

**MINUTES
REGULAR MEETING OF THE STUART CITY COMMISSION
HELD May 24, 2021
AT 5:30 PM Commission Chambers
121 SW FLAGLER AVE.
STUART, FLORIDA 34994**

CITY COMMISSION

Mayor Eula R. Clarke

Vice Mayor Merritt Matheson

Commissioner Becky Bruner

Commissioner Troy McDonald

Commissioner Mike Meier

ADMINISTRATIVE

City Manager, David Dyess

City Attorney, Michael J. Mortell

City Clerk, Mary R. Kindel

SERGEANT AT ARMS: Police Chief Joseph Tumminelli



5:34 PM ROLL CALL

Present: Mayor Clarke, Vice Mayor Matheson, Commissioner Bruner, Commissioner McDonald, Commissioner Meier

PLEDGE OF ALLEGIANCE


COMMENTS BY CITY COMMISSIONERS

Vice Mayor Matheson

- Commented that while they as Commissioners are to make tough decisions for the residents and community, he is concerned about the growth rate of the community and would like to discuss this further in a future workshop and asks that all have patience tonight. Feels they owe it to the residents to take the time to discuss this project and the topic of growth thoroughly.

Mayor Clarke

- Announced the May 20th Emancipation Day event and thanked the staff and members of the community for assisting in the event.
- Asked all to observe the rules of civility.

 5:42 PM

COMMENTS BY CITY MANAGER

No Comments.

APPROVAL OF AGENDA

 5:42 PM **MOTION:** Noted scriveners' error on Item #4 approval of Agenda pulling Items #3 and #4.

MOVED BY: Vice Mayor Matheson

SECONDED BY: Commissioner Meier

Motion approved unanimously.

COMMENTS FROM THE PUBLIC (3 Minutes Max.)

- 1) Gwendolyn Hall-Brinkley – Commended the City and Mayor Clarke for the Emancipation Day Event on May 20th and all they did to get the word out as it was a successful event. Thanked the City for giving the Key to the City to Willie Gary.
- 2) Liz Karshner – In favor of Costco because it will bring jobs to the area.

CONSENT CALENDAR

1. APPROVAL OF 5/10/2021 CCM MINUTES

2. STATE REVOLVING FUND AMENDMENT 2 TO LOAN AGREEMENT DW430440:

RESOLUTION No. 52-2021; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, ADOPTING AMENDMENT 2 TO THE STATE OF FLORIDA DRINKING WATER STATE REVOLVING FUND LOAN AGREEMENT DW430440; AUTHORIZING THE MAYOR TO EXECUTE AMENDMENT 2; DESIGNATING AUTHORIZED REPRESENTATIVE; PROVIDING AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

(PULLED) 3. PUBLIC TRANSPORTATION SERVICE DEVELOPMENT GRANT AGREEMENT YEAR TWO (2):

RESOLUTION No. 53-2021; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, AUTHORIZING THE MAYOR AND THE CITY CLERK TO EXECUTE YEAR TWO (2) OF THE THREE (3) YEAR 50% MATCHING PUBLIC TRANSPORTATION GRANT AGREEMENT WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION FOR ACTIVE TRAM MARKETING PROVIDING FOR THE EFFECTIVE DATE AND OTHER PURPOSES.

(PULLED) 4. CHILDREN'S SERVICES COUNCIL GRANT AMENDMENT:

RESOLUTION No. 56-2021; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA AUTHORIZING THE COMMUNITY SERVICES DEPARTMENT TO

ACCEPT A GRANT AMENDMENT OF THE CHILDREN'S SERVICES COUNCIL OF MARTIN COUNTY (CSCMC) IN THE AMOUNT OF \$94,954.00 FOR THE EAST STUART YOUTH INITIATIVE PROGRAM; IF APPROVED, AUTHORIZING THE ACCEPTANCE AND EXPENDITURE OF THE CSCMC AMENDED GRANT, PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

END OF CONSENT CALENDAR

 **5:50 PM MOTION: Move approval.**
MOVED BY: Commissioner McDonald
SECONDED BY: Vice Mayor Matheson
Motion approved unanimously.

3. PUBLIC TRANSPORTATION SERVICE DEVELOPMENT GRANT AGREEMENT YEAR TWO (2):

RESOLUTION No. 53-2021; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, AUTHORIZING THE MAYOR AND THE CITY CLERK TO EXECUTE YEAR TWO (2) OF THE THREE (3) YEAR 50% MATCHING PUBLIC TRANSPORTATION GRANT AGREEMENT WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION FOR ACTIVE TRAM MARKETING PROVIDING FOR THE EFFECTIVE DATE AND OTHER PURPOSES.

Mayor Clarke requested clarification on this Grant Agreement from City Manager.

City Manager Dyess provided clarification.

 **5:53 PM MOTION: Move approval.**
MOVED BY: Commissioner McDonald
SECONDED BY: Commissioner Meier
Motion approved unanimously.

(PULLED) 4. CHILDREN'S SERVICES COUNCIL GRANT AMENDMENT:

RESOLUTION No. 56-2021; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA AUTHORIZING THE COMMUNITY SERVICES DEPARTMENT TO ACCEPT A GRANT AMENDMENT OF THE CHILDREN'S SERVICES COUNCIL OF MARTIN COUNTY (CSCMC) IN THE AMOUNT OF \$94,954.00 FOR THE EAST STUART YOUTH INITIATIVE PROGRAM; IF APPROVED, AUTHORIZING THE ACCEPTANCE AND EXPENDITURE OF THE CSCMC AMENDED GRANT, PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Vice Mayor Matheson noted a scrivener's error in the summary; two different numbers; one stated as \$378,814 and one referenced as \$379,814. Staff confirmed that \$379,814 is the correct amount.

Public Comment:

- 1) Mosezella Williams – 15th Street; Requested clarification of what the funds will be used for.

Staff explained that the funds are simply to match the fiscal years of the CSC and the City and will not be used for aesthetic or material purposes.



5:54 PM MOTION: Motion to approve with correction.

MOVED BY: Vice Mayor Matheson

SECONDED BY: Commissioner McDonald

Motion approved unanimously.

COMMISSION ACTION

ORDINANCE SECOND READING



5:59 PM

ORDINANCE FIRST READING


5. KANNER HIGHWAY CPUD - COSTCO:


ORDINANCE No. 2466-2021; AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, AMENDING THE FUTURE LAND USE MAP OF THE CITY'S COMPREHENSIVE PLAN, THEREBY ASSIGNING A FUTURE LAND USE DESIGNATION OF "NEIGHBORHOOD SPECIAL DISTRICT" TO THE 49+/- ACRE PROPERTY, OWNED BY NEHME HOLDINGS, LLC AND WILLOUGHBY GROUP, LLC LOCATED ALONG SR-76 KANNER HIGHWAY, SOUTH OF MARTIN COUNTY HIGH SCHOOL AND ABUTTING LYCHEE TREE NURSERY; SAID LAND, ANNEXED BY ORDINANCE No. 2327-2016 AND ORDINANCE No. 2337-2017, BEING MORE FULLY DESCRIBED IN EXHIBIT "A" ATTACHED; AND CONCURRENTLY ASSIGNING "CPUD" ZONING TO SAID LAND ON THE CITY'S OFFICIAL ZONING MAP; ESTABLISHING THE KANNER CPUD COMMERCIAL PLANNED UNIT DEVELOPMENT, CONSISTING OF 162,020 SQUARE FEET OF RETAIL, BULK MERCHANDISE, AND AUTOMOBILE REPAIR SERVICES BUILDING FOOTPRINT WITH A STAND ALONE KIOSK AND FUEL FACILITY, 398 RESIDENTIAL APARTMENT UNITS AND RETAIL AND RESTAURANT PADS PROVIDING FOR APPROVAL OF A MASTER SITE PLAN; PROVIDING FOR DEVELOPMENT CONDITIONS, INCLUDING A TIMETABLE OF DEVELOPMENT; DECLARING THE PROJECT TO BE CONSISTENT WITH THE CITY'S COMPREHENSIVE PLAN; PROVIDING DIRECTIONS TO THE CITY CLERK; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE, PROVIDING FOR ACCEPTANCE BY THE APPLICANT AND FOR OTHER PURPOSES.


City Attorney Mortell reviewed the quasi-judicial/intervenor process.


Fourteen (14) people total were sworn; 12 inside the Commission Chambers and 2 outside Chambers, standing in the hallway.


Tom Reetz, Development Department Senior Planner, began his presentation with comments provided from the April 29th LPA Meeting and the applicants requests as well as the intervenor's list of objections.

 6:14 PM Bob Raynes, Gunster Law Firm on behalf of the Applicant, objected to Mr. Snedeker's letter and requested it be omitted from evidence. Commission agreed. Raynes called Doug Fitzwater of Lucido and Associates to present.

 6:21 PM Doug Fitzwater, Landscape Architect; Resume submitted for the record. Fitzwater presented maps demonstrated the various locations throughout the district, specific densities, reviewed application history, CPUD residential component, etc.


 7:03 PM Commissioners participated in a question and answer discussion with Mr. Fitzwater about electric charging stations, the round-about public art, access to the lake, zoning, the connector road, tree mitigation credit, property owner easement, and gates. Marino agreed to electric charging stations.

 7:22 PM Intervenor, Linda Kay Richards came forward and commented that she felt her presentation was due with a deadline prior to the Applicants presentation and felt the Applicant took slides from their presentation. The Applicant stated that his presentation has been adjusted per testimony.

 7:29 PM David Baggett, EDC presentation on Stormwater Management. Resume submitted to Clerk.

 7:46 PM Bob Raynes and Intervenor Richards questioned Mr. Baggett.


 8:09 PM Susan O'Rourke, Traffic Engineer of O'Rourke Engineering & Planning, resume submitted to Clerk as Exhibit #3. Raynes and Intervenor questioned Ms. O'Rourke.

 8:40 PM Joseph Marino, M&M Realty Partners, submitted resume as Applicants Exhibit #4. Willing to reduce units by 5% (20 units).


 9:06 PM Mark Mann, Costco General Manager, resume submitted as Exhibit #5.

 9:14 PM Tom Reetz, City of Stuart Senior Planner was questioned by the Applicant and the Intervenor.

 9:23 PM Kev Freeman, City of Stuart Development Director was called and questioned by the Applicant, the Commission, and the Intervenor.

 9:43 PM Vince Felicione, Fire Chief, sworn in, was asked if in his opinion, the fire plan meets all the requirement. Chief stated they had no issues and responded to a series of questions.


Bob Raynes gave final remarks.

 9:49 PM Edward Weinberg, EW Consultants, Inc. was called as a professional witness to respond to Commission questions on wetlands. Resume submitted by Applicant as Exhibit #6.

 **9:59 PM Recess**


 **10:08 PM Meeting Resumes**

Intervenor's Legal Council, Jenny Sherlock provided an opening statement.


 10:12 PM Intervenor, Linda Kay Richards, and Robin Cartwright, both sworn in, presented with a power point presentation in opposition to the Kanner Highway CPUD, Costco Project.

Bob Raynes questioned Robin Cartwright. Ms. Cartwright finished up her presentation and turned it back over to Ms. Richards. Raynes pointed out that Cartwright is not the Intervenor and she has confirmed that she is not an expert witness, therefore, is unclear of her part in the presentation.


 11:15 PM Raynes questioned Intervenor Richards.

 11:27 PM Raynes submitted Exhibit #7, the Lychee Tree Nursery Business Tax Receipt identifying the land use as low density with a designation of Retail Sales.

 11:33 PM Lee Harding, Masters in GIS, FAU, Martin County School Board; provided testimony on behalf of the Intervenor. Sent Commissioners email providing geographic and GIS sources on the property.

 11:40 PM Jerry Kyckelhahn provided testimony, requested Ordinance No. 2466-2021 be pulled up but with no preparation, it was not provided. A printed power point was submitted to the City Clerk for the record. Commented that this project is unlawful per the Land Development Code.

 12:04 PM Intervenor Richards gave final remarks and closed her case.


 12:05 PM Commissioner Bruner made a Motion, Commissioner McDonald seconded for discussion and Vice Mayor Matheson provided a list of conditions for review.


Matheson's conditions:

1. Entire PUD to follow the City of Stuart's landscape plan including the elimination of the use of glyphosate
2. Interested in density reduced by 20% 5% in units and turn it into amenities (dog park mentioned)
3. Convert overflow parking that faces Costco Blvd. to be pervious parking (agreed)

4. Request shade trees in the tree diamonds in parking lot, Oaks or Royal Poinciana (agreed)
5. Fountains in every lake (agreed)
6. Lake #2 have fence or wall removed and open to public (agreed)
7. All lakes one on Willoughby and Kanner be more irregular shaped and have more littoral shelves (agreed)
8. Name of Costco Blvd. renamed (agreed)
9. Significant visual feature brought back for round-about (agreed)
10. Remove all fill credits by Costco (agreed)
11. Provide full breakdown for tree mitigation (agreed)
12. Report annually that stormwater is maintained (agreed)

Commissioner McDonald agreed with some of Vice Mayor Matheson conditions but reviewed the list one by one. Costco developers agreed to work with the City on the conditions provided.

 12:30 PM Commissioner McDonald asked Commissioner Bruner if she would incorporate the discussed agreed conditions into her Motion, Bruner agreed.

 12:35 PM

Public Comment:



- 1) Jimmy Smith – 15th Street; In favor of Costco coming to Stuart and would like to spend/ keep the money he spends for his business local.
- 2) Lawrence Kohn – Gem Dr.; He and family in favor of Costco, commented on the positive support from community.
- 3) Debbie Greer – ZOOM; In favor of Costco and reviewed the benefits for Costco employees.
- 4) Walter Loyd – Cabana Point Circle; Opposed project, encouraged rejection and commented on traffic issues and stated it is about the location.
- 5) Boyd Bradfield – Pine Trace Way; Commented that he annexed the property years ago.
- 6) Brian Johnson – ZOOM; In favor of project and feels affordable housing needs to be addressed.
- 7) Roger Sahni – Ocean Drive; In favor of project and feels we need to come out of our comfort zones, for greater good, people come first.
- 8) Amy Pritchett – Horseshoe Point; Commented that many people were here tonight in favor of Costco until they learned about the apartments, feels the project needs more time and the location should be elsewhere.
- 9) Joseph Cooper – 9th Street; In favor of project, job creation/opportunities.
- 10) Mary Alice Rowley – Kanner Hwy.; Opposed to project, concerned about traffic impacts.
- 11) Brad Pawlak – Kanner Hwy.; In favor of the project, has had mosquito problems as a result of the wetlands, all land was ag before built up.
- 12) Jennifer Schweichler - Gatehouse Circle; Would like a Costco, but not here; stated Kanner is a residential area and not meant to be a commercial area, concerns of traffic.

- 13) Ron Dennis – Paradise Place; In favor of Costco and noted the social media overwhelming favor for the project.
- 14) Margaret Goldy – 12 Terr; Concerns about the apartments and would like the Commission to postpone the decision.
- 15) Robert Snyder – Kanner Hwy.; Opposed to the project.
- 16) Jennifer Snyder – Kanner Hwy.; Complimented the Intervenor, opposed to the project and encourages them to consider sustainability, active transportation, prosperity, and the safety of the community.
- 17) Kevin Pool – ZOOM; In favor of Costco and feels business should be allowed to move in a succeed.
- 18) Jeff Harden – South River Rd.; Complimented the Commission for their hard work and is in favor of the project.
- 19) Harry Snyder – Kanner Hwy; Likes Costco but opposes it coming to this location in Stuart.
- 20) John Cantu – Canyuga Terr; Opposes the location of this project, has a child that will be going to Martin County High School.
- 21) Jack Snyder – Kanner Hwy.; Opposes the project, traffic issues and not a good fit.
- 22) Armond Pasqual – Seminole St.; Opposes Costco, don't need more big projects, feels the Commissioners approve everything that comes before them.
- 23) Brian DeVanturea – Canna Way, Jensen Beach; Opposed to the project, City not committed to the wetlands.
- 24) Nancy Bates – ZOOM; Opposed to the project, concerned about the location.
- 25) Helen McBride – Flamingo Ave; In favor of the project and is happy to see that the Costco people are working with the City and encourages the City to progress forward.
- 26) Nicole Windchip – Sandpiper St., Hobe Sound; Concerned about the traffic and the change in the growth plan. Opposed to project. Questioned if any EPA plan was done and asked questions about lawsuits and possible health issues, cancer clusters, property being an old dump, hurricane evacuations, and infrastructure. Asks they vote no for this location.
- 27) Amy Badran – Poplar Court; Feels sad and is opposed to the project.
- 28) Nick Gulotta – Kanner Hwy.; Opposes project, feels it should be postponed.
- 29) Frank McCrystal – Flamingo Ave.; Commented he does not like what he's seeing, density is changing the character of our town, should pause to decipher how the people feel in the City of Stuart.
- 30) Jeffery Serna – ZOOM; Cabana Pt. Circle; Opposed to project, feels it's the wrong location.
- 31) Susanne Hilton – ZOOM; South River; Opposed to the project, feels the lands is being over developed.
- 32) Sarah Nerker – ZOOM; Florida Club; Disappointed in the leadership and is opposed to the project, feels there is too much growth.
- 33) Patty Beondi – ZOOM; Hideaway Place; Feels it is the wrong location for Costco, Martin County needs more affordable housing and agrees with the Intervenor.



2:03 AM

Matheson Suggested meeting begin earlier and hold public comment prior to presentations for Second Reading.

 12:05 AM MOTION: Motion for approval with conditions.
MOVED BY: Commissioner Bruner
SECONDED BY: Commissioner McDonald
Motion approved unanimously.  2:04 AM

DISCUSSION AND DELIBERATION

 2:04 AM ADJOURNMENT

Mary R. Kindel, City Clerk

Eula R. Clarke, Mayor

Minutes to be approved at the Regular Commission
Meeting this 14th day of June, 2021.