

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, DECEMBER 15, 2011

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

Those absent:

Also present:

I. CALL TO ORDER: Chairman

Vice Chair Mathers 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: November 17, 2011

MOTION: Dr. Geary

SECOND: Avron Rifkin

Motion carried 5/0

Public Comments: None

Board Comments: None

1. Request for a rezoning from R-3 to Commercial Planned Unit Development (CPUD), including site plan approval; and a small scale future land use map amendment from "Office Residential" to "Commercial". A.D.F.R.C. Inc., Owner, DBA Greco Automotive. Property located at 1410 SE Ocean Boulevard

Presentation: Deanna Freeman, Senior Planner
Ginny Sherlock, Attorney representing the applicant

Ginny Sherlock said the underground tanks are going to be removed. She said the dumpster is an issue that she is confused about and thought the location was at the request of the city. She said she thought the city was going to handle the buffering around the dumpster, she agreed to the revocable use of right of way permit, said they were asked

to provide a depiction of the signage and they did that and understood the pole sign had to be removed and asked if they needed to reapply to bring the sign down or could it be done without a permit. She said the primary issues that remain are the overflow parking and the use of the shed and said the applicant is satisfied to accept staff recommendation with conditions maintained and there may be some way to transition the sheds uses.

Public Comments:

Dan Parz at 505 Dolphin Drive gave a PowerPoint presentation and said he no desire to hurt the applicant's reasonable business expectations but he thinks that the PUD application goes beyond reasonable business expectations for the small site. He said he saw two issues, one being it's affect on the adjacent residential neighborhood and whether an auto repair facility is an appropriate use for that area. He said he has lived there for about twenty years and the owner has quit selling gasoline and dramatically increased its auto repair business. He said parking around the site is intense, the doors to the dumpster are always open, there are items like oil at the rear of the site and signage has been added that adversely affects the site. He said he doesn't believe the use is appropriate for that area and the business continues to grow and recommended that the board not approve the PUD application.

Board Comments:

Michael Herbach asked if they found where the septic tank is and he would like north, south, east and west on the drawings.

Deanna Freeman said it was included on an old boundary survey but the location was not correct and one of the conditions was to locate it on a new boundary survey.

Dr. Geary asked if the new sewer proposal goes out that far.

Paul Nicoletti said the sewer expansion program will include that area but he wasn't sure if it was the first or second phase.

Ginny Sherlock said they would get it on the updated survey.

Michael Herbach asked if they spray paint and questioned the food and beverage concession.

Anthony Greco Jr. said the scratch repair is a kit and it's brushed on and spray painting is allowed in a 3 ounce container.

Michael Herbach asked about the food and beverage concession.

Ginny Sherlock said there isn't anything planned, it's just looking toward the future and will be a snack bar at most.

Ryan Strom said it sounds like they are willing to comply with all of staff recommendations with the exception of the overflow parking and shed.

Ginny Sherlock said they were going to comply with all recommendations except those two but they aren't saying they won't comply but they are going to see if there is a permitting process to allow them to use the sheds and overflow parking.

Li Roberts asked if the applicant understands and is in agreement with the two conditions.

Ginny Sherlock said the applicant is in agreement that the conditions can remain the same and let it go to commission.

Bill Mathers asked about the truck parking spaces.

Ginny Sherlock said they would put the trucks wherever they request them to be put.

Dr. Geary asked if they would submit a landscape architect plan with a readable seal and asked what a forklift service is.

Anthony Greco said it is when they have a very heavy object that needs to be moved, they use the forklift.

Dr. Geary asked if major repair work will be done in an enclosed area.

Ginny Sherlock said that is what the proposal is.

Dr. Geary said they have doors on both sides and asked if the back end of a vehicle will be sticking out.

Ginny Sherlock said she didn't know.

Terry O'Neil said that this is a PUD and they have the opportunity to describe things more fully in the document.

Michael Herbach said they had put restrictions on other applications that said they couldn't have the door open during certain hours.

Dr. Geary asked if they were going to replace all of the concrete or patch it when they remove it and asked if the canopy encroached on city property.

Ginny Sherlock said a professional contractor would be doing the concrete work and she wasn't sure about the encroachment, but said they would need a permit to use the right of way for the extra landscaping and could address it then.

Terry O'Neil said some of terms on the site plan will be more fully defined in the PUD document.

Li Roberts said they indicated 22 parking spaces but do not include the handicap space, said the square footage they are using includes part of the parking and asked if it should be removed.

Terry O'Neil said they would reconcile that.

Li Roberts asked if the trucks parked there overnight and if they do, it should be listed as overnight truck parking. She asked why they are naming different parking spaces, thought they should remove all of the designations and define major and minor. She said if they are using overflow parking, it should be stabilized, the Service Writers Reception Area should not be on there as that if it is a shed, when she compared the site plan and landscape plan the chain link fence moves around, the landscape plan from 2010 and the current one need to be reconciled and there should be irrigation detail. She asked where the door was on the elevations and if they should have one so no one would walk through the bay door and the existing lighting should be specified.

Ginny Sherlock said they would do that.

Ryan Strom suggested they get a site plan that shows everything working with staff's recommendation.

Nelo Freijomel said the applicant would agree to remove the sheds in five years and design a small building that would have offices and a handicap bathroom.

Larry Massing said that is a building code issue they can't get into.

Terry O'Neil said the current use of the building is not consistent with the permit that was issued and if the code doesn't allow for some technical adaptation to the buildings that would allow office use then it will have to be discontinued but this process allows the applicant to explore that and make a proposal to try to adapt the building in a way that would make it occupiable.

MOTION: Michael Herbach moved to approve the request for a rezoning from R-3 to Commercial Planned Unit Development (CPUD), including site plan approval; and a small scale future land use map amendment from "Office Residential" to "Commercial". A.D.F.R.C. Inc., Owner, DBA Greco Automotive. Property located at 1410 SE Ocean Boulevard with the conditions noted.

SECOND: Larry Massing

Motion carried 6/1 with Dr. Geary dissenting

IV. NEXT LPA MEETING:

January 19, 2012

V. ADJOURN:

MOTION: Michael Herbach

SECOND: Ryan Strom

Motion carried 7/0

Chair Roberts, there being no further business before the Board the meeting is adjourned at 7:20 PM.

APPROVED

RESPECTFULLY SUBMITTED

Li Roberts, Chair

Michelle Vicat, Board Secretary