BEFORE THE CITY COMMISSION
CITY OF STUART, FLORIDA

RESOLUTION NUMBER 03-2020

RESOLUTION NUMBER 03-2020: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, CONSIDERING A MAJOR URBAN CODE CONDITIONAL USE APPROVAL TO IOANNA LAS LLC, (CONTRACT PURCHASER) FOR THE PROPERTY LOCATED AT 603 SE FEDERAL HWY, TO ALLOW A DENSITY OF 24 UNITS PER ACRE; 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, Spiro Laskaris of IOANNA LAS, LLC (The "Contract Purchaser") filed an application on October 3rd, 2019, for a Major Urban Code Conditional Use Permit to allow a residential density of twenty-four (24) dwelling units per acre for the purpose of a change the use from hotel to residential apartments at the property known as Southwind Motel and located at 603 SE Federal Highway, Stuart, Florida.

WHEREAS, the City Commission held a properly noticed hearing on _____, to consider the application for an increase in residential density as a conditional use; and

WHEREAS, at a public hearing the applicant has shown by substantial competent evidence that the proposed use does not create any detrimental effects on adjacent properties, within three hundred (300) feet of the proposed location; and

NOW THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA that:

SECTION 1: The City Commission hereby grants a Major Urban Code Conditional Use Approval to IOANNA LAS, LLC, as the contract purchaser of the property known as Southwind Motel at 603 SE Federal Highway, Stuart, Florida. The Major Urban Code Conditional Use is hereby conditionally granted by the City to the Applicant in accordance with the Final Site Plan prepared by Gzelka Engineering, Inc, dated November 2019 attached hereto. This conditional use shall run with the land and any modification shall require further commission action.

SECTION 2: A legal description of the Property is set forth in **Exhibit A** of this Resolution. A map depicting the property and location of the property is attached hereto as **Exhibit B** and made a part hereof by reference; and

SECTION 3: The site is defined on the attached boundary survey dated October 12th, 2019 by Cristian Fenex and Associates, LLC and attached hereto as **Exhibit C**.

SECTION 4: This resolution shall take effect upon adoption.

Resolution #03-2020
603 SE Federal Hwy
Conditional Use Approval

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,				
EULA R. CLARKE,				
KELLI GLASS LEIGHTON,				
MERRITT MATHESON,				
MIKE MEIER,				

ADOPTED this ____ day of _____, 2020.

ATTEST:

_____ _____

MARY R. KINDEL
CITY CLERK

MAYOR

APPROVED AS TO FORM
AND CORRECTNESS:

_____

MICHAEL MORTELL
CITY ATTORNEY

STATE OF _____

COUNTY OF _____

Resolution #03-2020
603 SE Federal Hwy
Conditional Use Approval

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 RESOLUTION. IF IT IS LATER DISCOVERED THAT THE UNDERSIGNED, OR ITS SUCCESSORS OR ASSIGNS HAVE FAILED IN ANY MATERIAL WAY, ITS CONDITIONS, AND THE DEVELOPMENT DOCUMENTS, THE UNDERSIGNED UNDERSTANDS AND AGREES THAT THIS RESOLUTION 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 RESOLUTION, CODE ENFORCEMENT ACTIONS, PERMIT AND LICENSING SUSPENSIONS OR REVOCATIONS, AND ANY OR ALL OTHER APPLICABLE CIVIL AND CRIMINAL ACTIONS.

IN WITNESS WHEREOF THE UNDERSIGNED HAS EXECUTED THIS ACCEPTANCE AND AGREEMENT:

WITNESSES:

_____
Print Name:_____

_____
Print Name:_____

IOANNA LAS, LLC

By:_____
Spiro Lazkaris

OWNERS ACKNOWLEDGMENT

The above Acceptance and Agreement of Resolution No. 103-2019 was acknowledged before me this _____ day of _____, 2019, IOANNA LAS, LLC.

_____

Notary Public, State of Florida

My Commission Expires:
Notary Seal

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

Exhibit A – Legal Description

Lots 1, 2, 3, 4, 8, 9, 10, 11, 12, AND 13, AND THE NORTH 12.5 FEET OF LOTS 20 AND 21, BLOCK 1 FRAZIER CRESCENT SUBDIVISION, AS RECORDED IN PLAT BOOK 1, PAGE 46, MARTIN COUNTY, FLORIDA PUBLIC RECORDS.

Exhibit B
Location Map

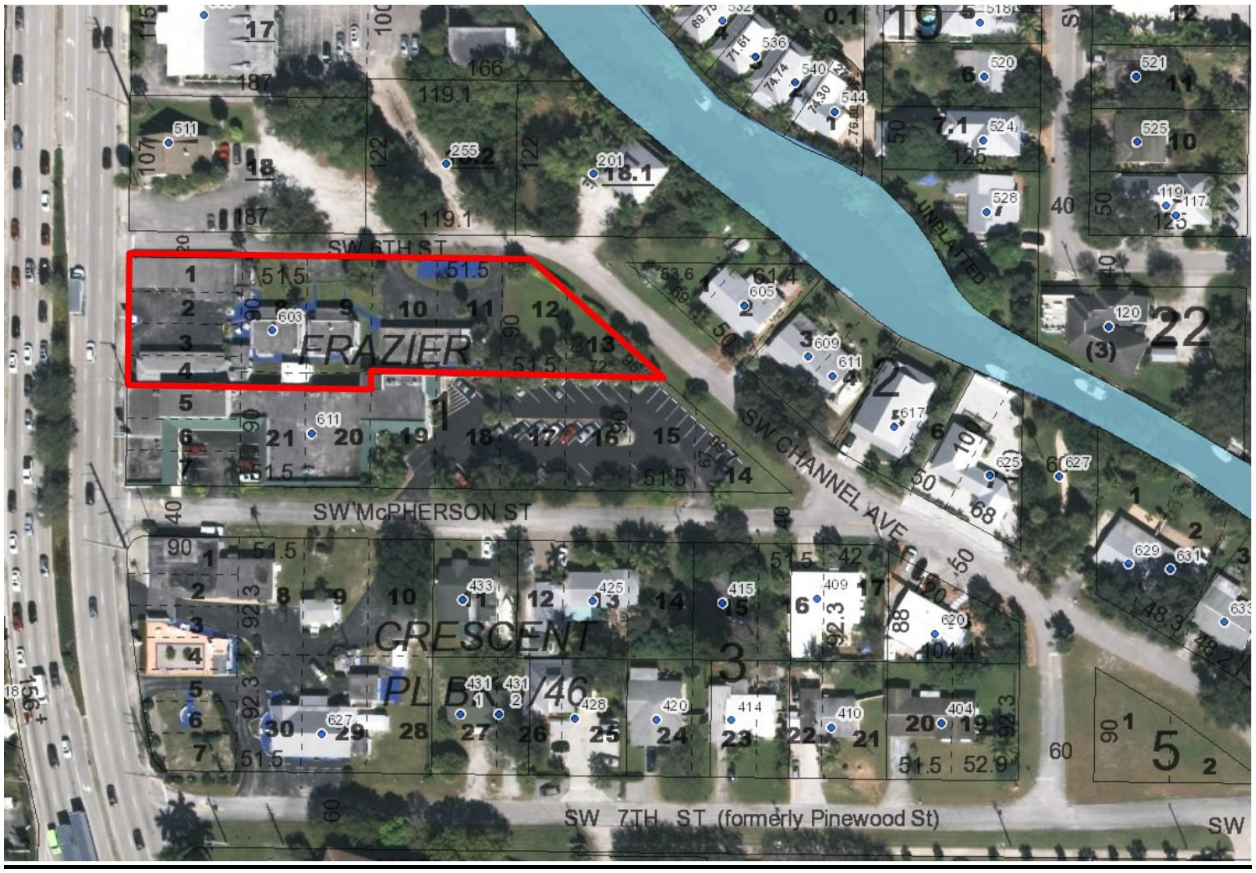


Exhibit C

Conditions of Approval

1. The use of the site will be for residential apartments at a maximum density of 24 units per acre.

2. The following documents and plans are attached to this Major Urban Code Conditional Use:
    a. Site Plan by Gzelka Engineering Inc, dated November 2019, sheet 1 of 2.
    b. Landscape Plan by Grzelka Engineering Inc, dated November 2019, sheet 2 of 2.
    c. Traffic Statement by Grzelka Engineering Inc, dated November 22nd 2019.
    d. Drainage Statement by Grzelka Engineering Inc, dated November 22nd 2019.
    e. Architectural Renderings (2 sheets) by N2 Architectural Design.

3. Building permits will not be issued until building permit applications, deemed sufficient for permit review under City codes and standards, for building improvements has been submitted.

4. Interior build-out construction plans will be subject to compliance with fire codes and standards.

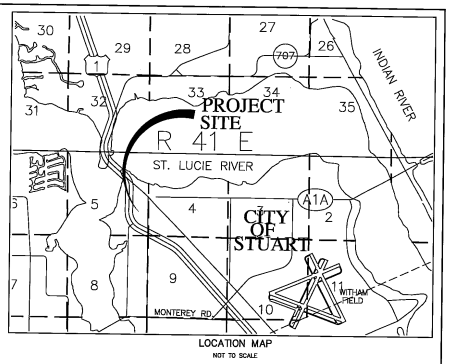
5. A building permit shall be obtained no later than 12 months from the approval date of the major urban code conditional use and a certicate of occupancy shall be obtained no later than 30 months from the issuance of a building permit.

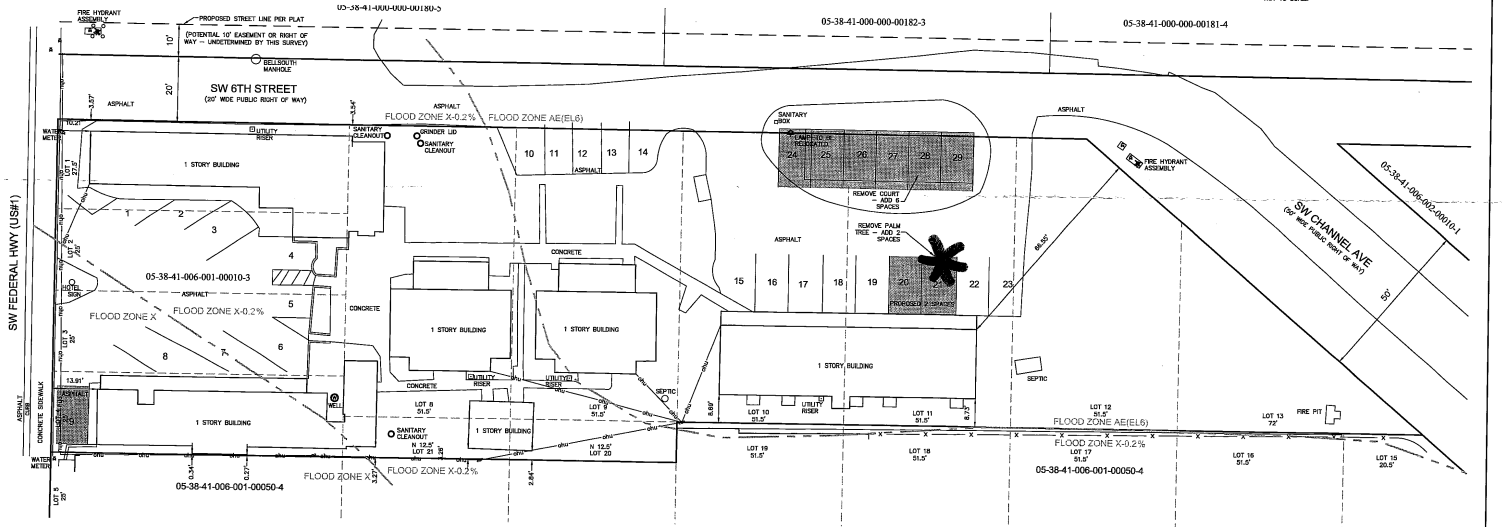
6. Prior to the certificate of occupancy, a dumpster enclosure will be required which will include provision for recycling. Detailed plans and location for the dumpster shall be delineated on the site plan.

Exhibit D

BOUNDARY SURVEY

SOUTHWIND MOTEL
603 SW FEDERAL HWY





PARKING SPACE NOTES:

THERE ARE 20 DESIGNATED PARKING SPACES. THERE IS 1 SPACE NOT DESIGANTED. THERE ARE 8 SPACES PROPOSED. THIS GIVES 29 TOTAL SPACES.
EXISTING SPACES 1 THROUGH 8, 10 THROUGH 19, 22 & 23.
NOT DESIGNATED, BUT EXISTING IS SPACE 9 (SHADED).
PROPOSED SPACES 20 & 21, 24 THROUGH 29 (SHADED).

SURVEYOR'S NOTES:

1. BEARINGS REFER TO STATE PLANE FLORIDA EAST ZONE 901, NAD83.
2. (P)=PLAT MEASUREMENT; (M)=FIELD MEASUREMENT; (C)=CALCULATED MEASUREMENT
3. PROPERTY LIES IN FLOOD ZONE X, X(0.2%), & AE(6) PER FEMA MAP #12085C0134G, 3-16-15.
4. THE LANDS SHOWN HEREON WERE NOT ABSTRACTED FOR RIGHT-OF-WAYS, EASEMENTS, OR OTHER ENCUMBRANCES BY THIS FIRM.
5. UNDERGROUND UTILITIES WERE NOT LOCATED.
6. EL. = ELEVATION; ELEVATIONS REFER TO NAVD88.
7. ℄ = CENTERLINE OF ROAD; R/W = RIGHT-OF-WAY; PB. PG. = PLAT BOOK & PAGE
8. ⊡ = UTILITY RISER; ⊠ = WATER METER/VALVE; NAD83 = NORTH AMERICAN DATUM 1983
9. "○" = WOOD POWER POLE & GUY; ---OHU--- = OVERHEAD UTILITIES.

LEGAL DESCRIPTION

LOTS 1, 2, 3, 4, 8, 9, 10, 11, 12 AND 13, AND THE NORTH 12.5 FEET OF LOTS 20 AND 21, BLOCK 1, FRAZIER CRESCENT SUBDIVISION, AS RECORDED IN PLAT BOOK 1, PAGE 46, MARTIN COUNTY, FLORIDA PUBLIC RECORDS.

NOTES TO SCHEDULE BII OF TITLE COMMITMENT #784709, EFFECTIVE DATE 10/12/2019 at 11:00PM

ITEMS 1 THROUGH 5: NOT A MATTER OF SURVEY
ITEM 6: MATTERS OF PLAT SHOWN ON SURVEY
ITEM 7: VARIANCE PER O.R. BOOK 1626, PAGE 2405 DOES NOT AFFECT SUBJECT PROPERTY; VARIANCE PER O.R. BOOK 1757, PAGE 2841 REFERS TO PROPOSED SECOND STORY ADDITON NOT PRESENT.
ITEM 8: NOT A MATTER OF SURVEY

CERTIFIED TO

KDL HOLDINGS, LLC, A FLORIDA LIMITED LIABILITY COMPANY
JOSEPH D. GROSSO, JR. P.A.
OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY
CAMDEN GROUP, LLC

CHRISTIAN FENEX AND ASSOCIATES, LLC
PROFESSIONAL SURVEYING AND MAPPING
ENVIRONMENTAL CONSULTING
3401 SW 72ND AVE., PALM CITY, FLORIDA
P.O. BOX 2533, PALM CITY, FL 34991
PH.(772)283-2977 EMAIL FENEXC@BELLSOUTH.NET
LICENSED BUSINESS # 6852

PRELIMINARY
FLORIDA REGISTRATION #5102
CHRISTIAN FENEX
NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.