BEFORE THE CITY COMMISSION
CITY OF STUART, FLORIDA

ORDINANCE NUMBER 2430-2020

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA APPROVING A MINOR AMENDMENT TO "SAFE AND SECURE SELF-STORAGE AT STUART" COMMERCIAL PLANNED UNIT DEVELOPMENT (CPUD) AT 700 SW FEDERAL HIGHWAY; THEREBY AMENDING THE CONDITIONAL OF APPROVAL FOR THE ART COMPONENT, ACCEPTANCE OF MINOR AMENDMENTS TO THE SITE PLAN, LANDSCAPE PLAN, ARCHITECTURE AND FLOOR PLAN; AMENDING THE CONDITIONS OF DEVELOPMENT ACCORDINGLY; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

* * * * *

WHEREAS, on November 13, 2018, the City Commission approved the Safe and Secure Self-Storage at Stuart CPUD for a 1.85-acre warehouse for mini storage (per Ordinance No. 2383-2018); and

WHEREAS, Robert Doster, as partner of Stuart Self Storage, LLC (the Owner and Applicant) is now requesting a minor amendment to the CPUD to provide for revised art component condition of approval, revised site plan, landscaping plan, new architectural rendering and floor plans, and modified condition of approval regarding these minor changes; and

WHEREAS, the City Commission held a properly noticed hearing at a regularly scheduled City Commission meeting held on February 24, 2020, to consider the application of

the Owners for the property to approve the minor amendment to the CPUD; 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.** Site Plan, Sheet C-05, by Thomas Engineering, dated 1.31.20
- **b.** Boundary Survey, Sheets 1 of 1, HSQ Group, Inc. Professional Surveyors and Mappers, dated 1.30.18
- **c.** Landscape Plan, Sheets LP-1 thru LP-3, by HJA Design Studio, dated 2.05.20
- **d.** Lighting Plan, Sheet L1, by HJA Design Studio, dated 8.2.18
- **e.** Architectural footprints and Elevations, Sheets A1 to A7, by Good and Edward Design Studios, dated 5.31.18, with the list of architectural and footprint changes outlined in the Kenneth Carlson Architects letter, dated December 9, 2019.
- **f.** Art Component, Sheets EX-1 and EX-2, prepared by HJA Design Studio, dated 11.12.19

SECTION 3: In all other respects and except as amended hereby, Ordinance No. 2383-2018 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 CPUD property or any portion of the CPUD 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 CPUD 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	MICHAEL J. MEIER
CITY CLERK	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: Stuart Self Storage, LLC

_____ By: _____

Print Name: _____ Robert Doster, Partner

_____

Print Name: _____

OWNERS' ACKNOWLEDGMENT

The above Acceptance and Agreement of Ordinance No. 2429-2020 was acknowledged before me this _____day of _____, 2020, by Robert Doster, Stuart Self Storage, LLC.

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

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

EXHIBIT A – LEGAL DESCRIPTION

Exhibit "A"

Lots 147, 148 and 149, H. W. Bessey's Second Addition, according to Plat thereof, Plat Book 5, Page 52, Public Records of Palm Beach (now Martin) County, Florida.

Lots 150, 151, 152, 155 and 156, H. W. Bessey's Second Addition to the Town of Stuart, Florida, according to the Plat thereof filed May 29, 1914 and recorded in Plat Book 5, Page 52, Palm Beach (now Martin) County, Florida, Public Records. Less 13 feet taken from the East side of Lots 152 and 155 by the State of Florida for highway purposes in 1953 and less the 215 square feet, more or less, taken from the East side of Lots 152 and 155 by the State of Florida for highway purposes in 1962.

Lots 157 and 158, H. W. Bessey's 2nd Addition to the Town of Stuart, as in Plat Book 5, Page 52, Palm Beach (now Martin) County, Florida, Public Records.

INITIAL

EXHIBIT B – LOCATION MAP

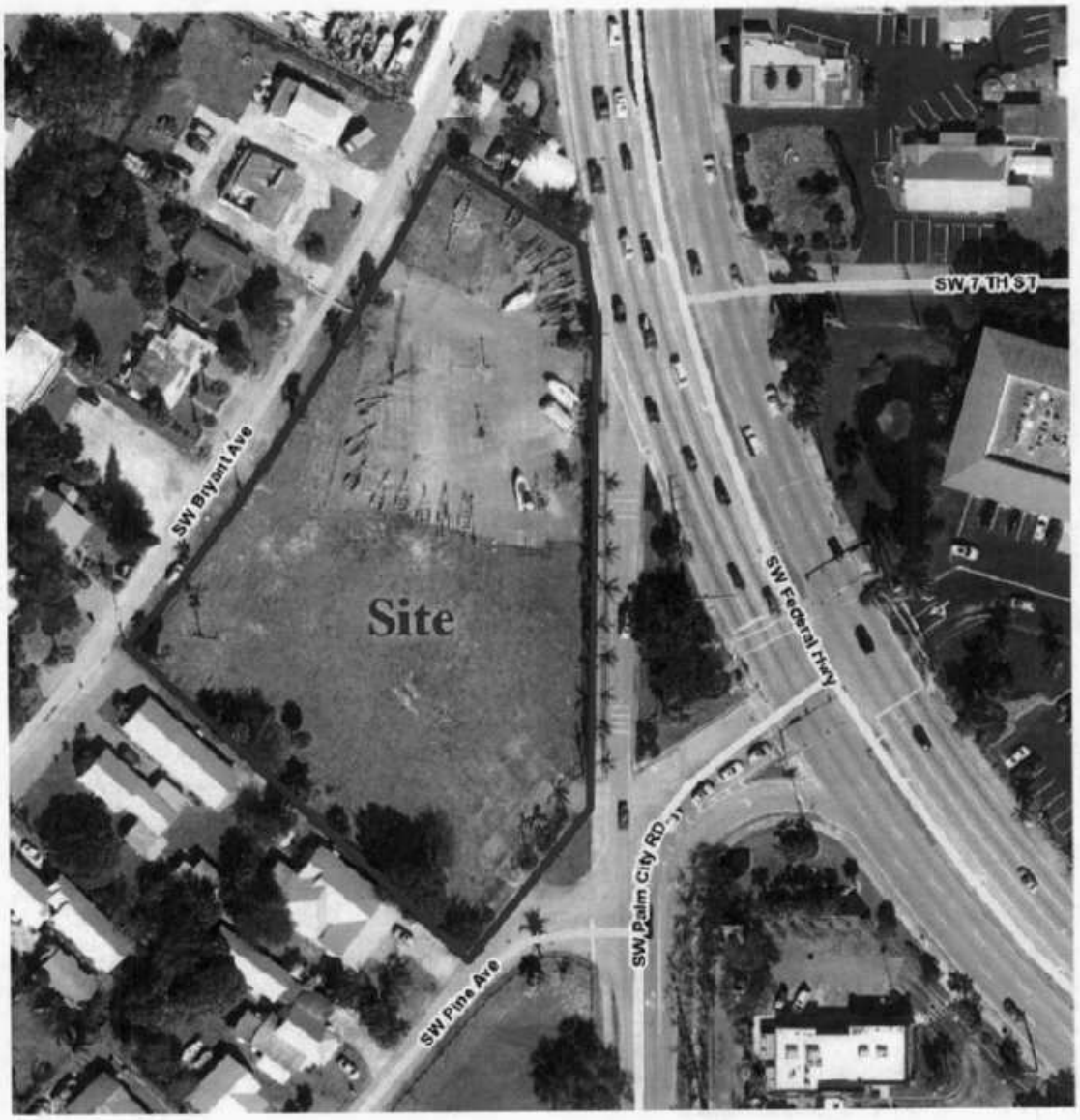


EXHIBIT "C"

Modified conditions of approval.

#1. The Safe and Secure Self-Storage at Stuart CPUD and use thereof shall comply with the following documents and drawings:

- **g.** Site Plan, ~~Sheet 1 of 1, prepared by HJA Design Studio, dated 9.26.18~~ Sheet C-05, by Thomas Engineering, dated 1.31.20
- **h.** Boundary Survey, Sheets 1 of 1, HSQ Group, Inc. Professional Surveyors and Mappers, dated 1.30.18
- **i.** Landscape Plan, ~~Sheet L1, by HJA Design Studio, dated 9.26.18~~ Sheets LP-1 thru LP-3, by HJA Design Studio, dated 2.05.20
- **j.** Lighting Plan, Sheet L1, by HJA Design Studio, dated 8.2.18
- **k.** Architectural footprints and Elevations, Sheets A1 to A7, by Good and Edward Design Studios, dated 5.31.18, with the list of architectural and footprint changes outlined in the Kenneth Carlson Architects letter, dated December 9, 2019.
- **l.** Art Component, Sheets EX-1 and EX-2, prepared by HJA Design Studio, dated 11.12.19

#6. Prior to issuance of a certificate of occupancy ~~building permit~~, the applicant shall ~~either contribute the required art fee of one and one half percent of the vertical construction cost or~~ provide a work of art ~~on the development~~ in the location identified on plan Exhibit EX-1 by HJA Design Studio, dated 11.12.19 and described in Exhibit EX-2 by HJA Design Studio, dated 11.12.19. ~~pursuant to Section 3.01.08.~~