

**Darwin Square - Pollo Tropical – Parking  
Variance  
P26-023**



**Project Location Map**

**SUMMARY**

Applicant’s Request:	This is a request to grant a variance to reduce the required number of parking spaces by 18 spaces to allow the construction of a drive-through standalone restaurant at Darwin Square with 20 parking spaces, where 38 is required.
Agent(s):	Daryl Johnson, Corporate Property Services, Inc.
Applicant/ Property Owner:	PSL Darwin LLC
Location:	The property is located near the southeast corner of SW Darwin Boulevard and SW Port St. Lucie Boulevard.
Project Planner:	Cody Sisk, Planner III

**Project Description**

The City of Port St. Lucie has received a request from Daryl Johnson with Corporate Property Services, Inc, agent for the property owner, PSL Darwin LLC, to grant a variance to Section 154.221(C)(15) of the Zoning Code of 18 parking spaces to allow a proposed standalone drive-through restaurant at Darwin Square. The variance is to reduce the number of parking spaces required by 18 spaces, from a total of 38 spaces to 20 spaces. Per Section 158.221 (C)(15) of the City’s Land Development Regulations states that stand alone restaurants shall be parked at 1 space per 75 square feet of gross floor area. The proposed restaurant would be a total of 2,841 square feet. The use of a drive-through facility would limit the number of parking spaces on site to the 20 parking spaces.

The Subject property is zoning General Commercial (CG) and consists of a bank building. Kimley-Horn and associates has provided a parking statement that states the on-site parking demand justifies the relief from the City’s parking requirements.

In addition to this application, there is a companion application for a Special Exception Use (SEU) P26-025 for a drive-through facility at the restaurant. The proposed SEU would be reviewed by the Planning and Zoning Board only if the variance were to be approved.

**Public Notice Requirements (Section 158.298 (B))**

Public notice was mailed to owners within 750 feet and the file was included in the ad for the Planning & Zoning Board’s agenda.

**Location and Site Information**

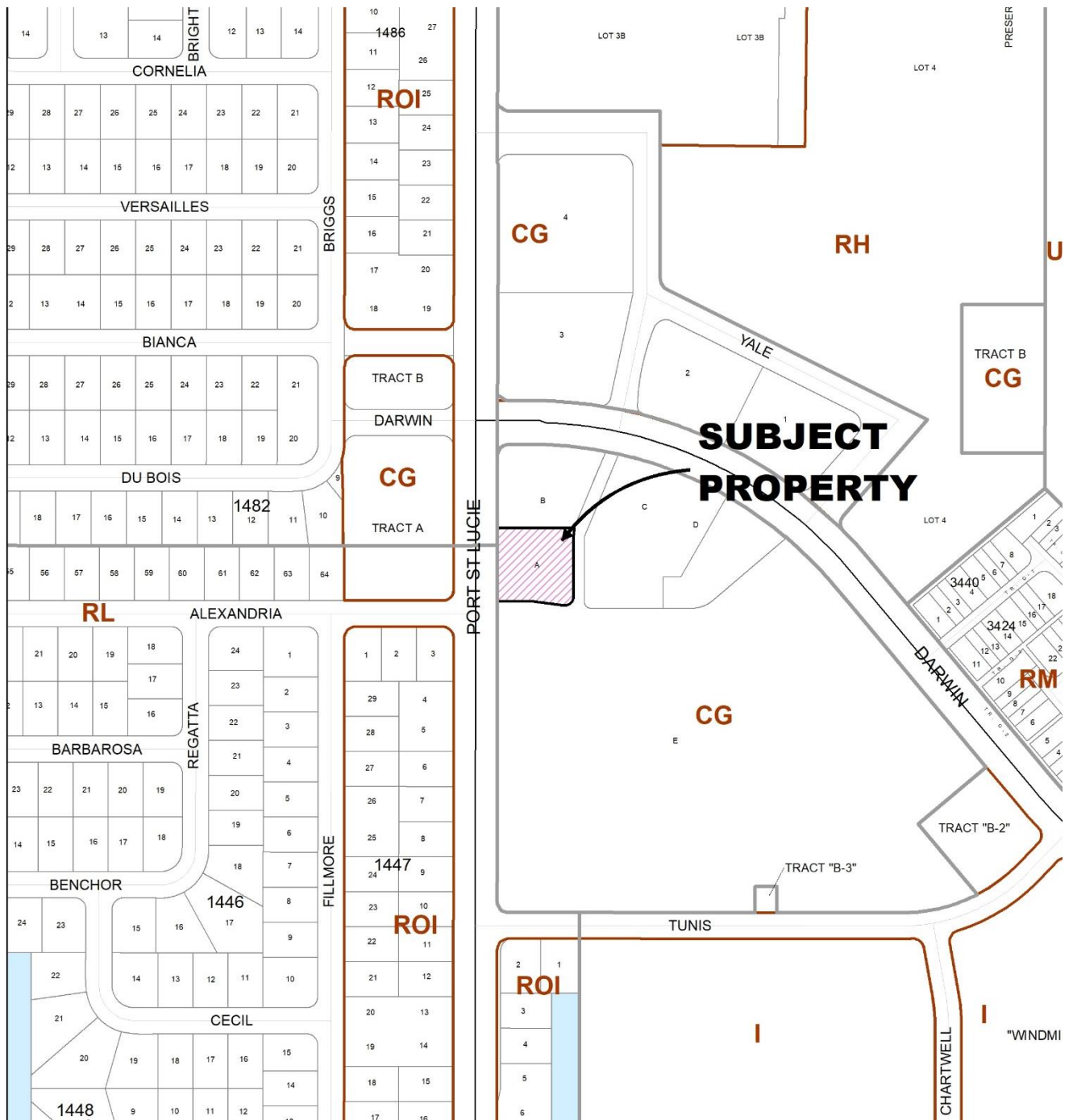
Parcel ID No(s).	3420-713-0001-000-5
Property Size:	0-69 Acres
Legal Description:	Darwin Square Lot A
Existing Future Land Use:	General Commercial
Existing Zoning:	General Commercial
Existing Use:	Vacant Bank

**Surrounding Uses**

Direction	Future Land Use	Zoning	Existing Use
North	CG	CG	McDonalds
South	CG	CG	Commercial Uses
East	CG	CG	Commercial Uses
West	CG	CG	Gas Station

CG: General Commercial





Future Land Use

## 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 subject property has a unique circumstance since the use is being redeveloped from a bank to a fast-food restaurant with a drive thru. A restaurant requires significantly more queuing for the drive-thru area, as compared to a bank use, which results in less property area being available to accommodate parking. Pollo Tropical was able to increase the total number of parking spaces by one space, from 19 parking spaces to 20 on-site spaces. Other vacant properties in the same zoning district do not have this same special condition.*

- *Staff Findings: There are no special conditions and circumstances which exist which are peculiar to the land, structure, or building. A larger parcel in the General Commercial (CG) zoning district would accommodate the restaurant, drive-through, and required parking.*

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

*Applicant's Response: This hardship is directly related to the physical characteristics of the property, not to personal circumstances or financial considerations. The applicant is proposing to redevelop a site within the Publix Supermarket Shopping Center, to enhance the surrounding area, while providing a design that promotes economic development, as well as public safety and welfare.*

- *Staff Findings: Reference staff's findings from #1.*

- 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: The requested relief is necessitated solely by the special physical condition of the uniqueness of the subject property. Other properties within the same zoning district may be able to comply with the parking requirement because they do not have the constraints and confines of an already developed parcel. The parking study prepared by Kimley-Horn justifies a reduced parking rate and documents that the 20 parking spaces provided on-site will exceed the demand of 14 parking spaces for this Pollo Tropical restaurant. Therefore, the requested variance does not allow a use, intensity or parking reduction that would otherwise be prohibited, but rather permits*

*reasonable and comparable use of the property, consistent with similarly situated developments.*

- *Staff Findings: It would confer special privileges to the applicant. Other General Commercial (CG) zoned properties and standalone drive-through restaurants are required to meet the city's parking requirements.*

- 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 properties within the same zoning district, that possess more typical physical characteristics, can comply with the parking requirement. Due to site-specific limitations of the subject property, strict enforcement of the code would preclude reasonable use of this property. Literal interpretation of the parking code would deny the applicant the opportunity to redevelop the site in a manner that promotes infill & economic development*

- *Staff Findings: The literal interpretation of the provisions of the chapter would not deprive the applicant of rights commonly enjoyed by other properties in the same General Commercial (CG) zoning district. Other standalone restaurants with a drive-through in the General Commercial (CG) zoning district are required to meet the code requirements.*

- 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: The 18-parking space variance request, when the code requires 38 parking spaces, is the minimum request that will allow Pollo Tropical to make reasonable use of the property when redeveloped. It will foster safe site circulation within the site and shopping center, while also increasing the landscape areas. The proposed 20 parking spaces will exceed the maximum demand of 14 spaces identified in the parking study prepared by Kimley-Horn.*

- *Staff Findings: This is the minimum variance that would allow the development as shown on the proposed concept plan.*

- 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: Granting of the parking variance will be in harmony with the general intent and purpose of the chapter. The variance requested will in no way be injurious or detrimental to the public welfare. Approval of the variance will enable Pollo Tropical to redevelop the subject parcel, while incorporating site improvements that are beneficial to the public welfare.*

- *Staff Findings: The general intent and purpose of the chapter is to provide adequate parking for the customers and employees of a business. The applicant has submitted a parking analysis that states that 20 parking spaces is sufficient for this user.*

- 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: There will be full compliance with any conditions and safeguards directed from the Planning and Zoning Board or Zoning Administrator.*

1. *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 make a:

- 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 make a:

- Motion to deny

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

- 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).**