BEFORE THE CITY COMMISSION

CITY OF STUART, FLORIDA

ORDINANCE NUMBER 2411-2019

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, APPROVING A MAJOR AMENDMENT TO THE COMMERCIAL PLANNED UNIT DEVELOPMENT (CPUD) ADOPTED BY ORDINANCE No. 1527-97 FOR A 7.01 ACRE PARCEL ON THE EAST SIDE OF COMMERCE AVENUE SOUTH OF INDIAN STREET OWNED BY TED GLASRUD ASSOCIATES FL, LLC, SAID LAND BEING MORE FULLY DESCRIBED IN EXHIBIT "A" ATTACHED; ESTABLISHING PLANTATION STORAGE OF STUART, CONSISTING OF A 98,000+- SQUARE FOOT SELF-STORAGE FACILITY WITH 4,347 SQUARE FEET OF OUTDOOR BOAT AND VEHICULAR STORAGE AREA; APPROVING A MASTER SITE PLAN; PROVIDING FOR DEVELOPMENT CONDITIONS AND A TIMETABLE FOR DEVELOPMENT, DECLARING THE PLAN TO BE CONSISTENT WITH THE CITY'S COMPREHENSIVE PLAN; PROVIDING DIRECTIONS TO THE CITY CLERK; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

* * * * *

WHEREAS, the City Commission held a properly noticed hearing at a regularly scheduled City Commission to consider the application by Mathers Engineering and Southeast

Management Company, LLC representing Ted Glasrud Associates FL, LLC (owner), for a 7.01 acre parcel of land located on the east side of Commerce Avenue south of Indian Street; and

WHEREAS, the City of Stuart has determined the need to amend the existing CPUD; and

WHEREAS, the City Commission, has considered the Petitioner's voluntary request for a Major Amendment to the CPUD, and has also considered the recommendation of the City staff.

WHEREAS, the Applicant has committed to the City that its development will comply with all development codes, plans, standards and conditions approved by the City Commission; and that it will bind its successors in title to any such commitments made upon approval of the CPUD; and

WHEREAS, at the hearing the applicant showed by substantial competent evidence that the application is consistent with the Stuart Comprehensive Plan, and the Land Development Code of the City, and with the procedural requirements of law; and

WHEREAS, the CPUD development will be in harmony with surrounding properties and their anticipated development;

WHEREAS, the foregoing recitals are true and adopted as findings of fact and conclusions of law.

WHEREAS, the property is legally described in **"Exhibit A"** of this ordinance. A map depicting the property is attached hereto as **Exhibit "B"** and made a part hereof by reference; and development conditions including a timetable for construction attached hereto as **Exhibit "C";**

NOW THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA THAT:

SECTION 1: The following new documents are on file as public records of the City, at the office of the City Clerk in City Hall, and attached hereto as **Exhibit "D"**, hereinafter the

"Development Documents", shall be deemed a part of the development conditions, and shall supplement any earlier approvals:

a. **The Site Plan, Sheet 1, prepared by Mathers Engineering, dated March of 2019, revised on 07.31.19.**
b. **The Chase Storage IV, LLC Land Title & Boundary and Tree Survey, Sheet 1 of 1, by Stephen J. Brown, Inc, dated 4.12.17.**
c. **The Landscape Development Plan, the Landscape Specifications Plan and the Tree Disposition Plan Sheets LP1, LP2 and TDP-1 all prepared by Gentile Glas Holloway O'Mahoney and Associates Inc., dated 03.28.19, and last revised on 06.12.19.**
d. **Architectural Floor Plans and Elevation for Self-Storage Warehouse, Sht. SD-1, SD-2 and SD-3 and SD-4 by Ahern and Associates, Architects, P.A. dated June 12, 2019.**

SECTION 2: The Future Land Use designation in the City's Comprehensive Land Use Plan shall remain "Commercial". The Land Development (Zoning) District designation on the City of Stuart Official Zoning Map shall remain "CPUD" Commercial Planned Unit Development amended by this ordinance to allow for an approximately 98,000 square foot Self-storage facility and 4,347 square feet of outdoor boat and vehicular storage area.

SECTION 4: This ordinance becomes effective upon adoption.

SECTION 5: Except as otherwise provided herein, no development permits, site permits, or building permits shall be issued by the City except in compliance with the City's Land Development Code.

SECTION 6: All ordinances or parts of ordinances in conflict with this ordinance or any

part thereof is hereby repealed to the extent of such conflict. If any provision of this ordinance conflicts with any contractual provision between the City and the developer of the site, this ordinance shall prevail.

SECTION 7: If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared severable.

SECTION 8: This ordinance shall be effective upon the following to occur: adoption by the City Commission, and proper execution and acceptance by the Owner.

SECTION 9: The complete execution and recording of this Ordinance by the City Clerk shall occur no later than 60 days from the date of this approval, failing which this ordinance shall be void.

SECTION 10: Upon complete execution of this Ordinance, including the Acceptance and Agreement by the Owner, 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 12th day of August 2019.

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

ADOPTED on second and final reading 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 A COMMERCIAL PLANNED UNIT DEVELOPMENT 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 COMMERCIAL PLANNED UNIT DEVELOPMENT ACCORDING TO THIS ORDINANCE, ITS CONDITIONS, AND THE DEVELOPMENT PLANS AND DOCUMENTS, THE UNDERSIGNED UNDERSTANDS AND AGREES THAT THIS ORDINANCE 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:

Theodore G. Glasrud, President
Ted Glasrud Associates FL, LLC

_____ By: _____

Print Name: _____

_____

Print Name: _____

OWNERS ACKNOWLEDGMENT

The above Ordinance, Acceptance and Agreement was acknowledged before me this _____ day of _____, 2019, by Theodore G. Glasrud, president.

_____
Notary Public, State of Florida
My Commission Expires:

Notary Seal

Personally Known _____ OR Produced Identification _____
Type of Identification Produced _____

CITY'S ACKNOWLEDGMENT

The above Ordinance, Acceptance and Agreement was acknowledged before me this _____day of _____, 2019, by REBECCA S. BRUNER, MAYOR , and Mary R. Kindel, City Clerk, respectively, of the City of Stuart, Florida, a Florida municipal corporation.

_____
Notary Public, State of Florida
My Commission Expires:

Notary Seal

Personally Known _____ OR Produced Identification _____
Type of Identification Produced _____

EXHIBIT A – LEGAL DESCRIPTION

The land referred to herein below is situated in the county of Martin, State of Florida, and described as follows:

Parcel I:
Tract 105 Lying East of SE Commerce Avenue and tract 106 lying west of the Florida East Coast Railway, Sewall's Point Land Company subdivision, according to the map or plat thereof, as recorded in plat book 3, page 7 of the public records of Palm Beach (now Martin) County, Florida, less and excepting the south 215 feet of tracts 105 and 106 lying east of the east right-of-way line of SE Commerce Avenue and the west of the west right-of-way line of the Florida East Coast Railways as conveyed to D&C Properties (Stuart) LLC, a Florida limited liability company recorded in official records book 2231, Page 2403.

Parcel II:
A parcel of land being a portion of lands described in official records book 441, page 2161, Martin County, Florida, public records. Being more particularly described as follows:
Commence at the intersection of the southwesterly right-of-way line of the Florida East Coast Railroad and the southeasterly right-of-way line of S.E. Indian Street: thence

south 41°59’54” east, along the southwesterly right-of way line of the Florida East Coast Railroad, a distance of 762.83 feet to the point of beginning; thence continue south 41°59’54” east a distance of 130.35 feet; thence departing said right-of-way, south 66°19’23” west a distance of 105.33 feet; thence north 41°59’54” west a distance of 130.35 feet; thence north 66°19’23” east a distance of 105.33 feet to the point of beginning.

Parcels I & II contain approximately 305,211.92 square feet, 7.01 acres +/-.

EXHIBIT B – LOCATION MAP

AERIAL MAP



EXHIBIT C – DEVELOPMENT CONDITIONS

Approved Plans and Documents (Exhibit D)

1. The Plantation Storage of Stuart CPUD and use thereof shall comply with the following documents and drawings:

   a. **The Site Plan, Sheet 1, prepared by Mathers Engineering, dated March of 2019, signed on 07.31.19**
   b. **The Chase Storage IV, LLC Land Title & Boundary and Tree Survey, Sheet 1 of 1, by Stephen J. Brown, Inc, dated 4.12.17.**
   c. **The Landscape Development Plan, the Landscape Specifications Plan and the Tree Disposition Plan Sheets LP1, LP2 and TDP-1 all prepared by Gentile Glas Holloway O'Mahoney and Associates Inc., dated 03.28.19, and last revised on 06.12.19.**
   d. **Architectural Floor Plans and Elevation for Self-Storage Warehouse, Sht. SD-1, SD-2 and SD-3 and SD-4 by Ahern and Associates, Architects, P.A. dated June 12, 2019.**

Prior to Issuance of Site Permit

2. The applicant shall provide a digital boundary survey and civil plan prior to the issuance of any site permits.

3. Final Development plans and/or Construction Drawings and Building Plans shall be submitted, reviewed, and approved by the City prior to the issuance of any Development Permits.

4. Civil Plans shall be reviewed and approved by all applicable City departments prior to the issuance of a site permit.

5. All regulatory agency permits, including but not limited to the South Florida Water Management District, shall be obtained by the applicant and copies provided to the City prior to the commencement of any development activities.

Development and Construction

6. Except as otherwise set forth in the Plantation Storage of Stuart CPUD, development shall comply with the City Land Development Code. Any modifications to the Final Site Plan that does not exceed 10% of the approved building footprint, building setbacks, gross square footage, building location, parking size, location and number of parking, drainage areas, and location of landscaping, may be approved by the City's Development Director, provided however, the Development Director may refer the matter to the City Commission for approval via public hearing.

7. Notwithstanding item 6 above, or the site plan attached herein, the applicant may make minor modifications to each of the building footprints, so long as each of the building area changes are 5% or less and the new elevations continue to meet the Stuart Land Development Code.

8. All applicable state or federal permits must be obtained before the commencement any development activities. Issuance of this development order/permit/approval by the City of Stuart does not in any way create any right on the part of an applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the City of Stuart for the issuance of this order/permit/approval if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law.

9. Development of the Subject Property as a CPUD shall include an impervious area of not more than fifty-six point two percent (56.2%) for the entire parcel within the CPUD. The maximum building height within the CPUD shall be twenty-five (25) feet, or 1 story. Height shall be measured from the lowest permissible finished first floor elevation to the surface of a flat roof and to the eave of a pitched roof. The peak of a pitched roof may not exceed 15 feet above the maximum building height.

10. The development shall use reclaimed water (Purple Pipe) for watering common areas when available.

11. In the event of any conflict in the provisions of Exhibit 'C' Development Conditions and attached exhibits, Exhibit 'C' shall prevail.

12. Prior to certificate of occupancy of the building, the applicant shall provide an engineer's written confirmation attesting that the CPUD's storm water system is in place and functioning in compliance with all approved plans and specifications.

13. Construction activity shall be limited from 7.00 am to 6:00 pm Monday – Saturday.

14. In the event of any conflict in the provisions of Exhibit 'C' Development Conditions and attached exhibits, Exhibit 'C' shall prevail.

15. Erosion and dust control measures to be implemented during construction shall be provided on the civil plans and submitted during site permit review.

16. Any existing infrastructure, sidewalk or private property that is damaged during construction shall be repaired or replaced prior to the issuance of a Certificate of Occupancy.

17. Lighting poles in the parking areas shall not exceed 25' in height. Lighting poles in the pedestrian areas shall not exceed 15' in height. Prior to issuance of a vertical building permit, a photometric plan with details shall be submitted and all site lighting shall comply with a plan acceptable to the City and reviewed by Police for CEPTED/Crime Prevention recommendations.

18. Developer agrees to provide a 10-foot easement, to Martin County Utilities, along the frontage of the Property for purposes of construction and maintenance of a water utility line.

19. Building addresses and/or numbers shall be in plain view and shown on each building plan submitted at the time of building permit application in accordance with the City Code and shall be consistent with the sign plan.

20. All on-site utilities lines shall be buried.

Temporary or freestanding storage units are prohibited on the property once construction is complete.

21. The County has accepted the City's request for an 8-foot wide sidewalk as part of the improvements as long as the design engineer is able to confirm the resultant swale has compacity for stormwater runoff.

Landscaping

21. The common buffer and other common areas shall be provided with landscaping with an irrigation system of sufficient capacity to maintain the landscaping in a healthy growing condition.

22. "Hat racking" of trees is prohibited on the property.

23. The City's landscape inspector shall have the opportunity to inspect all trees and/or landscape material with the landscape architect prior to installation. The developer shall bear the pass-thru fee for landscape consulting fees not to exceed $1,500.00.

24. A landscape maintenance agreement, executed in accordance with the Land Development Regulations, shall be submitted prior to the issuance of the first Certificate of Occupancy any building shown on the Final Site Plan.

Open Space, Required Native Preserve Area, Tree Mitigation Requirements and Littoral Plantings

25. Not less than 76,303 S.F. of the CPUD shall be open space as defined in the City Land Development Regulations. The applicant has provided 133,701 S.F. of the property as open space, including the perimeter landscape buffers and interior landscape area. Required open space may include native vegetation areas and landscape buffers between the CPUD and adjacent property; however, other required landscaping shall not count towards the open space requirement.

26. In order to enhance the value of total habitat preserved, the City determined that all upland preserve areas attributable to the property located within this CPUD were better served on a nearby undeveloped parcel consisting of superior quality habitat. Accordingly, the upland preserve area requirements for the subject property located within this CPUD have been met via Ordinance 2361- 2018.

27. Prior to littoral planting at perimeter of Bio-retention pond, all invasive exotic/non-native plant species, any damaged or diseased plants, and any plants unsuited to grow in a littoral environment shall be removed. Disturbed areas shall be removed to ensure the survival and health of the replacement plant material. See landscape legend for species. The applicant shall be responsible for maintaining littoral plantings in perpetuity as prescribed on the Landscape Plan.

28. Prior to any development activities on the site, payment into the City's tree replacement fund based on the City's Tree Replacement Formula, Section 5.05.02. The following is an estimate of fees owed as of the date of this ordinance. A final fee calculation is required at the time of permitting.

Tree type	**Total $ to pay into city's tree fund**
Slash Pine	$36,354.00
All trees less Slash Pine (hardwoods)	$14,400.00
Total Requirements	**$50,754.00**

Signage

29. All signs throughout the CPUD must have a consistent treatment, as to number, location, size, height, lighting, and materials with a unified theme throughout the Planned Unit Development. Building facade or wall signage shall be subject to a unified signage plan specific to this development. All signage including wall signs shall comply with Section 6.11.00 of the City's Land development code.

30. The monument sign(s) shall adhere to the design shown on Sheets SD-4 of Ahern & Associates Architects attached as part of this exhibit.

Development Timetable

31. Construction of roads, utilities, drainage improvements and other common elements serving the property will be completed prior to the issuance of the certificate of occupancy for the first building.

32. Timetable for development shall be as follows:

Site and Building permit applications deemed sufficient for permit review under city codes and standards.	**December 31, 2022**
Final Certificate of Occupancy for all site and building improvements.	**December 31, 2025**

Allowable Uses

33. The following uses shall be permitted:
    a. Self-Storage with ancillary office and ancillary retail services customary for self-storage facilities.
    b. Outdoor boat and vehicular storage.

Prohibited

34. No temporary or modular buildings are permitted on the property except for permitted temporary construction/leasing trailers.

35. Billboards are prohibited on the property.

36. Banners and any other sign or advertising device not in accordance with the City's Land Development Regulations are prohibited.