



City of Stuart

MINUTES

**LOCAL PLANNING AGENCY/PLANNING ADVISORY BOARD
TO BE HELD DECEMBER 9, 2021 AT 5:30PM
COMMISSION CHAMBERS
121 SW FLAGLER AVE.
STUART, FL 34994**

LOCAL PLANNING AGENCY

**Chair – Kelly Larine
Vice Chair – Margaret Bromfield
Board Member – Campbell Rich
Board Member – Ryan Strom
Board Member – Larry Massing
Board Member – Bill Mathers
Board Member – Jackie Vitale**

ADMINISTRATIVE

**Development Director – Kev Freeman
Board Secretary – Jordan Pinkston**

CALL TO ORDER



5:32 PM

ROLL CALL

Present: Kelly Laurine, Jackie Vitale, Campbell Rich, Bill Mathers, Ryan Strom

Absent: Larry Massing, Margaret Bromfield

PLEDGE OF ALLEGIENCE

APPROVAL OF AGENDA

Action: Approve.

Moved by: Ryan Strom




Second by: Jackie Vitale
Motion passed unanimously.

COMMENTS FROM THE PUBLIC ON NON-AGENDA ITEMS (3 minutes max): None.

COMMENTS FROM THE BOARD MEMBERS ON NON-AGENDA ITEMS: None.

ACTION ITEMS:

- 1. CPUD AMENDMENT TO INCORPORATE AUTOMOTIVE REPAIR AS AN ALLOWED USE (RC) (QUASI-JUDICIAL): ORDINANCE 2475-2021; AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, AMENDING THE CENTURY PLAZA COMMERCIAL PLANNED UNIT DEVELOPMENT (CPUD) LOCATED ON THE WEST SIDE OF U.S. HIGHWAY ONE NORTH OF ITS INTERSECTION WITH CENTRAL PARKWAY TO ALLOW AUTOMOBILE REPAIR SERVICES, MAJOR, ON PARCELS 2 THROUGH 5 OF THE CPUD; PROVIDING FOR CERTAIN DEVELOPMENT DOCUMENTS AND CONDITIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

PRESENTATION: Erin Wohlitka, Senior Planner  5:38 PM
Tyson Waters, Fox McClusky  5:47 PM
Scott Konopka, Mrachek Law  5:58 PM

BOARD COMMENT:

Mike Mortell explained how the code reads and gave examples of the City's position for application submissions. He read the Property Owners Association document that was presented to authorize the application and gave the position of the City of Stuart. He requested the board discuss if the code allows a Property Owners Association to assign authority to sign off on an application. He recommended the board address the request of continuance that was made for lack of notice to the intervener.

Campbell Rich asked for clarification of the City's Attorney suggested recommendation to the board.

Tyson Waters said there are six parcels and three property owners, so there are three votes.

Mike Mortell clarified the code and his recommendation for the board.

Scott Konopka clarified his request for a continuance and his view on the authorized signature for the application.

Tyson Waters said that they oppose granting a continuance and explained why.

Mike Mortell explained what constitutes as notice.

Ryan Strom asked if the property is under contract.

Tyson Waters confirmed that it was under contract and staff confirmed it was a permitted use initially, but found out that was no longer the case.

Ryan Strom said that it is difficult to decipher Property Owners Association voting because of the scale of votes.

Mike Mortell confirmed what the board needs to vote on.

Ryan Strom asked for clarification of the uses allowed in the CPUD.

Mike Mortell confirmed what uses are currently permitted.

Property Owners Association Declaration was submitted into the record from the intervenor.

MOTION:

Action: Grant a continuance.

Moved by: Campbell Rich

Second by: -

Motion died for lack of second.

PUBLIC COMMENT (3-minute max):

1. **Jeremiah V. Hayhurst (SE Central Pkwy)** – Discussed problems that occurred with Goodwill, which is a neighboring property to the proposed project. He made suggestions to staff for this project.

PUBLIC COMMENTS VIA ZOOM: None.

BOARD COMMENT:

Jackie Vitale would like the board to address the issue of the Property Owners Association letter being considered a valid representation signature for the application.

Mike Mortell recommended the applicant provide a witness to the letter being valid.

The board agreed that the application is sufficient.

Campbell Rich asked Scott Konopka what was included in this project that made it not fall into the category of approved uses. It was discussed that there will be no enforcement of the promises made from the applicant.

Kev Freeman spoke about code enforcement that will be monitored if it is a condition on the CPUD.

Bill Mathers asked for confirmation that each property within the PUD would be responsible for violations of the code enforcement violations.

Discussion occurred about the responsibility of code enforcement.

Campbell Rich asked about buffering.

Tyson Waters clarified where landscape buffers would be placed. He explained that the issues that currently happen on the property and this new proposal will enhance the neighborhood. He addressed who will be cited for code enforcement violations.

Campbell Rich recommended landscaping upgrades to the piece that fronts US1.

Carson Baird clarified landscaping plans, buffers, noise, lighting, open gates.

Campbell Rich asked about runoff and pollution.

Carson Baird addressed his concerns.

Sam Baird, CEO of Collison Craft spoke about his application process and the future tenant of the property. He spoke about the state regulations for environmental processes.

Jackie Vitale addressed the chain link fence, noise and light pollution.

Bill Mathers reminded the board that needs to abstain.

Action: Approve with the following conditions:

1. Improved landscape plan
2. Provide a more appropriate fencing
3. Provide confirmation that the Property Owners Association representation's signature is legal and valid for the application
4. Address insulation of garage doors
5. Require a lighting plan
6. Address sound of garage
7. Provide a tree survey of existing preserve area
8. Any violation of this section of the PUD be aimed solely at the owner/operator of this parcel

Moved by: Jackie Vitale

Second by: Ryan Strom

Motion passed unanimously.

2. AMENDMENT TO THE LAND DEVELOPMENT CODE TO INCORPORATE TREE REMOVAL PENALTIES (RC) ORDINANCE No. 2478-2021; AN ORDINANCE OF THE CITY OF STUART, FLORIDA, AMENDING THE EXISTING SECTION OF CHAPTER V RESOURCE PROTECTION STANDARDS OF THE CITY'S LAND DEVELOPMENT CODE, ESTABLISHING "PENALTIES FOR VIOLATIONS" FOR THE REMOVAL OF TREES IN VIOLATION OF THE CODE; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.(RC)

PRESENTATION: Tom Reetz, Senior Planner

PUBLIC COMMENT (3-minute max): None.

PUBLIC COMMENTS VIA ZOOM: None.

BOARD COMMENT:

Ryan Strom asked for confirmation of when these penalties occur.

Tom Reetz verified when this would come into effect and gave examples.

Kelly Laurine asked who this would affect.

Staff confirmed requirements currently in place for residential homes.

Jackie Vitale asked how this penalty compares to other municipalities.

Staff addressed her concerns and questions.

Mike Mortell explained what happened with the Osprey Preserve penalties that occurred.

Discussion occurred regarding tree surveys.

Action: Approve.

Moved by: Jackie Vitale

Second by: Ryan Strom

Motion passed unanimously.

STAFF UPDATE: None.

ADJOURNMENT

Kelly Laurine, Chair

Jordan Pinkston, Board Secretary