

**REGULAR MEETING OF THE STUART CITY COMMISSION
HELD ON MAY 21, 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 (absent)
Commissioner Michael J. Mortell
Commissioner James A. Christie, Jr.**

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.

PROCLAMATION

A. PROCLAMATION: Proclaiming the week of June 3 through June 9, 2007 as NATIONAL GARDEN WEEK

Joan Wilcox, President Stuart Garden Club came forward and graciously accepted the Proclamation and thanked the Commission.

PRESENTATION

B. Employee Service Recognition, Frank LoGalbo, Police Department 20 years

Frank LoGalbo came forward and graciously accepted the award and thanked the Commission.

C. Employee of the Month, Jeff Montpetit, Recreation Department

Jeff Montpetit came forward and graciously accepted his award and thanked the Commission.

7:36 ~ 5/21/2007 5:40:41 PM

COMMENTS BY CITY COMMISSIONERS

Vice Mayor Krauskopf asked if the Villa Bella Development had complied with their PUD agreement. He also stated he received an email from Ms. Hawkin regarding a moratorium, North of the Bridge. He asked Mr. Nicoletti what would be involved in that and also what is the sense from the Commission regarding this?

Mr. Nicoletti stated a moratorium could not be set until the Commission established what purpose it would serve. It would have to be to either redo the Comp Plan, or somehow change the zoning.

Mayor Hutchinson stated she had a concern that the time it takes to rewrite the Urban Code it may be too late anyway.

Commissioner Mortell stated he too received the email from Sandra Hawkin. He expressed concern over the development North of the Bridge already in the pipeline would not be restricted by this Board.

Commissioner Christie would like to take a serious look at the traffic issue in the spirit of trying to solve traffic as well as water issues.

After additional discussion by the Commission, The City Attorney and City Manager agreed to discuss the issues and come back to the Commission with a report.

20:16 ~ 5/21/2007 5:53:20 PM

COMMENTS BY CITY MANAGER AND REVIEW OF TENTATIVE AGENDA

Mr. Hudson addressed the Legislative delegation meeting to be held on May 23rd regarding property tax reform and said he and Mayor Hutchinson would be in attendance but would not to make a presentation.

He also asked that Item 5 of the Consent Calendar be pulled for discussion.

Item 6 would be broken down into two Ordinance and an additional item 6a would incorporate the additional Ordinance 2110-07.

Commissioner Krauskopf requested that Consent Item 4 be heard after Item 8,

The Commission and staff concurred.

STAFF REPORT ON COMMENTS FROM PREVIOUS COMMISSION MEETING

22:49 ~ 5/21/2007 5:55:53 PM

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

APPROVAL OF AGENDA

MOTION: COMMISSIONER KRAUSKOPF: MOVED APPROVAL OF THE AGENDA AS AMENDED

SECOND: COMMISSIONER MORTELL
MOTION APPROVED UNANIMOUSLY

CONSENT CALENDAR

1. **Request to approve MINUTES FROM REGULAR COMMISSION MEETING of April 30, 2007**
2. **Request to set a Public Hearing date of June 11, 2007 to consider a use in an R-3 zoning district allowed by Special Exception, A Brighter Future Montessori Preschool, 824 SE Ocean Blvd.**
3. **Request to set a Public Hearing date of June 11, 2007 to consider a voluntary annexation of 0.178 acres of low density, limited business, a small scale FLUM amendment to the City's Comprehensive Plan and B-zoning designation, 702 SE Monterey Road. Jim & Donna Goodman**
4. **Authorization to Re-appoint Bernie Malone and Kelly Cramer to the City of Stuart Recreation Advisory Board**
5. **RESOLUTION 76-07 Authorization to approve a major site plan proposed by CHM Stuart Hotel Partners, LLC, 1150 NW Federal Hwy. 102 room hotel, titled Hampton Inn Hotel, North of N. River Shores Drive on west side of US 1 (QUASI-JUDICIAL)**

MOTION: VICE MAYOR KRAUSKOPF: MOVED APPROVAL OF THE CONSENT CALENDAR ITEMS 1,2,3 EXCLUDING ITEM 4 AND 5.

SECOND: COMMISSIONER MORTELL

ROLL CALL:

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

24:04 ~ 5/21/2007 5:57:09 PM ~

Item 5 was heard as a separate item from the Consent Calendar

5. **RESOLUTION 76-07 Authorization to approve a major site plan proposed by CHM Stuart Hotel Partners, LLC, 1150 NW Federal Hwy. 102 room hotel, titled Hampton Inn Hotel, North of N. River Shores Drive on west side of US 1 (QUASI-JUDICIAL)**

Sworn were: Tom Hogan: HC Architecture.
Michael Bou- Silman ,Applicant
Mark Mathes, Lucido & Associates
Nicole Turner Engineering & Water Resources

Kev Freeman gave a brief presentation of the proposed project. He did say there were some FPL easement concerns.

Mark Mathes, Lucido and Associates introduced the applicant and members of the project team. He noted that this is an "enhanced Hampton Inn" and displayed computerized architectural renderings of the proposed Inn as well as the site plan pointing out the enhanced landscaping. To comply with the FPL easement, palm trees will be installed along the front of property and 25-foot canopy trees will be installed throughout the parking area. Addressing traffic issues, Mr. Mathes noted that this hotel would not contain a restaurant, night club or meeting rooms and would not be generating new trips. He also highlighted the additional right decell turn lane into the hotel, larger than required. He also stated because the project is within the CRA they will provide public art on site and water fountain within the entry way.

Nicole Turner gave a brief presentation regarding pass through drainage and ditches within the site of the project.

Tom Hogan gave a brief presentation regarding the architectural features of the proposed project.

Michael Bou-Silman, applicant agreed to attempt an agreement with the property owners for interconnectivity. The applicant also agreed to attempt moving the dumpster to the North property owner's site, to eliminate the sanitation truck trips within the project.

Mr. Mathes agreed to coordinate with Martin County's office of Stormwater Quality to assure that any regarding of ditches or any piping of culverts that are part of these off site improvements that we are trying to accomplish are coordinated to assure we are not doing something that we shouldn't be done. He also asked for clarification regarding condition number 12, he stated he discussed with staff that a plat will not be required, there are no boundary issues or concerns that he was aware of on this site. There is no subdivision going to be happening on this site. We have received full staff approval on the detailed plans and asked that condition be removed. He requested condition number 9 language regarding drainage review. He stated that is done now and not at the time of building permit review. He also asked the Lucido & Associate plan dates on items 1, 2 & 3 need to be modified due to the changes made tonight. He also stated the applicant has agreed to a downward, directed & shielded lightpole within our property and new lighting plans will be submitted.

Carol Dryburgh, a resident of an adjacent community, came forward and thanked Mr. Mathes and the project team for working with the neighborhood residents for a good project the City and County can be proud of.

Commissioner Mortell requested the project include connectivity to the North and South properties to eliminate traffic trips for occupants of the hotel as well as the sanitation trucks.

Mr. Mathes stated the applicant would agree to work with the neighbors to the North and South. He stated the site may lose some parking spaces adding connectivity to the North and South properties. He said the applicant would make a commitment to a connection to the South.

Michael Bou-Silman came forward and agreed to the terms of the connectivity.

Commissioner Christie was pleased with the project.

Vice Mayor Krauskopf addressed the turning radius and asked if it was wide enough? He also addressed the stormwater drainage and the fact that when that ditch plugged up the whole North River Shores backed up. He suggested putting in "grasses and or loblolly in the detention area he stated it would create a better environmental product.

The Applicant addressed the current condition of the swales and said he intends to "greatly enhance the drainage".

Mayor Hutchinson said since this is in the CRA she would have expected something different other than the usual Hampton Inn architectural features.

City Attorney Nicoletti asked Mr. Mathes to clarify a few things regarding the conditions. He stated that item 9 and the word changes.

Mr. Mathes stated that after the word "permits" in the second line put a period and strike the rest of the sentence.

Mayor Hutchinson questioned condition #34. She stated the project was not on East Ocean Blvd.

Mr. Nicoletti addressed Mr. Mathes comments on conditions and also added the condition of connectivity if feasible to "cut a deal" with the adjacent land owner.

After a discussion on how to handle any lost parking spaces, Mr. Mathes said he would need to submit post-approval administrative site plan changes. Nicoletti read into the record the revised condition #12 as follows:

"Applicants shall provide pedestrian and driveway access to the properties immediately to the North and South if agreed to the adjacent property owners and otherwise to reserve the same and construct when later determined as feasible and requested by the City."

Mr. Mathes requested that the condition acknowledge that any lost parking spaces as a result of these interconnections are hereby waived by the City.

Mortell said we need to send a message that applicants along this corridor should not come in without connectivity and expect a parking exception to get it.

Mr. Nicoletti modified the language above to read:

"Applicants shall provide pedestrian and driveway access to the properties immediately to the North and South if agreed to the adjacent property owners and otherwise to reserve the same and construct when later determined as feasible and requested by the City, lost parking spaces shall be waived by the City if they cannot be accommodated elsewhere on the site."

MOTION: VICE MAYOR KRAUSKOPF: MOVED APPROVAL OF THE RESOLUTION
76-07 AS AMENDED

SECOND: COMMISSIONER MORTELL

ROLL CALL:

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

FIRST READING OF ORDINANCES

1:24:21 ~ 5/21/2007 6:57:26 PM

- 6. ORDINANCE 2109-07 (First Reading) approve a voluntary annexation consisting of 10.6 acres to consider a future land use map amendment and a zoning designation of CPUD, 1400 S.E. Luckhardt Street, US1, West of FEC Railroad (QUASI-JUDICIAL)**

Vice Mayor Krauskopf stated he submitted an annexation map to the City Manager depicting this area that he felt was appropriate to be annexed.

Sworn was: Avron Rifkin, Attorney representing the applicant.

Kev Freeman gave a brief presentation regarding the two stage annexation and Future Land Use amendment and zoning designation.

Mr. Rifkin noted that in Ordinance 2109-07 compared to 2110-07, 2109-07 inserts the address of the property OF 1400 SE Luckhardt Street, 2110-07 does not. He suggested they should both read the same and delete the address all together.

Attorney Nicoletti stated it was not critical to the legality of it, the location is attached. He stated that when he reads the title he would remove that.

MOTION: COMMISSIONER CHRISTIE: MOVED APPROVAL OF THE ORDINANCE
2109-07 ON FIRST READING.

SECOND: VICE MAYOR KRAUSKOPF

ROLL CALL:

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

Item 6a was added to the agenda

6a. ORDINANCE NO. 2110-07 (First Reading) Amending the Comprehensive Plan Land Use Plan of the City of Stuart to "Commercial" pursuant to the Comprehensive Plan Land Use Amendment Laws of the State of Florida for a parcel of land consisting of 10.6 acres owned by Ajax Development Corporation at East of US 1, West of FEC railway in Stuart. (Quasi-Judicial)

MOTION: COMMISSIONER CHRISTIE: MOVED APPROVAL OF THE ORDINANCE
2110-07 ON FIRST READING.

SECOND: VICE MAYOR KRAUSKOPF

ROLL CALL:

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

SECOND READING OF ORDINANCES

7. ORDINANCE 2107-07 (Second 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)

MOTION: COMMISSIONER MORTELL: MOVED APPROVAL OF THE ORDINANCE
2107-07 ON SECOND READING.

SECOND: COMMISSIONER CHRISTIE

ROLL CALL:

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

DISCUSSION & DELIBERATION

8. Discussion of Advisory Boards

Mr. Hudson gave a brief overview of the organization structure of the City's Advisory Boards. He apologized to Commissioner Waxler for putting this item on the agenda in her absence. He stated he was directed to look at all of the Advisory Boards. He stated he looked at the Boards who provide advice directly to the City Commission. The Boards are, LPA, CRB and CRA and BOA. He stated that he had provide number of recommendations relative to possible alternative approaches that we may take, within that made certain recommendations and most of them focus on adding some education structure to the Boards generally. This would include specific training programs and stricter membership provisions. He also stated the rules of procedure for the boards should be standardized. He also suggested the City Commission look at some restructuring of the Boards. There has been some observation of perhaps redundancy, particularly between the LPA and the CRB. He also mentioned a better streamline of action by the various boards.

Commissioner Christie and Mayor Hutchinson expressed concern over the proposal to have each City Commissioner appoint a member to the various boards. She stated the Commission served at large and stated in this case you get a better consensus. She agreed that training of the Board members should be done.

Commissioner Christie felt there may be disconnect from the Commission to the Board members.

Commissioner Mortell felt like if the City Commissioner appoints a member to a Board that person represents that Commissioner interest. If that Commission is not reelected then the Board member would have to be replaced to represent the new Commissioners interest. He also noted the City has had a standing issue with very few applicants for the various City Boards.

Mayor Hutchinson stated she was not willing to make that drastic switch to where we appoint someone to sit on these boards. I know personally, I have not made a big efforts to recruit applicant for the boards that are currently there. She felt this item should be brought back when Commissioner Waxler is present.

Commissioner Mortell felt the current Board members take their job very seriously. He stated he did not have any problems with any board. He felt the training would be good but also did not want to put to many restrictions on the members.

Vice Mayor Krauskopf asked that the City put together an appreciation luncheon for the various Board members. He thanked them all. He believes that any standardization that can be done to make it easier should be done.

He stated the City has never seen this many re hearings from the Board of Adjustments and can only remember one while serving on the Commission.

Attorney Nicoletti stated that he has been looking at the entire process and felt the filing fee may be too low. He also felt the hearings may be able to be heard before a Magistrate as a denovo hearing or it could be an appellate hearing which is like what would happen if it went to Circuit Court. He said the key factor is a standardization of all the Boards.

The Commission agreed that this discussion can be summarized and presented at a future meeting, when a full Commission is present.

Commissioner Mortell expressed concern that modifying the policies and procedures of current board members who really provide for the Community and serve well, may leave. He stated he had received a comment from Sandra Hawkins that members of City Boards should only be allowed to serve on one Board. She had mentioned in particular a member who serves on one of the City's Board also serves on a Martin County Board.

2:00:59 ~ 5/21/2007 7:34:04 PM

Item 4 was heard here:

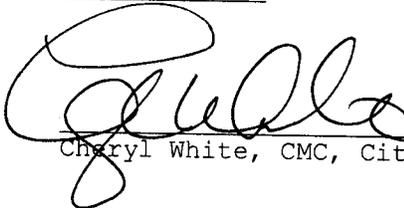
4. Authorization to Re-appoint Bernie Malone and Kelly Cramer to the City of Stuart Recreation Advisory Board

MOTION: COMMISSIONER CHRISTIE: MOVED APPROVAL OF THE RE-APPOINTMENTS OF BERNIE MALONE AND KELLY CRAMER.

SECOND: COMMISSIONER MORTELL
MOTION APPROVED UNANIMOUSLY

2:02:26 ~ 5/21/2007 7:35:30 PM

ADJOURNMENT


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