

MINUTES
REGULAR MEETING OF THE STUART CITY COMMISSION
MAY 23, 2022
AT 5:30 PM
COMMISSION CHAMBERS
121 SW FLAGLER AVE.
STUART, FLORIDA 34994

CITY COMMISSION

Mayor Merritt Matheson
Vice Mayor Troy McDonald
Commissioner Becky Bruner
Commissioner Eula R. Clarke
Commissioner Mike Meier

ADMINISTRATIVE

City Manager, David Dyess
City Attorney, Michael J. Mortell
City Clerk, Mary R. Kindel

ROLL CALL

5:30 PM

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

PLEDGE OF ALLEGIANCE

COMMENTS BY CITY COMMISSIONERS

Mayor Matheson

- Provided a brief update on Lake Okeechobee levels and reminded all that there is a Rivers Coalition Meeting on Thursday, May 26, 2022 at 11:00 AM.
- Announced in reference to Item #10 on the Agenda, the Major Urban Code requirements, and stated that it will only be heard once, public comment is welcome, and is interested in a future discussion on why some projects come before the commission with similar use approvals and an explanation of the differences.

Commissioner Clarke

- Thanked everyone who came out to the Emancipation Day event.
- Invited everyone to come out to Smith Turner Park for a Memorial Day event on May 30, 2022 at 1:00 PM.
- Thanked the Mayor for the letter he read at the Emancipation Day event, and stated that

it was very heartfelt and profound.

Vice Mayor McDonald

- Commented that it was nice to see everyone at the Police BBQ event, thanked the Police and Fire Dept.
- Commented that he will be absent during the June 27, 2022 Commission Meeting.

COMMENTS BY CITY MANAGER

No Comments.

APPROVAL OF AGENDA

5:39 PM MOTION: Approve.

MOVED BY: Mike Meier

SECONDED BY: Eula Clarke

Motion approved unanimously.

COMMENTS FROM THE PUBLIC (3 Minutes Max.)

- 1.) Robin Cartwright - SE Hibiscus Ave.; Read an article from the Ocala local newspaper in regards to the growth of their city and feels it is related to our City.
- 2.) Linda Kay Richards - SW Cabana Pt.; Commented on her opposition to the lighthouse that is part of the Atlantic Point Marina Project.
- 3.) Betty Brinkley - SE Nassau Ave.; Commented that she feels the African American people are being pushed out of the East Stuart neighborhood and not listened to, related to the redevelopment and area improvements.
- 4.) Gwendolyn Hall Brinkley - ZOOM; Spoke about the incident that happened in the school system and stated she believes there needs to be more training and change to the narrative in East Stuart. Stated that there be diverse training in the Police Department, ensuring all races are treated the same.

CONSENT CALENDAR

5:51 PM

1. APPROVAL OF 05/09/2022 CCM MINUTES (RC)
2. STATE REVOLVING FUND AMENDMENT #1 TO LOAN AGREEMENT DW430450 (RC):

RESOLUTION No. 47-2022; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, ADOPTING AMENDMENT 1 TO THE STATE OF FLORIDA DRINKING WATER STATE REVOLVING FUND LOAN PROGRAM FOR THE ALTERNATIVE WATER SUPPLY PROJECT DW430450; AUTHORIZING THE MAYOR TO EXECUTE AMENDMENT 1; DESIGNATING AUTHORIZED REPRESENTATIVE; PROVIDING AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

3. AUTHORIZING AN APPLICATION TO FDOT TO ILLUMINATE THE ROOSEVELT BRIDGE FOR INDEPENDENCE DAY (RC):

RESOLUTION No. 54-2022; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, AUTHORIZING AN APPLICATION TO THE FLORIDA DEPARTMENT OF TRANSPORTATION REQUESTING PERMISSION TO ILLUMINATE THE ROOSEVELT BRIDGE IN STUART WITH RED, WHITE, AND BLUE LIGHTING FOR THE WEEK OF JULY 4TH, 2022 IN CELEBRATION OF INDEPENDENCE DAY; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

4. BA #14-2022; KIWANIS CLUB DONATION FOR PARK IMPROVEMENTS (RC):

RESOLUTION No. 55-2022; BUDGET AMENDMENT No. 14; RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, AUTHORIZING BUDGET AMENDMENT No. 14-2022 TO THE 2021-2022 FISCAL YEAR BUDGET; APPROVING A DONATION FROM THE KIWANIS CLUB OF STUART, FLORIDA IN THE AMOUNT OF \$2,534.85 TO THE GENERAL FUND REVENUES, 'DONATION TO RECREATION' FOR KIWANIS PARK IMPROVEMENTS; AND AUTHORIZING PARKS AND GROUNDS MAINTENANCE TO EXPEND \$2,534.85 FOR A BUTTERFLY SIGN AT KIWANIS PARK.

END OF CONSENT CALENDAR

5:51 PM MOTION: Approve.
MOVED BY: Troy McDonald
SECONDED BY: Eula Clarke
Motion approved unanimously.

COMMISSION ACTION

5:51 PM

5. APPOINT VOTING DELEGATE TO FLORIDA LEAGUE OF CITIES (RC)

David Dyess, City Manager, gave a brief history on how a delegate has been previously chosen.

Commissioner Meier stated he would volunteer to be the Voting Delegate as he will already be attending the conference. .

Commissioner Clarke suggested Commissioner Bruner as an alternate delegate and confirmed that the standard fees apply and no additional costs will be incurred. Mr. Dyess confirmed that it would be just the standard fee.

Commissioner Meier spoke about the conference and what is expected this year.

5:52 PM MOTION: Move for Commissioner Meier to be our voting delegate and Commissioner Brunner as an alternate.

MOVED BY: Troy McDonald

SECONDED BY: Eula Clarke

Motion approved unanimously.

6. CITY OF STUART COMMUNITY DEVELOPMENT BLOCK GRANT HOUSING REHABILITATION PROGRAM POTENTIAL CONFLICT DISCLOSURE (RC)

Pinal Gandhi - Savdas, CRA Administrator, briefly updated the Commission on the situation presented to them of a potential conflict disclosure from applicant Ms. Margaret Bromfield. A letter included in the Agenda stated that there is no conflict as per City Attorney and FDEO has confirmed their agreement. Stated that they would like the approved minutes sent to the FDEO. No action required by the Board at this time.

Commissioner Clarke stated she is the Commissioner that has a conflict of interest with Ms. Bromfield, and asked Attorney Mortell if there was anything further needed from her at this time. Attorney Mortell declined.

7. PALM CITY RD TRAFFIC CONTROL DEVICE (RC):

RESOLUTION No. 53-2022; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA TO APPROVE THE INSTALLATION OF A 4-WAY STOP INTERSECTION ON PALM CITY RD; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

Mr. Dyess stated this item was requested by Vice Mayor McDonald and stated he spoke with several traffic engineers and mentioned that it is considered poor traffic engineering to have a stop sign on Manor Dr due to a speed bump. Mr. Dyess stated that it is staff's recommendation that if the Commission wishes to place a stop sign, that they place it on Indian Grove and Palm City Road.

Vice Mayor McDonald stated he understood the engineers and would like to place the stop sign on Indian Grove and Palm City Road. He also stated that he would like to plan for a stop sign on Manor Dr and possibly approve it pending funding in our upcoming budget and remove the raised sidewalks. The Vice Mayor commented that he would like the stop signs with flashing LED lights.

Commissioner Meier stated he is in favor of putting the stop sign on Indian Grove but does not agree with removing the raised sidewalks.

6:03 PM MOTION: Approve the stop sign at Indian Grove Dr. and Palm City Rd.

MOVED BY: Mike Meier

SECONDED BY: None

DIED FOR LACK OF SECOND

6:04 PM MOTION: Do a stop sign at Indian Grove with red LED stop signs and we plan for one at Manor after the budget providing we can get the money put into the

budget this summer.
MOVED BY: Troy McDonald
SECONDED BY: None
DIED FOR A LACK OF SECOND

Mayor Matheson commented on the MPO plans in the works and the upcoming study of Palm City Road. Stated he believes that the budget on a stop sign is minimal and allows us to gather significant amounts of data, but he recommends the City take one issue at a time.

Commissioners continued discussion about the stop signs and traffic increases.

PUBLIC COMMENT:

- 1.) Jim Gallegos - SW Manor Dr.; Commented on his frustration with the traffic on Palm City Rd. and agrees with Vice Mayor McDonald's motion.
- 2.) Joe Flannagan - SW Indian Grove Dr.; Commented in support of treating the issues separately and agrees with the 4-way stop at Indian Grove Dr.

6:18 PM MOTION: Stop sign at Indian Grove Dr. with LED lights.
MOVED BY: Troy McDonald
SECONDED BY: None
DIED FOR A LACK OF SECOND

ORDINANCE SECOND READING

6:19 PM

8. INDIAN STREET SELF STORAGE DEVELOPMENT (QUASI JUDICIAL)(RC):

ORDINANCE No. 2482-2022; AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, APPROVING A MAJOR AMENDMENT TO A COMMERCIAL PLANNED UNIT DEVELOPMENT (CPUD) FOR A 6.59-ACRE PROPERTY AT 1053 SOUTHEAST INDIAN STREET; LOCATED APPROXIMATELY ONE-HALF MILE EAST OF THE INTERSECTION AT WILLOUGHBY ROAD AND SE INDIAN STREET ON THE NORTH SIDE OF THE ROAD, SAID LAND BEING MORE FULLY DESCRIBED IN EXHIBIT "A" ATTACHED; ESTABLISHING THE BEE SAFE STORAGE CPUD CONSISTING OF ONE, THREE-STORY, 135,000-SQUARE-FOOT SELF STORAGE BUILDING AND EIGHT, ONE-STORY STORAGE BUILDINGS; PROVIDING FOR CERTAIN DEVELOPMENT DOCUMENTS AND CONDITIONS; DECLARING THE PLAN TO BE CONSISTENT WITH THE CITY'S COMPREHENSIVE PLAN; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

Mike Mortell, City Attorney, swore in two people; Kevin Freeman, Development Director, and Morris Crady, Landscape Architect.

Mr. Freeman stated that there were no changes since the First Reading.

6:21 PM MOTION: Approve and follow the staff recommendation at this time.

MOVED BY: Eula Clarke

SECONDED BY: Becky Bruner

Motion approved unanimously.

9. ATLANTIC POINT MARINA - FUTURE LAND USE MAP CHANGE - MIDDLE ISLAND MANAGEMENT & DEVELOPMENT, LLC (QUASI-JUDICIAL)(RC):

ORDINANCE No. 2485-2022; 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 CHANGING THE FUTURE LAND USE DESIGNATION FROM "INDUSTRIAL" TO "MARINE INDUSTRIAL" FOR MIDDLE ISLAND MANAGEMENT AND DEVELOPMENT, LLC OWNER OF PROPERTY LOCATED AT 75 NW FLAGLER AVENUE, ADJACENT TO THE ST. LUCIE RIVER, PARALLEL TO NW FLAGLER AVENUE, NORTH DIXIE HIGHWAY, AND THE FEC RAILWAY, AS DESCRIBED WITHIN THE ATTACHED LEGAL DESCRIPTION; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Mike Mortell, City Attorney, swore in eight (8) people; Kevin Freeman, Development Director, Jeff Hardin, Middle Island Management, Jefferey Smith, Conceptual Design Group Inc., Joe Thomas, Birse Thomas, Jeff Anton, Ferragone Engineering, Ike Crumpler, Susan O'rourke, Traffic Engineer, Rod Kennedy, Engineer.

Mr. Freeman stated there was additional information that was looked at for the Boat Siting and introduced traffic concurrency.

Commissioner Meier asked about the height restrictions. Attorney Mortell stated there would not be any difference in the current land use and the one proposed, it is a zoning issue.

Don Cuazzo, representative of the applicant, came forward for any questions. No Commissioner questions.

6:29 PM MOTION: Approve the land use change that has been sought by the applicant and has been recommended by staff.

MOVED BY: Eula Clarke

SECONDED BY: Mike Meier

Motion approved unanimously.

10. ATLANTIC POINT MARINA - MAJOR URBAN CODE CONDITIONAL USE APPROVAL (QUASI JUDICIAL)(RC):

RESOLUTION No. 43-2022; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA," GRANTING A MAJOR URBAN CODE CONDITIONAL USE APPROVAL FOR MIDDLE ISLAND MANAGEMENT AND DEVELOPMENT, LLC OWNER OF PROPERTY LOCATED AT 75 NW FLAGLER AVENUE, ADJACENT TO THE ST. LUCIE RIVER, PARALLEL TO NW FLAGLER AVENUE, NORTH DIXIE HIGHWAY, AND THE FEC RAILWAY, AS DESCRIBED WITHIN THE ATTACHED LEGAL DESCRIPTION; REQUIRING SPECIFIC POLICIES TO BE CONSIDERED INCLUDING LAND USES, PARKING

PROVISIONS, LANDSCAPE BUFFER WIDTHS, BUILDING WALL MATERIALS, ROOF PITCH, ROOF MATERIALS, ARCADES, PORCHES, OUTBUILDINGS AND BALCONIES ALLOWING FOR A BOAT BARN, RESTAURANT, SHIP STORE, BOAT SLIPS, AND ASSOCIATED MARINA USES; PROVIDING AN EFFECTIVE DATE; PROVIDING FOR A TIMETABLE OF DEVELOPMENT; PROVIDING FOR CONDITIONS OF APPROVAL; AND FOR OTHER PURPOSES.

6:30 PM

Mike Mortell, City Attorney, swore in nine (9) people; Kevin Freeman, Development Director, Jeff Hardin, Middle Island Management, Jefferey Smith, Conceptual Design Group Inc., Joe Thomas, Birse Thomas, Jeff Anton, Ferragone Engineering, Ike Crumpler, Susan O'Rourke, Traffic Engineer, Rod Kennedy, Engineer. 1 person unknown.

Mr. Freeman presented the location, the process, FLU Map Change, zoning, future land use element, transportation element, coastal element, economic development element, maximum buildout, site plan, landscaping, stormwater, architectural, urban code exceptions requests, light house structure, and soils. Mr. Freeman stated that staff recommends approving Resolution No. 43-2022.

Mr. Jeff Harden, Middle Island Management, presented the location and legacy of the site, its history, spoke about Straticon and its different projects, stated the economic, environmental, cultural impact, and about the project's alignment to Stuarts initiative. Reported on the local support they have received.

Don Cuazzo, applicants representative presented on the land use change, proposal summary, site plan, landscape plan, major urban code exceptions, stated they are withdrawing the lighthouse from the plan, continued presenting on the architectural plans and renderings, vertical artistic landmark, policy compliance, spoke on the public art pricing/contribution, respectfully recommended approval.

Vice Mayor McDonald thanked Mr. Cuzzo for removal of the lighthouse in the project and asked about the roof style and drainage.

Commissioners asked questions pertaining to landscaping, .

Commissioner Clarke and Commissioner Meier reviewed landscape plans with Jeff Smith and Jeff Anton.

Susan O'Rourke came forward to comment on traffic patterns.

Commissioners continued with questions and answers with the applicant and their team.

PUBLIC COMMENT:

- 1.) Douette Price - Fourwinds Dr.; Fourwinds Dr.; In favor of the project.
- 2.) Mike Allen - Fort Lauderdale.; In favor of the project.
- 3.) Robert Mackeen - SE Fleming Way.; In favor of the project.
- 4.) KC Ingram Mullen - SW Harbor View. Palm City; In favor of the project and spoke on the muck this project will take out from our river.
- 5.) Tim Mullen - SW Harbor View. Palm City.; In favor of the project.
- 6.) Kelly Johnson - In favor of the project.

- 7.) Brent Waddell - Jensen Beach.; In favor of the project.
- 8.) Robin Cartwright - SE Hibscus Ave.; requested
- 9.) Tom Whittington - SW Woodcreek Dr.; In favor of the project.
- 10.) Rob Stephen - Questioned what the lighting rules are.
- 11.) Marcela Cambor - W. Osceola St.; In favor of the project.
- 12.) Pete Meier - NW Fork Rd.; In favor of the project.
- 13.) Helen McBride - SE Flamingo Ave.; In favor of the project.
- 14.) Paul Sandstrom - NW Arrowwood Ln.; In favor of the project and stated statistics of the Marine Industry.
- 15.) Kasey Scott - Vero Beach; Marine Artist for the project, thanked the Commission and is honored to be a part of the project.
- 16.) Tom Burch - Waterlily, Jensen Beach.; In favor of the project, glad to have the boat storage.

Kev Freeman, Development Director, noted there is an Ordinance on light spillage.

Conditions discussed. Mayor Matheson proposed adding language to Condition #23, the water taxi stop. He is thankful for the accommodation and would like to include the existing language in the application that currently reads "shall provide details of docks with slips that would support a City Water Taxi Stop", and add "and short-term ~~restaurant~~ patron dockage,".

Don Cuazzo agreed to add the language.

MOTION: Approval of Resolution No. 43-2022 Atlantic Point Marina Major Urban Code Conditional Use Approval with everything staff has said, conditions with regard to the 8 foot sidewalk, the pump-out will be taken care of, a location for the police boat, and the short-term patron dockage language as read by the Mayor in Condition #23, and the removal of the lighthouse.

MOVED BY: Eula Clarke

SECONDED BY: Becky Bruner

Motion approved unanimously.

ORDINANCE FIRST READING

11. STUART COURTHOUSE UPUD (QUASI-JUDICIAL) (RC):

ORDINANCE No. 2489-2022; AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, APPROVING A REZONING FROM URBAN CENTER TO URBAN PLANNED UNIT DEVELOPMENT (UPUD) LOCATED AT 151 & 191 S.E. OCEAN BLVD, SAID LAND BEING MORE FULLY DESCRIBED IN EXHIBIT "A" ATTACHED; ESTABLISHING THE STUART COURTHOUSE UPUD CONSISTING OF FIFTY TWO NEW (52) RESIDENTIAL UNITS AND 5,778 SQUARE FEET OF OFFICE/COMMERCIAL USE IN ACCORDANCE WITH SECTION 2.07.00 OF THE STUART LAND DEVELOPMENT CODE; ALLOWING A DENSITY OF 29.7 DWELLING UNITS PER ACRE ON A 1.06 ACRE SITE; APPROVING A FINAL SITE PLAN; PROVIDING FOR DEVELOPMENT

CONDITIONS INCLUDING A TIMETABLE FOR DEVELOPMENT, DECLARING THE PLAN TO BE CONSISTANT WITH THE CITY'S COMPREHENSIVE PLAN; PROVIDING DIRECTIONS TO THE CITY CLERK; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

Attorney Mortell swore in (4) people;

Mike Mortell announced that the original application was presented by New Urban Communities but following tonight's presentation, it will be transferred to a new entity and the Ordinance will be signed by the new entity, whoever that is.

Mr. Freeman presented on the process, Future Land Use, Zoning, Future Land Use Element, transportation element, urban planned use development, requested variances, site plan, architectural, density calculation, parking, and staff's recommendation.

Tim Hernandez, applicant of the project, presented the inflow and outflow of the job counts within the City, spoke about different plans that had been on that site, showed the current site plan, landscape, spoke about the elevations, parking, community benefits, spoke on Civitas agreements key points.

Mr. Mortell questioned the shared parking if the spots were assigned. Hernandez agreed that they would no longer count towards shared parking if assigned.

Add staff recommendation to motion upon the unity of title.

Vice Mayor McDonald questioned the applicant about the stacked parking. Stated he did not like the density count and would like to change our code in regards to density calculations.

Discussion, questions, and answers took place amongst Commissioners, the applicant, and staff.

Mayor Matheson would like to see more pervious parking.

PUBLIC COMMENT:

- 1.) Chip Hazard - SE Seminole St.; Against the scope of the project.
- 2.) Bruce Laraway - Seminole St.; In opposition of the project.
- 3.) Mark Brechbill - SE Osceola St.; In opposition of the project.

9:34 PM MOTION: Approval with staff's language around the unity of title for the PUD, the developer present a pervious increase for the exterior parking in right-of-way.

MOVED BY: Mike Meier

SECONDED BY: Becky Bruner

Motion approved unanimously.

DISCUSSION AND DELIBERATION

ADJOURNMENT

9:41 PM

Mary R. Kindel, City Clerk

Merritt Matheson, Mayor

Minutes to be approved at the Regular Commission
Meeting this 13th day of June, 2022.