BEFORE THE CITY COMMISSION

CITY OF STUART, FLORIDA

ORDINANCE NUMBER 2437-2020

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, AMENDING THE FUTURE LAND USE MAP OF THE CITY'S COMPREHENSIVE PLAN THEREBY CHANGING THE FUTURE LAND USE DESIGNATION FROM "COMMERCIAL OFFICE RESIDENTIAL" TO "MULTI-FAMILY DENSITY RESIDENTIAL" FOR A 15.88 ACRE PARCEL ANNEXED BY ORDINANCE NO. 2415-2019, OWNED BY ATLANTIC REALTY PARTNERS, INC., AND LOCATED ON THE NORTHWEST CORNER OF STATE ROAD 76 (SW KANNER HIGHWAY) AND SW MARTIN HIGHWAY, SAID LAND BEING MORE FULLY DESCRIBED IN EXHIBIT "A" ATTACHED; AND FURTHER PROVIDING THAT SAID LANDS SHALL CONCURRENTLY ESTABLISH THE BRIDGEVIEW RESIDENTIAL PLANNED UNIT DEVELOPMENT (RPUD) CONSISTING OF TWO HUNDRED TWELVE (212) MULTI-FAMILY UNITS WITHIN TWO FOUR-STORY APARTMENT BUILDINGS; APPROVING A DEVELOPMENT SITE PLAN; PROVIDING FOR DEVELOPMENT CONDITIONS AND A TIMETABLE FOR DEVELOPMENT, DECLARING THE PLAN TO BE CONSISTANT WITH THE CITY'S COMPREHENSIVE PLAN; PROVIDING DIRECTIONS TO THE CITY CLERK; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

* * * * *

WHEREAS, the City Commission held a properly noticed hearing at a regularly scheduled City Commission to consider the application by Atlantic Realty Partners, Inc., for a 15.88 acre parcel of land located on the northwest corner of State Road 76 (also known as SW Kanner Highway) and SW Martin Highway; and

WHEREAS, the City of Stuart has determined the need to change the Future Land Use and Land Development zoning district for said lands; and

WHEREAS, the City Commission, has considered the Petitioner's voluntary request for land use designations, a rezoning to RPUD, and has also considered the recommendation of the City staff; and

WHEREAS, the Applicant has committed to the City that its development will comply with all development codes, plans, standards and conditions approved by the City Commission; and that it will bind its successors in title to any such commitments made upon approval of the approved RPUD; and

WHEREAS, at the hearing the applicant showed by substantial competent evidence that the application is consistent with the Stuart Comprehensive Plan, and the Land Development Code of the City, and with the procedural requirements of law; and

WHEREAS, the RPUD development will be in harmony with surrounding properties and their anticipated development;

WHEREAS, the foregoing recitals are true and adopted as findings of fact and conclusions of law.

WHEREAS, the property is legally described in **"Exhibit A"** of this ordinance. A map depicting the property is attached hereto as **Exhibit "B"** and made a part hereof by reference; and development conditions including a timetable for construction of amenities attached hereto as **Exhibit "C";**

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

SECTION 1: The following new documents are 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 a part of the development conditions, and shall supplement any earlier approvals:

a. **The Master Plan, Sheet MP-1, by Gentile, Glas, Holloway, O'Mahoney, and Associates, Inc., dated 4.3.20**
b. **Site Plan, Sheets SP-1 and SP-2, by Gentile, Glas, Holloway, O'Mahoney, and Associates, Inc., dated 4.3.20**
c. **The Landscape Plan, Sheets LP-1, thru LP-3, by Gentile, Glas, Holloway, O'Mahoney, and Associates, Inc., dated 4.3.20**
d. **Architectural Elevations, Sheets A2.10, A2.20A and A2.20B, prepared by Charlan Brock Associates, dated 3.10.20**
e. **Survey, prepared by GCY Incorporated, dated 5.28.19**
f. **Bridgeview Environmental Assessment Report, prepared by EW Consultants, Inc. dated 3.20.20**

SECTION 2: The Future Land Use designation in the City's Comprehensive Land Use Plan shall be established as "Multi-Family Density Residential". This ordinance may not become effective until 31 days after adoption. If challenged within 30 days after adoption, this ordinance may not become effective until the state land planning agency or the Administration Commission, respectively, issues a final order determining that the adopted large-scale land use amendment is in compliance as defined in s. 163.3184(1)(b).

SECTION 4: The Land Development (Zoning) District designation on the City of Stuart Official Zoning Map shall be established as "RPUD" Residential Planned Unit Development subject to the appeal period stated in Section 2, above.

SECTION 5: Except as otherwise provided herein, no development permits, site permits, or building permits shall be issued by the City except in compliance with the City's Land Development Code.

SECTION 6: All ordinances or parts of ordinances in conflict with this ordinance or any part thereof is hereby repealed to the extent of such conflict. If any provision of this ordinance conflicts with any contractual provision between the City and the developer of the site, this ordinance shall prevail.

SECTION 7: 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 8: This ordinance shall be effective upon the last of the following to occur: adoption by the City Commission, and proper execution and acceptance by the Owner. However, the Future Land Use and Zoning Designations granted herein shall not be effective until thirty-one (31) days after adoption, and as otherwise provided by law.

SECTION 9: Upon complete execution of this Ordinance, including the Acceptance and Agreement by the Owner, the City Clerk is directed to record a Certified Copy of the same in the Public Records of Martin County, Florida.

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				
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 A RESIDENTIAL PLANNED UNIT DEVELOPMENT AND 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 RESIDENTIAL 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:

_____ By: _____

Print Name: _____

_____

Print Name: _____

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:

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:

EXHIBIT A – LEGAL DESCRIPTION

Legal Description

PARCEL CONTROL NUMBER 403841001051000002

NORTH PARCEL

Commencing at the intersection of the North line of the Miles or Hanson Grant and the Westerly right of way line of State Road No. 76; thence South 20°42'45" East, a distance of 1500.00 feet to the Point of Beginning; thence continuing along said Westerly right-of-way line, South 20°42'45" East, a distance of 439.03 feet; thence South 06°32'38" East, a distance of 49.16 feet; thence South 20°42'48" East, a distance of 318.71 feet to a point on the Northerly Right-of-Way line of S.W. Martin Highway; thence along said line South 22°47'40" West, a distance of 55.18 feet; thence South 68°30'26" West, a distance of 152.45 feet to the beginning of a tangent curve concave to the North having a radius 881.25 feet; thence Northwesterly along the arc of said curve through a central angle of 41°32'17" a distance 638.89 feet to a tangent line; thence North 69°12'10" West, a distance of 380.47 feet to a point on the Mean High Water Line; thence along said line North 03°47'25" East, a distance of 50.12 feet; thence North 16°40'46" East, a distance of 48.08 feet; thence North 05°17'18" West, a distance of 65.43 feet; thence North 34°10'01" East, a distance of 139.17 feet; thence North 31°06'00" East, a distance of 167.15 feet to a point on the South River Land Mobile Home Park (unrecorded); thence North 65°59'26" East, a distance of 760.50 feet to the Point of Beginning.

Containing 15.88 Acres, more or less.

EXHIBIT B – LOCATION MAP

Figure 1. Property Location Map



EXHIBIT C – DEVELOPMENT CONDITIONS

Approved Plans and Documents

2. The Bridgeview Residential RPUD project and use thereof shall comply with the following drawings:

    a. **The Master Plan, Sheet MP-1, by Gentile, Glas, Holloway, O'Mahoney, and Associates, Inc., dated 4.3.20**
    b. **Site Plan, Sheets SP-1 and SP-2, by Gentile, Glas, Holloway, O'Mahoney, and Associates, Inc., dated 4.3.20**
    c. **The Landscape Plan, Sheets LP-1, thru LP-3, by Gentile, Glas, Holloway, O'Mahoney, and Associates, Inc., dated 4.3.20**
    d. **Architectural Elevations, Sheets A2.10, A2.20A and A2.20B, prepared by Charlan Brock Associates, dated 3.10.20**
    e. **Survey, prepared by GCY Incorporated, dated 5.28.19**
    f. **Bridgeview Environmental Assessment Report, prepared by EW Consultants, Inc. dated 3.20.20**

3. Any modifications to the Master RPUD Site Plan that exceeds 10% of the approved building footprint, building setbacks, gross square footage, building location, parking size, location and number of parking, drainage areas, and location of landscaping may be approved by the City's Development Director, provided however, the Development Director may refer the matter to the City Commission for approval via a public hearing.

4. Development of the Subject Property as a RPUD shall include an impervious area of no more than (30%) impervious coverage for the RPUD. The maximum building height within the RPUD shall be 4 stories or 45'. Height shall be measured from the lowest permissible finished first floor elevation to the surface of a flat roof and to the eave of a pitched roof.

5. Notwithstanding any presence of premium parking, at no time shall any parking space be deemed unavailable for use due to an absence of a lease agreement for the use of said space.

6. Prior to certificate of occupancy of the last building, the applicant shall provide an engineer's written confirmation attesting that the RPUD's storm water system is in place and functioning in compliance with all approved plans and specifications.

7. Erosion and dust control measures to be implemented during construction shall be provided on the civil plans and submitted during site permit review. Water trucks shall be provided by the applicant as necessary during construction in order to reduce dust generated on-site.

8. Prior to clearing of the entire site, the applicant shall install a 4-foot silt fence/barrier along the northern property boundary that will inhibit wildlife from crossing into the Riverland Mobile Home Park.

9. Prior to construction, the applicant shall install the buffer and 10' wall along the northern property boundary, beginning at the eastern corner of the wetland buffer to the property line along Kanner to connect with Riverland.

Landscaping

10. The common areas including the projects community recreation areas and entry features shall be provided with landscaping with an irrigation system of sufficient capacity to maintain the landscaping in a healthy growing condition.

11. The City's landscape inspector shall have the opportunity to inspect all trees and/or landscape material with the landscape architect prior to installation. The developer shall bear the pass-thru fee for landscape consulting fees not to exceed $1,500.00.

12. A Landscape maintenance plan, executed in accordance with the Land Development Regulations, shall be submitted to the Development Department and approved prior to the issuance of a vertical construction building permit.

13. Prior to Certificate of Occupancy, all prohibited exotics and invasive species shall be removed from the entire site.

Required Open Space and Native Preserve Area

14. Open Space, not including wetlands and required internal landscaping. The RPUD shall be maintain the open space as depicted on the Site Plan by Gentile, Glas, Holloway, O'Mahoney and Associates, Inc. as described in Exhibit C. Required open space may include native vegetation areas and landscape buffers between the RPUD and adjacent property; however, other required landscaping shall not count towards the open space requirement.

15. Excluding wetlands defined by the South Florida Water Management District, not less than 33.4% of the total development site shall remain as undeveloped and recreated native vegetation area. The required native vegetation area may include open space areas and the landscape buffer between the site and adjacent property; however, other required landscaping shall not count towards the native vegetation requirement. The location of the native vegetation shall comply with the project's landscape plan, by Gentile, Glas, Holloway, O'Mahoney and Associates, Inc. The project shall adhere to the Preserve area mitigation and monitoring plan provided to the City prior to vertical construction building permit approval. The owner and developer shall adhere to the provisions of the Wetland Maintenance and Monitoring Plan and permanent maintenance will be the responsibility of the Developer, their successors or assigned.

Tree Mitigation

16. The project shall comply with Section 5.05.02 of the "Tree replacement and protection requirements" of the City's Land Development Code.

Prior to Issuance of Site Permits

17. Applicant shall provide a digital boundary survey and civil plan prior to the issuance of a site permit.

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

19. All regulatory agency permits, including but not limited to the South Florida Water Management District and Army Corp of Engineers, shall be obtained by the applicant and copies provided to the City prior to the commencement of any development activities.

20. All development activities shall comply with the City's Concurrency Management System prior to the issuance of building permits.

21. The applicant shall provide a 4' high silt fence and at least a 6' temporary security fence along the northern boundary prior to any site clearing.

Development and Construction

22. The Developer shall construct the project's infrastructure in one phase.

23. The Developer shall install landscaping at the development's entry as shown on the landscaping plan prior to the first certificate of occupancy for a residential unit.

24. The property owner shall provide easements for licensed television services. Preserve area easements shall be dedicated to state agencies with the City of Stuart having the option to have those same easements.

25. In the event of any conflict in the provisions of Exhibit 'C' Development Conditions and attached exhibits, Exhibit 'C' shall prevail.

26. Prior to certificate of occupancy of the last building, the applicant shall provide an engineer's written confirmation attesting that the RPUD's storm water system is in place and functioning in compliance with all approved plans and specifications.

27. Erosion and dust control measures to be implemented during construction shall be provided on the civil plans and submitted during site permit review. Water trucks shall be provided by the applicant as necessary during construction in order to reduce dust generated on-site.

28. All utility improvements constructed by the developer within Florida's Department of Transportation's right-of-way, shall be constructed in a manner and form acceptable to the FDOT. The developer shall grant any such utility easements necessary for this site as may be required by the FDOT.

29. The projects turn lanes as described on the project's Master Site plan shall be completed before the first Certificate of Occupancy from either building is issued.

30. The project's storm water facilities, specifically the Native Planting schemes at the detention/retention areas/wetlands, will be designed using Low Impact Development "(LID) Techniques as described in the University of Florida IFSA Extension publication LID Practices: Integration Wetlands and Enhancing Storm water Basins". The proposed dry retention shall have native grasses along the edges of the retention area are to become part of the stormwater filtration process.

31. Temporary or freestanding storage units are prohibited on the property once construction is complete.

32. Site work including but not limited to land preparation, lake excavation, clearing and grading, drainage and water, sewer and irrigation lines, and private road shall be reviewed approved by the city's public works department and the city's engineering consultant prior to permitting.

33. There shall be no northern facing balconies on any floor of the westernmost building. Any wrap around balconies on the corner shall have a privacy wall on the northern side. All windows on this side shall be clear story windows.

34. Prior to final site plan approval, the applicant shall provide 4 designated parking spaces for mail pick-up.

35. Prior to final site plan approval, the applicant shall provide a dedicated sheltered bus stop location on the plan, which will accommodate the future needs of the Metropolitan Planning Organization and Martin County School Board.

36. Prior to final site plan approval, the applicant shall provide a total of seven (7) EV parking spaces for electric vehicles shall be provided at a level 2 charging rate, with a dedicated branch circuit and overcurrent protection device, per space.

37. Prior to Certificate of Occupancy, the applicant shall provide an emergency generator capable of serving the residents during a storm event.

38. Prior to building permit approval, the applicant shall demonstrate the building uses CMU construction materials.

39. All roof-top mounted equipment, including air conditioners, shall be screened from public view.

Signage

40. All signs throughout the RPUD must have a consistent treatment, as to number, location, size, height, lighting, and materials with a unified theme throughout the Planned Unit Development. The development's monument sign shall adhere to the Proposed Entry Monument Sign drawing by Lucido and Associates.

HOA Requirements & Future Amendments

41. Owner shall not subject the Property to any condominium conversion and neither shall any portion of the Property be converted to units for sale in connection with a condominium conversion nor shall the title to any such units be transferred to any party other than being held as a single parcel for the purposes of apartment rental unless owner amends this restriction through a minor PUD amendment process.

42. Any applications to amend this Ordinance shall be limited to the Developer.

43. The City may elect at any time to assign a future land use designation of "Conservation" to the PUD's preserve areas without objection by the owners. Further, the City may at its discretion, take over maintenance of the preserve area(s) without objection by the owners.

44. Timetable for development shall be as follows:

Site and building permit application deemed sufficient for permit review under city codes and standards.	**December 1, 2022**
Final Certificate of Occupancy for all site and building improvements.	**December 1, 2023**

Allowable Uses

45. The following uses shall be permitted:
    a. Multi-Family Residential
    b. Home Occupations in accordance with the City's Land Development Code.