BEFORE THE CITY COMMISSION
CITY OF STUART, FLORIDA

ORDINANCE NUMBER 2429-2020

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA APPROVING A MINOR AMENDMENT TO "THE INDUSTRIAL PARK AT AVONLEA" INDUSTRIAL PLANNED UNIT DEVELOPMENT (IPUD) ON PROPERTY LOCATED ON THE SOUTH CORNER OF SR 707 AND SAVANNAH ROAD; THEREBY AMENDING THE ARCHITECTURAL GUIDELINES OF THE BUILDINGS FACING SAVANNAH ROAD; AMENDING THE CONDITIONS OF DEVELOPMENT ACCORDINGLY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

* * * * *

WHEREAS, the City Commission approved the Industrial Park at Avonlea IPUD for a 9.2-acre industrial warehouse and flex space industrial park (per Ordinance No. 1994-04); and was amended by Ordinance No. 2061-05 of the Stuart City Commission, and

WHEREAS, Carol S. Waxler, as trustee of the Industrial Park at Avonlea, LLC (the Owner and Applicant) is now requesting a further minor amendment to the IPUD to provide for a new architectural rendering guidelines and modified condition of approval regarding architecture of the two buildings facing SR 707 and Savannah road on a parcel located at the southern corner of SR 707 and Savannah Road; and

WHEREAS, the City Commission held a properly noticed hearing at a regularly scheduled City Commission meeting held on February 10, 2020, to consider the application of

the Owners for the property to approve the minor amendment to the IPUD; and

NOW THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA that:

SECTION 1: A legal description of the property is set forth in **Exhibit "A"** attached hereto and made a part hereof by reference. A map depicting the property is attached hereto as **Exhibit "B"** and made a part hereof by reference. The revised conditions of development for the property are attached hereto as **Exhibit "C"** and made a part hereof by reference, and each shall constitute one of the development documents.

SECTION 2: The following additional documents on file as public records of the City, at the office of the City Clerk in City Hall, and attached hereto as **Exhibit "D"**, hereinafter the "Development Documents", shall be deemed an additional part of the development conditions applicable to the Property:

A. Elevations for the building facing SR 707 and Savannah Road prepared by Advanced Architecture and Planning, Sheet A-1, dated 11.09.19

SECTION 3: In all other respects and except as amended hereby, Ordinance No. 2061-05 shall remain in full force and effect.

SECTION 4: All ordinances or parts of ordinances in conflict with this Ordinance or any part thereof are hereby repealed to the extent of such conflict. If any provision of this Ordinance conflicts with any prior contractual provision between the City and the developer of the site, this ordinance shall prevail.

SECTION 5: Following the adoption and acceptance of this Ordinance by the Owner, and in addition to any other action for failure to complete development or otherwise comply with the Development Documents, the City Development Director may obtain a hearing before the City Commission, and shall thereupon give at least five (5) days written notice of the time, date and

location of the hearing, along with specific notice of the alleged breach. At the hearing before the City Commission the developer may appear and may contest the allegation of breach or explain the reason or reasons for the breach. Upon a finding of a material breach of the Development Documents and therefore, the Ordinance(s) and Resolutions adopting the same, the City Commission may impose or do any or all of the following:

a. Initiate the process to amend or repeal this or any other Ordinance or resolution pertaining to the development.
b. Direct the City Development Director to initiate the process to rezone the IPUD property or any portion of the IPUD property.
c. Impose an administrative penalty of up to $1,000.00 for each violation, and up to $5,000.00 for each repeat violation that occurs, along with all reasonable costs, including attorney's fees incurred by the City.

Any breach of any provision or condition of this IPUD Ordinance by the developer shall be considered a zoning violation subject to any remedies provided herein, or as otherwise provided by law. In the event a violation found continues from day to day, each day the violation is found to continue shall be deemed a separate violation.

SECTION 6: If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid; the invalidity shall not affect other provisions or applications which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared severable.

SECTION 7: This Ordinance shall be effective upon the adoption by the City Commission, and proper execution by the Owner.

SECTION 8: The complete execution and recording of this Ordinance by the City Clerk

shall occur no later than 60 days from the date of this approval, failing which this Ordinance shall be void.

Passed on first reading the ____ day of _____, 2020.

Commissioner _____ offered the foregoing Ordinance and moved its adoption. The motion was seconded by Commissioner _____ and upon being put to a roll call vote, the vote was as follows:

	YES	NO	ABSENT	ABSTAIN
MICHAEL J. MEIER, MAYOR				
EULA R. CLARKE, VICE MAYOR				
BECKY BRUNER, COMMISSIONER				
KELLI GLASS LEIGHTON, COMMISSIONER				
MERRITT MATHESON, COMMISSIONER				

ADOPTED on second and final reading this _____day of _____, 2020.

ATTEST:

_____
MARY R. KINDEL
CITY CLERK

_____
MICHAEL J. MEIER
MAYOR

APPROVED AS TO FORM
AND CORRECTNESS:

_____
MICHAEL J. MORTELL
CITY ATTORNEY

ACCEPTANCE AND AGREEMENT

BY SIGNING THIS ACCEPTANCE AND AGREEMENT, THE UNDERSIGNED HEREBY ACCEPTS AND AGREES TO ALL OF THE TERMS AND CONDITIONS CONTAINED IN ALL EXHIBITS, ATTACHMENTS AND DEVELOPMENT DOCUMENTS, INTENDING TO BE BOUND THEREBY, AND THAT SUCH ACCEPTANCE AND AGREEMENT IS DONE FREELY, KNOWINGLY, AND WITHOUT ANY RESERVATION, AND FOR THE PURPOSES EXPRESSED WITHIN THE ABOVE ORDINANCE. IF IT IS LATER DISCOVERED THAT THE UNDERSIGNED, OR ITS SUCCESSORS OR ASSIGNS HAVE

FAILED IN ANY MATERIAL WAY TO DEVELOP THIS INDUSTRIAL PLANNED UNIT DEVELOPMENT ACCORDING TO THIS ORDINANCE, ITS CONDITIONS, AND THE DEVELOPMENT PLANS AND DOCUMENTS, THE UNDERSIGNED UNDERSTANDS AND AGREES THAT THIS ORDINANCE MAY BE AMENDED OR REPEALED BY THE CITY COMMISSION, AND THAT OTHER ACTIONS MAY BE TAKEN AGAINST THE UNDERSIGNED BY THE CITY, INCLUDING BUT NOT LIMITED TO CODE ENFORCEMENT ACTIONS, PERMIT AND LICENSING REVOCATIONS, AND ALL APPLICABLE CIVIL AND CRIMINAL ACTIONS. IN WITNESS WHEREOF THE UNDERSIGNED HAS EXECUTED THIS ACCEPTANCE AND AGREEMENT:

WITNESSES: The Industrial Park at Avonlea, LLC

_____ By:_____

Print Name: _____ Carol S. Waxler, Trustee

_____

Print Name: _____

OWNERS' ACKNOWLEDGMENT

The above Acceptance and Agreement of Ordinance No. 2429-2020 was acknowledged before me this _____day of _____, 2020, by Carol Waxler, Trustee of The Industrial Park at Avonlea, LLC.

_____
Notary Public, State of Florida
My Commission Expires:
Notary Seal

Personally Known _____ OR Produced Identification _____
Type of Identification Produced _____

EXHIBIT "A"

TITLE: INDUSTRIAL PARK @ AVONLEA

PROJECT: NORTHEAST PARCEL

JOB No.: 04-004

LEGAL DESCRIPTION:

A PARCEL OF LAND LOCATED IN THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 28, TOWNSHIP 37S RANGE 41E, MARTIN COUNTY, FLORIDA. BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN ON THE INTERSECTION OF THE SOUTHERLY RIGHT-OF-WAY LINE OF NE SAVANNAH ROAD (STATE ROAD 723) WITH THE NW CORNER OF THE EAST 330 FEET OF LOT 11 GLUTSCH'S SUBDIVISION AS RECORDED IN PLAT BOOK 1, PAGE 213, PUBLIC RECORDS OF ST. LUCIE COUNTY NOW MARTIN COUNTY, FLORIDA; THENCE S 00° 56' 16"W ALONG THE WEST LINE OF THE EAST 330 FEET OF SAID LOT 11 A DISTANCE OF 535.43 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF THE FLORIDA EAST COAST RAILWAY, THENCE S 69° 59' 04" ALONG SAID NORTHERLY RIGHT-OF-WAY A DISTANCE OF 748.43 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF STATE ROAD 707, SAID POINT BEING ON A CURVE CONCAVE TO THE SOUTHWEST HAVING A RADIUS OF 406.87 FEET (THROUGH WHICH A RADIAL LINE BEARS N 57°28'02" W); THENCE NORTHWESTERLY 158.99 FEET ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 22° 23' 20" TO A POINT OF TANGENCY; THENCE N 72° 58' 32" W CONTINUING ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF STATE ROAD 707, A DISTANCE OF 133.36 FEET TO THE BEGINNING OF A CURVE CONCAVE TO THE NORTHEAST HAVING A RADIUS OF 25 FEET, THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE AND SAID NORTHERLY RIGHT-OF-WAY LINE A DISTANCE OF 53.86 FEET THROUGH A CENTRAL ANGLE OF 126° 26' 33" TO A POINT OF TANGENCY, SAID POINT BEING ON THE SOUTHERLY RIGHT-OF-WAY LINE OF NE SAVANNAH ROAD; THENCE N 50° 28' 02" E ALONG SAID SOUTHERLY RIGHT-OF-WAY A DISTANCE OF 509.91 FEET TO THE BEGINNING OF A CURVE CONCAVE TO THE SOUTHEAST HAVING A RADIUS OF 1401.84 FEET; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE AND SAID SOUTHERLY RIGHT-OF-WAY LINE A DISTANCE OF 478.63 FEET THROUGH A CENTRAL ANGLE OF 19° 33' 45" TO A POINT OF TANGENCY; THENCE N 70° 01' 46" E STILL ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF NE SAVANNAH ROAD A DISTANCE OF 185.65 FEET TO THE POINT OF BEGINNING.

VELCON GROUP, INC.

ENGINEERS & SURVEYORS

702 S.W. PORT ST. LUCIE BLVD.
PORT ST. LUCIE, FLORIDA 34953

EXHIBIT A

OR BK 01930 PG 0152

EXHIBIT "B"

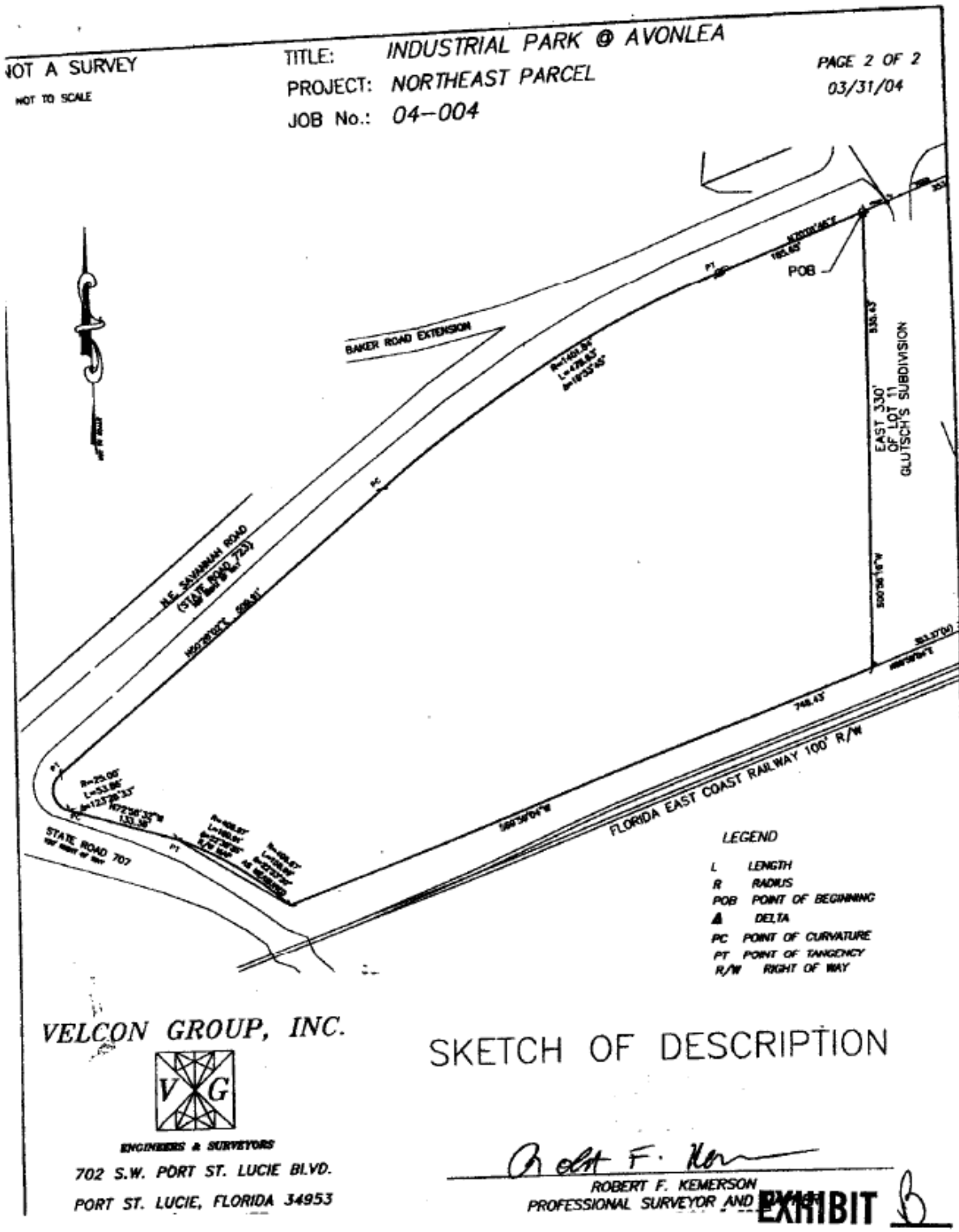

NOT A SURVEY
NOT TO SCALE
TITLE: INDUSTRIAL PARK @ AVONLEA
PROJECT: NORTHEAST PARCEL
JOB No.: 04-004
PAGE 2 OF 2
03/31/04
POB
BAKER ROAD EXTENSION
N.E. SAVANNAH ROAD
EAST 330' OF LOT 11 GLUTSCH'S SUBDIVISION
FLORIDA EAST COAST RAILWAY 100' R/W
STATE ROAD 707
LEGEND
L LENGTH
R RADIUS
POB POINT OF BEGINNING
Δ DELTA
PC POINT OF CURVATURE
PT POINT OF TANGENCY
R/W RIGHT OF WAY
VELCON GROUP, INC.
ENGINEERS & SURVEYORS
702 S.W. PORT ST. LUCIE BLVD.
PORT ST. LUCIE, FLORIDA 34953
SKETCH OF DESCRIPTION
ROBERT F. KEMERSON
PROFESSIONAL SURVEYOR AND
EXHIBIT
OR BK 01930 PG 0153

EXHIBIT "C"

Modified conditions of approval.

Condition #5. The development shall be subject to the building elevations prepared by Braden & Braden, and the elevations for the building facing SR 707 and Savannah Road prepared by Advanced Architecture and Planning, Sheet A-1, dated 11.09.19

Condition #10. The final design of the buildings will be substantially compliant with the elevations set forth herein (Sheet A-1 by Advanced Architecture and Planning, dated 11.09.19), ~~with the exception of the buildings facing Savannah Road~~ and may be modified subject to the review and approval of the Planning and Development Department. If staff and the developer are unable to reach a consensus on a building design, a Minor PUD amendment shall be required. All buildings are subject to the requirements set forth in Section 6.09.00 of the Land Development Regulations.