

**MINUTES OF THE REGULAR MEETING OF THE CITY OF STUART
PLANNING ADVISORY BOARD HELD IN CITY HALL, 121 SOUTHWEST
FLAGLER AVENUE, STUART, FLORIDA ON THURSDAY, MARCH 28, 2013**

Those present: Li Roberts, Chair
William Mathers, Vice Chair
Ryan Strom
Larry Massing
Michael Herbach
Thomas Campenni

Those absent: Susan O'Rourke

Also present: Michael Durham, City Attorney
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. OATH OF OFFICE

IV. REORGANIZATION

MOTION: Larry Massing nominated Li Roberts as Chair

SECOND: Bill Mathers

Motion carried 6/0

MOTION: Bill Mathers nominated Ryan Strom as Vice Chair

SECOND: Larry Massing

Motion carried 6/0

V. ORIENTATION

City Attorney Michael Durham reviewed the Sunshine Laws.

III. APPROVAL OF MINUTES: November 15, 2012

MOTION: Ryan Strom

SECOND: Larry Massing

Motion carried 6/0

Public Comments: None

Board Comments: None

1. Request to consider an ordinance of the City of Stuart, Florida amending Chapter IX of the City's Land Development Code (LDC) revising code provisions pertaining to A-Frame signs' and Chapter XII to incorporate reference to A-Frame signage in the definitions chapter, providing for an effective date; and for other purposes

Presentation: Deanna Freeman, Senior Planner

Public Comments:

Armand Pasquale, resident of downtown thought that A-frame signs should be outlawed and said enforcement would be a nightmare.

Terry McCarthy, Vice President of Stuart Mainstreet said that Mainstreet strongly supports this ordinance.

Board Comments:

Larry Massing asked if A-frame signs are permitted only in the CRA or Downtown Stuart.

Deanna Freeman said that was correct.

Larry Massing asked why they shouldn't be throughout the entire City of Stuart.

Thomas Campenni agreed that they should be throughout the city.

Li Roberts asked if Code Enforcement enforces them.

Terry O'Neil said they do. He thought that sidewalk signs are unique to the downtown core.

Larry Massing asked about merchants outside of downtown and thought it would be difficult to enforce with different standards.

Michael Herbach thought it was more of a pedestrian issue and you wouldn't see them in the larger strip malls.

Terry O'Neil said that there is an aesthetic component to having them all throughout the city. He said ultimately the City Commission would look at the board's recommendations and make a decision.

Li Roberts asked if the sidewalks were 6 feet wide, asked that they add the word "wide"

to clarify the size, said they should add “when the business is open”, she didn’t like the fact that they aren’t allowing them citywide and she is concerned about the fee.

Deanna Freeman said they haven’t included the fee.

Larry Massing asked how they indemnify the city with an A-frame sign sitting on a public sidewalk.

Michael Durham said that if the sign were to collapse on somebody by indemnifying us and defending the city, if something were to occur the city could go to their insurance policy and the fee they’ve discussed would cover additional costs the city would have.

Terry O’Neil said ultimately the City Commission would determine the fee.

Bill Mathers asked if they had any feedback from the businesses on this.

Terry O’Neil said they have gotten positive feedback from the DBA and Mainstreet.

Deanna Freeman said they need to be more consistent in the enforcement.

Li Roberts said on page 10 they should take out Section 6.11.15 which talks about not requiring a permit and it should be reworded, on number one when it talks about not exceeding they should put a width and height and add the decal and fee.

Thomas Campenni said “C” should read “A-frame signs may be displayed only during business hours”.

Li Roberts asked where in the ordinance it specified the area.

Larry Massing said his position is that if you like sandwich signs then it should be citywide.

Thomas Campenni said he thought they should be banned throughout but since they are going to allow them, they should be allowed throughout the city.

MOTION: Thomas Campenni moved that staff bring the item back with their recommendations.

SECOND: Larry Massing

Motion carried 6/0

Terry O’Neil asked if they wanted the ordinance worked on from a citywide stance.

2. Request to consider an ordinance of the City of Stuart, Florida amending Chapter 3 of the City’s Land Development Code (LDC) expanding the “Old Downtown (Waived Parking) District” to include (6) six parcels on the north side of SW Seminole Street between SW St. Lucie Avenue and S Colorado Avenue; providing for the deletion of conflicting language regarding the City’s Payment-In-Lieu of Parking (PILOP)

Program; providing that a exemptions to parking requirements in the Old Downtown District do not apply to any use of a property's exterior premises which generates additional parking demand; providing for an effective date; and for other purposes

Presentation: Terry O'Neil, Development Director

Public Comments:

Armand Pasquale who lives in Downtown Stuart said the biggest problem he sees is parking and if they approve this bars and restaurants should not be allowed.

Terry McCarthy with Stuart Mainstreet said they are the protagonist pushing this forward. He said not long ago Downtown Stuart was dying and it is mostly because of Stuart Mainstreet and the DBA that it has improved. He said Boyd Bradfield has been instrumental in helping with this and thought that improvements should be made a step at a time, thought the benefit to the city is enormous and strongly encouraged the board to approve it.

Michael Houston a board member of Mainstreet and has worked on the project thought that this is a great quid pro quo for the city. He said that people don't know what Seminole Street is and asked why a back alley is next to the river.

Veronica Pasquale said she doesn't have a problem with the river walk, but has a problem with the parking. She thought if they didn't provide expanded parking then that would be a problem.

Board Comments:

Bill Mathers asked if they modified the permit they are no longer exempt

Terry O'Neil said that if they add square footage to the building, what they add needs to meet the parking and if they tear the building down they've lost their parking.

Larry Massing asked if a structure converted to a restaurant and employed outdoor seating would demand additional parking.

Terry O'Neil said it would.

Ryan Strom asked if they could "Pay in Lieu of Parking".

Terry O'Neil said in the mid 2000's the code changed to limit the number of PILOP to three.

Michael Herbach asked why Mulligan's, Osceola Café etc...got to take up parking with the outdoor seating.

Terry O'Neil said it was about the tradeoffs in trying to keep a downtown vibrant and not having parking be the end-all of how you develop and promote the downtown.

Thomas Campenni said he comes downtown a few times a week and never has a problem parking.

Li Roberts asked if they had done a calculation on how much parking they are actually talking about.

Terry O’Neil said they did and it was relatively low because the uses are low impact.

Li Roberts asked if the area was improved if there is any plan to take care of the back of the buildings.

Terry O’Neil said that is a work in progress and yes they would.

Ryan Strom said the reward for the city is great and to be able to get that many owners to agree to it is amazing.

MOTION: Ryan Strom moved to approve the request to consider an ordinance of the City of Stuart, Florida amending Chapter 3 of the City’s Land Development Code (LDC) expanding the “Old Downtown (Waived Parking) District” to include (6) six parcels on the north side of SW Seminole Street between SW St. Lucie Avenue and S Colorado Avenue; providing for the deletion of conflicting language regarding the City’s Payment-In-Lieu of Parking (PILOP) Program; providing that a exemptions to parking requirements in the Old Downtown District do not apply to any use of a property’s exterior premises which generates additional parking demand; providing for an effective date; and for other purposes

SECOND: Larry Massing

Motion carried 6/0

- 3. Discussion regarding the need for additional regulation of outdoor bars and restaurants

Terry O’Neil said that at present city code does not distinguish between outside and inside when it comes to bars and restaurants and there has been a trend of moving outdoors and with that comes some challenges with noise and impacts on surrounding properties. He thought they needed to examine the codes to see if they are up to protecting others that live close to these bars and restaurants.

Li Roberts asked if they were looking at what other municipalities did.

Terry O’Neil said they were.

IV. NEXT LPA MEETING:

April 18, 2013

V. ADJOURN:

MOTION: Michael Herbach

SECOND: Ryan Strom

Motion carried

Chair Roberts, there being no further business before the Board the meeting is adjourned at 6:48PM.

APPROVED

RESPECTFULLY SUBMITTED

Li Roberts, Chair

Michelle Vicat, Board Secretary