BEFORE THE CITY COMMISSION
CITY OF STUART, FLORIDA

RESOLUTION NUMBER 53-2020

RESOLUTION No. 53-2020; A RESOLUTION OF THE COMMUNITY REDEVELOPMENT BOARD OF THE CITY OF STUART, FLORIDA, GRANTING A MINOR URBAN CODE CONDITIONAL USE APPROVAL FOR PUBLIC ARTWORK REQUIRED AS A CONDITION OF DEVELOPMENT FOR THE RIVER HOUSE RPUD, OWNER OF THE PROPERTY LOCATED AT 43 & 55 S.E. SEMINOLE STREET IN THE CITY OF STUART, AS DESCRIBED WITHIN THE ATTACHED LEGAL DESCRIPTION; GRANTING APPROVAL TO LOCATE 'OUT OF THE CHANNEL #1 LIMITED EDITION BRONZE SCULPTURE OF 3 PELICANS ON A PEDESTAL BY GEOFFREY C. SMITH AT THE FRONT OF THE PROJECT; PROVIDING AN EFFECTIVE DATE; PROVIDING FOR CONDITIONS OF APPROVAL; AND FOR OTHER PURPOSES.

* * * * *

WHEREAS, pursuant to Section 3.01.08 of the Land Development Regulations of City of Stuart, River House Stuart (The "Applicant & Owner") filed an application on April 02, 2020 for a Minor Urban Code Conditional Use permit to allow River House Stuart to locate bronze statues of three life size pelicans at the front of the project to fulfil the projects public art requirement located in the within the City's Community Redevelopment Area (CRA); and

WHEREAS, the Community Redevelopment Board held a properly noticed hearing on May 5, 2020, to consider the application for the public artwork consisting of a bronze pelican statue as a Minor Urban Code Conditional Use Approval; and

WHEREAS, at a public hearing the applicant has shown by substantial competent evidence that the proposed development 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: Subject to the conditions attached hereto, the Community Redevelopment Board. hereby grants a Minor Urban Code Conditional Use Approval to River House Stuart owner of the property located at 43 & 55 S.E. Seminole Street Stuart, Florida.

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 public artwork consisting of a bronze statue of three life size pelicans on a branch along the projects front lawn is attached hereto as; **"Exhibit B"** and made a part hereof by reference; and

SECTION 3: The Applicant shall operate in accordance with all conditions set forth in **"Exhibit C"**, as attached.

SECTION 4: The Community Redevelopment Board approves the bronze statue of 3 pelicans on a pedestal as shown in the Pedestal Plan by Braden and Braden, Sheet 1, dated 4.1.20 and attached hereto as **"Exhibit D"**.

SECTION 5: This resolution shall take effect immediately upon its adoption.

Board Member_____offered the foregoing resolution and moved its adoption. The motion was seconded by Board Member_____, and upon being put to a roll call vote, the vote was as follows:

	YES	NO	ABSENT
FRANK WACHA, CHAIR			
NATHAN RICHEY, VICE CHAIR			
CHRISTINA MALDONADO, BOARD MEMBER			
CHRIS LEWIS, BOARD MEMBER			
TOM CAMPENNI, BOARD MEMBER			
PETE WALSON, BOARD MEMBER			
FAYE JAMES, BOARD MEMBER			

ADOPTED this_____day of_____, 2020. ATTEST:

_____
MARY KINDEL
CITY CLERK

_____
FRANK WACHA,
CHAIRMAN

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 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:

Owner

_____

Print Name:_____

By:_____

Aaron Hollub – Seminole Street Stuart LLC

_____

Print Name:_____

OWNERS ACKNOWLEDGMENT

STATE OF FLORIDA,
COUNTY OF _____

The above Ordinance, Acceptance and Agreement was acknowledged before me by means of ☐ physical presence or ☐ online notarization, this _____ day of _____, 2020, by _____

Personally Known OR Produced Identification
Type of ID Produced _____

Signature of Notary Public: _____
Commission Expires:

Notary Seal:

Exhibit A – Legal Description

PARCEL 1:

LOTS 1 & 2, BLOCK 1, AMENDED PLAT OF CHAS. A. PORTER ADDITION, ACCORDING TO THE PLAT THEREOF, FILED FEBRUARY 8, 1913, AND RECORDED IN PLAT BOOK 2, PAGE 75, PUBLIC RECORDS OF PALM BEACH (NOW MARTIN) COUNTY, FLORIDA; TOGETHER WITH THE FOLLOWING DESCRIBED PARCEL:

A PARCEL OF LAND LYING IN SECTION 4, TOWNSHIP 38 SOUTH, RANGE 41 EAST, MARTIN COUNTY, FLORIDA. SAID PARCEL LYING NORTH OF AND ADJACENT TO THE NORTH LINE OF CHAS. PORTER ADDITION AS RECORDED IN PLAT BOOK 2, PAGE 75, PUBLIC RECORDS OF PALM BEACH (NOW MARTIN) COUNTY, FLORIDA, SAID PARCEL DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHWEST CORNER OF SAID LOT 2, BLOCK 1, OF THE AFOREMENTIONED CHAS. A. PORTER ADDITION; THENCE NORTH 89°58'25" EAST, A DISTANCE OF 0.25 FEET; THENCE NORTH 12°05'27" EAST, A DISTANCE OF 9.92 FEET; THENCE NORTH 06°39'07" EAST, A DISTANCE OF 4.08 FEET; THENCE NORTH 17°34'10" EAST, A DISTANCE OF 76.10 FEET; THENCE NORTH 82°37'22" EAST, A DISTANCE OF 42.46 FEET; THENCE SOUTH 14°54'29" WEST, A DISTANCE OF 6.04 FEET; THENCE SOUTH 77°13'31" EAST, A DISTANCE OF 47.24 FEET; THENCE SOUTH 14°27'12" WEST, A DISTANCE OF 26.53 FEET; THENCE SOUTH 72°48'24" EAST, A DISTANCE OF 24.83 FEET; THENCE SOUTH 11°43'20" WEST, A DISTANCE OF 68.24 FEET; THENCE SOUTH 15°44'49" EAST, A DISTANCE OF 2.16 FEET; THENCE NORTH 77°10'09" WEST, A DISTANCE OF 119.19 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL OF LAND.

TOGETHER WITH ANY PROPERTY LYING LANDWARD OF THE MEAN HIGH WATER LINE AS ESTABLISHED BY C. CALVERT MONTGOMERY & ASSOCIATES, INC ON JANUARY 15, 2014 AND LYING NORTHERLY OF THE MEAN HIGH WATER LINE ESTABLISHED BY LINDAHL, BROWNING, FERRARI & HELLSTROM ON OCTOBER 14, 1987.

PARCEL 2:

LOTS 8 AND 9, HIGH SCHOOL SUBDIVISION, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 2 PAGE 85 , PUBLIC RECORDS OF PALM BEACH (NOW MARTIN) COUNTY, FLORIDA; TOGETHER WITH THE FOLLOWING DESCRIBED PARCEL:

A PARCEL OF LAND LYING IN SECTION 4, TOWNSHIP 38 SOUTH, RANGE 41 EAST, MARTIN COUNTY, FLORIDA. SAID PARCEL LYING NORTH OF AND ADJACENT TO THE NORTH LINE OF SAID HIGH SCHOOL SUBDIVISION AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHEAST CORNER OF LOT 8, HIGH SCHOOL SUBDIVISION, ACCORDING TO THE PLATB THEREOF, RECORDED IN PLAT BOOK 2, PAGE 85, PUBLIC RECORDS OF PALM BEACH (NOW MARTIN) COUNTY, FLORIDA: THENCE NORTH 80°58'09" WEST, ALONG THE NORTH LINE OF SAID LOT 8, A DISTANCE OF 50.63 FEET; THENCE NORTH 82°41'13" WEST, ALONG THE NORTH LINE OF LOT 9 OF SAID HIGH SCHOOL SUBDIVISION, A DISTANCE OF 50.41 FEET; THENCE NORTH 15°44'49" WEST, A DISTANCE OF 2.16 FEET; THENCE NORTH 11°43'20" EAST, A DISTANCE OF 68.24 FEET; THENCE NORTH 18°44'01" EAST, A DISTANCE OF 6.62 FEET TO THE MEAN HIGH WATER LINE, ELEVATION -0.42 FEET NAVD 1988, RECORDED ON 11-02-12; THENCE SOUTH 59°02'51" EAST, ALONG SAID MEAN HIGH WATER LINE, A DISTANCE OF 32.29 FEET; THENCE SOUTH 67°54'43" EAST, A DISTANCE OF 41.51 FEET; THENCE SOUTH 61°09'30" EAST, A DISTANCE OF 30.97 FEET; THENCE SOUTH 11°35'03" WEST, DEPARTING SAID MEAN HIGH WATER LINE, A DISTANCE OF 43.26 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL OF LAND.

Exhibit B – Location Map

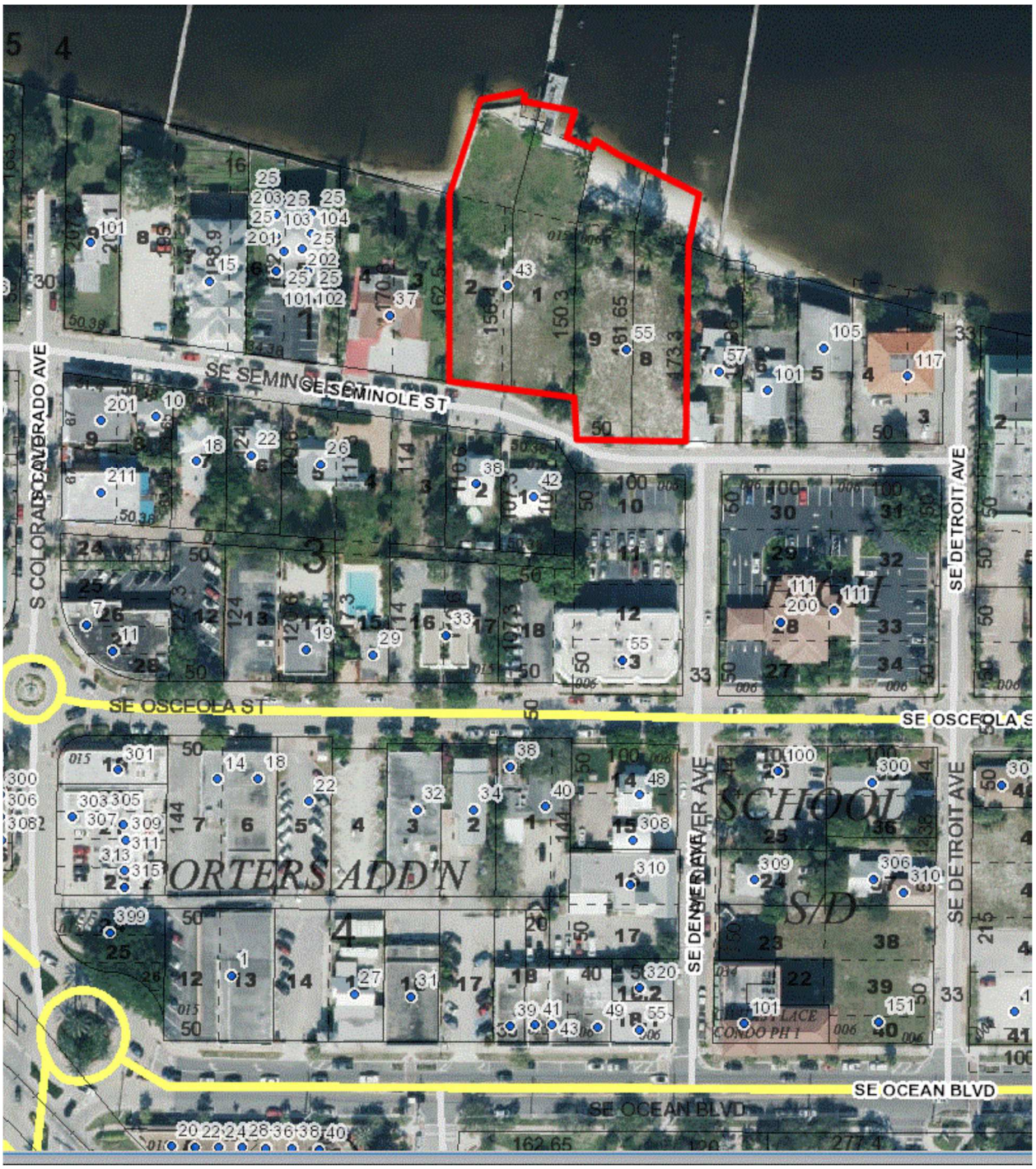


Exhibit C - Conditions

1) Seminole Street Stuart LLC shall be responsible for maintenance of the artwork (bronze statue with pedestal) on their property.

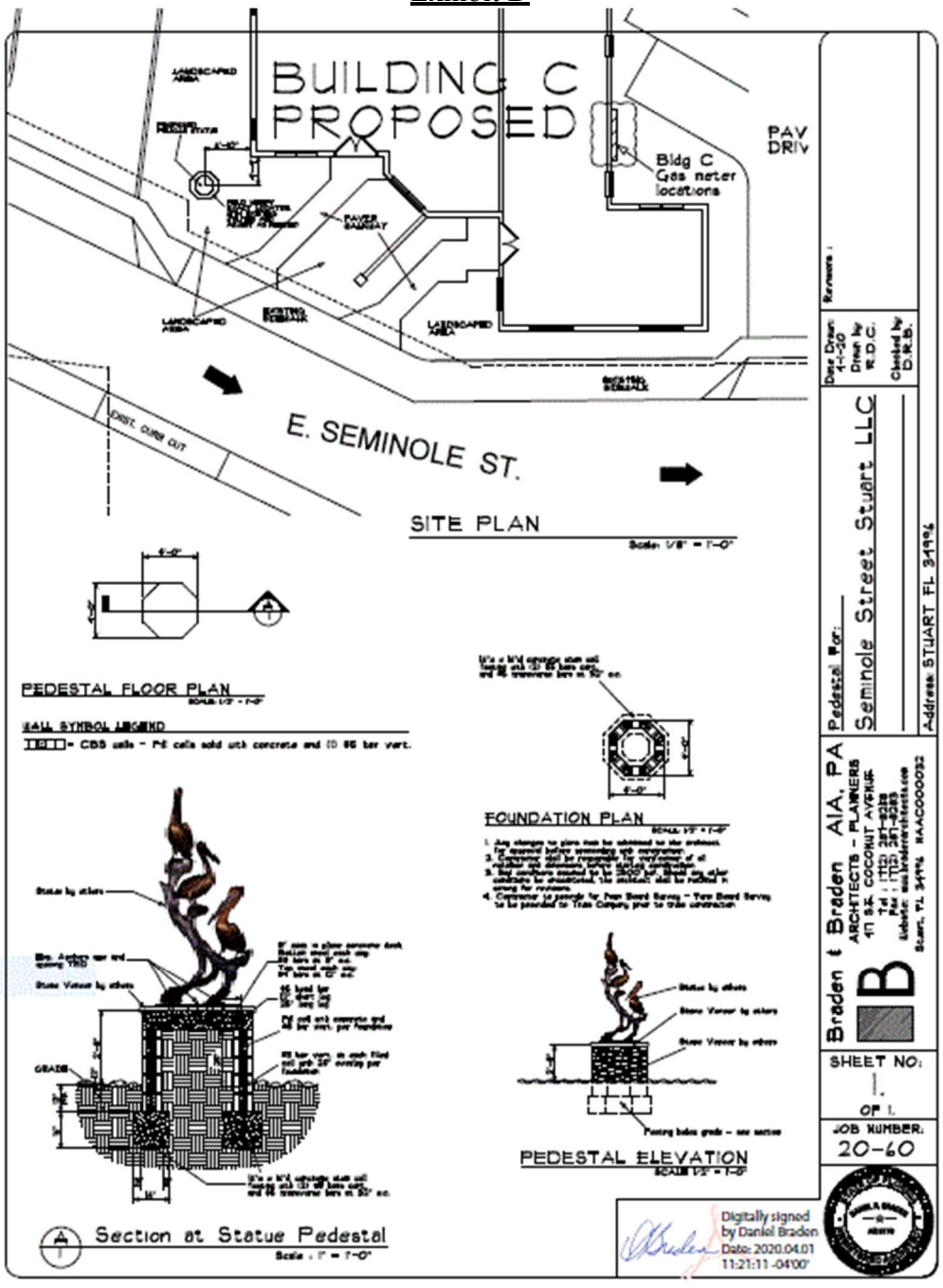
2) The City shall bear no cost for the installation of any artwork.

3) The owner shall apply for and obtain an approved construction permit which includes review by the City's Public Works department before installation of the artwork.

4) Any proposal to change the approved art shall require a minor conditional use approval by the CRB.

5) In the event an approved work of art has not been properly constructed and installed prior to the issuance of the first certificate of occupancy for any portion of the development, the permit applicant shall provide a performance security bond or other surety acceptable to the city, in the amount of one percent of the value of the vertical construction which shall be posted until the work of art is completed. The surety may be extended no more than 12 months from the original surety expiration date. This surety shall be cancelled or returned when the work of art has been properly constructed and installed. The surety may be forfeited to the public art trust fund, and the developer and property owner cited with a code violation for failing to provide the required work of art.

Exhibit D


BUILDING C
PROPOSED
PAV
DRIV
Bldg C
Gas meter
locations
E. SEMINOLE ST.
SITE PLAN
PEDESTAL FLOOR PLAN
FOUNDATION PLAN
PEDESTAL ELEVATION
Section at Statue Pedestal
Pedestal For:
Seminole Street Stuart LLC
Braden & Braden AIA, PA
ARCHITECTS - PLANNERS
SHEET NO:
1.
OF 1.
JOB NUMBER:
20-60
Digitally signed by Daniel Braden
Date: 2020.04.01 11:21:11 -04'00'

