

MINUTES OF THE SPECIAL MEETING OF THE CITY OF STUART LOCAL PLANNING AGENCY/PLANNING ADVISORY BOARD HELD IN CITY HALL, 121 SOUTHWEST FLAGLER AVENUE, STUART, FLORIDA ON THURSDAY, MAY 29, 2008.

Those present: Li Roberts, Vice Chair
Michael Herbach
William Mathers
Ryan Strom
J. Lisle Bozeman

Those absent: Dr. Edward Geary, Chairman
Xavier Blatch

Also present: Paul Nicoletti, City Attorney
Tom Reetz, Senior Planner

I. CALL TO ORDER: Chairman

Vice Chair Roberts called the meeting to order at 6:34PM

II. ROLL CALL: Secretary

Those answering roll call and others present are referenced above.

III. APPROVAL OF MINUTES: April 17, 2008

MOTION: Michael Herbach

SECOND: Ryan Strom

Motion carried

Public Comments: None

Board Comments: None

1. Public Hearing: Request to continue a public hearing to June 19, 2008 to consider a Major Amendment to the Residential Planned Unit Development (RPUD) to approve; 1) A Master Site Plan; and 2) Compliance with the Site Design Qualitative Development Design Standards and; 3) A List of Development Conditions 4) A Timetable for Development Property Location: South Side of Jensen Beach Blvd Between 'Pinecrest Lakes' and 'The Pines' Property Owner: Gables at Stuart, LLC Agent/Representative: Joe Verdone, AICP & Lynda Harris, Esq.

Presentation: None

Public Comments: None

Board Comments: None

MOTION: Ryan Strom

SECOND: Michael Herbach

Motion carried 4/0

2. Public Hearing: Request a Major Amendment to the Kingsport Residential Planned Unit Development (RPUD) for Kingsport Estates to amend the timetable for development.

Presentation: Tom Reetz and Bob Raines on behalf of the applicant asked that the record reflect he was giving the return receipts from the notices sent out to Tom Reetz.

Public Comments: None

Board Comments:

Michael Herbach asked if they were condos or townhomes and asked if they had individual ownerships and said he saw no reason for not extending it.

Bob Raines replied townhomes and yes they were individual.

Bill Mathers asked how they are dedicating the 80 feet and asked if it would change their density.

Bob Raines replied that it was 50 feet they are dedicating and said it would not change the density.

Bill Mathers clarified that it was a two year extension.

Ryan Strom said that in January he approved the extension and the fair share amount that they are contributing put them on the hook and thinks that is a good enough justification.

Bill Mathers asked if the traffic light was non-refundable.

Tom Reetz replied that there is a fund set up for the signal and there are already bids and designs.

Li Roberts asked if they had the site plan with the new ingress and egress.

Bob Raines said that they did.

Li Roberts asked if the corner clips are on the current site plan.

Bob Raines said that they weren't because they hadn't gotten to that because of the extension.

Li Roberts asked the status of the additional right of way that the county is requesting.

Bob Raines replied that it was the corner clips being requested.

Li Roberts clarified that the \$20,000 and \$50,000 were not refundable.

MOTION: Ryan Strom moved to approve the request for a Major Amendment to the Kingsport Residential Planned Unit Development (RPUD) for Kingsport Estates to amend the timetable for development.

SECOND: Bill Mathers

Motion carried 4/0

3. Public Hearing: Request for a rezoning to the 'Villagio Stuart' Commercial Planned Unit Development (CPUD) with a land use change from multi-family to commercial to approve: A Master Site Plan for a Class 'A' Motor Coach Community consisting of 53 privately owned lots. And A list of development conditions; and Compliance with the Site Design Qualitative Development Design Standards; and A timetable for development. Property located at SE Indian Street. Property owner/applicant: Stetson Representative: Huston Cuozzo.

Presentation: Tom Reetz and Mike Stetson

Public Comments:

Jim Morgan for Willoughby Crossroads, LLC, a mixed use commercial development which is adjoining the Villagio property and he said he is also here for Willoughby Crescent, LLC, a condominium complex that adjoins the property. He said he was officially notified as Willoughby Crescent, LLC and Willoughby Crescent POA but said he is not here tonight in that capacity. He said he received a certified letter for Willoughby Crossroads, LLC and he received a notification but the notification did not contain the letter but then stated it was irrelevant because he was duly notified through Willoughby Crescent. He stated that he was concerned that what Mr. Stetson is trying to do may not be what the City wants to do. He said the current mobile home parks in Stuart used to be beautiful, but look at them now and is concerned with what this will look like in the future. He said that under the Comp Plan Amendment as a CPUD that would be a specific commercial use that would be relevant to motor coach by statute. He said that if you have these million dollar land yachts that come in today with no safeguards in place, what are they going to look like years from now, will they be a blight. He thought the City was moving away from mobile home zoning and asked if that would include motor home. He asked what would happen if 10 or 20 lots were not sold and some were, would there be a PUD that would enforce them. He asked if when you start a new project that is mobile is there an age for a motor home, could someone bring a 30 year old motor home in. He said they are resident owned so would they be allowed to be leased and would they be permanent structures. He asked if they would be required to hook up to the utilities or would they use their own flush system and if there would be generators allowed. He

asked once a lot is purchased and a mobile home is there can it be leased. He has no issue personally with the mitigation of the wetlands but before he takes any other official position he wanted to express his concerns with the issues that may or may not have been in the conditions.

Don Stetson gave the definition of a mobile home and motor home. He said the entrance would be landscaped very nicely and no one would be able to see inside. He said as far as patios being added on, it would be the same as any building in the City and you would need a permit and said if you were hooked up to power you wouldn't need a generator.

Mike Stetson said he gave Mr. Morgan a package on this several weeks ago and tried to make an appointment to meet with him to go over it. He said that these are not mobile homes. He said they would have very strict regulations and they would only have Class A motor coaches. He said if someone paid \$200,000 for a lot then he was sure that the coach would be in good condition. He said these would be residents that spend approximately four months out of the year and would spend lots of money in the City.

Board Comments:

Mike Herbach said he would like to see final elevations of the clubhouse for example and storage sheds, the lighting, dumpsters and asked how a lot of objections that Mr. Morgan raised would be addressed.

Bill Mathers asked that Tom Reetz insert a document outlining the conditions that would address the issues discussed. He asked if the road configuration remained the same.

Bill Stetson replied that it did. He said that there would be no dumpsters, but a private trash service. He said they would supply the elevations and the buildings would be very well built.

Bill Mathers asked if he would build the pads all at once or as sold.

Bill Stetson said all at once.

Bill Mathers asked that this be put into the approval and asked that future modifications be added into the PUD. He asked Tom Reetz to bring the final plan brought back.

Li Roberts said that they liked to see everything before it goes to Commission.

Mike Stetson said that he had no problem coming back.

J. Lisle Bozeman asked if the project would allow children and asked if they would have age restrictions.

Mike Stetson said that the coaches had one bedroom but they could have their grandchildren with them and said that they could put a restriction on that.

J. Lisle Bozeman asked Mike Stetson to call her regarding the conceivable impact it might have on the school system.

Paul Nicoletti said his concern was the ability to reassemble the property if it was sold as individual lots. He said he is looking at ways to do it. He also said if the lots are sold is there the chance that they would become residents and live there year round. Mr. Stetson doesn't envision that so it could be controlled in the documents.

Ryan Strom asked what a Class A motor coach is because he doesn't know the difference and asked if he had responded to Miller Legg comments.

Mike Stetson responded to the questions and said they had met with the Development Director and had met with the Water Management District. He said that they have a non jurisdictional letter from CORE, he addressed the 25% upland earlier and would correct the plan, PAMP would be submitted and would clarify the general comments before the commission meeting.

Ryan Strom asked Staff if there was any benefit to doing off site mitigation out of the City.

Paul Nicoletti replied that there was and they are looking into it being in a watershed or a property that could be annexed.

Li Roberts asked that the notice issue be addressed.

Paul Nicoletti asked if the registered cards had been submitted.

Mike Stetson said that they would be.

Paul Nicoletti asked if Mr. Morgan was waiving the requirement.

Jim Morgan said he was and it was just an oversight.

Li Roberts said she appreciates that the real estate market has changed and things are different. She asked Staff about #8 maintaining landscape and whether there is a performance bond required.

Tom Reetz said he would check on it.

Li Roberts said on #21 that it was very important to state the exact difference between a recreational vehicle and a motor home. She asked the size of the sidewalk to make sure they were the same size. She said on #26 define what the 40 foot right of way is because she couldn't find it. She asked who would be maintaining the landscaping. She said that she would like to see clubhouse elevations, lighting examples, dumpster locations, storage elevations and what they would look like and pictures or examples of other places like this. She said she thought there may be too many of them all together and asked for a listing of what they are proposing to put in their documents. She asked exactly what they would be allowing as far as barbeques etc..., a time requirement for parking and dealing with renting and leasing of properties.

Mike Stetson said they are all valid points and they would be addressed and asked that they be allowed to go forward as this is only for the preliminary site plan.

Bill Mathers asked that they reference if it is a lot or something more apropos to what they are going to do.

Li Roberts asked if there is fencing.

Mike Stetson replied heavy landscaping.

Li Roberts asked about the unit numbers and what they would look like.

Mike Herbach asked Paul Nicoletti what the most expedient way would be to move this along.

Paul Nicoletti replied that they could break it into pieces. If they are satisfied that the application for future land use and zoning is appropriate they could pass that and they would not have approved any site plan at that point. He said the only problem is that it is not straight zoning and a PUD is always tied to a plan which is the rub.

Bill Mathers said that they are doing a major land use approval which has to go through a cooperation in itself plus get the zoning and if the Commission disagrees then it's dead at that point so if the City Attorney can make sure this is a conceptual, that it's not the final or preliminary PUD Site Plan then if he gets the zoning and land use he's got a conceptual site plan that hasn't been tied down to buildings and a lot of the things that they need.

Li Roberts replied that was like half a job and she doesn't think they should just approve this for expediencies sake.

Bill Mathers said that before he got to the City Commission he would be wise to have the exhibits and all of the information requested.

Ryan Strom said the onus and the risk is on the applicant and he agrees with Li as to wanting to see the details but also sees the applicant's position.

Mike Stetson said that they have paid over \$300,000 in impact fees for Villagio and he doesn't have unlimited funds and this has cost a lot of money and they are not the big guys and this has put a lot of strain on his family.

Paul Nicoletti said this Commission likes to see the details worked out. He said one requirement that they have inserted in many projects is that the homeowner documents be reviewed by the City prior to recordation and that could be an additional condition and he did not see anything on utilities and it's been required that they are underground. He said they should include the motor coaches must be Class A and vehicles have to be street legal operative at all times and to include an evacuation plan in the homeowners documents.

Mike Herbach asked Li Roberts exactly what her concerns were.

Li Roberts replied that when they do a Future Land Use Change and a Zoning Change

that it is tied to a development and if they send it saying he can work all of these things out, go the City Commission and just bring it back before the Final Site Plan they have not done their job.

Bill Mathers asked the outside timeframe that it has to be at Commission in order to be passed on.

Paul Nicoletti replied 60 days after it is transmitted and asked Mike Stetson if he could work out the changes and bring it back to the next LPA meeting in three weeks.

Mike Stetson asked Paul Nicoletti if there is anything in the code that requires that they have to provide those items.

Paul Nicoletti said yes before you go to Commission you will need them. He suggested bringing the information back to LPA on the 19th of June and going to Commission on the 23rd of June.

MOTION: Mike Herbach moved to continue this item to the next meeting on June 19, 2008.

SECOND: Ryan Strom

Li Roberts reiterated what they wanted at the next meeting are: #8 the Performance Bond, #21 the definition for recreational vehicles versus Class A, #25D the language being developer/homeowners association, #26 defining the right of way and changing the abandoned language, new #28 about underground utilities, new #29 regarding homeowner docs submitted to the City Commission for approval with an evacuation plan, definitions should include clarification of what Class A is and operational/street legal at all times, reassembly of the property, elevations and examples i.e. dumpsters, clubhouse, lighting, storage, barbeque grills, potential homeowners association documentation which deals with permanent residents, school children, rental issues, utility hook-ups, generators, time requirements in parking and the impact on the school system.

Motion carried 4/0

4. Public Hearing: Text amendment to section 3.01.06 of the City's Land Development Regulations (LDR), and to Chapters II, VI, X and XI where appropriate, pertaining to Urban Code Exception Requirements in order to incorporate a procedure for a Determination of Alternative Compliance

Presentation: Paul Nicoletti

Public Comments:

Mark Mathes said that if you go through Alternative Compliance today compared to Urban Code Exception nothing has changed. There has been some improvement to the objective criteria but not nearly enough. The big ticket items of which are squabbled over at City Commission are still subjective, nothing has changed and what has become objective has become more onerous and the property owner/applicant is getting the shaft.

He said he doesn't think it's met the purpose of what they are trying to do. He said he has been on both sides of government and they travel awful slowly. He said if he had a historic building, he could not find twelve of fifteen criteria to meet. He said the City Commission has the ability to raise the bar but it's important to understand where the bar is for certain property owners today and what they have in place in terms of their approvals and tomorrow they may be coming back for a timetable extension and get "oh no we don't like timetable extensions and don't care if the economy is falling out the bottom and you're about to go bankrupt, I'm sorry your project is null and void and by the way, when you come back we have a whole new set of conditions to meet to get back the same thing we approved two years ago". He said he would like to find a way for the Commission to vest in some way those approvals that are on the board today so that if they have to come back they don't have to come back to a more onerous process, maybe give them a timetable extension to coincide with the form based code or something like that. He said it is important for local governments to take action on real needs of the community and no one has demonstrated anywhere in these six public hearings that there is a demonstrated need for a mix of unit sizes in downtown Stuart and it's not good government practice to regulate something that is not a need.

Doug Schramm asked if the East Ocean overlay exception applies because he said it doesn't make sense and should be consistent. He said he agrees with Mark's comment that if the City wants to encourage smaller residential units then they should offer an incentive.

Board Comments:

Li Roberts said you need on page 1 an a for architectural, page 3 change balusters to balustrades, page 4 she didn't find revocation, page 6 she doesn't have 2.II, page 7 she only found nine that would apply and she can't get seven credits, page 7 it should say additional building setbacks and change gross to net for floor area, page 8 everything should be looked at so it would not be so subjective, page 10 she has an issue with list of old buildings, page 10 regarding historic buildings is not doing what the historic building trust would do, page 11 it doesn't say what the contents of the posted notice should have, page 12 rezoning may be the wrong word, page 15 all procedures are always the same, on Marks letter regarding graphical representation she thought it was arbitrary and it needs to define scale issues.

Ryan Strom agreed with the minimum number of criteria and thought they would have to come up with where they got the criteria and said there are a few places asking for monetary contributions like page 9 and asked if that was 1% and on page 10 what percent contribution. He agreed with construction cost estimate for building and asked who certifies that and how it is certified. He said Mark Mathes pointed out that the government dictates the square feet of buildings instead of the market dictating that. He praised Mark Mathes letter and thought there were a few points that need to be discussed.

Paul Nicoletti said he did not discuss with Kev Freeman the specific size of the units but suspects that was an effort to bring workforce housing to downtown although it is never stated but thought that was where he was headed with it.

Li Roberts said she still had a problem with that because a workforce person isn't going to be able to afford a unit unless you give them 200 square feet of it.

Bill Mathers said that the twelve points should be broken into commercial and residential and said there was a lot of governing criteria and should a conflict arise the Florida Building Code should govern the criteria.

Mike Herbach said on page 4 that porch column needs to be redefined. He also questioned that building trim can be any color.

IV: COMMENTS FROM THE PUBLIC:

V. NEXT LPA MEETING: June 19, 2008

VI. ADJOURN:

MOTION: Michael Herbach

SECOND: Ryan Strom

Motion carried 4/0

Vice Chairperson Roberts, there being no further business before the Board the meeting is adjourned at 9:35 PM.

APPROVED

RESPECTFULLY SUBMITTED

Dr. Edward Geary, Chairman

Michelle Vicat, Board Secretary