BEFORE THE CITY COMMISSION
CITY OF STUART, FLORIDA

RESOLUTION NUMBER 107-2020

RESOLUTION No. 107-2020; 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 TREASURE COAST COMMUNITY CHURCH (TC3) COMMERCIAL PLANNED UNIT DEVELOPMENT FOR PROPERTY LOCATED AT 20 N.E. DIXIE HIGHWAY IN THE CITY OF STUART, AS DESCRIBED WITHIN THE ATTACHED LEGAL DESCRIPTION; GRANTING APPROVAL TO LOCATE 'A BRONZE SCULPTURE OF OUR LORD BREAKING BREAD WHILE SEATED AT THE CENTER OF A CONTEMPORARY INSTALLATION OF THE LAST SUPPER AT PROJECT'S COURTYARD; 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, Treasure Coast Community Church (The "Applicant & Owner") filed an application on February 20, 2020 for a Minor Urban Code Conditional Use permit to allow TC3 to locate a bronze statue of our Lord breaking bread while seated at the center of a contemporary installation of the last supper at the front entrance of the worship center to fulfill 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 September 1, 2020, to consider the application for the public artwork consisting of a bronze statue of our Lord breaking bread while seated at the center of a contemporary installation of the last supper at the project's courtyard to fulfill the projects public art requirement 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 Treasure Coast Community Church (TC3) owner of the property located at 20 NE Dixie Highway in 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 our Lord breaking bread while seated at the center of a contemporary installation of the last supper 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 our Lord breaking bread while seated at the center of a contemporary installation of the last supper in a location on church property as shown in a Site Plan by HJA Studios Sheet SP-1, and similar to an excerpt from the book on file at the Development Department called 'The Last Supper' (Sacred Heart Church, Punta Gorda, Fl) by Timothy P. Schmalz and attached hereto as **"Exhibit D",** as attached.

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:_____

Gordon Mularski – Pastor

_____

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: _____

Notary Seal:

EXHIBIT A – LEGAL DESCRIPTION

LEGAL DESCRIPTION:
THE EAST HALF OF THE NORTH HALF OF GOVERNMENT LOT 1, IN SECTION 32, TOWNSHIP 37 SOUTH, RANGE 41 EAST, LYING SOUTH OF THE SOUTH RIGHT OF WAY LINE OF STATE ROAD A1A (NOW STATE ROAD 707), AND LYING NORTH OF THE NORTH RIGHT OF WAY LINE OF THE FLORIDA EAST COAST RAILWAY. LESS THE EAST 73.99 FEET THEREOF, SAID PROPERTY LYING AND BEING IN MARTIN COUNTY, FLORIDA.
LESS AND EXCEPT A CERTAIN PARCEL PURSUANT TO AN ORDER OF MARTIN COUNTY CIRCUIT COURT IN CASE NO. 09-858CA, DATED OCTOBER 15, 2009, SAID PARCEL BEING DESCRIBED AS FOLLOWS:

A PARCEL OF LAND LYING IN SECTION 32, TOWNSHIP 37 SOUTH, RANGE 41 EAST, MARTIN COUNTY, FLORIDA, SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT THE NORTHEAST CORNER OF SAID SECTION 32; THENCE SOUTH 00°21'34" EAST, ALONG THE EAST LINE OF SAID SECTION 32, A DISTANCE OF 15.00 FEET TO A POINT ON THE SOUTH RIGHT OF WAY LINE OF N.E. DIXIE HIGHWAY; THENCE NORTH 89°53'21" WEST ALONG SAID SOUTHERLY RIGHT OF WAY LINE, A DISTANCE OF 230.58 FEET TO THE POINT OF BEGINNING;THENCE CONTINUE ALONG SAID SOUTHERLY RIGHT OF WAY LINE BY THE FOLLOWING COURSES AND DISTANCES: NORTH 89°53'21" WEST, A DISTANCE OF 92.35 FEET TO THE BEGINNING OF A CURVE CONCAVE TO THE SOUTHEAST, HAVING A RADIUS OF 271.82 FEET; THENCE WESTERLY AND SOUTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 38°23'36", A DISTANCE OF 182.14 FEET; THENCE SOUTH 38°16'57" EAST AND NON TANGENT TO THE LAST DESCRIBED CURVE, A DISTANCE OF 15.00 FEET TO A POINT ON A NON TANGENT CURVE CONCAVE TO THE SOUTHEAST THE CHORD OF WHICH BEARS SOUTH 42°35'23" WEST, HAVING A RADIUS OF 256.84 FEET; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 18°15'20", A DISTANCE OF 81.83 FEET; THENCE SOUTH 33°27'41" WEST, A DISTANCE OF 72.11 FEET; THENCE DEPARTING SAID SOUTHERLY RIGHT OF WAY LINE SOUTH 53°53'25" EAST, A DISTANCE OF 6.07 FEET; THENCE NORTH 36°06'35" EAST, A DISTANCE OF 82.38 FEET; THENCE NORTH 40°19'15" EAST, A DISTANCE OF 53.85 FEET; THENCE NORTH 52°43'41" EAST, A DISTANCE OF 44.23 FEET; THENCE NORTH 69°31"30" EAST, A DISTANCE OF 121.72 FEET; THENCE SOUTH 89°49"25" EAST, A DISTANCE OF 109.36 FEET; THENCE NORTH 00°00'00" EAST, A DISTANCE OF 17.13 FEET TO THE POINT OF BEGINNING.

ALSO, LESS AND EXCEPT THE ADDITIONAL PARCEL OF LAND CONVEYED TO THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION BY DEED RECORDED IN OFFICIAL RECORDS BOOK 2258, PAGE 997, PUBLIC RECORDS OF MARTIN COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:
A STRIP OF LAND FOR RIGHT OF WAY PURPOSES BEING A PORTION OF THE FOLLOWING DESCRIBED PARCEL:

THE EAST HALF OF THE NORTH HALF OF GOVERNMENT LOT 1, IN SECTION 32, TOWNSHIP 37 SOUTH, RANGE 41 EAST, MARTIN COUNTY, FLORIDA, LYING SOUTH OF THE SOUTH RIGHT OF WAY OF STATE ROAD A1A (NOW STATE ROAD 707), AND LYING NORTH OF THE RIGHT OF WAY LINE OF THE FLORIDA EAST COAST RAILWAY, LESS THE EAST 73.99 FEET THEREOF. SAID RIGHT OF WAY PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT THE NORTHEAST CORNER OF SAID SECTION 32, THENCE RUN NORTH 89°53'15" WEST ALONG THE NORTH LINE OF SECTION 32, A DISTANCE OF 74.01 FEET; THENCE DEPARTING SAID NORTH LINE RUN SOUTH 01°02'21" EAST, A DISTANCE OF 15.75 FEET TO THE

SOUTH RIGHT OF WAY LINE OF STATE ROAD 707 AND THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 01°02'21" EAST, A DISTANCE OF 21.96 FEET; THENCE SOUTH 89°13'39" WEST, A DISTANCE OF 173.25 FEET TO A POINT OF CURVATURE OF A CURVE CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 26.00 FEET, THENCE RUN NORTHWESTERLY 16.07 FEET ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 35°25'15" TO THE END OF SAID CURVE; THENCE NORTH 89°26'24" EAST, A DISTANCE OF 32.45 FEET; THENCE NORTH 00°44'11" WEST, A DISTANCE OF 17.13 FEET TO THE SOUTH RIGHT OF WAY LINE OF STATE ROAD 707; THENCE NORTH 89+°127" 46' EAST ALONG SAID SOUTH RIGHT OF WAY LINE, A DISTANCE OF 155.65 FEET TO THE POINT OF BEGINNING.

ALSO INCLUDING:
THE WEST 101.01 FEET OF GOVERNMENT LOT 4, SECTION 33, TOWNSHIP 37 SOUTH, RANGE 41 EAST, MARTIN COUNTY, FLORIDA, LYING NORTH OF THE NORTH LINE OF THE FLORIDA EAST COAST RAILROAD RIGHT OF WAY AND SOUTH OF THE NORTH LINE OF SAID SECTION 33, TOGETHER WITH:THE EAST 73.99 FEET OF GOVERNMENT LOT 1, SECTION 32, TOWNSHIP 37 SOUTH, RANGE 41 EAST, MARTIN COUNTY, FLORIDA, AS MEASURED ALONG THE NORTH LINE OF SAID SECTION 32, AND LYING NORTH OF THE NORTH LINE OF THE FLORIDA EAST COAST RAILROAD RIGHT OF WAY.

Exhibit B – Location Map



Exhibit C - Conditions

1) Treasure Coast Community Church, LLC shall be responsible for maintenance of the artwork (bronze statue of Jesus breaking bread including table) at the project's courtyard.

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

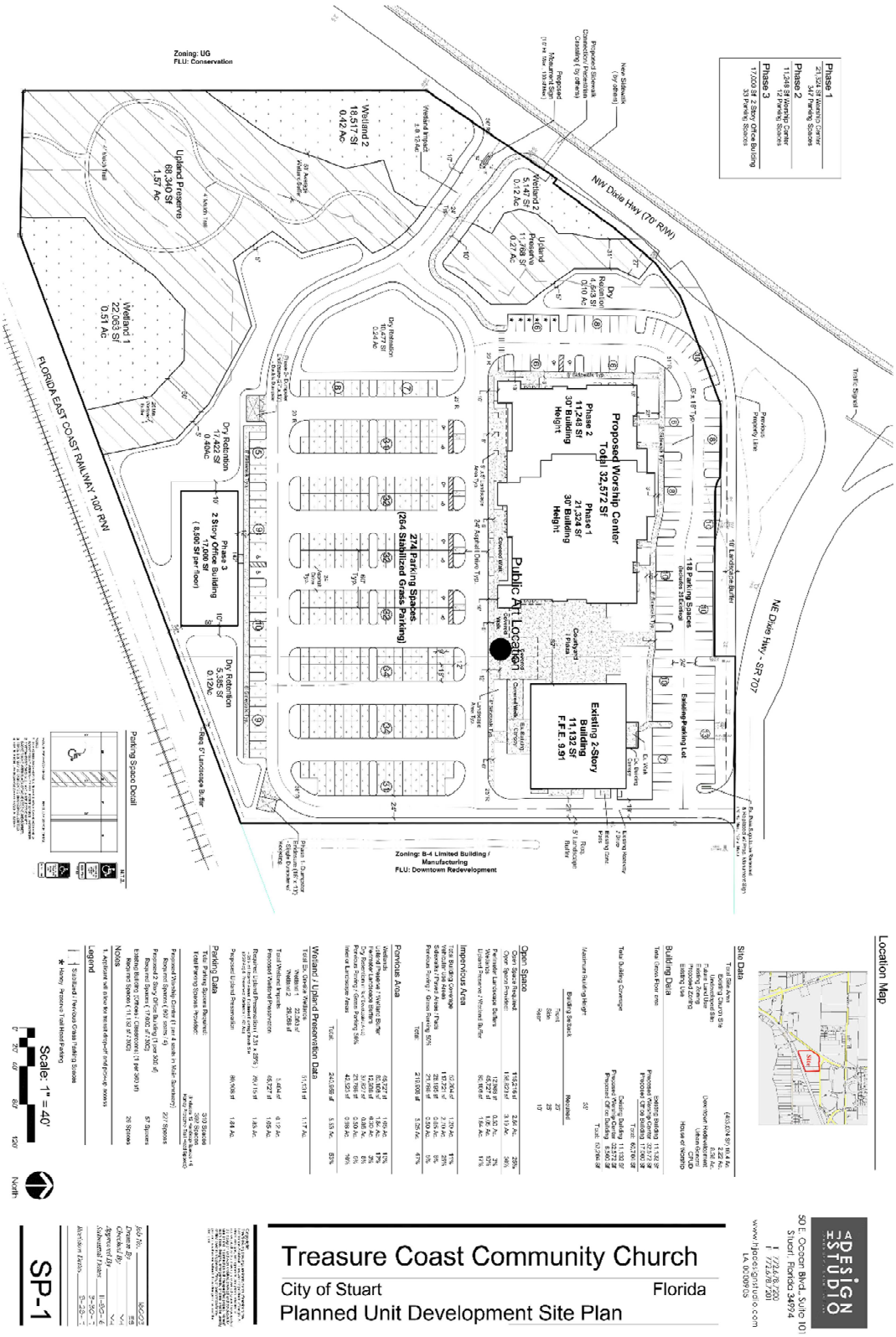
3) The owner shall apply for and obtain an approved construction permit which includes review by the City's Planning and Zoning department before installation of the artwork.

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

5) The applicant has provided a performance security bond or other surety acceptable to the city in the amount of $60,000 which is 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.

*Note: The applicant has provided a surety bond for $60,000 and being held by the City's Finance Department which has already been extended for one 12-month period

Exhibit D


Phase 1
21,324 SF Worship Center
347 Parking Spaces
Phase 2
11,248 SF Worship Center
Phase 3
17,000 SF 2-Story Office Building
85 Parking Spaces
Zoning: UG
FLU: Conservation
NW Dixie Hwy (70' R/W)
NE Dixie Hwy - SR 707
FLORIDA EAST COAST RAILWAY 100' R/W
Proposed Worship Center Total: 32,572 SF
Phase 2 11,248 SF 30' Building Height
Phase 1 21,324 SF 30' Building Height
Existing 2-Story Building 11,132 SF F.F.E. 9.91
Public Art Location
116 Parking Spaces (includes 2 Electric)
274 Parking Spaces (264 Stabilized Grass Parking)
Phase 3 2 Story Office Building 17,000 SF (8,500 SF per Floor)
Existing Parking Lot
Wetland 1 22,063 SF 0.51 Ac
Wetland 2 18,517 SF 0.42 Ac
Wetland 2 5,147 SF 0.12 Ac
Upland Preserve 68,340 SF 1.57 Ac
Upland Preserve 11,788 SF 0.27 Ac
Dry Retention 4,843 SF 0.10 Ac
Dry Retention 18,077 SF 0.24 Ac
Dry Retention 17,402 SF 0.40Ac
Dry Retention 5,385 SF 0.12Ac
Zoning: B-4 Limited Building / Manufacturing
FLU: Downtown Redevelopment
Parking Space Detail
Location Map
Site Data
Building Data
Open Space
Impervious Area
Pervious Area
Wetland / Upland Preservation Data
Parking Data
Notes
1. Applicant will strive for tenant-dependent participation
Legend
Scale: 1" = 40'
North
Treasure Coast Community Church
City of Stuart Florida
Planned Unit Development Site Plan
DESIGN STUDIO
50 E. Ocean Blvd., Suite 101
Stuart, Florida 34994
T 772.678.7200
www.hpcdesignstudio.com
LA 0.000123
SP-1

— THE LAST SUPPER —
By Timothy P. Schmalz
ABOUT THE ARTWORK
A powerful and traditional image of our Lord breaking bread while seated at the center of this contemporary installation of The Last Supper. The twelve empty seats invite the viewers to sit at Christ's table and become the disciples of today.
Life Size (Bronze)
50"h x 31"w x 25"d
SMALL REPLICA AVAILABLE