

MINUTES OF THE REGULAR MEETING OF THE CITY OF STUART LOCAL PLANNING AGENCY/PLANNING ADVISORY BOARD HELD IN CITY HALL, MARCH 15, 2012, AT 5:30 PM., 121 SOUTHWEST FLAGLER AVENUE, STUART, FLORIDA

Those present: Li Roberts, Chair
William Mathers, Vice Chair
Larry Massing
Michael Herbach
Avron Rifkin

Those absent: Ryan Strom
Dr. Edward Geary

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

I. CALL TO ORDER: Chairman

Chair Roberts called the meeting to order at 5:32 PM

II. ROLL CALL: Secretary

Those answering roll call and others present are referenced above.

III. APPROVAL OF MINUTES: December 15, 2011

MOTION: Michael Herbach

SECOND: Larry Massing

Motion carried 5/0

Public Comments: None

Board Comments: None

1. Request to amend the existing 34.97 acre Marketplace of Stuart C-PUD to: (1) establish a new, stand-alone C-PUD agreement and site plan for a car dealership on a 12.31 acre portion of the site known as Mar-Stuart Retail, LLC, and (2) revise the C-PUD agreement and site plan, including outparcels, for the remaining 22.66-acre portion of the original Marketplace site Owners: George Banks/Market Place Stuart, LLC and Mario Murgado/MAR-Stuart Retail, LLC

Presentation: Tom Reetz, Project Planner II
Terry O'Neil, Interim Development Director
Bob Raines, Attorney representing Marketplace of Stuart
Doug Fitzwater, Lucido & Associates
Jose Martinez of JM Advisors representing Mar-Stuart
Mike Houston HJA Design Studio

Public Comments:

Michelle Riley, manager of the Willoughby Golf Club, said she has met with both parties and they are very interested in the development conditions previously approved in 2009 but the new project is easily in compliance. She said there are a few things that are very important to them, the 10 ft easement grant and the cash payment for landscaping. She said it allows them to begin their landscaping project early on and is very supportive of the project and as long as they are in compliance with the development conditions, Willoughby has no problem with the project.

Board Comments:

Li Roberts asked if the car dealership could walk her through their parking calculations.

Mike Houston said it wasn't a simple calculation and said they broke down the three dealerships between and the sales and leasing area and the outdoor display area which is not broken down by dealership, it is the entire space. The customer parking is primarily up and down the south side with the display in the front. Audi has 13 repair bays; Infiniti has 11 and the future commercial 8 plus handicap parking regardless of what dealership it is. What they don't have in front of them is which parking spaces are which and then there are storage areas for the vehicles plus employee parking in back which is screened.

Li Roberts asked about the gross floor area of sales/leasing and 2 per 1000 square feet and they are required to have 80 spaces but they have 192 and they are required for repair bays to have 64 and they have 64 plus the handicap 6 and the 6. She said in front of the gates there are 64 spaces and they are saying they need 80 spaces for customers to park, how will that work?

Mike Houston said the gates are not locked until nighttime to secure the product and the gates have to be open for employees to park. So they are using spaces in the front and the back and the gates aren't going to keep people from using that back space in a functional way.

Li Roberts said she is really trying to get across that if they say they are providing 192 spaces instead of the 80 and designating some as display, some as storage, do they really want to be saying that instead of 80 customer spaces and 112 spaces that could be something else.

Mike Houston said the gross floor area of sales is not just customer it is a mix of staff and customer and asked if Li Roberts would like that number broken down further into employees, customers used vs. new.

Li Roberts asked about the third building that hasn't been built and said they are figuring 7000 square feet which would require 14 parking spaces but there are 8 in front of it and asked if that concerns anyone.

Mike Houston said there is no way they are going to have 155 Audi and Infiniti's in front of the dealership.

Li Roberts asked Terry O'Neil if that should matter to them that they are designating areas as display spaces if they really aren't.

Terry O'Neil said that while there could be more specificity to the parking plan, he would like to know if the applicant, as an operator of a car dealership, feels that the plan, as proposed, works based on their experience.

Mike Houston replied that the applicant said that is does.

Li Roberts said the 2009 conditions talked about rear light poles being 26 feet in height and asked if they have discussed the height of light poles in the back of the property with the Willoughby people?

Doug Fitzwater said there is 130 feet of preserve area and 110 feet of retention area that separates the car dealership from Willoughby and that he believes the poles are only 20 feet high. In no instance will light extend beyond the property.

Li Roberts said in the 2009 conditions there was an 8 foot chain link fence that ran along the back parcel and this proposal has a six foot fence on one and an 8 foot fence on the flagship piece and thought they should increase the height of the 6 foot piece.

Jose Martinez said he didn't understand the security issue as they put up the fence to keep people from getting into the property not out of the property.

Li Roberts said Willoughby was concerned about maintaining the security of their community and part of their concerns were satisfied with the landscaping, berms and 8 foot fence and even though they are not contiguous she would hope an eight foot fence would be there.

Bob Raines said they have it in their conditions.

Li Roberts asked if there was a way to tie it or move it forward so that eight foot fence happens as they are happening.

Terry McCarthy said there is a forest there.

Li Roberts said there are people living in the forest.

Mike Houston said there is a canal running across there.

Bob Raines asked Michelle Riley if there was an existing fence there.

Michelle Riley said there is and she understood that any activity on the parcel as a whole would immediately activate the conditions and if that is not correct then she may have something additional to say.

Bob Raines said he sent her any black lined (underlined) conditions in the PUD that were changed and what wasn't black lined or deleted stayed, so those requirements did not change in the draft he saw. He said part of the reason that was occurring was their site (Mar-Stuart) does not abut the Willoughby property.

Li Roberts asked how deep the flag lot is.

Mike Houston said 135 feet.

Bob Raines said he thought the payments to Willoughby would occur during main anchor buildings.

Li Roberts said the \$190,000 is the equivalent to 1448 slash pines to the Willoughby Golf Club for installation of berm in addition to tree mitigation requirements of \$85,000 and assumed the \$85,000 is in addition to the \$190,000 so those will go to them for the berm but she thought those things were tied to the 140,000 square foot store even though the other piece would be developed before that.

Michelle Riley said they would probably have a problem with that because the original development conditions didn't talk about pieces of the parcel. As soon as they began to move dirt the conditions (required payment) would kick in.

Bob Raines said he still didn't see that in the existing conditions which haven't changed that they had to start making those contributions when activity began because it talks about the main anchor building and if they recall from the original site plan approval there were front and out parcels so if the outparcels were triggered and they started an outparcel today on what was existing they wouldn't be making the payments to Willoughby until the main anchor buildings.

Li Roberts said she had a problem with their CPUD because his CPUD isn't addressing something that supposed to be taken care of and if that flag wasn't there and if it went straight back she would be looking at them saying whatever the percentage is supposed to be for the \$190,000 etc...she would be looking to them saying that the things agreed on in 2009 need to be honored.

Mike Herbach said if security is a concern then the fence will cure it.

Larry Massing thought they needed to confirm the record.

Li Robert said that the tree symbols for the landscape plan for the car dealership are incorrect and the interior of the Infiniti dealership square footage is off by +/- 300 square feet. The applicant's landscape designer indicated that the tree symbol discrepancy

resulted from a new software application and that the floor space differential will be resolved.

Michael Herbach questioned the dumpster location for the third building.

Mike Houston said they would look at it. (Staff note, the location is acceptable to Public Works).

Li Roberts said they would like to see elevations and north, south, east and west added.

Terry O'Neil said with regard to Marketplace's 5 outparcels fronting US-1, the final elevations are unknown at this time, but that each site would be approved administratively per code. If the applicant alters the site by greater than 5 percent, they will have to come back for a minor amendment. He said that in these economic times, the cost of processing an application is considerable and that allowing administrative approval under certain circumstances is a nod to promoting economic development and job creation. He said that allowing a more streamlined process for the smaller front parcels, which would ordinarily require a major PUD amendment before the City Commission, is consistent with earlier PUD development approvals on Central Parkway and elsewhere.

Larry Massing said what is important is this is on US-1 and it's in the developers best interest to make it look like something from a marketing standpoint and behind it you have a large box who won't stand for looking at the rear end of garbage.

Li Roberts asked how they would solve this.

Terry O'Neil said with regard to the timing of the landscape payment, staff would have to look at the record so that when the application goes to the City Commission they are clear on what the applicant's request is, and whether it differs from the earlier PUD, which will undoubtedly be of interest to the Willoughby representatives, if such is the case.

Bob Raines said they would sit down with Willoughby Manager, Michelle Riley, before the Commission meeting.

Li Roberts said she would not support a motion without requiring the eight foot fence and a percentage of the money going to Willoughby.

Larry Massing said staff can work through the issues and if Willoughby is not happy with the clarification, they will show up at the commission meeting.

Terry O'Neil said the LPA may want to weigh in on whether the PUD's language is ambiguous, discuss what it is they think it should say and make a recommendation to the City Commission. He recommended that the LPA not hold up the applications on this matter and that the City Commission is best positioned to decide when the landscape payment to Willoughby should be made.

MOTION: Larry Massing moved to approve the request to amend the existing 34.97 acre Marketplace of Stuart C-PUD to: (1) establish a new, stand-alone C-PUD agreement and site plan for a car dealership on a 12.31 acre portion of the site known as Mar-Stuart Retail, LLC, and (2) revise the C-PUD agreement and site plan, including outparcels, for the remaining 22.66-acre portion of the original Marketplace site Owners: George Banks/Market Place Stuart, LLC and Mario Murgado/MAR-Stuart Retail, LLC with staff clarifying the record to see what the intent was

SECOND: Michael Herbach

Motion carried 4/1 with Chair Roberts dissenting

IV. NEXT LPA MEETING:

April 19, 2012

V. ADJOURN:

MOTION: Bill Mathers

SECOND: Michael Herbach

Motion carried 5/0

Chair Roberts, there being no further business before the Board the meeting is adjourned at 7:11PM.

APPROVED

RESPECTFULLY SUBMITTED

Li Roberts, Chair

Michelle Vicat, Board Secretary