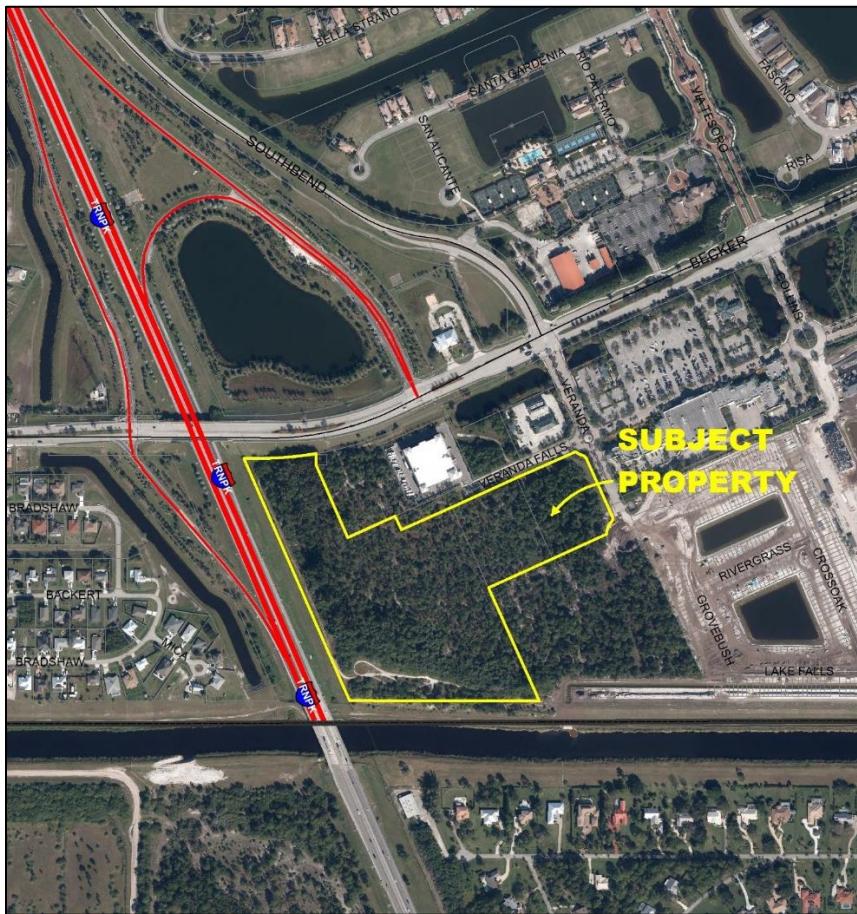




PLANNING AND ZONING STAFF REPORT  
June 4, 2024, Planning and Zoning Board Meeting

Veranda - Florida Coast Medical and Surgical Center, Inc.  
Variance  
Project No. P24-056



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#### SUMMARY

Applicant's Request:	A variance from Section 5 of the St. Lucie Lands PUD (Planned Unit Development) regulation book, to waive the requirement that the St. Lucie Lands Master Property Owners Association (POA) will be responsible for the architectural design control of the Hospital and the Medical Office Building.
Application Type:	Variance, Quasi-Judicial
Applicant:	Rebecca Miller, MPLD Consulting
Property Owner:	Florida Coast Medical and Surgical Center, Inc.
Location:	The south side of the intersection of SE Becker Road and SE Veranda Place, in the SE quadrant of the Florida Turnpike-Becker Road interchange.
Project Planner:	Bethany Grubbs, Planner III

### **Project Description**

The City of Port St. Lucie has received a request from MPLD Consulting, agent for the property owner, Florida Coast Medical and Surgical Center, Inc., to grant a variance from Section 5 of the St. Lucie Lands Planned Unit Development (PUD) regulation book, to waive the requirement that the St. Lucie Lands Master Property Owners Association (POA) will be responsible for the architectural design control of the Hospital and the Medical Office Building. The properties are legally described as Veranda Plat No. 8 Tracts 1, 4 & 5, as recorded in Plat Book 100, Page 11, 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 May 23, 2024, and the file was included in the ad for the Planning & Zoning Board's agenda.

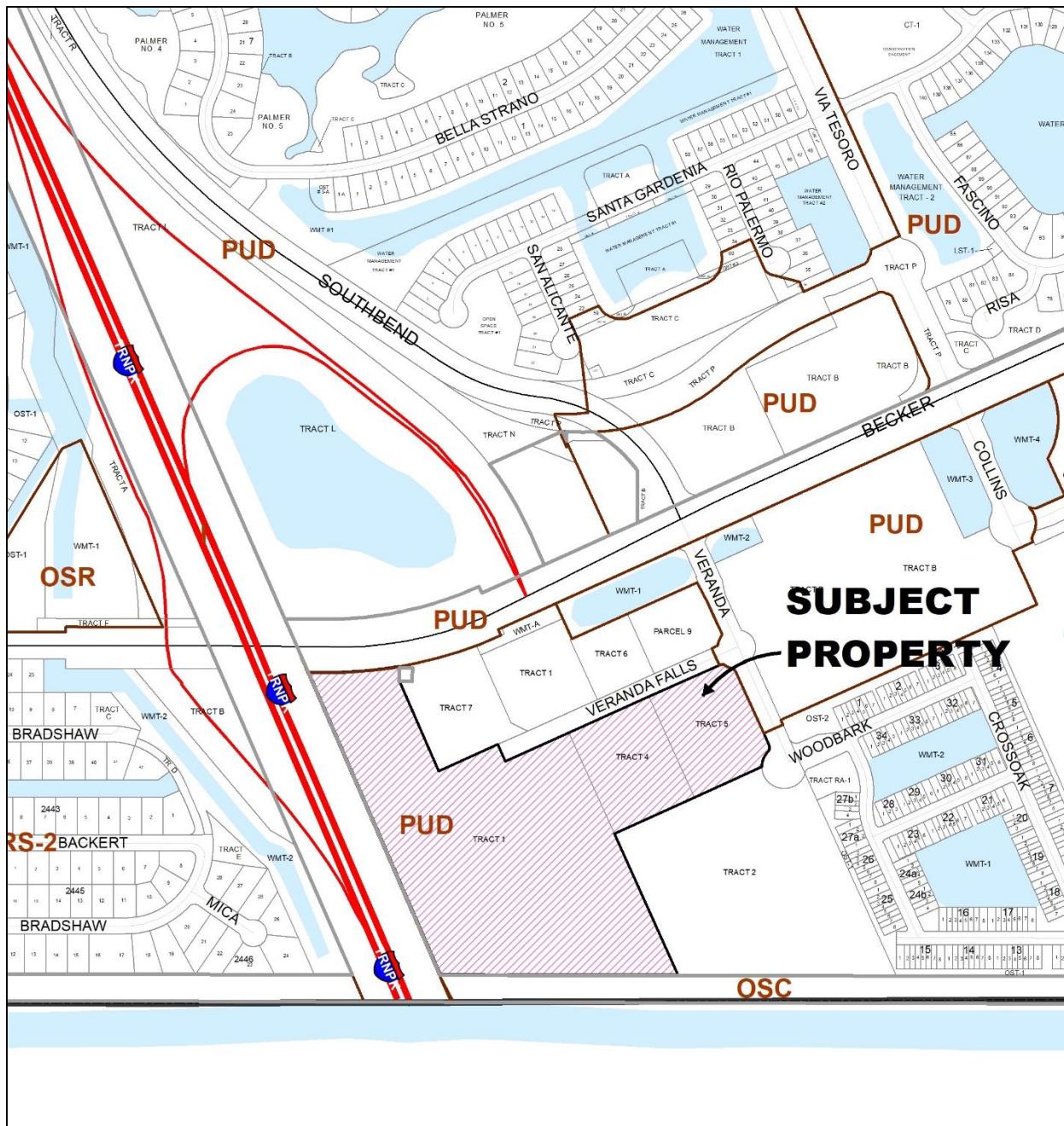
### **Location and Site Information**

Parcel Number:	4434-704-0001-000-3
Property Size:	19.032 acres
Legal Description:	Veranda Plat No. 8 Tract 1
Address:	300 SE Veranda Falls Way
Future Land Use:	CS/ROI/, CH/CG/ROI, CG/CS/ROI
Existing Zoning:	Planned Unit Development (PUD)
Existing Use:	Vacant (under construction)

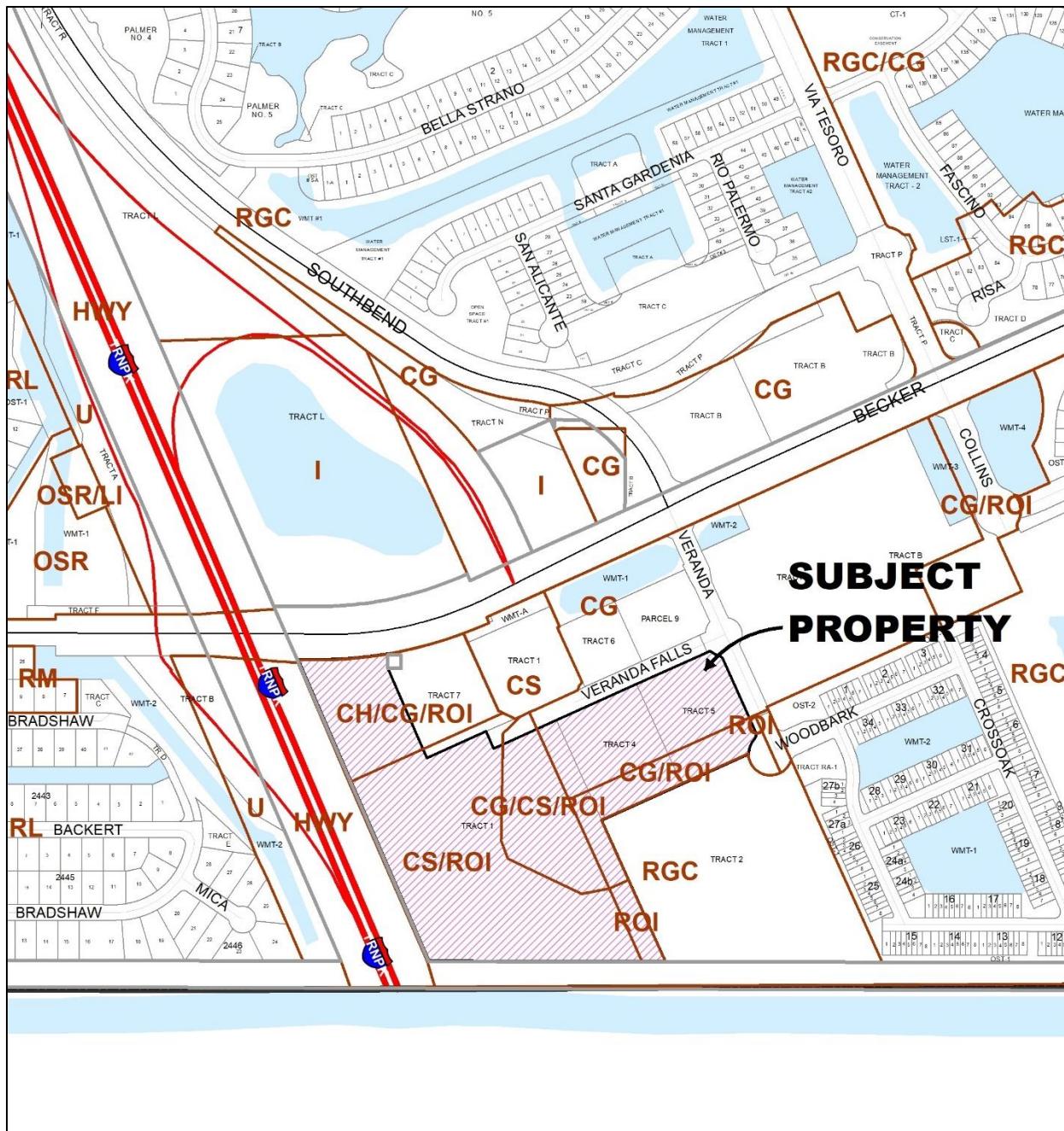
### **Surrounding Uses**

Direction	Future Land Use	Zoning	Existing Use
North	RGC	PUD	Tesoro Community
South	RGC	OSC	SFWMD C-23 Canal
East	RGC, PUD	PUD	Veranda Volaris Multifamily
West	N/A	N/A	Florida Turnpike

RGC-Residential Golf Course, PUD-Planned Unit Development, OSC-Open Space Conservation



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: A Variance is being sought to waive the requirement of adhering to St. Lucie Land PUD Conditions. The purchased property has separate maintenance agreements in place outside of the POA and the POA was not part of the purchase disclosure nor Warranty Deed.*
  - *Staff Findings: Special conditions do exist which are peculiar to this structure that are not applicable to other structures in this zoning district because the property is mandated to adhere to the architectural design approval specified in the St. Lucie Lands PUD document, which states that the POA will maintain architectural and landscape design control over the residential and non-residential use areas in the PUD. However, unlike other properties within the PUD, this particular property is not included in the Declaration of Covenants and Restrictions for Veranda (which includes St. Lucie Lands PUD) and is therefore not subject to architectural review by the POA. This creates a unique situation that necessitates a variance.*
- 2) That the special conditions and circumstances do not result from any action of the applicant.
  - *Applicant's Response: These conditions are findings evidenced during the Entitlement process on the PUD documents of the site and are not resulting from the actions of the applicant.*
  - *Staff Findings: It is unclear if the special conditions and circumstances result from any action of the applicant. The PUD regulation document was amended to clarify that architectural certification by the POA be required. The requirement for the property to follow the architectural design approval process outlined in the PUD document is an inherent condition tied to the land. But the land is not included in the Declaration of Covenants and Restrictions for Veranda. The conditions necessitating this variance were identified during the site plan review process. .*
- 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: Granting the variance requested will not confer on the applicant special privilege as the variance would absolve the property from St Lucie Land PUD*

*Conditions as the purchase of the property indicated in its legal disclosures.*

- *Staff Findings: The variance request aims to absolve the property from specific PUD conditions due to its unique status. The property is not governed by the POA; therefore, cannot obtain POA architectural review approval. The variance does not confer any special privilege but rather addresses the regulatory anomaly that places the property at a disadvantage compared to others within the zoning district and PUD.*
- 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: A literal interpretation of the provisions in this chapter would deprive the applicant from accepting the responsibility of architectural design control despite being outside of the St. Lucie Land PUD Conditions.*
  - *Staff Findings: The literal interpretation of the provisions would require the applicant to require POA approval of the architecture, but they cannot because the property is not governed by the POA, making it impossible to obtain the necessary POA architectural review approval. This unique governance situation is not faced by other properties in the same zoning district or PUD. This is the only property that is to be developed in the St. Lucie Lands PUD that is not included in the POA. Due to its non-included status in the POA, the property is placed in regulatory limbo where it must comply with certain PUD conditions without the structural framework to do so. This Other properties in the zoning district and PUD, do not face such conflicting 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 requested variance is the minimum variance that will make possible the reasonable use of the proposed hospital project by adhering to the Architectural Design needs of the building.*
  - *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. The variance seeks only to absolve the property from specific PUD conditions that it cannot meet due to its unique status as being required to obtain POA approval per the PUD, but not being included in the POA. This requested relief will resolve the unique regulatory conflict faced by this property and allow for development of the property. Any development on this property would face the same challenge.*
- 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 the requested variance will be in harmony with the general intent and purpose of the chapter via accepting responsibility for the architectural design control.*
  - *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: The applicant acknowledges 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.*
- *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).***