



**BEFORE THE CITY COMMISSION
CITY OF STUART, FLORIDA**

RESOLUTION NUMBER 42-2021

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 NEW AVONLEA PUD PARCEL 2 AND 12 RESIDENTIAL DEVELOPMENT FOR PROPERTY LOCATED ON THE NORTH AND SOUTH SIDE OF BAKER ROAD, WEST OF CARDINAL AVENUE IN THE CITY OF STUART, AS DESCRIBED WITHIN THE ATTACHED LEGAL DESCRIPTION; GRANTING APPROVAL TO LOCATE THE AVONLEA GATEWAY PIECE BY ARTIST DALE ROGERS; 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, Avonlea JV Stuart, LLC (The “Applicant & Owner”) filed an application on March 18, 2021, for a Minor Urban Code Conditional Use permit to allow the Applicant to locate stainless steel pieces of art evoking the spirit of the wetlands as a gateway feature at the front entrance of the residential development, fulfilling 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 April 6, 2021, to consider the application for the public artwork consisting of a stainless steel statue of a palm frond and bird sculptures 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 Avonlea JV Stuart, LLC, owner of the property located at the New Avonlea Parcel 2 and 12.

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 stainless-steel art pieces of a palm frond and wetland birds 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 stainless-steel art pieces of a palm frond and wetland birds in a location along Baker Road, shown in a Landscape Plan by Cotleur and Hearing, Sheet 1 and 2, and conceptual design by Cotleur and Hearing, 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:

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

YES	NO	ABSENT

ADOPTED this ____ day of _____,
2021. ATTEST:

JORDAN PINKSTON
BOARD SECRETARY

FRANK WACHA,
CHAIRMAN

APPROVED AS
TO FORM AND
CORRECTNES
S:

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: _____
Nik Schroth, Manager

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 _____, 2021, by _____

Personally Known OR Produced Identification
Type of ID Produced _____

Signature of Notary: _____

Notary Seal:

EXHIBIT A – LEGAL DESCRIPTION

Parcel 2

LOT 2 NEW AVONLEA PUD ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 17 PAGE 35 PUBLIC RECORDS MARTIN COUNTY FLORIDA

Parcel 12

LOT 12 NEW AVONLEA PUD ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 17 PAGE 35 PUBLIC RECORDS MARTIN COUNTY FLORIDA

Exhibit B – Location Map



Exhibit C - Conditions

- 1) Avonlea JV Stuart, LLC shall be responsible for maintenance of the artwork (stainless-steel art pieces of a palm frond and wetland birds) at the entrance areas.
- 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 \$44,695 for Parcel 2 and \$90,000 for parcel 12 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.

Exhibit D

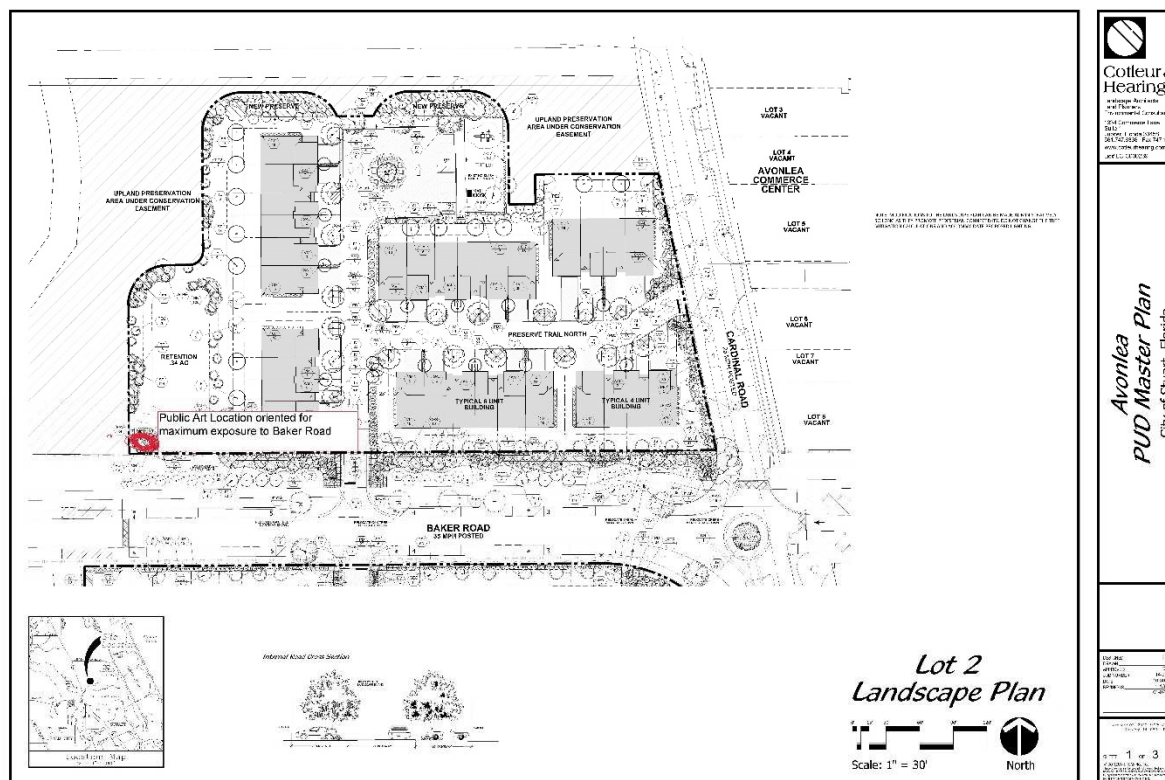
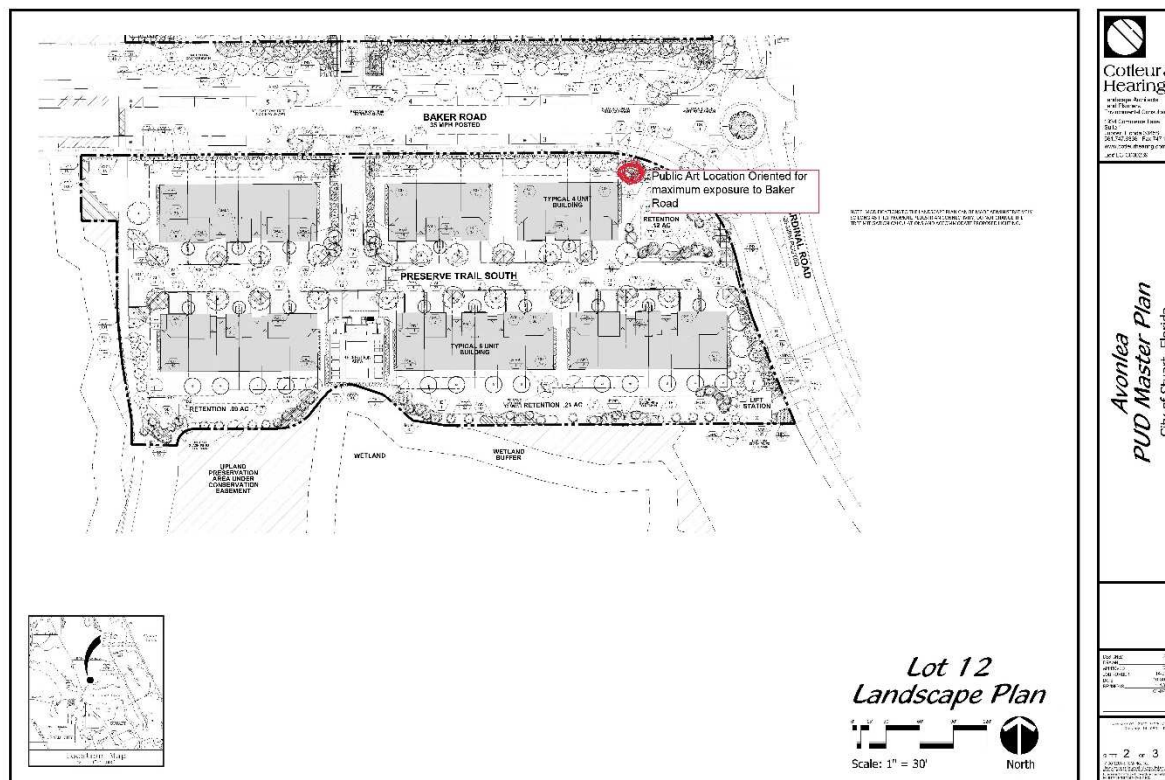
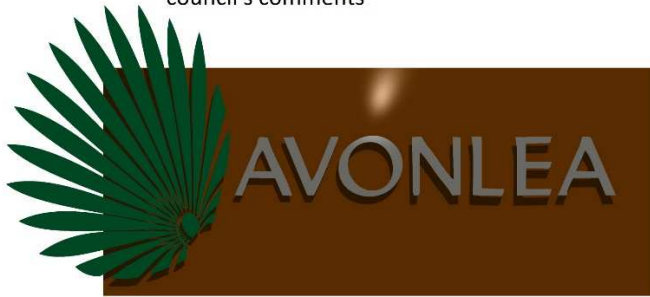


Exhibit D (Continued)

Revised rendering per
council's comments



AVONLEA
Stuart, Florida

 Cotleur &
Hearing



MONUMENT SIGN - CONCEPT 3

