



City of Stuart

**MAGISTRATE HEARING DOCKET
CITY OF STUART, FLORIDA
121 S.W. FLAGLER AVE.
STUART, FLORIDA 34994
March 17, 2022 AT 10:00 AM
Commission Chambers**

Agenda items are available on our website at <http://www.cityofstuart.us>
Phone: (772) 288-5306. Fax: (772) 288-5305. E-mail: mkindel@ci.stuart.fl.us

In compliance with the Americans with Disabilities Act (ADA), anyone who needs a special accommodation to attend this meeting should contact the City's ADA coordinator at 772-288-5306 at least 48 hours in advance of the meeting, excluding Saturday and Sunday.

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, he will need a record of the proceeding, and that for such purpose he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

WHAT IS CIVILITY? Civility is caring about one's identity, needs and beliefs without degrading someone else's in the process. Civility is more than merely being polite. Civility requires staying "present" even with those persons with whom we have deep-rooted and perhaps strong disagreements. It is about constantly being open to hear, learn, teach and change. It seeks common ground as a beginning point for dialogue. It is patience, grace, and strength of character. Civility is practiced in our City Hall.

CALL TO ORDER

PLEDGE OF ALLEGIANCE

VIOLATION HEARINGS

1. **City of Stuart vs Taylor Family Trust 7-25-18**
CE22020025

Vito Lorenzo

5.05.02

Tree removal without a permit. The City Commission adopted Ordinance 2478-2022 which amended Section 5.05.08 of the Land Development Code. The ordinance states that the Owner of the Property as well as the person who caused the violation shall be deemed as the violator. Code Enforcement has the discretion to fine up to \$5,000 for each violation. The fine shall be based upon the DBH. Pursuant to the code, the fine shall be determined by calculating the number of inches removed multiplied by 2.5 to determine the number of inches to be replaced. If it is determined that the trees were removed without a permit, then the penalty shall be 3 times the number of inches determined above. If the respondent can not replant the trees, then a mitigation payment equal to the total number of inches multiplied by 175% of Plant Finder Wholesale. See Land Development Regulation 5.05.02.

\$250.00 per day per violation

2. **City Of Stuart vs Lowes Home Centers LLC**
CE21110013

Vito Lorenzo

10-61(J)(2) & 6.01.09

Outdoor Storage and not using parking spaces for their intended use.

\$250.00 Per day per violation

ADJOURNMENT

Basic Info

PIN	AIN	Situs Address	Website Updated
09-38-41-000-000-00030-9	25796	600 SE 10TH ST STUART FL	3/7/22

General Information

Property Owners TAYLOR FAMILY TRUST 7/25/18	Parcel ID 09-38-41-000-000-00030-9	Use Code/Property Class 0300 - 0300 Multi family >=10 units
Mailing Address BERNICE SIMPSON TTEE 14984 SW 171ST DR INDIANTOWN FL 34956	Account Number 25796	Neighborhood 30000 Market Area 3 Acreage
Tax District STUART	Property Address 600 SE 10TH ST STUART FL	Legal Acres 4.0600
	Legal Description A PARCEL OF LAND LYING IN SEC 9-38-41 MA...	Ag Use Acres N/A

Current Value

Year	Land Value	Improvement Value	Market Value	Value Not Taxed	Assessed Value	Total County Exemptions	County Taxable Value
2021	\$ 172,620	\$ 255,350	\$ 427,970	\$ 0	\$ 427,970	\$ 0	\$ 427,970

Market values shown on the website reflect market conditions as of January 1st, the statutory assessment date. We are prohibited by law from relying on sales that occur after the January 1 assessment date. Therefore, market values shown on the website do not reflect today's market conditions, but rather the market conditions last year. In addition, the statutes require the county Property Appraiser to deduct for typical costs of sale (which include expenses such as commissions, title insurance, appraisals, inspection fees, etc.) when arriving at market value for tax purposes. That is why the market value for tax purposes is different from what a property would sell for today.

Current Sale

Sale Date 7/25/18	Grantor (Seller) TAYLOR CLAUDIUS & RUBY LEE	Doc Num 2707597
Sale Price \$ 100	Deed Type Wd Full Covenant and Warranty Deed	Book & Page <u>3006 2538</u>

Legal Description

A PARCEL OF LAND LYING IN SEC 9-38-41 MARTIN COUNTY FLORIDA BEING MORE PARTICULARLY DESCRIBED IN OR 750/1752 PUBLIC RECORDS MARTIN COUNTY FLORIDA

The legal description is intended for general information only. The Property Appraiser assumes no responsibility for the uses or interpretations of the legal description.



CITY EXHIBIT 2



CITY EXHIBIT 3





CITY EXHIBIT 5



CITY EXHIBIT 6



CITY OF STUART
NEIGHBORHOOD SERVICES
121 SW FLAGLER AVE
STUART, FL 34994-2139

NOTICE OF VIOLATION

Feb 23, 2022

TAYLOR FAMILY TRUST 7/25/18
14984 SW 171ST DR
INDIANTOWN, FL 34956

Case #: CE22020025

You are hereby notified that the following violation(s) of the Code of Ordinances and/or the Land Development Regulations of the City of Stuart exists on the property listed:

ADDRESS: 702 SE 10 ST

OBSERVATION DATE: 02/23/22

PARCEL ID #: 093841000000003090000

CORRECTION DATE: 03/07/2022

VIOLATION(S)

5.05.02

AND

Tree Removed Without Proper Mitigation

CORRECTIVE

Correction: 5.05.02

ACTIONS:

If required, a tree removal permit must be issued by the city development department for work undertaken pursuant to this section

NOTICE OF HEARING SUMMONS

Failure to correct the violation(s) by the above date will result in a presentation of this matter at a hearing before the Neighborhood Services Magistrate on 03/17/2022 at 10:00AM in the City of Stuart Commission Chambers located at 121 SW Flagler Avenue, Stuart, Florida. The violation charged is a civil infraction and subjects you to a maximum civil penalty of up to \$250 per offense, per day, for repeat violations.

The Neighborhood Services Magistrate will receive testimony and evidence at said Hearing and make Findings of Fact, as supported by the testimony and evidence pertaining to matters alleged in the Notice of Violation. You are entitled to present evidence and witnesses at the Hearing.

FAILURE to appear will result in the Magistrate proceeding in your absence. All fines constitute liens against the Real and Personal Property of the Respondent. Please govern yourself accordingly

An administrative fee of \$300.00 will be assessed if you should fail to comply by the correction date above.

Should you require additional information regarding this notice, please contact Neighborhood Services at (772) 288-5325 or (772) 600-1254.


Neighborhood Services Officer
Vito Lorenzo / Deborah Carrasco

7021 2720 0002 5246 9214
Certified Mail #

CITY EXHIBIT 7

7021 2720 0002 5246 9214

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\$

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\$

☐ Certified Mail Restricted Delivery

\$

☐ Adult Signature Required

\$

☐ Adult Signature Restricted Delivery

\$

Postage

\$

Total Postage and Fees

\$

Postmark
Here

2/23/22

Bernie Simpson

Sent To

Taylor Family Trust 7/25/18 Trustee

Street and Apt. No., or PO Box No.

14984 SW 171 st DR

City, State, ZIP+4[®]

Indian town FL 34956

PS Form 3800, April 2015 PSN 7530-02-000-9047

See Reverse for Instructions



STATE OF FLORIDA
CITY OF STUART
CODE ENFORCEMENT

AFFIDAVIT OF POSTING-MAGISTRATE HEARING

Code Enforcement Case Number: CE22020025

STATE OF FLORIDA)
COUNTY OF MARTIN)

I, VITO LORENZO, being fully sworn, deposes and states as follows:

- 1. That I am an employee of the City of Stuart, Florida Code Enforcement Department; and
- 2. That part of my duties includes posting Notice of Violations/Notice of Hearing letters, Notice to Abate Nuisance and other correspondence; and
- 3. That on March 4, 2022, at 7:30 AM, I posted a Notice of Violation, for Case No. CE22020025, Taylor Family Trust 7/25/18 to: 600 SE 10th St, Stuart FL 34994; and
- 4. Said Notice was also posted on the public bulletin board for public viewing in front of City of Stuart City Hall located at 121 SW Flagler Avenue, Stuart, Florida 34994 on March 4, 2022

FURTHER AFFIANT SAYETH NAUGHT.

BY: *Vito Lorenzo*
Vito Lorenzo, Code Enforcement Officer

STATE OF FLORIDA
COUNTY OF MARTIN

Sworn to (or affirmed) and subscribed before me by means of ☒ physical presence or ☐ online notarization, this 4th day of March, 2022, by Vito Lorenzo, Code Enforcement Officer for the City of Stuart, Florida who is personally known to me or who has produced _____ as identification.

[Signature]
Notary Public, State of Florida

(Seal)



CITY EXHIBIT 12



CITY EXHIBIT B





CITY EXHIBIT 15

Basic Info

PIN	AIN	Situs Address	Website Updated
38-38-41-016-000-00040-0	148032	3620 SE FEDERAL HWY STUART FL	3/3/22

General Information

Property Owners LOWES HOME CENTERS LLC	Parcel ID 38-38-41-016-000-00040-0	Use Code/Property Class 1100 - 1100 STORES 1 STORY
Mailing Address ATTN: TAX DEPT 1000 LOWES BLVD NB4TA MOORESVILLE NC 28117	Account Number 148032	Neighborhood 50700 Federal_Indian to Cove
Tax District STUART	Property Address 3620 SE FEDERAL HWY STUART FL	Legal Acres 15.2800
	Legal Description LOT 4 SUNBELT CENTER CPUD (PB 15 PG 5)	Ag Use Acres N/A

Current Value

Year	Land Value	Improvement Value	Market Value	Value Not Taxed	Assessed Value	Total County Exemptions	County Taxable Value
2021	\$ 4,752,360	\$ 3,783,640	\$ 8,536,000	\$ 0	\$ 8,536,000	\$ 0	\$ 8,536,000

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Current Sale

Sale Date N/A	Grantor (Seller) N/A	Doc Num N/A
Sale Price N/A	Deed Type N/A	Book & Page N/A

Legal Description

LOT 4 SUNBELT CENTER CPUD (PB 15 PG 5)

The legal description is intended for general information only. The Property Appraiser assumes no responsibility for the uses or interpretations of the legal description.



[Department of State](#) / [Division of Corporations](#) / [Search Records](#) / [Search by Entity Name](#) /

Detail by Entity Name

Foreign Limited Liability Company
LOWE'S HOME CENTERS, LLC

Filing Information

Document Number M13000007460
FEI/EIN Number 56-0748358
Date Filed 11/25/2013
State NC
Status ACTIVE

Principal Address

1000 Lowe's Blvd
Mooresville, NC 28117

Changed: 01/14/2020

Mailing Address

1000 Lowe's Blvd., TAX52
Mooresville, NC 28117

Changed: 01/14/2020

Registered Agent Name & Address

CORPORATION SERVICE COMPANY
1201 HAYS STREET
TALLAHASSEE, FL 32301-2525

Authorized Person(s) Detail

Name & Address

Title Manager

WHITE, GARY
1000 LOWE'S BLVD
MOORESVILLE, NC 28117

Title Manager

MACDONALD, BETH
1000 LOWE'S BLVD
MOORESVILLE, NC 28117

CITY EXHIBIT 2





CITY EXHIBIT 4

Sec. 6.01.09. Stuart Parking Code.

- A. This parking code shall apply to all development for which a complete application for site plan review pursuant to section 11.02.07 of the Stuart land development regulations has not been filed with the city development department on or before July 1, 1995, as follows:
 - 1. The construction of a new building or structure on unimproved real property;
 - 2. The construction of a new addition to an existing building or structure on improved real property; or
 - 3. Changes in use including changes in the intensity of an existing use.
- B. No certificate of occupancy shall be issued for any portion or phase of a development to which this parking code applies until all required parking and loading spaces and all required landscaping have been installed pursuant to the requirements of this Stuart Land Development Code. In the event of the construction of an addition to an existing building or in the event of a change in use, the entire building to which an addition has been constructed or in which a use has changed shall comply with this parking code in all respects.
- C. This Stuart Parking Code applies to a vacant building or structure which, as of July 1, 1995, and at any time thereafter, has remained unoccupied continuously for the previous 365 days. This parking code does not apply to a development for which a building permit was issued prior to July 1, 1995, unless such development becomes vacant for 365 days.
- D. This Stuart Parking Code applies to all parking spaces installed on public or private property after July 1, 1995. Required parking and loading facilities shall be maintained as long as the use served thereby continues to exist.
- E. This parking code shall apply in all respects in the Urban District, East Stuart District, and S.E. Ocean Boulevard Overlay Zone as reflected in chapter III of this Code, provided however, the number of required parking spaces has been reduced as provided in the Urban Code and East Stuart District.

CITY EXHIBIT 5

READ PLAN REVIEW COMMENTS
 BEFORE STARTING CONSTRUCTION

PERMITTING V9.0
 DATE: 01/04/2022
 TIME: 17:14:36

CITY OF STUART
 PLAN REVIEW STOP REPORT

PAGE NUMBER: 1
 MODULE plnrvrpt:

SELECTION CRITERIA: Z

PERMIT NUMBER: 21110166 - LOWES HOME CENTERS LLC TYPE: FENCEWALLC
 PARCEL ID : 3838410160000004000000
 PARCEL ADDRS : 3620 SE FEDERAL HWY STUART, FL 34997
 APPLY DATE : 11/19/21 ISSUE DATE : C/O DATE :

REVIEW STOP: Z - ZONING
 REV NO: 2 STATUS: C DATE: 12/28/21 CONT ID:
 REVIEW SENT BY: ewohlitk DATE: 12/28/21 TIME: 14:19 TIME SPENT: 0.00
 REV RECEIVD BY: ewohlitk DATE: 12/28/21 TIME: 14:19 SENT TO:

REVIEW NOTES:

12/28/2021 In accordance with the submitted phasing plan, all temporary staging, materials, and fencing shown on the plans shall be removed by February 25th, 2022.

READ PLAN REVIEW COMMENTS
 BEFORE STARTING CONSTRUCTION





CITY EXHIBIT 8





CITY EXHIBIT 10





CITY EXHIBIT 12



3/ 1/2022

CITY EXHIBIT B



CITY OF STUART
NEIGHBORHOOD SERVICES
121 SW FLAGLER AVE
STUART, FL 34994-2139

NOTICE OF VIOLATION

Mar 02, 2022

LOWES HOME CENTERS LLC
1000 LOWES BLVD NB4TA
MOORESVILLE, NC 28117

Case #: CE21110013

You are hereby notified that the following violation(s) of the Code of Ordinances and/or the Land Development Regulations of the City of Stuart exists on the property listed:

ADDRESS: 3620 SE FEDERAL HWY
PARCEL ID #: 3838410160000004000000

OBSERVATION DATE: 11/08/21
CORRECTION DATE: 03/12/2022

VIOLATION(S) 10-61 (J) (2)
AND ACCUMULATION AND OUTDOOR STORAGE OF MATERIALS VISIBLE FROM
PUBLIC VIEW.
CORRECTIVE 6.01.09
ACTIONS:

This Stuart Parking Code applies to all parking spaces
installed on public or private property after July 1, 1995.
Required parking and loading facilities shall be maintained
as long as the use served thereby continues to exist.

Correction: 10-61 (J) (2)
REMOVE SOLID WASTE AND MATERIALS IMMEDIATELY.
6.01.09
Use approved required parking spaces for parking only.

NOTICE OF HEARING SUMMONS

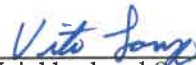
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Neighborhood Services Officer
Vito Lorenzo / Deborah Carrasco

7021 2720 0002 5246 9221
7021 2720 0002 5246 9238

Certified Mail #

CITY EXHIBIT 14

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☐ Certified Mail Restricted Delivery \$	
☐ Adult Signature Required \$	
☐ Adult Signature Restricted Delivery \$	
Postage \$	
Total Postage and Fees \$	
Sent To Lowes Home Center LLC ATTN: Department Tax	
Street and Apt. No., or PO Box No. 100 Lowes Blvd NB4TA	
City, State, ZIP+4® Mooresville NC 28117	
PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions	

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☐ Adult Signature Required \$	
☐ Adult Signature Restricted Delivery \$	
Postage \$	
Total Postage and Fees \$	
Sent To Corporation service company	
Street and Apt. No., or PO Box No. 1000 Lowes Blvd Tax 52	
City, State, ZIP+4® Mooresville, NC 28117	
PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions	



City of Stuart

RECEIPT OF HAND DELIVERY

DATE 3/2/22

Property Owner

TO: Lowes Home center LLC

ATTENTION store Manager Manny Medeiros

Location of Property in violation 3620 SE Federal Hwy

Date and Time of Service 1:59pm 3/2/22

Recipient 

Signature of Owner/Recipient

CITY EXHIBIT 16



CITY EXHIBIT 17







