



City of Port St. Lucie
Planning and Zoning Department
A City for All Ages

TO: PLANNING AND ZONING BOARD - MEETING OF ~~SEPTEMBER 3, 2019~~
OCTOBER 1, 2019

FROM: JOHN FINIZIO, PLANNER

RE: PUBLIX SUPERMARKETS (7-ELEVEN)
SPECIAL EXCEPTION USE APPLICATION
PROJECT NO. P19-098

DATE: ~~AUGUST 22, 2019~~ SEPTEMBER 19, 2019

REQUESTED SPECIAL EXCEPTION: The request is to allow a retail convenience store with fuel pumps in the Verano Planned Unit Development (PUD) Zoning District per Exhibit 6 (1) (B) of the PUD document and Section 158.124 (C) (11) of the Zoning Code. The concept plan includes a one story 3,109 square foot convenience store with 16 fueling stations.

APPLICANT: Kimley-Horn & Associates, Inc., Matthew Gillespie, P.E. The authorization letter is attached to the staff report.

OWNER: Publix Supermarkets, Inc.

LOCATION: The property is located on the northeast corner of Crosstown Parkway and Commerce Center Drive.

LEGAL DESCRIPTION: Verano PUD No. 1, Commercial Tract.

SIZE: 8.64 acres, or 376,358 square feet.

EXISTING ZONING: Verano Planned Unit Development 1 (PUD).

EXISTING USE: Existing Publix supermarket and vacant land.

PROPOSED USE: A retail convenience store with gas pumps.

SURROUNDING USES:

Direction	Future Land Use	Zoning	Existing Use
N	RGC*	PUD**	Water management tract
S	CG***	CG***	Vacant land
E	CG***	CG***	Vacant land
W	RGC*	CG***	Open space tract

*RGC – Residential Golf Course

**PUD – Verano Planned Unit Development

***CG – General Commercial

IMPACTS AND FINDINGS:**Evaluation of Special Exception Criteria (Section 158.260)**

(A) Adequate ingress and egress may be obtained to and from the property, with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or other emergency.

Applicant: “Ingress and egress has already been established internally within the Publix parcel. In addition to the Publix access, one new right-in/right-out only is proposed on Commerce Center Drive. New pedestrian connections have been added to connect to the existing sidewalks on both Commerce Center Drive and Crosstown Parkway to the proposed convenience store.”

Staff’s findings: – The property is located on the northeast corner of Crosstown Parkway and Commerce Centre Drive. This site currently has a total of two (2) access points; one (1) on Crosstown Parkway, and one (1) on Commerce Centre Drive. As shown on the attached concept plan (Exhibit A), the development of the convenience store will provide another access point on Commerce Centre Drive, which will give the site a total of three (3) ingress and egress points.

(B) Adequate off-street parking and loading areas may be provided, without creating undue noise, glare, odor, or other detrimental effects upon adjoining properties.

Applicant: “The site provides all required off-street parking adjacent to the convenience store and under the fueling canopy. All parking will be adequately shielded from the adjacent roadway with the proposed landscape buffers. The only residential neighborhood within the area is located north of the property and an existing 50 foot wide landscape buffer with mature trees, shrubs and palms was installed when the residential development was constructed. The buffer sits on top of a landscape berm and a 6 foot masonry wall has been constructed on top of the berm, this buffer was required as part of the master PUD to help ensure any and all undue noise, glare, and odor from the commercial portion of the PUD would not affect the residential neighborhood.”

Staff's findings: As stated on the application, and shown on the attached concept plan, the applicant is proposing to construct a 3,109 square foot retail convenience store. Per the City's Zoning Code, the minimum required parking for a 3,109 square foot convenience store is 16 parking spaces (§158.221 (C) (5)). As shown on the attached concept plan 34 parking spaces are proposed to be provided on site, 16 of which are adjacent to the fuel pumps. A bicycle rack is also being provided on the site.

- (C) Adequate and properly located utilities are available or may be reasonably provided to serve the proposed development.

Applicant: "The site is part of an already constructed commercial parcel located between two major roadways, all existing and required utilities already exist within the area."

Staff's findings: The development will be serviced by the City of Port St. Lucie Utility Systems Department. With this being part of the Publix @ Verano site plan, the property is already connected to City water and sewer. However, with this new development, a developer's agreement with the City Utility Systems Department, that is consistent with the adopted level of service, is required prior to issuance of building permits.

- (D) Adequate screening or buffering. Additional buffering beyond that which is required by the code may be required in order to protect and provide compatibility with adjoining properties.

Applicant: "As part of the master planning of the Verano PUD, a 50 foot landscape buffer was required on the north side of Commerce Center Drive. This buffer was built in anticipation of the future development of the commercial portion of the PUD. The 50 foot landscape buffer adequately serves as a screening mechanism for the development within the commercial portion of the PUD. In addition to the existing 50 foot wide buffer, the project will also provide required landscape buffers around the project to further enhance the buffering of the commercial use."

Staff's findings: As part of the site plan amendment, a landscape plan has been submitted and is currently under review by staff. This landscape plan does show additional landscaping, especially around the proposed building and along Commerce Center Drive. With the prior Publix development, the site does have an approved landscape plan with existing landscaping. The applicant has submitted a site plan amendment, P19-099 7-Eleven @ Verano, which includes a new landscape plan that will meet the requirements outlined in the landscape code. With the new landscape plan, adequate buffering and screening will be provided on this site.

- (E) Signs, if any, and proposed exterior lighting will be so designed and arranged so as to promote traffic safety and to eliminate or minimize any undue glare, incompatibility, or disharmony with adjoining properties. Light shields or other screening devices may be required.

Applicant: “A sign package and lighting plan have been submitted as part of this application which demonstrates compliance with all City of Port St. Lucie regulations pertaining to signage and lighting. All required light shields on parking lot lighting will be used to minimize glare.”

Staff's findings: In addition to the proposed canopy (over the fuel pumps) lights, four additional light poles are being proposed for this site. The concept plan does show the location of proposed monument signs; however, the applicant is aware that these locations are tentative based on the requirements of the Verano Master Sign Program. Any and all façade signage will be submitted at a later date and will be required to be processed according to the requirements of the Verano Master Sign Program and the City's Land Development Regulations.

- (F) Yards and open spaces will be adequate to properly serve the proposed development and to ensure compatibility with adjoining properties.

Applicant: “The landscape plan demonstrates how additional landscaping will be added along the buffers along Commerce Center Drive and Crosstown Parkway. The landscape plan utilizes the landscape buffers to create an efficient, well organized landscape buffer that compliments the existing streetscape. The convenience store with fuel service station requires a special exception use application pursuant to the City of Port St. Lucie Code of Ordinances.”

Staff's findings: All setbacks outlined in the Verano PUD 1 PUD document are being met. In addition, the site is providing the useable open space as required by the Citywide Design Standards, and details of this space will be included in the site plan amendment for this development.

- (G) The use as proposed will be in conformance with all stated provisions and requirements of this chapter.

Applicant: “The location of the convenience component of the PUD was properly sited when the PUD was established. The property is situated at the outer edge of the residential community directly adjacent to two major roads and the interstate 95 off ramp. Adequate buffering and setbacks were designed into the Master PUD design program and installed with the development of the adjacent residential which help ensure that any commercial activity on the commercial portion of the PUD would not constitute any nuisance or safety issue for any of the residents within the area. The project complies with the City's requirement for lot size, building coverage, height, setback, parking, lighting, landscaping and architectural design.

Staff's findings: The proposed Special Exception Use (retail convenience store with fuel pumps) is permitted by the Verano PUD 1 PUD document and as defined by §158.126 (C) (11) General Commercial Zoning District and should conform to all provisions of the City's Land Development Regulations.

(H) Establishment and operation of the proposed use upon the particular property involved will not impair the health, safety, welfare, or convenience of residents and workers in the City.

Applicant: *"The commercial portion of a PUD was designed to provide the goods and services for the large residential component of the PUD. The location of the commercial use was properly located between two major roads at the edge of a residential community with adequate buffers separating the two. The proposed use will not impair the health, safety, welfare, or convenience of residents or workers within the City as it was established through the original PUD approval as the proper location for commercial uses."*

Staff's findings: *Currently, a Publix supermarket is operating at this location, and has been for around five (5) years. By conforming to city codes, staff believes that a convenience store with fuel pumps at this location will not impair the health, safety, welfare, or convenience of residents and workers in the city.*

(I) The proposed use will not constitute a nuisance or hazard because of the number of persons who will attend or use the facility, or because of the hours of operation, or because of vehicular movement, noise, fume generation, or type of physical activity.

Applicant: *"The location of the commercial component of the PUD was properly sited when the PUD was established. The property is situated at the outer edge of the residential community directly adjacent to two major roads and the Interstate 95 off ramp. Adequate buffering and setbacks were designed into the Master PUD design program and installed with the development of the adjacent residential which help ensure that any commercial activity on the commercial portion of the PUD would not constitute any nuisance or safety issue for any of the residents within the area."*

Staff's findings: *This convenience store with fuel pumps is being proposed on an already developed parcel, the Publix @ Verano site. The 7-Eleven convenience store with fuel service will operate 24 hours a day, seven (7) days a week. The addition of the convenience store with fuel pumps on the site will generate approximately 841 average daily trips and 56 peak hour trips (based on the ITE Trip Generation Manual). The concept plan shows that adequate access and parking are being provided for this convenience store with fuel pumps.*

(J) The use as proposed for development will be compatible with the existing or permitted uses of adjacent property. The proximity or separation and potential impact of the proposed use (including size and height of buildings, access location, light and noise) on nearby property will be considered in the submittal and analysis of the request. The City may request project design changes or changes to the proposed use to mitigate the impacts upon adjacent properties and the neighborhood.

Applicant: “The commercial portion of the PUD was carefully selected for this location when the original PUD was approved, and all safe guards were incorporated into the master plan of the PUD to adequately separate the commercial and residential uses. However, our immediately adjacent neighbor is a Publix Supermarket who is also the property owner of the property and has authorized 7-Eleven to move forward with a long-term lease to provide convenience store items and fuel service station services for the customers of Publix and residents of the community.”

Staff's findings: The majority of this site is already developed, and the proposal is to construct a 3,109 square foot convenience store with fuel pumps on the vacant portion as shown on the attached concept plan. The proposed convenience store will be situated on 2.17 acres. The property is zoned PUD (Verano PUD 1) and is surrounded by commercial land uses on three (3) sides (east, south, and west (the existing Publix). There are single family dwelling units located approximately 400 feet north of this site. Commerce Center Drive, a wall with landscaping and a water management tract are located between the residential and the site.

(K) As an alternative to reducing the scale and/or magnitude of the project as stipulated in criteria (J) above, the City may deny the request for the proposed use if the use is considered incompatible, too intensive or intrusive upon the nearby area and would result in excessive disturbance or nuisance from the use altering the character of neighborhood.

Staff: Acknowledged.

(L) Development and operation of the proposed use will be in full compliance with any additional conditions and safeguards which the City Council may prescribe, including but not limited to reasonable time limit within which the action for which special approval is requested shall be begun or completed or both.

Staff: Acknowledged.

Notice to Property Owners: On August 22, 2019 notice was sent to all property owners within a 750 foot radius.

Related Projects:

P13-150 Publix at Verano PUD 1 Site Plan Amendment. This application was a minor revision to the approved site plan. This application made changes to the internal parking configuration of the site. This application was approved by the Site Plan Review Committee on December 11, 2014.

P11-002 Publix at Verano Major Site Plan Application. This application was for the construction of a 46,031 square foot Publix supermarket with a drive through facility. This application was approved by City Council on March 28, 2011.

P10-160 – Verano PUD 1 Pharmacy Drive-Through Special Exception Use Application. This application permits a dual drive-through facility for the 45,600 square foot retail/pharmacy (Publix). This application was approved by City Council on March 14, 2011.

PLANNING AND ZONING BOARD ACTION OPTIONS:

If the Board finds that the special exception use application is consistent with the criteria as listed in Section 158.260 (A) through (L) of the City code, then the Board may:

- Motion to recommend approval to the City Council
- Motion to recommend approval to the City Council with conditions
- Motion to recommend denial to the City Council

If the board finds that the special exception use application is inconsistent with the criteria as listed in Section 158.260 (A) through (L) of the City code, then the Board may:

- Motion to recommend denial to the City Council

Please note: Should the Board need further clarification or information from either the applicant and/or staff, it may exercise the right to table or continue the hearing or review to a future meeting.