BEFORE THE CITY COMMISSION
CITY OF STUART, FLORIDA

RESOLUTION NUMBER 16- 2019

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, GRANTING A CONDITIONAL USE APPROVAL TO NORTH STUART ACQUISITION AND DEVELOPMENT, LLC, OWNER OF PROPERTY LOCATED BETWEEN OLD DIXIE HIGHWAY AND THE FEC RAILROAD, NORTH OF THE ST. LUCIE RIVER, AS DESCRIBED WITHIN THE ATTACHED LEGAL DESCRIPTION; GRANTING APPROVAL FOR MIXED USE DEVELOPMENT OF A 27,000 SQUARE FOOT OFFICE BUILDING WITH 2,000 SQUARE FEET OF RETAIL SPACE, A 200 SEAT RESTAURANT AND A 27-SPACE PARKING GARAGE ON A 2.73-ACRE SITE; TO ALLOW FOR PARKING WITHIN THE BUILDING ENVELOPE, FOR A CONTINUOUS BUILDING FAÇADE OF MORE THAN 100 FEET IN WIDTH WITHOUT PROVIDING AN ADDITIONAL VISTA, FOR REDUCTION IN WIDTH OF THE SIDE VISTAS, FOR AN INCREASE IN ALLOWABLE BUILDING HEIGHT, FOR A REDUCTION IN THE MINIMUM PERCENTAGE OF BALCONIES ALONG THE WATERSIDE ELEVATION, FOR REDUCTION IN LANDSCAPE BUFFERS AND A REDUCTION OF SETBACKS; 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, North Stuart Acquisitions and Development, LLC, is requesting a Major Urban Code Conditional Use approval to allow for development of a 27,000 square foot office building with 2,000 square feet of retail space, a 200 seat restaurant and a 27-space parking garage on 2.73 acres of land, and

WHEREAS, the Applicant has requested a relief from 1) a prohibition to parking within the building envelope, 2) an increase in the maximum height from 3 stories and 35 feet to 4 stories and 45 feet, 3) allowing a vista designated along the sides of the property, 4) allowing for a continuous building façade of more than 100 feet in width without providing an additional vista to the river, 5) a reduction of the 10' landscape buffer along the right of way, along the FEC railroad, and the 6' landscape area between parking rows, 6) balconies and balcony rails on the waterside elevation are not at least 50% of the fenestration, 7) reduction of the side setback to 5 feet instead of 10 feet along the FEC railroad side and 8) sidewalks are 6 feet rather than 8 feet in width; and

WHERAS, 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 February 5, 2019; 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 February 25, 2019.

WHERAS, 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 North Stuart Acquisition and Development, LLC, as owner of certain real property located at between Old Dixie Highway and the FEC Railroad tracks, north of the St. Lucie River, 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 applicants business shall operate 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 a 27,000 square foot office building with 2,000 square feet of retail space, a 200 seat restaurant and a 27-space parking garage, varying from code requirements by allowing relief from 1) a prohibition to parking within the building envelope, 2) an increase in the maximum height from 3 stories and 35 feet to 4 stories and 45 feet, 3) allowing a vista designated along the sides of the property, 4) allowing for a continuous building façade of more than 100 feet in width without providing an additional vista to the river, 5) a reduction of the 10' landscape buffer along the right of way, along the FEC railroad, and the 6' landscape area between parking rows, 6) balconies and balcony rails on the waterside elevation are not at least 50% of the fenestration, 7) reduction of the side setback to 5 feet instead of 10 feet along the FEC railroad side and 8) sidewalks are 6 feet rather than 8 feet in width, as per the details included on the site plan, landscape plan and architectural elevations included as **"Exhibit C"**.

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
REBECCA S. BRUNER, MAYOR				
EULA R. CLARKE, VICE MAYOR				
KELLI GLASS LEIGHTON, COMMISSIONER				
MERRITT MATHESON, COMMISSIONER				
MIKE MEIER, COMMISSIONER				

ADOPTED this ___ day of _____, 2019.

ATTEST:

_____
MARY R. KINDEL
CITY CLERK

_____
REBECCA S. BRUNER
MAYOR

APPROVED AS TO FORM
AND CORRECTNESS:

_____
MICHAEL 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 THE FOREGOING DEVELOPMENT ORDER, 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 RESOLUTION. IN WITNESS WHEREOF THE UNDERSIGNED HAS EXECUTED THIS ACCEPTANCE AND AGREEMENT:

WITNESSES:

North Stuart Acquisitions and Development, LLC

Witness #1:

Applicant: Richard Geisinger

Print Name: _____

Print Name: _____

Signature: _____

Signature: _____

Witness #2:

Print Name: _____

Signature: _____

OWNERS ACKNOWLEDGMENT

The above Acceptance and Agreement was acknowledged before me this _____ day of

_____, 2019, by _____.

_____

Notary Public, State of Florida

My Commission Expires:

Notary Seal

Personally Known _____ OR Produced Identification _____Type of ID_____

Exhibit "A" Legal Description:

(NOT TO SCALE)

LEGAL DESCRIPTION

PARCEL 1

A PORTION OF GOVERNMENT LOT 3, SECTION 5, TOWNSHIP 38 SOUTH, RANGE 41 EAST MARTIN COUNTY, FLORIDA. BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCE AT THE NORTH ¼ CORNER OF SAID SECTION 5; THENCE S89°49'23"W ALONG THE NORTH LINE OF SAID SECTION 5 FOR 285.48 FEET TO THE POINT OF BEGINNING; SAID POINT BEING A POINT ON A CURVE CONCAVE TO THE NORTHEAST AND HAVING A TANGENT BEARING OF S12°41'38"E; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE HAVING A RADIUS OF 922.81 FEET AND A CENTRAL ANGLE OF 19°52'01" FOR 319.68 FEET TO AN INTERSECTION WITH THE ARC OF A CIRCULAR CURVE CONCAVE TO THE NORTHEAST AND HAVING A TANGENT BEARING OF S39°31'40"E; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE HAVING A RADIUS OF 597.53 FEET AND A CENTRAL ANGLE OF 14°49'38" FOR 154.63 FEET TO A POINT OF TANGENCY; THENCE S54°21'18"E FOR 92.61 FEET TO A POINT OF INTERSECTION WITH THE MEAN HIGH WATER LINE OF THE ST. LUCIE RIVER; THENCE ALONG THE MEAN HIGH WATER LINE FOR THE FOLLOWING FOUR (4) COURSES: (1)N07°17'00"W FOR 81.26 FEET; (2) N00°25'23"W FOR 47.14 FEET; (3)N00°48'09"W FOR 41.70 FEET; (4)N06°07'37"W FOR 26.27 FEET TO AN INTERSECTION WITH A LINE BEING 50.00 FEET SOUTHWESTERLY OF, AS MEASURED AT RIGHT ANGLES AND PARALLEL TO THE CENTERLINE OF RAILROAD TRACKS AS LAID OUT AND IN USE (12/12/02). THENCE NORTHWESTERLY ALONG SAID PARALLEL LINE FOR THE FOLLOWING TWO (2) COURSES: (1) N46°19'29"W FOR 129.38 FEET TO A POINT OF CURVATURE WITH THE ARC OF A CIRCULAR CURVE CONCAVE TO THE NORTHEAST; THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE HAVING A RADIUS OF 802.22 FEET AND A CENTRAL ANGLE OF 15°26'20" FOR 216.17 FEET TO AN INTERSECTION WITH THE AFOREMENTIONED NORTH LINE OF SECTION 5; THENCE S89°49'23"W FOR 69.50 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 54,719 SQUARE FEET OR 1.256 ACRES MORE OR LESS

AND TOGETHER WITH

PARCEL 2

A PORTION OF GOVERNMENT LOT 3, SECTION 5, TOWNSHIP 38 SOUTH, RANGE 41 EAST MARTIN COUNTY, FLORIDA. BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGIN AT THE NORTH ¼ CORNER OF SAID SECTION 5; THENCE S89°49'23"W ALONG THE NORTH LINE OF SAID SECTION 5 FOR 96.59 FEET TO AN INTERSECTION WITH THE ARC OF A CIRCULAR CURVE BEING 50.00 FEET NORTHEASTERLY OF, AS MEASURED AT RIGHT ANGLES AND PARALLEL TO THE CENTERLINE OF RAILROAD TRACKS AS LAID OUT AND IN USE (12/12/02) AND HAVING A TANGENT BEARING OF S35°52'01"E; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID PARALLEL CURVE HAVING A RADIUS OF 702.22 FEET AND A CENTRAL ANGLE OF 10°27'28" FOR 128.17 FEET TO A POINT OF TANGENCY; THENCE S46°19'29"E FOR 16.33 FEET TO AN INTERSECTION WITH THE MEAN HIGH WATER LINE OF THE ST. LUCIE RIVER; THENCE MEANDER ALONG SAID MEAN HIGH WATER LINE FOR THE FOLLOWING FOUR (4) COURSES: (1)N08°26'25"E FOR 25.24 FEET; (2)N00°49'02"W FOR 22.74 FEET; (3) N05°58'57"E FOR 31.58 FEET; (4) N01°50'29"E FOR 28.95 FEET TO AN INTERSECTION WITH THE EASTERLY EXTENSION OF THE NORTH LINE OF SAID SECTION 5; THENCE S89°49'23"W FOR 6.96 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 6,018 SQUARE FEET MORE OR LESS.

SAID PARCELS BEING SUBJECT TO ANY/ALL EASEMENTS, RESERVATIONS, RESTRICTIONS AND DEDICATIONS.

Exhibit "B" Conditions of Approval

1. The project shall adhere to the site plan prepared by CAPTEC Engineering, Inc., dated 11.14.18

2. The project shall adhere to the architectural elevations, prepared by Robert Britt, Architect, Inc. dated 10.14.18, and shall be constructed of concrete masonry units.

3. The project shall adhere to the landscape plan by Boggs, Planning and Landscape Architecture, and not dated.

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

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

6. 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.

7. 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.

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

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

10. 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.

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

12. Dock Facilities are for the expressed use of the public, the property owner and tenants of the property. Leasing of dock slips to entities other than guests or owners of the commercial tenants of the project is prohibited. Dock & slips are illustrative in nature and not final documents.

13. All dock facilities and marine related bulkheads, hardened shorelines, etc. shall be maintained by the property owner, any new marine related improvements, modification, repairs and permitting associated with such facilities shall be accomplished by, and the responsibility of, the association. 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.

14. 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.

15. The applicant shall obtain a Certificate of Occuapncy for both buildings prior to March 1, 2022.

16. The following uses shall be permitted:
    a. Retail
    b. Office, Professional
    c. Restuarant

Exhibit "C" Boundary Survey

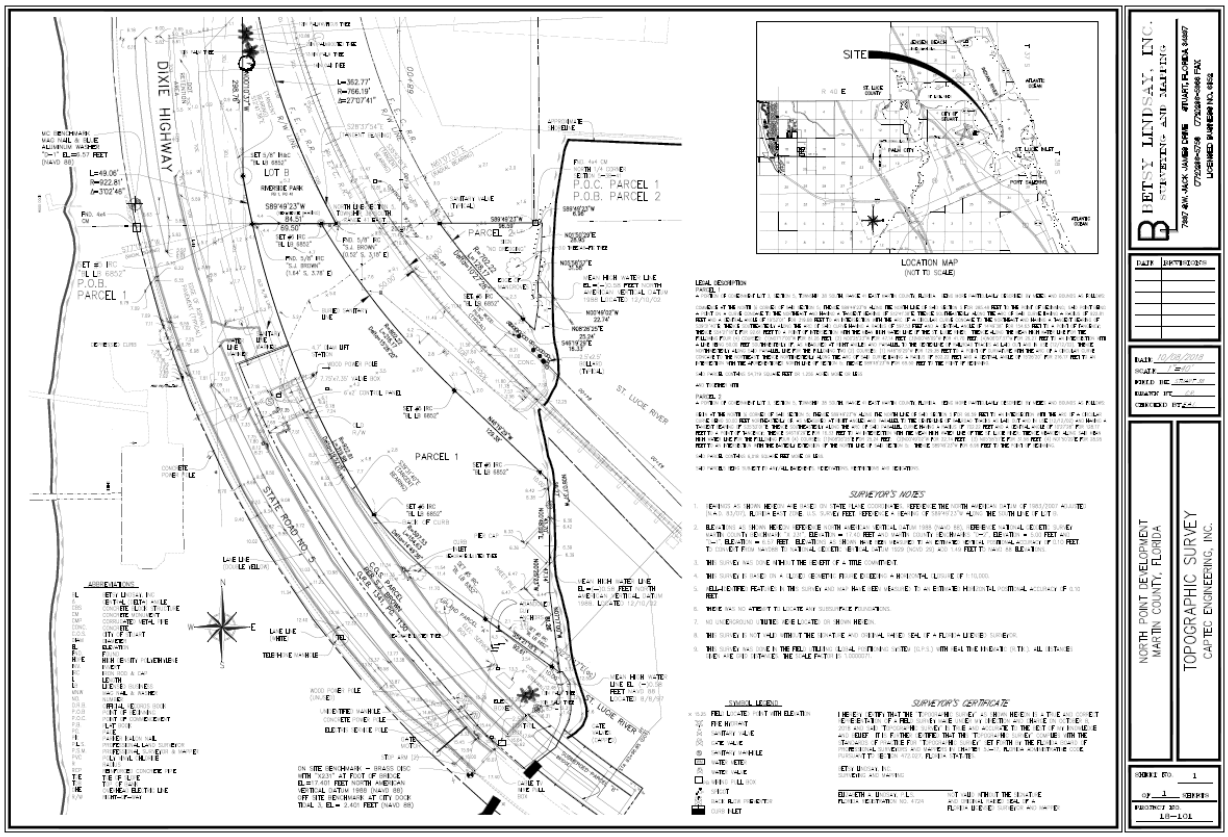


Exhibit "C" Site Plan

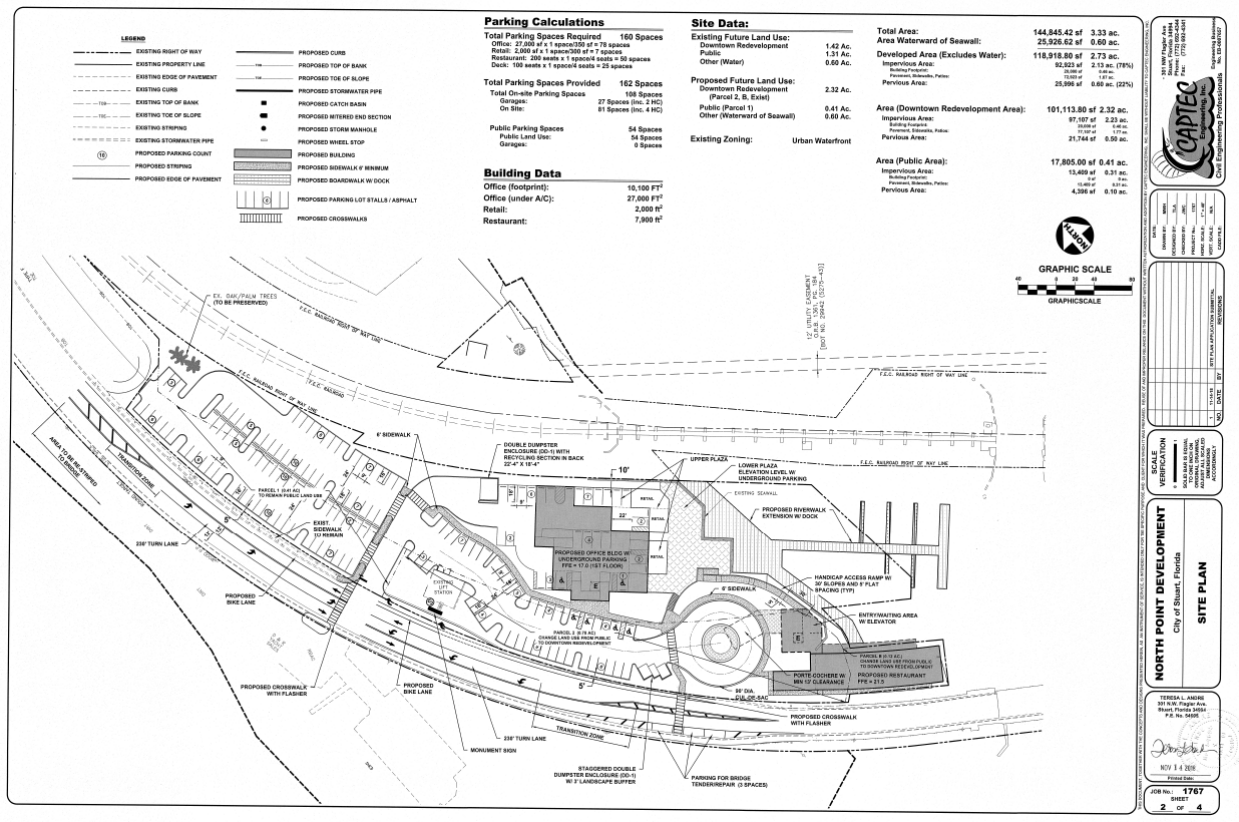


Exhibit "C" landscape Plan

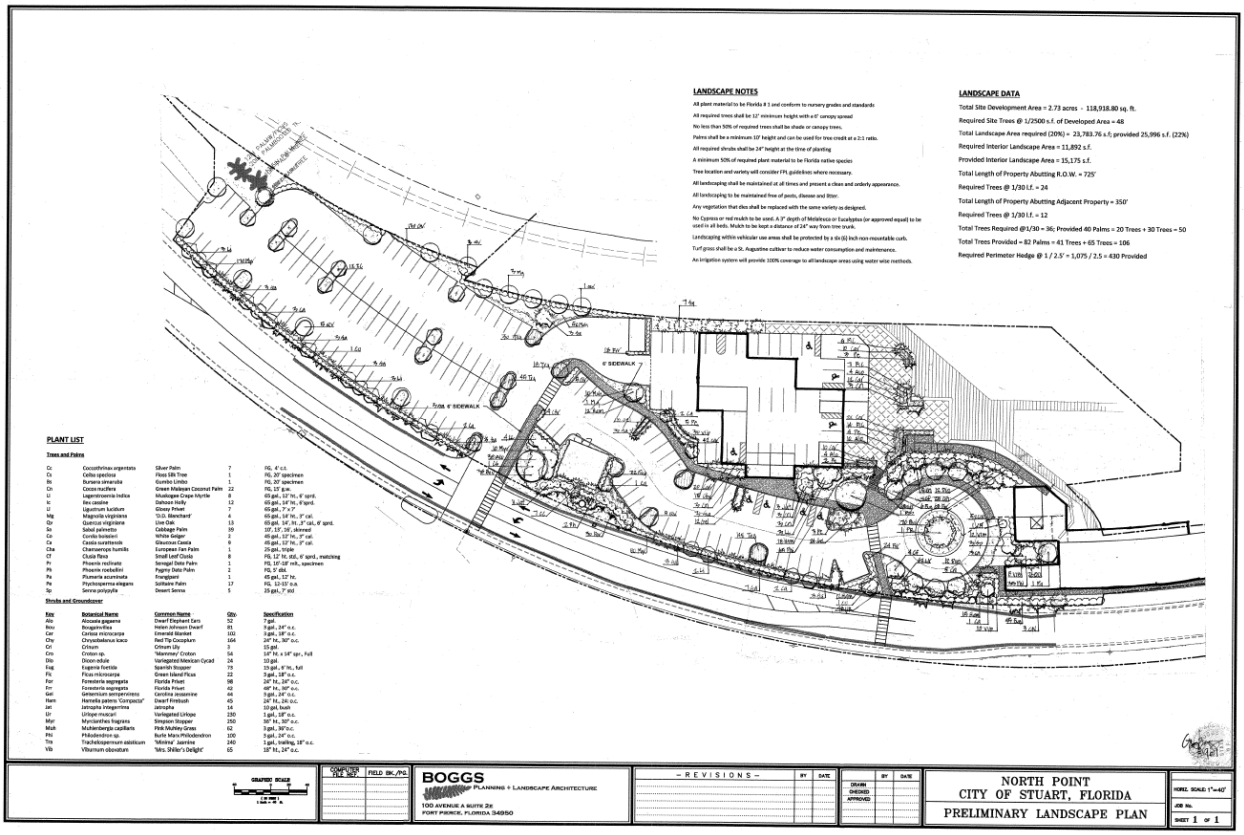
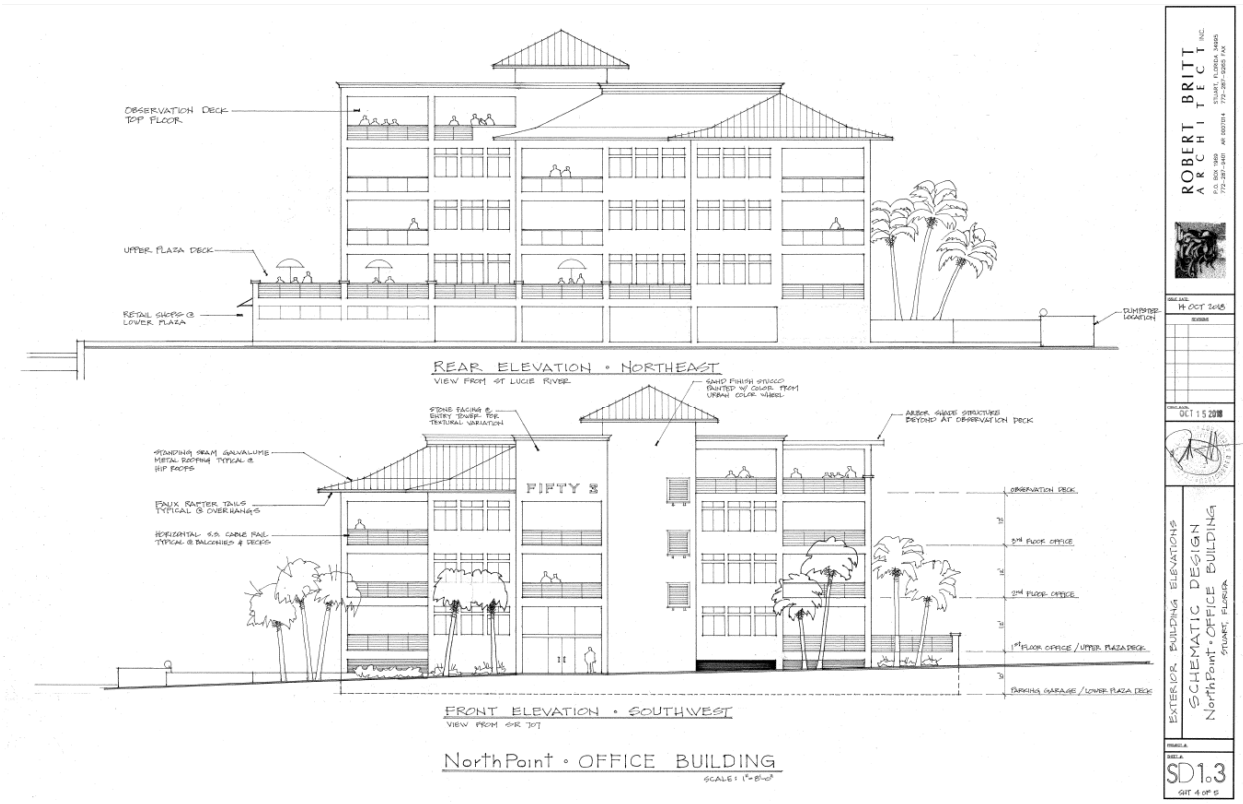
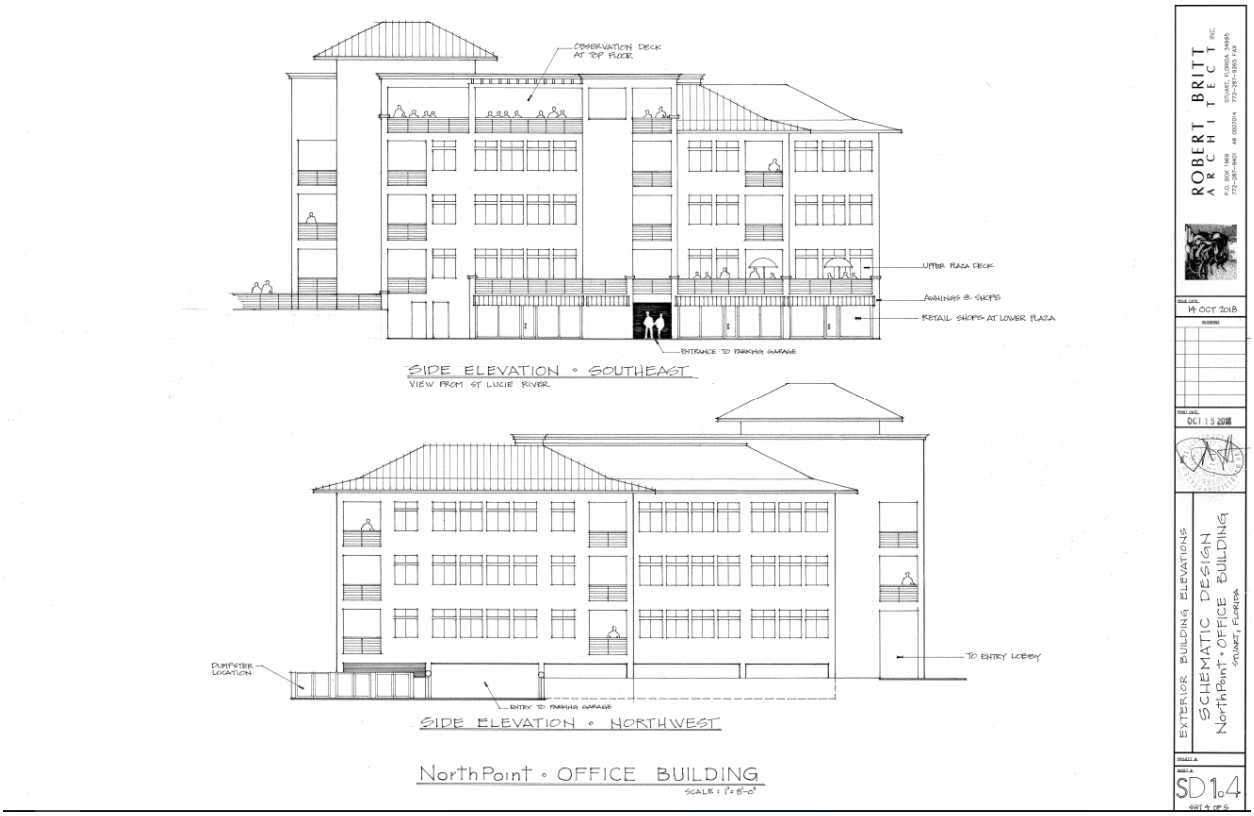
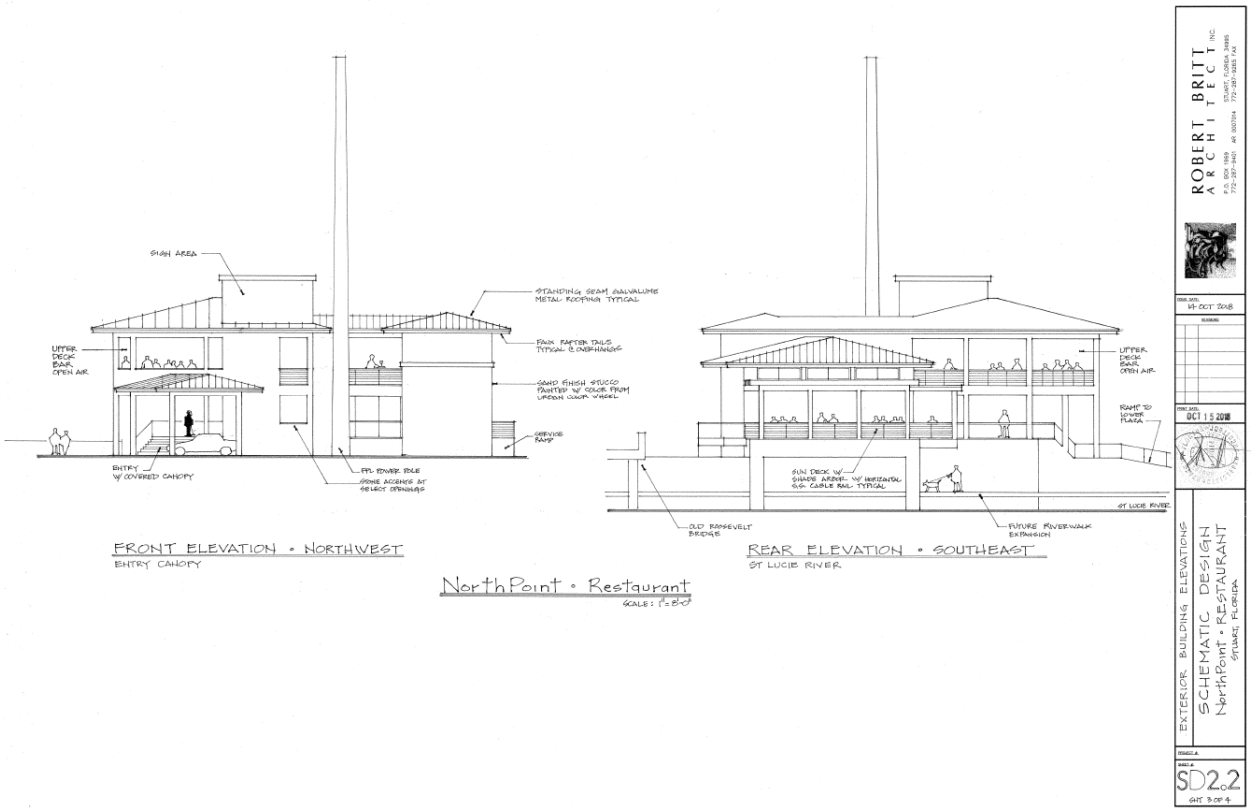


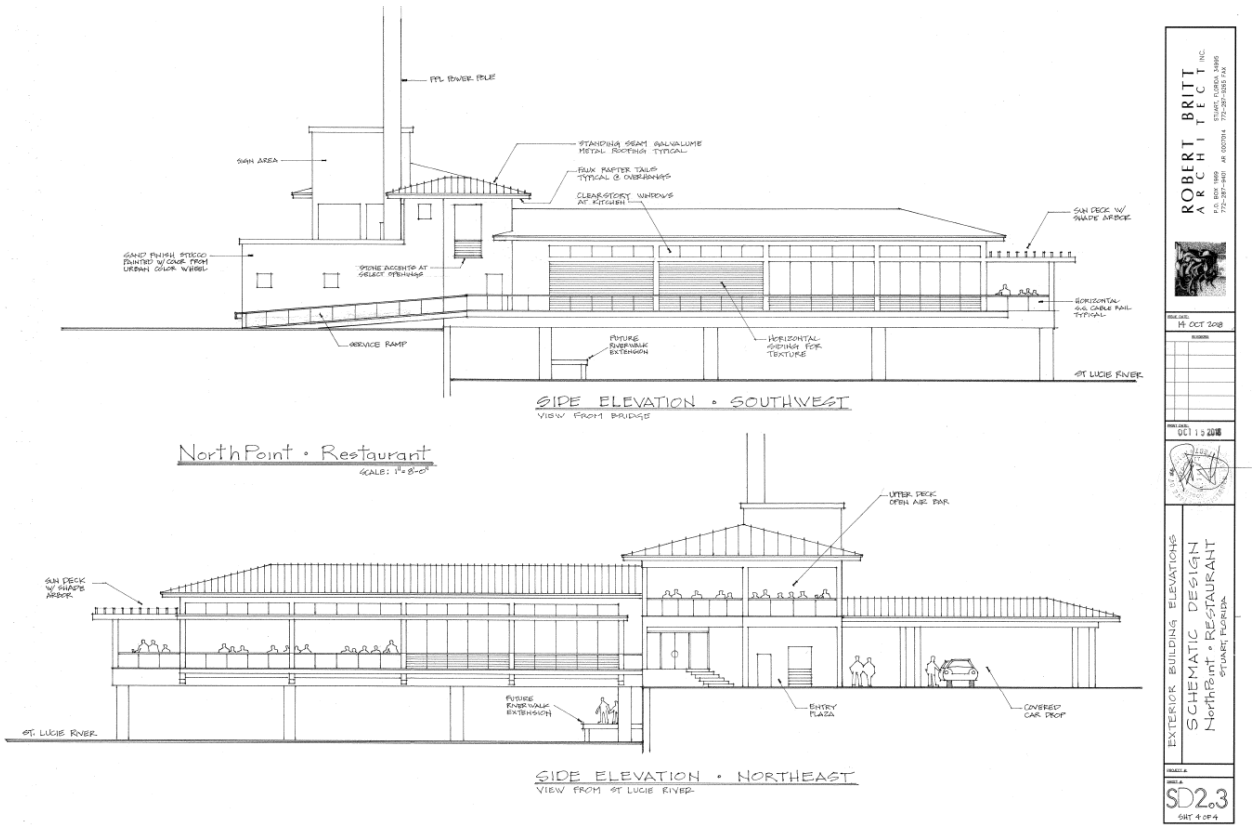
Exhibit "C" Elevations




OBSERVATION DECK AT 3RD FLOOR
UPPER PLAZA DECK
AWNINGS & SIGNS
RETAIL SHOPS AT LOWER PLAZA
ENTRANCE TO PARKING GARAGE
SIDE ELEVATION • SOUTHEAST
VIEW FROM ST LUCIE RIVER
DUMPSTER LOCATION
TO ENTRY LOBBY
ENTRY TO PARKING GARAGE
SIDE ELEVATION • NORTHWEST
NorthPoint • OFFICE BUILDING
SCALE: 1"=8'-0"
ROBERT BRITT ARCHITECT
EXTERIOR BUILDING ELEVATIONS
SCHEMATIC DESIGN
NorthPoint • OFFICE BUILDING
STUART, FLORIDA
SD 1.4



ROBERT BRITT ARCHITECT INC.
STUART, FLORIDA 34995
772-287-4800 FAX
AR 0007074
ISSUE DATE: 11 OCT 2018
PLANNING
REVISIONS: OCT 15 2018
EXTERIOR BUILDING ELEVATIONS
SCHEMATIC DESIGN
NorthPoint • RESTAURANT
STUART, FLORIDA
PROJECT #
SHEET #
SD2.2
SHT 3 OF 4


FPL POWER POLE
STANDING SEAM GALVALUME METAL ROOFING TYPICAL
SWAN AREA
FALSE RAFTER TAILS TYPICAL @ OVERHANGS
CLEAR-STORY WINDOWS AT KITCHEN
SUN DECK W/ SHADE ARBOR
SAND FINISH STUCCO PAINTED W/ COLOR FROM URBAN COLOR WHEEL
STONE ACCENTS AT SELECT OPENINGS
HORIZONTAL S.S. CABLE RAIL TYPICAL
SERVICE RAMP
FUTURE RIVERWALK EXTENSION
HORIZONTAL SHIPLAP FOR TEXTURE
ST LUCIE RIVER
SIDE ELEVATION • SOUTHWEST
VIEW FROM BRIDGE
NorthPoint • Restaurant
SCALE: 1"= 8'-0"
UPPER DECK OPEN AIR BAR
SUN DECK W/ SHADE ARBOR
FUTURE RIVERWALK EXTENSION
ENTRY PLAZA
COVERED CAR PROP
ST. LUCIE RIVER
SIDE ELEVATION • NORTHEAST
VIEW FROM ST LUCIE RIVER
ROBERT BRITT ARCHITECT INC.
P.O. BOX 1989 STUART, FLORIDA 34995
772-287-1401 AR 0007914 772-287-1585 FAX
14 OCT 2018
DEC 13 2018
EXTERIOR BUILDING ELEVATIONS
SCHEMATIC DESIGN
NorthPoint • RESTAURANT
STUART, FLORIDA
SD2.3