BEFORE THE CITY COMMISSION
CITY OF STUART, FLORIDA

RESOLUTION NUMBER 97-2020

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, GRANTING A MAJOR URBAN CODE CONDITIONAL USE APPROVAL TO 111 REAL ESTATE HOLDINGS, LLC OWNER OF THE PROPERTY LOCATED IN THE CITY OF STUART, AS DESCRIBED WITHIN THE ATTACHED LEGAL DESCRIPTION; GRANTING APPROVAL FOR THE RELOCATION OF THE HISTORIC WALTON BUILDING (33 DEGREES) FROM CITY RIGHT-OF-WAY AT DECKER AVENUE TO THE NORTH SIDE OF PARKING LOT LOCATED AT 209 S ALBANY AVENUE; ALLOWING THE FRONT BUILDING FAÇADE TO BE SETBACK FROM THE FRONT PROPERTY LINE, FOR THE FAÇADE WIDTH OF THE RELOCATED BUILDING TO BE LESS THAN 80% OF THE LOT WIDTH AND FOREGO THE REQUIREMENT FOR THE MINIMUM BUILDING HEIGHT OF TWO STORIES, FOR ARCADES OR GLAZED OPENINGS AND BALCONIES ALONG THE STREET FACADE; PROVIDING AN EFFECTIVE DATE; PROVIDING FOR A TIMETABLE OF RELOCATION; PROVIDING FOR CONDITIONS OF APPROVAL; 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

WHEARAS, The existing historic Walton Building was temporarily located on City Right-of-way at Decker Avenue to allow New Urban Communities, LLC to develop the leased Stuart Triangle parcel into a 49 unit rental apartment complex which received certificate of occupancy in 2019; and

WHEREAS, the Applicant, 111 Real Estate Holdings, is requesting a Major Urban Code Conditional Use approval to allow for the relocation of the Historic Walton building currently

located in City R.O.W. at Decker Avenue to the north side of parking lot at 209 S Albany Avenue, and

WHEREAS, the applicant has requested the historic building to be set back from the front property line to allow for a brick paver front court yard with seating; for a front building facade to make up less than 80% of the lot width; for less than the minimum building height of two stories and forego the requirement for arcades or glazed openings and balconies along the street façade.

WHEREAS, at the hearing the applicant showed by substantial competent evidence that the application does not create any detrimental effects on adjacent land uses within three hundred (300) feet of the proposed location; and

WHEREAS, the Community Redevelopment Board held a properly noticed hearing at a regularly scheduled meeting to consider the application of the Petitioner and recommended approval of the Major Urban Code Conditional Use on August 4th, 2020; and

WHEREAS, City Commission held a properly noticed hearing at a regularly scheduled City Commission meeting to consider the application of the Petitioner to approve the Major Urban Code Conditional Use on August 24th, 2020.

WHEREAS, the conditional use approval shall run with the land; 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 approves a Major Urban Code Conditional Use approval to 111 Real Estate Holdings, LLC, owner of certain

real property located at 209 S Albany Avenue, Stuart Florida, as detailed within the attached legal description.

SECTION 2: A legal description of the property is set forth in **"Exhibit A"** attached hereto and made a part hereof by reference.

SECTION 3: The purpose of this Urban Center Sub-district Conditional Use approval is to allow for relocation of the historic Walton Building, varying from urban code requirements by allowing the building to be setback from the from the front property line, a front building facade less than 80% of the lot width and forego the requirement for arcades or glazed openings and balconies along the street façade. An Aerial and Site plan are included as **"Exhibit B".**

SECTION 4: The building shall be relocated in accordance with all conditions set forth in **"Exhibit C"**, as attached.

SECTION 5: This resolution shall take effect immediately upon its adoption.

Commissioner _____ offered the foregoing resolution 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				
VACANT, COMMISSIONER				
MERRITT MATHESON, COMMISSIONER				

ADOPTED this 24TH day of August, 2020.

ATTEST:

_____	_____
MARY R. KINDEL	MICHAEL J. MEIER
CITY CLERK	MAYOR

APPROVED AS TO FORM
AND CORRECTNESS:

_____
MICHAEL J. MORTELL
CITY ATTORNEY

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 RESOLUITON. IF IT IS LATER DISCOVERED THAT THE UNDERSIGNED, OR ITS SUCCESSORS OR ASSIGNS HAVE FAILED IN ANY MATERIAL WAY TO DEVELOP THIS BUSINESS ACCORDING TO THIS RESOLUTION, ITS CONDITIONS, AND THE DEVELOPMENT DOCUMENTS, THE UNDERSIGNED

UNDERSTANDS AND AGREES THAT THIS RESOLUITION 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 RESOLUITION, CODE ENFORCEMENT ACTIONS, PERMIT AND LICENSING SUSPENSIONS OR REVOCATIONS, AND ANY OR ALL OTHER APPLICABLE CIVIL AND CRIMINAL ACTIONS.

WITNESSES:

111 Real Estate Holdings

Witness #1:

Registered Agent: Mark Brechbill

Print Name: _____

Print Name: _____

Signature: _____

Signature: _____

Witness #2:

Print Name: _____

Signature: _____

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:

Lots 2, 3 and 6, less the East 50 feet of the South 2 feet of said Lot 6, Block 8, and Lots 4 and 5, Block 9, Potsdam Subdivision, according to the Plat thereof as recorded in Plat Book B, page(s) 2, of the Public Records of Miami-Dade County, Florida, certified copy of said plat recorded in Plat Book 1, page 28, Public Records of Palm Beach (now Martin) County, Florida, Less and Except right of way of U.S. Highway No. 1.

Exhibit B: Aeriel Map

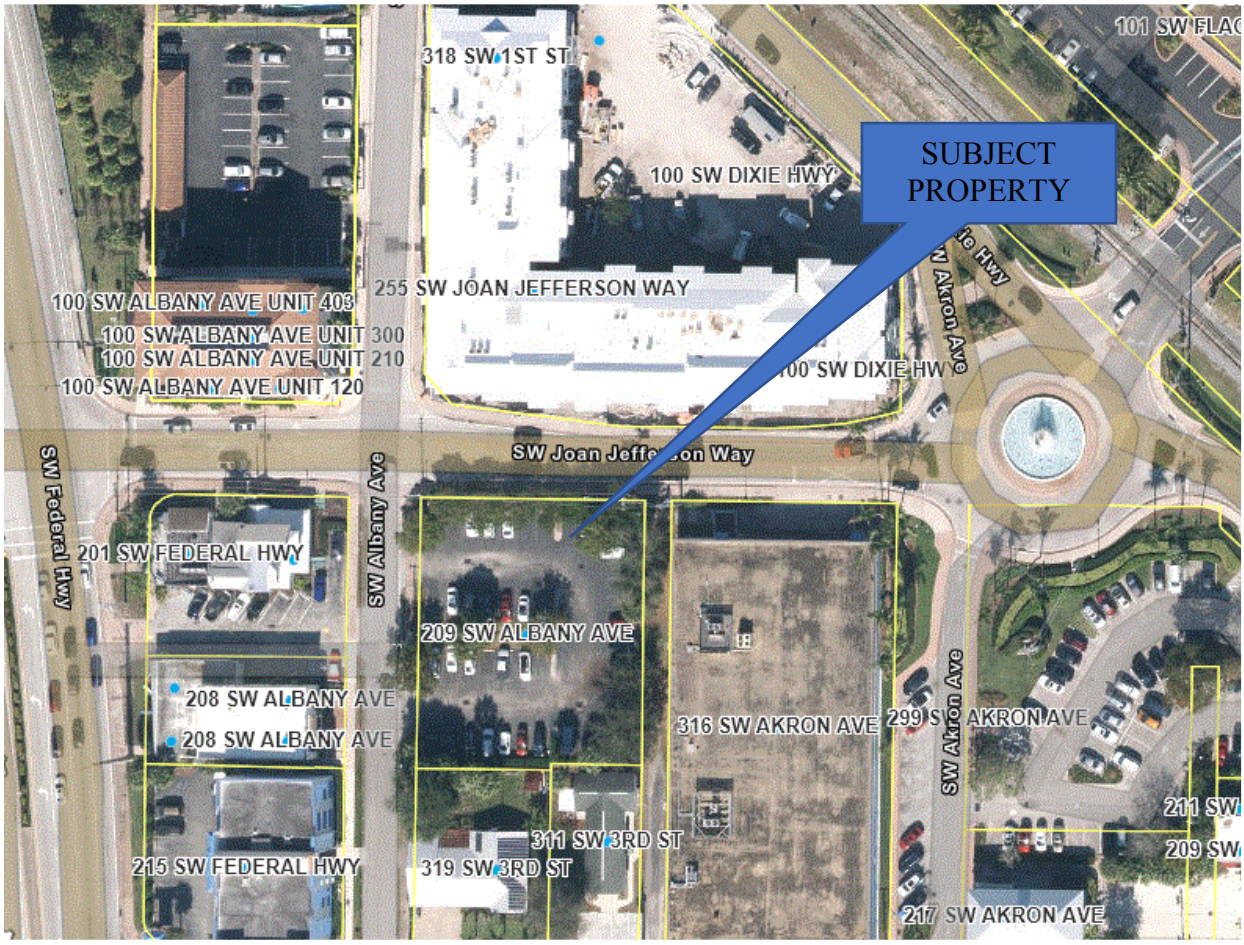


Exhibit "C" Conditions of Approval

1. The historic Walton building relocation from City R.O.W. at Decker Avenue to 209 S Albany Ave shall adhere to the Site Plan, Lighting and signage plan and Landscape and Pedestrian Plan prepared by John Erickson registered building contractor dated 7.15.20.

2. Except as provided herein, all development shall comply with City Code.

3. Any sidewalks damaged during construction shall be repaired and/or replaced by the applicant as per the City's specification.

4. All signage shall be in accordance with the City's Land Development Regulations with regards to size, dimensions, color, etc.

5. Site lighting shall not negatively impact adjacent properties and shall not create a visual nuisance. Decorative exterior light fixtures shall be approved prior to the issuance of any development permits.

6. The applicant shall comply with all applicable Handicap Accessibility standards.

7. Final Site and Foundation Construction Drawings shall be reviewed and approved by all necessary City departments prior to the issuance of any building permits allowing for the relocation of the historic structure to its new location.

8. Any and all regulatory agency permits, including but not limited to Martin County, the South Florida Water Management District, and Army Corp of Engineers, Florida Power and Light shall be obtained by the applicant and copies provided to the City prior to the issuance of a site permit.

9. Prior to issuance of a building permit, the applicant shall either contribute the required art fee of one percent of the vertical construction cost including new foundation or provide work of art on the development pursuant to Section 3.01.08 on site.

10. The applicant shall obtain a Certificate of Occuapncy for the building at its new location prior to August 31, 2021.