



BECKER, LLC. (Wawa Convenience Store and Fuel Service Station)
Special Exception Use Application
P22-006

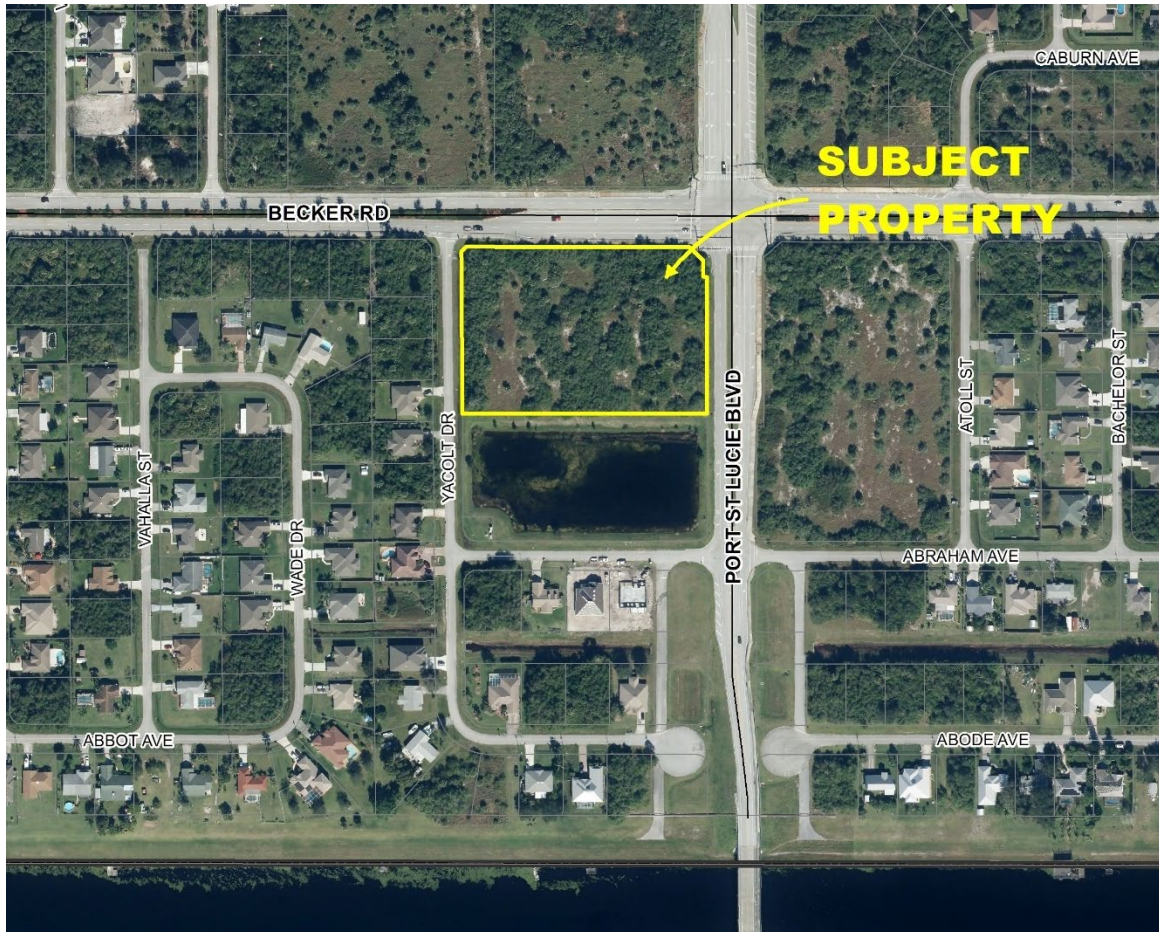


Figure 1. Location Map

SUMMARY

Applicant's Request:	The request is for approval of a Special Exception Use (SEU) for a Wawa convenience store with a fuel service station.
Applicant's Agent:	Brad Curry, Engineering, Design, and Construction, (EDC)
Applicant/Property Owner:	Becker, LLC.
Location:	Located at the southwest corner of SW Port St. Lucie Boulevard and SW Becker Road.
Address:	TBD
Project Planner:	Holly F. Price, AICP, Senior Planner

Project Description

The applicant is requesting approval for a Special Exception Use (SEU) to allow a convenience store with a fuel service station to be located in a CG (General Commercial) zoning district pursuant to Section 158.124(C)(11) of the Zoning Code and to allow a fuel service station to be located in the Activity Center Subdistrict pursuant to Section 2.3.3.1.a of the Becker Road Overlay District Design Standards. The proposed project consists of a 6,119 S.F. convenience store with a 688 S.F. exterior dining area and a gas station with 8 fuel pumps for 16 fuel stations.

On September 14, 2022, the Site Plan Review Committee (SPRC) recommended approval with all comments being addressed. **Some of the comments from Public Works have not been addressed.** The applicant requested to proceed with this application and not address the following comments from the SPRC.

1. Public Works does not support the placement of the mid-block driveway located in the Becker Road right-turn lane. [Remove or relocate the mid-block driveway so that it is not in the functional area of the Port St. Lucie Blvd. & Becker Rd. intersection.]
2. Public Works does not support the spacing distance of the mid-block driveway from Yacolt Drive. [The spacing does not meet the minimum 250-foot distance. The proposed spacing is 243.27 feet.]
3. Public Works requested a right-turn lane from Becker Road onto Yacolt Drive, [if side street access from Yacolt Drive is provided. **Side street access would require a SEU approval process.**] [This street is located on the west side of the subject parcel.]

Context: This site is currently vacant and the properties on the other three corners of PSL Boulevard and Becker Road are also vacant. On Yacolt Drive, to the west side of the subject parcel, three houses are located on the first four lots. These lots are located in a Conversion Area and shown in pink. These four properties have a future land use designation of CL (Limited Commercial) and are zoned RS-2 (Single-family Residential). It was the intention of the Planning and Zoning Department that these Conversion Area lots would be assembled and rezoned to a commercial use. However, several of these houses are new, and it is doubtful that these lots would be combined for commercial use anytime soon.



Figure 2. Context Map

Previous Actions and Prior Reviews

Site Plan Review Committee: As indicated above, on September 14, 2022, the Site Plan Review Committee (SPRC) reviewed the Special Exception Use (SEU) application and recommended approval with all comments being addressed. **There are three comments by the Public Works Department that have not been addressed by the applicant as indicated on previous page. The applicant indicated that he wanted to send this SEU application forward regardless of these comments.**

P22-198 Wawa Variance: On August 2, 2022, the Planning and Zoning Board voted unanimously to grant a variance to allow a proposed mid-block driveway to be located in the right-turn lane on Becker Road. See Figure 3. below. Public Works opposed the variance application.

This property is located at a major intersection of two arterial roads on the south side of the city. The property is currently one parcel. The proposed Wawa is located on the east (right) side of the property. See Figure 3. The block length along Becker Road is 498 feet and the distance to the proposed driveway is approximately 257 feet from Becker Road and 243 feet from Yacolt Drive. The driveway does not meet minimum spacing distance. The minimum driveway spacing requirement is 250 feet. More importantly, the proposed driveway is also located in the functional area of the intersection creating a safety concern due to the additional traffic conflict point it creates.

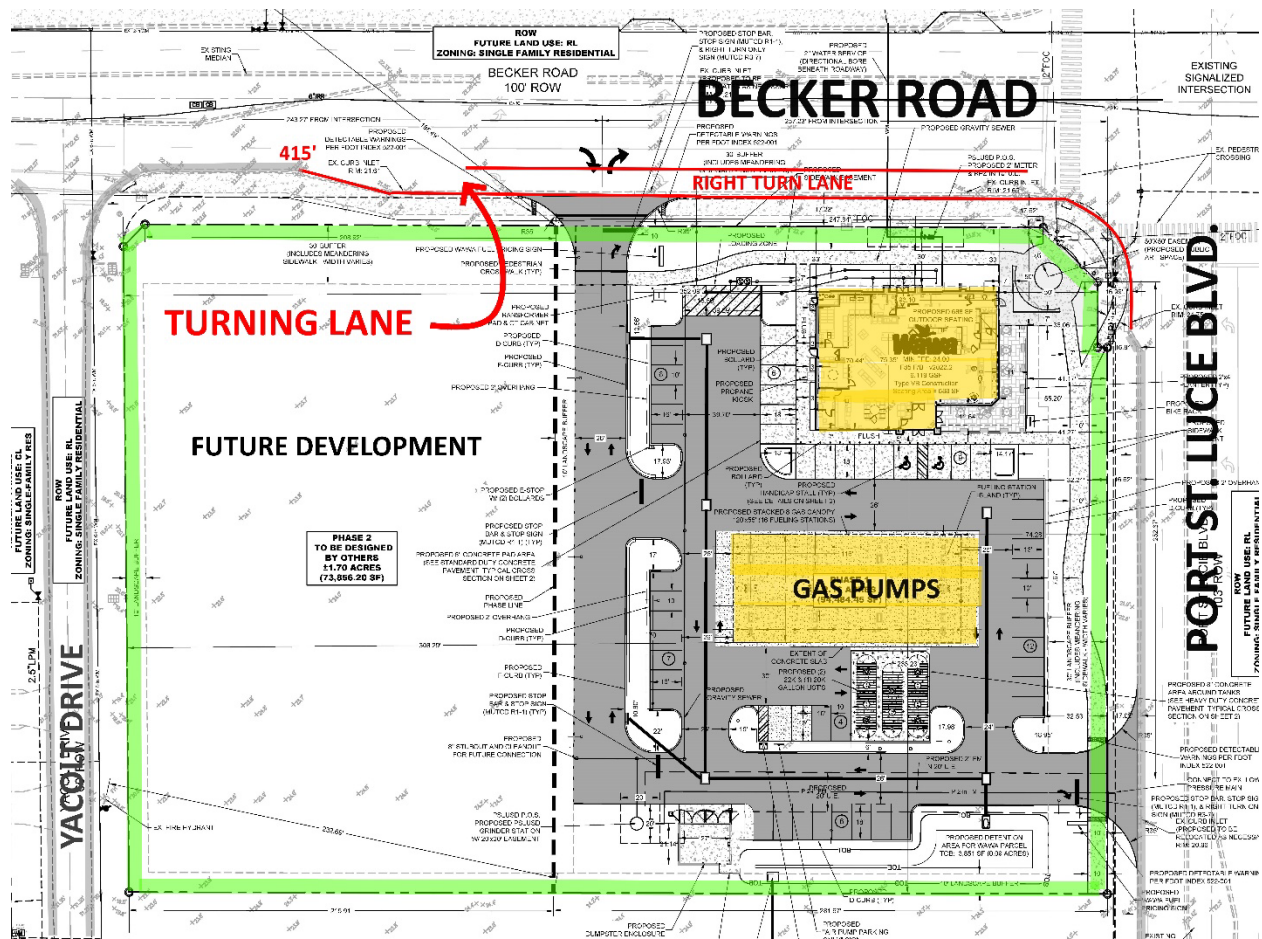


Figure 3. Conceptual Site Plan

Public Notice Requirements

Notice of this request for a special exception use was mailed to owners of property within a maximum distance of 750 feet to the subject property on January 26, 2023.

Location and Site Information

Parcel Number:	3420-660-0012-000-4
Property Size:	3.6 acres total, 2.16 acres phase 1
Legal Description:	Port St. Lucie Section 33, Tract L, Less S 262.18 ft
Future Land Use:	CG (General Commercial)
Existing Zoning:	CG (General Commercial)
Existing Use:	Vacant

Surrounding Uses

Direction	Future Land Use	Zoning	Existing Use
North	CG	CG	Vacant
South	CG	CG	City Detention Pond
East	CG	CG	Vacant
West	CL	RS-2	Residential Single-Family

CG – General Commercial, CL – Limited Commercial, RS-2 – Single-family Residential

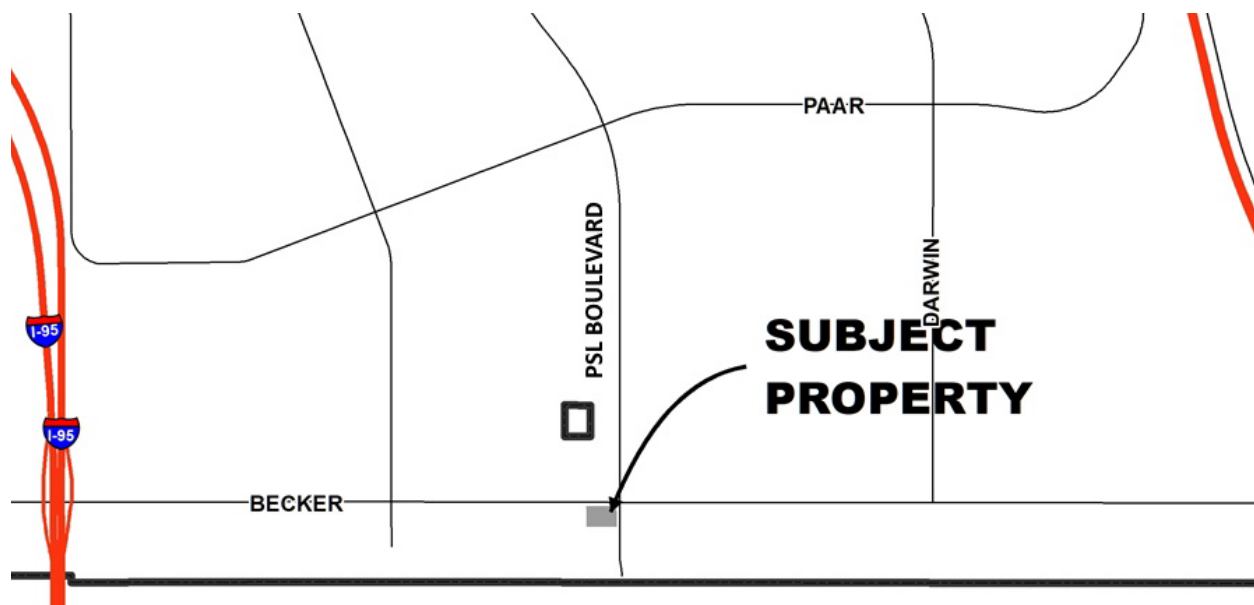


Figure 4. Location Map

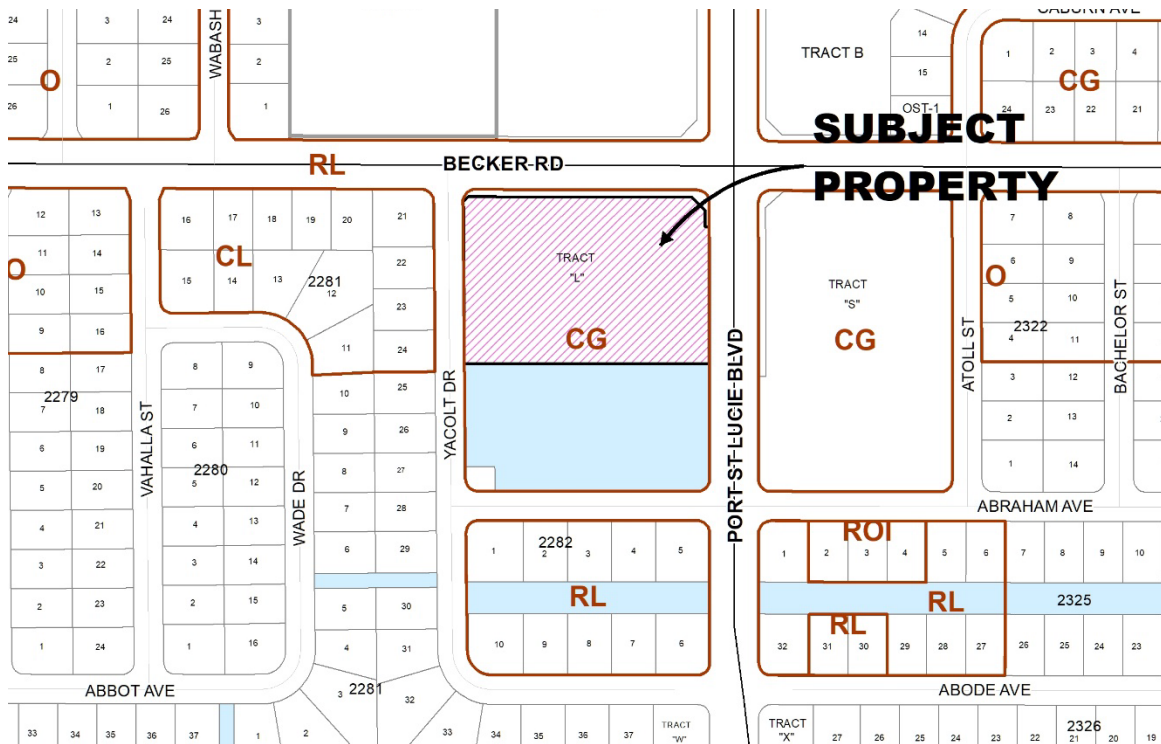


Figure 5. Land Use Map

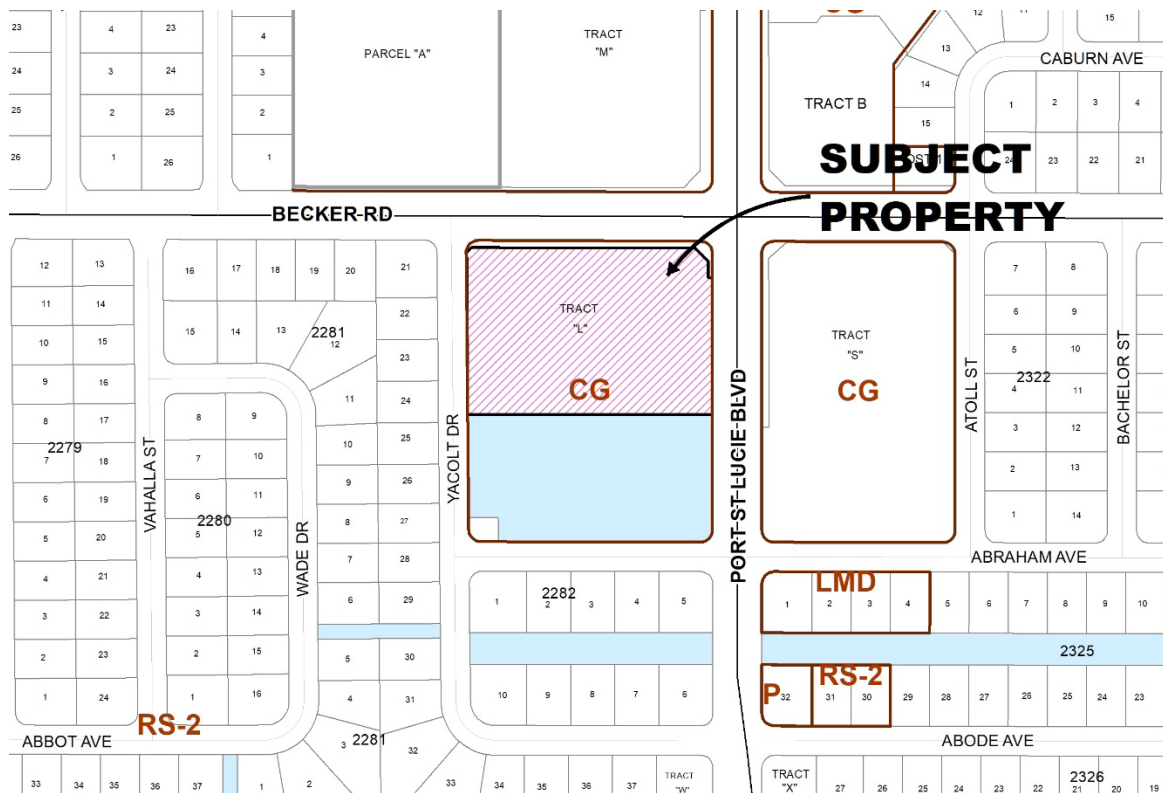


Figure 6. Zoning Map

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 project as proposed does not meet these criteria. Ingress and egress on Becker Road is not satisfactory. The Public Works Department has indicated that they do not support the proposed mid-block driveway from Becker Road since the driveway would extend from a southbound turn lane – and be located in the functional area of influence near the intersection of Becker Road and Port St. Lucie Boulevard. The southbound turning lane extends approximately 415 feet from Port St. Lucie Boulevard, or almost the entire length of the block. See Figure 3. The proposed driveway would extend from the turning lane. A driveway in this area would cause conflict between drivers wanting to turn right at the corner and drivers wanting to turn right into the property. It should be noted that Public Works does not object to the proposed land use, Public Works just does not support the proposed driveway location due to safety concerns.
- This application has been reviewed by the Public Works Department and the transportation elements of the project were found to NOT comply with the requirements of City Code, and Public Works Policy 19-01pwd.
- Per City Code Section 158.222(B)(4), the driveway spacing from intersections shall be measured from the right-of-way line of the intersecting street to the midpoint of the driveway. The minimum spacing shall be 250' for a commercial site on Becker Road. However, the applicant is proposing a driveway separation distance of 243'. Of more concern to the Public Works Department, the proposed driveway is being proposed within the existing right turn lane of the Becker Road and Port St. Lucie Blvd. intersection. City Code goes on to state that *"standards in excess of these spacing requirements are preferable and may be required for driveways located within the functional area of an intersection or areas where access restrictions are necessary to reduce conflicts, preserve the safety of the traveling public, or to preserve the function of the adjacent roadway."*; such as with this particular case to reduce conflicts.
- This section of City Code is also supported by the adopted City of Port St. Lucie Engineering Standards, Section 8.12.1. Of practical concern to Public Works is the additional number of conflict points that will be created within the functional area of the intersection by the addition of the proposed driveway, and therefore creating a safety concern.
- The applicant has discussed the project with the Public Works Department including the director, Heath Stocton, P.E., and they are aware of Public Work's concerns and the City Code requirements. This application for development which includes a mid-block driveway on Becker Road is not supported by the Public Works Department as currently designed.

- It should be noted this thru-traffic will only increase with the Martin County Pinelands Prairie development directly off of Port St. Lucie Blvd. (Citrus Blvd. when in Martin County). This thru-traffic would be mitigated with the dead ending of Yacolt Drive just south of the desired driveway location.
- According to Section 2.3.3.c of the Becker Road Overlay District (BROD) Design Standards, side street access for properties located in the Activity Center Subdistrict requires SEU approval.
- The proposed sidewalks meet the requirements of the Becker Road Overlay District Design Standards and provide adequate pedestrian ingress and egress.
- The applicant provided an auto-turn study that shows that large delivery trucks have adequate turning radii for ingress and egress to the site. See Auto-turn Analysis attached to this report.

(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: The project as proposed does not meet these criteria in terms of providing adequate buffering of the parking and loading areas to residential uses on the south side.** The site is surrounded on the north and east sides by commercial uses.
- South Side: The south side has a 10-foot-wide landscape buffer. However, the south of the site side features a gas station canopy, fuel pumps, and parking that would not be screened adequately from view if the hedge is two feet in height as required by code or if palm trees are used, as currently proposed. The fueling station cars, pumps, and canopy would be visible to the neighbors to the south. **Staff recommends that the applicant provide a 6-foot-high opaque fence in the landscape buffer** to provide a visual screen for the neighbors to the south. In addition, the type of proposed trees should include canopy trees such as oak trees, not palm trees, that will facilitate in creating an opaque landscape buffer. If the entire parcel, inclusive of Phase 2 is cleared, the landscape buffer on the south side should be continued along the entire south side of the property. Otherwise, residents to the south will have view of Becker Road.
- West Side: As indicated in the Landscape Code Section 154.03.C.5.d, the west side of the proposed development requires a landscape buffer with a 6-foot-high opaque fence since the existing houses are in a conversion area. However, the applicant has indicated that he does not plan to clear the site for Phase 2. If there is sufficient vegetation in Phase 2 to maintain a visual buffer, the landscape buffer with fence may not be needed until Phase 2 is developed. The west buffer will be addressed at the time of Site Plan review.
- Lighting will be required to be shielded from adjacent properties as required by code. Adequate off-street parking and loading is provided.

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

- **Staff findings: The project as proposed meets these criteria.** The subject property is located in a developed area of the City and utilities are in place to serve the development by the City.

(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 project as proposed does not meet these criteria in terms of providing adequate buffering for compatibility with adjacent residential uses to the south. The south side

has a 10-foot-wide landscape buffer. However, the south of the site side of the lot features a gas station canopy, fuel pumps, and parking that would not be screened from view if the hedge is two feet in height as required by code or if the trees are palm trees, as currently proposed. The fueling station pumps, canopy, and parking lot would be visible to the neighbors to the south. Staff recommends that the applicant provide a 6-foot-high opaque fence in the landscape buffer. In addition, the type of proposed trees should include canopy trees such as oak trees, not palm trees, that will facilitate in creating an opaque landscape buffer. If the entire parcel, inclusive of Phase 2 is cleared, the landscape buffer on the south side should be continued along the entire south side of the property. Otherwise, residents to the south will have view of Becker Road.

(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: The project as proposed meets these criteria. All exterior lighting shall be in conformance with Section 158.221 of the City Zoning Code and all signage shall be in accordance with Chapter 155 of the City Sign Code.

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

- Staff findings: **The project as proposed does not meet these criteria in terms of providing adequate buffering for compatibility with adjacent residential uses to the south.** The south side has a 10-foot-wide landscape buffer. However, the south of the site side of the lot features a gas station canopy, fuel pumps, and parking lot that would not be adequately screened from view if the hedge is two feet in height as required by code or if palm trees are used, as currently proposed. The fueling station pumps, canopy, and parking lot would be visible to the neighbors to the south. Staff recommends that the applicant provide a 6-foot-high opaque fence in the landscape buffer. In addition, the type of proposed trees should include canopy trees such as oak trees, not palm trees, and other vegetation that will facilitate in creating an opaque landscape buffer. If the entire parcel, inclusive of Phase 2 is cleared, the landscape buffer on the south side should be continued along the entire south side of the property. Otherwise, residents to the south will have view of Becker Road.

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

- Staff findings: Acknowledged. As per Zoning Code Section 158.124(C)(11), convenience stores with or without a fuel service station require approval of a Special Exception Use in a CG (General Commercial) zoning district. As per the Becker Road Overlay District (BROD) Design Standards Section 2.3.3.1.a, a Special Exception Use is required to allow a fuel service station in the Activity Center Subdistrict. The BROD Design Standards Section 2.3.3.1.c also indicates that if access to a site from a side street is provided for a property located in the Activity Center Subdistrict, approval of a Special Exception Use is required.

(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 project as proposed meets these criteria. The convenience store and fuel service station are planned to be open 24 hours, 7 days a week, similar to other Wawa businesses in the city. This is a commercial property located at the intersection of two major arterial roads.

With adequate landscape buffering to the residential houses to the south and west, this use should not create a nuisance.

(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 project as proposed does not meet these criteria in terms of vehicular movement.** The Public Works Department is not in support of the proposed access driveway that extends from a right-turn lane on Becker Road. See comments in Paragraph A. The proposed vehicular movement is not supported by Public Works. As currently proposed, there would be an increase in the likelihood of additional thru-traffic within the surrounding neighborhood.
- Pedestrian circulation has been reviewed by the Site Plan Review Committee for safety and function.
- The site is surrounded on three sides by non-residential uses: the north and east sides are zoned for commercial development and the south side has an existing City detention pond.
- The convenience store and fuel service station are planned to be open 24 hours, 7 days a week, similar to other Wawa businesses in the city. The proposed use is compatible with a property located at the intersection of two major arterial roads with CG (General Commercial) zoning, provided adequate landscape buffering from residential uses is provided.

(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 project as proposed does not meet these criteria in terms of the proposed driveway access on Becker Road and the proposed landscape buffer on the south side of the site.** The Public Works Department is not in support of the proposed access driveway that extends from a right-turn lane on Becker Road. See comments in Paragraph A. The proposed vehicular movement is not supported by Public Works.
- **The project as proposed does not meet these criteria in terms of providing adequate buffering for compatibility with adjacent residential uses to the south.** The south side has a 10-foot-wide landscape buffer. However, the south of the site side of the lot features a gas station canopy, fuel pumps, and parking that would not be adequately screened from view if the hedge is two feet in height as required by code or if palm trees are used, as currently proposed. The fueling station pumps, canopy, and parking lot would be visible to the neighbors to the south. Staff recommends that the applicant provide a 6-foot-high opaque fence in the landscape. In addition, the type of proposed trees should include canopy trees such as oak trees, not palm trees, and other vegetation that will facilitate in creating an opaque landscape buffer. If the entire parcel, inclusive of Phase 2 is cleared, the landscape buffer on the south side should be continued along the entire south side of the property. Otherwise, residents to the south will have view of Becker Road.

(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: Acknowledged. The Planning and Zoning Department recommends that this project be approved with the following conditions:

1) Becker Road Mid-block Driveway Access: Staff finds the requirements of Zoning Code Section 158.224, Driveway Spacing from Intersections, to insure public safety and high-quality public infrastructure have not been met and staff finds that there are viable alternatives that would not create a potentially hazardous driveway configuration at this location. The proposed mid-block access driveway located on Becker Road shall be eliminated. The Conceptual Site Plan shall be updated prior to SEU approval by the City Council.

2) Yacolt Drive Side Street Access: If side street access to the subject site from Yacolt Drive is provided, a right-turn lane from Becker Road to Yacolt Drive shall be provided and Yacolt Drive shall be closed to thru-traffic. These improvements shall be located in the area to the west of the subject site. Such changes shall be reflected on the Conceptual Site Plan prior to this SEU approval by the City Council, and the side street access requires it's own SEU which should be advanced to the City Council at the same time as this SEU.

3) Buffering on South Perimeter Lot: The Conceptual Site Plan and/or Landscape Plan shall be modified prior to SEU approval by the City Council to indicate either a 6-foot-high opaque fence in the landscape buffer. In addition, the type of proposed trees shall include canopy trees such as oak trees, not palm trees, and other vegetation that will facilitate in creating an opaque landscape buffer. If the entire parcel, inclusive of Phase 2 is cleared, the landscape buffer on the south side shall be continued along the entire south side.

4) Buffering on West Perimeter Lot: Buffering between the Wawa site and the residential houses in the conversion area along Yacolt Drive shall be provided by one of the following:

1) The west side of the site or Phase 2 shall not be cleared until development for Phase 2 is approved. Provided there is enough native vegetation to maintain a visual buffer, the native vegetation may be use for the perimeter area buffer until Phase 2 is developed. 2) If the whole site, inclusive of Phases 1 and 2, are cleared prior to approval of Phase 2 or it there is not enough native vegetation to create a visual buffer, a perimeter buffer with a fence shall be provided as indicated in Landscape Code Section 154.03.C.5.d shall be provided. The buffer for the west perimeter shall be reviewed at time of Site Plan review for the Wawa site, Phase 1.

(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.

- a) Staff findings: Acknowledged.

Public Works - Traffic Analysis

This analysis is also attached to the staff report, Public Works Traffic Memorandum.

This application and Traffic Statement prepared by Engineering Design & Construction Inc. dated August 17, 2022 has been reviewed by the Public Works Department and the transportation elements of the project were found to NOT comply with requirements of Chapter 156 of City Code, and Public Works Policy 19-01pwd.

Per City Code Section 158.222(B)(4), the driveway spacing from intersections shall be measured from the right-of-way line of the intersecting street to the midpoint of the driveway. The minimum spacing shall be 250' for a commercial site on Becker Road. However, the applicant is proposing a driveway separation distance of 243' from the Yacolt Dr right-of-way. Of more concern to the Public Works Department, the proposed driveway is being proposed within the existing right turn lane of the Becker Road and Port St. Lucie Blvd. intersection. City Code goes on to state that *"standards in excess of these spacing requirements are preferable and may be required for driveways located within the functional area of an intersection or areas where access restrictions are necessary to reduce conflicts, preserve the safety of the traveling public, or to preserve the function of the adjacent roadway."*; such as with this particular case to reduce conflicts. This section of City Code is also supported by the adopted City of Port St. Lucie Engineering Standards, Section 8.12.1. Of practical concern to Public Works is the additional number of conflict points that will be created within the functional area of the intersection by the addition of the proposed driveway, and therefore creating a safety concern.

The applicant has discussed the project with the Public Works Department including the director, Heath Stocton, P.E., and they are aware of our concerns and the City Code requirements. The application submitted for a driveway variance to the Planning & Zoning Board was approved without support by the Public Works Department.

The requested use of a fueling station estimates 448 total PM Peak hour driveway trips split over the 2 proposed driveways. This proposed use is one of the highest amounts of traffic trips that could be generated for this property to use this unsafe driveway location on Becker Road within the area of influence of the Port St Lucie Blvd and Becker Road intersection.

Public Works recommends moving the driveway location from Becker Road to SW Yacolt Drive. By providing a right turn lane on Becker Road to SW Yacolt Drive and then blocking off SW Yacolt Drive south of this Wawa Property entrance, the driveway will meet all required Engineering Standards for spacing and safety. By blocking off SW Yacolt Drive, this will also prevent all cut through traffic that could occur from Port St. Lucie Blvd and Abraham Avenue, therefore reducing any unnecessary nuisance to the surrounding neighborhood.

PLANNING AND ZONING BOARD ACTION OPTIONS

Staff finds that the applicant did not address all comments by the Site Plan Review Committee (SPRC). The Planning and Zoning Department recommends that the Wawa Special Exception Use (SEU), P22-006, be approved with the following conditions:

- 1) Becker Road Mid-block Driveway Access: Staff finds the requirements of Zoning Code Section 158.224, Driveway Spacing from Intersections, to ensure public safety and high-quality public infrastructure have not been met and staff finds that there are viable alternatives that would not create a potentially hazardous driveway configuration at this location. The proposed mid-block access driveway located on Becker Road shall be eliminated. The Conceptual Site Plan shall be updated prior to SEU approval by the City Council.
- 2) Yacolt Drive Side Street Access: If side street access to the subject site from Yacolt Drive is provided, a right-turn lane from Becker Road to Yacolt Drive shall be provided and Yacolt Drive shall be closed to thru-traffic. These improvements shall be located in the area to the west of the subject site. Such changes shall be reflected on the Conceptual Site Plan prior to this SEU approval by the City Council, and a separate SEU is required for the side street access.

3) Buffering on South Perimeter Lot: The Conceptual Site Plan and/or Landscape Plan shall be modified prior to SEU approval by the City Council to indicate a 6-foot-high opaque fence in the landscape buffer. In addition, the type of proposed trees shall include canopy trees such as oak trees, not palm trees, and other vegetation that will facilitate in creating an opaque landscape buffer along the south side of the parcel. If the entire parcel, inclusive of Phase 2 is cleared, the landscape buffer on the south side shall be continued along the entire south side.

4) Buffering on West Perimeter Lot: Buffering between the Wawa site and the residential houses in the conversion area along Yacolt Drive shall be provided by one of the following:

1) The west side of the site or Phase 2 shall not be cleared until development for Phase 2 is approved. Provided there is enough existing vegetation to maintain the visual buffer, the existing vegetation may be used for the perimeter area buffer until Phase 2 is developed. 2) If the whole site, inclusive of Phases 1 and 2, is cleared prior to approval of Phase 2 or if there is not enough existing vegetation to create a visual buffer, a perimeter buffer along Yacolt Drive with a fence shall be provided as indicated in Landscape Code Section 154.03.C.5.d. The buffer for the west perimeter shall be reviewed at the time of Site Plan review for the Wawa site, Phase 1.

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 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.