CITY OF STUART, FLORIDA
COMMUNITY REDEVELOPMENT BOARD
STAFF REPORT

MEETING DATE: February 5, 2019 **PREPARED BY:** Stephen Mayer
Senior Planner

PROJECT NAME: Northpoint – North Stuart Acquisition and Development, LLC

TITLE OF ITEM: Request to consider a Major Urban Code Conditional Use approval to allow the development of a 27,300 square foot office building with 2,200 square feet of retail space, a 200 seat restaurant and a 27-space parking garage on 1.21 acres of land. The Applicant has requested for parking within the building envelope, a continuous building façade of more than 100 feet in width without providing an additional vista, a reduction of the buffer requirements and setbacks within the City of Stuart Community Redevelopment Area.

I. APPLICATION SUMMARY

The applicant, **North Stuart Acquisition and Development, LLC**, is requesting a major urban code conditional use approval as per Section 3.01.06 of the City of Stuart Land Development Code. The applicant is under contract with the City to purchase the property, and if granted, the conditional use would allow for the development of a commercial project consisting of a 27,300 square foot office building with 2,200 square feet of retail space, a 200 seat restaurant and a 27-space parking garage in the City's urban waterfront zoning district.

The applicant is required to request a Major Urban Code Conditional use due to requesting eight (8) variances to the urban code: 1) a relief from a prohibition to parking within the building envelope, 2) an increase in the maximum height from 3 stories and 35 feet to 4 stories and 45 feet, 3) allowing a vista designated along the sides of the property, 4) allowing for a continuous building façade of more than 100 feet in width without providing an additional vista to the river, 5) a reduction of the 10' landscape buffer along the right of way, along the FEC railroad, and the 6' landscape area between parking rows, 6) balconies and balcony rails on the waterside elevation are not at least 50% of the fenestration, 7) reduction of the side setback to 5 feet instead of 10 feet along the FEC railroad side and 8) sidewalks are 6 feet rather than 8 feet in width.

In lieu of not providing an additional vista, the developer has provided for a central vista that is more visible to the right of way due to the shape of the property and the visibility constraints on either side, thus increasing the actual view of the river from the street, and the impact of the structure on the views of adjoining property owners is negligible due to the nature of the adjoining properties, that being the FEC railroad and the old Roosevelt (Dixie) bridge.

The acceptance of parking under the building footprint is due to the street level providing the unique opportunity to have sufficient parking, without the parking being visible from the street. The unusual contour of the property dipping sharply to the water allows the parking to be hidden under the buildings. Also, the developer is providing 54 public parking spaces that will benefit the City.

The applicant is permitted to construct property at a maximum height of three stories or 35 feet in height. If 50% or more of the building is residential or hotel, a fourth story is permitted, however, the applicant is not proposing such uses. The proposed building height of a four story building and 45 feet would require a waiver of the urban code. The proposal includes 4 a story building over a level of parking and an observation deck for a total height of 45 feet from the finished floor to eave of the of the fourth floor roof. The total height of the office building including roof access shall be capped at 60 feet.

The reductions of setbacks and landscape buffer requirements along Old Dixie and the FEC railroad is justified by the unique shape of the property and the provision of 54 public parking spaces that will benefit the City.

Please note that the City is not in support of the requested waiver to the installation of 6 foot sidewalks. Where reasonable, staff recommends 8' sidewalks internal to the site.

II. HISTORY

The property is currently undeveloped, cleared and vacant.

III. ZONING AND LAND USE		
Site Location		
Parcel Size (area)	1.21 Acres	
Subject Property Land Use	Downtown Redevelopment	
Adjacent FLU (Future Land Use)	*North*	Downtown Redevelopment
	South	Downtown Redevelopment
	East	Downtown Redevelopment
	West	Downtown Redevelopment
Subject Property Overlay Zoning	Urban Waterfront	
	North	Urban Waterfront
	South	St. Lucie River
	East	FEC Railroad
	West	Urban Waterfront
Proposed Use	2 Commercial Buildings	
Present Use	Undeveloped	
Land Use Plan	Downtown Redevelopment	
ROADWAY AND UTILITIES		
Street Functional Classifications	Old Dixie Highway is an arterial under the maintenance of the FDOT.	
Utilities	Sewer and Water are provided by the City of Stuart.	

IV. CITY DEPARTMENTAL REVIEWS	
Public Works	Approved subject to revision to the sites dumpster size and location.
Fire/Building	Approved subject to more detailed review at the Building and Site Permit stage
Police	Approved subject to more detailed review at the Building and Site Permit stage
Kimley-Horn Engineering	See attached comments.

V. EXISITING CONDITIONS:

The property is undeveloped and is currently owned by the City of Stuart.

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: LAND DEVELOPMENT CODE – SECTION 3.01.06

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 and residential uses. The proposed commercial use of retail, office and restaurant will comply with the list of uses list in the Urban Code and is therefore consistent with the established land uses.

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 does not consider a residential use component.

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 retail 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 commercial uses that exist downtown, and would increase the commercial opportunities for such uses.

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 proposed mixed use development 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 proposed 4 story office building over a level of parking will not reduce light of air to adjacent areas because of the adjacent uses are transportation related and will not be built upon.

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

   The uses are 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 commercial use buildings are in scale with the uses permitted by right in the Community Redevelopment Area district. The proposal is a development project to vacant site and its appearance, as demonstrated by the illustrative elevations, are consistent with the intent and quality of construction the City desires of the Community Redevelopment Area.

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 uses in all of the Community Redevelopment Area and is a permitted use within Section 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 structures 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 the Fire and Public Works Departments who have no objections to the proposed use.

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 offstreet parking and loading areas on adjacent and nearby properties.**

   The proposal does not have off-street parking. The parking is on site.

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 applicant will use the refuse and service areas associated with 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 utilities.

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

   The applicant proposes adequeate landscaping within the site as per the lanscaping shown on the site plan. The applicant will maintain an unobstructed view from public right-of-way to the St. Lucie River on both ends of the site and between the office and restuarant.

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

   All signage shall be in accordance with the City's Land Development Regulations with regards to size, dimensions, color, etc. The exterior lighting will not have a negative effects on adjacent and nearby properties.

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

   The proposal includes wider than required corridors (vistas) and common deck space at the rear of the site.

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

   The applicant is permitted to construct property at a maximum height of three stories or 35 feet in height. The proposed building height of a four story building is 45 feet requires a waiver to the code, since there is no residential or hotel components of the building. The proposal includes 3 a story building over a level of parking for a total height of 45 feet from the finished floor to eave of the of the fourth floor roof (observation deck). The total height of the office building including roof access shall not exceed 60 feet.

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 redevelopment of mixed use buildings and luxury condominiums in accordance with the conditions attached the draft Resolution 16-2019.

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.