

**MINUTES OF THE REGULAR MEETING OF THE CITY OF LOCAL PLANNING AGENCY/PLANNING ADVISORY BOARD HELD IN CITY HALL, 121 SOUTHWEST FLAGLER AVENUE, STUART, FLORIDA ON THURSDAY, APRIL 30, 2009**

**Those present:** Li Roberts, Vice Chair  
Xavier Blatch  
William Mathers  
Ryan Strom  
Larry Massing  
J. Lisle Bozeman, Ex-Officio

**Those absent:** Dr. Edward Geary, Chairman  
Michael Herbach

**Also present:** Paul Nicoletti, City Attorney  
Pinal Gandhi-Savdas, Senior Planner  
Tom Reetz, Senior Project Planner

**I. CALL TO ORDER: Chairman**

Vice Chair Roberts called the meeting to order at 5:31PM

**II. ROLL CALL: Secretary**

Those answering roll call and others present are referenced above.

**III. APPROVAL OF MINUTES: February 19, 2009**

**MOTION:** Larry Massing

**SECOND:** Xavier Blatch

**Motion carried 5/0**

**Public Comments:** None

**Board Comments:** None

1. Major Amendment to the SK Partners II CPUD
2. Major Amendment to the Sunbelt Partners CPUD
3. Major Amendment to CPUD Zoning District

**Presentation:** Pinal Gandhi-Savdas, Senior Planner  
Mark Mathes, Lucido & Associates  
Linda Hake, Gunster Yoakley

**Public Comments:**

Fred Eubanks who lives in Willoughby Golf Club said that two years ago they met with the developers and the City and were told they were not going to pursue this so they have not been involved. He said a 35 foot buffer is not adequate, the environmental assessment may need to be re-done in terms of the off-site mitigation; there are species of birds and animals that use this site, he is concerned with the height of the buildings and has a concern with the timetable because they are a residential property that abuts this property. He said there are larger preserve areas and it looks like approximately 90% will be developed and asked that the board table their approval.

Dr. Richard Berjian said he was at the meeting two years ago and there was some reason that they could not make that swap. He said he has personally seen wild boar, turkey, wildcats, tortoise and the precipitous drop in that area is normal. He thought there should be a balance in the community and there is a water shortage developing in the southern perimeter of Florida and to increase density doesn't make sense to him. He thought they should have more input into not destroying this area. He said they were not notified about this, the residents are concerned and they would like more input.

Linda Hake, Attorney for the applicant. She said their environmental assessment is very recent. They were required to make a comparison between what they could have left on the site in terms of preserve area which is all common native habitat not unique or rare. When they compared the sites, one of the things they had to prove about the vista site is that it is not a preserve area that's going to be set aside anyway. She said this is land that is available for development and they went to great lengths with the City to show that. She said that they spoke with the Willoughby Property Owners Association twice and asked for their input which they gave and one of the concerns was the buffer where they will plant 150 additional trees, they offered to plant on this property or the edge of their golf course. Another issue mentioned is over the years who is responsible for maintaining a drainage ditch and said they will take on the responsibility of cleaning the ditch and will clarify the future maintenance responsibility for the ditch and they addressed the generator issue.

Chris Supotnik, Ecological Consulting of Florida. He said the last environmental assessment was done June 16, 2008 and an update completed February 2009. He visited the vista parcel and followed the Fish and Wildlife Guidelines. They identified the potential for species very common to the area. He said the US1 parcel is primarily flatwoods and maleluca, brazilian pepper and climbing fern and it may look like a pristine jungle but they are all exotics that need to be removed. The vista parcel is one of the more rare habitats left in the county. There is a high amount of diversity with quite a few tortoises and scrub jays. He said on the US1 parcel there are three sides of it that have been developed and it is a common site of lower quality.

Linda Hake said she has met with the City Attorney to discuss the conditions and asked if they would like to discuss them now.

The Board decided to make comments.

**Board Comments:**

Li Roberts asked if Chris saw any tortoises or mounds on the US1 property.

Chris Supotnik said he saw no mounds but did see a tortoise walking along the right of way of US1.

Li Roberts said she is concerned that the neighbors would be very unhappy if they took out the trees and removed the buffer and even though 150 trees sounds like a lot of trees they won't immediately compensate for what was taken out. She asked if when they reconfigured why they didn't put the water thing in the back.

Mark Mathes said there is a lot you could do to design this site, but felt their design was the best.

Li Roberts asked about the elevation at the back of the restaurant, the dumpster and how ugly the back of the restaurant looked. She was concerned about the sea of parking and asked if they could move the spline road back.

Mark Mathes made note of her issues.

Ryan Strom asked when the meetings were held with the POA and what the issues were.

Mark Mathes replied the generator, delivery times for trucks, lighting, drainage and that they would have 35-40 feet of solid trees.

Ryan Strom questioned the line of sight and said it looks like an assemblage, which he understands and appreciates the fact that the vista site is a higher and better use and asked if they could shift the anchors closer to US1 even if they have to reduce the imprint and still make it marketable.

Mark Mathes said they would be amenable to moving their parking up but asked if there was a true benefit because the neighbors cannot see the buildings with this design. He said there will be 35 feet of solid trees and the neighbors have 35-40 feet of solid trees and they are going to plant a lot more trees plus they have 100 feet of space before you get to the building.

Bill Mathers said that they would need to have access to the buffer for maintenance.

Mark Mathes replied not the 35 foot buffer because that's a native habitat but they will need access to the canal. He said the 3 acre preserve of Advantage Ford is not entirely a preserve. It is exactly the same thing that they have on their property. It has 30 feet of native habitat on one side with a canal running through it and a dry stormwater area so it is really a canal and some exotics with a little strip of native habitat on the property line so no, you don't have to provide access to the native habitat on the far side of the canal but you do have to provide access to the canal.

Bill Mathers asked if they have the preliminary from DOT.

Mark Mathes said they have met with them on the access issues but not the drainage aspects.

Bill Mathers asked if they were going to do sales or leases.

Mark Mathes said it is dependent on the tenant that comes in.

Bill Mathers asked if they would do the stop gaps based on the traffic study. He said they also need to take into consideration the issue of a light, the easement and clean up the boundary. He said they're not showing on Sunbelt PUD an arrow acknowledging the cross access. He said the data used to demonstrate that they built what needed to be built for the threshold was done with final engineering approval and that CO is grandfathered and if something else comes in and trips a new threshold it's not stopping this CO it's only stopping the CO related to the building being approved that triggered that and that needs to be clear in the conditions.

Xavier Blatch asked the men from Willoughby if they were at the last meetings and in what capacity are they here.

Fred Eubanks replied that they were homeowners, not members of the board and they knew what they were doing two years ago but they've had a change in administration and were never notified.

Xavier Blatch said if they were here as representatives of the community were they up to date on what is happening now. He said he generally doesn't agree with off-site mitigation, but in this situation he does. He appreciates the environmental plan but wished there was a way they could re-design these things. He said to the residents that the buffer is sufficient.

Mark Mathes said they would go back and talk to the applicant about taking the tree fund and add to the buffer, they will review their landscape plan to see if they can refocus some material, they will look at the parking spaces in front, the spline road movement, and supply an architectural adjustment to the back of the building.

Li Roberts thought they should turn the retention area 90 degrees and put it where N & O are and move J, K & L to the left and move N & O into that area.

Mark Mathes said they would meet with the management association.

Paul Nicoletti said that Ms. Hake and he had been going back and forth on the conditions and he doesn't honestly understand what they are doing and would like the opportunity to meet with Ms. Hake. He said he is not absolutely comfortable enough to pass this on just yet.

Bill Mathers said when they approved Lowes they had the same discussion about distances and issues and to check the distances that Lowes was set back and see how that affects the plan.

**MOTION:** Xavier Blatch moved to table all three items until the LPA Meeting scheduled for May 13, 2009.

**SECOND:** Bill Mathers

**Motion carried 5/0**

**IV: COMMENTS FROM THE PUBLIC:**

**V. NEXT LPA MEETING:** May 13, 2009

**VI. ADJOURN:**

**MOTION:** Larry Massing

**SECOND:** Ryan Strom

**Motion carried**

Vice Chair Roberts, there being no further business before the Board the meeting is adjourned at 7:23PM.

**APPROVED**

**RESPECTFULLY SUBMITTED**

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Dr. Edward Geary, Chairman

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Michelle Vicat, Board Secretary