



**LETTER OF JUSTIFICATION**  
**Special Exception Use Application**  
Murphy USA  
September 13, 2023

**REQUEST**

***On behalf of the Petitioner, Engineering, Design, & Construction, Inc. (EDC) is requesting approval of a special exception use application for a proposed 2,824-sf Murphy convenience store to allow for automobile fuel sales and to allow for retail convenience store uses with or without fuel service stations within the General Commercial (CG) zoning designation. The subject property is approximately 1.16 acres and can be identified as parcel ID # 3414-501-4711-000-3. The applicant is proposing to the redevelopment of this site. A Site Plan application is being submitted concurrently with this application. The property address is 10575 S. US Highway 1 in Port St. Lucie, Florida.***

**SITE CHARACTERISTICS & PROJECT HISTORY**

The subject property is located on the west side of US Highway 1 and north of SE Port St. Lucie Boulevard and is currently developed. The application is proposing the redevelopment of this parcel for a convenience store with gas sales.

The subject property currently comprised of approximately 1.16 acres. The parcel currently has a 3,318-sf bank building with five (5) drive-thru lanes constructed along with associated site improvements.

The subject property has a Future Land Use designation of Commercial General (CG) and an underlying Zoning designation of General Commercial (CG).

North of the subject parcel is an Applebee's restaurant. This parcel has a Future Land Use designation Commercial General (CG) and an underlying Zoning designation of Planned Unit Development (PUD).

South of the subject parcel lies an existing bank building (southeast) and a Tire Kingdom (southwest). These parcels have a Future Land Use designation Commercial General (CG) and an underlying Zoning designation of Commercial General (CG).

East of the subject parcel lies the Right-of-Way of US Highway 1 followed by a developed commercial building. This parcel is in the jurisdiction of St. Lucie County and has a Future Land Use designation of Commercial (COM) and an underlying Zoning designation of General Commercial (CG).

West of the subject parcel lies a developed Tire Kingdom. This parcel has a Future Land Use designation of Commercial General (CG) and an underlying Zoning designation of Commercial General (CG).

### **SPECIAL EXCEPTION USE (SEU REQUIREMENTS)**

Section 158.260 of the Port St. Lucie Zoning Code identifies the requirements for approval of an SEU application. The attached site plan meets all of the requirements of Section 158.260.

The below outlines the requirements that must be met for City Council to grant an approval.

- 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.

**RESPONSE: As seen on the attached SEU plan, ingress and egress access currently exists on the north and side of the proposed development via exiting access easements onsite.**

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

**RESPONSE: The proposed development meets the minimum parking and loading area requirements. The proposed development would not create undue noise, glare, odor or other detrimental effects to the adjacent properties.**

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

**RESPONSE: The proposed development will be served by PSLUSD. The applicant is proposing a grinder station to serve the development. There are adequate facilities in the area to serve the development.**

- 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.

**RESPONSE: The proposed development is adjacent to other commercial developments. The proposed development will supply the appropriate landscape buffering.**

- 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.

**RESPONSE: Photometric plans will be submitted as part of the site plan review process and will meet the minimum requirements of the City of Port St. Lucie Land Development Code to ensure no adverse effects to adjacent properties and to ensure traffic safety.**

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

**RESPONSE: At the time of site plan application, required yard and open space will be depicted on the site plan and will meet the minimum requirements of the City of Port St. Lucie Land Development Code.**

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

**RESPONSE: The proposed use does conform with the stated provisions and requirements of this chapter. All local and State permits will be obtained prior to commencement of construction.**

- 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.

**RESPONSE: The proposed use will not impair the health, safety, welfare or convenience of residents and workers in the City. The parcel is currently adjacent to other commercial uses and not adjacent to residential parcels.**

- 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. The City may require certain uses such as car washes, gas stations, and other potential noise generating uses submit a noise impact analysis prepared by a qualified professional.

**RESPONSE: Access to the development is proposed via ingress / egress easements to US Highway 1 and Port St. Lucie Blvd. The proposed uses would not create undue noise. The development will meet the minimum requirements of the City of Port St. Lucie Land Development Code, including but not limited to pedestrian access, lighting and signage. A Dumpster enclosure is proposed on the southern portion of the site also to reduce any impacts to residential parcels.**

- 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, changes to the proposed use to mitigate the impacts upon adjacent properties and the neighborhood. To minimize exposure to excessive noise, the City may require noise control features, limit hours of operation, and other mitigation methods.

**RESPONSE: The parcels located to the subject parcel have a Future Land Use Designation of Commercial General (CG) and Planned Unit Development (PUD) which are designated to accommodate general retail stores and services with restrictions on heavy vehicular sales, service, wholesale, warehouse uses and outdoor storage or other nuisance uses. The proposed convenience store with gas sales is consistent with the intent of the Future Land Use element and is consistent with other developed uses currently constructed in the City of Port St. Lucie with CG Future Land Use designations.**

**The proposed uses would not create undue noise. The development will meet the minimum requirements of the City of Port St. Lucie Land Development Code, including but not limited to pedestrian access, lighting and signage. The proposed Dumpster enclosure is located on the southern portion of the site to also reduce any impacts to residential parcels.**

- 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.

**RESPONSE: Acknowledged. The parcel totals 1.16 acres for development of a Murphy Convenience Store with fuel sales. The site plan will meet all requirements of the City of Port St. Lucie Land Development Code.**

- 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.

***RESPONSE: Acknowledged.***

### **SEU REQUIREMENTS**

Section 158.256 of the Port St. Lucie Zoning Code identifies the submittal requirements for an SEU Submittal. Documents required as part of this application are included in full.

***Based on the above and attached information, the applicant respectfully requests approval of the proposed applications.***

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