CITY OF STUART, FLORIDA
CITY COMMISSION
STAFF REPORT

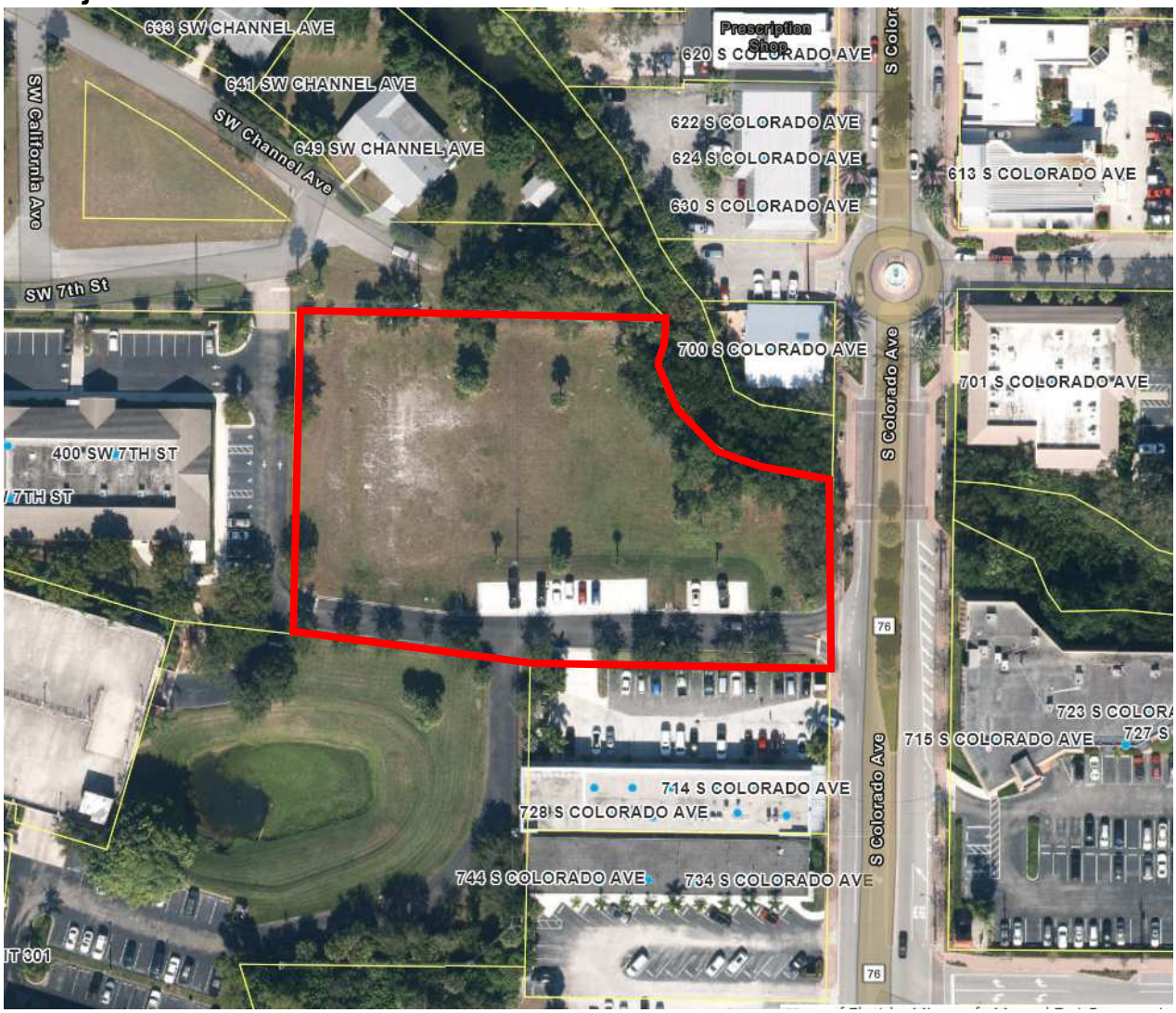
MEETING DATE: May 26, 2020 **PREPARED BY:** Stephen Mayer

PROJECT NAME: Shoppes on Colorado Annex

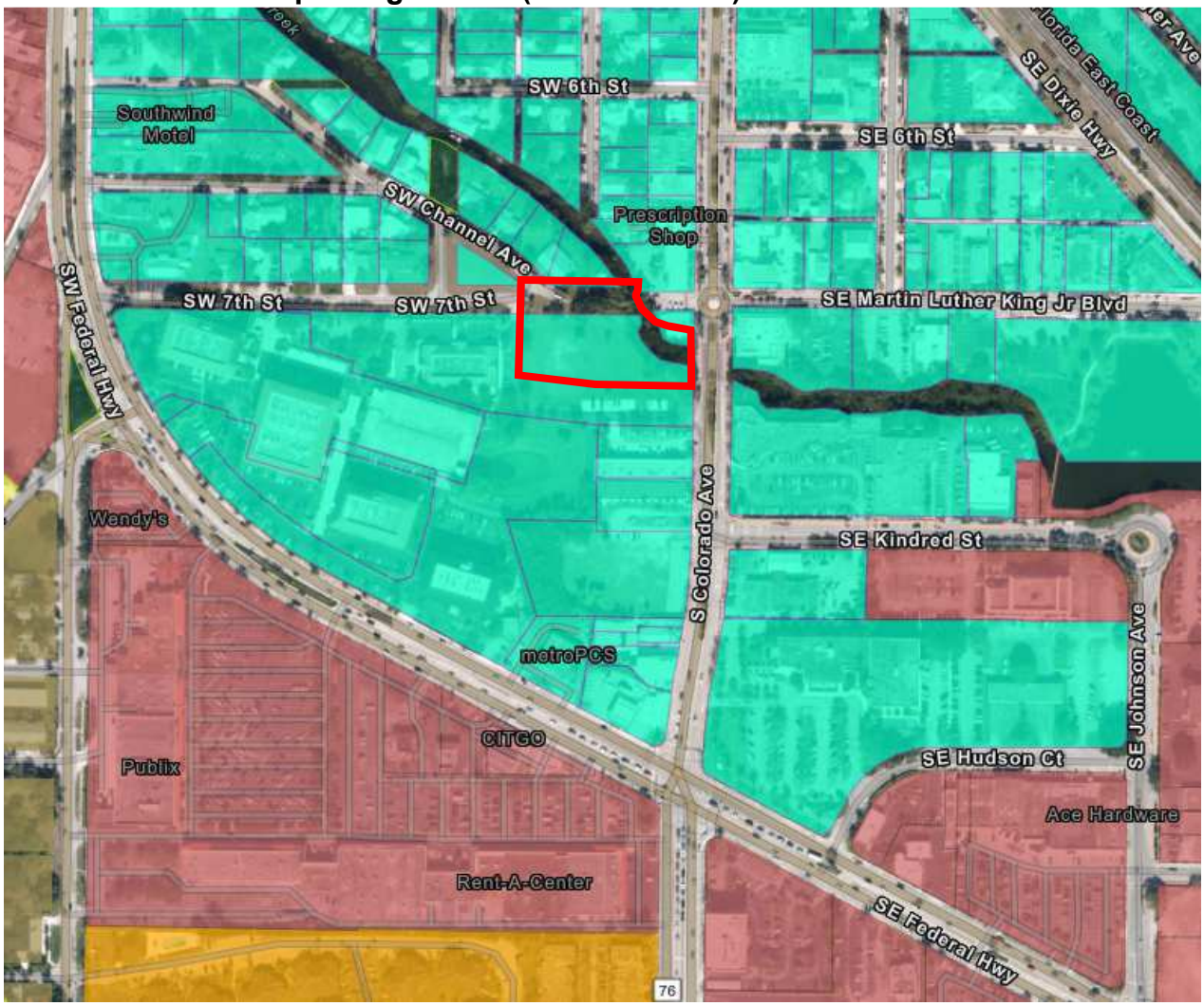
PCN #: 05-38-41-03-200-000-0200000.0

TITLE OF ITEM:
Request to consider a Major Urban Code Conditional Use approval to allow deviations from the Urban Code, Chapter 3 of the City of Stuart's Land Development Code, to allow the construction of 11,929 square feet of commercial office, retail and restaurant.

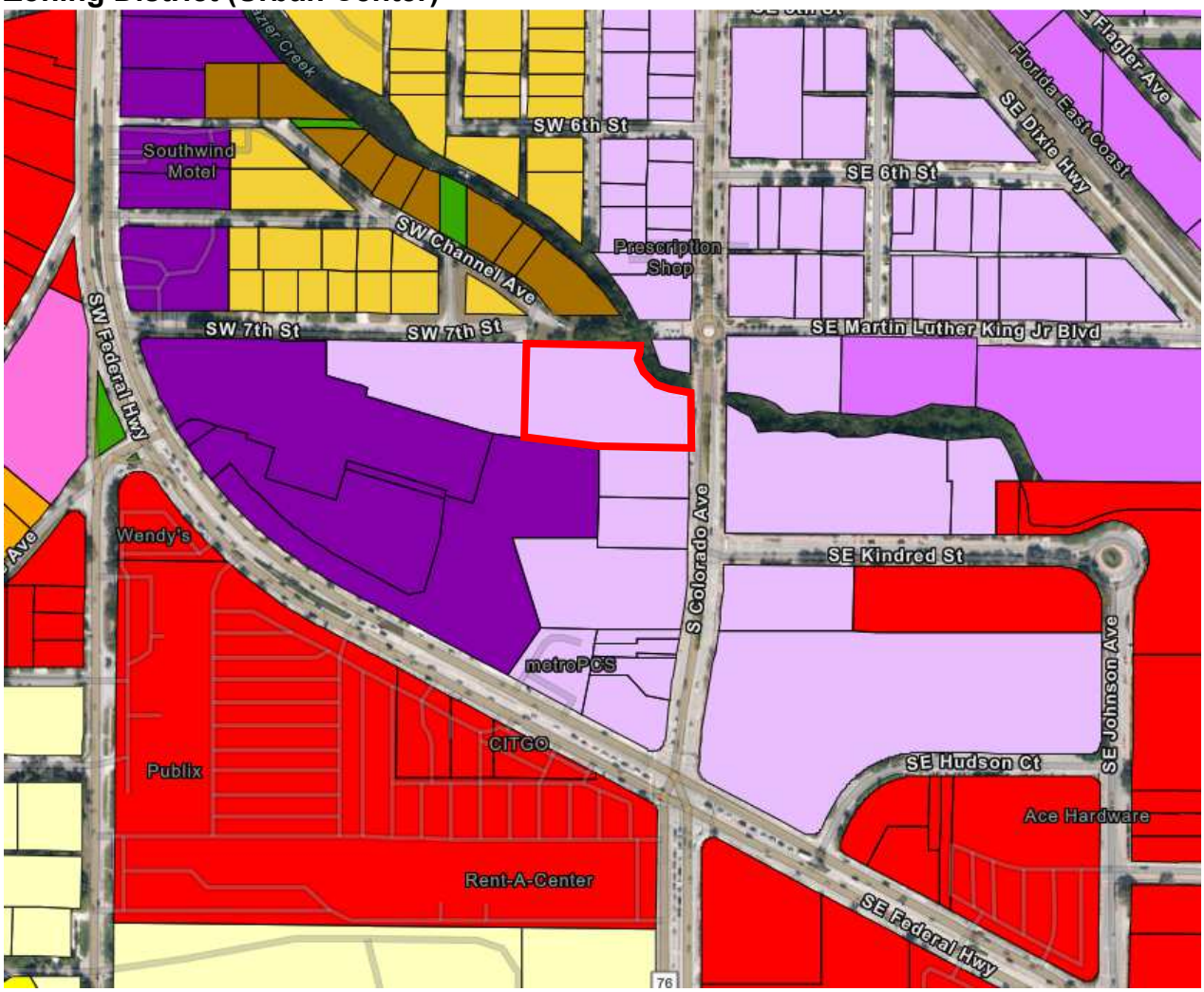
Project Location



Future Land Use Map Designations (Urban District)



Zoning District (Urban Center)



I. APPLICATION SUMMARY

The applicant, Ted Glasrud Associates FL, LLC, is requesting a major urban code conditional use approval in accordance with Section 3.01.06 of the City of Stuart Land Development Code. The applicant is the owner of the property, located at between Frasier Creek and the existing Shoppes on Colorado, on S Colorado Ave, and if granted, the conditional use would allow deviations from the Urban Code, Chapter 3 of the City of Stuart's Land Development Code, to allow the construction of 11,929 square feet of commercial office, retail and restaurant.

The property is currently vacant but currently has stormwater features that serve the surrounding area. The stormwater features and related utility easements have been planned for in the development of the property.

The applicant is required to request a Major Urban Code Conditional use due to the following deviations from the Urban Code:

A. Principal Building Location: The front façade shall be constructed parallel to the street along the front property line with a required build-to line of zero feet. The proposed site plan has the build-to line of 11.1 feet.

B. Façade Width. The front street façade width of the principal building shall not be less than 80% of the lot width. The proposed site plan has a building façade width of 27 %. However, a 50-foot right of way and a force main easement prevent the use of the entire lot width. The usable frontage is closer to 58 feet and therefore is close to 70%. It is important to note that most of that unused width space is being utilized as a 10-foot shoreline protection zone.

C. Parking Location. All parking shall be located behind the rear façade of the principal building or screened from public right-of-way by a street wall, other screening approved by the city development director, or landscape buffer. The applicant is proposing to screen the parking along the side of the building with landscaping.

D. Height. The minimum building height is shall be two stories or 26 feet. The proposed building is single storied, with the top of the parapet wall at exactly 26 feet. The top of the roof is 24.4 feet and it is designed to appear like a two storied structure.

E. Architectural Requirements. Balconies are required along all street facades for all buildings. The ground floor along the front façade shall have doorways, arcades, or glazed openings with an aggregate width equal to at least 50% of the total façade width. Though the applicant has not provided arcades or balconies, the restaurant use along the street frontage will include a covered patio with railings, giving the street frontage a harder edge than an entirely open area and a front façade that includes a glass door and usable overhead garage doors will provide openings of more than 50% when open.

Furthermore, arcades are encouraged by staff as a continuation of the line of arcades along the street frontage on the west side of Colorado Street between Confusion Corner and Frazier Creek. This was indicated by a study that shows the possible redevelopment of this section of Colorado should include walkable streets. Although the applicant has not provided an arcade, the Frazier Creek bridge does provide an impediment in providing a full usable arcade where the building is proposed.

II. HISTORY
The property is currently vacant and is located south of Frazier Creek on S. Colorado Avenue.

III. ZONING AND LAND USE	
Site Location	Address not assigned S Colorado Ave between Frasier Creek and the existing Shoppes on Colorado at 716 S Colorado
Parcel Size (area)	1.64 Acres
Subject Property Land Use	Downtown Redevelopment

Adjacent FLU (Future Land Use)	*North*	SW 7th Street/Downtown Redevelopment
	South	Downtown Redevelopment
	East	S Colorado/Downtown Redevelopment
	West	Downtown Redevelopment
Subject Property Overlay Zoning	Urban Center	
	North	SW 7th Street/ Urban Waterfront
	South	Urban Center
	East	S Colorado/ Urban Center
	West	Urban Center
Proposed Use	Office/Retail and Restaurant	
Present Use	Vacant	
ROADWAY AND UTILITIES		
Street Functional Classifications	Collector	
Utilities	Existing	

IV. EXISITING CONDITIONS:



V. PUBLIC NOTIFICATION:

The legal notification requirements have been met for this request of a **Major Urban Code Conditional Use** approval. In accordance with the requirements set forth in Section 11 of the City of Stuart's Land Development Code. Documentation of the public notice is part of the record as well as on file within the City Development Department.



II. STANDARDS FOR URBAN CODE CONDITIONAL USE REVIEW: LAND DEVELOPMENT CODE – SECTION 6.00.04 and SECTION 3.01.06

NOTE THAT THE REQUEST IS FOR AN ALLOCATION OF RESIDENTIAL DENSITY ONLY, AS SUCH THE PROPOSAL IS CONSIDERERED TO BE A NON-SUBSTANTIAL RENOVATION.

The city commission may grant a major Urban Code conditional use and the city community redevelopment board may grant a minor Urban Code conditional use. The review of major and minor Urban Code conditional use applications shall follow the procedures set forth in section 11.01.10 relating to major conditional use approval review, including, but not limited to, required findings of fact, conditions, notice, public hearing, standards, burden of proof, revocation and expiration. Approval of an Urban Code conditional use shall only be granted if the applicant can demonstrate that the request is consistent with and will further the implementation of this Code, the CRA redevelopment plan, the city comprehensive plan and will measurably improve the form, function and traditional neighborhood characteristics of the Urban Code District. The procedure for a major Urban Code conditional use shall follow the procedures set forth at section 11.01.10 with respect to submittal information and required notice for a major conditional use approval. The procedure for a minor Urban Code conditional use shall follow the procedures set forth in section 11.01.10 with respect to submittal information and required notice for a major conditional use approval; however, mailed notice shall only be required to be provided to property owners which are directly abutting the subject property, and a minor Urban Code conditional use shall be granted by the city community redevelopment board.

1. Minor Urban Code conditional use. A minor Urban Code conditional use shall be required for relief from the following regulations of the Urban Code; public art, and architectural materials.

2. Major Urban Code conditional use. A major Urban Code conditional use shall be required for relief from the following regulations of the Urban Code; density, permitted uses**, setbacks, location of parking, location of buildings and structures, conflicts with utilities**, curb cuts, historic buildings, pitched roofs in the Old Downtown District, **number of stories**, building height not to exceed 45 feet, parking located within a building envelope, location of a formula business, and **architectural requirements**. (bolded words added for emphasis)

a. Review. Upon submittal of an application for a major Urban Code conditional use the city development department shall review all applicable portions of this code and the comprehensive plan and shall make a recommendation to the community redevelopment board followed by a recommendation to the city commission. Prior to its consideration by the city commission, the city community redevelopment board shall review the application and make an advisory recommendation thereon to the city commission. A major Urban Code conditional use may be granted by the city commission upon a determination that the design objectives set forth in this section and site qualitative design development standards set forth in section 6.00.04 have been substantially satisfied. Unless a longer timetable is granted by the community redevelopment board and city commission, a building permit shall be obtained no later than 12 months from the approval date of a major Urban Code

conditional use. A certificate of occupancy shall be obtained no later than 30 months from the issuance of a building permit.

b. Design objectives. The design objectives established in this section are intended to promote superior site and building design and shall be applied by the city in the review of a development plan. In order to achieve substantial conformance with the design objectives the city commission may impose development conditions and operational requirements in order to satisfy the design objectives. A major Urban Code conditional use may be granted only when an applicant presents clear and convincing evidence that the proposed development will result in a superior product that is compatible with the surrounding neighborhood and achieves substantial conformance with the design objectives outlined in this section.

1. ***Building height.*** The proposed building height is proportional to the adjacent uses and is at least 26 feet when measured to the maximum height of the parapet wall. Therefore, staff is in support of deviating from a requirement that the minimum building height shall be two (2) stories, as the adjacent use to the west is single story, the applicant has designed the building to appear as a two story building, and the height of 26', although it is not usable space, is technically achieved.

STAFF RECOMMENDS APPROVAL OF THE DEVIATION FROM CODE – SINGLE STORY BUILDING SHOULD BE ALLOWED IN THIS LOCATION.

2. Setbacks. The front build-to line is zero feet in the Urban Center, which is to promote an urban street frontage and maximum building envelopes. However, the applicant does have site constraints that make achieving that goal difficult. The Frazier Creek bridge cuts back from a higher elevation and has a significant and required railing. This railing would prevent a reasonable connection of a ground floor building front to the sidewalk. Therefore, it is reasonable to allow a moderate setback from the sidewalk to create a usable space for the restaurant use. This setback is 11.1 feet and is the minimum amount of waiver that is reasonable to request. The urban street frontage should still be achievable under this circumstance.

STAFF RECOMMENDS APPROVAL OF THE DEVIATION FROM CODE – AN 11-FOOT FRONT SETBACK SHOULD BE ALLOWED IN THIS LOCATION DUE TO SITE CONSTRAINTS.

3. Commercial uses. The proposed development includes a mix of commercial uses and is encouraged.

NO REQUEST TO DEVIATE FROM CODE

4. Architectural treatments. Architectural treatments on the principal building facade are continued around all sides of the building that are visible from the public realm. The applicant has provided a quality development that achieved most of the requirements of code. However, the applicant requires deviation from the requirement of balconies, which correspond with the requirement of a two-story building, and the provision of an arcade, which corresponds with the provision of a zero-lot line street façade. Because both

corresponding requirements are also not reasonably provided, the requirements of balconies and a full arcade should also be waived.

STAFF RECOMMENDS APPROVAL OF THE DEVIATION FROM CODE – DUE TO NOT HAVING A USABLE SECOND STORY OR STREET FRONTAGE ALONG THE SIDEWALK, THE ARCHITECTURAL REQUIREMENTS FOR A BALCONY AND ARCADE SHOULD BE WAIVED AS WELL.

5. Curb Cuts. The existing curb cut can remain.

NO REQUEST TO DEVIATE FROM CODE

6. Defined entrance. The primary building entrance is a prominent feature that is well lit and visible and directly accessible from a public street. To the extent possible, the primary building entrance should be defined and articulated with pediments, pilasters, columns, porticoes, porches, overhangs, railings, or other architecturally compatible elements. The applicant is encouraged to provide these features in the “via” created by the sidewalk entrance.

NO REQUEST TO DEVIATE FROM CODE

7. Pedestrian amenities. Pedestrian amenities in the form of an 8’ sidewalk.

NO REQUEST TO DEVIATE FROM CODE

8. Patio gardens. The proposed structure incorporates a small area along the street frontage where a force main easement exists. The applicant has attempted to provide a landscape buffer area which include 2 Live Oaks and 2 Crepe Myrtles and a mixture of shrubs. Staff recommends adding flower boxes, arbors, trellis, flowering vines, and other landscaping materials to enhance this area as much as possible.

STAFF RECOMMENDS ADDITIONAL PLANTING AS A RESULT OF THE REQUESTED DEVIATION OF THE CODE TO ALLOW THE PARKING ALONG THE RIGHT OF WAY, AND IN THE SIDE LOT AND IN VIEW OF COLORADO AVENUE.

9. Varying roof lines. Roofs shall have three or more roof slope planes per primary facade, sloping roofs or have vertical roof changes with a minimum change in elevation of two feet.

NO REQUEST TO DEVIATE FROM CODE

10. Elevation plane variation. The elevation plane variation is identified as the exterior wall of a structure or building. For planes 50 feet or less, the secondary plane shall project at least two feet from the primary plane and make up at least five percent of the entire elevation. For planes larger than 50 feet, the secondary plane shall project at least two feet from the primary plane and make up at least 30 percent of the entire elevation.

NO REQUEST TO DEVIATE FROM CODE

11. Blank walls. Long, windowless, uninterrupted walls shall be avoided. Transparent windows or faux windows or shutters shall comprise at least 30 percent of street and water side exterior elevations and blank wall areas shall not exceed ten feet in vertical direction and 20 feet in horizontal direction of any facade.

NO REQUEST TO DEVIATE FROM CODE

12. Enhanced landscaping. Landscaping shall be planted over and above city code requirements with respect to size, quantity, and quality. The applicant shall abide by the tree replacement formula and disposition plan. The applicant is providing 48 canopy and 77 total trees. The required number of trees is 22.

NO REQUEST TO DEVIATE FROM CODE

14. Improvements to the surrounding neighborhood. The applicant proposes to make improvements such as; burying utility lines, replacing existing sidewalks with stamped concrete or pavers, providing pedestrian walkways constructed of stamped concrete or pavers, or other improvements.

NO REQUEST TO DEVIATE FROM CODE

15. Green Space. The applicant is providing the required 10-foot shoreline protection zone along Frazier Creek and is providing a total of 25,295 square feet of open space, or 35.4%. This is just above the minimum of 35%. The applicant is providing 19,920 square feet of landscaping, or 27.8%, which is above the minimum 20%.

NO REQUEST TO DEVIATE FROM CODE

Sec. 6.00.04. - Site design qualitative development standards.

A. Generally. The intent of these site design qualitative development standards is to establish qualitative standards to be applied by the city in the review of residential development plans, minor development plans and major development plans submitted to the city as required by this Code. The purpose of these standards is to ensure that all site plan development complies with the comprehensive plan of the city and with the Stuart land development regulations and to promote harmonious and compatible development within the city.

B. Standards.

1. Harmonious and efficient organization. All elements of a development plan shall be organized harmoniously and efficiently in relation to topography, the size and type of the subject property, the character and development of nearby property, and the type and size of buildings. Site improvements shall be arranged to have minimal effects on nearby property and in a manner that will not impede the development of nearby property for uses permitted by the Stuart Comprehensive Plan and this Code. – **NO CHANGE TO EXISTING LAYOUT – NOT PART OF THIS REQUEST**

2. Preservation of natural conditions. The landscape shall be preserved in its natural state to the maximum degree practical by minimizing tree and soil removal and by other appropriate site planning techniques. Terrain and vegetation shall not be disturbed in a manner likely to increase soil erosion in or near the site or to harm endangered or threatened plant or animal populations. **MINIMAL IMPACT ON EXISTING SITE CONDITIONS**

3. Screening and buffering. Fences, walls, or vegetative screening shall be provided where needed to protect the occupants of the site from undesirable views, lighting, noise or other adverse effects of nearby property, and to protect the occupants of nearby property from like adverse effects produced by the development of the site. - **APPLICANT TO DISCUSS**

4. Enhancement of residential privacy. The development plan shall provide reasonable visual and auditory privacy for all dwelling units located within and near the site. Fences, walls, barriers and vegetation shall be arranged to protect and enhance the appearance of the site and the privacy of the occupants. - **APPLICANT TO DISCUSS**

5. Emergency access. Buildings, walls, landscaping and other site features shall be arranged and constructed to permit access by emergency vehicles to all buildings. - **NO CHANGE TO SITE ACCESS, INTERNAL CIRCULATION HAS BEEN APPROVED BY FIRE RESCUE AND PUBLIC WORKS.**

6. Access to public and private ways. All buildings, dwelling units and other facilities designed or intended for occupancy or assembly shall have safe and convenient access to public and private ways including streets, sidewalks and parking areas, and to other areas on the site designed or intended for common use. - **NO CHANGE TO SITE ACCESS, INTERNAL CIRCULATION HAS BEEN APPROVED BY FIRE RESCUE AND PUBLIC WORKS.**

7. Pedestrian circulation. For developments which include residential units, the pedestrian circulation system shall be separated to the maximum extent possible from the vehicular circulation system. Sidewalks shall be provided if desirable for pedestrian safety and shall be constructed in accordance with city standards. – **THE APPLICANT IS PROVIDING AN 8' SIDEWALK AND CONNECTION TO EXISTING SIDEWALKS.**

8. Location and design of access drives. Access drives to the site shall be located and designed to maximize public safety and convenience and to minimize negative traffic impacts on property. Access improvements located both on and off the site shall be provided if desirable for public safety. - **NO CHANGE TO SITE ACCESS.**

9. Coordination of on-site and off-site circulation. The arrangement of on-site public and private ways including streets, sidewalks, bicycle paths and parking areas for vehicular and pedestrian circulation shall be coordinated with the existing and planned pattern of off-site public and private ways for vehicular and pedestrian circulation. – **THE PROPOSED DEVELOPMENT WILL BE FACILITED BY THE USE OF AN EXISTING DRIVEWAY, WHICH WILL PROVIDE CIRCULATION TO S COLORADO AVE.**

10. Location and design of on-site ways. On-site public and private ways including streets, sidewalks, bicycle paths and parking areas shall be located and designed to occupy no more land than is required to provide safe and convenient vehicular and pedestrian circulation. Such ways shall not unnecessarily fragment development into small areas or segments. **APPLICANT TO DISCUSS**

11. Drainage. Stormwater drainage shall be accommodated on the site or shall be removed from the site in a manner which does not adversely affect nearby property or the public storm drainage system. The necessary facilities, including grading, gutters, piping and the treatment of soil, shall be provided to accommodate stormwater retention, percolation and drainage, and to prevent erosion and the formation of silt. **– APPLICANT TO DISCUSS**

12. Exterior lighting. Exterior lighting shall not produce glare on nearby property or otherwise interfere with the quiet enjoyment of nearby property or with public safety and convenience. **– LIGHTING WILL BE REVIEWED AT BUILDING SITE PLAN**

The site plan application has been reviewed by Fire Department and Public Works reviewers and is required to meet applicable access requirements. The reviewers provided comments that will impact the final engineered drawings, but does not impact the development site plan.

VIII. STAFF RECOMMENDATION

Based upon compliance with the City of Stuart's Comprehensive Plan and the pertinent standards found within Section 3.01.06 of the City of Stuart's Urban Code, staff recommends ***APPROVAL*** of the applicant's request to consider a ***MAJOR URBAN CODE CONDITIONAL USE*** to allow deviations from the Urban Code, Chapter 3 of the City of Stuart's Land Development Code, to allow the construction of 11,929 square feet of commercial office, retail and restaurant. with the conditions attached the draft Resolution 55-2020.

On May 5, 2020, the Community Redevelopment Board (CRB) recommended approval of the Urban Code Conditional Use. The concerns raised by the public and discussed by the board regarded storm water, the need to trim mangroves back from Frazier Creek, and traffic. The applicant addressed those concerns with expert testimony, in regards to the engineering of the site, the review of the traffic analysis and the legal permitting of mangrove trimming.

Staff is recommending approval of this request.