BEFORE THE CITY COMMISSION
CITY OF STUART, FLORIDA

RESOLUTION NUMBER 64-2020

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, CONSIDERING A MAJOR URBAN CODE CONDITIONAL USE APPROVAL TO ALLOW THE DEVIATION OF REQUIREMENTS REGARDING THE NUMBER OF PARKING SPACES REQUIRED AND ALLOW THE CONSTRUCTION OF NINE (9) NEW ON-STREET PARKING SPACES WITHIN THE URBAN HIGHWAY ZONING DISTRICT; PROVIDING FOR A REVOCABLE PERMIT; PROVIDING AN EFFECTIVE DATE; PROVIDING FOR A TIMETABLE OF DEVELOPMENT; AND FOR OTHER PURPOSES.

* * * * *

WHEREAS, the City Commission of Stuart, Florida, has adopted and administers Section 3.01.06 of the Land Development Code; and

WHEREAS, the applicant, All American Eagle Properties, LLC (The "Owner") filed an application for a Major Urban Code Conditional Use Permit to allow deviation from the Urban Code, Chapter 3 of the City of Stuart's Land Development Code regarding the number of required parking spaces and to allow the construction of nine (9) new on-street parking spaces for public benefit to be considered in the required parking space calculations, Stuart, Florida.

WHEREAS, the City Commission held a properly noticed hearing on June 22, 2020, to consider the application for a reduction of required parking as a conditional use; and

WHEREAS, at a public hearing the applicant has shown by substantial competent evidence that the proposed use does not create any detrimental effects on adjacent properties, within three hundred (300) feet of the proposed location; and

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

SECTION 1: Subject to the conditions attached hereto, the City Commission hereby grants a Major Urban Code Conditional Use Approval to John Martino, Manager of All-American Eagle Properties, owner of property at 200 and 205 SW Albany Avenue, Stuart, Florida, with the PCN Number of 05-38-41-014-009-00010-6 and 05-38-41-014-009-00020-4. This conditional use runs with the land; and

SECTION 2: A legal description of the Property is set forth in **Exhibit A** of this Resolution. A survey depicting the property and location of the property is attached hereto as **Exhibit B.** Development conditions including a timetable for construction attached hereto as **Exhibit C** and made a part hereof by reference; and

SECTION 3: The streetscape plan is attached hereto as **Exhibit D**; and

SECTION 4: This resolution shall take effect upon adoption; and

SECTION 5: The City Commission approves a revocable permit, to be signed by the City Manager, which permits the private development of new on-street parking within the SW Albany Avenue right of way. The pavement modifications shall be completely installed and inspected by July 1, 2022, or this Major Urban Conditional Use and said revocable permit shall be deemed void.

Resolution #64-2020
All American Eagle Properties – 200 and 205 SW Albany Avenue
Major Conditional Use Approval

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 this ___ day of _____, 2020.

ATTEST:

_____ _____
MARY R. KINDEL
CITY CLERK

MAYOR

APPROVED AS TO FORM
AND CORRECTNESS:

_____
MICHAEL MORTELL
CITY ATTORNEY

STATE OF _____

COUNTY OF _____

CITY'S ACKNOWLEDGMENT

STATE OF FLORIDA,
COUNTY OF _____

The above Ordinance, Acceptance and Agreement was acknowledged before me by means of ☐ physical presence or ☐ online notarization, this _____day of _____, 2020, by MICHAEL J. MEIER, Mayor, and Mary R. Kindel, City Clerk, respectively, of the City of Stuart, Florida, a Florida municipal corporation.

Personally Known OR Produced Identification
Type of ID Produced _____

Signature of Notary Public: _____
Commission Expires:

Notary Seal:

ACCEPTANCE AND AGREEMENT

BY SIGNING THIS ACCEPTANCE AND AGREEMENT, THE UNDERSIGNED HEREBY ACCEPTS AND AGREES TO ALL OF THE TERMS AND CONDITIONS CONTAINED IN THE FOREGOING RESOLUTION, AND 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 FOREGOING RESOLUTION. IF IT IS LATER DISCOVERED THAT THE UNDERSIGNED, OR ITS SUCCESSORS OR ASSIGNS HAVE FAILED IN ANY MATERIAL WAY, ITS CONDITIONS, AND THE DEVELOPMENT DOCUMENTS, THE UNDERSIGNED UNDERSTANDS AND AGREES THAT THIS RESOLUTION MAY BE AMENDED OR REPEALED BY THE CITY COMMISSION, AND THAT OTHER ADMINISTRATIVE ACTIONS AND PENALTIES MAY BE TAKEN AGAINST THE UNDERSIGNED, ITS SUCCESSORS OR ASSIGNS, BY THE CITY, INCLUDING BUT NOT LIMITED TO SANCTIONS DESCRIBED IN THIS RESOLUTION, CODE ENFORCEMENT ACTIONS, PERMIT AND LICENSING SUSPENSIONS OR REVOCATIONS, AND ANY OR ALL OTHER APPLICABLE CIVIL AND CRIMINAL ACTIONS.

IN WITNESS WHEREOF THE UNDERSIGNED HAS EXECUTED THIS ACCEPTANCE AND AGREEMENT:

WITNESSES:

_____
Print Name:_____

_____
Print Name:_____

All-American Eagle Properties, LLC

By:_____
John Martino, Manager

OWNERS ACKNOWLEDGMENT

STATE OF FLORIDA,
COUNTY OF _____

The above Ordinance, Acceptance and Agreement was acknowledged before me by means of ☐ physical presence or ☐ online notarization, this _____ day of _____, 2020, by _____

Personally Known OR Produced Identification
Type of ID Produced _____

Signature of Notary Public: _____
Commission Expires:

Notary Seal:

Exhibit A – Legal Description

Applicant is requested to provide legal description on the survey prior to City Commission hearing

Exhibit B
Legal Survey

Applicant is requested to provide survey prior to City Commission hearing

EXHIBIT C – DEVELOPMENT CONDITIONS

Approved Plans and Documents

1. The All-American Eagle Properties MUCCU, specifically the construction of the nine additional on-street parking spaces, thereof shall comply with the following drawings:

    a. **Albany Avenue Streetscape Plan, Sheet S1 of 1, prepared by McCarty and Associates, dated 11.19.19, revised on 2.26.20.**

2. All-American Eagle Properties attest the uses located at 200 and 205 SW Albany include the following maximum intensities regarding parking:
    a. Salon (1,300 square feet/ 5 stations)
    b. Residential apartments (6 studio or 1-bedroom units)
    c. Retail (1,500 square feet)
    d. Restaurant (40 seats)
    e. Personal service (1,300 square feet)

3. The owner shall not exceed the maximum intensity of uses described above in Condition #2, which permits the inclusion of nine on-street parking spaces in the parking calculation and the deficiency of a total of nine parking spaces.

4. The nine on-street parking spaces constructed by the applicant are for general public use and may not be restricted for the use of tenants of any property. The City reserves the right to restrict and enforce temporary parking hours.

5. The project shall be completely installed and inspected by July 1, 2022, or this Major Urban Conditional Use shall be deemed void.

Exhibit D

Approval Documents

