BEFORE THE CITY COMMISSION
CITY OF STUART, FLORIDA

RESOLUTION NUMBER 96-2020

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, GRANTING A MAJOR URBAN CODE CONDITIONAL USE APPROVAL TO THE PROPERTIES LOCATED AT 313-315 S.W. OSCEOLA STREET, AS DESCRIBED WITHIN THE ATTACHED LEGAL DESCRIPTIONS; GRANTING APPROVAL FOR A MULTI-FAMILY DEVELOPMENT CONSISTING OF FOURTEEN (14) RESIDENTIAL UNITS ON A 0.58 ACRE SITE; TO ALLOW A DENSITY OF TWENTY-FOUR (24) UNITS PER ACRE; FOR PARKING WITHIN THE BUILDING ENVELOPE; PROVIDING AN EFFECTIVE DATE; PROVIDING FOR A TIMETABLE OF DEVELOPMENT; 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

WHEREAS, the Applicants, Greenlight Studios Acquest TX, LLC are requesting a Major Urban Code Conditional Use approval to allow for development of a multi-family development consisting of 14 Residential Units on 0.58 acres of land, and

WHEREAS, the applicant has requested a density of 24 units per acre where the maximum density of 15 dwelling units per acre is allowed, and for parking within the building envelope; and

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 September 1, 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 September 14, 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 Greenlight Studios Acquest TX, LLC, owners of certain real property located at 313-315 SW Osceola Street, 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 site shall be developed in accordance with all conditions set forth in **"Exhibit B"**, as attached.

SECTION 4: The purpose of this Urban Waterfront Sub-district Conditional Use approval is to allow for the development of 14 residential units, varying from code requirements by allowing a density of 24 units per acre where a maximum of 15 dwelling units per acre is allowed, and for parking within the building envelope as per the details included on the site plan, landscape plan and architectural elevations included as **"Exhibit C"**.

SECTION 5: Upon complete execution of this Resolution, including the Acceptance and Agreement by the Owners, 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				
TROY MCDONALD, COMMISSIONER				

ADOPTED on second and final reading this _____day of _____, 2020.

ATTEST:

_____ _____

MARY R. KINDEL MICHAEL J. MEIER

CITY CLERK MAYOR

ACCEPTANCE AND AGREEMENT

BY SIGNING THIS ACCEPTANCE AND AGREEMENT, THE UNDERSIGNED HEREBY ACCEPTS AND AGREES TO ALL OF THE TERMS AND CONDITIONS CONTAINED IN THIS RESOLUTION 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 PROPERTY IN ACCORDING TO THIS RESOLUTION, ITS CONDITIONS, AND THE DEVELOPMENT PLANS AND DOCUMENTS, THE UNDERSIGNED UNDERSTANDS AND AGREES THAT THIS RESOLUTION 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:

Greenlight Studios Acquest TX, LLC

Witness #1:

Print Name: _____

Print Name: _____

Signature: _____

Signature: _____

Witness #2:

Print Name: _____

Signature: _____

OWNER'S ACKNOWLEDGMENT

STATE OF FLORIDA

COUNTY OF _____

The above Resolution, 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 Resolution, 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

A parcel of land in Section 4, Township 38 South, Range 41 East., Martin County, Florida, being more particularly described as follows: Commence at the Southwest corner of Government Lot 3 of said Section 4, thence East along the Soulb line of Government Lot 3 a distance of 1,455.30 feet; thence North a distance of 363.53 feet to the Southeast corner of Lot 6, Block I, Amended Plat of Oak Park, as recorded in Plat Book 10, Page 22, Palm Beach (now Martin) County, Florida, Public Records, and the Point of Beginning; thence East along the North line of Osceola Avenue a distance of 117.00 feet; thence North parallel to the East line of said Lot 6, to the waters of the St Lucie River; thence Westerly along said waters to a point., said point being on the East line of said Lot 6; thence South to the Point of Beginning; also described as follows: Begin 1,456.3 feet East of the Southwest corner of Government Lot 3 on the North side of Osceola Avenue; thence roo East 117 feet; thence run North to river, thence run Westerly along river to point North of Point of Beginning; thence run South to the Point of Beginning in Section 4, Township 38 South, Range 41 East, Martin County, Florida.

Exhibit "B" Conditions of Approval

1. The project shall adhere to the Site Plan prepared by Greenlight Studios, Sheets G101 and G102 dated July 27, 2020.

2. The project shall adhere to the architectural plans and elevations, prepared by Greenlight Studios, Sheets G201 and 202 dated July 27, 2020. The buildings shall be constructed of CMU.

3. The project shall adhere to the landscape plan by Greenlight Studios, Sheets G301 thru G302, last dated July 27, 2020.

4. The applicant shall provide work of art on the development pursuant to Section 3.01.08 totaling one percent of the final vertical construction cost of the project. The project has an estimated vertical construction cost of $7,000,000.

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

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

7. Applicant shall execute a riparian easement for the boardwalk as acceptable to the City Attorney.

8. Notwithstanding the illustration shown on the site plan, all signage shall be in accordance with the City's Land Development Regulations with regards to size, dimensions, color, etc.

9. 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.

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

11. Final Development Plans and Construction Drawings shall be reviewed and approved by all necessary City departments prior to the issuance of any building permits.

12. Any and all regulatory agency permits, including but not limited to Martin County, 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 issuance of a site permit.

13. Prior to the issuance of any building permits for any portion of the Property, the Owner shall clearly define, to the satisfaction of the City Attorney, a condominium association (Association) that will be created with respect to the Property. The Association shall be the entity responsible for accepting notices from the City and correcting any violations of this Resolution, or the ordinances of the City and for any matters involving the City with respect to the Property, including, without limitation, fines and penalties. The Association shall be singularly responsible for the perpetual maintenance of the common infrastructure, stormwater exfiltration facilities and all other common areas. There shall be no conveyance of any units to third parties prior to the formation of the Association. There will be no future subdivision of the property without a plat approved by the City Commission.

14. The project shall have no more than one water meter the single building unless public works deems more water meters are appropriate.

15. Dock Facilities are for the expressed use of the owners, and or tenants. Leasing of dock slips to entities other than tenants of the project is prohibited. Commercial use of the dockage facilities is prohibited. The number of slips shall be limited to 14 slips (one per residential unit). Dock & slips are illustrative in nature and not final documents.

16. All dock facilities and marine related bulkheads, hardened shorelines, etc. shall be maintained by the Master Association, any new marine related improvements, modification, repairs and permitting associated with such facilities shall be accomplished by, and the responsibility of, the Master Association. There shall be no sheds or outbuildings constructed on the property. There shall be no liveaboards permitted by definition of the Department of Environmental Protection. The term “liveaboard” is defined as a vessel docked at the facility and inhabited by a person or persons for any five (5) consecutive days or a total of ten (10) days within a thirty (30) day period.

17. Sloping revetments and interlocking blocks shall be used in high energy areas to more effectively dissipate wave forces, boat wakes and reduce the effects of bottom scouring. Bulkheads and seawalls shall only be used to protect existing development and shall be located landward of riverine wetlands and their ecotones. Permits for replacement of

deteriorating seawalls shall be granted only when alternative revetments and interlocking blocks are not feasible.

18. There shall be no improvements, fencing, installation of additional landscape material, etc. placed within the common acres that would be in nonconformance with approved vistas at the ends of the building.

19. The applicant shall obtain a Certificate of Occupancy for the 14 multi-family unit condominum building prior to September 14, 2023.

Exhibit "C" Documents