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CAROLYN TIMMANN
MARTIN COUNTY CLERK

BEFORE THE CITY COMMISSION
CITY OF STUART, FLORIDA

ORDINANCE NUMBER 2275-2014

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, APPROVING A MAJOR AMENDMENT TO ORDINANCE NUMBER 2095-07, FORMERLY THE "HARBOUR WALK PRESERVE COMMERCIAL PLANNED UNIT DEVELOPMENT" (CPUD) PROJECT, PROVIDING FOR DEVELOPMENT APPROVAL ON A 1.97 ACRE COMMERCIAL PORTION OF THE SITE, TO BE KNOWN AS THE "HANEY CREEK TRUST COMMERCIAL PROPERTY"; PROVIDING FOR CERTAIN DESIGN CONDITIONS; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

* * * * *

WHEREAS, on January 22, 2007, the City Commission adopted Ordinance Number 2095-07, which approved the former "Harbour Walk Preserve Commercial Planned Unit Development" (CPUD) project on 52.93 acres; and

WHEREAS, in July of 2011, the City of Stuart and Martin County jointly purchased 50.96 acres of the former "Harbour Walk Preserve Commercial Planned Unit Development" property for purposes of adding it to the Haney Creek Watershed Preserve; and

WHEREAS, on December 12, 2011, the City Commission adopted Ordinance Number 2235-2011, which approved a major amendment to Ordinance Number 2095-07 to change the zoning and land use to Public and Conservation, respectively, on a portion of the 50.96-acre site; and

WHEREAS, the City Commission retained CPUD zoning and Downtown Redevelopment future land use on a 1.97-acre portion of the site for the purpose of leasing said property to a private commercial enterprise to generate revenues for maintenance and improvements to the expanded Haney Creek Preserve and other City-owned lands; and

WHEREAS, on November 25, 2013, the City Commission directed staff to prepare a major amendment to Ordinance Number 2095-07 to provide for administrative level development approval on the 1.97-acre parcel; and

WHEREAS, the City's Local Planning Agency held a properly noticed public hearing at a regularly scheduled meeting on January 16, 2014 to consider a major amendment to Ordinance 2095-07, and recommended approval to the City Commission; and

WHEREAS, the City Commission held properly noticed public hearings at a regularly scheduled meetings, first reading on January 27, 2014, and second and final reading on February 10, 2014, to consider the application for major amendment to Ordinance 2095-07; and

WHEREAS, the property is legally described and a map depicting the property is attached hereto as **Exhibit "A"** of this ordinance and development conditions are attached hereto as **Exhibit "B"**; and

WHEREAS, the following "Development Documents" on file as public records of the City at the office of the City Development Department and as attached hereto shall be henceforth deemed as Approved, and shall become a part of the development conditions applicable to the Subject Property, and all development shall be in accordance with **Exhibit "C"**, Boundary Survey; and **Exhibit "D"**, Prototype Plan.

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

SECTION 1: The City Commission hereby approves a major amendment to Ordinance 2095-07 to approve the development conditions and "prototype" plan for the 1.97-acre parcel, as set forth in Exhibits B and D.

SECTION 2: In all other respects and except as amended hereby, the "Harbour Walk Preserve" development documents and conditions as set forth in prior ordinances and resolutions of the City shall remain in full force and effect.

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

	YES	NO	ABSENT
TROY A. MCDONALD, MAYOR	X		
KELLI GLASS-LEIGHTON, VICE MAYOR	X		
JEFFREY A. KRAUSKOPF, COMMISSIONER	X		
JAMES A. CHRISTIE, Jr., COMMISSIONER	X		
EULA R. CLARK, COMMISSIONER	X		

ADOPTED this 10th day of February, 2014.

ATTEST:

CHERYL WHITE
CITY CLERK

TROY A. MCDONALD
MAYOR

APPROVED AS TO FORM
AND CORRECTNESS:

MICHAEL MORTELL
CITY ATTORNEY

STATE OF Fl. :
COUNTY OF Martin :

ACCEPTANCE OF MAJOR PUD AMENDMENT

BY SIGNING THIS ACCEPTANCE OF MAJOR PUD AMENDMENT, THE UNDERSIGNED HEREBY ACCEPTS AND AGREES TO ALL OF THE TERMS AND CONDITIONS CONTAINED IN THE FOREGOING ORDINANCE, INCLUDING ANY EXHIBITS, ATTACHMENTS AND OTHER APPROVED DEVELOPMENT DOCUMENTS, INTENDING FOR ITSELF, ITS HEIRS, ASSIGNS, SUCCESSORS IN INTEREST, AND CONTRACTORS, TO BE BOUND THEREBY, AND THAT SUCH ACCEPTANCE IS DONE FREELY, KNOWINGLY, AND WITHOUT ANY MENTAL RESERVATION, AND FOR THE PURPOSES EXPRESSED WITHIN THE ABOVE ORDER. IF IT IS LATER DISCOVERED THAT THE UNDERSIGNED, OR ITS SUCCESSORS OR ASSIGNS HAVE FAILED IN ANY MATERIAL WAY TO DEVELOP ACCORDING TO THIS ORDINANCE, OR ITS CONDITIONS, THIS ORDINANCE MAY BE AMENDED OR REPEALED, AND ANY OTHER LEGAL ACTIONS MAY BE TAKEN BY THE CITY AGAINST THE UNDERSIGNED, IT SUCCESSORS OR ASSIGNS, INCLUDING BUT NOT LIMITED TO BOND FORFEITURE, STOP WORK ORDERS, CODE ENFORCEMENT ACTIONS, PERMIT AND LICENSING REVOCATIONS, AND ALL APPLICABLE CIVIL AND CRIMINAL ACTIONS.

IN WITNESS WHEREOF the undersigned have executed this Acceptance of Major PUD Amendment on this 12th day of February, 2014.

WITNESSES:

Alice Lyons

Print Name: Alice Lyons

Helen Paskowski

Print Name: HELEN PASKOWSKI

City of Stuart

Paul Nicoletti, City Manager

APPLICANT'S ACKNOWLEDGMENT

The foregoing ACCEPTANCE OF MAJOR AMENDMENT was acknowledged before me this 12th day of February, 2014, by Paul Nicoletti, City of Stuart City Manager, and who is personally known to me, or who provided _____ as identification.

_____
Notary Public
My Commission Expires:

NOTARY SEAL

LISA DEL CONTE
MY COMMISSION # EE 111048
EXPIRES: August 24, 2015
Bonded Thru Notary Public Underwriters

EXHIBIT A

LEGAL DESCRIPTION

A PARCEL OF LAND BEING A PORTION OF THE NORTH 1/2 OF GOVERNMENT LOTS 2 AND 3, SECTION 32, TOWNSHIP 37 SOUTH, RANGE 41 EAST, MARTIN COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF GOVERNMENT LOT 3, SECTION 32, TOWNSHIP 37 SOUTH, RANGE 41 EAST, MARTIN COUNTY, FLORIDA; THENCE NORTH 89°45'17" WEST ALONG THE NORTH LINE OF SAID GOVERNMENT LOT 3, A DISTANCE OF 426.43 FEET TO AN INTERSECTION WITH THE EASTERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY NO. 1, AS SHOWN ON THE FLORIDA DEPARTMENT OF TRANSPORTATION MAP SECTION 89010-2555, DATED 11-30-92; THENCE SOUTH 18°59'53" EAST ALONG SAID EASTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 542.80 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 18°59'53" EAST, ALONG SAID EASTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 275.41 FEET; THENCE NORTH 74°07'27" EAST, DEPARTING SAID EASTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 305.00 FEET; THENCE NORTH 15°52'33" WEST, A DISTANCE OF 275.00 FEET; THENCE SOUTH 74°07'27" WEST, A DISTANCE OF 320.00 FEET TO AN INTERSECTION WITH SAID EASTERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY NO. 1 AND THE POINT OF BEGINNING.

CONTAINING 85,937 SQUARE FEET, OR 1.97 ACRES, MORE OR LESS.
PCN 32-37-41-000-000-00011-0

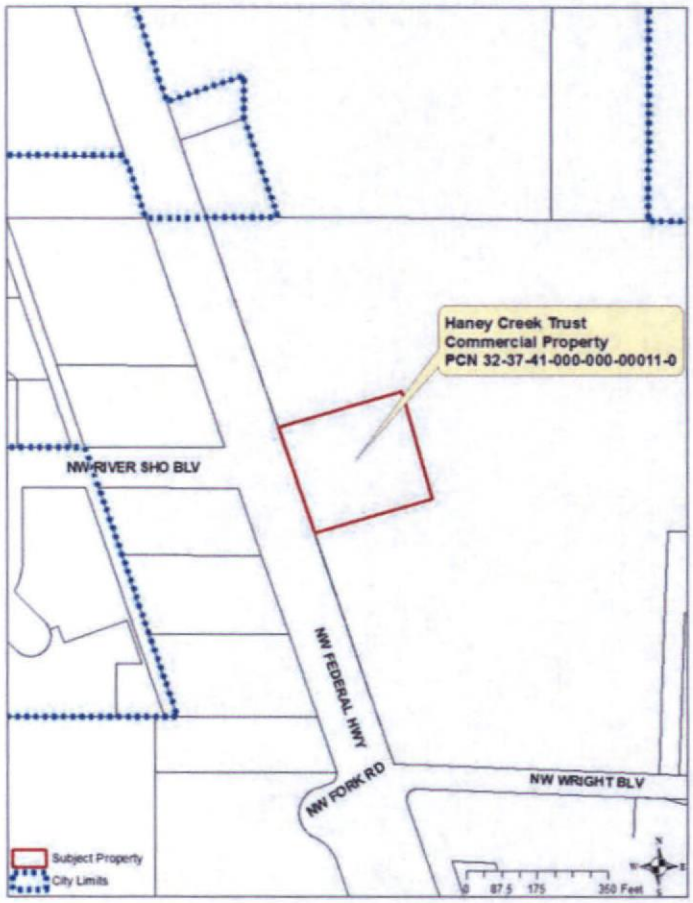


EXHIBIT B

DEVELOPMENT CONDITIONS
ORDINANCE NO. 2275-2014

Approved Plans*

1. Exhibit D is a "prototype" site plan intended to depict the project's minimum perimeter buffer areas, or conversely the project's maximum development envelope for hardscape (i.e.: building, drive isles, parking, etc.). The exact size and location of the building(s) and parking are not fixed but rather will be determined by code based upon the demands of the ultimate use. Other elements of the plan, such as the location of the entrance and off-site roadway improvements are intended to be constructed generally as shown, dependent upon the use and FDOT requirements.

Permitted and Prohibited Uses*

2. Permitted uses shall include:
   - Any retail business or retail service establishment, including shops for making articles of an artisanal use to be sold on the premises, provided such manufacturing is incidental to the retail business or service;
   - Bakeries, wholesales or commercial bakery warehouses;
   - Business and professional offices;
   - Child care facilities;
   - Commercial uses not specifically set forth above, but which are determined compatible by the City Commission at the time of lease assignment.
   - Enclosed storage and sales of lumber and building materials;
   - Restaurants (general or convenience);
   - Technical schools, or private elementary, middle, or high school;
   - Veterinarian office (with or without kennels);

3. Prohibited uses shall include, but not be limited to the following:
   - Adult businesses;
   - Automotive repair, inclusive of bodywork and painting;
   - Bar, cocktail lounges, pubs;
   - Boat manufacturing/sales/rental.
   - Churches;
   - Dry cleaners;
   - Gasoline or other motor fuel stations;
   - Mortuaries;

- Vehicle sales/rental;

Prior to Issuance of Site Permits

4. Civil plans shall be reviewed and approved by all applicable City departments prior to the issuance of a site permit.

5. City of Stuart Utilities shall serve the site. Civil engineer to confirm access and connection requirements to existing 6 inch force main east of U.S. 1 and 12 inch water main west of U.S. 1.

6. A traffic study per LDC Section 4.05.02 shall be conducted. Florida Department of Transportation Turnout and Signalization Permit shall be applied for and necessary requirements may include relocation of existing improvements and dimensional changes to the turnout and right-hand deceleration lane shown on Exhibit D. In this regard, the developer (lessee) shall be responsible for all design and permitting, as well as the costs of all required improvements.*

7. An environmental assessment report and if necessary, copies of correspondence with applicable state and federal agencies, per LDC Section 5.02.00 shall be submitted.

8. Minimum development setbacks for the off-site wetlands are 55 feet (50 foot upland buffer plus 5 foot construction easement), as depicted on Exhibit D.*

9. A tree survey and tree mitigation requirements in accordance with LDC Section 5.05.00 (Trees) shall be provided. This information shall, at a minimum, include: a) field-flag, identify, and account for all specimen trees located in the proposed developed portion of the site to allow for field review of the tree survey; and b) detailed impact and mitigation calculations.

10. A detailed clearing and earthwork limits plan with NPDES permit, silt and erosion control will be required prior to approval of site engineering plans.

11. Plans depicting architectural and site design features in accordance with LDC Section 6.05.00 (Commercial Development Standards) shall be submitted during site plan review. In addition, these plans shall be in compliance with the architectural requirements in LDC Sections 3.01.04.A (Building walls), 3.01.04.B (Roofs and gutters), 3.01.04.D (Windows and doors), and 3.01.04.N (Screens).*

12. Parking spaces shall be 10 feet in width and 18 feet in length, with the exception of required handicapped spaces which shall meet applicable Florida Accessibility Code standards.*

13. A lighting plan in accordance with LDC Sections 3.01.04.J and 6.07.00 shall be submitted during site plan review.

14. All other applicable regulatory agency permits shall be obtained by the applicant and copies provided to the City prior to the issuance of certificates of occupancy.

Landscaping

15. A landscape plan, designed in accordance with LDC Sections 3.01.03.G and 6.04.00 shall be submitted as part of the site permit review. Landscaping shall be 120% of what is required by Section 6.04.00. All landscape plant materials shall be native.*

16. Transitions between outside edges of pavement/curb and natural grades may not exceed 4:1 slopes planted with native species per #15 above, or retaining walls to minimize native upland disturbances, or a combination of methods to minimize disturbance and maximize cost-effectiveness of transitions from developed area to preserve areas outside the site boundary.*

17. All landscape areas shall be provided with an irrigation system of sufficient capacity to maintain the landscaping in a healthy growing condition.

18. The developer (lessee) shall agree to connect to the City of Stuart's irrigation re-use water system when it becomes available to the site.*

19. The landscaper of record shall certify that all trees and/or landscape material meet the approved landscape plan prior to installation.

20. A landscape maintenance plan, executed in accordance with the LDC, shall be submitted to the Development Department and approved prior to the issuance of a certificate of occupancy.

21. "Hat racking" of trees is prohibited on the property.

Development and Construction

22. The building's design shall qualify, at a minimum, for a 40% rebate in building permit fees and plan review fees in accordance with City of Stuart Code of Ordinances, Chapter 10, Article 1, Section 10-6, Efficient Building Development.*

23. All stormwater from developed portions of the site shall meet City and SFWMD water quality treatment standards prior to any volume discharge to off-site wetlands per the pre-development drainage pattern. The prototype site plan assumes 50% rainfall capture by pervious pavement and 100% exfiltration of the remainder necessary to meet water quality treatment prior to discharge off-site via spreader swales to wetlands.*

24. Any stormwater retention areas shall be designed using Low Impact Development (LID) techniques as described in the University of Florida's IFAS Extension publication "LID Practices: Integrating Wetlands & Enhancing Stormwater Basins".*

25. All fill beneath pavement must be compatible with use of pervious pavement for all parking stalls and catch basins with exfiltration trenches beneath impervious pavement in driving aisles.*

26. Construction activity shall be limited from 7:00 am to 6:00 pm Monday - Saturday.*

27. Water trucks shall be provided by the developer (lessee) as necessary during construction in order to reduce dust generated on-site.*

28. Fencing shall be installed along the northern, eastern, and southern property lines and shall consist of a four foot high, black vinyl-coated chain-link with slats (separate permit required).*

29. Signage shall be appropriately permitted and constructed in compliance with LDC Sections 3.01.04.O and 6.11.00. Monument sign should be located in general location indicated in Exhibit D.*

30. City of Stuart will accept dedication and maintenance of a duplex grinder lift station to be located per final site plan.*

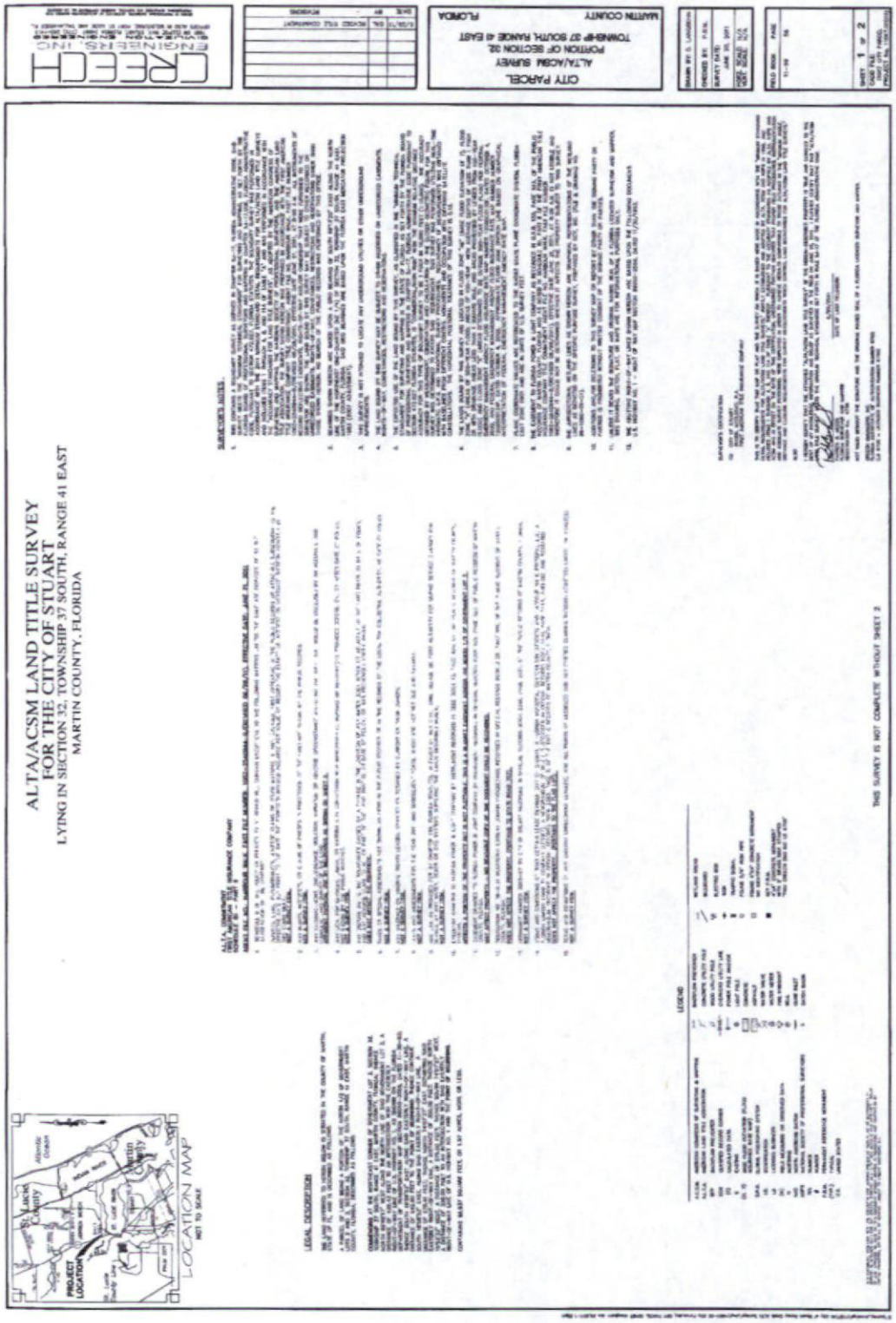
31. Required solid waste collection devices shall be located in the rear (eastern) half of the lot and screened from public right-of-way. Exact location shall be approved by the Department of Public Works.*

Timetables

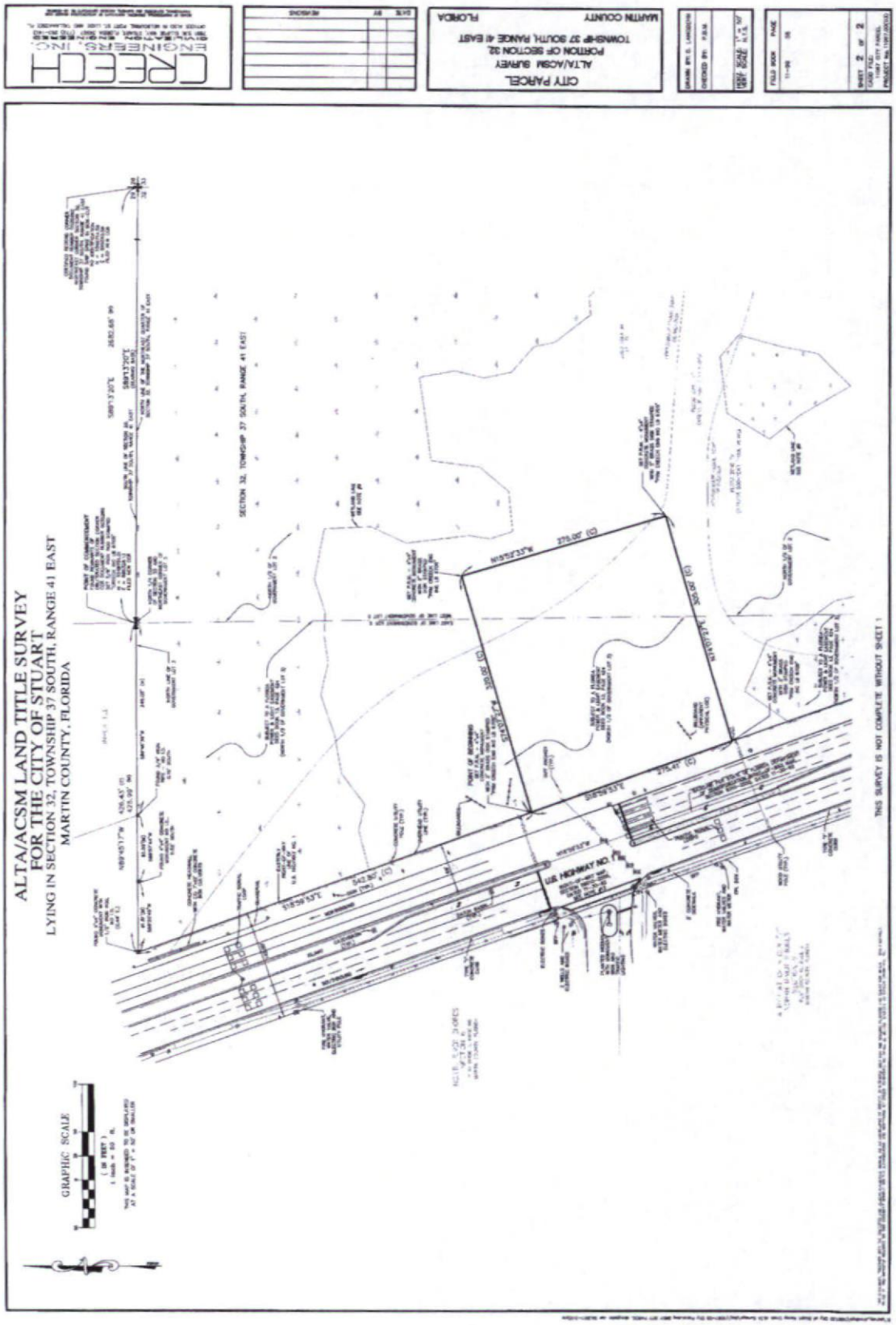
32. The project shall obtain certificates of occupancies no later than March 12, 2019.

NOTE: Conditions with an * are specific to the site and may go above and beyond standard code requirements.

EXHIBIT C - BOUNDARY SURVEY

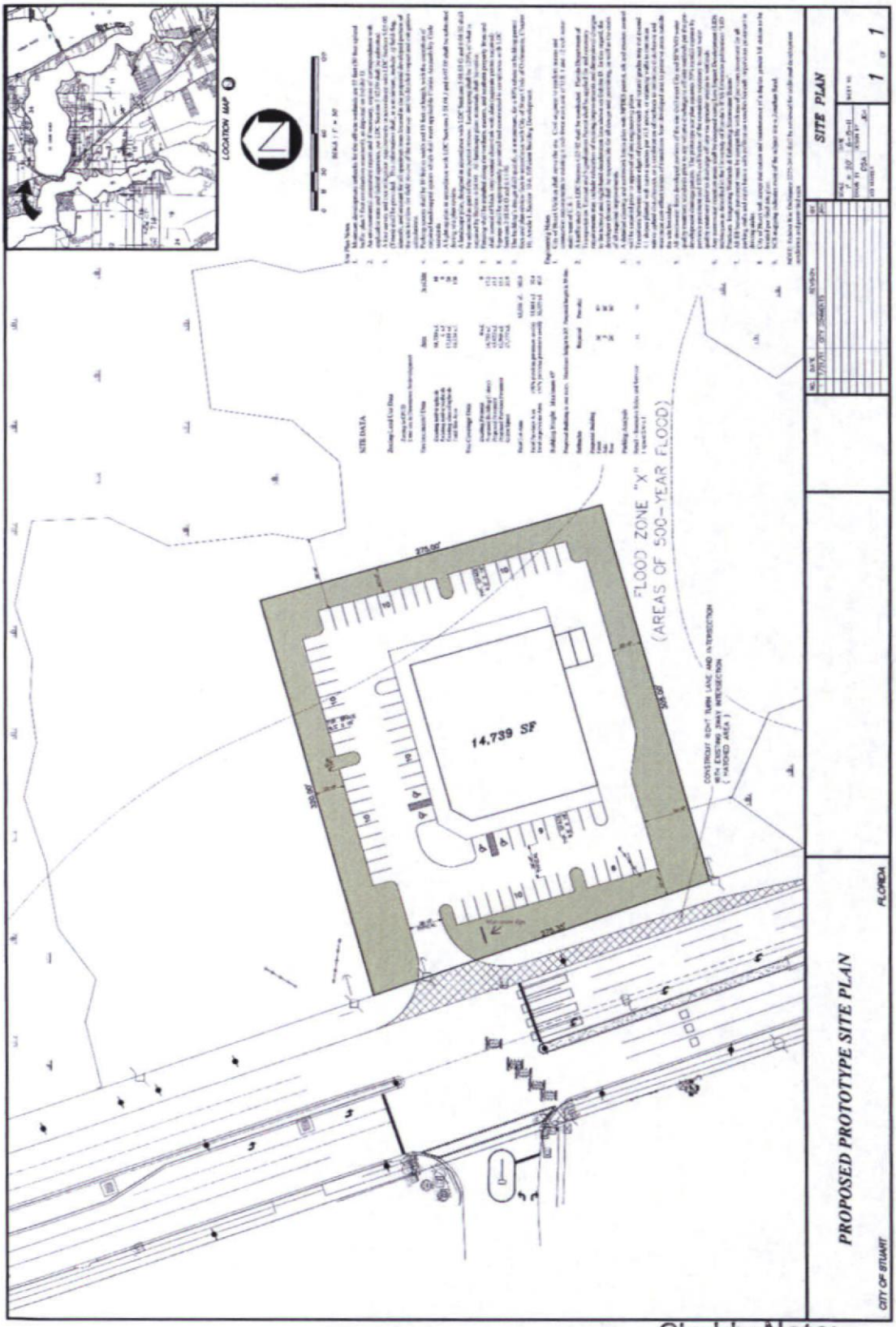


Clerk's Note:
Legibility of this document
determined to be substandard



Clerk's Note:
Legibility of this document determined to be substandard

EXHIBIT D – PROTOTYPE PLAN



Clerk's Note:
Legibility of this document
determined to be substandard

City of Stuart

121 S. W. Flagler Avenue • Stuart • Florida 34994

Cherie White
City Clerk

PHONE 772-288-5306
FAX (772) 288-5305
Email cwhite@ci.stuart.fl.us

February 19, 2014

Clerk of the Circuit Court
Att: Recording
P.O. Box 9016
Stuart, Fl. 34995

RE: PLEASE RECORD :
Ord 2275-2014 Major Amend Harbour Walk Preserve

Please record the above named document into the public records of Martin County Clerk of the Circuit Court, and return the original back to my attention.

Should you have any questions regarding this appointment please feel free to contact me at 772-288-5306.

Thank you,

Cherie White, MMC

Cherie White, MMC
City Clerk
Enc.

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