

**REGULAR MEETING OF THE STUART CITY COMMISSION
HELD ON NOVEMBER 13, 2007
AT 5:30 P.M. IN THE CITY COMMISSION CHAMBERS
121 S.W. FLAGLER AVE.
STUART, FLORIDA 34994**

Roll call was answered by:

**Mayor Mary L. Hutchinson
Vice Mayor Jeffrey A. Krauskopf (ABSENT)
Commissioner Carol S. Waxler
Commissioner Michael J. Mortell
Commissioner James A. Christie, Jr. (ABSENT)**

Also present were:

**City Manager: Dan Hudson
City Attorney: Paul J. Nicoletti
City Clerk: Cherie White**

Mayor Hutchinson delivered the Invocation, followed by the Pledge of Allegiance led by the Commission.

COMMENTS BY CITY COMMISSIONERS

Commissioner Mortell stated he attended the FAU Making Places seminar last week. He stated they had some pretty good ideas he would bring up at the workshop.

Mayor Hutchinson invited everyone to attend the 1st Annual Holiday Jazz event, to be held on December 2, 2007 from 12:00-8:00 pm. She said they will have a kids zone as well as community groups and the entire event is free.

COMMENTS BY CITY MANAGER AND REVIEW OF TENTATIVE AGENDA

City Manager Hudson announced that the City of Stuart Water Treatment Plant has won an award from Department of Environmental Protection for Plant Operations Excellence in recognition of outstanding operation through dedicated professionalism. He also announced that if anyone would like a tour of the plant the City could certainly arrange that.

City Manager Hudson also stated the City has confirmed and is looking into processing several code violations at the Home Depot. He also stated that the City has made a determination that the dock at the Harborage project is not in compliance with the approved plan and staff is working with them to get that corrected.

He also distributed the City Commission meeting calendar for next year and asked for commission comments for a future agenda for approval.

Tentative Agenda:

Item #7, Traffic Concurrency a revised version was distributed dated November 7, 2007. He stated he requested that be modified utilizing City of Stuart population numbers as opposed to Martin County.

Item #11, he has a request to remove that item from consent calendar for discussion purposes.

Items #15 and #16, The Fountains of Stuart, he recommended hearing those just prior to item #22, since all three of those items are related.

Item #17, Stuart Commons, he recommended hearing that item just prior to item #21.

Item #19, Publix at Baker Road, staff did receive a revised plat today, but staff has not had a chance to review it in detail. He stated the Commission may proceed to go forward with the first hearing to repeal that approval or we can defer it to a future meeting.

STAFF REPORT ON COMMENTS FROM PREVIOUS COMMISSION MEETING

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| • Historic Building Tax Credits | On Hold |
| • County Aquatics Center | City Met with County Staff |
| • SR 707 Haney Creek Maintenance Agenda 11/13/07 | |
| • Annexation Maps | Agenda 11/26/07 |
| • Policy Regarding Pole Signs | Agenda 11/13/07 |
| • Villabella Compliance | Magistrate Order 8/9/07 |
| • Fiscal Policy on Investments | Pending |
| • Commerce Ave. "On-Street" Parking | Pending |
| • Signs Palm City Road | Pending |

COMMENTS FROM THE PUBLIC (Non-Agenda Matters Only – 5 min. max)

Helen McBride came forward and stated she attended the last County Commission meeting where Stuart Jet Center requested an expansion. "The surrounding residents as well as WAAM have a problem, not with the airport but with the large jets. As the discussion went on Commissioner Weberman stated that the Martin County Charter states that, the surrounding areas have to have their input, which would be the City of Stuart, Sewall's Point and they named two others, but I forgot to write it down. The lawyer for the Stuart Jet Center stated he spoke with the City of Stuart and that the City had no problem with the expansion. You could image, me of all people I got right up and said, I go to all of the City of Stuart meetings, and they have never discussed it. The people from WAAM afterward said what happen? I said I have no idea but I would speak at the next City Commission meeting and ask. I said ride your bikes over to my neighborhood and see all the jet fuel on the trees and patio. We already lost 18th street. You have lost a big percentage of tax payers and wonderful neighbors. After the meeting the lawyer said he did speak with the City, and said he spoke with someone at City Hall, and someone at City hall said they have no problem. I elected five people to represent me. We want to know why one person, an employee, thinks he has the right to tell Stuart Jet, yes, they can build a big place and bring in more jets, large jets, and we may loose more of our neighborhood. I want, and I am asking on behalf of my neighbors who surround the Stuart Airport to find out who this employee is, and let him know he does not speak for the people."

She also stated the Martin County School Board is using the old JD Parker School for the facility department. She also stated they were renovating the building as well as moving offices into the building. She stated that in common courtesy they should be talking with the City because the City gave up the running track as well as purchased land for the new

school. She expressed concern over the future of the City's auditorium and where it would be located. She also requested the City look into the neighborhood surrounding Safespace because they all have concerns.

Commissioner Waxler requested Mrs. McBride provide her the name of the Stuart Jet Center Attorney. She did state that she spoke with Commissioner Weberman and wanted to assure Mrs. McBride that the City had not discussed this issue and would contact the Attorney representing Stuart jet Center.

James Brady: Petitioner regarding the recent violence at the Safespace facility, located in the City urged the Commission to get to know where the facility is located, and also urged the City to have a good working relationship with them.

He stated that he and his neighbors felt this was a potential liability to the community, and read a letter into the record thanking the City for their cooperation to this matter.

City Manager Hudson stated "The facility is currently closed and the new facility will not open until they are satisfied the corrective action plan is in place, and all of the procedure are worked out." He stated he met with the Department of Children & Family Services and the Board of Directors of Safespace Inc. this morning and felt it was a good meeting. He stated the key points as to where they are now are;

"Safespace has acted quickly to affect personnel changes."

"They have been directed by the recent report released on Friday to draft an interim plan by this coming Friday and they are actively working on that. It is going to include several features, including addressing board member responsibilities."

Mr. Brady again thanked the City for their assistance.

Robert Stienburg came forward and stated: "As you know there is an ongoing issue on California Avenue regarding the use of a strictly residential property for, as Mr. Mortell referred to it as full commercial designation. I am speaking specifically of Susan O'Roarks office at 516 California Ave, which was built by Treasure Coast Homes to the strictest residential standards, and did not include any kind of amenities for commercial use, yet after having meetings for the past six months with the City, and we are back to go. Our Development Director is now looking for another reason to allow this unwarranted use of residential property. I reviewed Mr. Freeman's report to the City Manager this afternoon. There are several glaring omissions from his report. The most significant one is in section 2.02.02, residential district R-3 use; letter B, residential units combined with non residential uses, provided all applicable standards for each use are met. "This is my argument; the applicable standards for commercial use have not been met. They have been ignored by the developer. Now all of a sudden when it is expedient to have a commercial property in a residential dwelling, we are looking for a reason to allow this. This should not be allowed. I have checked the permits. There is no electrical conduit service, it's strictly romex. We have been arguing over the parking. I still can't see how a closed garage can be used for public parking. The inclusion of a handicapped space which straddles two properties and uses the public right of way for access does not seem to fit with the need for a buffer between residential and commercial uses. It does not take into account section, 3.01.03, parking shall be located behind a rear façade or behind a street wall. If there is not enough parking for this property, there isn't proper construction for this property, and simply, I believe Commissioner Mortell is in agreement with me when I brought this up three weeks ago. What I need to know know is if the City agrees with me, not whether Kevin Freeman agrees with me." He

requested to know what the position of the City of Stuart is in regards to Susan O'Roark's property with a full commercial designation.

Mayor Hutchinson apologized that she had not returned Mr. Steinburg's emails due to the fact she was out of town, and also apologized that she did not have the answer to his questions at this time.

Mr. Steinburg expressed concern over the zoning designations that have been given in this case.

Commissioner Mortell stated that the intention of the City of Stuart was for there to be businesses, just like this in that area.

Mr. Steinburg stated that was correct "however, the code has not been met."

Robert Hall, 812 Palm Beach Road, came forward and thanked the City for keeping the city clean. He also stated he was happy to see the new police department building and was something he worked on while he was a Commissioner. He expressed concern that he had a problem entering the new police department to discuss a legal matter last week. He said he had to stand out in the rain and talk with someone over a speaker and requested the City look into a reception area for visitors as well as safety.

City Manager Hudson said there is a reception area in the front of the building, but the City is directing all the public access to the rear of the building, however when the landscaping is complete the reception area in the front of the building will be the public entrance inside the building. He also said there would be a grand opening sometime in January.

APPROVAL OF AGENDA

MOTION: COMMISSIONER WAXLER: MOVED APPROVAL OF AGENDA WITH THE CHANGES THAT ITEM #15 AND #16 COME BEFORE ITEM #22 AND ITEM #17 COME BEFORE NOW ITEM #15 AND #16, AND THEY PULL FOR DISCUSSION ITEM #11 FROM CONSENT CALENDAR.

SECOND: COMMISSIONER MORTELL
MOTION APPROVED UNANIMOUSLY

CONSENT CALENDAR

- 1. Request to approve the Minutes from the Regular Commission Meetings of August 27, 2007, October 22, 2007 and Joint Meeting of the City Commission and the Community Redevelopment Board of October 23, 2007**
- 2. Letter to Martin County discussing the maintenance of SR707 for Green River Parkway/SR 707 Intersection**
- 3. Proposed amendments to the City's Land Development Regulations pertaining to off-site wetland and upland mitigation requirements**
- 4. Law Enforcement Trust Fund Expenditure for Drug Terminator for disposal of confiscated drugs**

5. **CONTINUE RES. 161-07 TO NOVEMBER 26, 2007 (RESOLUTION 161-06) to consider a Major Site Plan, Key's of Stuart Professional Center (Redo from the September 24, 2007 Commission Meeting)**
6. **RESOLUTION 154-07 Approve a Site Plat Titled "Stuart Commons" f.k.a. "Center Pointe" for the Master Site Plan, Property located on the east side of S. Kanner Highway, North of Indian Street**
7. **RESOLUTION 162-07 Authorizing the Adoption of the "Traffic" Concurrency Management System annual report upon final review and approval**
8. **RESOLUTION 163-07 Authorization to execute a contract to reflect the change in scope of services in a contract agreement between Linda Strutt Consulting, Inc. and the City of Stuart to provide Professional Planning Services in conjunction with Capital Improvement Element in an amount not to exceed \$15,000**
9. **RESOLUTION 164-07 Authorization to amend the City of Stuart Personnel Policies, October 1, 1996 Manual General Provisions regarding Sub-section IV. Authorizing the City Manager to amend and/or revise any policy or part thereof that does not result in a monetary or economic impact on the approved budget**
10. **RESOLUTION 165-07 Confirming the results of the 2007 Regular Municipal Election for the City Commissioners Group II and Group IV**
11. **RESOLUTION 166-07 Authorization to approve a Major Site Plan, Stuart Commercial Properties 1801 SE Federal Highway, approximately 61,855 square feet of building area for a commercial development consisting of retail and professional office (Quasi-Judicial)**
12. **RESOLUTION 167-07 Authorizing to execute an easement agreement between the Florida Power and Light and the City to provide a ten foot utility easement adjacent to Shepard Park for the installation of a new transmission Pole**

END OF CONSENT CALENDAR

MOTION: COMMISSIONER MORTELL: MOVED APPROVAL OF THE CONSENT CALENDAR 1-12 REMOVING ITEM #11

SECOND: COMMISSIONER WAXLER

Mayor Hutchinson had a question on item 12. " I would possibly like to postpone this so we can talk with FPL to see if that pole can be positioned in such a way, that if the City ever wants widen that sidewalk in that part of US1."

MOTION: COMMISSIONER MORTELL: MOVED APPROVAL OF THE CONSENT CALENDAR TO REMOVE ITEM #12

SECOND: COMMISSIONER WAXLER

Mayor Hutchinson stated we had talked before how narrow the sidewalk is there on US 1 and I would hate to be approving something that is going to impede us from doing something in the future. Item number seven regarding the traffic concurrency reports, I really would like us to take a look at the North Stuart Traffic exempt area, and really I think there is parts of that, that are sitting in that traffic exempt that should not be exempt. I think this is very important that we take a look at, I would direct staff to do so."

MOTION: COMMISSIONER MORTELL: MOVED APPROVAL OF THE CONSENT
CALENDAR ITEMS 1-10 EXCLUDING #11&12

SECOND: COMMISSIONER WAXLER

ROLL CALL

MAYOR HUTCHINSON	YES	COMMISSIONER WAXLER	YES
COMMISSIONER MORTELL	YES		

***Item 11 was heard at this time**

11. RESOLUTION 166-07 Authorization to approve a Major Site Plan, Stuart Commercial Properties 1801 SE Federal Highway, approximately 61,855 square feet of building area for a commercial development consisting of retail and professional office (Quasi-Judicial)

Bill Mathers
Peter Debs
Jose Fernandez
Raymond Dalassrano
Kev Freeman /Dennis Mrozek, Development Department

Kevin Freeman gave a brief powerpoint presentation to the Commission and Public regarding the proposed project. He stated this project is a better use for the area. "It improves the landscaping and the outlook onto US1 in the area". He stated it meets with code and recommends approval with conditions.

Bill Mathers, representing the applicant came forward and announced he would be happy to answer any questions the Commission may have.

Mayor Hutchinson commended the applicant on the architecture of the project. She did state he understood the property to the North of this proposed project did not agree to do a cross section future connectivity to this project. She stated that the same people do not own building forever and felt it would be beneficial for this project if there was some way to work in a future connectivity to that site. "Obviously it is a restaurant site, and this is very similar uses. I would hate for someone to have to come out and then go back in, if they are just going up there. That is one of the things I would like to see. I also have a concern with the layout of the site plan, you have all the retail on one end, and all the parking is on the other end. Those two retail sections, if you just took those, I think the required parking is around 98 spaces for it, but there are only 40 that are right in front of those retail spaces. I just wonder if that will cause any problem for those retail spaces that are there if they are not going to have adequate parking."

Bill Mathers the office building is three stories so a majority of the parking needs for that building the rear parking lot does accommodate it.

Mr. Raymond Dalassrano, representing the owner/applicant came forward and stated the tenants of the office building would be using the majority of the parking in the rear. The parking in the front will be used by the retail space, and stated there was adequate parking in the front to serve the retail. He also stated the applicant has provided a western pedestrian access to connect to the restaurant to the North. He also stated connectivity was included to the South.

Commissioner Mortell stated he reviewed the plans for the connectivity to the South and felt 20 feet was too narrow.

Mr. Mathers stated; "The 20 feet is the width of an average roadway with no turn around or parking, and with a circular round to connect the two ends, those are compressed down to 20 feet or so. In this plan you have curbs in addition to the 20 foot."

Commissioner Waxler asked the applicant to point out to her the signage for the project.

Mr. Dalassarano pointed out the monument sign on the plans to the Commission.

Commissioner Waxler stated that section of US1 needs to bring current and modernized. She did like the idea of hiding the commercial enterprise to the rear.

Attorney Paul Nicoletti suggested a proposed condition number# 28 be added. IY would read; "A cross access easement reservation shall be incorporated on the site plan for the North and South sides of the property, with agreement by the developer to obtain and grant access easements as they become available."

Commissioner Mortell: Stated there was a problem with the North side because their building is all the way up to the road.

Mr. Dalassarano stated they have pedestrian access connectivity to the North only.

Commissioner Mortell expressed concern over the location of the dumpsters.

Mr. Mathers stated that this was the only area with enough space for the dumpsters and recycling containers with enough room for the truck to loop around and back up.

Mayor Hutchinson stated she did not want to see the back of this project lined with dumpsters.

MOTION: COMMISSIONER MORTELL: MOVED APPROVAL OF RESOLUTION 166-07
WITH ADDITIONAL CONDITION #28

SECOND: COMMISSIONER WAXLER

ROLL CALL

MAYOR HUTCHINSON	YES	COMMISSIONER WAXLER	YES
COMMISSIONER MORTELL	YES		

FIRST READING OF ORDINANCES

13. (A) ORDINANCE 2137-07 (First Reading) Request to consider an annexation of approximately .47 acres of City owned land located on the East side of North US-1 between Baker Road and Wright Boulevard as described in Exhibit "A" assigning "B-2" Business Zoning and Commercial Land Use Designation (Quasi-Judicial) ; and

Terry O'Neil came forward on behalf of the City, and gave a brief overview as to the proposed annexation. He stated the property is part of a developer contribution to the City, and that parcels, .47 acre, and .78 acre will remain vacant and become part of the Haney Creek Project.

MOTION: COMMISSIONER WAXLER : MOVED APPROVAL OF ORDINANCE 2137-07
ON FIRST READING.

SECOND: COMMISSIONER MORTELL

ROLL CALL

MAYOR HUTCHINSON	YES	COMMISSIONER WAXLER	YES
COMMISSIONER MORTELL	YES		

(B) ORDINANCE 2138-07 (First Reading) Request to consider an annexation of approximately .78 acres of City owned land located on the East side of Baker Road and Wright Boulevard described in Exhibit "A" assigning "Public" zoning and "Conservation" Land Use Designation (Quasi-Judicial)

MOTION: COMMISSIONER WAXLER : MOVED APPROVAL OF ORDINANCE 2138-07
ON FIRST READING.

SECOND: COMMISSIONER MORTELL

ROLL CALL

MAYOR HUTCHINSON	YES	COMMISSIONER WAXLER	YES
COMMISSIONER MORTELL	YES		

14. ORDINANCE 2139-07 (First Reading) Authorization to add a new article titled "Youth Protection" in Chapter 46, Human Relations, providing time related and other standards for minors within the City (Quasi-Judicial)

Attorney Nicoletti gave a brief overview and history regarding the proposed Ordinance.

Robert Hall, 812 Palm Beach Road, came forward and supported the Ordinance but asked the City support this Ordinance throughout the entire City and also assure proper training to handle youth offenders. He requested that if the City does move forward with the Ordinance to adjust the section regarding having to have written permission for your child to be out. "I suppose I understand the reason why that if an officer were to stop a youth they would not have to carry the youth all the way back to their house to find out their parents had given them, but it just seems so wrong in this country to have to have written permission to be outside. The other problem I have is you have a clause in there that talks about some of the exceptions that are available, well me and my brother used to enjoy going down to the neighborhood lake and fishing for catfish in the wee hours of the morning or late at night. It is a public lake, no one was harmed. We may be out over at a friends house having a good time outside. You have an Ordinance right now that states you're exempt if you are on the

swale in front of the minors residents, but if I am having a sleepover at a friends house, my friends now ok because he is at his house but I am not at my house so now I am not ok. It is a technicality but I am sure there is some way to adjust that. Another example might be a family who feels that their young son or daughter is quite mature for their age of 16, and they happen to get their car and license, and they are out and you may give them special permission to be out after 12:00 pm. It is your child, you should have that right in this country to give your child special permission to be out. According to this law unless they are doing an errand, they won't have that special permission. I know allot of parents wont agree there is no need to have a child out after 12:00 p.m., but it's not your child its mine"

Jay Thompson came forward and was in favor of the Ordinance, but asked the City Attorney to clarify the student who has been suspended from school, and the distance they have to meet during school hours.

Mr. Nicoletti stated "The idea was that if you have been suspended or expelled from school you can't be within 1000 feet of a school during school hours. The idea is that causes some problems for children who are already in school."

Helen McBride was in favor of the Ordinance and felt that it teaches children to respect the law.

Mortell stated the purpose behind the Ordinance was that times have changed, and he could not think of a reason not to do adopt this Ordinance.

Commissioner Waxler also said that she always expressed concern over anyones civil rights being violated, she asked if the police department has enough manpower to handle situations like this.

Chief Edward Morley: "I think the first thing is its another tool in the toolbox." He stated they are not going to be out looking for children, its more if you come upon them or there is a problem in a particular area, it is another tool to help protect that child.

Commissioner Waxler agreed with Mr. Robert Hall regarding selective area enforcement and needs to be used throughout the City. She requested a sunset clause to the Ordinance, and suggested 1 year. She also asked that during that time information be gathered as to the enforcement actions that have been taken during that time.

**MOTION: COMMISSIONER MORTELL: MOVED APPROVAL OF ORDINANCE 2139-07 ON
FIRST READING WITH A 12 MONTH SUNSET
CLAUSE FROM INCEPTION.**

SECOND: COMMISSIONER WAXLER

Mayor Hutchinson asked how violations would be handled.

Attorney Nicoletti stated that a fine schedule is included within the Ordinance with an appeal process to be heard by the Magistrate.

Chief Morley stated it also includes a provision for the violator to attend an intervention program through the, Youth Intervention Officer, at the 10th Street Recreation Center. Successfully completing this program would erase any fine or record of the violation.

Mr. Hall came forward again and asked if a child was found in violation of this Ordinance would the parents also be penalized?

Attorney Nicoletti stated there was a provision included in the Ordinance to sanction parents and the business operators if there found in a business.

Mr. Hall felt that if we penalize the person responsible for the children then we could govern the law.

Mark Mathes requested that an additional exemption to the Ordinance allow the parent the freedom to identify an exemption for their families. In other words, my child has gone to a social event somewhere, and they happen to be out after a certain hour, you know, I would like to be able to define my own items for my own child.

Attorney Nicoletti: "This say's lawful errand, it could be any purpose as long as it is not a global exemption." He said he would right that in.

John Katsock came forward and expressed concern over the proposed Ordinance.

Katherine Coury came forward and was in favor of the proposed Ordinance.

Armond Pasquale came forward and felt the Ordinance should be modified to include adults.

ROLL CALL

MAYOR HUTCHINSON	YES	COMMISSIONER WAXLER	YES
COMMISSIONER MORTELL	YES		

Item #15 was heard after item 22

Item #16 was heard after item 15

Item #17 was heard after item 20

18. ORDINANCE 2143-07 (First Reading) Amending the Land Development Code, Chapter 6, Development Design and Improvement Standards, by providing supplemental standards for Night Clubs, Large Bars and Restaurants, providing for repeal of conflicting ordinances (Quasi-Judicial)

Attorney Nicoletti gave a brief overview of the proposed Ordinance.

Mayor Hutchinson asked what zoning districts allow nightclubs.

Kev Freeman said he understood B-2 and potentially B-1, but would have to check with zoning for the answer to that question.

John Katsock, owner of the property at 20 North Dixie Hwy. expressed concern over the regulations in the Ordinance.

Commissioner Waxler wanted to be assured that the existing businesses be grandfathered in.

Commissioner Mortell requested the City Attorney look into the language in the Ordinance as it related to entertainment and type of beverage served.

Norm Zlinkoff expressed concern over the dress requirement spelled out in the Ordinance for security personal. He also expressed concern over the parking requirements in the ordinance.

Key Freeman answered Commissioner Waxler's question as it related to the start of this requirement. He stated it is set up in the Code as it relates to major change in use and the activities that go on in a premises or a period of vacancy of 180 days.

Attorney Nicoletti clarified that if any business that is over 3000 sq feet and falls within the category of nightclub, bar or restaurant, they will be required with our next cycle of licensing to obtain a license.

Commissioner Mortell asked how does this effect an existing restaurant if residential goes in next door?

Attorney Nicoletti, "It would not, it could make it nonconforming, if we allow that. Again, if your going to approve a residential project next to commercial you might, as a requirement of that PUD, require the buffers be on their property."

John Katsock, owner of 20 North Dixie Hwy, came forward and stated his tenant has been delayed due to the zoning in progress law that was adopted by Resolution on August 28, 2007. He felt there was a violation of the Sunshine Law because the Resolution was adopted under consent with no discussion.

Commissioner Mortell stated he has spoke with Mr. Katsock and was upset that he would accuse the Commission of violation of the Sunshine Law. He wanted to go on record by saying he has not violated any law and felt like Mr. Katsock was personally attacking him.

Mayor Hutchinson also took a personal offense over the accusation by Mr. Katsock of violating the Sunshine Law. She stated that none of the Commission has violated any Sunshine Law, and even while in a social setting, and do not discuss any City business. She stated that the entire Commission takes the Oath of Office very seriously, and do not violate the sunshine.

Mr. Katsock expressed concern over the regulation of uniformed security personnel within a business. He also asked why new businesses would be required to have 10% outdoor space.

Attorney Nicoletti said there needed to be an assembly area for people to get out of the weather.

Norm Zlinkoff, came forward and also expressed concern over the proposed Ordinance and the requirements of specific dress for security personnel. He felt it should be up to the discretion of the owner or management. He also felt the square footage of the building and the parking requirements should be researched before the adoption of the Ordinance. He also questioned the requirement for the disclosure of the sale of at least 10% of stock in a corporation.

Mayor Hutchinson clarified the code regarding parking requirements, as well as the outdoor assembly area.

Mark Mathes came forward and stated he recently came before the City Commission for an annexation which included a condition relating to nightclubs. He requested the City Commission consider a request by the applicant to lift the condition.

Anthony Brusca, owner of the shopping center North of the Roosevelt Bridge. Came forward and asked if the zoning in progress has expired. He has a tenant who has been trying to open a nightclub at that center and has been unable to do so.

The Commission informed him that the zoning in progress will expire on November 26, 2007.

John Katsock came forward and stated the revocation provisions were unfair.

Commissioner Waxler requested the language be changed on page 2, to "Large Bars and Large Restaurants." She also requested before second reading identified, existing large bars and large restaurants and night clubs within the City.

Attorney Nicoletti stated he would provide that at second reading.

Commissioner Waxler also expressed concern over unidentified security guards.

Commissioner Mortell also expressed concern over the number of security personnel needed for an establishment. He stated that the number of security personnel may be needed on a Saturday night but may not be needed on a Tuesday.

Attorney Nicoletti stated he would look at how to balance that issue.

MOTION: COMMISSIONER MORTELL: MOVED APPROVAL OF ORDINANCE 2143-07 CONTINGUENT ON STAFF ADDRESSING THOSE ISSUES RAISED BY THE PUBLIC AS WELL AS THE COMMISSIONERS THIS EVENING ON FIRST READING.

**SECOND: COMMISSIONER CHRISTIE
ROLL CALL**

MAYOR HUTCHINSON	YES	COMMISSIONER WAXLER	YES
COMMISSIONER MORTELL	YES		

19. ORDINANCE 2144-07 (First Reading) Repealing in its entirety, Ordinance No. 2104-07 Publix at Baker Road Northeast corner of NW federal & NW Baker Road (Quasi-Judicial)

Attorney Nicoletti stated that staff was presented new site plans today and the City has not had time to review them. He stated the Commission has two choices; continue with first reading of this item pending the review of the new site plan or to withdraw this Ordinance and bring it back if needed.

MOTION: COMMISSIONER MORTELL: MOVED APPROVAL OF ORDINANCE 2144-07 ON FIRST READING. AND IF THIS IS RESOLVED

PRIOR TO SECOND READING THEN IT DOES NOT HAVE TO COME BACK ON THE AGENDA, AND IN THE EVENT THIS RESOLVED STAFF SHOULD NOTIFY COUNCIL FOR THE APPLICANT.

SECOND: COMMISSIONER WAXLER

ROLL CALL

MAYOR HUTCHINSON YES COMMISSIONER WAXLER YES

COMMISSIONER MORTELL YES

20. ORDINANCE 2145-07 (First Reading) Adopting a Comprehensive Sign Code amending provisions of the overlay zones, amending development design and improvement standards, adopting new general sign provisions amending the definitions (Quasi-Judicial)

Kevin Freeman gave a brief powerpoint presentation regarding the proposed Comprehensive Sign Code Amendments.

Commissioner Mortell mentioned he saw signs in Jupiter that created a walkable downtown. He liked the idea of projection signs and felt it would create a better ambiance in some of our areas.

Mayor Hutchinson addressed the following; She asked about page 8, C, the under canopy signs and them not permitted to swing. She did not know if it was feasible to make those signs rigid.

Attorney Nicoletti stated that comment came from the sign business community. He stated their comment was you don't want them to be swinging because they are dangerous in wind

Mayor Hutchinson requested that language be stricken.

Mayor Hutchinson also questioned the banner language regarding the logo. She also requested the type of material language regarding swinging signs be addressed on page 15.

and special event roadway banners, eliminate the type of material due to the fact new materials are used daily.

Item #2 , historical signs and markers. Add landmark and historic event markers.

Commissioner Mortell : "I just want to be on the record by saying, the City did everything in its power to invite people down to special meetings. We actually wanted the input, and less than a half a dozen people showed up."

Attorney Hake came forward and expressed concern over the proposed Ordinance and a project coming forward on the agenda where there is a planned 15 foot monument sign. She asked how this new Ordinance will be applied.

The Commission stated this was only the first reading of the Ordinance and that if the project is approved tonight it would not apply to her project.

Jason Litterick asked if the sign code addressed the median signs located on Kanner Highway.

Mayor Hutchinson stated those signs are part of the Stuart in Bloom Campaign that the City is competing in.

Jason Litterick just wanted to be assured the signs did not read "Landscaped by them" because their company did the landscape design for that road.

Armond Pasquale came forward and asked about page 25, F, vehicular signs. He asked about commercial trucks parking in a residential area overnight.

Kev Freeman explained this is more for commercial trucks parking overnight in parking lots adjacent to the highway for the purpose of advertising in that location. Also commercial trucks are not permitted now to park in residential areas.

Attorney Nicoletti stated he would look at the Ordinance for conformity.

Mark Mathes came forward and expressed concern over the proposed 10 foot requirement for monument signs.

Katherine Coury came forward and also expressed concern over the proposed 10 foot sign requirement.

MOTION: COMMISSIONER WAXLER: MOVED APPROVAL OF ORDINANCE 2145-07 ON FIRST READING.

SECOND: COMMISSIONER MORTELL
ROLL CALL

MAYOR HUTCHINSON	YES	COMMISSIONER WAXLER	YES
COMMISSIONER MORTELL	YES		

17.ORDINANCE 2142-07 (First Reading) Provide for the abandonment of certain public right-of-way within the City being the 30 foot wide Stuart Commons Abandoned right-of-way southeast to northeast perpendicular to Kanner Highway (Quasi-Judicial)

Sworn for item #17 & 21

- Susan O'Roark**
- Bob Shaw**
- Sworn**
- Rick Sowden**
- Ted Davis**
- Jason Litterick**
- Tom Johnson**
- Michael Grzelka**

- Pinal Gandhi**
- Kev Freeman**

Kevin Freeman gave a brief presentation regarding the proposed abandonment as well as the proposed project for item 21, Ordinance 2115-07.

MOTION: COMMISSIONER MORTELL: MOVED APPROVAL OF ORDINANCE 2142-07 ON FIRST READING.

Mayor Hutchinson passed the gavel and made the following motion;

SECOND: MAYOR HUTCHINSON

ROLL CALL

MAYOR HUTCHINSON	YES	COMMISSIONER WAXLER	NO
COMMISSIONER MORTELL	YES		

Item #17 and #21 will automatically be continued to 12/10/07

The Commission concurred.

Item 20 was heard before item 17

SECOND READING OF ORDINANCE

21. ORDINANCE 2115-07 SECOND READING to consider a Major Amendment to the Commercial Planned Unit Development located on the east side of Kanner Highway (SR 76) North of Indian Street for a master/final site plan, Stuart Commons f.k.a. Center Pointe CPUD (Quasi-Judicial) (RC

***See above for continuation of Ordinance 2115-07**

Items 15, 16 & 22 are all related to the "Fountains Project."

Sworn for items; 22, 15, 16.

Robert Maone
Katherine Coury
Mark Mathes
Charlie Trottmann
Staff
Murriah Dekle
Tom Reetz

22. ORDINANCE 2131-07 SECOND READING Parcel "A" Amending the Comprehensive Land Use Plan to commercial a parcel of land consisting of 19.31 acres owned by Stuart Town Center 1, LLC Fountains of Stuart, located along SE Federal Highway, said land to be concurrently designated within a CPUD district on the City of Stuart zoning map (Quasi-Judicial)

Attorney Nicoletti suggested revising Ordinance 2131-07 section 2 Future Land Use; DCa has asked the City craft a policy to be incorporated in the Comprehensive Plan of the City. That policy is at the bottom of page 2. The Policy is 2.5, which states that "The 19.31 acre property located East of US 1 and North and South of Slater Street in Stuart, Florida is limited to no more than 350,000 sq feet of commercial use".

That is what DCA has requested. He also recommended first reading of Ordinance 2141-07, on November 26, 2007.

MOTION: COMMISSIONER MORTELL: MOVED APPROVAL OF ORDINANCE 2131-07 ON SECOND READING.

SECOND: COMMISSIONER WAXLER
ROLL CALL

MAYOR HUTCHINSON	YES	COMMISSIONER WAXLER	YES
COMMISSIONER MORTELL	YES		

15. ORDINANCE 2140-07 (First Reading) Provide for the Abandonment and relocation of certain public right-of-way within the City a portion of the improved SE Slater Street (Quasi-Judicial)

Attorney Linda Hake came forward and stated the applicant is proposing building a new right of way from the Eastern edge of the property and connect to Dominica Terrace.

Charlie Trottman came forward to explain the appraisal value of Slater Street versus the proposed abandonment value.

Mayor Hutchinson asked if there were utilities located in the right of way.

Mark Mathes came forward and explained that there were and they would be relocated at the expense of the applicant.

MOTION: COMMISSIONER MORTELL: MOVED APPROVAL OF ORDINANCE 2140-07 ON FIRST READING AND RELOCATION OF CERTAIN PUBLIC RIGHT OF WAY IN THE CITY A CERTAIN PORTION OF APPROVES SE SLATER STREET AND DIRECT STAFF TO BEGIN NEGOTIATIONS WITH THE APPLICANT AS TO THE VALUE OF SAID RIGHT OF WAY AND SCHEDULE THE MATTER FOR A FUTURE HEARING.

SECOND: COMMISSIONER WAXLER
ROLL CALL

MAYOR HUTCHINSON	YES	COMMISSIONER WAXLER	YES
COMMISSIONER MORTELL	YES		

16. ORDINANCE 2141-07 (First Reading) Approve a Major Amendment to the Commercial Planned Unit Development located on the East side of SE Federal Highway to establish the "Fountains of Stuart", a commercial development consisting of retail, and restaurant uses (Quasi-Judicial)

Kev Freeman gave a brief overview regarding the proposed site plan requested by DCA, including the limit on square footage, for this site. He indicated the proposal includes retail and office space.

He added the following:

He indicated the material used for the open space must be maintained as grass.

The shared parking analysis and uses proposed for this site. He recommended adding an
*Additional condition 6a, which would allow utilization of a maximum of 113 parking stalls as part of the shared parking calculation however any stalls so utilized and not provided on site shall be replaced by a similar area of pervious area only, which would really mitigate against any additional structure or impervious area to be used to replace these parking stalls.”

*Add condition 10a. Landscape both sides of the public right of way of site locate don
Dominica Terrace and Slater Street at the sections adjacent to the site itself to substantially landscape those and present to the City at a later date a landscaping scheme, which would need to be approved prior to the first CO being issued.

Mark Mathews gave a presentation to the Commission and Public regarding the proposed
Fountains of Stuart project.

There was discussion regarding the Belk store. The applicant indicated that store would be obtaining their own building permit, and would have to come before the City Commission for approval. He indicated the project is considered a lifestyle center and each tenant would have their individual look.

Mr. Mathes continued with his visual presentation.

Attorney Linda Hake came forward and requested review some conditions of approval:

*Condition #11: This condition is not needed. The property will be joined together with unity of title.

Attorney Nicoletti stated he would look at that issue between readings.

*Attorney Hake: Condition #24. She requested 35 foot poles on this project using directional lighting.

*Condition #33 allows for compliance with the City's sign regulations. She expressed concern over the proposed sign code amendment coming forward.

The Commission agreed the sign needed to be in relation to the size of the property of 15 feet and agreed this project would warrant a higher sign.

Attorney Hake asked that condition be modified to recognize that.

She also requested the most current dated plans be included within the agreement for compliance.

The Commission requested the Belk Store building elevations be included as an exhibit to the Ordinance.

Attorney Nicoletti said he would include those as an exhibit.

*Mayor Hutchinson asked if condition #6 could be eliminated.

*Attorney Nicoletti clarified that 6A would now be 6.

Leo Giangrande, Boyle Engineering came forward to explain the swale adjacent to the proposed project site.

The applicant agreed to enter into an agreement with DOT for the maintenance of the right of way. And if DOT does not enter into the agreement, the applicant will agree to maintain the right of way.

Sworn
Leo Giangrande

Attorney Nicoletti asked Mr. Giangrande if the testimony he previously gave would have been different prior to him being sworn.

Mr. Giangrande said it would not.

The City requested a copy of the agreement with DOT for the record and would be added condition 10b.

Mr. Trottman came forward and requested the City apply to DOT for monument sign to be placed in the right of way.

Kev Freeman read into the record an additional condition 10c as "The developer undertakes to provide install and maintain a gateway signage and associated landscaping to an equivalent value of \$50,000.00 along the US frontage of the site, the gateway signage shall be installed prior to first CO."

Mr. Trottman expressed concern over the \$50,000.00, because before a full CO is issued there maybe several tenant Cos required.

Attorney Nicoletti clarified the condition to the following:
"\$50,000.00 by first CO or as otherwise requested by the City."

Mayor Hutchinson asked if there was security at the parking garage at all hours.

Mr. Trottman stated we will have security 24-7.

Attorney Nicoletti stated that for security purposes it would be better if it had a mesh gate that went up and down.

Mayor Hutchinson requested it be secured 24-7 no matter how they do it.

Armond Pasquale came forward and felt the buildings need to be broken apart and placed differently on the property to enhance the design.

MOTION: COMMISSIONER MORTELL: MOVED APPROVAL OF ORDINANCE 2141-07 ON FIRST READING WITH ADDED CONDITIONS 6A, 10A, B, C. AND ALL OTHER CONDITIONS DISCUSSED.

SECOND: COMMISSIONER WAXLER
ROLL CALL

MAYOR HUTCHINSON YES COMMISSIONER WAXLER YES
COMMISSIONER MORTELL YES

DISCUSSION & DELIBERATION

23. Draft letter for the Mayor's signature emphasizing the City of Stuart's continued support for the Willoughby Boulevard Extension

MOTION: COMMISSIONER MORTELL: MOVED APPROVAL OF ITEM 23
SECOND: COMMISSIONER WAXLER
MOTION APPROVED UNANIMOUSLY

24. Appointment of City's Alternate Representative to the Treasure Coast Regional Planning Council

No appointments were made at this time.

25. Appointment of City Representative to the Martin County Tourist Development Council Board

MOTION: COMMISSIONER MORTELL: MOVED APPROVAL TO APPOINT VICE MAYOR KRAUSKOPF

SECOND: COMMISSIONER WAXLER
MOTION APPROVED UNANIMOUSLY

ADJOURNMENT 10:49PM

ATTEST:



Cheryl White, CMC, City Clerk



Mary Hutchinson, Mayor

Minutes approved at the Regular Commission Meeting This 10 Day December 2007

