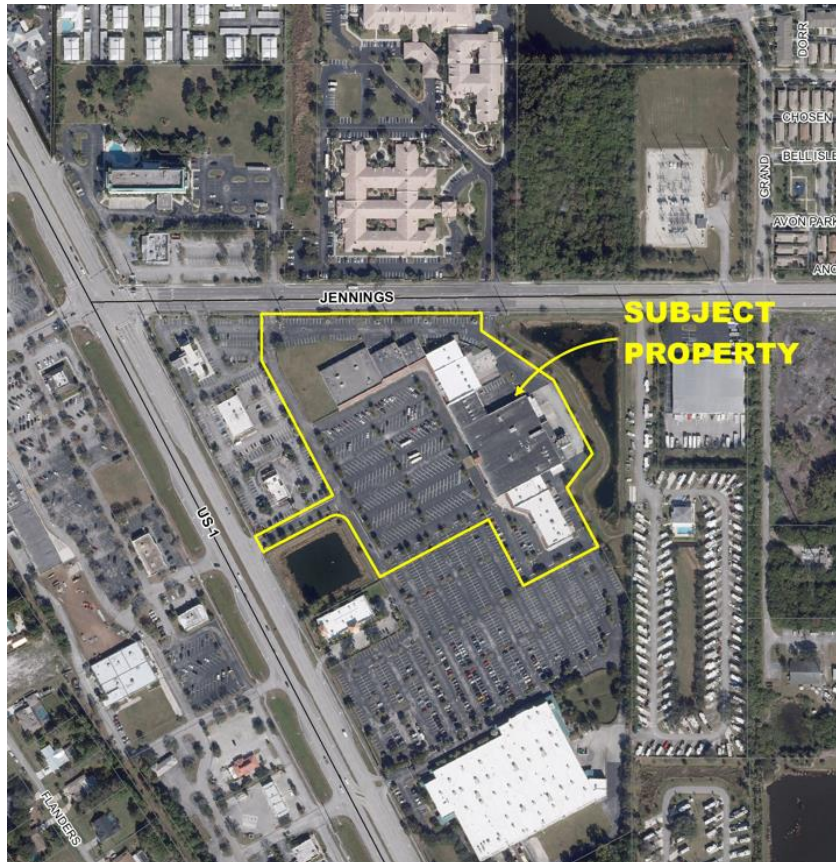




**Club Pure @ The Marketplace  
 Special Exception Use  
 P22-191**



**Project Location Map**

**SUMMARY**

Applicant's Request:	The request is for approval of a Special Exception Use (SEU) to allow a school in the General Commercial (CG) zoning district per Section 158.124(7) of the Zoning Code.
Agent:	Nicolas Khoury
Applicant/Property Owner:	DTS Properties, LLC
Location:	Located south of Jennings Road and east of South US Highway 1
Address:	10330 South US Highway 1, Port St. Lucie, FL 34952
Project Planner:	Bethany L. Grubbs, Planner II

**Project Description**

The applicant is requesting a special exception use to allow a school in the General Commercial (CG) zoning district per Section 158.124(C)(7) of the Zoning Code. Club Pure currently occupies 15,525 square feet, Units E101-F101 of the shopping center, and provides youth development programs (daycare). The applicant indicates that the purpose of this request is to allow a school, to be known as Pure Academy, for 120 elementary school children (grades K-5), to occupy units G101-G104, the units adjacent to the applicant’s existing daycare center facility. The school hours for Pure Academy are from 9:00 a.m. and 3:00 p.m. The 6,022 square foot expansion proposal entails the creation of eight (8) 500 square foot classrooms for school-aged children, with ancillary space. Additionally, this business expansion proposes to reconfigure the existing outdoor playground area located behind the shopping center and each of these units. The expansion entails the elimination of parking spaces to create additional play space, along with the installation of an opaque vinyl fence for security. A site plan amendment will be required for these improvements.

Section 158.124(C)(7) of the General Commercial Zoning Code lists “Schools (public, private or parochial) or technical or vocational schools” as special exception uses that may be permitted only following the review and specific approval thereof by the City Council.

The property is located south of Jennings Road and east of South US Highway 1 in The Marketplace shopping center. The site consists of an approximately 114,585 square foot, “L” shaped building.

**Previous Actions and Prior Reviews**

On May 27, 2014, the Club Pure Special Exception Use was approved by City Council (Resolution No. 14-81) for a 15,525 square foot enclosed assembly area, for a daycare and before and after school care for school-aged children at 10280 and 10292 South US Highway 1.

On May 8, 2006, The Marketplace Site Plan was last amended and approved by City Council by motion.

On May 24, 1999, The Oxford Academy Special Exception Use was approved by City Council (Resolution No. 99-R22) to allow a daycare at 10330 South US Highway 1.

On October 28, 1996, The Marketplace Site Plan (Phase 1) was approved via motion by City Council for a 155,559 square foot commercial retail center with Winn-Dixie as the anchor tenant.

**Public Notice Requirements**

Notice of this request for a Special Exception Use was mailed on July 21, 2022, to owners of property within a 750-foot radius of the subject property.

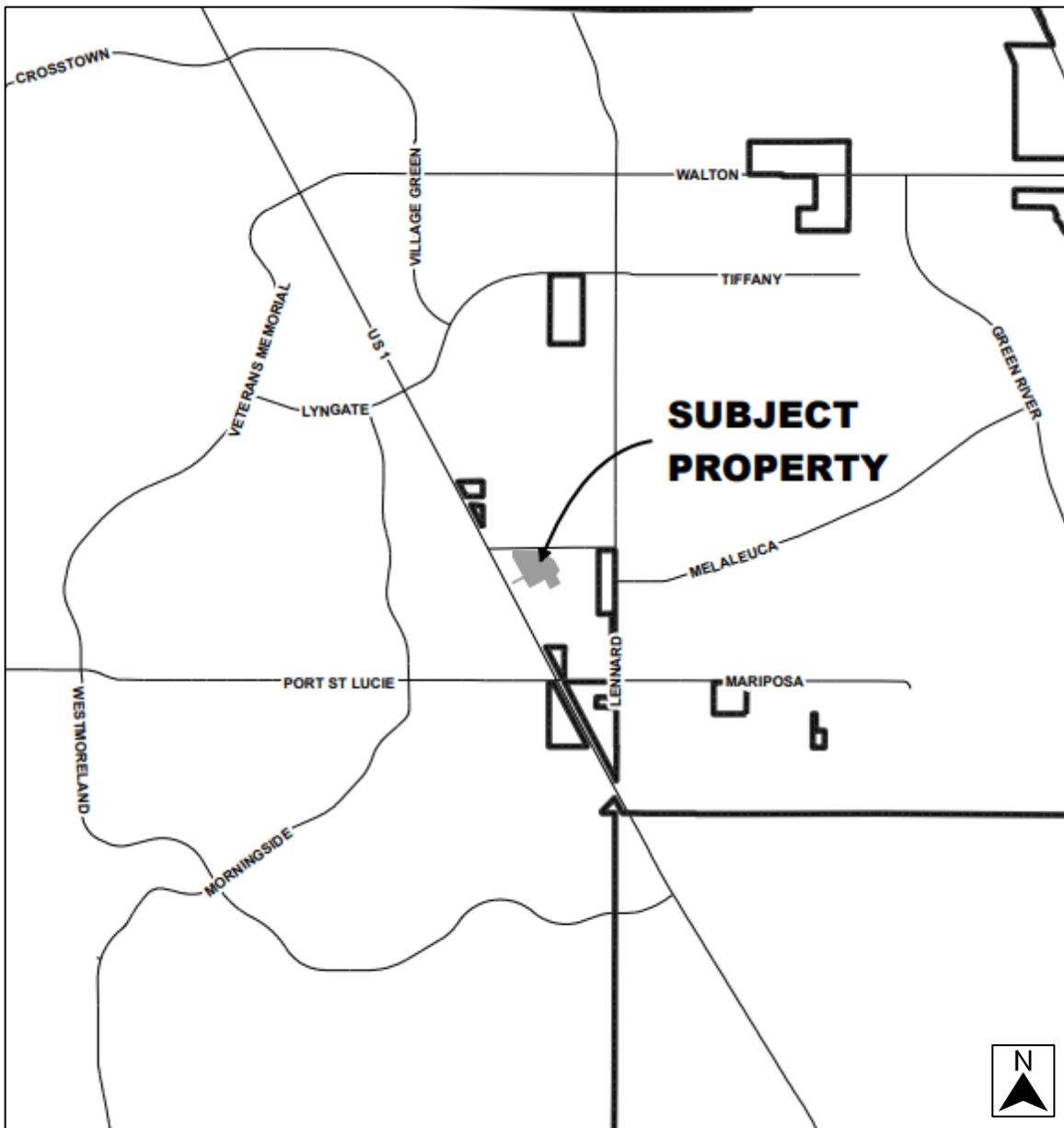
**Location and Site Information**

Parcel Number:	4412-504-0005-000-9
Property Size:	11.92 acres
Legal Description:	The Marketplace Lot D – Less First Replat in The Marketplace
Future Land Use:	CG (General Commercial)
Existing Zoning:	CG (General Commercial)
Existing Use:	Shopping Center

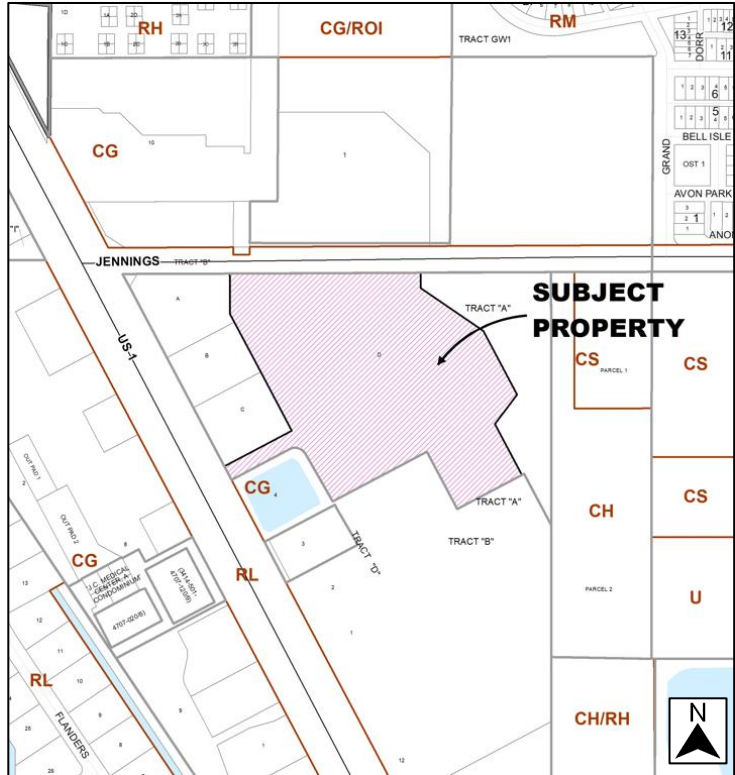
**Surrounding Uses**

Direction	Future Land Use	Zoning	Existing Use
North	CG	PUD, CG	Assisted Living Facility, Commercial Outparcels
South	CG	CG	Call Center
East	CG	CG	Stormwater Management Tract
West	CG	CG	Commercial Outparcels

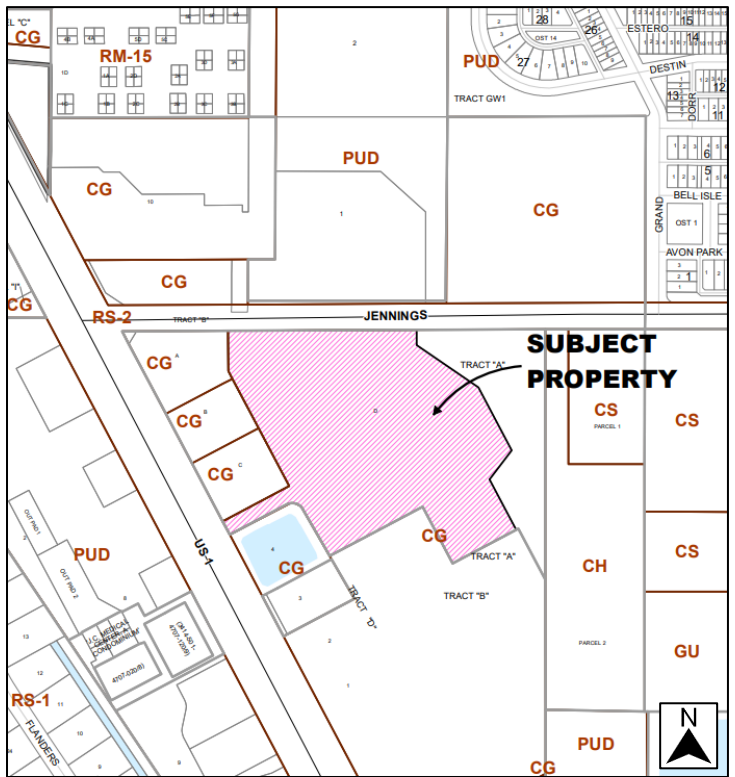
CG – General Commercial, PUD – Planned Unit Development



**Location Map**



Land Use Map



Zoning Map

## PROJECT ANALYSIS

Special exceptions are uses that would only be allowed under certain conditions and are reviewed to be compatible with the existing neighborhood. Approval of a special exception application shall only be granted by the City Council if it meets the criteria established under Section 158.260 (A) through (L) as noted below. The applicant's response to the criteria is attached. Staff's review is provided below.

### **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.

- **Staff findings:** The property is located within an existing shopping center, which at the time of site plan approval demonstrated that the site has adequate ingress and egress for vehicles and pedestrian circulation. The Marketplace shopping center is located on South US Highway 1 and has multiple access points, and cross-connections, which allows for adequate internal circulation and traffic flow. An existing entrance and sidewalk access are established to the parking lot from the preschool on the north side of the building. This access was required by Resolution 99-R22, which granted special exception use approval for the existing daycare. The applicant indicates that 40% of the school-aged children will be transported by bus to the facility. This will reduce the number of trips generated at the time of student pick-up and drop-off. The school-aged children that are picked up between 8:00 to 9:00 a.m. and dropped off between 3:00 to 3:30 p.m. will be supervised by the staff. Additionally, located in front of each unit is a designated fire lane.

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

- **Staff findings:** Adequate off-street parking and loading areas are provided without creating undue noise, glare, odor, or other detrimental effects upon adjoining properties. Off-street parking is calculated based upon the provisions identified within Section 158.221(C) of the Zoning Code. The site plan for The Marketplace (P05-217) was approved with the parking calculated based on the use of a shopping center, which requires 1 space per 200 square feet of gross floor area. The overall 114,585 square foot shopping center is required to have 766 spaces and 766 spaces are provided. The parking requirement for daycare is 1 space per 300 square feet of gross floor area, which requires less parking than what has been approved for the shopping center, resulting in 26 excess spaces. Furthermore, the parking requirement for a school is 2 spaces for each classroom. This special exception use request proposes the addition of eight (8) classrooms, which results in a parking requirement of 16 spaces. As approved, at a rate of 1 space per 200 square feet, the 6,066 square foot unit requires 34 spaces, resulting in an excess of 14 spaces. The expansion of the outside playground area, located behind the shopping center, will result in the removal of 14 spaces. Regarding parking, the existing and proposed uses are less intense and no additional parking is required. The required parking for the overall shopping center is reduced to 726 spaces with 752 being provided. This application requires 68 spaces. Lastly, the property is required to have four (4) loading spaces and provides four (4) loading spaces. Adequate loading space is provided.

The applicant has submitted a Traffic Management Plan that has been attached as Exhibit A.

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

- Staff findings: Adequate utilities are available to service the proposed development. The Port St. Lucie Utility Systems Department (PSLUSD) currently provides utility services to the site.

(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.

- Staff findings: No additional buffering is required. The site's approved landscape plan provides adequate perimeter landscaping.

(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.

- Staff findings: Outdoor lighting complies with the requirements of City Zoning Code Section 158.221. Any outdoor signs shall comply with the Chapter 155 Sign Code. The site is developed with two existing monument signs and site lighting; therefore, the request will not change any existing requirements pertaining to exterior lighting and signage. Any future individual tenant sign shall be permitted through a separate application.

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

- Staff findings: Yard setbacks and open space were previously addressed with the original site plan. No changes to the existing yards and open space are being requested.

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

- Staff findings: The proposed Special Exception Use is permitted as defined by Section 158.124(C)(7) - General Commercial (CG) Zoning District and shall conform to all provisions of the Zoning Code.

(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.

- Staff findings: By adhering to City Code and regulations, the establishment and operation of the proposed uses are not anticipated to impair the health, safety, or convenience of residents and workers in the City. The existing childcare facility has been operational for over 20 years.

The applicant has submitted a Traffic Management Plan that has been attached as Exhibit A.

(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.

- Staff findings: The facility is not expected to generate noise that would constitute a nuisance. The day-to-day activities occur indoors, with limited time on the outside playground in small, supervised groups. The playground is located behind the shopping center. The applicant is adding additional buffering to the playground area by replacing the existing chain link fence with an opaque vinyl fence.

The proposed use is not anticipated to constitute a hazard because of vehicle movement. Keiser College, a technical school, while no longer operational, was previously approved in the shopping center. Additionally, the applicant has submitted a Traffic Management Plan that has been attached as Exhibit A. Schools present unique safety challenges with respect to the daily spikes in

traffic volume and around school property during the school year. The plan supports the risk assessment by clearly documenting the site rules with a view to preventing harm to people. The plan outlines how traffic will safely operate on the site, identifies staff who have been allocated specific responsibilities, and sets out what is expected of site users, including staff, pupils, parents, bus drivers, etc., with respect to traffic safety.

This application has been reviewed by the Public Works Department and the transportation elements of the project were found to be in compliance with the adopted level of service and requirements of Chapter 156 of City Code, and Public Works Policy 19-01pwd. Sufficient stacking space is also provided for drop-off and pick-up purposes, keeping the stacking well outside of any effect on City roadways.

(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.

- Staff findings: The proposed use is not expected to adversely impact surrounding properties. The facility is in an area designated for commercial development. The site is already developed, and the required landscape buffers have been installed.

(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 findings: 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 findings: Acknowledged.

## **PLANNING AND ZONING BOARD ACTION OPTIONS**

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 as recommended by staff

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

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.