CITY OF STUART, FLORIDA
COMMUNITY REDEVELOPMENT BOARD
STAFF REPORT

MEETING DATE: October 6, 2020 **PREPARED BY:** Stephen Mayer

PROJECT NAME: Reed Childcare

PCN #: 043841022004001500

TITLE OF ITEM:
Request to consider an East Stuart Major Code Conditional Use approval to allow the construction of a 6,038 square foot child daycare center within the East Stuart district, allow for the construction of up to seven (7) on-street parking spaces along Martin Luther King, Jr. Boulevard and allow for a relief of the required number of parking spaces by two spaces.

Project Location



I. APPLICATION SUMMARY

The applicants, Sean and Donna Reed, are requesting an East Stuart major urban code conditional use approval in accordance with Section 3.02.14 of the City of Stuart Land Development Code. The applicants are the owner of the property, located one the northwest corner of Martin Luther King Jr Boulevard and Cortez Avenue, and if granted, the East Stuart conditional use would allow deviations from the Urban Code, Chapter 3 of the City of Stuart's Land Development Code, including the approval of the conditional use of daycare under 3 acres, the granting of a revocable permit to construct on-street parking pursuant to Section 3.02.06.B., and to provide relief of the required parking in order to provide an adequate transitional buffer on the north side of the property, adjacent and across an alley from residential single family.

The property is currently vacant and has been recently cleared of exotic and invasive species. The applicant will be required to apply for curb cuts on SE Cortez Avenue and MLK Boulevard.

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

A. Use: Pursuant to Section 3.02.05.B., child daycare under three acres is listed as a conditional use in the General Residential and Office subdistrict of the East Stuart district. The use must also comply with the supplemental use standards in Section 2.06.04. These standards are as follows:
    1. Required square footage of outdoor play area per child shall meet Florida Department of Children and Family Services standards and provide proof of issuance of a state license for such a facility (condition of approval)
    2. The outdoor play area is enclosed by a fence having a height of at least five feet in order to prevent passage through planting (shown on site plan)
    3. One non-illuminated sign may be permitted to identify the principle structure, but such sign cannot exceed the size and height requirements of the respective zoning district, and cannot contain any advertising other than the name of the business (condition of approval)
    4. The location of the outdoor play equipment shall be determined in the site plan review (location behind the building and farthest away from both roads is the preferred location, as shown on the site plan)
    5. The principle and accessory buildings shall meet all yard setbacks and height requirements of the applicable zoning district (the building and accessory structures do meet GRO setbacks and height restriction)
    6. Proof of application of a state license for such facility before approval of the Conditional Use shall be shown and such license must be issued before, or at the same time, of any certificate of occupancy or business tax receipt may be issued for such facility. (the applicant currently operates a licensed facility and wishes to build their own facility and relocate to this site. A condition of approval requires proof of license prior to business tax receipt.

B. Required number of parking: Pursuant to Section 3.02.05.B., a child daycare facility is required to provide 1 parking space per 6 children and 1 space per employee. The applicant is requesting a maximum occupancy of 117 children and declares that 15 employees will staff the facility. This equates to a requirement of 35 parking spaces. The applicant provided a site plan with 36 parking spaces, however, 10 of the parking spaces are located within the required transitional buffer between residential and commercial uses. Staff recommends that these 10 spaces are removed and replaced by a continued buffer along the entire northern property line and that up to seven new on-street parking spaces are constructed along MLK boulevard. This would result in a net 33 parking spaces, or 2 parking spaces short of the required number. The applicant will agree to this configuration should the CRA recommend approval.

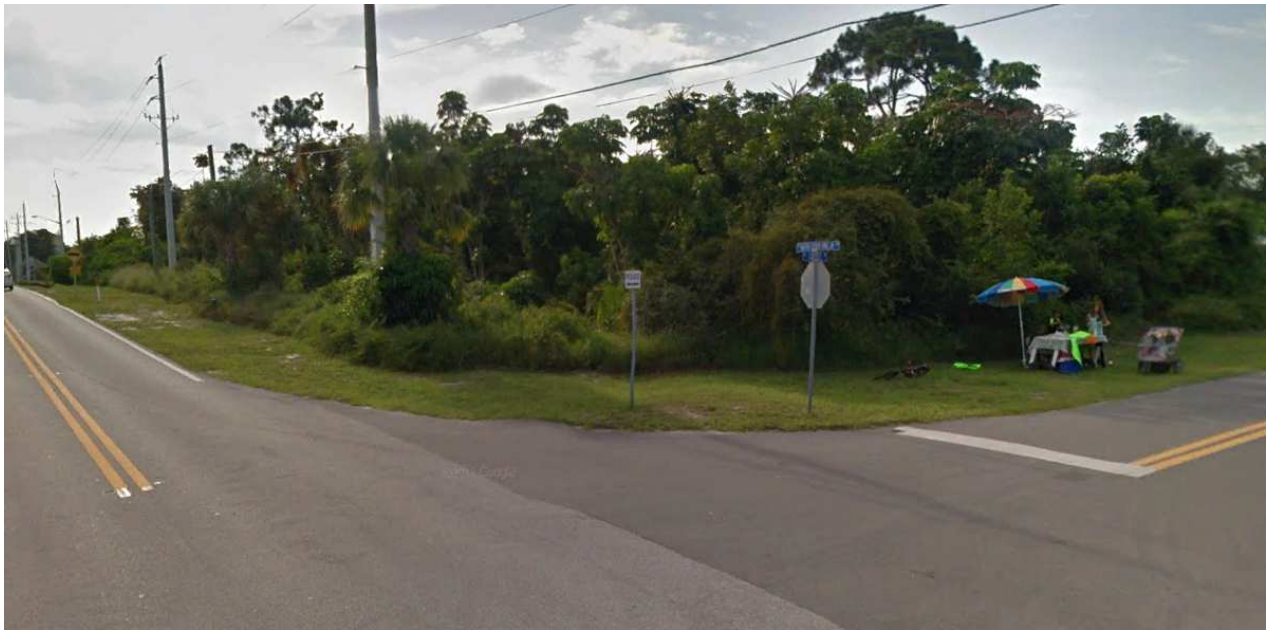
II. HISTORY

The property is currently vacant and is undeveloped. An unutilized 10' alley is located on the north side of the property, per the Stypmann Park Second Addition plat. The property is located within the original Community Redevelopment Area and is zoned General Residential and Office (GRO). A commercial use was anticipated as a possibility, including a daycare use by conditional use approval.

III. ZONING AND LAND USE

Site Location	Northwest corner of Martin Luther King Jr. Blvd and Cortez Avenue	
Parcel Size (area)	.93 Acres	
Subject Property Land Use	East Stuart	
Adjacent FLU (Future Land Use)	*North*	Residential Low Density
	South	Residential Low Density and Public
	East	Residential Low Density
	West	East Stuart
Subject Property Overlay Zoning	General Residential and Office (GRO)	
	North	R-1
	South	R-1 and Public (P)
	East	R-1
	West	GRO
Proposed Use	Child Daycare	
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 (AND EAST STUART) 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. ***Use.*** The proposed conditional use of child daycare is conditioned on supplemental regulations which have been met by the applicant. The applicant has cited the use in order to minimize the impacts of traffic, lighting and noise to the surrounding residential properties. The applicant is meeting or exceeding all other aspects of the code except for the transitional buffer. For this reason, staff is recommending the removal of parking along the buffer, replacement of the buffer, construction of on-street parking and a reduction of the required parking by two spaces.

STAFF RECOMMENDS APPROVAL OF THE CONDITIONAL USE.

2. **Number of required Parking spaces. S**taff notes that this variance is being recommended by staff in order to provide adequate transitional buffering to the residential properties to the north. The applicant agrees to provide a continual 15' landscape buffer and remove the 10 spaces as shown on the application site plan. Due to this staff recommendation, the applicant is also recommended to make up at least seven, which staff has determined as the number of potential spaces that may be constructed along the northern side of Martin Luther King Jr. Boulevard immediately abutting the property. Pursuant to the East Stuart code, the applicant may utilize these new on-street spaces as credit to their parking requirements, even thought these spaces will be for the general public use. The City Commission should also grant the City Manager the ability to review and record a revocable permit to allow the construction of the on-street parking, as acceptable to the City's Public Works and Police Departments.

STAFF RECOMMENDS APPROVAL OF THE DEVIATION FROM CODE – Staff finds that the proposed plan revision to relocate the parking spaces will provide the neighbors more relief from light and noise impacts of the parking lot to their yards. In order to accommodate this effort, which is supported by the applicant, staff is recommending approval of a reduction of two spaces. Child daycare centers located within an urban setting such as this are expected to have a certain percentage of clients that are within walking distance of the facility. Therefore, staff considers a reduction of two spaces to be consistent with this expectation.

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 applicant will submit the proper applications for new curb cuts.

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.

NO REQUEST TO DEVIATE FROM CODE

7. Pedestrian amenities. Staff recommends a sidewalk connection to be added to the transitional buffer area where the ten parking spaces are currently, or the parking be off set to allow a more centralized sidewalk connection from the street sidewalks to the front of the building.

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. The building is not large enough to warrant this many vertical roof changes, however, the applicant is providing for gabled roofs to break up the roofline.

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 the minimum requirement. An addition of four green buttonwoods and shrubs and groundcover in this area is recommended to continue the transitional landscape buffer.

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 15-foot transitional buffer along the northern property line. A total of 14163 square feet of open space, or 35%. This meets the minimum of 35%.

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.**

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. – **APPLICANT TO DISCUSS**

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 NEW CURB CUTS ON MARTIN LUTHER KING JR AND CORTEZ.

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. STAFF RECOMMENDATION

Based upon compliance with the City of Stuart's Comprehensive Plan and the pertinent standards found within Section 3.02.14 of the City of Stuart's Urban Code, staff recommends ***APPROVAL*** of the applicant's request to consider an ***EAST STUART 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 a licensed daycare facility and on-street parking with the conditions attached the draft Resolution 96-2020.

Staff recommends motion to approve and move to City Commission on September 14, 2020.