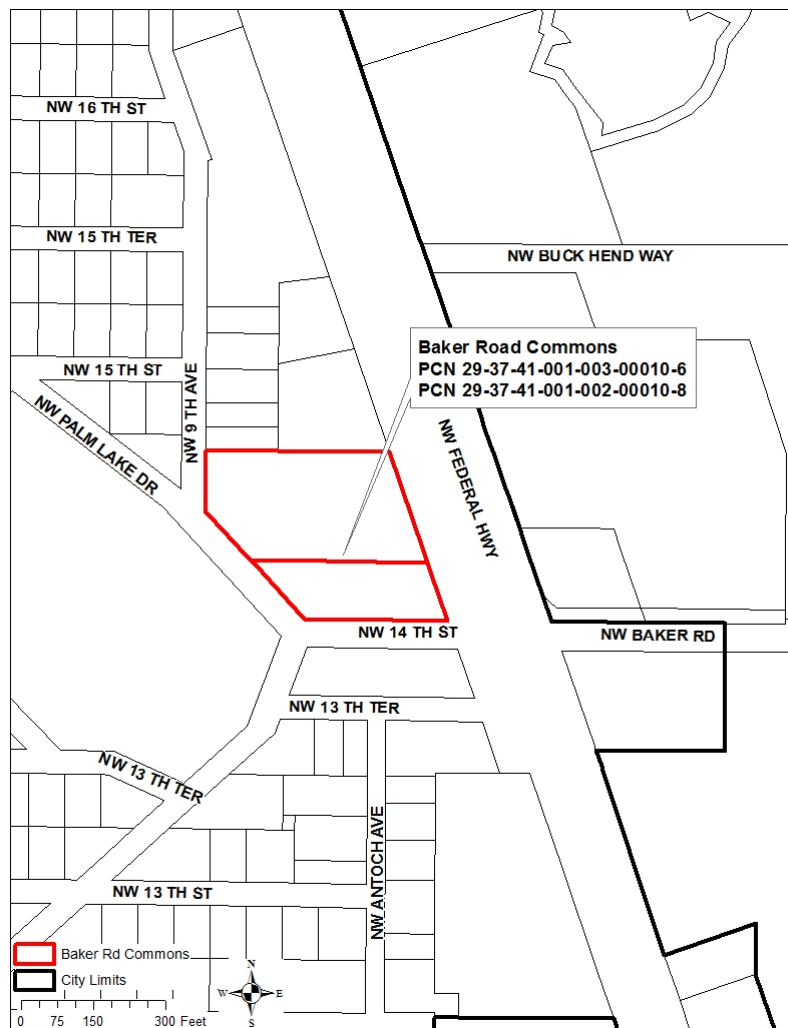
Notary Seal

Personally Known \_\_\_\_\_ OR Produced Identification \_\_\_\_\_  
Type of Identification Produced \_\_\_\_\_

## EXHIBIT A – LEGAL DESCRIPTION

Lots 1 and 2, Block 3, of the Plat of PALM LAKE PARK, according to the Plat thereof, recorded in Plat Book 3, Page 41, of the Public Records of Martin County, Florida, together with the North one-half (N 1/2) of abandoned North 21<sup>st</sup> Street, lying adjacent to said Lots 1 and 2, Block 3, and Lots 1, 2 and 3, Block 2, PALM LAKE PARK, according to the Plat thereof, recorded in Plat Book 3, Page 41, Martin County, Florida Public Records, and the South one-half (1/2) of that portion of North 21<sup>st</sup> Street that lies between U.S. Highway No. 1 and North Cuthbert Road, as shown on the Plat of PALM LAKE PARK, according to the Plat thereof recorded in Plat Book 3, Page 41, Martin County, Florida Public Records.

Parcel Identification Numbers: 29-37-41-001-003-00010-6  
29-37-41-001-002-00010-8



## **EXHIBIT B – DEVELOPMENT CONDITIONS**

### **Approved Plans and Documents**

4. The project shall comply with the Site Plan by Giangrande Engineering and Planning, last revised 11.17.16.
5. The project shall comply with the Landscape by LPLA, Inc. last revised 12/29/2016.
6. The project shall comply with the architectural drawings by Hilton Worldwide.

### **Permitted Uses**

4. The project has been approved as a 106-room four-story hotel. The hotel rooms shall not be approved for extended stay.

### **Prior to Issuance of Site Permits**

5. Applicant shall provide an up-to-date digital boundary survey and civil plan prior to the issuance of a site permit.
6. Civil Plans shall be reviewed and approved by all applicable City departments prior to the issuance of a site permit.
7. All regulatory agency permits shall be obtained by the applicant and copies provided to the City prior to the issuance of a site permit.
8. A lighting plan for the site shall be submitted prior to site permit approval. Lighting poles shall not exceed 15 feet in height. Lighting shall include shields to direct the light away from the residential property to the north of the property and shall not exceed 0.1 foot-candles as measured at the common boundaries. Light-Emitting Diode (LED) lighting is recommended.
9. In accordance with Section 5.04.02.B of the LDC, details regarding the proposed restoration, including any proposed re-planting of native vegetation in areas left devoid of exotic vegetation removal, shall be provided.
10. A Preserve Area Management Plan (PAMP), in accordance with LDC Section 5.04.03, shall be submitted and approved prior to the issuance of a site permit. A Florida Land Use, Cover, and Forms Classification System category summary of the acreages of each land cover type for the site shall be provided in order to finalize the preservation area calculations.
11. A tree survey and tree mitigation requirements in accordance with Section 5.05.00 shall be provided. This information shall, at a minimum, include: a) field-flag, identify, and account for all specimen trees located in the proposed developed portion of the site to

allow for field review of the tree survey; and b) detailed impact and mitigation calculations.

12. Verification of gopher tortoise relocation in accordance with Florida Fish and Wildlife Conservation Commission shall be provided.
13. A Declaration of Unity of Control between the two parcels (PCN 29-37-41-001-003-00010-6 and PCN 29-37-41-001-002-00010-8) shall be recorded with the Martin County Property Appraiser prior to the issuance of a certificate of occupancy.
14. Prior to any vertical construction permit approval, the applicant shall submit an off-site improvement plan showing dedication of all of the items required by Martin County and FDOT, and that all applicable County-issued or FDOT-issues right-of-way permits have been granted. Prior to Certificate of Occupancy, all off-site improvements required by Martin County and FDOT shall be installed.

#### **Landscaping**

15. All landscape areas shall be provided with an irrigation system of sufficient capacity to maintain the landscaping in a healthy growing condition.
16. The City's landscape inspector shall have the opportunity to inspect all trees and/or landscape material with the landscape architect prior to installation. The developer shall bear the pass-thru fee for landscape consulting fees not to exceed \$1,500.00.
17. A landscape maintenance plan, executed in accordance with the LDC, shall be submitted to the Development Department and approved prior to the issuance of a certificate of occupancy.
18. "Hat racking" of trees is prohibited on the property.

#### **Development and Construction**

19. Construction activity shall be limited from 7:00 am to 6:00 pm Monday - Saturday.
20. Erosion and dust control measures to be implemented during construction shall be provided on the civil plans and submitted during site permit review. Water trucks shall be provided by the applicant as necessary during construction in order to reduce dust generated on-site.
21. One bike rack and one bench, in accordance with Section 6.01.05.G of the Land Development Code (LDC), shall be provided for the site prior to issuance of certificates of occupancy.
22. Signage shall be appropriately permitted and constructed in compliance with the applicable regulations in Section 6.11.00 of the LDC.

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Baker Road Commons  
CPUD Amendment

23. If requested by the County, the applicant shall be responsible to pay for storm water utilities charges owed to the County thru MSTU taxes.
24. Any curb or road damage during construction shall be repaired or replaced at the expense of the owner prior to the issuance of a Certificate of Occupancy.
25. Prior to development approval, the applicant shall remove the existing non-conforming billboard from the property.

**Timetables**

26. The project shall obtain certificates of occupancies for the hotel no later than December 28, 2019 (*Note: four years from date of Commission approval*).

Drawing Name: C:\Users\GEP\_2\Dropbox\Hilton of Stuart\Design\Site Plan\Wynne Site Plan\_GEP\_2\_2016.11.17.dwg Layout Name: SITEPLAN - Plotted by: GEP\_2 - Date: 4/5/2017 - 1:02 PM - Holtz Consulting Engineers

PRESERVE AREA CALCULATION  
TOTAL SITE AREA = 131,343 S.F.  
REQUIRED 25% PRESERVE = 32,835 S.F.  
PROVIDED 25.1% PRESERVE= 33,026 S.F.

LEGEND

- PRESERVE AREA
- PROPOSED ASPHALT
  - CONCRETE WALK

SITE DATA			
	SQ. FT.	AC	PCT
TOTAL SITE AREA			
131,594 3.02 100%			
IMPERVIOUS			
BUILDINGS (HOTEL)	14,868	0.34	11%
ASPHALT	44,046	1.01	33%
POOL / POOL DECK	15,591	0.36	12%
SIDEWALK	220	0.01	0%
TOTAL	74,725	1.72	57%
PERVIOUS			
GREEN SPACE	56,869	1.31	43%
TOTAL	56,869	1.31	43%

PARKING TABULATION  
1 PER ROOM @ 106 ROOMS= 106 SPACES  
2 PARKING SPACES PER 3 EMPLOYEES @12= 8 SPACES  
TOTAL SPACES REQUIRED 114 SPACES

REQUIRED HANDICAP SPACES 5 SPACES  
TOTAL PROVIDED PARKING SPACES 116 SPACES  
HANDICAP SPACES PROVIDED 5 SPACES

ZONING.....CPUD  
EXISTING USE.....VACANT

REFER TO ARCHITECTURAL PLANS FOR ELEVATIONS AND FLOOR PLANS.

Date: 11-17-2016  
Scale: 1"=20'  
Design By: LDG  
Drawn By: JLS  
Check By: JLS

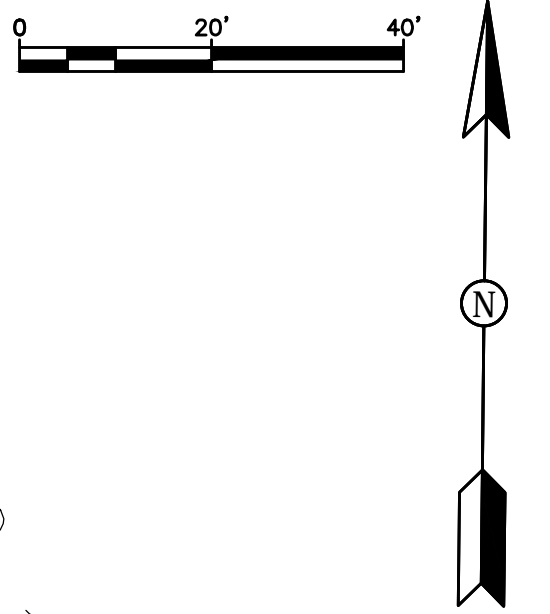
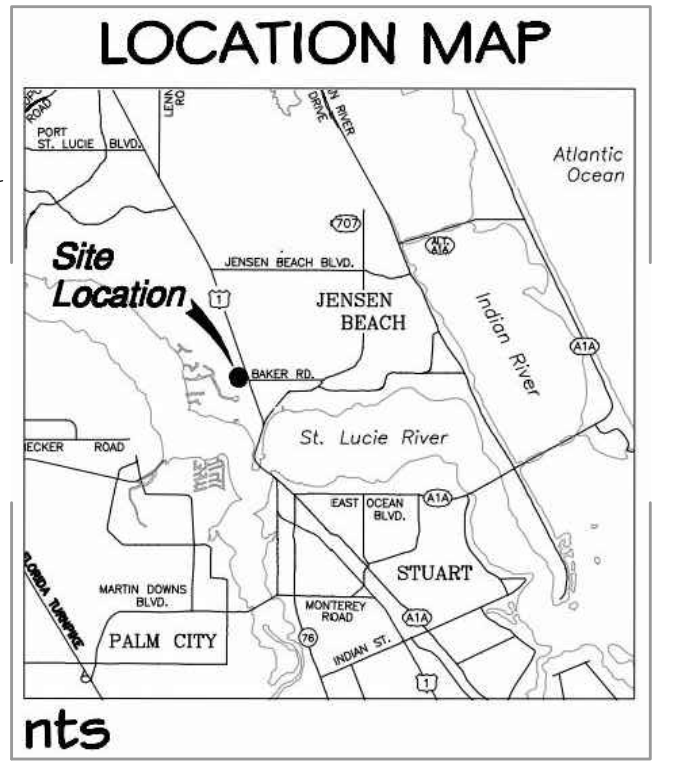
WYNNE COMMERCIAL  
HILTON SUITES OF STUART  
CITY OF STUART

SITE PLAN

GIANGRANDE ENGINEERING AND PLANNING  
73 SW FLAGLER AVENUE  
STUART, FLORIDA 34994  
PH. (703) 999-8972  
Cert. No. 30901

LEO GIANGRANDE, P.E.  
License No: 66387

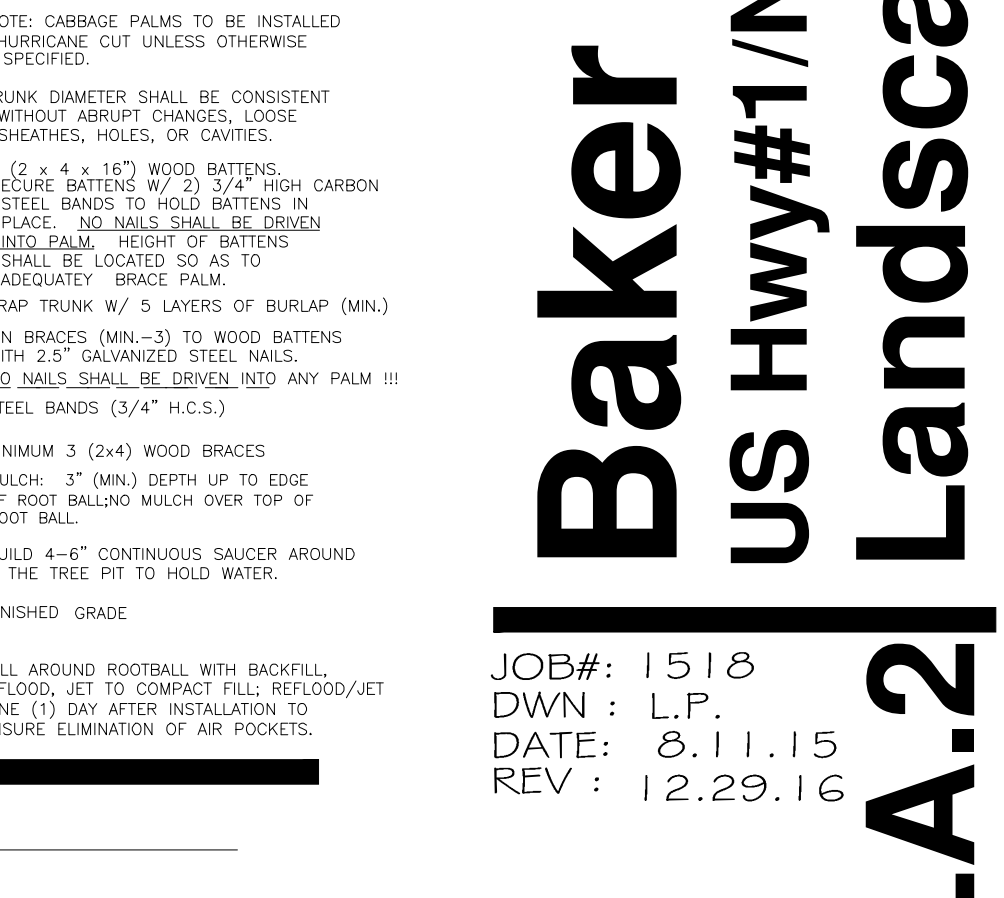
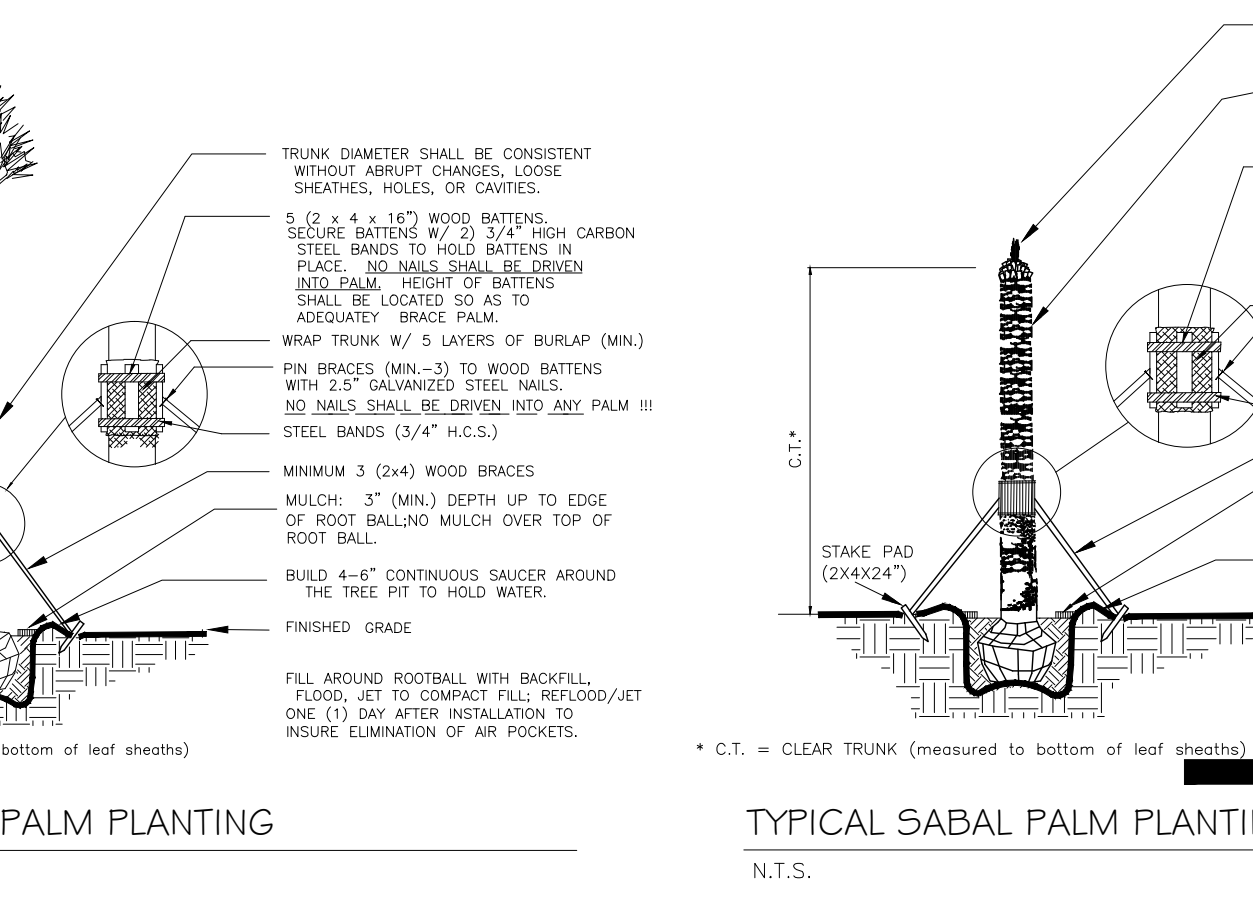
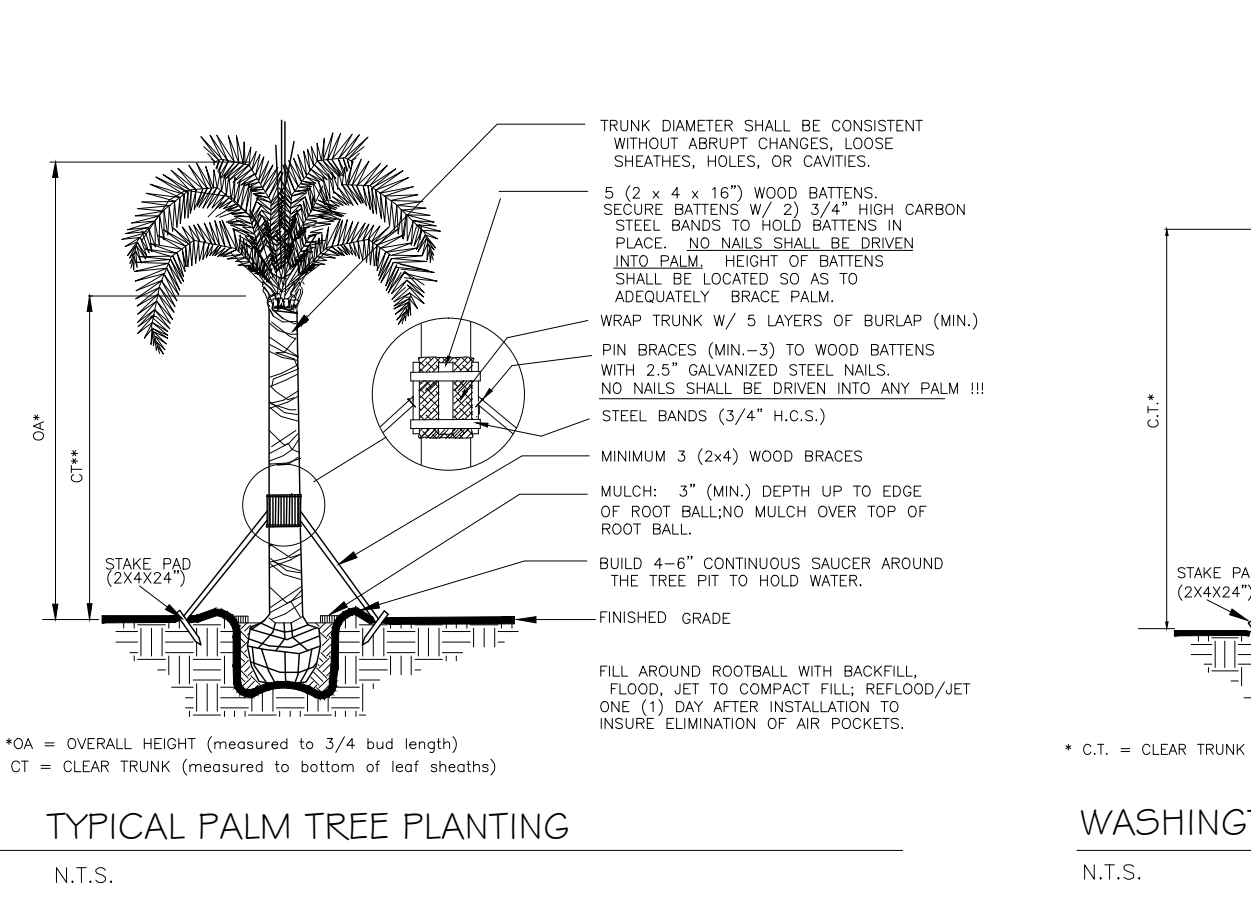
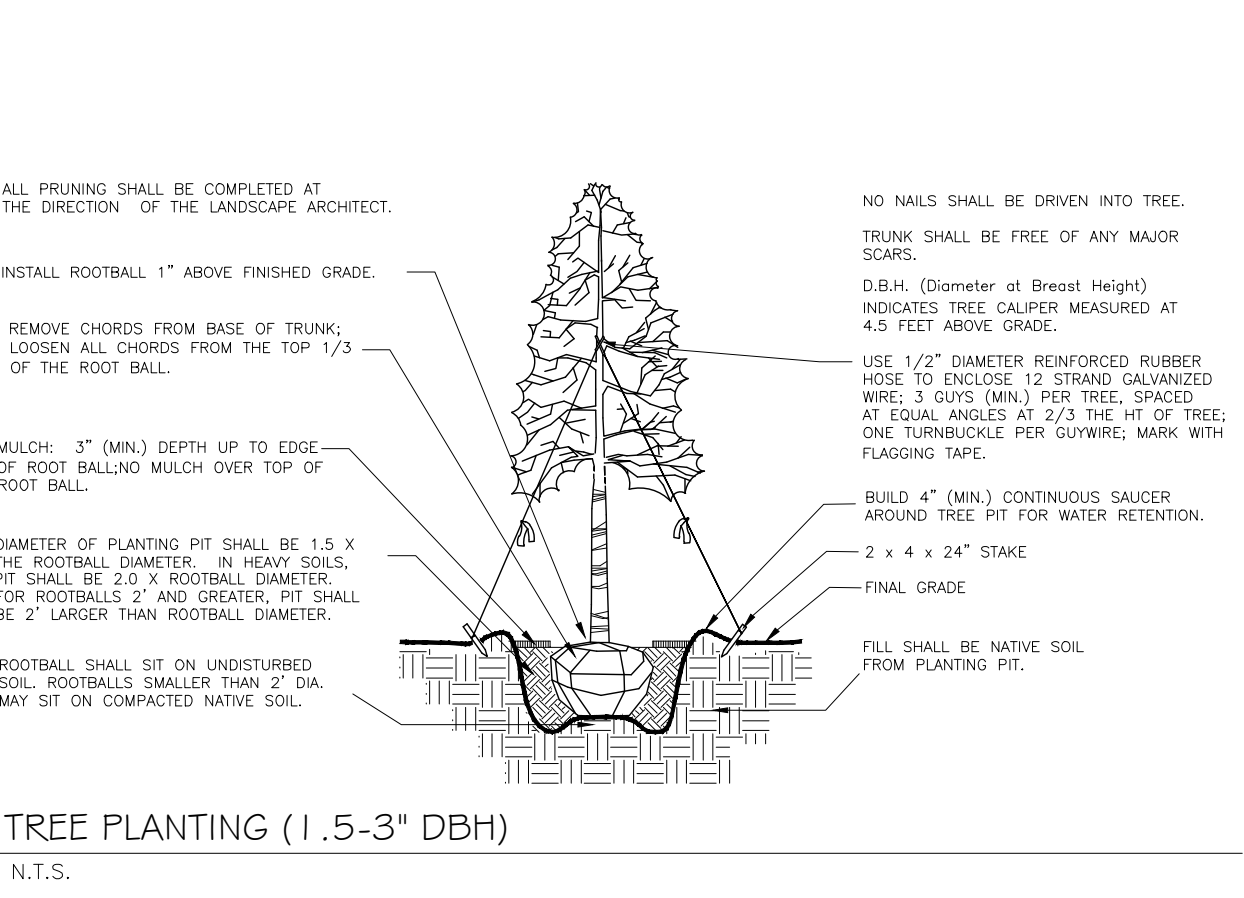
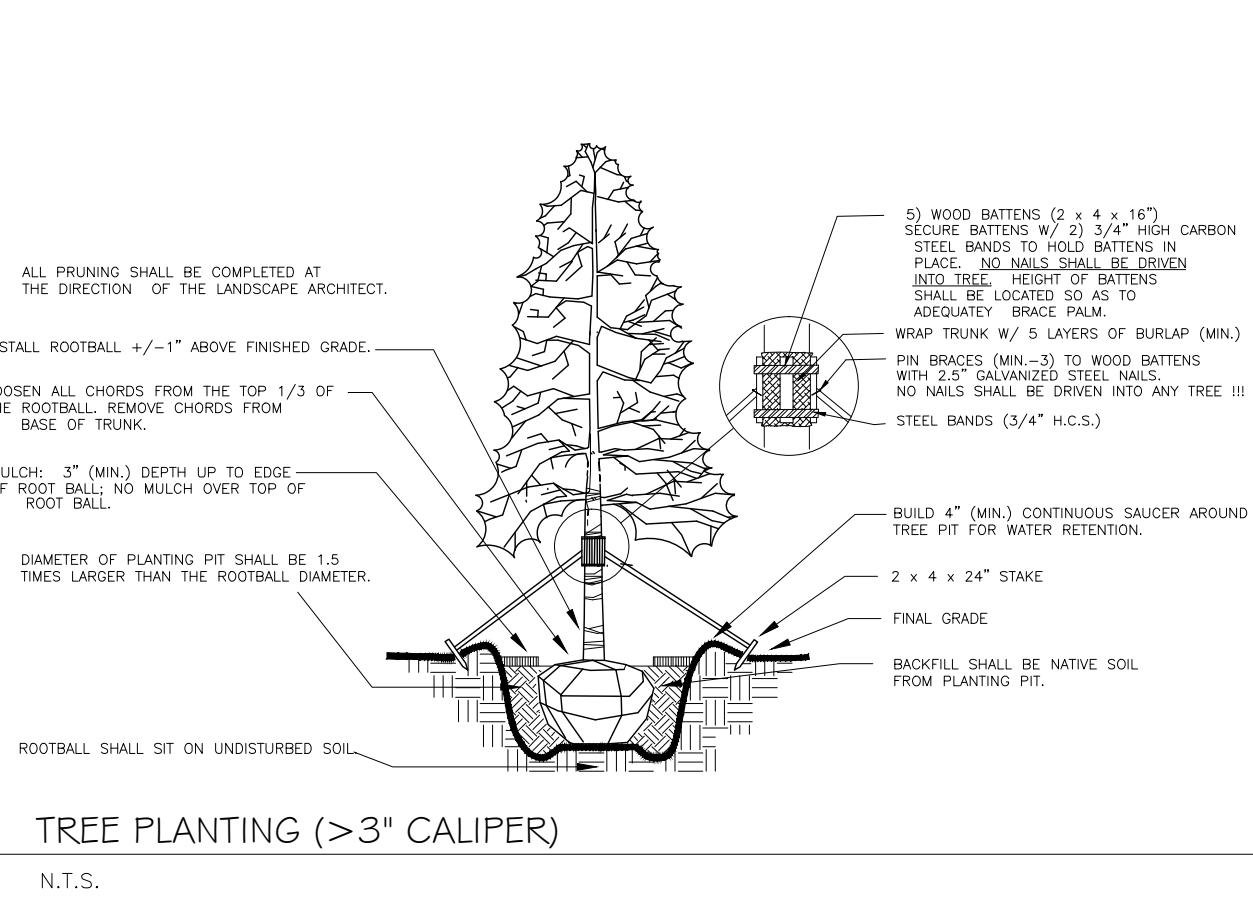
SP-1





PLANT LIST

SYM	QTY	BOTANICAL NAME	COMMON NAME	SPECIFICATIONS
LJ	14	LIGUSTRUM JAPONICUM	GLOSSY PRIVET	TR.STD.;6' X 6';MULTI-TRNK;HVY;NO FUNGUS;B/B.
MG	8	MAGNOLIA GRANDIFLORA 'DD BLANCHARD'	MAGNOLIA VAR. "DD BLANCHARD"	1 6' x 6'; 3.5" DBH; FULL-TO-BASE; HVY.; B/B.
QV	21	QUERCUS VIRGINIANA	SOUTHERN LIVE OAK	1 4' x 5'; 3" DBH; SINGLE STRT. TRNK.; B/B.
QV. I	11	QUERCUS VIRGINIANA 'CATHEDRAL'	"CATHEDRAL" LIVE OAK	1 00 GAL: 1 6-1 8' X 8-1 0'; 5-6" CAL.; SNGL. STRT. TRNK.;HVY.
PE	21	PINUS ELLIOTTII 'DENSEA'	SLASH PINE VAR. "DENSEA"	1 2-1 4' HT.; HVY; STRT. TRNK.; FULL-TO BASE; B/B.
RR	8	ROYSTONEA REGIA	FLORIDA ROYAL PALM	1 4-1 6' GW; UNIFORM DBH; NO SCARS; FULL,HVY HD.;B/B.
RR. I	2	ROYSTONEA REGIA	FLORIDA ROYAL PALM	DBL: 1 4-1 6' GW; UNIFORM DBH; NO SCARS; FULL,HVY HD.;B/B.
SP	14	SABAL PALMETTO	CABBAGE PALM	1 0 -1 6' CT; HURRICANE CUT; ST'GG'R'D HDS.; B/B.
TR	12	THRINAX RADIATA	FLORIDA THATCH PALM	25-GAL; 6' HT.; FULL, HEAVY HEAD.
WB	9	WODYETIA BIFURCATA	FOXTAIL PALM	TRPL: 1 0-1 2' CT.;SMOOTH TRNKS.; FULL HDS.;B/B.
WR	30	WASHINGTONIA ROBUSTA	WASHINGTON PALM	1 0 -1 6' CT; ST'GG'R'D HDS.; B/B.
ALP	23	ALPINIA ZERUMBET # ALPINIA ZERUMBET 'VARIEGATA'	GREEN # VARIEGATED SHELL GINGER (EQ./EQ.)	3-GAL; 24" OA; AS SHOWN (A.S.)
BRU	3	BRUNFELSIA PAUCIFLORA	YESTERDAY, TODAY & TOMORROW	3-GAL; 24" OA; A.S.
CAR	85	CARISSA MACROCARPA 'EMERALD BLANKET'	"EMERALD BLANKET" CARISSA	3-GAL; 1 4-1 6" OA; A.S.
CHR	212	CHRYSOBALANUS ICACO 'RED TIP'	RED TIP COCOPLUM	3-GAL; 24" OA; A.S.
COD	26	CODIAEUM VARIEGATUM PICTUM 'PETRA'	"PETRA" CROTON	3-GAL; 24" OA; A.S.
COR	21	CORDYLINE FRUTICOSA 'RED SISTER'	"RED SISTER" TI PLANT	7-GAL; 3PPP (MIN.); 36-42" HT.; HVY; FULL; A.S.
CRO	45	CODIAEUM VARIEGATUM PICTUM 'MAMMEY'/STOPLIGHT'/GOLDUST'	"MAMMEY"/"STOPLIGHT"/"GOLDUST" CROTON (EQ./EQ./EQ.)	3-GAL; 24" OA; A.S. (15: EACH VARIETY; PLANT AT RANDOM)
HRS	10	HIBISCUS ROSA-SINENSIS 'DOUBLE ORANGE'	"DOUBLE ORANGE" HIBISCUS	1 5-GAL (MIN.); TR. STD.; 6' HT.; HVY; A.S.
MAC	65	NEPHROLEPIS FALCATA	MACHO FERN	3-GAL; 24" OA; A.S.
PEN	13	PENNISETUM SETACUM 'ALBA'	WHITE FOUNTAIN GRASS	3-GAL; 24" X 1 8"; A.S.
PHI	88	PHILODENDON BIPINNATIFIDUM	PHILODENDRON SELLOUM	3-GAL; 36" OA; A.S.
PLU	44	PLUMBAGO CAPENSIS 'IMPERIAL BLUE'	"IMPERIAL BLUE" PLUMBAGO	3-GAL; 24" X 1 8"; A.S.
POD	236	PODOCARPUS MACROCARPUS 'MAKI'	YEW PODOCARPUS	7-GAL; 36" X 1 4"; A.S.
RHA	255	RHAPHIOLEPIS INDICA	INDIAN HAWTHORNE	3-GAL; 1 5-1 8" OA; A.S.
ZAM	18	ZAMIA FURFURACEA	CARDBOARD PALM	25-GAL; 36" 48"; HEAVY; FULL;A.S.
ASP	423	ASPARAGUS DENSIFLORUS 'MYERSII'	FOXTAIL FERN	1 -GAL; 8" OA; HEAVY; FULL; 1 8" OC.
CLU	313	CLUSIA GUTTIFERA 'NANA'	DWARF SMALL-LEAF CLUSIA	3-GAL; 1 2-1 4" OA; A.S. (24" OC. MIN.)
IMP	146	IMPATIENS NEW GUINEA "HARMONY: RED/SALMON/PINK"	NEW GUINEA IMPATIENS: HARMONY VARIETIES-"RED"/"SALMON"/"PINK" (EQ/EQ/EQ)	1 -GAL; FULL; HEAVY; AS SHOWN (1 8" OC, TYP.).
LIR	1496	LIRIOPE MUSCARI 'EVERGREEN GIANT'	"EVERGREEN GIANT" LIRIOPE	1 -GAL; 1 2-1 5" HT.; FULL & THICK; 1 5" OC.
MOR	41	DIETES BICOLOR	YELLOW AFRICAN IRIS	3-GAL; 1 8-22" HT; HEAVY; FULL; A.S.
PMP	103	PODOCARPUS MACROPHYLLUS 'PRINGLES'	DWARF PODOCARPUS	3-GAL; FULL, HEAVY; AS SHOWN.
SAN	109	SANSEVIERIA TRIFASCIATA 'LAURENTII'	SNAKE PLANT VAR. "LAURENTII"	3-GAL; 1 8-30" HT; HEAVY; FULL; A.S.
ANN	340	ANNUAL COLOR	SEASONAL VARIETIES	4" CONT.; FULL W/ BLOSSOMS; 1 2" OC.
SOD	6,550 SF (+/-)	STENOTAPHRUM SECUNDATUM VAR. 'FLORITAM'	ST. AUGUSTINE SOD VAR. "FLORITAM"	SOLID SOD; DISEASE-FREE; LAID TIGHT W/ EVEN JOINTS.



SITE	131,343	3.02	100%
IMPERVIOUS	74,725	1.72	57 %
PERVIOUS	56,869	1.30	43 %

Landscape Data

Total Area	3.02 Ac.
------------	----------

Trees required	53
----------------	----

(3.02 Ac x 43,560/2500 = 52.62 = 53

Trees supplied	88
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Shade trees required	27
----------------------	----

(53 x 50% = 26.5 = 27)

Shade trees supplied	61
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Landscape area required	0.60 Ac.
-------------------------	----------

(3.02 x 20% = 0.60 Ac.,per 6.06.03,B.1.)

Landscape area supplied	1.14 Ac.
-------------------------	----------

Interior trees required	26
-------------------------	----

(0.60 x 50% = 0.30 Ac x 43,560/500 =

26.14 = 26 per 6.06.07, C.)

Interior trees supplied	43
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Perimeter trees required	20
--------------------------	----

(610LF/30LF = 20.33 = 20)

Perimeter trees supplied	29
--------------------------	----

Proposed Zoning	CPUD
Existing Use	Vacant

Required Xeriscape Points	points
Utilization of a moisture sensing controller other than a rain-sensor override device	5
51% (or more) of the grass areas are made up of drought-tolerant grass species	10
51% (or more) of the required shrubs are made up of drought-tolerant species	10
51% (or more) of the required trees are made up of drought-tolerant species	10
Sod areas less than 50% of the landscape area	5
Utilization of compacted mulch with a 3" min. depth in all planted areas (except ground cover)	10
	total 50

NOTES

- All plant material shall be Florida No. 1 or better.
- All plant material shall be installed in a neat, workman-like manner in conformance with standard Landscape Industry practice.
- All plant material shall be guaranteed for NINETY (90) days commencing on date of certification by Landscape Architect. All warranties are voided by damage from frost conditions, high winds, improper maintenance (neglect) or vandalism.
- All shrub areas shall receive 3" of organic mulch; ground cover up to 2". Keep mulch back from base of stems. Do not use RED MULCH. Cypress mulch is not permitted. Note "pine straw" area on Sheet LA.1.
- Use clean, weed-seed free, re-cycled OR Eucalyptus mulch.
- All trees in sod areas shall retain a NON-MULCHED cleared area, large enough to extend beyond the root ball perimeter (3' radius, min.). NO SOD nor MULCH shall be placed over top of the root ball. Any weed growth shall be immediately removed BY HAND prior to installation and during grow-in period.
- Irrigation shall be supplied by an underground, automatic, pop-up type sprinkler system, guaranteeing 100% coverage of planted area w/o overspray onto any public (or private) pavement area.
- All prohibited exotic and invasive species shall be removed from entire site prior to the issuance of a Certificate of Occupancy.
- Sod quantities are estimates. Contractor shall verify actual quantities required using final, "as-built", field dimensions to calculate square footage.

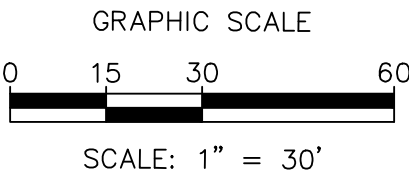
LPLA

Laurence L. Parr  
Landscape Architect  
235 Maplewood Drive  
Clarksville, Tennessee 37042  
931.378.5435  
lpla1@bellsouth.net

Baker Road Commons  
US Hwy#1/NW 20th Street, Stuart, Florida  
Landscape Plant List/Details  
JOB#: 1518  
DWN : L.P.  
DATE: 8.11.15  
REV : 12.29.16

SCALE: no scale





Drawing Name: C:\Users\GEP\_2\Dropbox\Hilton of Stuart\Design\Site Plan\Wynne Site Plan\_GEP\_2\_2016.11.17.dwg Layout Name: SITEPLAN - Plotted by: GEP\_2 - Date: 4/5/2017 - 1:02 PM - Holtz Consulting Engineers

PRESERVE AREA CALCULATION  
TOTAL SITE AREA = 131,343 S.F.  
REQUIRED 25% PRESERVE = 32,835 S.F.  
PROVIDED 25.1% PRESERVE= 33,026 S.F.

LEGEND

- PRESERVE AREA
- PROPOSED ASPHALT
  - CONCRETE WALK

SITE DATA			
	SQ. FT.	AC	PCT
TOTAL SITE AREA			
131,594 3.02 100%			
IMPERVIOUS			
BUILDINGS (HOTEL)	14,868	0.34	11%
ASPHALT	44,046	1.01	33%
POOL / POOL DECK	15,591	0.36	12%
SIDEWALK	220	0.01	0%
TOTAL	74,725	1.72	57%
PERVIOUS			
GREEN SPACE	56,869	1.31	43%
TOTAL	56,869	1.31	43%

PARKING TABULATION  
1 PER ROOM @ 106 ROOMS= 106 SPACES  
2 PARKING SPACES PER 3 EMPLOYEES @12= 8 SPACES  
TOTAL SPACES REQUIRED 114 SPACES

REQUIRED HANDICAP SPACES 5 SPACES  
TOTAL PROVIDED PARKING SPACES 116 SPACES  
HANDICAP SPACES PROVIDED 5 SPACES

ZONING.....CPUD  
EXISTING USE.....VACANT

REFER TO ARCHITECTURAL PLANS FOR ELEVATIONS AND FLOOR PLANS.

Date: 11-17-2016  
Scale: 1"=20'  
Design By: LDG  
Drawn By: JLS  
Check By: JLS

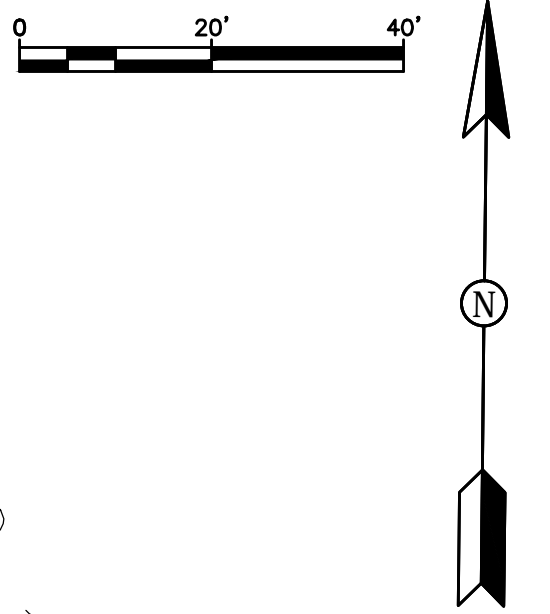
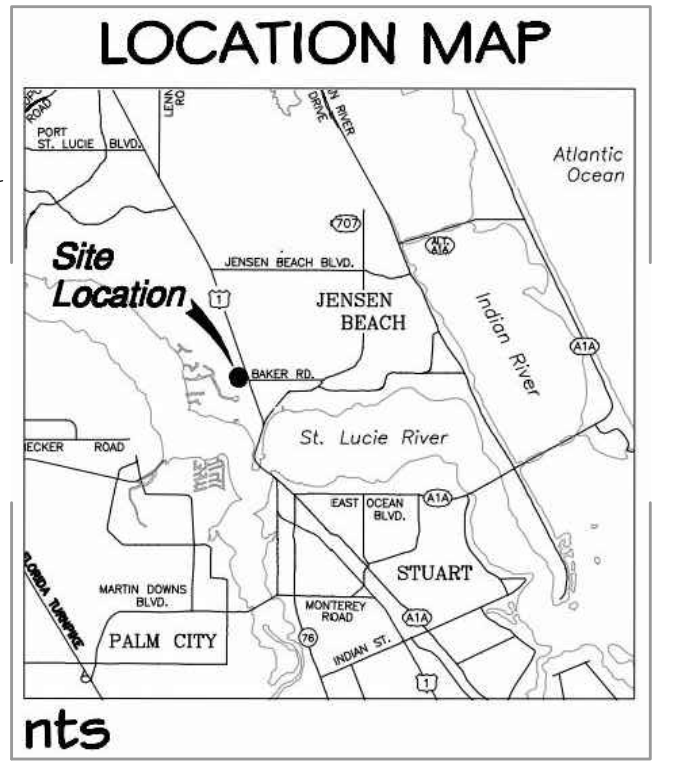
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HILTON SUITES OF STUART  
CITY OF STUART

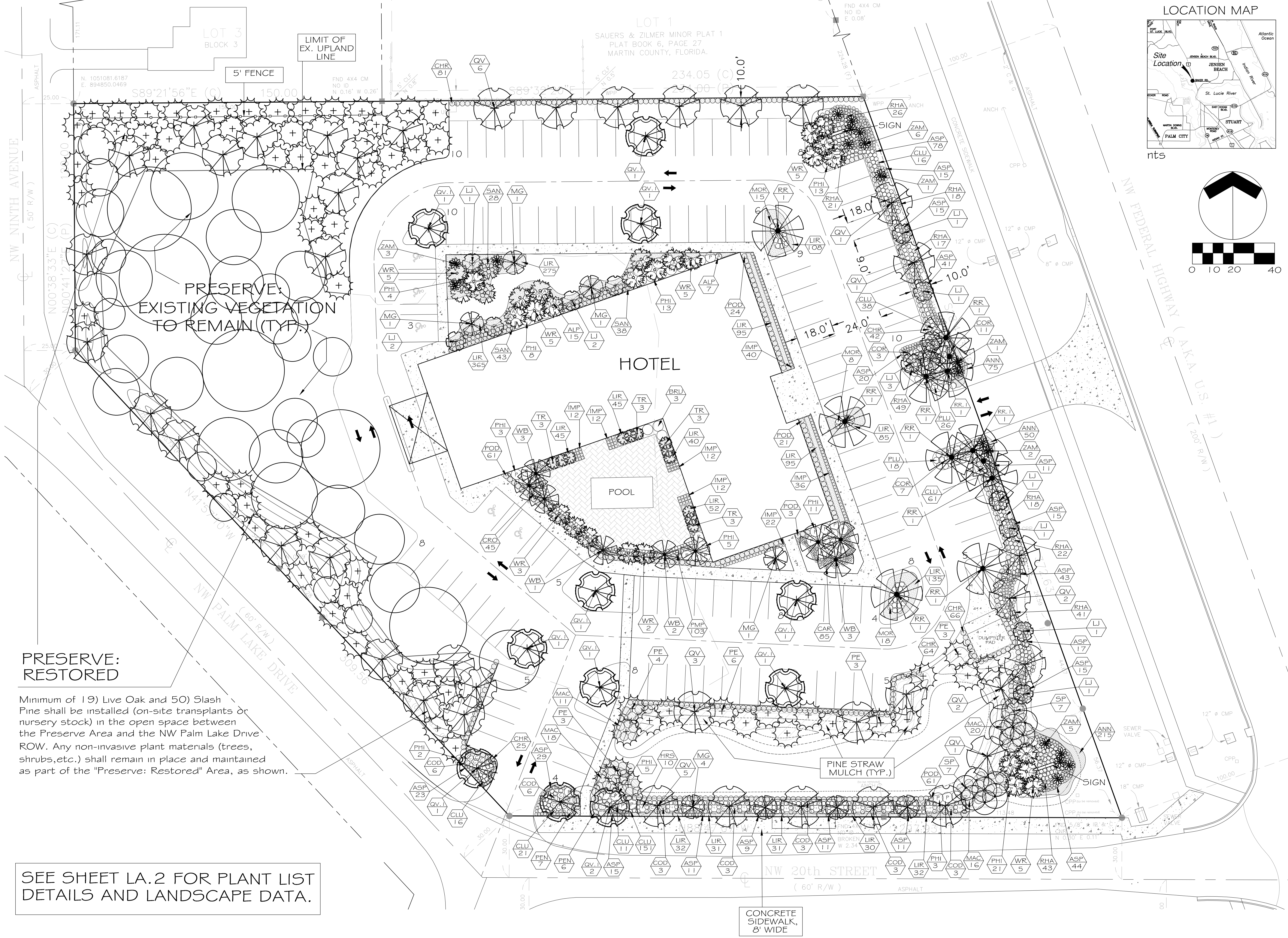
SITE PLAN

GIANGRANDE ENGINEERING AND PLANNING  
73 SW FLAGLER AVENUE  
STUART, FLORIDA 34994  
PH. (703) 999-8972  
Cert. No. 30901

LEO GIANGRANDE, P.E.  
License No: 66387

SP-1

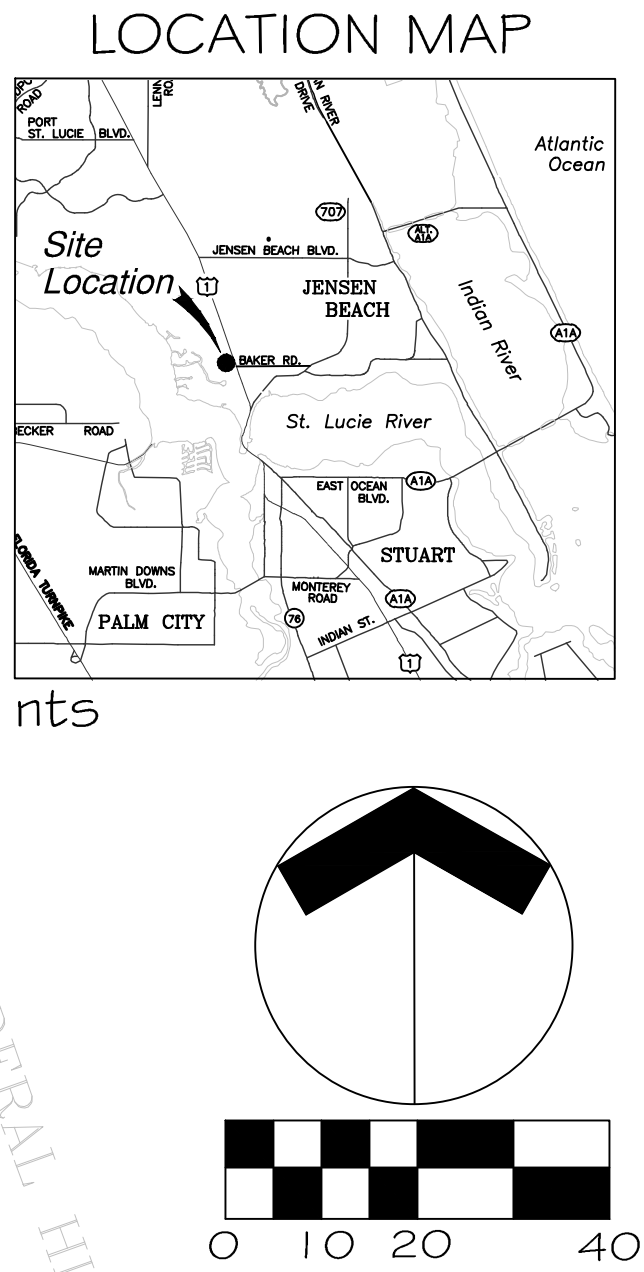




**PRESERVE: RESTORED**

Minimum of 19) Live Oak and 50) Slash Pine shall be installed (on-site transplants or nursery stock) in the open space between the Preserve Area and the NW Palm Lake Drive ROW. Any non-invasive plant materials (trees, shrubs, etc.) shall remain in place and maintained as part of the "Preserve: Restored" Area, as shown.

SEE SHEET LA.2 FOR PLANT LIST DETAILS AND LANDSCAPE DATA.



**LPLA**

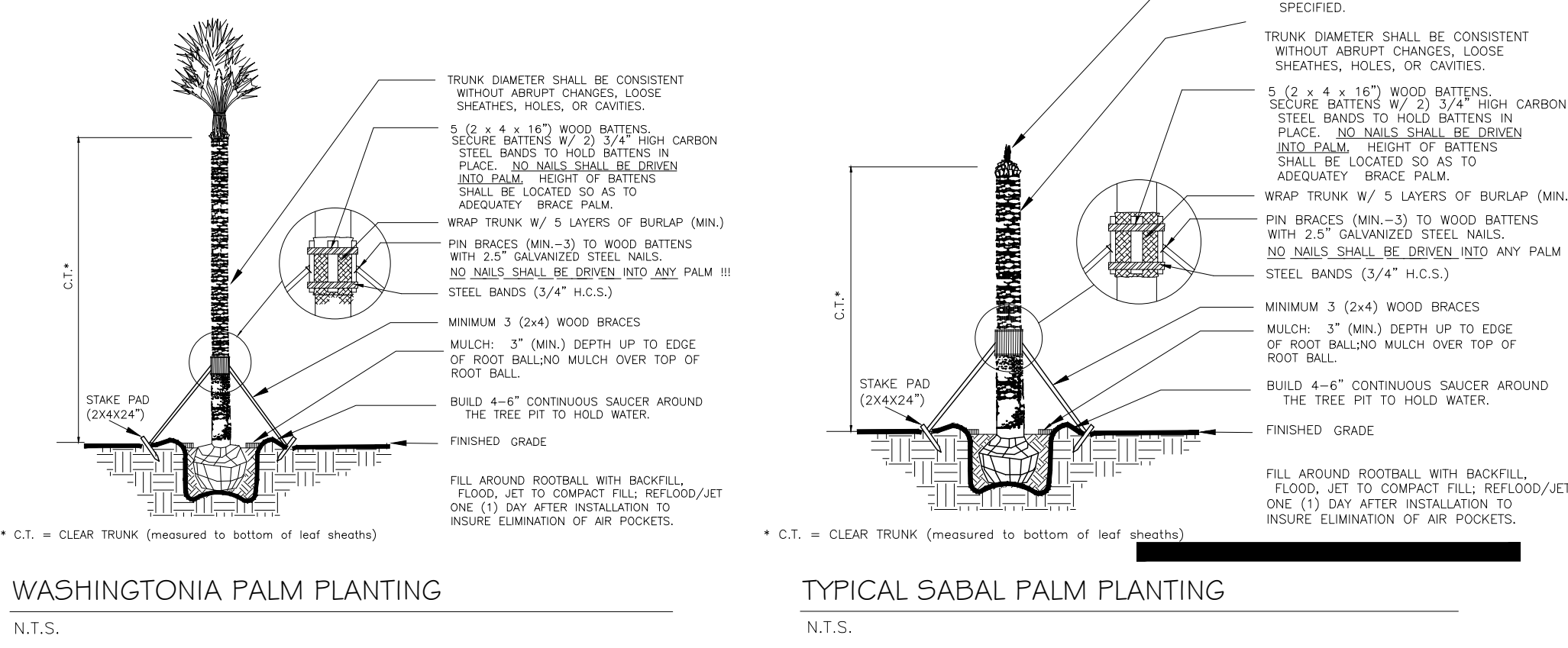
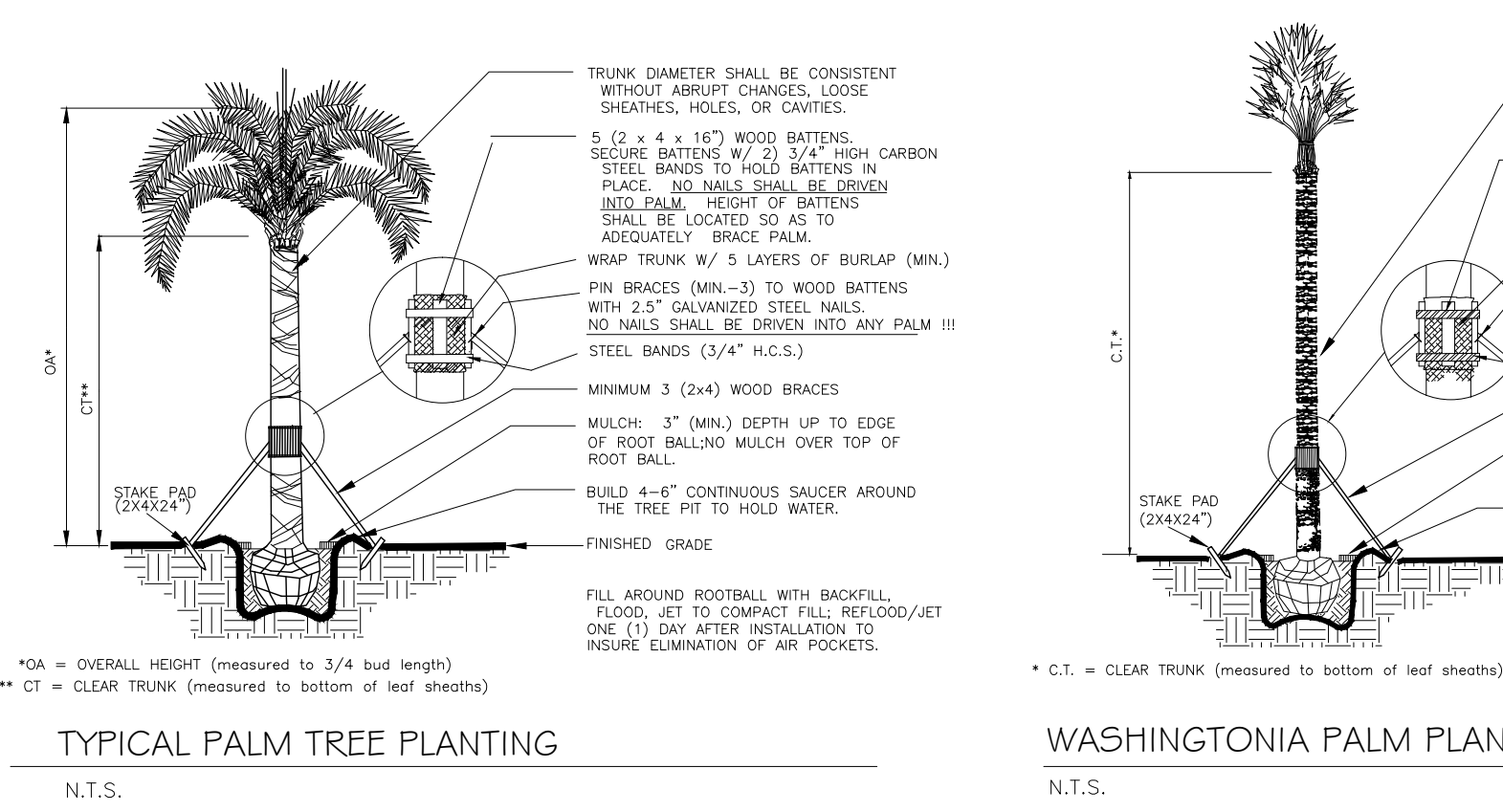
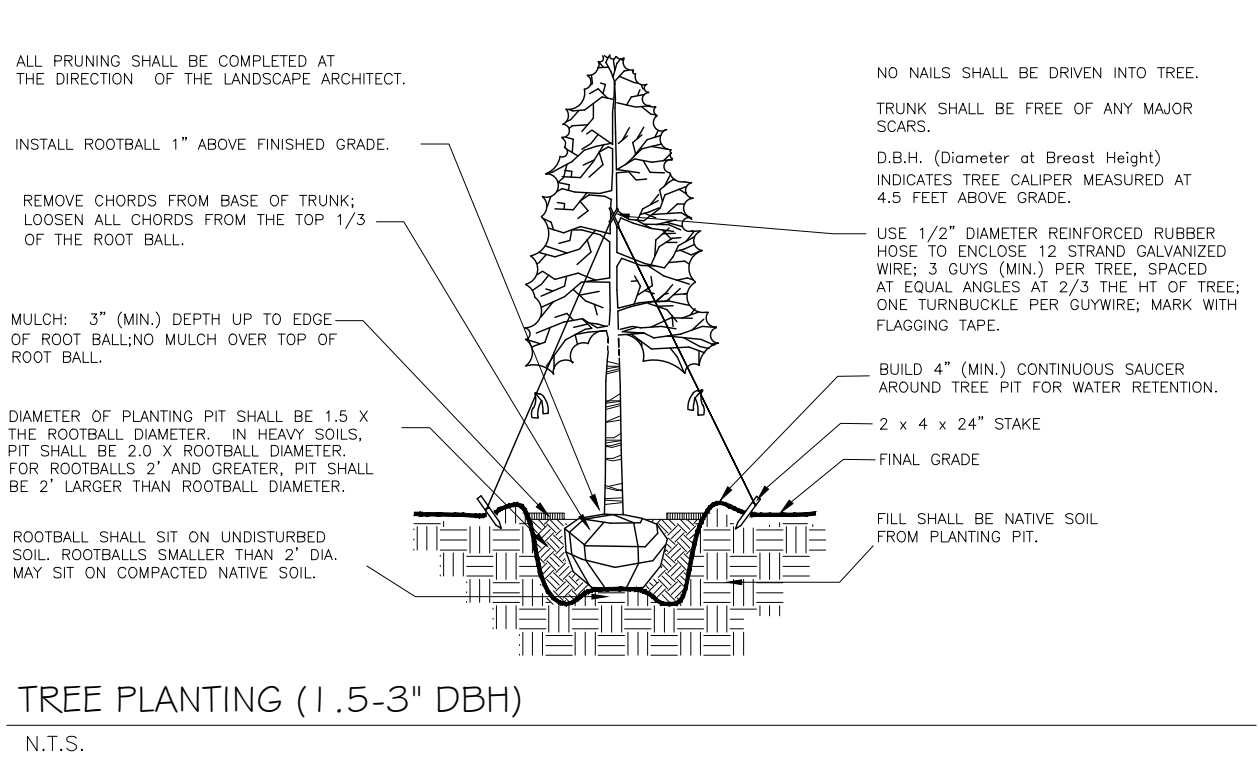
Laurence L. Parr  
Landscape Architect  
235 Maplewood Drive  
Clarksville, Tennessee 37042  
931.378.5435  
lpla1@bellsouth.net

**Baker Road Commons**  
US Hwy#1/NW 20th Street, Stuart, Florida  
**LA.1 Landscape Plan**

JOB#: 1518  
DWN: L.P.  
DATE: 8.11.15  
REV: 8.27.15  
12.29.16

SCALE: 1" = 20'-0"

SYM	QTY	BOTANICAL NAME	COMMON NAME	SPECIFICATIONS
LJ	14	LIGUSTRUM JAPONICUM	GLOSSY PRIVET	TR.STD.; 6' X 6'; MULTI-TRNK; HVY; NO FUNGUS!; B/B.
MG	8	MAGNOLIA GRANDIFLORA 'DD BLANCHARD'	MAGNOLIA VAR. "DD BLANCHARD"	16' x 6'; 3.5" DBH; FULL-TO-BASE; HVY.; B/B.
QV	21	QUERCUS VIRGINIANA	SOUTHERN LIVE OAK	14' x 5'; 3" DBH; SINGLE STRT. TRNK.; B/B.
QV.1	11	QUERCUS VIRGINIANA 'CATHEDRAL'	'CATHEDRAL' LIVE OAK	100 GAL; 16-18" X 8-10"; 5-6" CAL.; SNGL. STRT. TRNK.; HVY.
PE	21	PINUS ELLIOTTII 'DENSE'	SLASH PINE VAR. "DENSE"	12-14' HT.; HVY; STRT. TRNK.; FULL-TO BASE; B/B.
RR	8	ROYSTONEA REGIA	FLORIDA ROYAL PALM	14-16' GW; UNIFORM DBH; NO SCARS; FULL; HVY HD.; B/B.
RR.1	2	ROYSTONEA REGIA	FLORIDA ROYAL PALM	DBL: 14-16' GW; UNIFORM DBH; NO SCARS; FULL; HVY HD.; B/B.
SP	14	SABAL PALMETTO	CABBAGE PALM	10-16' CT; HURRICANE CUT; ST'GG'R'D HDS.; B/B.
TR	12	THRINAX RADIATA	FLORIDA THATCH PALM	25-GAL; 6' HT.; FULL, HEAVY HEAD.
WB	9	WODYETIA BIFURCATA	FOXTAIL PALM	TRPL: 10-12' CT.; SMOOTH TRNK.S.; FULL HDS.; B/B.
WR	30	WASHINGTONIA ROBUSTA	WASHINGTON PALM	10-16' CT; ST'GG'R'D HDS.; B/B.
ALP	23	ALPINIA ZERUMBET & ALPINIA ZERUMBET 'VARIEGATA'	GREEN & VARIEGATED SHELL GINGER (EQ./EQ.)	3-GAL; 24" OA; AS SHOWN (A.S.)
BRU	3	BRUNFELSIA PAUCIFLORA	YESTERDAY, TODAY & TOMORROW	3-GAL; 24" OA; A.S.
CAR	85	CARISSA MACROCARPA 'EMERALD BLANKET'	"EMERALD BLANKET" CARISSA	3-GAL; 14-16" OA; A.S.
CHR	212	CHRYSOBALANUS ICACO 'RED TIP'	RED TIP COCOPLUM	3-GAL; 24" OA; A.S.
COD	26	CODIAEUM VARIEGATUM PICTUM 'PETRA'	"PETRA" CROTON	3-GAL; 24" OA; A.S.
COR	21	CORDYLINE FRUTICOSA 'RED SISTER'	"RED SISTER" TI PLANT	7-GAL; 3PPP (MIN.); 36-42" HT.; HVY; FULL; A.S.
CRO	45	CODIAEUM VARIEGATUM PICTUM 'MAMMEY/STOPLIGHT/GOLDUST'	"MAMMEY"/"STOPLIGHT"/"GOLDUST" CROTON (EQ./EQ./EQ.)	3-GAL; 24" OA; A.S. (15: EACH VARIETY; PLANT AT RANDOM)
HRS	10	HIBISCUS ROSA-SINENSIS 'DOUBLE ORANGE'	"DOUBLE ORANGE" HIBISCUS	15-GAL (MIN.); TR. STD.; 6' HT.; HVY; A.S.
MAC	65	NEPHROLEPIS FALCATA	MACHO FERN	3-GAL; 24" OA; A.S.
PEN	13	PENNISSETUM SETACUM 'ALBA'	WHITE FOUNTAIN GRASS	3-GAL; 24" X 18"; A.S.
PHI	88	PHILODENDON BIPINNATIFIDUM	PHILODENDRON SELLOUM	3-GAL; 36" OA; A.S.
PLU	44	PLUMBAGO CAPENSIS 'IMPERIAL BLUE'	"IMPERIAL BLUE" PLUMBAGO	3-GAL; 24" X 18"; A.S.
POD	236	PODOCARPUS MACROCARPUS 'MAKI'	YEW PODOCARPUS	7-GAL; 36" X 14"; A.S.
RHA	255	RHAPHIOLEPIS INDICA	INDIAN HAWTHORNE	3-GAL; 15-18" OA; A.S.
ZAM	18	ZAMIA FURFURACEA	CARDBOARD PALM	25-GAL; 36" 48"; HEAVY; FULL; A.S.
ASP	423	ASPARAGUS DENSIFLORUS 'MYERSII'	FOXTAIL FERN	1-GAL; 8" OA; HEAVY; FULL; 18" OC.
CLU	313	CLUSIA GUTTIFERA 'NANA'	DWARF SMALL-LEAF CLUSIA	3-GAL; 12-14" OA; A.S. (24" OC. MIN.)
IMP	146	IMPATIENS NEW GUINEA 'HARMONY: RED/SALMON/PINK'	NEW GUINEA IMPATIENS: HARMONY VARIETIES-"RED"/ "SALMON"/"PINK" (EQ/EQ/EQ)	1-GAL; FULL; HEAVY; AS SHOWN (18" OC, TYP.).
LIR	1496	LIRIOPE MUSCARI 'EVERGREEN GIANT'	"EVERGREEN GIANT" LIRIOPE	1-GAL; 12-15" HT.; FULL & THICK; 15" OC.
MOR	41	DIETES BICOLOR	YELLOW AFRICAN IRIS	3-GAL; 18-22" HT; HEAVY; FULL; A.S.
PMP	103	PODOCARPUS MACROPHYLLUS 'FRINGLES'	DWARF PODOCARPUS	3-GAL; FULL, HEAVY; AS SHOWN.
SAN	109	SANSEVIERIA TRIFASCIATA 'LAURENTII'	SNAKE PLANT VAR. "LAURENTII"	3-GAL; 18-30" HT; HEAVY; FULL; A.S.
ANN	340	ANNUAL COLOR	SEASONAL VARIETIES	4" CONT.; FULL W/ BLOSSOMS; 12" OC.
SOD	6,550 SF (+/-)	STENOTAPHRUM SECUNDATUM VAR. 'FLORITAM'	ST. AUGUSTINE SOD VAR. "FLORITAM"	SOLID SOD; DISEASE-FREE; LAID TIGHT W/ EVEN JOINTS.



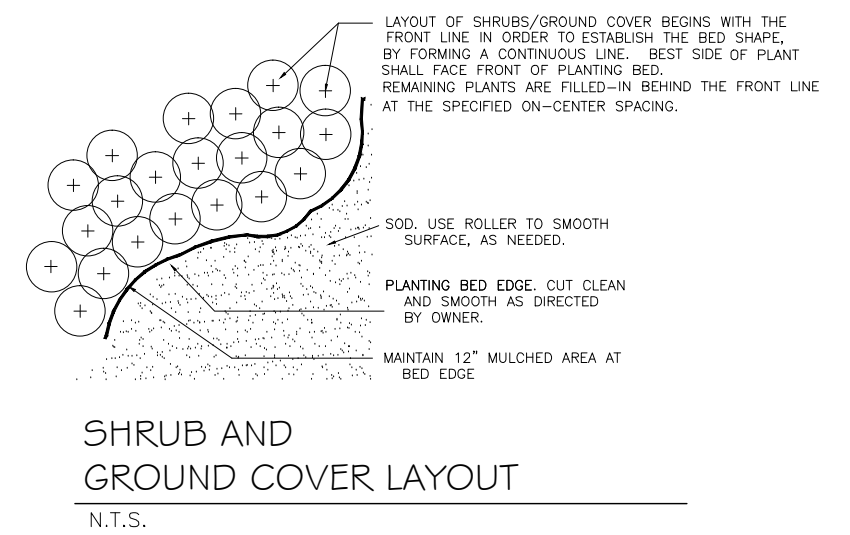
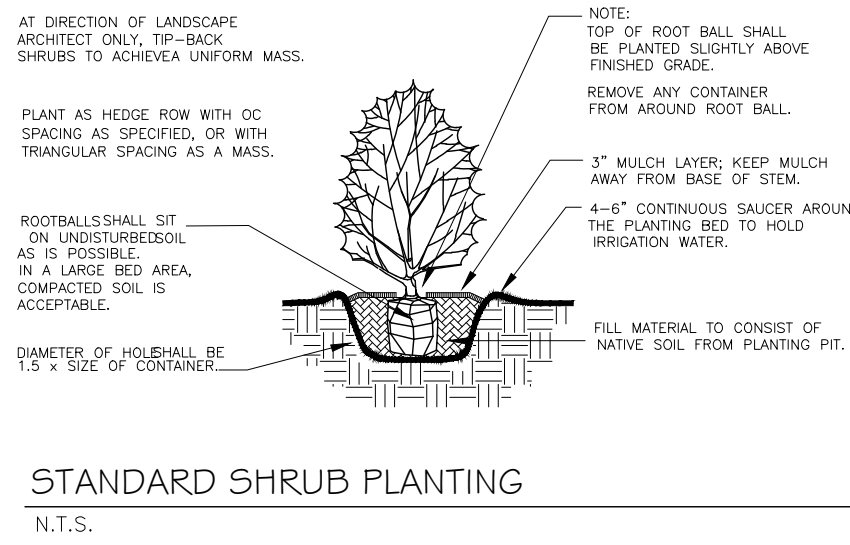
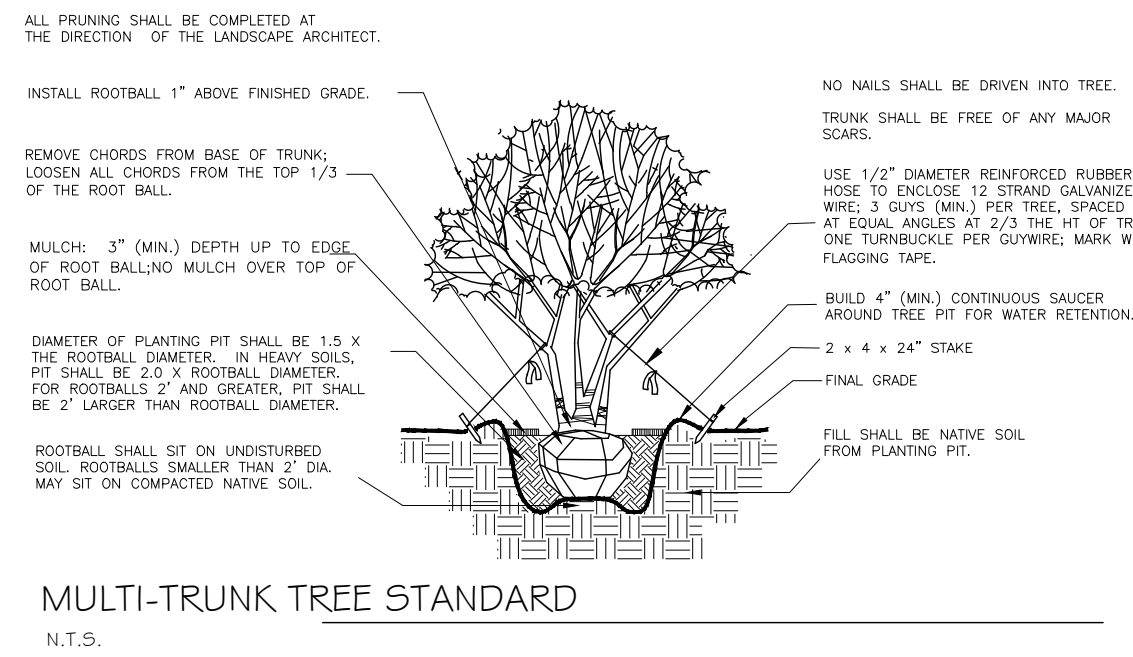
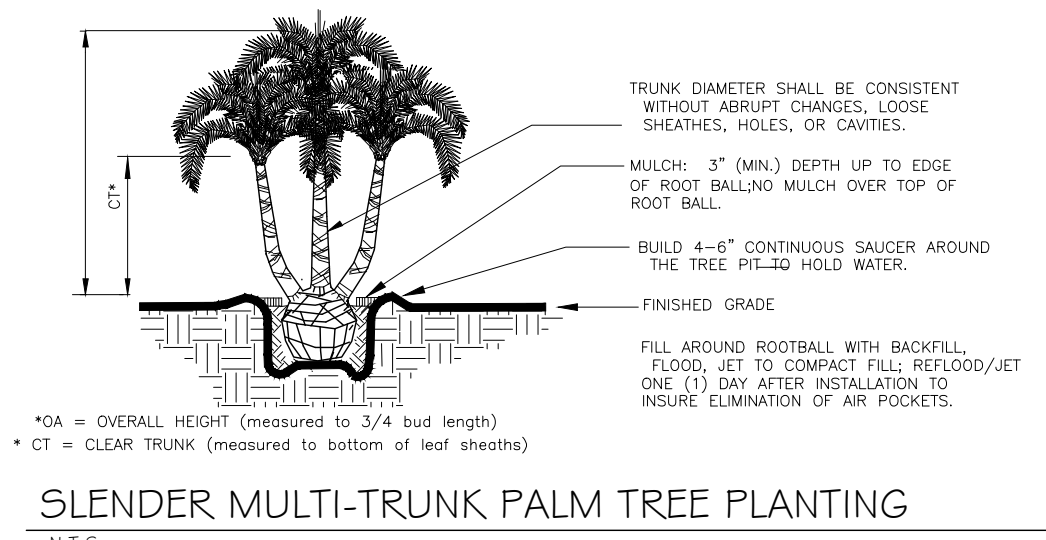
<b>Landscape Data</b>	
<b>Total Area</b>	<b>3.02 Ac.</b>
<b>Trees required</b> (3.02 Ac x 43,560/2500 = 52.62 = 53)	<b>53</b>
<b>Trees supplied</b>	<b>88</b>
<b>Shade trees required</b> (53 x 50% = 26.5 = 27)	<b>27</b>
<b>Shade trees supplied</b>	<b>61</b>
<b>Landscape area required</b> (3.02 x 20% = 0.60 Ac., per 6.06.03, B.1.)	<b>0.60 A</b>
<b>Landscape area supplied</b>	<b>1.14 A</b>

## Perimeter trees required

Proposed Zoning \_\_\_\_\_ CPUD  
Existing Use \_\_\_\_\_ Vacant

Required Xeriscape Points	points
Utilization of a moisture sensing controller other than a rain-sensor override device	5
51% (or more) of the grass areas are made up of drought-tolerant grass species	10
51% (or more) of the required shrubs are made up of drought-tolerant species	10
51% (or more) of the required trees are made up of drought-tolerant species	10
Sod areas less than 50% of the landscape area	5
Utilization of compacted mulch with a 3" min. depth in all planted areas (except ground cover)	10
<b>total</b>	<b>50</b>

- All plant material shall be Florida No. 1 or better.
- All plant material shall be installed in a neat, workman-like manner in conformance with standard Landscape Industry practice.
- All plant material shall be guaranteed for NINETY (90) days commencing on date of certification by Landscape Architect. All warranties are voided by damage from frost conditions, high winds, improper maintenance (neglect) or vandalism.
- All shrub areas shall receive 3" of organic mulch; ground cover up to 2". Keep mulch back from base of stems. Do not use RED MULCH. Cypress mulch is not permitted. Note "pine straw" area on Sheet LA. 1.
- Use clean, weed-seed free, re-cycled OR Eucalyptus mulch.
- All trees in sod areas shall retain a NON-MULCHED cleared area, large enough to extend beyond the root ball perimeter (3' radius, min.). NO SOD nor MULCH shall be placed over top of the root ball. Any weed growth shall be immediately removed BY HAND prior to installation and during grow-in period.
- Irrigation shall be supplied by an underground, automatic, pop-up type sprinkler system, guaranteeing 100% coverage of planted area w/o overspray onto any public (or private) pavement area.
- All prohibited exotic and invasive species shall be removed from entire site prior to the issuance of a Certificate of Occupancy.
- Sod quantities are estimates. Contractor shall verify actual quantities required using final, "as-built", field dimensions to calculate square footage.



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931.378.5435  
lpl1@bellsouth.net**

**Baker Road Commons**  
**US Hwy#1/NW 20th Street, Stuart, Florida**  
**Landscape Plant List/Details**

JOB#: 1518  
DWN : L.P.  
DATE: 8.11.15  
REV : 12.29.16

**LA.2**

JOB#: 1518  
DWN : L.P.  
DATE: 8.11.15  
REV : 12.29.16

SCALE: no scale



## Traffic Memorandum

Date: December 29, 2016  
To: Stephen Mayer, City of Stuart-Senior Planner  
From: Leo Giangrande, PE  
Subject: Hilton Suites of Stuart (AKA Wynne Commercial, Baker Commons)  
GEP #: 13-0001

Distribution: Joel Wynne, Larry Par  
File

This memorandum has been prepared to provide additional information related to traffic analysis and site access. GEP has provided an updated trip generation for the proposed development. The most current version of the Institute Transportation of Engineers (ITE), Trip Generation Manual 9<sup>th</sup> Edition, published in 2014, provides the appropriate trip generation codes and rates. The following tables provide the trip generation approved in 2015 as well as the proposed change in development to remove the previously approved retail and propose a single 106 room hotel.

2015 Wynne Commercial Center									
Proposed Trip Generation									
			AM			PM			ADT
ITE Code	Type	Amount	In	Out	Total	In	Out	Total	Total
826	Special Retail	10,250 SF	34	36	70	26	26	51	454
310	Hotel	80 rooms	31	23	54	27	29	56	343
	Pass-By Reduction	15%	(5)	(5)	(11)	(4)	(4)	(8)	(68)
		<b>Total</b>	<b>60</b>	<b>54</b>	<b>113</b>	<b>50</b>	<b>51</b>	<b>100</b>	<b>729</b>

2016 Wynne Hilton Hotel Suites									
Proposed Trip Generation									
			AM			PM			ADT
ITE Code	Type	Amount	In	Out	Total	In	Out	Total	Total
826	Special Retail	0 SF	0	0	0	0	0	0	0
310	Hotel	106 rooms	41	30	71	36	38	74	576
	Pass-By Reduction	15%	0	0	0	0	0	0	0
		<b>Total</b>	<b>41</b>	<b>30</b>	<b>71</b>	<b>37</b>	<b>39</b>	<b>74</b>	<b>576</b>

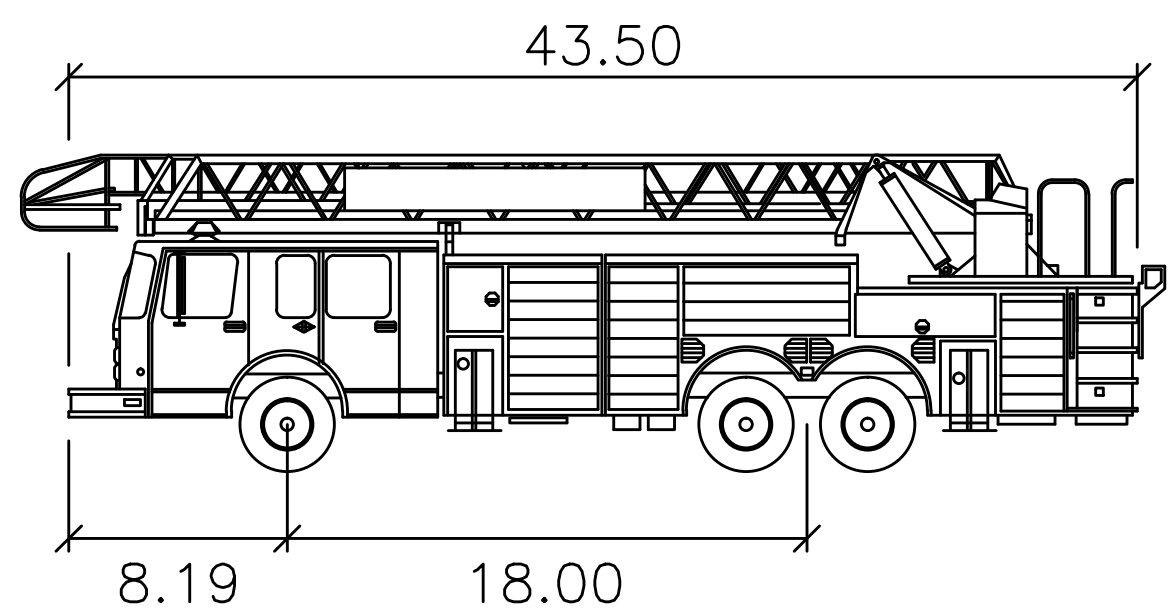
The revised trip generation provides a peak hour (PH) of 74 trips verses the 113 trips provided in the 2015 traffic report publication. The revised trip generation provides an Average Daily Trips (ADT) of 576 trips verses the 729 trips provided in the 2015 traffic report publication.

**Should you have any questions, please contact Leo Giangrande at (772) 888-9076 or e-mail at [Leo@GEP-LLC.com](mailto:Leo@GEP-LLC.com)**

Drawing Name: C:\GEP\GEP projects\2016\Wynne Site Plan\Wynne Site Plan.dwg  
Layout Name: autoturn  
Plotted By: GEP4  
Date: 2/3/2017  
Time: 2:26 PM  
Holtz Consulting Engineers

Martin County Fire Truck  
Custom

Copyright (c) 2012, Transoft Solutions



Martin County Fire Truck

Width : 7.00  
Track : 7.00  
Lock to Lock Time : 6.0  
Steering Angle : 40.0

feet

[ft]

REFER TO ARCHITECTURAL PLANS FOR ELEVATIONS AND FLOOR PLANS.

Date: 11-17-2016  
Scale: 1"=20'  
Design By: LDG  
Drawn By: JLS  
Check By: JLS

WYNNE COMMERCIAL  
HILTON SUITES OF STUART  
CITY OF STUART

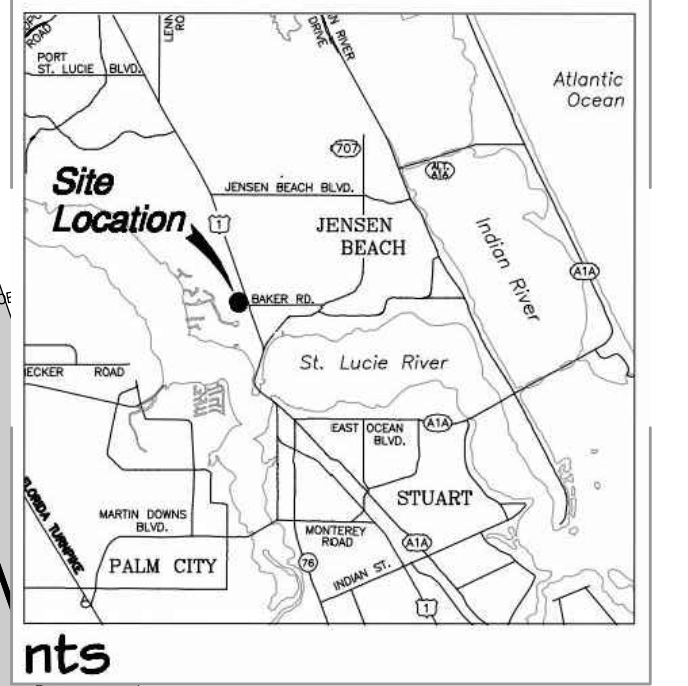
AUTOTURN EXHIBIT

GIANGRANDE ENGINEERING AND PLANNING  
73 SW FLAGLER AVENUE  
STUART, FLORIDA 34994  
PH. (703) 999-8972  
Cert. No. 30901

LEO GIANGRANDE, P.E.  
License No: 66387

EX-1

LOCATION MAP



nts

0 20' 40'

N

P:\Proj\2015\15-131 Palm Lake Park-Backer Road Survey\Survey\15-131 BOUNDARY TOPO AND TREE.DWG, 1/4/2017 10:42:15 AM

LEGAL DESCRIPTION:

Lots 1 and 2, Block 3, of the Plat of PALM LAKE PARK, according to the Plat thereof, recorded in Plat Book 3, Page 41, of the Public Records of Martin County, Florida, together with the North one-half (N 1/2) of abandoned North 21st Street, lying adjacent to said Lots 1 and 2, Block 3, and Lots 1, 2 and 3, Block 2, PALM LAKE PARK, according to the Plat thereof, recorded in Plat Book 3, Page 41, Martin County, Florida Public Records, and the South one-half (1/2) of that portion of North 21st Street that lies between U.S. Highway No. 1 and North Cutlbert Road, as shown on the Plat of PALM LAKE PARK, according to the Plat thereof recorded in Plat Book 3, Page 41, Martin County, Florida Public Records.

NOTES:

- 1) NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
- 2) DESCRIPTION FURNISHED BY CLIENT
- 3) THE LAST DATE OF BOUNDARY FIELD WORK WAS AUGUST 12, 2015.
- 4) OVERALL PARCEL CONTAINS 3.021 ACRES, MORE OR LESS.
- 5) BEARINGS SHOWN HEREON ARE BASED ON THE WEST RIGHT OF WAY LINE OF U.S. HIGHWAY NO. 1 WHICH BEARS SOUTH 18°41'32" EAST AND ALL OTHER BEARINGS ARE RELATIVE THERETO.
- 6) UNDERGROUND UTILITIES, UTILITY SERVICES, FOUNDATIONS AND IMPROVEMENTS WERE NOT LOCATED AS A PART OF THIS SURVEY.
- 7) FLOOD NOTE: BY GRAPHIC PLOTTING ONLY, THIS PROPERTY IS IN ZONE "X" AND ZONE "AE(6)", ACCORDING TO FLOOD INSURANCE RATE MAP, COMMUNITY PANEL NO. 12085C0132 G, EFFECTIVE DATE MARCH 16, 2015. THE EXACT DESIGNATION CAN ONLY BE DETERMINED BY AN ELEVATION CERTIFICATE.
- 8) ADDITIONS OR DELETIONS TO SURVEY MAPS OR REPORTS BY OTHER THAN THE SIGNING PARTY OR PARTIES IS PROHIBITED WITHOUT WRITTEN CONSENT OF THE SIGNING PARTY OR PARTIES.
- 9) ALL DIMENSIONS RELATING TO THE BOUNDARY AND ITS LOCATION ARE MEASURED AND ARE THE SAME AS PLAT/DEED DIMENSIONS UNLESS OTHERWISE NOTED.
- 10) NO INTERIOR IMPROVEMENTS LOCATED AS PART OF THIS SURVEY OTHER THAN THOSE SHOWN HEREON.
- 11) ELEVATIONS SHOWN HEREON ARE BASED ON THE NORTH AMERICAN VERTICAL DATUM OF 1988 UTILIZING NATIONAL GEODETIC SURVEY (NGS) BENCHMARK K-403 HAVING A PUBLISHED ELEVATION OF 7.97', AND MARTIN COUNTY BENCHMARK US-1BAK HAVING A PUBLISHED ELEVATION OF 8.04'.

LEGEND & ABBREVIATIONS

CONC	CONCRETE	P.B.	PLAT BOOK
P.C.P.	PERMANENT CONTROL POINT	C.M.	CONCRETE MONUMENT
FLD	FIELD DATA	O.R.	ORIGINAL RECORDS BOOK
(C)	CALCULATED FROM FIELD MEASUREMENTS	CATV	CABLE TELEVISION
(E)	EXISTING	PIC	PROPERTY LINE
(D)	DEED DATA	COR	CORNER
(T)	TRAIL	P.O.B.	POINT OF BEGINNING
(F)	FENCE	P.O.C.	POINT OF COMMENCEMENT
(B)	BANK	P.M.	PROFESSIONAL MAPPER & SURVEYOR
(H)	HYDRAULIC	U.E.	UTILITY EXISTENT
(L)	LAND	R.S.	REGISTERED LAND SURVEYOR
(O)	OVERHEAD	(P)	PROFESSIONAL SURVEYOR & MAPPER
(S)	SEWER	(M)	REGISTERED METAL PIPE
(T)	TELEPHONE	(A)	ADORE
(V)	VALVE	(M)	MONUMENT
(W)	WATER	(S)	SEWER
(X)	EXCOTIC	(T)	TRAFFIC CONTROL BOX

CERTIFIED TO:  
WYNNE BUILDING CORPORATION

Thomas P. Kiernan  
Professional Surveyor & Mapper  
Florida Certificate No. 6199

COMPUTER FILE REF.	FIELD BK./PG.
15-131	

**CULPEPPER & TERPENING, INC**  
CONSULTING ENGINEERS | LAND SURVEYORS  
2980 SOUTH 25th STREET  
FORT PIERCE, FLORIDA 34981  
PHONE 772-464-3537 FAX 772-464-9497  
www.ct-eng.com  
STATE OF FLORIDA CERTIFICATION No. LB 4286

- REVISIONS -		BY	DATE
ADDED TOPO & TREE LOCATIONS		RNJ	1/25/16

FIELD	BY	DATE
CALCS	GA	08/11/15
DRAWN	RNJ	08/14/15
DETAILED		
CHECKED		
APPROVED		

**BOUNDARY TOPOGRAPHIC & TREE SURVEY**  
LOTS 1&2, BLOCK 3, & LOTS 1,2,&3, BLOCK 2  
PALM LAKE PARK  
PREPARED FOR  
**WYNNE BUILDING CORPORATION**

DATE: 01-26-2015  
HORIZ. SCALE: 1"=30'  
VERT. SCALE: N/A  
JOB No. 15-131  
SHEET 1 OF 1

January 5, 2016

Terry O'Neil  
Development Director  
City of Stuart  
121 SW Flagler Avenue  
Stuart, FL 34994

**RE: Hilton Suites of Stuart  
PUD Amendment Request**

Dear Mr. O'Neil,

Giangrande Engineering & Planning (GEP) is requesting a Planned Unit Development (PUD) Amendment for the Hilton Suites of Stuart site, located immediately north of the intersection of US 1 and NW 20<sup>th</sup> Street (see attached site plan).

The site for the proposed Hilton Suites site was previously approved, but never constructed, for a project named Baker Road Commons. The following is a comparison of the previously approved Baker Road Commons and the proposed Hilton Suites projects:

- The primary difference between the two plans is that the Baker Road Commons plan proposed 10,250 square feet of commercial retail space and a 80 room hotel, while the Hilton Suites plan proposes a 106 room hotel.
- There is no proposed change from the previously approved height of the hotel building.
- The hotel in the Baker Road Commons plan was located approximately 75 feet from the north property line, while the hotel in the Hilton Suites plan is also proposed to be approximately 75 feet from the north property line.
- The dumpster in the Baker Road Commons plan was located approximately 180 feet from the north property line, while the dumpster in the Hilton Suites plan is proposed to be approximately 250 feet from the north property line.
- The estimated average daily traffic (ADT) generated by the Baker Road Commons plan was approximately 729 daily trips, while the estimated ADT generated by the Hilton Suites plan is approximately 522 daily trips.

I appreciate your time and assistance in getting this process started. I would be happy to discuss this further with you by phone or in person if needed. Please do not hesitate to contact me with any questions or comments at 772.888.9076.

Best regards,



Leo D. Giangrande, P.E.  
Principal  
w/ encl.

# General Information

(Please Print or Type)

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

Name: Joel Wynne
Title: Owner
Company: Wynne Building Corporation
Company Address: 8000 South US-1, Suite 402

City/State/Zip Code: Port St Lucie, FL 34952
Telephone Number:
Facsimile Number:
Email Address (optional):

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: Leo Giangrande PE
Title: Principal
Company: Giangrande Engineering & Planning
Company Address: 73 SW Flagler Avenue

City/State/Zip Code: Stuart, FL 34994
Telephone Number: 772.888.9076
Facsimile Number:
Email Address (optional): Leo@GEP-LLC.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: Leo Giangrande, P.E.
Title: Principal
Company: Giangrande Engineering and Planning
Company Address: 73 SW Flagler Avenue

City/State/Zip Code: Stuart, FL 34994
Telephone Number: 772 888 9076
Facsimile Number:
Email Address (optional): Leo@GEP-llc.com

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

4. Signed this 8 day of December, 2016.

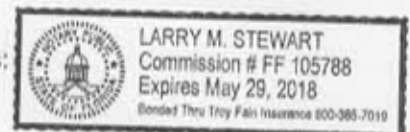


Signature of Property Owner, Lessee, Contract Purchaser or Applicant (circle one)

State of Florida, Martin County The foregoing instrument was acknowledged before me on this 8 day of December by Leo Giangrande who is personally known to me or who has produced \_\_\_\_\_ as identification and who did/did not take an oath.

  
Notary Signature

Commission Expires:



## **MINUTES**

**LOCAL PLANNING AGENCY/PLANNING ADVISORY BOARD MEETING  
DECEMBER 17, 2015 AT 5:30 PM  
CITY COMMISSION CHAMBERS  
121 S.W. FLAGLER AVE.  
STUART, FLORIDA 34994**

### **LOCAL PLANNING AGENCY/PLANNING ADVISORY BOARD MEMBERS**

**Chair - Bill Mathers  
Vice Chair - Li Roberts  
Board Member - Larry Massing  
Board Member - Michael Herbach  
Board Member - Ryan Strom  
Board Member - Susan O'Rourke  
Board Member - John Leighton  
Ex Officio - Garret Grabowski**

**ADMINISTRATIVE  
Development Director, Terry O'Neil  
Board Secretary, Michelle Vicat**

**CALL TO ORDER**  **5:29 PM**

#### **ANNUAL BOARD REORGANIZATION**

Larry Massing nominated Bill Mathers as Chair, John Leighton seconded the motion. Approved unanimously.

Larry Massing nominated Li Roberts as Vice Chair, John Leighton seconded the motion. Approved unanimously.

 **5:30 PM Roll Call.**

**Present: Ryan Strom, William Mathers, Larry Massing, John Leighton, Mike Herbach, Susan O'Rourke.**

**Absent: Li Roberts**

**APPROVAL OF MINUTES**  **5:33 PM Motion: Action: Approve, Moved by Larry Massing, Seconded by John Leighton. Motion passed unanimously.**

**COMMENTS FROM THE PUBLIC (5 min. max): None**

**COMMENTS FROM THE BOARD MEMBERS: None**

## OTHER MATTERS BEFORE THE BOARD

1. An Ordinance of the City of Stuart, Florida, amending the "Baker Road Commons PUD" (Ordinance No. 2312-2015), consisting of 3.02 acres, located at 1440 NW Federal Highway and owned by Wynne Building Corporation, a Florida Corporation, said land being more fully described in Exhibit "A" attached hereto; approving an amended site plan; approving certain development documents; declaring the development to be consistent with the Comprehensive Plan of the city; approving amended development conditions and a timetable for development; 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  
Joel Wynne, Wynne Building Corporation

**PUBLIC COMMENT:** None

### **BOARD COMMENT:**

Ryan Strom read Li Roberts the questions Li Roberts submitted in her absence. The first one was asking for a signage location and example.

Leo Giangrande, Giangrande Engineering and Planning said he believed there was a sign on the bottom right hand corner and the intent is to have a monument sign and they will come back to the next meeting with details.

Stephen Mayer said there was a condition of approval that all signage would meet code.

Ryan Strom asked for the outdoor lighting location and example.

Stephen Mayer said it is not a requirement at this level but will be at final site plan.

Ryan Strom asked about the exterior fence in the NW corner matching up with existing adjoining parcel to prevent pass through.

Leo Giangrande said they are proposing a fence to continue with the existing fence and there will be no gap.

Ryan Strom asked the definition of extended stay.

Terry O'Neil, Development Director said they need to be more specific of what that means but in his view it's a stay of three or four weeks.

Joel Wynne said extended stay is a specific definition in the hotel business and what they are trying to do, they agree with. He thought thirty days is a reasonable delineation.

Ryan Strom said there are two types of pools shown and asked about music and noise.

Leo Giangrande said the site plan and elements supersede the prototype submitted.



**5:56 PM Motion: Action: Approve, Moved by Larry Massing, Seconded by Ryan Strom. Motion passed unanimously.**

2. Ordinance No. 2345-2017 an Ordinance of the City of Stuart, Florida, annexing a parcel of land fronting NW Federal Highway (US Highway 1) south of and abutting North Stuart Baptist Church, consisting of 9.45 acres, said parcel 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; providing for codification; and providing for an effective date, and for other purposes.

**PRESENTATION:** Tom Reetz, Senior Planner  
Nik Schroth, NAI Southcoast (check spelling)

**PUBLIC COMMENT:** None

**BOARD COMMENT:**

Chair Mathers abstained as he had consulted with the applicant on the annexation.

Larry Massing abstained from voting due to the contentious annexation relationship between his employer and the City of Stuart.

Ryan Strom read Li Roberts comments: Substantial part of boundary; approximately 2.5% of perimeter is adjacent to city boundary, completely ignored the road as required or looked at it as 20% of eastern side of property ignoring the narrow access round which means 5% is adjacent to city boundary and didn't think this meets the requirement of substantial part of a boundary. She thought that when if/when future annexation of property identified this would change. Reasonable compact finger areas in serpentine winding patterns add a block that is 100% contiguous on one side of four would create three additional boundary turns and would not be winding or turning. In this case the proposed parcel adds five additional boundary turns which would appear to be winding or turning.

Mike Mortell, City Attorney said he met with staff regarding these comments and attached a memo to the agenda package and expanded the issues that relates to serpentine as well as finger and said it does meet the legal criteria.

Susan O'Rourke said it meets the criteria and if the city's intent is to expand,



6:08 PM **Motion: Action:** Approve, **Moved by** Susan O'Rourke, **Seconded by** John Leighton.  
Motion passed unanimously with Larry Massing and Bill Mathers abstaining.

3. An Ordinance of the City Commission of the City of Stuart, Florida amending the City's Comprehensive Plan; specifically amending the Future Land Use Element Table of land use densities and intensities in order to increase the maximum density calculations for low density residential, multi-family residential, office/residential and East Stuart District to provide for consistency with the City's existing minimum lot size requirements; approving transmittal of the Comprehensive Plan to the Department of Economic Opportunities (DEO) and other relevant agencies and local governments; providing for conflicts; providing for severability; providing for effective date, and for other purposes

**PRESENTATION:** Stephen Mayer, Senior Planner made a presentation for Items 3 and 4 together.

**PUBLIC COMMENT:**

Karen Sayer read her comments which are included with these minutes. After board comment she asked them to table the item until they received more data.

**BOARD COMMENT:**

Larry Massing reaffirmed that this shores up the numbers.

Terry O'Neil agreed.

Chair Mathers read comments from Mark Mathes and Li Roberts which are included with these minutes.

Susan O'Rourke said she shared some of Mrs. Sayer's concerns and said she thought the data and analysis should come before the decision. She said she worked with Mainstreet and even quirky neighborhoods lend

character to the community and thought they had gone to the high side and maybe they should stick to the same number and instead adjust the land use and LDR.

Terry O'Neil said this is how the lot sizes have been applied since 1967 and it's a really good way to illustrate what is the effect of our development patterns and if you look at what has been developed and if you feel comfortable with that, that what we have is of a scale and quaintness and mix of uses he would propose that continuing to do the same thing unchanged, they aren't risking this running away from us in any way because it's the way they've been doing business since 1967. He said if the board wants them to look at this for additional safeguards; his view is that lot size variances are not all that common and they certainly don't come if there is neighborhood opposition.

John Leighton said he thought the neighborhoods have grown appropriately from 1967 to today and land/home values have gone up exponentially so the market has clearly identified they like what's happened. He said if all they are doing is addressing a de minimis issue on a piece of paper and it's acceptable to everyone, he doesn't understand what the problem is.

Chair Mathers asked that staff look at both the maximum building coverage, impacts and said you can impact the current infrastructure because you are inducing a higher density.



**6:55 PM Motion: Action: Approve, Moved by John Leighton, Seconded by Larry Massing.  
Motion passed 5/1 with Susan O'Rourke dissenting**

4. An Ordinance of the City of Stuart, Florida amending Chapter 2, Section 2.03.05, Table 3 "Maximum Dwelling Units Per Acre" of the City's Land Development Code, providing for consistency with the City's existing and long-standing minimum lot size requirements by increasing the maximum densities for the R-1A, R-1, R-2, R-3, RPUD, B-1, CPUD and Urban Districts to be consistent with the City's Comprehensive Plan; amending Chapter 2, Section 2.07.00, "Designation of Planned Unit Development (PUD); amending Chapter 12, "Definitions", to clarify the definition of net density and density bonus, declaring said amendments to be consistent with the City's Comprehensive Plan; providing for a severability clause, a conflict clause and codification; providing for an effective date, and for other purposes.

**PRESENTATION:** Stephen Mayer, Senior Planner

**PUBLIC COMMENT:** None

**BOARD COMMENT:** None



**7:02 PM Motion: Action: Approve, Moved by Larry Massing, Seconded by Ryan Strom.  
Motion passed 5/1 with Susan O'Rourke dissenting**

**STAFF UPDATE:** None

**ADJOURNMENT**  **7:02 PM Motion: Action: Adjourn, Moved by John Leighton, Seconded by Ryan Strom. Motion passed unanimously.**

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**Bill Mathers, Chair**

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**Michelle Vicat, Board Secretary**