**CITY OF STUART, FLORIDA**
**CITY COMMISSION**
**STAFF REPORT**

**MEETING DATE:** September 14, 2020

**PREPARED BY:** Tom Reetz
Senior Planner

**PROJECT NAME:** 111 Real Estate Holdings - Relocation of the historic Walton Building (33 Degrees)

**TITLE OF ITEM:** Request to consider a Major Urban Code Conditional Use Approval to allow the relocation of the historic Clifton Guest House and Fishing Lodge Walton Building to its new location of 209 Albany Avenue in the Urban Center zoning district within the City of Stuart Community Redevelopment Area. The applicant has requested the historic building to be set back from the front property line to allow for a guest parking area, for the façade width to be less than 80% of the lot width, for the building to be less than two stories or 26 feet and forego the urban code requirement for arcades or glazed openings and balconies on the front façade in the Urban Center zoning district in the City's CRA (Community Redevelopment Area).



## I. APPLICATION SUMMARY

The applicant, 111 Real Estate Holdings, LLC is requesting a major urban code conditional use approval as per Section 3.01.06 of the City of Stuart Land Development Code. If granted, the conditional use approval will allow for the relocation the historic Walton building from City Right of Way at Decker Avenue to a vacant the north side of the parking lot at Albany Avenue.

The applicant is required to request a Major Urban Code Conditional use due to the urban code requiring a build-to front setback of 0 feet, for a building width less than 80% of the lot width, a building less than 2 stories and to forego the requirement for arcades or glazed openings and balconies.

If the applicant's request is granted, a licensed moving contractor will then obtain a permit to relocate the building that will include a routing plan, timeframe for the move, surety bonds and /or indemnification of the City for any damages to City property or City ROW.

The developer has been made aware of the City's Historic Ordinance and while. Mr. Brechbill has reviewed the program contained therein, he does not want to pursue designation or the possibility of tax deferments at this time.

## II. HISTORY

The existing historic Walton Building was temporarily located on City Right-of-way at Decker Avenue to allow New Urban Communities, LLC to develop the leased Stuart Triangle parcel into a 49-unit rental apartment complex which received certificate of occupancy in 2019, while the building lacks Architectural features, it shares the same contractor builder as the Lryric Theatre and has had many uses over the years including a hair salon, what was going to open as 33 degrees before its owner, John Pusateris was involved in a tragic vehicular accident. Most recently, the building served delicious hamburgers to both local and to travelers alike.

## III. ZONING AND LAND USE

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|---|---|---|
| ***Site Location*** | 209 S Albany Ave | |
| ***Parcel Size (area)*** | .5 Acres | |
| | | |
| ***Subject Property Land Use*** | Urban Center | |
| ***Adjacent FLU (Future Land Use)*** | *North* | Downtown Redevelopment |
| | *South* | Downtown Redevelopment |
| | *East* | Downtown Redevelopment |
| | *West* | Downtown Redevelopment |
| ***Subject Property Overlay*** | Urban Center | |

| | | |
|---|---|---|
| ***Zoning*** | | |
| | *North* | Urban Center |
| | *South* | Urban Center |
| | *East* | Urban Center |
| | *West* | Urban Center |
| ***Proposed Use*** | Hamburger Stand -Walk up | |
| ***Present Use*** | Vacant | |
| ***Land Use Plan*** | Downtown Redevelopment | |
| **ROADWAY AND UTILITIES** | | |
| ***Street Functional Classifications*** | Joan Jefferson is a two way traffic aisle connecting US1 and Dixie Hwy. | |
| ***Utilities*** | Sewer and Water are provided by the City of Stuart. | |

| **IV. CITY DEPARTMENTAL REVIEWS** | |
|---|---|
| *Public Works (Marc Rogolino)* | Conditionally Approved |
| *Fire/Building (matt Cawley)* | Approved subject to Fire truck accessibility route being submitted. |
| *Police (Brian Bossio)* | Approved subject to more detailed review at the Building and Site Permit stage |

## V. EXISITING CONDITIONS:

## VI. 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.

## VII. STANDARDS FOR URBAN CODE CONDITIONAL USE REVIEW:

1. **The proposed use is not contrary to the established land uses in the immediate area.**

   *The Future Land Use of all of the properties within proximity to the site is Downtown and the property is situated within the City of Stuart Community Redevelopment Area (CRA). The list of permitted uses included in the Urban Code are applicble to all property situatued within the CRA, and include commercial uses. The building sets vacant on City property.*

2. **The proposed use would not significanly depart from the densities or**

**intensities of use in the surrounding area and thereby increase or overtax the load on public facilities such as schools, utilities, and streets and other public infrastructure.**

*Approval of the urban code conditional use would allow a small commercial building and will not impact upon density or intensity to any significant extent.*

3. **The proposed use will not be contrary to the proposed land use plan and will not have an adverse effect on the goals, policies and objectives of the comprehensive plan.**

   *Approval of the urban code conditional use would not be contrary to the adopted land use plan or other relevant goals, objectives, and policies concerning residential use. The Downtown Future Land Use references individual projects and sites consisting of single uses. A commercial building is consistent with this language and would not detract from the mixture of uses that exist downtown but would add an element of walkability to get fast food from downtown.*

4. **The existing district boundaries are illogically drawn in relation to existing conditions on the property proposed for change.**

   *There are no proposed changes to the existing district boundary*.

5. **The proposed use will not create or excessively increase traffic congestion or otherwise affect public safety.**

   *The relocated commercial building will rely on on existing infrastructure to accommodate the vehicular traffic flow utilizing the site..*

6. **The proposed use will not create drainage or a storm water quality problem.**

   *The development of the entire site will be performed in accordance with approved building permits, which will ensure that the required drainage and stormwater quality is obtained.*

7. **The proposed use will not significantly reduce light or air to adjacent areas.**

   *The relocated commercial building is a single story building and is not directly adjeacent to neighboring building and will therfore not reduce light or air to adjacent areas.*

8. **The proposed use is less burdensome on neighboring properties and on public infrastructure than uses permitted by right in the district.**

   *The use is permitted throughout the CRA district.*

9. **The proposed use is not out of scale with the uses permitted by right in the district and with the existing uses in the neighborhood.**

*The proposed relocation of the historic structure is a smaller scale to existing uses in the neighborhood.*

10. **There are no other adequate sites for the proposed use in districts in which the proposed use is permitted by right within the city.**

    *A major urban code conditinal use would be required for the proposed location in all of the Community Redevelopment Area. The use is a permitted use within Seciton 3 of the Urban code.*

## IX. CONDITIONAL USE REVIEW FACTORS TO BE CONSIDERED BY THE DECISION MAKER: SEC. 11.01.10(G)(6)

**In applying the above standards, the decision-maker will consider each of the following factors:**

1. **Ingress and egress to the property and the proposed structure to be located thereon, if any, including considerations of automotive and pedestrian safety and convenience, of traffic flow and control, and of access in case of fire or catastrophe.**

   *The proposal has been reviewed by Public Works Departments who have no objections to the proposed use. Fire truck access egress still needs to be proven.*

2. **Off-street parking and loading areas including consideration of the economic impact thereof on adjacent properties and of any noise and glare cerated by the location of off street parking and loading areas on adjacent and nearby properties.**

   *The proposal h as plentyof off-street parking in the lot on which structure is being relocated.*

3. **Refuse and service areas including consideration of the economic impact thereof on adjacent properties and of any noise and odor created by the location of refuse and service areas on adjacent and nearby properties.**

   *The proposed site plan and acceptable to the City's Public Works Department.*

4. **Utlitites including condideration of hook-up locations and availability and compatbility of utilites for the proposed uses.**

   *Public Works has reviewed the proposal and have no objections in regard proposed connections to City's water and sewer systems. A grease trap will be provided by the applicant.*

5. **Screening and buffering including consideration of the type, dimensions, and character thereof to preserve and improve compatibility and harmony among the proposed uses and structures specially permitted and the uses and structures of adjacent and nearby properties.**

*The proposal will result in the removal of an existing Oak tree to provide for a small paved area to the front of the building, all remaining landscaping will remain.*

6. **Signage and exterior lighting including consideration of glare, traffic safety, and economic effects thereof on adjacent and nearby properties.**

*1. There will be no illuminated signage.*

7. **Required yards and open spaces.**

*There is no required open spaces.*

8. **Height of proposed structures including consideration of the effects thereof on adjacent and nearby properties.**

*The relocated building falls within the maximum hieght restriction.*

## 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 the relocation of the historic Walton Buildling in accordance with the conditions attached the draft Resolution 97-2020.
Staff is requesting the Community Redevelopment Board consider the merits of the proposal and recommend the application be forwarded to the City Commission for final action of approval.