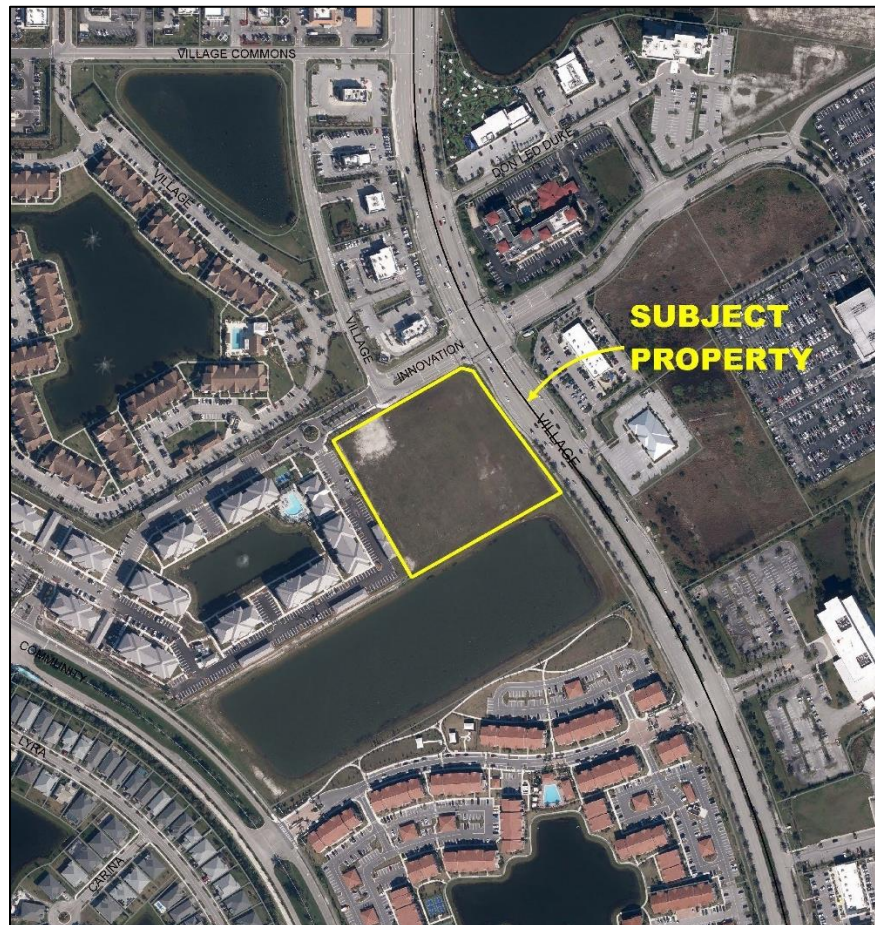




Innovation Restaurant Hub
Variance
Project No. P24-109



Project Location Map

SUMMARY

Applicant's Request:	A variance to deviate from Section (A) of the Tradition Southern Grove Phase 1 Master Planned Unit Development (MPUD) Regulation Book. Specifically, the variance would permit the provision of parking spaces to exceed the maximum limit amount of 125% of the required amount.
Application Type:	Variance, Quasi-Judicial
Applicant:	Brad Currie, Engineering Design & Construction, Inc.
Property Owner:	Village & Innovation, LLC
Location:	SW Innovation Way and west of SW Village Parkway
Project Planner:	Bethany Grubbs, Planner III

Project Description

The City of Port St. Lucie has received a request from Brad Currie of Engineering Design & Construction, Inc., agent for the property owner, Village & Innovation, LLC, to grant a variance to deviate from Section (A) of the Tradition Southern Grove Phase 1 Master Planned Unit Development (MPUD) Regulation Book. Specifically, the variance would permit the provision of parking spaces to exceed the maximum limit amount of 125 percent of the required amount. The proposed development requires 196 parking spaces. The provision of parking spaces exceeds the maximum limit by 125%, which translates to 245 spaces. However, 326 spaces are proposed, which is approximately 33.06% over the maximum allowable parking. The property is legally described as Southern Grove Plat No. 18, Lot 2, as recorded in Plat Book 73, Page 25, of the Public Records of St. Lucie County, Florida.

Review Criteria

An application for a variance is reviewed for consistency with Article XV of the Zoning Code, Sections 158.295 through 158.299. Final action on the application (approval or denial) is in the form of an Order of the Planning and Zoning Board following a quasi-judicial public hearing. A vote of approval by five (5) members of the Planning and Zoning Board is required to grant a variance.

Public Notice Requirements (Section 158.298 (B))

Public notice was mailed to owners within 750 feet on July 25, 2024, and the file was included in the ad for the Planning & Zoning Board's agenda.

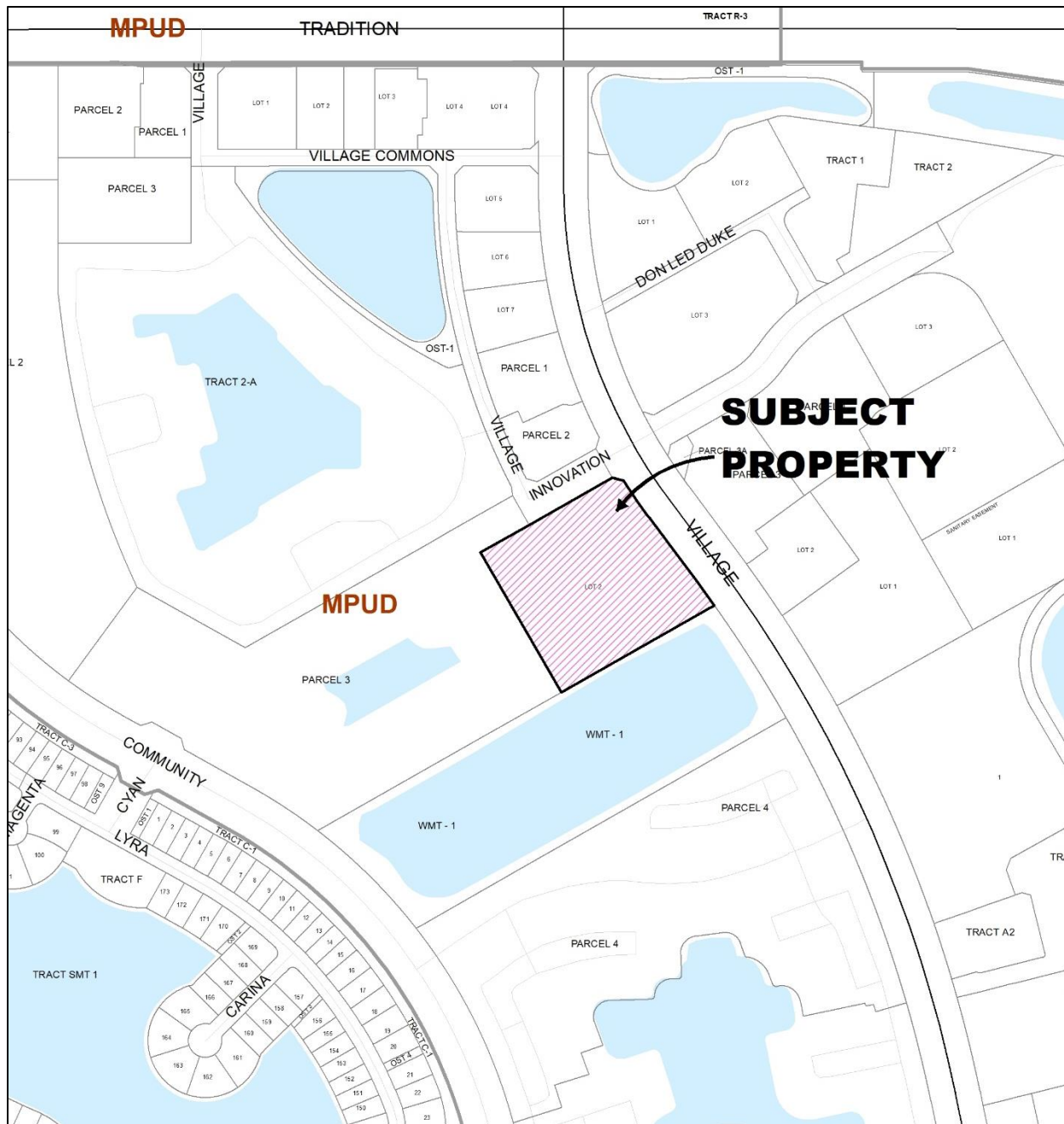
Location and Site Information

Parcel Number:	4315-609-0003-000-9
Property Size:	5.5 acres
Legal Description:	Southern Grove Plat No. 18, Lot 2
Address:	SW Innovation Way and west of SW Village Parkway
Future Land Use:	New Community Development (NCD)
Existing Zoning:	Master Planned Unit Development (MPUD)
Existing Use:	Vacant

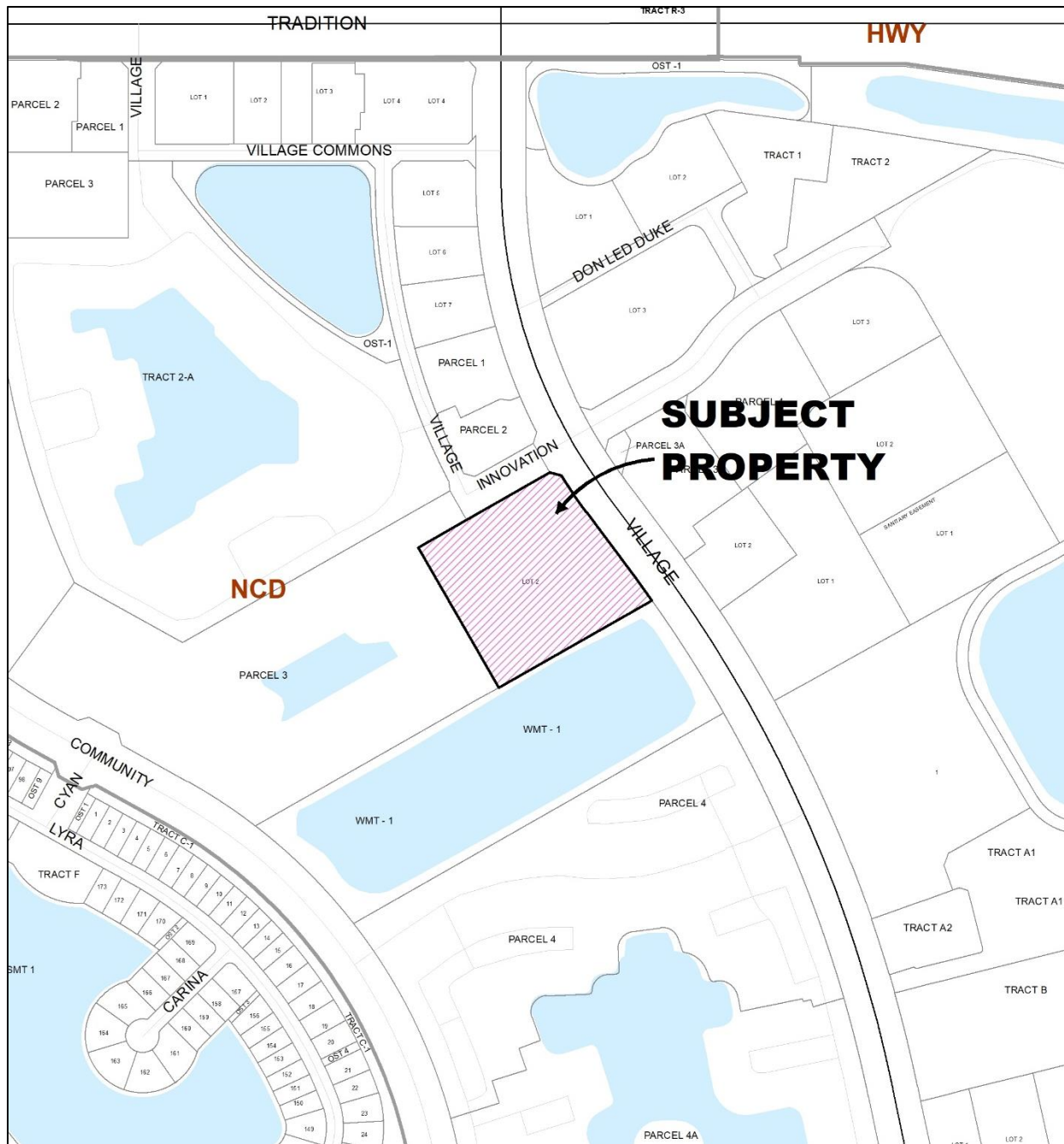
Surrounding Uses

Direction	Future Land Use	Zoning	Existing Use
North	NCD	MPUD	Commercial outparcel (Burger King)
South	NCD	MPUD	Stormwater tract
East	NCD	MPUD	Commercial shopping center
West	NCD	MPUD	The Lucie at Tradition (multi-family)

NCD – New Community Development, MPUD – Master Planned Unit Development



Zoning Map



Future Land Use Map

IMPACTS AND FINDINGS

Section 158.295 (B) of the Zoning Code establishes the duties of the Planning and Zoning Board in authorizing a variance. The Planning and Zoning Board may authorize a variance from the provisions of the Zoning Code as will not be contrary to the public interest when, owing to special conditions, a literal enforcement of the provisions will result in unnecessary and undue hardship. Pursuant to Section 158.296, a variance is authorized only for height, area, and size of structure, yard size, building setback, lot size requirements, and other applicable development regulations, excluding use. To authorize a variance, the Planning and Zoning Board should consider the criteria listed under Section 158.295 (B) (1) through (7) of the Zoning Code. The applicant's response to this criterion is attached to the application. Staff's review is provided below:

Compatibility with variance criteria Section 158:295 (B).

- 1) That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same zoning district.

- Applicant's Response: *The applicant is proposing four (4) stand-alone restaurants to serve the community which include a Bonefish Grille, First Watch and Outback Steakhouse. The fourth (4th) restaurant is not yet determined. Other MPUD's in the area do not have this requirement outlined and one (1) in particular, Tradition Commerce Park North Amendment 1 was revised to remove this statement from Section 4 of the MPUD. There is a great need in the area for a restaurant hub such as what being proposed. We feel that the parking proposed will meet the needs of the proposed development. The applicant has coordinated with the tenants of each building for which they have outlined their parking requirements. The requirement of each tenant is much larger than what the MPUD allows. We reviewed another Outback and Hibachi restaurant in St. Lucie West. This area, with two (2) restaurants, has 165 parking spaces. With only two (2) restaurants being served by these parking stalls, it is known that parking is very limited during business hours.*
- Staff Findings: *Special conditions do exist which are peculiar to the structures that are not applicable to other structures in this zoning district. The associated MPUD limits the parking to 125 percent of the maximum number of required parking spaces. This provision is peculiar to this MPUD and the Tradition MPUD. It was intended to prevent overparking for certain sites that park based on their highest and best use at peak periods, such as major shopping holidays. This provision does have the potential to create a parking deficiency for high demand users such as a development that contains all restaurants. The city's standard code requires one space per every 75 square feet of restaurant space. This MPUD has a less stringent standard of one space per 100 square feet, so it will already be parked at a deficit to what the city's standard code would require. The city's standard code does not include a maximum number of spaces. Given the suburban context and reliance on automobile transportation, implementing a maximum parking rate has the potential to create an issue where there is not enough parking for the number of customers to the restaurants which could result in spillover into the roadway and adjacent properties.*

- 2) That the special conditions and circumstances do not result from any action of the applicant.

- Applicant's Response: *The conditions of the site are not a result of actions by the*

applicant. The MPUD was drafted to allow for parking spaces to not exceed 125% of the required parking spaces for all uses outlined in the MPUD. The proposed use requires more parking to serve the development than other uses outlined in the MPUD.

- Staff Findings: Special conditions and circumstances which are peculiar to the land, structure, or building do not exist from the actions of the applicant. The limitation on parking spaces is a pre-existing condition. The applicant is responding to the practical requirements of the proposed restaurant hub, which inherently demands more parking than given an allowance for. The need for additional parking spaces is driven by the type of development (restaurants) and its anticipated staffing size and customer volume. The applicant seeks the variance to ensure that the development is functional.
- 3) That granting the variance requested will not confer on the applicant any special privilege that is denied by this chapter to other lands, buildings, or structures, in the same zoning district.
- Applicant's Response: Other MPUD's within Tradition and Southern Grove have been revised to remove the language as noted in Section 5(A). Due to this, we feel that a precedence has been set for other developments in the area which were not capped at 125% of the required parking spaces.
 - Staff Findings: While all restaurants in this MPUD must comply with the same standards, this project is unique as it comprises four standalone restaurants on a single site. Granting this variance request will not provide a special privilege that is denied to other properties in the same zoning district under this chapter. The proposed development is distinctive because it includes four standalone restaurants, necessitating a significant amount of parking to ensure accessibility. This restaurant hub is expected to attract a large number of patrons, especially during peak times, thereby requiring more parking spaces than normally allowed.
- 4) That literal interpretation of the provisions of the chapter would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of the chapter and would work unnecessary and undue hardship on the applicant.
- Applicant's Response: Other MPUD's in the area do not have this requirement outlined and one (1) in particular, Tradition Commerce Park North Amendment 1 was revised to remove this statement from Section 4 of the MPUD.
 - Staff Findings: The literal interpretation of the provisions would not deprive the applicant of any commonly enjoyed rights by other property owners in the same MPUD. However, strict adherence to the literal provisions of the chapter would impose undue hardship on the applicant. Without the variance, the applicant would be unable to meet the practical parking needs of the proposed restaurant hub, thereby compromising the viability of the development. This restriction would deprive the applicant of the ability to provide a much-needed community amenity that residents have expressed strong interest in. Again, the standard zoning code does not limit the amount of parking that exceeds the minimum amount required. A maximum parking threshold is not appropriate for the suburban surroundings.
- 5) That the variance granted is the minimum variance that will make possible the reasonable use of the land, building, or structure.

- Applicant's Response: *There is a great need in the area for a restaurant hub such as what is being proposed. We feel that the parking proposed is the minimum needed to serve the proposed development. The applicant has coordinated with the tenants of each building for which they have outlined their parking requirements. The requirements of each tenant are much larger than what the MPUD allows.*
 - Staff Findings: *The request for this variance is the minimum variance needed to make possible the reasonable use of the land and to develop the property in any manner. Given the nature of the proposed development, which includes four stand-alone restaurants, the need for sufficient parking is critical to its functionality. These national restaurant chains have extensive experience and knowledge of their business models and parking requirements. The applicant has coordinated with the tenants of each building, and the outlined parking needs of these tenants are much larger than what the MPUD currently allows. This demonstrates that the requested variance is based on well-established operational requirements rather than arbitrary estimates.*
- 6) That the granting of the variance will be in harmony with the general intent and purpose of the chapter and that the variance will not be injurious to the area involved or otherwise detrimental to the public welfare.
- Applicant's Response: *There is a great need in the area for a restaurant hub such as what is being proposed. The request for a variance for the maximum parking spaces will not be injurious to the area involved or detrimental to public welfare. The development of this restaurant hub will allow residents in this area to dine in their neighborhood, reducing trips on other roadway networks.*
 - Staff Findings: *Granting the variance will not be injurious to the area involved or be otherwise detrimental to public welfare.*
- 7) That there will be full compliance with any additional conditions and safeguards which the Planning and Zoning Board or Zoning Administrator may prescribe, including but not limited to reasonable time limits within which the action for which variance is required shall be begun or completed, or both.
- Applicant's Response: *Acknowledged.*
 - Staff Findings: *Acknowledged.*

PLANNING AND ZONING BOARD ACTION OPTIONS

The Board may choose to approve, deny or table the proposed variance. If the Board finds that the variance application is consistent with the criteria as listed in Section 158.295 (B) (1) through (7) of the City code (listed above), then the Board may:

- Motion to approve
- Motion to approve with conditions

If the Board finds that the variance application is inconsistent with the criteria as listed in Section 158.295 (B) (1) through (7) of the City code, then the Board may:

- Motion to deny

Should the Board need further clarification or information from either the applicant and/or staff, the Board may:

- Motion to table or continue the hearing or review to a future meeting

(NOTE TO APPLICANTS: Any request for a variance that is denied by the Planning and Zoning Board may be appealed to the Board of Zoning Appeals. Appeal applications are made through the City Clerk's office and must be submitted within 15 days after the Planning and Zoning Board hearing).