

**MINUTES OF THE REGULAR MEETING OF THE CITY OF STUART LOCAL PLANNING AGENCY/PLANNING ADVISORY BOARD HELD IN CITY HALL, 121 SOUTHWEST FLAGLER AVENUE, STUART, FLORIDA ON THURSDAY, JUNE 21, 2012**

**Those present:** Li Roberts, Chair  
William Mathers, Vice Chair  
Dr. Edward Geary  
Ryan Strom  
Larry Massing  
Michael Herbach  
Avron Rifkin

**Those absent:**

**Also present:** Terry O'Neil, Development Director  
Deanna Freeman, Senior Planner

**I. CALL TO ORDER: Chairman**

Chair Roberts called the meeting to order at 5:30PM

**II. ROLL CALL: Secretary**

Those answering roll call and others present are referenced above.

**III. APPROVAL OF MINUTES: March 15, 2012**

**MOTION:** Michael Herbach

**SECOND:** Larry Massing

**Motion carried 6/0**

**Public Comments:** None

**Board Comments:** None

1. Request to consider text amendments to Chapter 2 of the City's Land Development Code (LDC) establishing a minimum lot size of three (3) acres for motor vehicle and on-land boat sales facilities within the City

**Presentation:** Terry O'Neil, Development Director

**Public Comments:**

Terry McCarthy, Attorney representing Treasure Coast Boating Center said historians

will call this a depression with property values decreasing 40-50% and taking a property and removing two of the more popular uses which will devalue the property is regressive and attacks the small businesses. He encouraged the board to agree that it's not fair.

Ellyn Stevenson who owns a property on Monterey Road said their main client is a used car sales lot and said this will definitely hamper small business owners and doesn't see the need for this at this point in time.

Laurence Condon owns property at 610 Federal Hwy and has operated a used car business for 21 years thought if they move ahead with this it will discourage small business and he would not be in favor of this change.

Dimitrius Trukis has a property at 991 SE Monterey Road which is a boat repair business for 30 years and thought this ordinance would take the right of the businesses to sell and didn't understand the reason. He asked why autos and boats and how it could be in the best interest of a business.

Bob DeSantis said it was explained to him that over time this would improve aesthetics. He said he leased a building on Monterey and was told that they would be pretty tough on him to keep up aesthetic appearances and that was six years ago and nothing has happened because the market went downhill shortly thereafter. His question on aesthetics is, how long? He thought the idea has merit but the way they are going about it doesn't work. He thought that if the idea was to improve aesthetics then deal with that instead of rezoning and taking people's property rights away.

Kathy Enloe whose family has owned property at 986 S. Federal Hwy said Nautic Trade has leased property from them for over 30 years and wanted to object to this item. She said they are selectively enforcing against a certain class of business and they are effectively excluding the mom and pop businesses. She thought in this economy the city should be promoting small businesses.

Mitch Milosi owns Sundance Marine said he rented a location on Federal Hwy and Palm City Road and also bought a smaller property down the street. He asked the board not to cut them off at the knees with what they want to do with the property and said his property has been vacant for the past 3½ years but he eventually would like to sell it.

Dimitri Mishelevich who is located at 850 SE Monterey said he is from a part of Russia with limited freedom. He said America was founded with many freedoms and thought Stuart was really starting to grow. He thought limiting what businesses can do would hurt the economy for this area.

Onofrio Bruno owns a property on Monterey Road and has had a hard time with the City wanting landscaping and things like that. He said he's been a car dealer for over 40 years and restricting car dealerships like this will put everybody out of business and he is totally opposed to these changes.

Doug Whichello of 712 S. Dixie Hwy said he brought his property up to grade and asked what will happen to the property when he retires and his kids take over.

Margaret Inter owns 1020 SE Federal Highway and has had a car lot on it for 42 years. She said a few years ago she wanted to sell the property but due to the economy cannot and her livelihood depends on the income from the car lot. She said she appreciated what the City is trying to do and keeps her property spotless and asked the board to reconsider.

Craig Clements of Palm City Yachts thought the city was forgetting about the income generated by the auto and boat dealers and reminded the board that this is a boating community.

**Board Comments:**

Michael Herbach suggested enhancement, possibly a tax incremental district and asked if he was a broker and there are no vehicles on the property, if the 3 acres would apply.

Ryan Strom said he agreed with a lot of the audience and said when you look at all of the B2 uses this affects 90% of B2 users which is a good portion of the community. He said these business owners provide a lot for the city and liked the idea of enhancement instead of zoning change.

Avron Rifkin said his problem is the number of small lots and thought the city should take care of the people that live and work in the community.

Larry Massing echoed Ryan Strom's comments and thought this was an appearance issue and suggested enhancing the code to improve the corridor in terms of appearance.

Vice Chair Mathers said this throws every one of these properties into a non-conforming use so the minute they try to change anything they are stuck in no man's land.

Dr. Geary asked where the threshold kicks in as far as numbers of vehicles.

Li Roberts said Item #1 is about restricting business and Item #2 is about encouraging business and had a problem with doing two things at one time. She thought they need to look at putting boat sales in with automobiles.

Terry O'Neil said they would withdraw the item from consideration and dissolve the zoning in progress.

**MOTION:****SECOND:****Motion carried**

2. Request to consider a text amendment to Chapter 11 of the City's Land Development Code (LDC) to incorporate a Fast Track Planned Unit Development approval procedure.

**Presentation:** Deanna Freeman, Senior Planner

**Public Comments:** None

**Board Comments:**

Li Roberts said the chart did not show the two days for compliance review and asked if the LPA is an independent board whether having a joint meeting with the City Commission met the statutes of an independent meeting.

Terry O'Neil said the hearings would be held simultaneously and they envisioned the chair calling the LPA to order, deliberating as they ordinarily would and this would take place before the City Commission would consider the item. He thought they would be given the same staff presentation and testimony and the boards would be sitting together but acting independently.

William Mathers said they would probably have postponements if there were issues or conflicts.

Michael Durham, City Attorney said he would like to look at some Attorney General Opinions on the issue.

William Mathers said they had meetings like this before and the LPA did most of the questioning and rendered their opinion and a lot of times the City Commission delayed the item to the final hearing.

Paul Nicoletti, City Manager said as they go forward they need to concentrate on the targeted industries and businesses that add to the economy of the city.

Li Roberts said page 27 has some numbering issues and they need definition on permanent jobs.

Paul Nicoletti suggested picking a project and trying it.

Terry O'Neil said it wasn't ready to go to commission so they would bring it back and address their comments.

**MOTION:****SECOND:****Motion carried**

3. An Ordinance of the City of Stuart, Florida amending Chapter 3 of the City's Land Development Code (LDC) granting properties within the Woodlawn Park Section of the Stuart Community Redevelopment Area (CRA) a credit for on-street parking spaces in meeting the LDC's off-site parking requirements; providing for an effective date; and for other purposes

**Presentation:** Deanna Freeman, Senior Planner

**Public Comments:** None

**Board Comments:**

The board had some questions on the parking calculations and allocations.

**MOTION:** Larry Massing moved to approve an Ordinance of the City of Stuart, Florida amending Chapter 3 of the City's Land Development Code (LDC) granting properties within the Woodlawn Park Section of the Stuart Community Redevelopment Area (CRA) a credit for on-street parking spaces in meeting the LDC's off-site parking requirements; providing for an effective date; and for other purposes

**SECOND: Ryan Strom**

**Motion carried 7/0**

**IV. NEXT LPA MEETING:**

**July 19, 2012**

**V. ADJOURN:**

**MOTION:** Avron Rifkin

**SECOND:** Michael Herbach

**Motion carried 7/0**

Chair Roberts, there being no further business before the Board the meeting is adjourned at 7:40PM.

**APPROVED**

**RESPECTFULLY SUBMITTED**

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Li Roberts, Chair

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Michelle Vicat, Board Secretary