CITY OF STUART, FLORIDA
CITY COMMISSION
STAFF REPORT

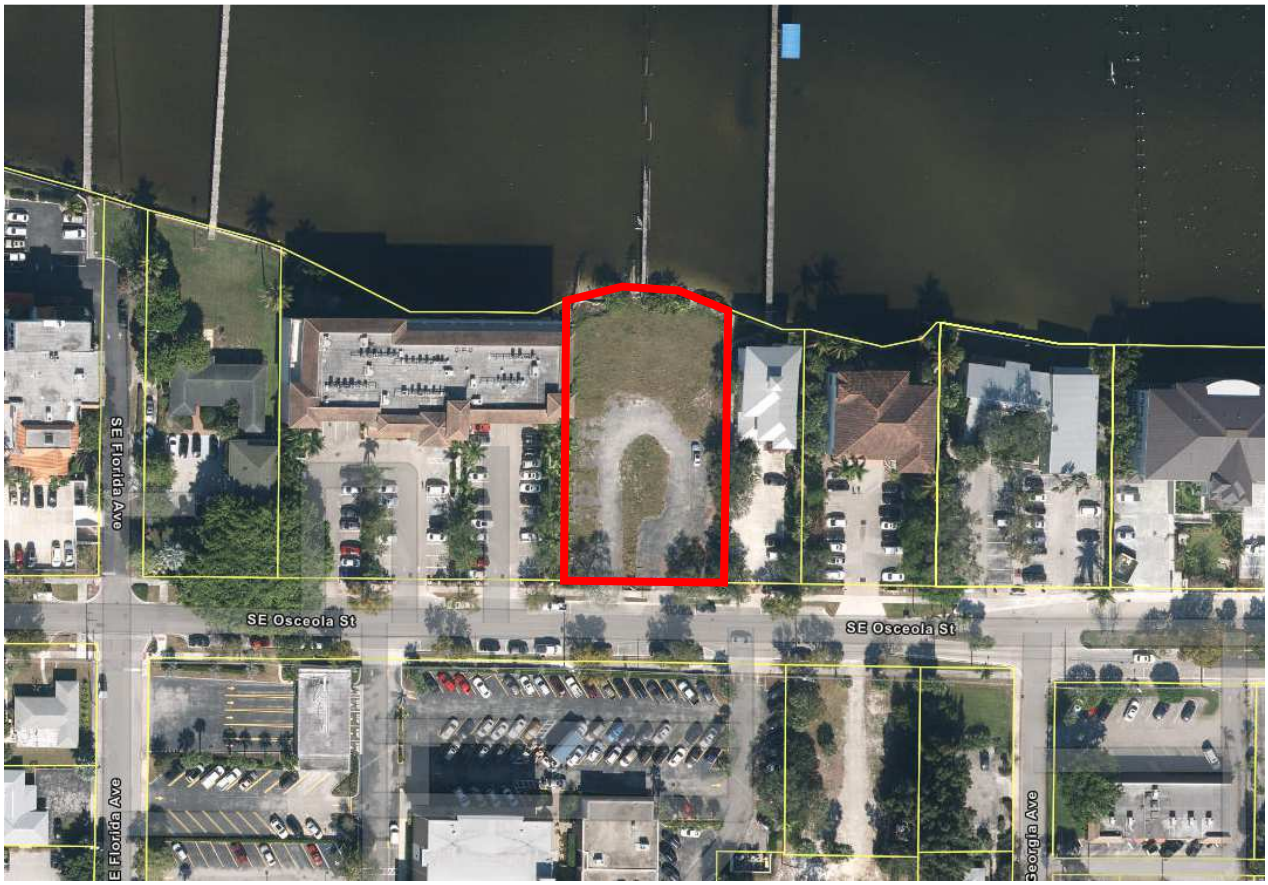
MEETING DATE: September 14, 2020 **PREPARED BY:** Stephen Mayer

PROJECT NAME: 313-315 Osceola Street, Waterview Condominiums

PCN #: 043841000000000505

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, including density and parking within the building envelope, to allow the construction of a four-story condominium with a total of 14 units.

Project Location



I. APPLICATION SUMMARY

The applicant, Greenlight Studios Acquest TX, 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 313 and 315 Osceola Street, on the St. Lucie River and if granted, the conditional use would allow deviations from the Urban Code, Chapter 3 of the City of Stuart's Land Development Code, including the approval of density up to 24 units per acre, and parking garages under the building envelop.

The property is currently vacant but was once developed property. Some impervious surface area remains from the previous development. Staff considers this application infill development. 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. Density: The code allows 15 units per acre by right in the Urban District. The applicant is requesting 14 units on a .58-acre site, which equates to 24 units per acre. The City Commission may review development up to 30 units per acre as a conditional use approval.

B. Parking within the building envelope: The applicant is meeting and exceeding the required parking for the 14 units, by providing 14 two car garages underneath the building. The City Commission may review this departure from the urban code via conditional use approval.

II. HISTORY

The property is currently vacant and is located at 313-315 Osceola Street. Prior to the hurricanes of 2004/2005, a commercial use existed on the property. Damage to the old structures caused the commercial buildings to be vacated and demolished. The property has been vacant since the demolition. A damaged pier exists on the site and will be demolished, and a new dock built for this development.

III. ZONING AND LAND USE

Site Location	313 or 315 Osceola Street	
Parcel Size (area)	.58 Acres	
Subject Property Land Use	Downtown Redevelopment	
Adjacent FLU (Future Land Use)	*North*	St. Lucie River
	South	Downtown Redevelopment
	East	Downtown Redevelopment
	West	Downtown Redevelopment

Subject Property Overlay Zoning	Urban Waterfront	
	North	River
	South	Urban Center
	East	Urban Waterfront
	West	Urban Waterfront
Proposed Use	Residential Multi-Family (14 units)	
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. ***Density.*** The proposed density of 24 units per acre is proportional to the adjacent uses and other multi-family developments downtown (on Seminole Street). The applicant is providing for new, quality housing in compliance with all other sections of the Urban Waterfront code, except for parking under the building envelop.

STAFF RECOMMENDS APPROVAL OF THE DEVIATION FROM CODE – 24 units per acre is consistent with the density approved in the downtown.

2. **Parking under the building envelope. S**taff notes that this variance request allows the building to be constructed as 4 stories above the garage. The first floor (or Finished Floor Elevation) of the residential units will be at 13'6", or 18" above the crown of the road. Building height by definition is measured from the maximum required finished floor elevation. Because the garages located under the building envelop can be constructed below this elevation, the overall height of the building is not the measured height used to restrict the residential portion of the building. The total height of the building is 55' to the midpoint of the mansard roof. However, subtracting the 13'6" finished floor elevation leaves a building height of 41'6". Due to the residential nature of the building, the code allows for the building to be 45' in height and four stories.

STAFF RECOMMENDS APPROVAL OF THE DEVIATION FROM CODE – Staff finds that the proposed building provides quality pedestrian scale architecture along the street front and will tuck the required parking from site of the public right of way. This meets the intent of diminishing the presence of parking and allows the applicant to provide the 10-foot vista on either side of the property.

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

The front two townhome style condominiums are designed to encourage work from home occupancy.

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. The applicant is providing balconies on the second floor of the townhomes fronting

Osceola Street, and on the units facing the river. The architectural rendering provides all of the required elements of the commercial design standards in the urban code.

NO REQUEST TO DEVIATE FROM CODE

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 residential condo includes an open area fronting the entrance, which can be utilized as a pedestrian entrance, the location of mailboxes and seating areas. The public art will also be located near this entrance.

NO REQUEST TO DEVIATE FROM CODE

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 8 canopy and 16 total trees. The required number of trees is 13.

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 the St. Lucie River and is providing a clear zone for this reason. A total of 9,017 square feet of open space, or 35%. This is just above the minimum of 35% or 8,969 square feet. The applicant is providing 5,010 square feet of landscaping, or 20%, which meets 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. **THE DEVELOPMENT PLAN IS HARMONIOUS AND IN CHARACTER WITH THE NEIGHBORHOOD.**

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 HAS PROVIDED SUFFICIENT SCREENING AND WILL ALSO COMPLY WITH THE VISTA REQUIREMENTS OF THE URBAN WATERWAY DISTRICT.**

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 REVIEWED BY FIRE RESCUE AND PUBLIC WORKS AT FINAL PLANS WILL BE APPROVED AT THE TIME OF CIVIL PLANS.**

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 ADEQUATE SIDEWALK CONNECTIONS TO THE EXISTING 6' 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 A HISTORIC CURB CUT DRIVEWAY.**

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**

Staff note: 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. COMMUNITY REDEVELOPMENT BOARD (CRB) AND STAFF RECOMMENDATION

On September 1, 2020, the CRB voted to approve the Resolution with three additional or modified conditions. 1) The modification of the existing HOA conditional language to remove the ability to form more than one and a Master Association. Staff has modified condition #13 to only allow a single condominium association. 2) Adding to a condition that the condominium association shall be responsible for maintenance of all common areas, including the stormwater exfiltration system. Staff has modified condition #13 to include the responsibility of the Association is to maintain the common areas, including stormwater exfiltration. 3) add a condition requiring the applicant provide a boardwalk easement. Staff has added condition #7, which requires the applicant to do so. This condition is similar to the condition placed on Sailfish Cove this year, with the exception that the easement is not in exchange of reduced parking for retail areas.

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 the four-story, 14 unit condominium building with the conditions attached Resolution 96-2020.

Staff recommends motion to approve Resolution 96-2020.