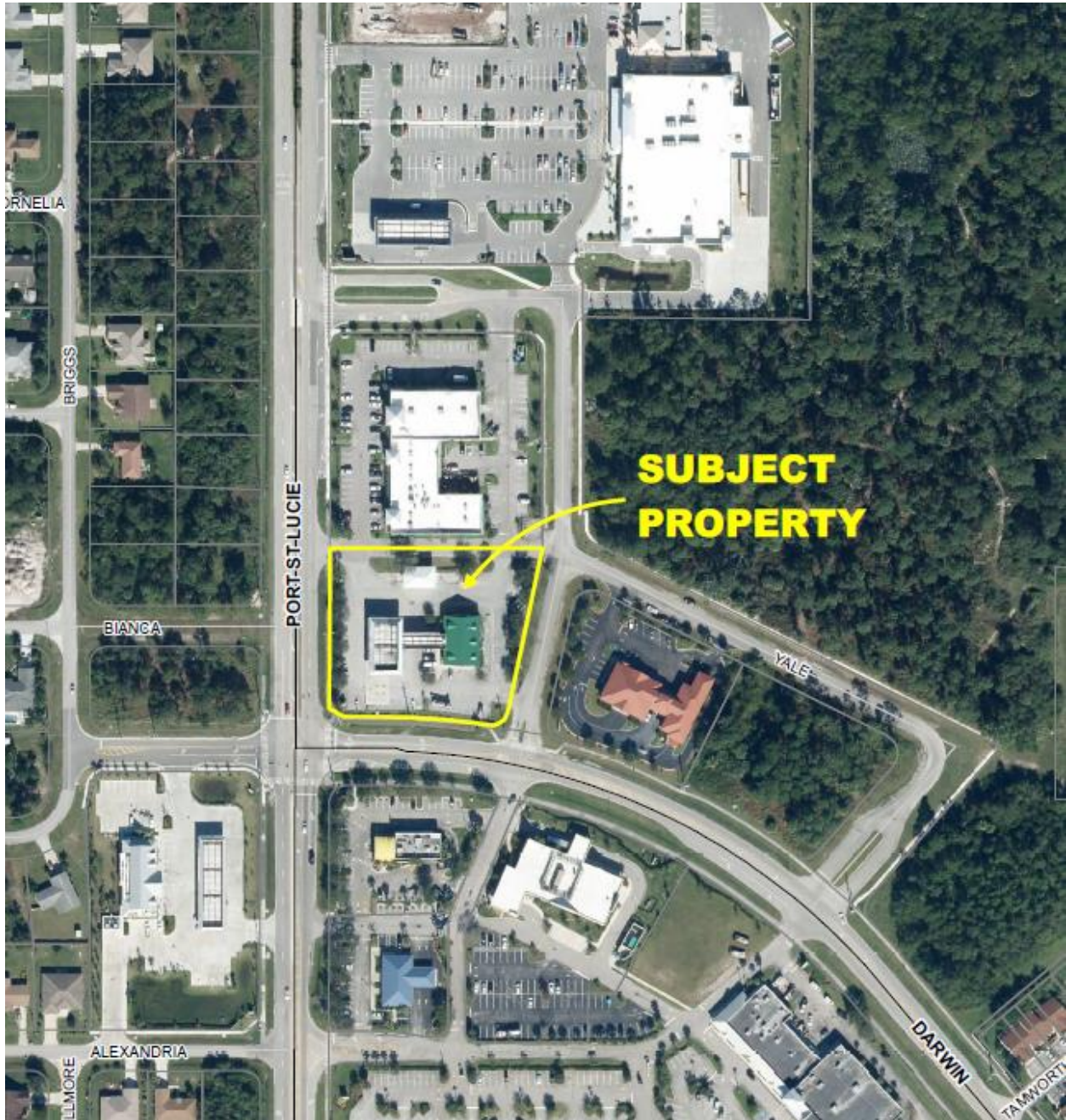




**St. Lucie Enterprises, LLC (Dunkin Donuts – 3095 SW Port St. Lucie Boulevard)
Special Exception Use Application
P20-248**



Project Location Map

SUMMARY

Applicant's Request:	Request to grant a special exception use for drive-through service on property presently zoned CG (General Commercial).
Applicant:	Mathew Mattison of Commercial Contracting Division.
Property Owner:	St. Lucie Enterprises, LLC
Location:	Located at 3095 SW Port St. Lucie Boulevard and legally described as Lot 3, Darwin Plaza.
Project Planner:	Daniel Robinson, Planner II

Project Description

The subject property consists of an existing fuel service station, a retail convenience store with a drive-through service, and a car wash. The proposed special exception is to permit the drive-through service in the General Commercial zoning district per section 158.124 (C) (13) of the Zoning Code.

Previous Actions and Prior Reviews

The original site plan was approved by City Council on February 12, 2000. The auto fuel service, car wash, retail convenience store, and the drive-through service were not required to be approved as special exceptions. The City Zoning Code, specifically Section 158.124, was amended per the Ordinances listed below adding uses to special exception use requirements.

- Ordinance 02-124 added retail convenience store, fuel service station, and car wash
- Ordinance 06-081 added drive-through services

The amendments to the City Code created the legal nonconforming uses of fuel service station with retail convenience store, drive-through, and car wash. Section 158.281 states that if a nonconforming use ceases for a period of six (6) months or more it must be brought into conformity to current City Code prior to the use's reestablishment.

The drive-through service has ceased for six (6) months or more. At this time for the use to be reestablished a special exception shall be approved as per Section 158.124 (C) (13).

Public Notice Requirements

The required public notice has been sent to property owners within 750 feet of the proposed project.

Location and Site Information

Property Size:	1.62 acres
Legal Description:	Lot 3, Darwin Plaza
Future Land Use:	General Commercial (CG)
Existing Zoning:	General Commercial (CG)
Existing Use:	Fuel service station and with a retail convenience store.

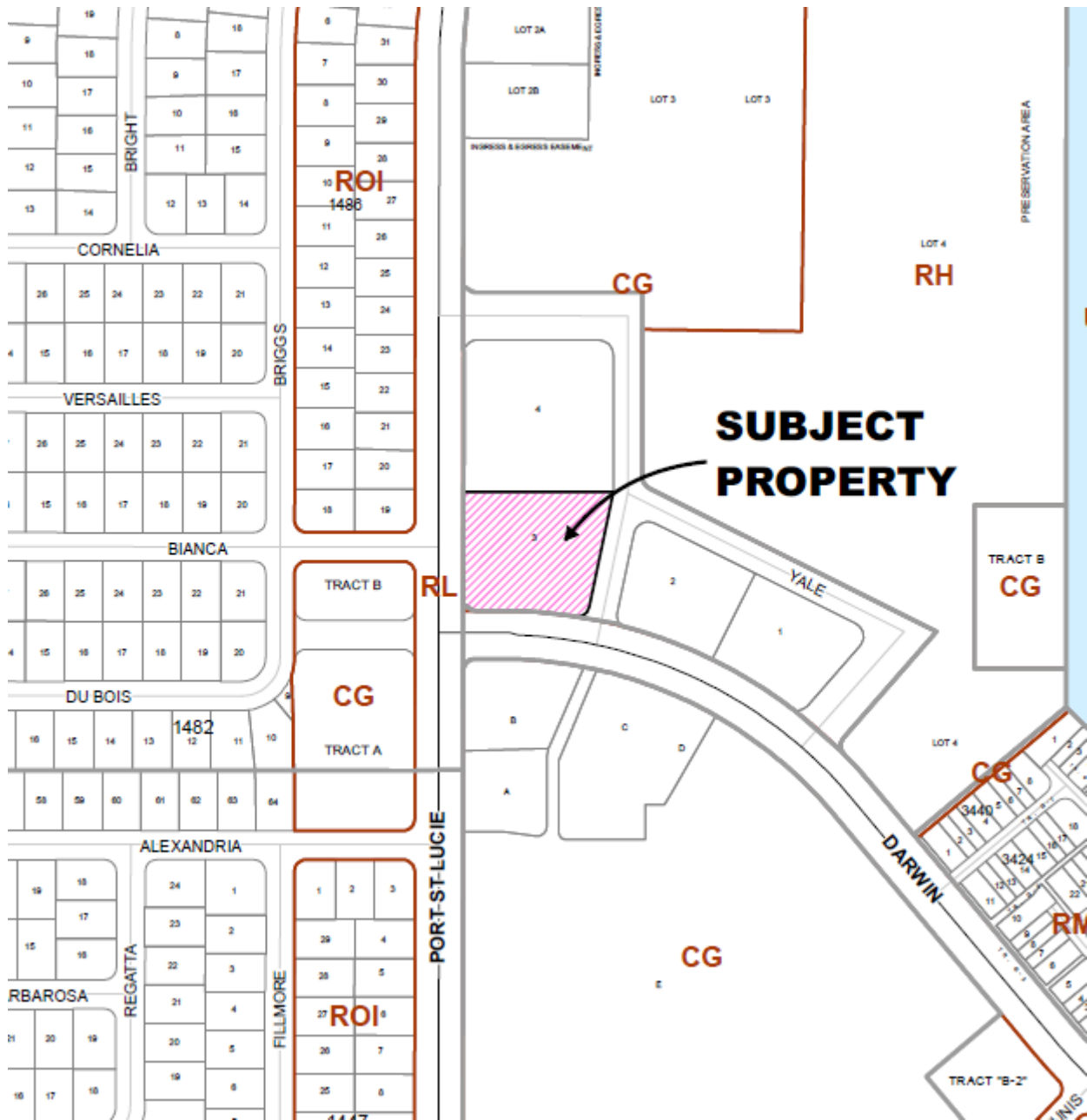
Surrounding Uses

Direction	Future Land Use	Zoning	Existing Use
North	CG	CG	Retail use
South	CG	CG	Restaurant
East	CG	CG	Auto service & car wash
West	CG & ROI	CG & P	Vacant

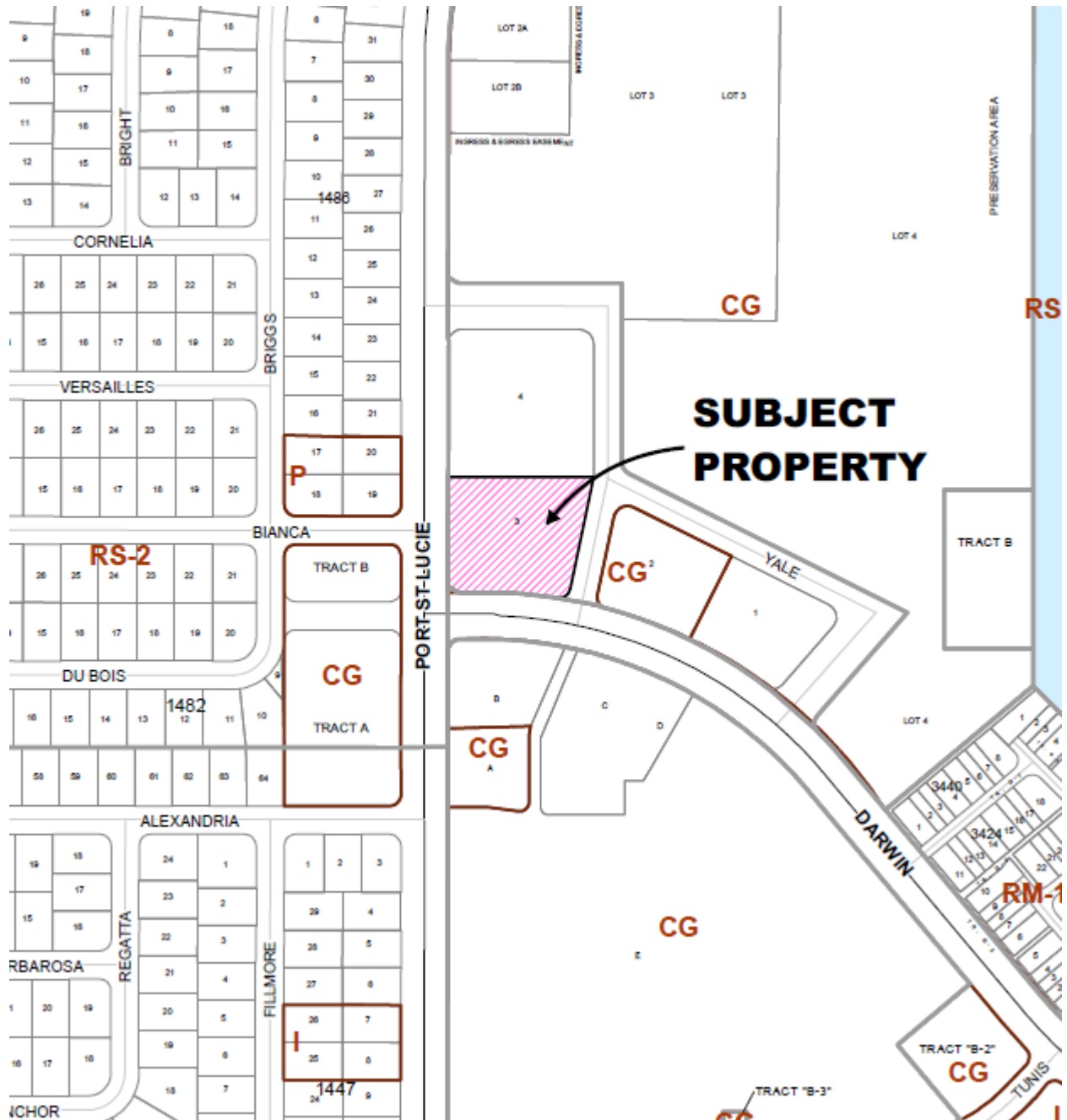
CG- General Commercial

ROI – Retail/Office/Institutional

P – Professional



Future Land Use



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 this criterion is attached separately. 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 emergencies.

- Staff findings: Adequate ingress and egress has been provided as indicated on the approved site plan. (P99-199)

(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: 33 parking spaces are required, and 42 parking spaces have been provided as per the approved site plan. (P99-199)

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

- Staff findings: City of Port St. Lucie provides adequate utilities to the existing 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: The required perimeter landscaping on the south side of the property alongside the location of the drive-through is present. There are many landscaping issues with the site in general. There are 16 missing perimeter trees as per the approved landscape plan. There are many missing hedges in the perimeter of the 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.

- Staff findings: All signs and lighting must adhere to the existing code regulations.

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

- Staff findings: The existing landscaping is deficient as per the approved landscape plan. The approved landscape plan is attached with markups indicating missing perimeter trees and hedges.

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

- Staff findings: The use is in conformance with all stated provisions and requirements of this chapter

(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: The use is established and is an approved use for the existing zoning district.

(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 applicant has submitted a queuing analysis for review that was created by MacKenzie Engineering and Planning Inc. The Public Works Department has reviewed and approved the submitted document and found it to be in compliance with the adopted level of service and requirements of Chapter 156 of City Code, and Public Works Policy 19-01pwd. Both documents have been attached with the staff report.
- The proposed hour of operation for the drive-through service is six (6) A.M to eight (8) P.M.
- The use should not constitute a nuisance of 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.
- Surrounding uses within one thousand (1,000) feet
 - Fuel stations – Two (2)
 - Car wash – One (1)
 - Retail Convenience store – Two (2)
 - Drive-through – Five (5)

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 application is for an existing previously approved project with drive-through services. No site plan amendments are proposed at this time.

(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.

- a) Staff findings: The applicant has acknowledged the statement.

(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: The property must abide by all zoning regulations of the zoning district.

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, Staff recommends that a condition is added to the approval requiring the landscaping that is missing be planted prior to any permits being issued to the property.

The Board may:

- Motion to recommend approval to the City Council
- Motion to recommend approval to the City Council with the proposed condition or with amended conditions

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.