

Meeting Minutes



**LOCAL PLANNING AGENCY
MINUTES**

December 19, 2019

Commission Chambers

2401 SE Monterey Road, Stuart, FL 34996

Cindy Hall, District 1, November 2022

William J. Flanagan, District 2, November 2022

Donald Foley, III, District 3, November 2020

James Moir, Chair, District 4, November 2020

Scott Watson, Vice Chair, District 5, November 2020

Kimberly Everman, School Board Liaison, December 2020

CALL TO ORDER

LPA Members Present, Thursday, December 19, 2019: (3) Vice Chairman Scott Watson, William Flanagan, and Donald Foley, III . School Board Liaison – Kimberly Everman.
Not Present: Chairman, Jim Moir, and Cindy Hall.

Vice Chairman Watson called the meeting to order at 7:01 pm. A quorum was present.

Present:

Senior Assistant County Attorney Krista Storey

Comprehensive Planning AdministratorClyde Dulin

Principal Planner Maria Jose

Agency Recorder/Notary Mary Holleran

MINU APPROVAL OF MINUTES

MINU-1 DECEMBER 5, 2019

The LPA is asked to approve the minutes from December 5, 2019 LPA Meeting

Agenda Item 20-0153

MOTION: A Motion was made by Mr. Flanagan, Seconded by Mr. Foley to approve the minutes of the LPA Meeting of December 5, 2019. The motion Carried 3-0.

QJP – QUASI - JUDICIAL PROCEDURES

QJP – 1 QUASI – JUDICIAL PROCEDURES

Quasi-Judicial procedures apply when a request involves the application of a policy to a specific application and site. It is a quasi-judicial decision. Quasi-judicial proceedings must be conducted with more formality than a legislative proceeding. In quasi-judicial proceedings parties are entitled – as a matter of due process – to cross-examine witnesses, present evidence, demand that the witnesses testify under oath, and demand a decision that is based on a correct application of the law and competent substantial evidence in the record.

Agenda Item: 20-0154

COUNTY: Senior Assistant County Attorney Krista Storey explained the process and Swearing-in for Quasi Judicial procedures by which the LPA, Staff and the Applicant would be addressing items on the agenda tonight.

NEW BUSINESS

NPH-1 COMPREHENSIVE PLAN AMENDMENT 19-19, PULTE AT CHRIST FELLOWSHIP

Public Hearing to consider a Future Land Use Map change from Rural Density Residential (up to 1 unit per 2 acres) to Residential Estate Density (up to 1 unit per acre) on 321 acres, located at 10205 SW Pratt Whitney Road.

Requested by: Daniel Sorow, Coteleur & Hearing

Presented by: Maria Jose, Planner, Growth Management Department

Agenda Item 20-0150

*** For the Record:**

LPA: Ex parte communication disclosures - None: No Interveners were present.

COUNTY: Staff and individuals speaking on this matter were sworn in.

STAFF: Ms. Jose provided NPH-1, Exhibit 1, Certification of required notification to surrounding homeowners; Exhibit 2, Ms. Jose's Resume, a copy of staff's report and Exhibit 3, copies of e-mails from County Administrator Taryn Kryzda pertaining to Agenda Item 20-0150 to be entered into the record.

STAFF: Ms. Jose presented NPH-1, CPA 19-19, Pulte at Christ Fellowship indicating the applicant is proposing a FLUM change from Rural Density (1 u/p/2A) to Residential Estate Density up to (1 u/p/a). A Location Map was displayed showing the surrounding areas, the parcel is located within the Secondary Urban Service District (SUSD) adjacent to the Primary Urban Service District.

STAFF: Ms. Jose indicated staff recommended approval based on the request meeting 13 of 13 sprawl criteria for discouraging the proliferation of sprawl, and meeting 7 of 8 criteria that determine the application discourages the proliferation of urban sprawl. No change to the SUSD or expansion to the PUSD is necessary and it is compatible with the land use designation.

LPA: Mr. Flanagan questioned proliferation of urban sprawl (pg.12/20 staff report). He asked about the one criteria not met for the 7 of 8 criteria. Ms. Jose provided the analysis for Section III in answer to that question. Mr. Flanagan commented on the density for the Florida Club at 2 u/p/a.

STAFF: Comprehensive Planning Director Clyde Dulin provided additional information on the Florida Club's 2 u/p/a, and indicated the proposed density on this site will be 1 u/p/a.

APPLICANT: Dan Sorrow, representing Cotleur & Hearing, provided the certified notices to surrounding homeowners for the record. He thanked Ms. Jose for the presentation and agreed with the recommendation of approval. Mr. Sorrow continued with a presentation on the application's future plans for development, and discussed the use of 20 acres dedicated for the Operation 300 Gold Star Family Campground.

PUBLIC: The following individuals spoke opposing CPA 19-19:

Carole Pelton, Joanne Swann, Carly Batts, Greg Braun, Carol Fitzpatrick, Billy Vaughn, Wilson Rice, Matt Pilot, Jack Behl, and Chris Clow.

Concerns mentioned were:

Foxwood Community has major traffic on Kanner Highway, it's a dangerous corner, there is no shoulder, traffic has them under siege.

The Church now has land use changes, they pay no taxes on the property and now have a good money making project. They revised their application to get a better project.

Operation 300 camp ground, will they allow a gun range and what other uses will be allowed. They need to fight for the environment, the hydrology of the area has many water tables and drainage concerns, what about the impact

Will we deny other property users going outside the USB and the County's ability to deny them The Church is not serving the community it is putting a demand on it with homes and traffic.

What about plans for open space, there is no reference to a residential capacity study

Cove Road is overburdened with traffic, schools, EMTs, Medical facilities and new developments.

In favor: Matt Highlich, Pastor, Tara Baldwin, Operation 300 President, supported the Land Use Change to have a permanent home for the Operation 300 and Military families. Adam Baldwin, former Christ Fellowship leadership staff, gives us a good reason to serve, volunteer and be part of the community. Gerry Schwepp, serving youth and Operation 300 is a beneficial and important service.

LEGAL: Sr. County Attorney Storey advised the public that what is before the LPA is a proposal for a legislative policy decision whether to change the Future Land Use designation of the property. All comments referring to a project such as road access, infrastructure, and utilizing the property are to be taken as generalities. Conditions are inappropriate and no conditions are imposed on the LPA's decision of approval or denial. This public hearing is the first step before moving on to the BoCC.

LPA: Mr. Flanagan thanked Ms. Storey for keeping everyone on track and to focus on the policy decision of the FLUM. He commented on clarifying the difference in the PUSD and SUSD.

STAFF: Mr. Dulin explained the PUSD is the area where the highest densities and intensities are intended to go such as commercial, industrial, residential. The SUSD had different uses, created in 1990, it is used as a transitional area to rural, and used as a place to expand into the PUSD. Only two densities are permitted in the SUSD, 1 u/p/2A and 1 u/p/A.

LPA: Mr. Foley thanked everyone who came out tonight, it's always good to see everyone. He echoed the concerns of the Foxwood Community and to the south, that the density of 1 /u/p/A would have an effect on other properties in that Pratt-Whitney corridor.

Mr. Watson indicated the applicant met the criteria, there are traffic issues and concerns that will be addressed, and listened to the public's concerns. He favored the request and will support it.

Mr. Flanagan referred to the same concerns that were voiced before the Florida Club was built.

MOTION: Moved by Mr. Flanagan to approve staff's recommendation of CPA 19-19 request to change the Future Land Use Map parcel from Rural Density (up to 1 u/p/2 acres) to Residential Estate Density (up to 1 u/p acre). There was no SECOND. Mr. Watson passed the gavel and SECONDED. Mr. Foley was OPPOSED. The Motion carried 2-1.


COMMENTS:

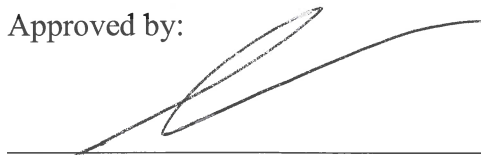
1. PUBLIC – None
2. STAFF – There will not be a meeting on Thursday, January 2, 2020.
3. LPA – The next LPA meeting is scheduled for January 16, 2020 at 7:00 pm.

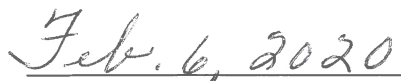
ADJOURN: The LPA meeting of December 19, 2019 adjourned at 8:20 pm.

Respectfully Submitted:

Approved by:


Mary F. Holleran, Agency Recorder
Notary Public


Scott Watson, Vice Chairman


Date Signed:

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BOARD OF COUNTY COMMISSIONERS

ACTION SUMMARY

SEPTEMBER 29, 2020 ~ 9:00 AM

**JOHN F. & RITA M. ARMSTRONG WING OF THE BLAKE LIBRARY
2351 SE MONTEREY ROAD, STUART, FLORIDA 34996**

COUNTY COMMISSIONERS

*Harold E. Jenkins II, Chairman
Stacey Hetherington, Vice Chair
Doug Smith
Sarah Heard
Edward V. Ciampi*

*Taryn Kryzda, County Administrator
Sarah W. Woods, County Attorney
Carolyn Timmann, Clerk of the Circuit
Court and Comptroller*

PRESETS

9:05 AM Public Comment
3:00 PM Summary of the Resilience Program's Sea Level Rise Based Vulnerability Analysis and Recommendations Report
5:05 PM Final Fiscal Year 2020/2021 Budget Public Hearing
5:05 PM Public Comment

CALL TO ORDER AT 9:04 AM

1. INVOCATION – Moment of Silence
2. PLEDGE OF ALLEGIANCE
3. ADDITIONAL ITEMS – *The Additional Items of CNST-13, PH-7, and DEPT-3 were added to the Agenda.*
4. APPROVAL OF AGENDA – *The Agenda was approved.*
5. APPROVAL OF CONSENT AGENDA – *The Consent Agenda was approved minus CNST-1 and CNST-10.*

Consent Agenda items are considered routine and are enacted by one motion and will have no action noted, but the "Recommendation" as it appears on the Board item is the approved action.

PROCLAMATIONS AND SPECIAL PRESENTATIONS

PROC-1 PRESENT PROCLAMATIONS PREVIOUSLY APPROVED VIA THE CONSENT AGENDA

The Chairman will present the proclamations declaring Fire Prevention Week and 4-H Week to the recipients.

Agenda Item: 20-0869

ACTION TAKEN: The Board presented proclamations declaring Fire Prevention Week and 4-H Week.

PH-2 LEGISLATIVE PUBLIC HEARING TO CONSIDER ADOPTION OF COMPREHENSIVE PLAN TEXT AMENDMENT (CPA) 20-05, HODAPP PROPERTY TEXT

This is a Board-initiated amendment to the text of Chapter 6, Housing Element. The amendment is proposed to Policy 6.1D.8, Comprehensive Growth Management Plan (CGMP) regarding lands designated as Mobile Home future land use. The proposal is concurrent to the Board-initiated amendment CPA 20-01 Hodapp Property.

Agenda Item: 20-1047

ORDINANCE NO. 1143

ACTION TAKEN: The Board approved the Ordinance adopting CPA 20-05, amending the text of Chapter 6, Housing Element.

PH-3 LEGISLATIVE PUBLIC HEARING TO CONSIDER ADOPTION OF COMPREHENSIVE PLAN AMENDMENT (CPA) 20-01, HODAPP PROPERTY

This is a request for a small-scale amendment to the Future Land Use Map (FLUM) on a 5-acre parcel. The request would change the future land use designation from Mobile Home (up to 8 units per acre) to Agricultural Ranchette (up to 1 unit per 5 acres). The parcel is addressed at 7715 SW 39th Street and is located south of SW Martin Highway.

Agenda Item: 20-1045

ORDINANCE NO. 1144

ACTION TAKEN: The Board approved CPA 20-01, Hodapp Property, which assigns the Agricultural Ranchette future land use designation to the property.

PH-4 LEGISLATIVE PUBLIC HEARING TO CONSIDER TRANSMITTAL OF COMPREHENSIVE PLAN AMENDMENT (CPA) 19-19, PULTE AT CHRIST FELLOWSHIP

This is a request for an amendment to the Future Land Use Map (FLUM) on a 321-acre parcel. The request will change the future land use designation from Rural Density Residential (up to 1 unit per 2 acres) to Residential Estate Density (up to 1 unit per acre). The parcel is addressed at 10205 SW Pratt Whitney Road, and is located west of the Florida Turnpike, east of SW Pratt Whitney Road and north of SW Bulldog Way.

Agenda Item: 20-1049

ACTION TAKEN: The Board approved transmittal of CPA 19-19, Pulte at Christ Fellowship to the State Land Planning Agency and other state and regional reviewing agencies.

PH-5 LEGISLATIVE PUBLIC HEARING TO CONSIDER TRANSMITTAL OF COMPREHENSIVE PLAN AMENDMENT (CPA) 20-04, PULTE AT CHRIST FELLOWSHIP TEXT AMENDMENT

This is a request for an amendment to the text of Chapter 4, Future Land Use Element. This request is concurrent to CPA 19-19, Pulte at Christ Fellowship, a proposal to amend the Future Land Use Map.

Agenda Item: 20-1048

ACTION TAKEN: The Board approved transmittal of CPA 20-04, Pulte at Christ Fellowship Text to the State Land Planning Agency and other state and regional reviewing agencies.

**DEPARTMENTAL QUASI-JUDICIAL
GROWTH MANAGEMENT**

**DPQJ-1 REQUEST BY IMPEDANCE BAILE, LLC FOR APPROVAL OF ANCILLARY
RETAIL USE WITHIN THE COR-1 ZONING DISTRICT**

Impedance Baile LLC is requesting approval of ancillary retail use in the form of a 750 square foot convenience restaurant within a proposed 11,000 square foot office building within the COR-1 zoning district. The 1.11-acre vacant parcel is located on the east side of South Kanner Highway approximately 1,200 feet north of the intersection of Salerno Road and South Kanner Highway in Stuart.

Agenda Item: 20-1061

RESOLUTION NO. 20-9.72

ACTION TAKEN: The Board received and filed the Agenda Item Summary and all attachments including the staff report as an exhibit and approved the Resolution for the ancillary retail use in the COR-1 Zoning District for Impedance Baile, LLC.

**DPQJ-2 BANYAN BAY PUD, REQUEST APPROVAL OF THE 9TH PUD AMENDMENT
INCLUDING A REVISED MASTER AND PHASING PLAN, AND PHASE 2C
FINAL SITE PLAN**

Banyan Bay Macks, LLC requests approval for the 9th Amendment to the PUD zoning agreement including a revised master and phasing plan and Phase 2C final site plan approval for the Banyan Bay PUD. The main entrance to the project is located at the intersection of SW Kanner Highway (SR 76) and SE Pomeroy Street in Stuart. Included is a request for a Certificate of Public Facilities reservation.

Agenda Item: 20-1066 **Supplemental Memorandum** **RESOLUTION NO. 20-9.73**

ACTION TAKEN: The Board received and filed the Agenda Item Summary and all attachments including the staff report as an exhibit; approved the 9th Amendment to the Banyan Bay PUD Zoning Agreement including the revised master and phasing plan; and approved the final site plan for Phase 2C of the Banyan Bay PUD.

PUBLIC - PLEASE LIMIT COMMENTS TO THREE MINUTES.

ADJOURNED AT 5:43 PM

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