

**REGULAR MEETING OF THE STUART CITY COMMISSION
HELD ON MAY 14, 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
Commissioner Carol S. Waxler
Commissioner Michael J. Mortell
Commissioner James A. Christie, Jr.**

Also present were:

**City Manager: Dan Hudson
City Attorney: Paul J. Nicoletti (Absent)
Acting City Attorney David Acton, Sr. Asst. County Attorney
City Clerk : Cherie White
0:00 ~ 5/14/2007 5:31:20 PM ~ Start Recording**

PROCLAMATION

**A. PROCLAMATION: Proclaiming the week of May 12 through May 20,
2007 as NATIONAL TOURISM WEEK**

Terry Monaghan of the Martin County Convention and Visitors Bureau came forward and graciously accepted the Proclamation.

**B. PROCLAMATION: Proclaiming the week of May 20 through May
26, 2007 as EMERGENCY MEDICAL SERVICES WEEK**

David Dyal, Assistant Fire Chief came forward and graciously accepted the Proclamation and thanked the Commission.

4:57 ~ 5/14/2007 5:36:17 PM

**C. PROCLAMATION: Proclaiming the month of May, 2007 as
FOSTER FAMILY APPRECIATION MONTH**

Rosanna Gonzales, Hibiscus Children's Center came forward and graciously accepted the Proclamation and thanked the Commission.

PRESENTATION

**D. Accept plaque from the Florida Water Environmental Association
recognizing the City's outstanding safety program for wastewater
operation and maintenance**

Mayor Hutchinson presented the award to Sam Amerson, Public Works Director. on behalf of the Florida Water Environmental Association. Mayor Hutchinson read the letter received from the FWEA.

9:05 ~ 5/14/2007 5:40:24 PM

COMMENTS BY CITY COMMISSIONERS

Commissioner Mortell stated he attended the Treasure Coast Transportation Meeting as a member of the MPO. He wanted to clarify that the adjoining cities growth is creating the traffic problem not Martin County. He stated the City of Stuarts growth rate is below 2%. He stated there was a discussion regarding another North-South 609 corridor that should be completed in the year 2020.

Commissioner Krauskopf requested the City Manager look into Villa Bella's compliance to the original City PUD agreement. He stated he had received a complaint from an adjacent property owner regarding compliance. He also stated that on Saturday he mailed out 250 questioners to ask one question. The question asked was "With the current state of budget items in front of us, what service would you be willing to do without?"

Commissioner Christie stated the Treasure Coast League of Elected Officials will be having their annual BBQ on June 15, 2007 at the Okeechobee IRCC Campus and the Commissioners are invited to attend. They are hoping to have the local legislative representatives to discuss property taxes starting at 10:00 a.m.

He also said the East Stuart neighborhood met this past week with the Downtown Mainstreet and asked and were accepted by Mainstreet to extend Mainstreet into East Stuart. They requested that the local Mainstreet serve as a mentoring program to the neighborhood. "I think this can give the neighborhood a boost and will bridge the neighborhoods as well. He stated an organizational meeting will be held Thursday at 7:00 pm at the 10th Street Recreation Center. He announced he would not be present for the June 25th Commission Meeting.

Commissioner Waxler announced she would not be present at the May 21st Commission meeting.

16:26 ~ 5/14/2007 5:47:46 PM

COMMENTS BY CITY MANAGER AND REVIEW OF TENTATIVE AGENDA

**Set Date of May 29, 2007 9:00 A.M. for Special Commission Meeting
Re-hearing of Board of Adjustment Crowson variance, 701 St. Lucie
Crescent**

Mr. Hudson announced that It was agreed by the Commission to set the date of May 29, 2007 9:00 A.M. for a Special Commission Meeting Re-hearing of Board of Adjustment Crowson variance, 701 St. Lucie Crescent. Vice Mayor Krauskopf stated he would not be present.

Mr. Hudson announced that the Phase 2 Water Restrictions will begin Wednesday at noon. He also noted the Budget Calendar and the Commission agreed there will be 3 budget workshops each starting at 9:00 am on July 25, August 8 and August 15.

He announced a May 23rd Special Meeting of the Legislative Delegation to be held in St Lucie County regarding Property Tax Reform. The City Manager noted that he would not be participating in the meeting but would attend.

He noted that item 8 Thomas settlement – Remaining matters of dispute (interest and attorney fees) have been resolved within the parameters set by the City Commission.

He also noted Item 10 stated a request has been submitted to continue the CPUD for Publix at Baker Road. He asked this item be moved to June 11, 2007 instead of May 21.

The Commission concurred.

He noted a memo handed out regarding Item 7, and the 7-Eleven Lease Amend wordage in paragraph 3 of the lease addressing the billboard.

STAFF REPORT ON COMMENTS FROM PREVIOUS COMMISSION MEETING

19:52 ~ 5/14/2007 5:51:12 PM

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

Armond Pasquale expressed concern over the weekend event held in downtown in which the streets were closed and heavy traffic. He also had concern over the balcony overhang on the new building under construction on Seminole Street.

Mr. Hudson and Mayor Hutchinson stated the City has determined they are in compliance and would provide to him a copy of a memo written by Attorney Nicoletti.

22:51 ~ 5/14/2007 5:54:11 PM

APPROVAL OF AGENDA

MOTION: VICE MAYOR KRAUSKOPF: MOVED APPROVAL OF THE AGENDA
SECOND: COMMISSIONER MORTELL
MOTION APPROVED UNANIMOUSLY

23:07 ~ 5/14/2007 5:54:27 PM

CONSENT CALENDAR

- 1. Request to approve MINUTES FROM REGULAR AND SPECIAL COMMISSION MEETINGS of April 9, 2007, April 18, 2007 and April 23, 2007**

2. Request to set a public hearing date of May 21, 2007 for a voluntary annexation to consider a future land use map amendment and a zoning designation of CPUD, S.E. Luckhardt Street and US1, West of FEC Railroad
3. Request to set a public hearing date of May 21, 2007 to consider a major site plan (straight zoning) Hampton Inn Hotel, North of N. River Shores Drive on west side of US 1
4. Authorization for the City Manager to sign a joint application to the South Florida Water Management District with Harbor Walk Preserve, LLC. The subject property being the City owned "Flag Lot" North of Wright Boulevard leased to Harbor Walk Preserve, LLC
5. Authorization for the issuance of an application refund fee for annexation, land use designation and rezoning in the amount of \$4,920.00 minus administrative fees, All Flooring Outlet Center
6. RESOLUTION 72-07 Approve a Minor Amendment to the "Pineapple Commons Commercial Planned Unit and Residential Planned Unit Development Agreement" described in Ord. 1995-04 providing for an increase in square footage of wall signage associated with Ashley's and City Furniture (QUASI-JUDICIAL)
7. RESOLUTION 73-07 Authorization to execute a lease extension agreement between the City of Stuart and the 7-Eleven Company for a City-owned property at the Northeast corner of SR-76 and Monterey Road
8. RESOLUTION 74-07 Authorization to approve the proposed settlement amount of \$1,120,000.00 plus interest, attorney fees and costs in the City of Stuart Vs. Thomas et al. Case
9. RESOLUTION 75-07 Approve a revocable permit for Janet Jaworski, 234 S.E. Villas Street, Casa Terrace, permitting the use of public Right-of-Way for concrete brick pavers along S.E. Villas Street
10. REQUEST TO CONTINUE (2nd TIME) SECOND READING OF ORDINANCE 2104-07 TO THE MEETING OF MAY 21, 2007.

**ITEM 10 AMENDED CONTINUE TO JUNE 11, 2007*

ORDINANCE 2104-07 Approve a Major Amendment to the Commercial Planned Unit Development Publix at the NE corner of NW Federal & NW Baker Road (QUASI-JUDICIAL)

MOTION: VICE MAYOR KRAUSKOPF: MOVED APPROVAL OF THE CONSENT CALENDAR AS AMENDED

SECOND: COMMISSIONER CHRISTIE

ROLL CALL:

MAYOR HUTCHINSON	YES	COMMISSIONER CHRISTIE	YES
VICE MAYOR KRAUSKOPF	YES	COMMISSIONER WAXLER	YES

COMMISSIONER MORTELL YES

23:42 ~ 5/14/2007 5:55:02 PM

FIRST READING OF ORDINANCES

- 11. ORDINANCE 2107-07 (First Reading) Approve an amendment to the City Code at section 6.08.00 of the City Land Development Code concerning the requirements for review of PUD timetable of development extension (QUASI-JUDICIAL)**

Sworn were: Kev Freeman

Kev Freeman noted that the LPA approved the new text providing that "good cause will have to be shown" for any timetable extension greater than 12 months. If the extension is increased more than 12 months it will become a major amendment.

Commissioner Mortell asked and received clarification of the Ordinance.

MOTION: COMMISSIONER CHRISTIE: MOVED APPROVAL OF ORDINANCE 2107-07 ON FIRST READING

SECOND: VICE MAYOR KRAUSKOPF

ROLL CALL:

MAYOR HUTCHINSON	YES	COMMISSIONER CHRISTIE	YES
VICE MAYOR KRAUSKOPF	YES	COMMISSIONER WAXLER	YES
COMMISSIONER MORTELL	YES		

29:17 ~ 5/14/2007 6:00:37 PM

- 12. ORDINANCE 2108-07 (First Reading) Approve a rezoning from R-3 Multi-family residential to a Mixed Use Planned Unit Development for a 1.24 acre parcel, 1300 SE Palm Beach Road, Palm Point (QUASI-JUDICIAL)**

Sworn were: Kev Freeman, Jose Horigan, Vivian Fernandez, Leo Giangrande, LBFH, Murriah Dekle.

Kev Freeman reviewed the proposed mixed use PUD and noted that a site plan had been previously approved for the previous straight zoning of R-3 multi-family residential. Due to marketing conditions, the applicant has revised the proposal for a PUD of 18 units with 50% to be less than 1,000 square feet to be incorporated for an overall density of 5 units per acre. Staff addressed shared parking issues with medical trip generation and said one space for every 200 sq. ft. of medical use is not adequate. Staff's revised calculation showed any more than three medical practitioners could require additional parking. Staff recommends the limit be 3 medical practitioners. The residential parking of one space per unit is in compliance.

Mr. Horigan came forward and stated the design of the building fronting on Palm Beach Road includes offices downstairs with residences above. One half of the offices would be general office space and the other half medical. Residences would include some

with 910 sq. ft up to 1390 sq. ft. Eighteen parking spaces would be for exclusive use of residents.

Helen McBride came forward to express concern and stated that offices are not appropriate in her neighborhood and "in compliance is not reality" as most residential units have more than one car.

Commissioner Christie said this is also his neighborhood and he agreed with Mrs. McBride about the traffic on Palm Beach Road.

Mayor Hutchinson was concerned about this residential neighborhood.

Commissioner Mortell questioned staff presentation limiting only 3 medical practitioners. He would rather see medical limited by square footage.

Commissioner Waxler shared all of the aforementioned concerns. She said she was at first "excited" by the prospect of workforce housing but the commercial transition was not appropriate. She understood the market and financial aspects but medical not appropriate here.

Mr. Horigan explained that he had specifically asked for one half medical and the R-3 mixed use allows shared parking.

Mr. Giangrande of LBFH project engineer, said the applicant has tried to comply with the codes and this is an office component not commercial.

Commissioner Mortell said a 300 foot, 3 story building is too intense for this neighborhood but he was not "stuck" with first floor commercial as doctors' offices, He stated the property has on one side an assisted living facility and the City water treatment plant on the other. He wanted to clarify if the Commission was telling the applicant they do not want any commercial or are we telling him to change the building? He felt the Board should give the applicant direction. He sees this plan as maximum use and suggested it needs to be "toned down".

The applicant said the footprint of the building is the same as the previously approved site plan.

Commissioner Mortell addressed the landscape buffer and "volume".

Commissioner Christie said the neighbors did not object to the R-3 residential, but there were complaints with the mixed use PUD.

Mr. Giangrande stated the applicant was complying with the Code with the mixed use PUD, what we are proposing is an office component a medical office component and a residential component.

Sitting in for the absent City Attorney, Assistant Senior County Attorney David Acton explained the Board's options.

MOTION: COMMISSIONER WAXLER: MOVED APPROVAL TO DENY ORDINANCE
2108-07.

SECOND: COMMISSIONER CHRISTIE

After a brief discussion, Waxler suggested the Mayor recommend withdrawal. When the applicant said they would probably request to table, the Mayor said that she personally was "tired" of applicants coming back and forth with new proposals.

MOTION: COMMISSIONER WAXLER: WITHDREW HER MOTION TO DENY
ORDINANCE 2108-07.

SECOND: COMMISSIONER CHRISTIE

The Commission agreed to allow a 5 minute break for the applicant to discuss this matter in the hallway.

During the break, Commissioner Mortell said staff should be given direction and asked if everyone was against the commercial aspects.

Mayor Hutchinson said the project as a whole is too much.

Vice Mayor Krauskopf said we do not know the applicant's investment objectives.

Commissioner Christie stated said he would "push for a residential project".

When the applicant returned he requested to table.

MOTION: COMMISSIONER MORTELL: MOTION TO TABLE ITEM 12, ORDINANCE
2108-07 TO JUNE 25, 2007.

SECOND: COMMISSIONER WAXLER
MOTION APPROVED UNANIMOUSLY

SECOND READING OF ORDINANCES

13. ORDINANCE 2106-07 (Second Reading) Approve a Commercial Planned Unit Development providing a land use designation of Commercial for a Professional and Medical Office Center on a 4.88 acre parcel of land on the North Side of SE Central Parkway, Towne Center Professional Center, LLC (QUASI-JUDICIAL)

Sworn were: Kev Freeman, Bill Mathers

Kev Freeman noted that the first reading of this ordinance was April 23 and at that time the Board had conditioned the approval on the applicant providing a "conceptual layout" with turn lanes. He explained the changes that had been made and recommended approval.

Bill Mathers addressed the changes in the site plan.

Helen McBride came forward and addressed the need for more handicapped parking.

Mr. Mathers stated a few more spaces would be added.

Waxler moved approval. Mortell seconded and the motion passed 5-0. Waxler thanked the applicant for working with staff.

MOTION: COMMISSIONER WAXLER : MOVED APPROVAL OF ORDINANCE 2106-07
ON SECOND READING

SECOND: COMMISSIONER MORTELL

ROLL CALL:

MAYOR HUTCHINSON	YES	COMMISSIONER CHRISTIE	YES
VICE MAYOR KRAUSKOPF	YES	COMMISSIONER WAXLER	YES
COMMISSIONER MORTELL	YES		

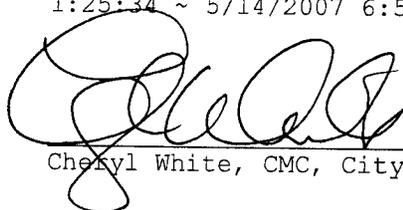
DISCUSSION & DELIBERATION

1:22:17 ~ 5/14/2007 6:53:37 PM

14. Review of Public Safety Building Construction and Funding Status

Sam Amerson and Terry Iverson stated the schedule for completion had not changed since the last update, and it may be "a couple of days ahead". Emergency Services is operational and will move out of temporary offices by May 21st. Hopefully site work will get started with a grand opening scheduled in June.

1:25:34 ~ 5/14/2007 6:56:53 PM


Cheryl White, CMC, City Clerk


Mary L. Hutchinson, Mayor

Minutes approved at the Regular Commission
Meeting This 11th Day June 2007



Cheryl A. White
City Clerk