

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, OCTOBER 20, 2011

Those present: Li Roberts, Chair
William Mathers, Vice Chair
Dr. Edward Geary
Ryan Strom
Michael Herbach

Those absent: Larry Massing
Avron Rifkin

Also present: Terry O'Neil, Interim Development Director
Tom Reetz, Project Planner II

I. CALL TO ORDER: Chairman

Chair Roberts called the meeting to order at 5:34PM

II. ROLL CALL: Secretary

Those answering roll call and others present are referenced above.

III. APPROVAL OF MINUTES: September 29, 2011

MOTION: Michael Herbach

SECOND: Li Roberts

Motion carried 4/0

Public Comments: None

Board Comments: None

1. Request to consider a Major Amendment to the Windemere Point CPUD – Timetable for Development

Presentation: Tom Reetz, Project Planner II

Public Comments: None

Board Comments:

Dr. Geary asked if this was a new ordinance and not an extension.

Tom Reetz said it has already been approved and they are amending the ordinance.

Terry O'Neil said it is a new timetable of development.

Li Roberts asked if there was a difference in fees.

Terry O'Neil said if it exceeds twelve months it is a Major PUD Amendment and if it was less than twelve months they would not have to come to LPA and would have to go to Commission under a resolution. He said it was the length of time being request that makes it a major.

Li Roberts said if they had come in prior to their lapse under the senate bill would there be any fee.

Terry O'Neil said there were obligations for the applicant if they wanted to take advantage of the senate bill 360 and subsequent legislations. They would have to have filed with the city a claim of eligibility under that by a certain date and they did not do that so they are not operating in the state realm just the local level.

Ryan Strom said he is trying to understand the lapse of the condition and asked if they are setting a precedent for any development that comes in and the timetable has lapsed to not have to go through process of doing the development approval all over again.

Terry O'Neil said there are several instances of lapsed PUD's and in some cases a developer won't come forward and go through the expense of remedying that because they know there plan is not viable. He said in this instance they have an owner that believes that there is interest in the property and staff believes that it is a viable plan so the only thing under consideration is the time table.

Bill Mathers asked if there had been any other default in the PUD.

Terry O'Neil said there had been some matters during the course of the PUD because of delays and other reasons that weren't done on schedule but with the conditions requested they have cured some loose ends with the developer.

Bill Mathers asked if any of the out parcels had been sold.

Terry O'Neil said only one parcel is owned by the co-applicant and they've made it a condition that there must be a plat accomplished before development permits occur for any future phase.

Li Roberts asked about the letter from Pineapple Plantation stating the about the one-time payment is taking care of condition #24 which says "upon issuance of the first CO which would be LA Fitness the applicant would assume the responsibility for maintenance of Windemere Drive.

Terry O'Neil said they advised the POA that the applicant needed to demonstrate that the obligations of the POA was satisfied that all of the outstanding obligations of the developer had been met and the letter's purpose is to demonstrate that the POA is satisfied and offers no objection to the timetable.

Bill Mathers said the payment that they are making in their agreement is referencing that it is occurring along with the payments so they are accepting the maintenance.

Tom Reetz said he read it as reinforcing the PUD agreement.

Li Roberts said her main concern is with the city and they are not in violation of any of their development conditions and that the city is satisfied that they are maintaining Windemere Dr.

Tom Reetz said Windemere Dr. is private and it is between the POA and the developer.

Terry O'Neil said the letter is the POA stating that they are satisfied that the developer is now responsible.

Dr. Geary said on page 10 it has two different application dates.

Tom Reetz said an incorrect application was submitted and said they asked that the correct application be submitted.

MOTION: Dr. Geary moved to approve the request to consider a Major Amendment to the Windemere Point CPUD – Timetable for Development

SECOND: Ryan Strom

Li Roberts asked for a list of timetable extensions that are expiring.

Tom Reetz said he would give it to her.

Motion carried 5/0

IV. NEXT LPA MEETING:

November 17, 2011

V. ADJOURN:

MOTION: Ryan Strom

SECOND: Bill Mathers

Motion carried 5/0

Chair Roberts, there being no further business before the Board the meeting is adjourned at 5:58PM.

APPROVED

RESPECTFULLY SUBMITTED

Li Roberts, Chair

Michelle Vicat, Board Secretary