BEFORE THE CITY COMMISSION
CITY OF STUART, FLORIDA

RESOLUTION NUMBER 127- 2020

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, GRANTING A MAJOR URBAN CODE CONDITIONAL USE APPROVAL TO LUCIDO INVESTMENT PROPERTIES LLC, OWNER OF THE PROPERTY LOCATED AT THE SOUTH WEST CORNER OF SE OSCEOLA STREET AND SE GEORGIA AVENUE AS DESCRIBED WITHIN THE ATTACHED LEGAL DESCRIPTION; GRANTING APPROVAL FOR A SINGLE FAMILY HOME IN THE URBAN GENERAL ZONING DISTRICT; TO ALLOW THE REAR SETBACK TO BE LESS THAN FIFTEEN (15) FEET, AN OVERHANG TO PROJECT MORE THAN THREE (3) FEET INTO THE SIDE SETBACK AND FOR PARKING TO BE LOCATED AT THE FRONT OF THE BUILDING; 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 Applicant, Thomas Lucido, is requesting a Major Urban Code Conditional Use approval to allow for development of a 2,204 square foot (under air) single family house on .081 acres of land, and

WHEREAS, the applicant has requested a variance allowing the rear setback to be less than fifteen (15) feet, a variance for an overhang to project more than three (3) feet into the required five (5) foot side setback and a variance for parking to be located at the front of the building on a portion of property located in the Urban General (UG) zoning district within the City's Community Redevelopment Area; 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 December 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 Approval on December 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 Tom Lucido, owner of certain real property located at the south west corner of SE Osceola Street and SE Georgia 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: A Survey depicting the property is attached hereto as "**Exhibit B"** and made a part hereof by reference.

SECTION 4: The applicant's single-family residence shall be constructed and operate in accordance with conditions set forth in **"Exhibit C"**, as attached.

SECTION 5: The purpose of this Urban Code Conditional Use approval is to allow for the development of a single-family residence, varying from code requirements by allowing the rear setback to be less than fifteen (15) feet, a variance allowing an overhang to project more than three (3) feet into the required five (5) foot side setback and a variance for parking to be located at the front of the building as per the details included on the Site Plan by Lucido and Associates, dated 10.13.2020; the Architectural Floor Plans & Elevations by Kelly & Kelly Architects, dated 08.06.2020 and a Preliminary Drainage Statement by C. Calvert Montgomery & Associates, Inc. engineers, signed and sealed on 11.19.20; and shall be deemed the Development Documents included as **"Exhibit D"**.

SECTION 6: 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				
MERRITT MATHESON, COMMISSIONER				
TROY MCDONALD, COMMISSIONER				

ADOPTED this 14TH day of December, 2020.
ATTEST:

_____
MARY R. KINDEL
CITY CLERK

_____
MICHAEL J. MEIER
MAYOR

APPROVED AS TO FORM
AND CORRECTNESS:

_____
MICHAEL J. MORTELL. ESQ.
CITY ATTORNEY

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:

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:

Lucido Investment Properties LLC

Witness #1:

Registered Agent/Owner: Thomas Lucido

Print Name:_____

Print Name: _____

Signature:_____

Signature: _____

Witness #2:

Print Name: _____

Signature: _____

Exhibit 'A' Legal Description:

SEC 4-38-41, N 1/2 OF FOLLOWING: BEG 1798' E OF SW COR GOVT LOT 3 & N 40' TO POB, N 250.97', W 70.42', S 253.50' & E 70' TO POB PI# 4-38-41-000-000-00061-20000
(Applicant is to provide new legal description for a portion of the north 1/2 parcel prior to being heard by the City Commission)

Exhibit 'B' Boundary Survey

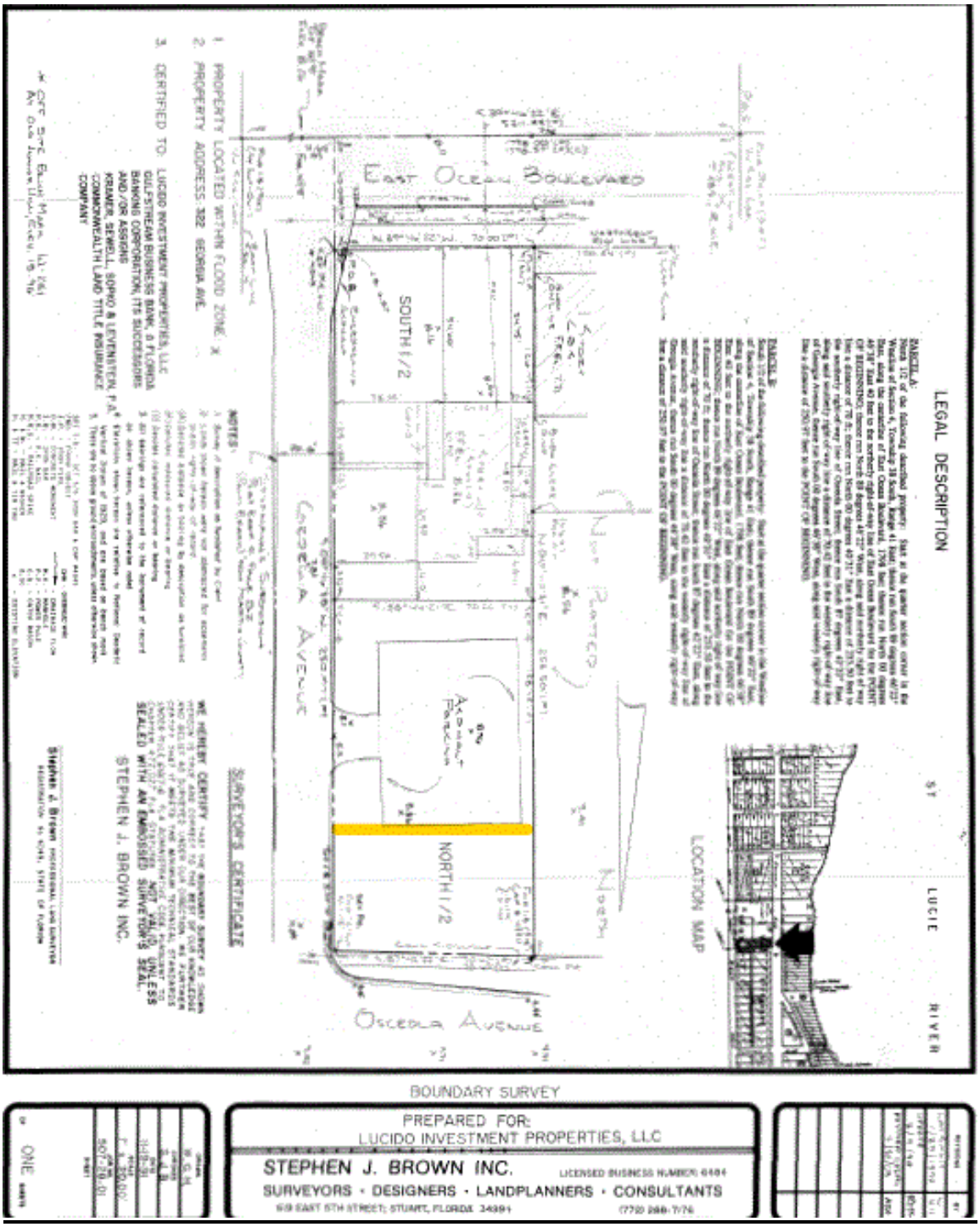


Exhibit 'C' Conditions of Approval

1. The project shall adhere to the Site Plan, by Lucido and Associates, dated 10.13.2020

2. The project shall adhere to the Architectural Floor Plans & Elevations by Kelly & Kelly Architects, dated 08.06.2020, The single-family residence shall be constructed of concrete masonry units.

3. The project shall comply with Preliminary Drainage Statement by C. Calvert Montgomery & Associates, Inc. engineers, signed and sealed on 11.19.20.

4. The applicant shall submit a legal description to be included for the newly formed property prior to the approving Resolution being recorded.

5. The applicant shall obtain a unity of title for the remainder of the North 1/2 lot with existing improved parking area and the south 1/2 lot with existing building prior to building permits being issued for the cottage home.

6. Except as provided herein, all development of the single-family home shall comply with City Code.

7. Any sidewalks damaged along SE Osceola Street or SE Georgia Avenue during construction shall be repaired and/or replaced by the applicant as per the City's specification.

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

9. The applicant shall obtain a Certificate of Occuapncy for the single family home as shown on the architectural, and site plans prior to December 31, 2023.

Exhibit 'D' Site Plan

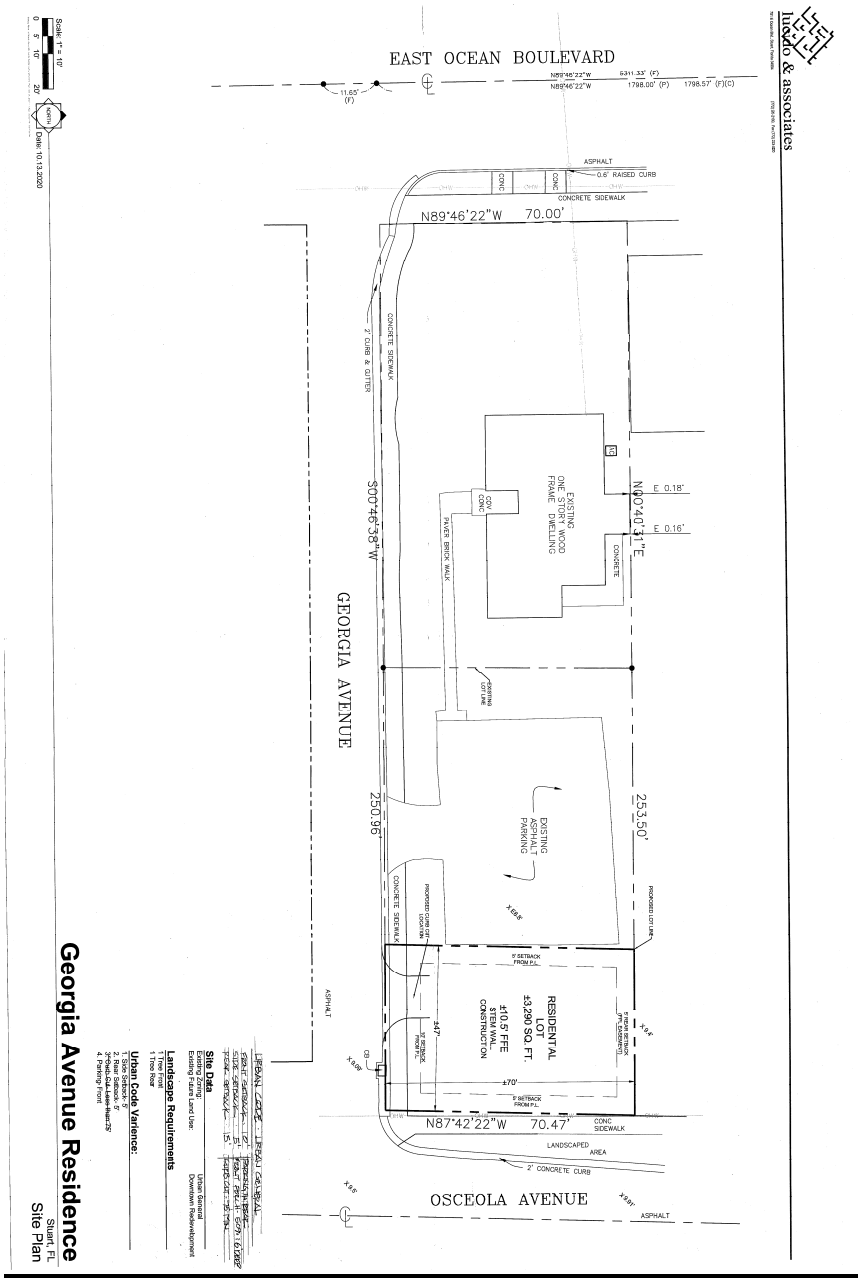


Exhibit 'D' Floor Plan 1

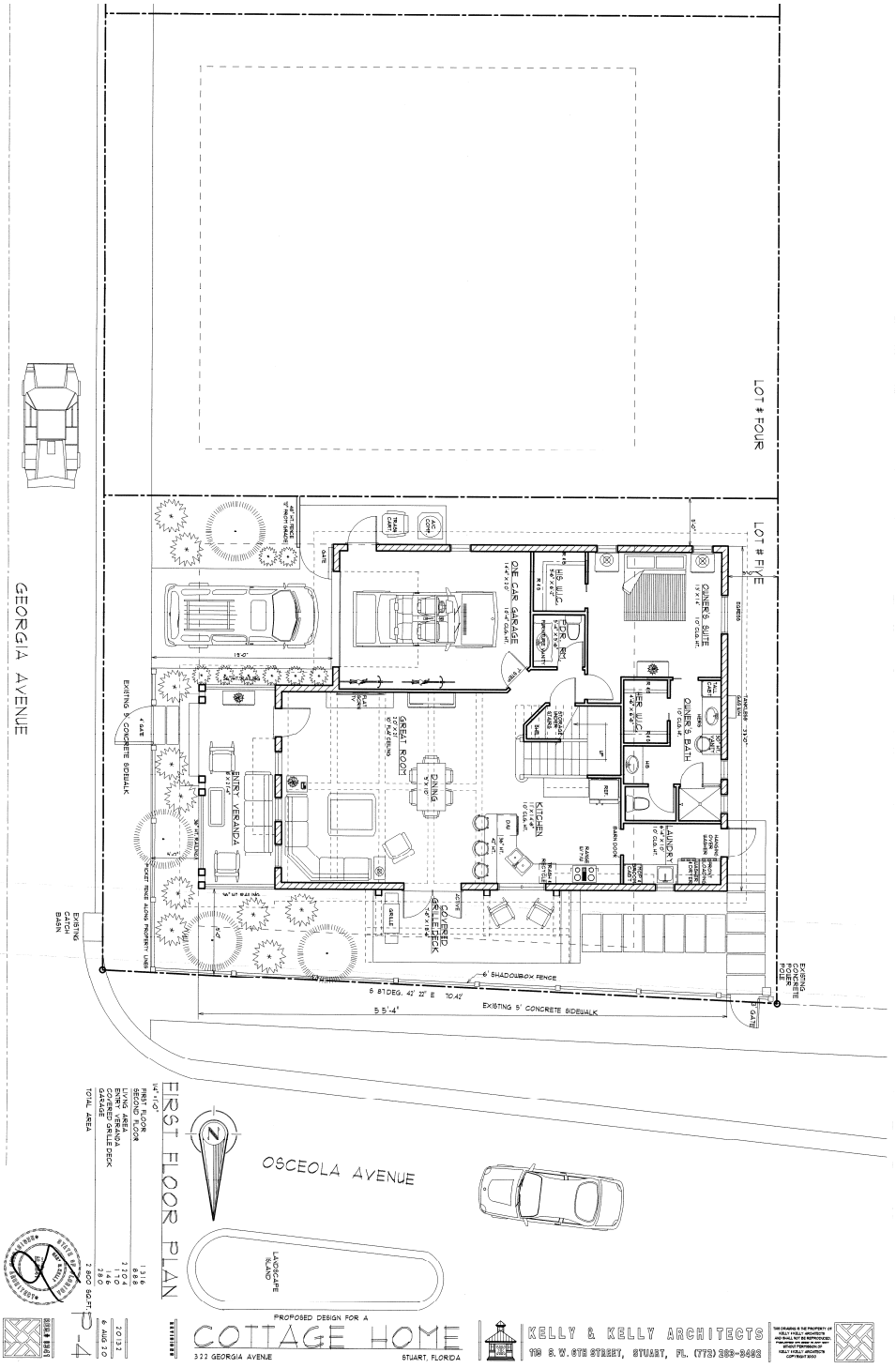


Exhibit 'D' Floor Plan 2

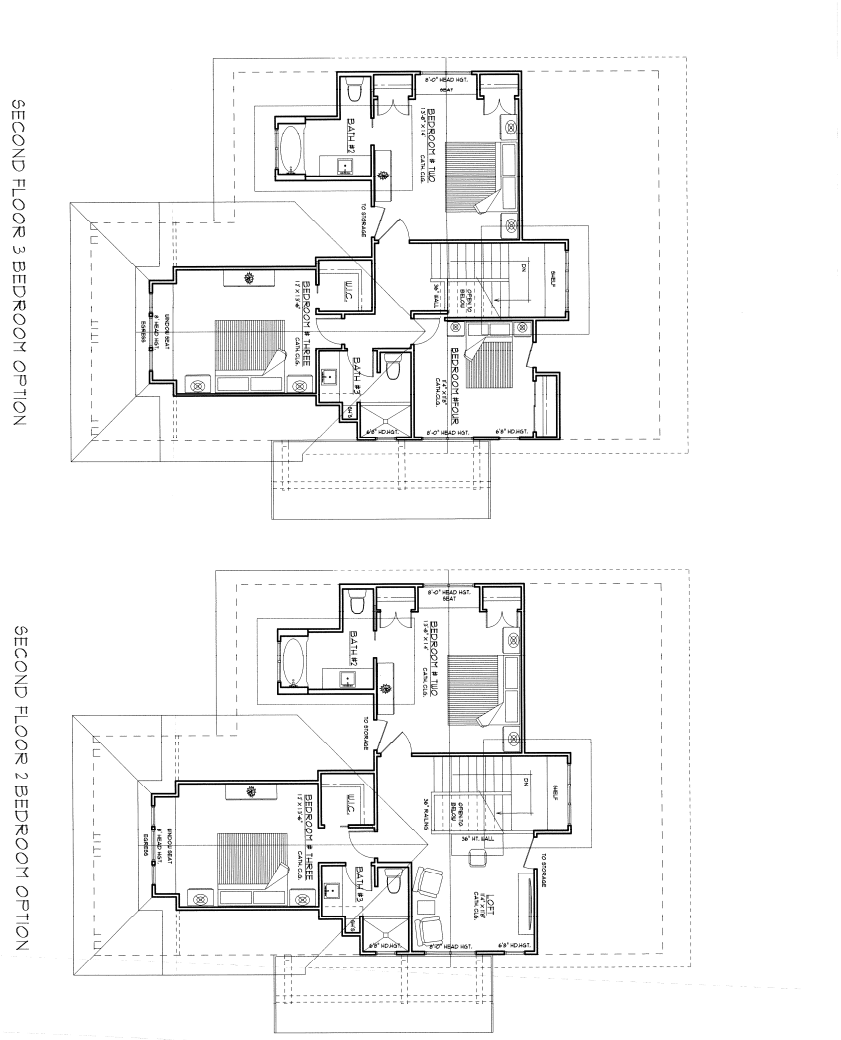


Exhibit 'D' Elevations

