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 and landscape plans are 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				
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

PARCEL "A"

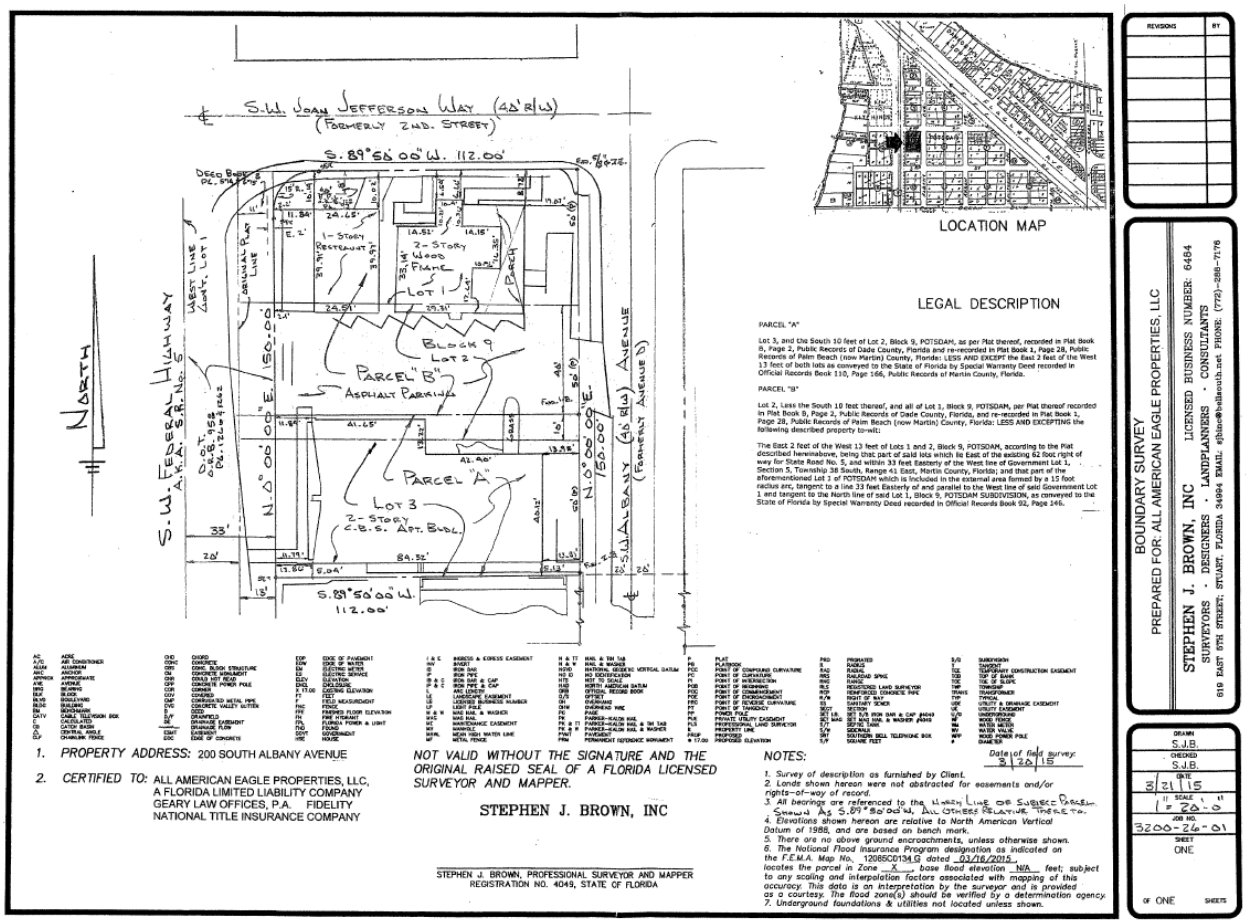
Lot 3, and the South 10 feet of Lot 2, Block 9, POTSDAM, as per Plat thereof, recorded in Plat Book B, Page 2, Public Records of Dade County, Florida and re-recorded in Plat Book 1, Page 28, Public Records of Palm Beach (now Martin) County, Florida: LESS AND EXCEPT the East 2 feet of the West 13 feet of both lots as conveyed to the State of Florida by Special Warranty Deed recorded in Official Records Book 110, Page 166, Public Records of Martin County, Florida.

PARCEL "B"

Lot 2, Less the South 10 feet thereof, and all of Lot 1, Block 9, POTSDAM, per Plat thereof recorded in Plat Book B, Page 2, Public Records of Dade County, Florida, and re-recorded in Plat Book 1, Page 28, Public Records of Palm Beach (now Martin) County, Florida: LESS AND EXCEPTING the following described property to-wit:

The East 2 feet of the West 13 feet of Lots 1 and 2, Block 9, POTSDAM, according to the Plat described hereinabove, being that part of said lots which lie East of the existing 62 foot right of way for State Road No. 5, and within 33 feet Easterly of the West line of Government Lot 1, Section 5, Township 38 South, Range 41 East, Martin County, Florida; and that part of the aforementioned Lot 1 of POTSDAM which is included in the external area formed by a 15 foot radius arc, tangent to a line 33 feet Easterly of and parallel to the West line of said Government Lot 1 and tangent to the North line of said Lot 1, Block 9, POTSDAM SUBDIVISION, as conveyed to the State of Florida by Special Warranty Deed recorded in Official Records Book 92, Page 146.

Exhibit B
Legal Survey



LEGAL DESCRIPTION

PARCEL "A"

Lot 3, and the South 10 feet of Lot 2, Block 9, POTSDAM, as per Plat thereof, recorded in Plat Book 8, Page 2, Public Records of Dade County, Florida and re-recorded in Plat Book 2, Page 28, Public Records of Palm Beach (now Martin) County, Florida: LESS AND EXCEPT the East 2 feet of the West 13 feet of both lots as conveyed to the State of Florida by Special Warranty Deed recorded in Official Records Book 110, Page 166, Public Records of Martin County, Florida.

PARCEL "B"

Lot 2, Less the South 10 feet thereof, and all of Lot 1, Block 9, POTSDAM, per Plat thereof recorded in Plat Book 8, Page 2, Public Records of Dade County, Florida, and re-recorded in Plat Book 2, Page 28, Public Records of Palm Beach (now Martin) County, Florida: LESS AND EXCEPTING the following described property to-wit:

The East 2 feet of the West 13 feet of Lots 1 and 2, Block 9, POTSDAM, according to the Plat described hereinabove, being that part of said lots which lie East of the existing 62 foot right of way for State Road No. 5, and within 33 feet Easterly of the West line of Government Lot 1, Section 5, Township 38 South, Range 41 East, Martin County, Florida; and that part of the aforementioned Lot 1 of POTSDAM which is included in the external area formed by a 15 foot radius arc, tangent to a line 33 feet Easterly of and parallel to the West line of said Government Lot 1 and tangent to the North line of said Lot 1, Block 9, POTSDAM SUBDIVISION, as conveyed to the State of Florida by Special Warranty Deed recorded in Official Records Book 92, Page 246.

1. PROPERTY ADDRESS: 200 SOUTH ALBANY AVENUE

2. CERTIFIED TO: ALL AMERICAN EAGLE PROPERTIES, LLC, A FLORIDA LIMITED LIABILITY COMPANY GEARY LAW OFFICES, P.A. FIDELITY NATIONAL TITLE INSURANCE COMPANY

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

STEPHEN J. BROWN, INC

STEPHEN J. BROWN, PROFESSIONAL SURVEYOR AND MAPPER
REGISTRATION NO. 4049, STATE OF FLORIDA

NOTES:

1. Survey of description as furnished by Client.
2. Lands shown hereon were not abstracted for easements and/or rights-of-way of record.
3. All bearings are referenced to the Westerly Line of Subject Parcel Shown As S.01°08'00"E. All Others Relative Thereto.
4. Elevations shown hereon are relative to North American Vertical Datum of 1988, and are based on bench mark.
5. There are no above ground encroachments, unless otherwise shown.
6. The National Flood Insurance Program designation as indicated on the F.E.M.A. Map No. 12085C0134 G dated 03/16/2015, locates the parcel in Zone X, base flood elevation N/A feet; subject to any scaling and interpolation factors associated with mapping of this accuracy. This data is an interpretation by the surveyor and is provided as a courtesy. The flood zone(s) should be verified by a determination agency.
7. Underground foundations & utilities not located unless shown.

Date of field survey: 3/20/15

REVISIONS | BY

BOUNDARY SURVEY
PREPARED FOR: ALL AMERICAN EAGLE PROPERTIES, LLC

STEPHEN J. BROWN, INC — LICENSED BUSINESS NUMBER: 6464
SURVEYORS · DESIGNERS · LANDPLANNERS · CONSULTANTS
819 EAST 6TH STREET, STUART, FLORIDA 34994 EMAIL: sjbsurv@bellsouth.net PHONE: (772)-286-7776

DRAWN: S.J.B.
CHECKED: S.J.B.
DATE: 3/21/15
SCALE: 1" = 20'-0"
JOB NO.: 3200-26-01
SHEET: ONE
OF ONE SHEETS

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.**

    b. **Albany Avenue Landscape Plan, Sheet LP1 of 1, prepared by McCarty and Associates, dated 11.19.19, revised on 1.22.20**

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)

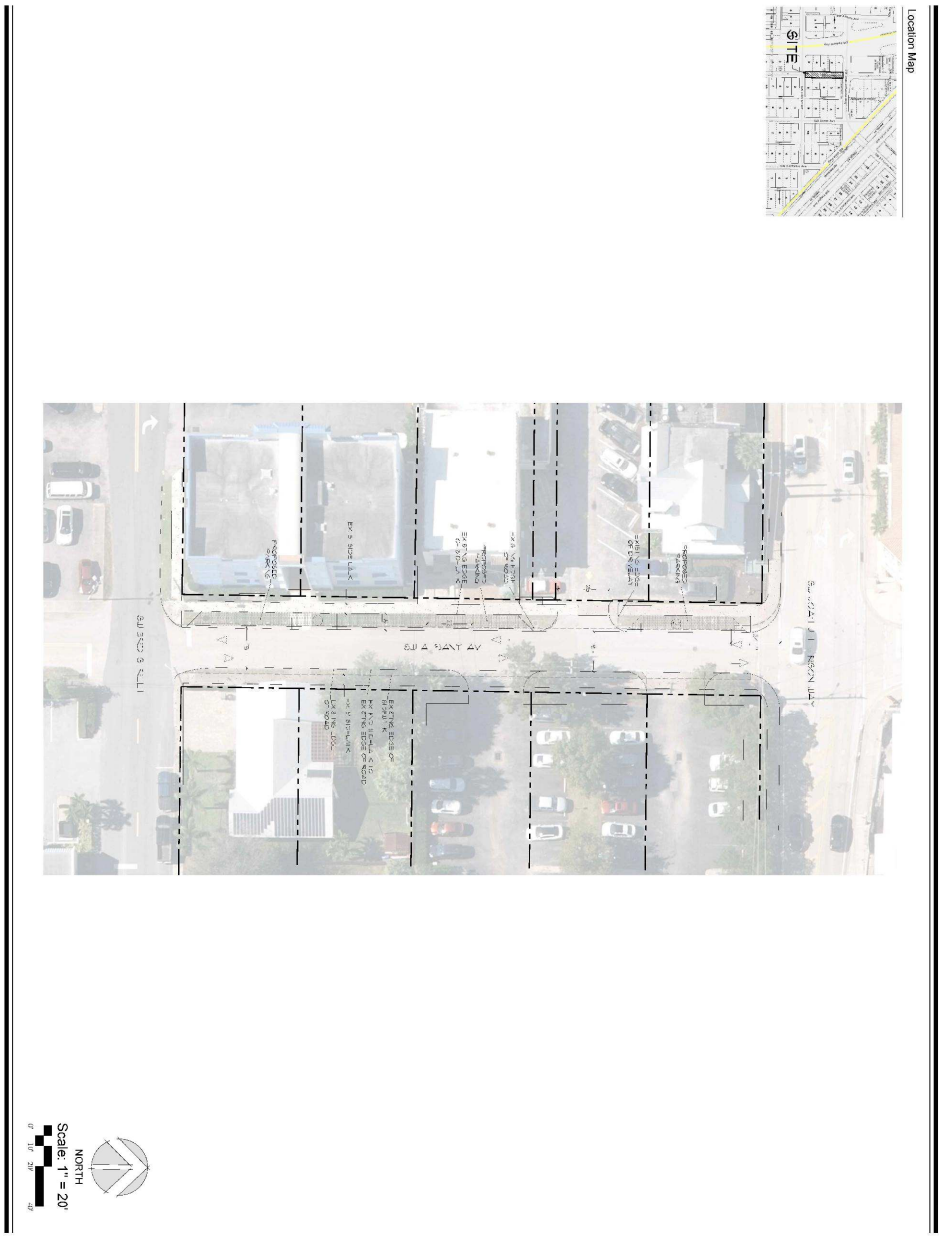
3. The owner shall not exceed the maximum intensity of uses described above in Condition #2, which permits the inclusion of nine (9) on-street parking spaces in the parking calculation and the deficiency of a total of eighteen (18) parking spaces.

4. The nine (9) 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



Location Map
SITE
Plant List
Landscape Notes
Planting Details
Palm Planting
Groundcover Planting
Plant Specifications
Notes
SW ALBANY AVE
SW 3RD STREET
SW JOAN JEFFERSON WAY
NORTH
Scale: 1" = 20'
Albany Avenue Streetscape
Albany Avenue
Stuart, Florida
Landscape Plan
McCARTY & ASSOCIATES
LANDPLANNING
AND DESIGN
STUART - FT. PIERCE
772.) 287.8221
Drawn By DMS
Checked By MM
Scale 1"=20'
Drawing Date 11/19/2019
12/13/2019 1/22/2020
L1 of 1