BEFORE THE CITY COMMISSION
CITY OF STUART, FLORIDA

RESOLUTION NUMBER 106-2020

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 THE NORTHWEST CORNER OF MARTIN LUTHER KING, JR. BOULEVARD AND SE CORTEZ AVENUE, AS DESCRIBED WITHIN THE ATTACHED LEGAL DESCRIPTIONS; GRANTING APPROVAL FOR A LICENSED CHILD DAYCARE FACILITY ON A 0.93 ACRE SITE; TO ALLOW THE CONSTRUCTION OF ON-STREET PARKING WITHIN THE RIGHT-OF-WAY; AND TO ALLOW A REDUCTION OF TWO REQUIRED PARKING SPACES; 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, Sean and Donna Reed, are requesting a Major Urban Code Conditional Use approval to allow for development of a one-story 6,038 square foot childcare facility on 0.93 acres of land, and

WHEREAS, the applicant has requested the conditional use of child daycare, the ability to construct parking within the City's right-of-way, and a reduction in the total number of parking spaces required; 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 Sean and Donna Reed, owners of certain real property located at the northwest corner of Martin Luther King Jr. Boulevard and Cortez Avenue, 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 General Residential and Office (GRO) East Stuart Conditional Use approval is to allow for the development of a child daycare facility, which is listed as a

conditional use in Section 3.02.05.B, requesting the City Commission grant a revocable permit allowing the applicant to construct up to seven (7) on-street parking spaces on the north side of Martin Luther King, Jr. Boulevard, and varying from code requirements by allowing a reduction of required parking spaces from 35 to 33 (a net reduction of 2 spaces), 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				

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:

Sean Reed, Co-owner

Witness #1:

Print Name: _____ Print Name: _____

Signature: _____ Signature: _____

Witness #2:

Print Name: _____

Signature: _____

WITNESSES:

Donna Reed, Co-owner

Witness #1:

Print Name: _____ Print Name: _____

Signature: _____ Signature: _____

Witness #2:

Print Name: _____

Signature: _____

OWNER'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 _____

Personally Known OR Produced Identification
Type of ID Produced _____

Signature of Notary Public: _____
Commission Expires:

Notary Seal:

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

Lot 15 to 20, inclusive, Block 4, STYPMANN PARK, SECOND ADDITION, according to the Plat thereof filed January 16, 1926, as recorded in Plat Book One, Page 28, Public Records of Martin County, Florida.

Exhibit "B" Conditions of Approval

1. The project shall adhere to the Site Plan prepared by Kelly and Kelly Architects, dated July 28, 2020.

2. The project shall adhere to the architectural elevation and Floor Plan, Kelly and Kelly Architects, dated July 28, 2020.

3. The project shall adhere to the landscape plan by Daniel J. Sugg, Landscape Architect, undated.

4. Applicant and day care operator Nicole Stacey shall obtain an annual license from DCF (Department of Children & Families) acknowledging that the day care center meets state requirements before obtaining a business tax receipt from the City.

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. 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.

8. 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.

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

10. The day care center shall be limited to 117 infants and children at any one time.

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. The applicant shall obtain a Certificate of Occupancy for the daycare facility prior to September 14, 2023.

14. Prior to City Commission approval, the applicant shall provide an updated site and landscape plan, showing the proposed on-street parking and the continuation of the landscape buffer along the north side of the property, and the removal of parking in the said buffer area.

15. Prior to the construction of the on-street parking, the applicant shall apply for a revocable permit to allow the construction of at least seven on-street parking spaces on the north side of Martin Luther King, Jr. Boulevard. Prior to approval of the Revocable Permit, the applicant shall provide the City with a Maintenance of Traffic (MOT) acceptable to the City of Stuart Public Works. The MOT shall provide a process of establishing a work zone that provides safe, temporary traffic and pedestrian control.

16. The on-street parking spaces constructed by the applicant are for general public use and may not be restricted for the use of the daycare facility.

17. The East Stuart Conditional Use approval runs with the land and may be conveyed or transferred to any other applicants or business with a licensed day care center.

Exhibit "C" Documents