

City of Port St. Lucie

Planning and Zoning Board

Meeting Minutes

121 SW Port St. Lucie
Blvd.
Port St. Lucie, Florida
34984

Deborah Beutel, Chair, Term 2 Expires 6/21/25
Alfreda Wooten, Vice Chair, Term 2 Expires 5/28/27
Carol Taylor-Moore, Secretary, Term 1 Expires 9/27/25
Peter Previte, At-Large, Term 1 Expires 7/12/25
Joseph Piechocki, At-Large, Term 1 Expires 7/12/25
Roberta Briney, At-Large, Term 1 Expires 7/12/25
Eric Reikenis, At-Large, Term 1 Expires 11/1/26
Melody Creese, Alternate, Term 1 Expires 11/1/26
Peter Louis Spatara, Alternate, Term 1 Expires 5/8/2027

Please visit www.cityofpsl.com/tv for new public comment options.

Tuesday, June 6, 2023

6:00 PM

Council Chambers, City Hall

1. Meeting Called to Order

A Regular Meeting of the Planning and Zoning Board of the City of Port St. Lucie was called to order by Chair Beutel on June 6, 2023, at 6:02 PM in the Council Chambers of Port St. Lucie City Hall, 121 Port St. Lucie Boulevard, Port St. Lucie, Florida.

2. Roll Call

Board Members Present:

Debra Beutel, Chair
Alfreda Wooten, Vice Chair
Joseph Piechocki, At-Large
Peter Previte, At-Large
Eric Reikenis, At-Large
Melody Creese, Alternate

Board Members Not Present:

Roberta Briney, At-Large
Carol Taylor-Moore, Secretary

Others present:

Peter L. Spatara, Alternate

3. Determination of a Quorum

Chair Beutel determined there was a quorum.

4. Pledge of Allegiance

Chair Beutel led the assembly in reciting the Pledge of Allegiance.

5. Appointments

- 5.a** Board Member Swearing in: Peter L. Spatara as Alternate Member and Reappointment of Alfreda Wooten as a Regular Member

[2023-499](#)

The Deputy City Clerk administered the Oath of Office to Alternate Member Peter L. Spatara and Regular Member Alfreda Wooten.

6. Approval of Minutes

- 6.a** Approval of Minutes - May 2, 2023

[2023-484](#)

There being no corrections, Vice Chair Wooten moved to approve the minutes of May 2, 2023. Board Member Piechocki seconded the motion, which passed unanimously by roll call vote.

7. Consent Agenda

There was nothing scheduled for this item.

At this time, Chair Beutel suggested reorganizing the order of the Agenda. Board Member Piechocki motioned to move items 8a and 9a to the end of the Agenda. Alternate Board Member Creese seconded the motion, which passed unanimously by voice vote.

8. Public Hearings - Non Quasi-Judicial

- 8.a** P21-128 Wilson Groves - Large Scale Comprehensive Plan
Location: The property is generally located north of the C-23 Canal and east of Range Line Road. It is bounded to the north and east by the Riverland Kennedy DRI.

[2023-327](#)

Legal Description: The property is legally described as a portion of the Alan Wilson Grove plat and portions of Sections 30 and 31 Township 37 South, Range 39 East. A full legal description is available in the Planning and Zoning Department.

This is a request for a Large Scale Comprehensive Plan Text Amendment to amend Figure 1-6 of the Future Land Use Element.

(Clerk's Note: This item was moved to the end of the Agenda and heard after item 9f.)

Bridget Kean, Planner, Planning and Zoning, indicated Item 8a is legislative action and Item 9a is quasi-judicial. The Deputy City Clerk swore in those individuals who wished to speak on these items.

Planner Kean provided a PowerPoint presentation on the Large Scale Comprehensive Plan Text Amendment Application to amend Figure 1-6 of the Future Land Use Element. She stated the applicant is ACR Acquisition, LLC, for the Wilson Groves DRI or NCD District, and Dan Sorrow with Cotleur and Hearing is the agent for property owners ACR Acquisition, LLC, and Florida Power and Light Company.

Planner Kean showed the location of Wilson Groves and indicated the Future Land Use is NCD. She reviewed the background of the project as well as discussed the location and developers of the related DRI's. She also reviewed the SW Annexation Area Roadway Plan and construction of Becker Road.

Planner Kean discussed the proposed Comprehensive Plan Amendment to amend Figure 1-6 and the associated DRI amendment that will be heard after this item to amend Map H in accordance with Figure 1-6. She showed the existing and proposed Figure 1-6 and explained that 566 acres of Mixed-Use was being relocated to south of Becker Road. Planner Kean stated the proposed land amendment is consistent with the Comprehensive Plan, Policy 1.2.11.2 and Policy 1.2.3.1, which states that Wilson Groves is required to have 57 acres of Neighborhood/Village Commercial, 566 acres of Mixed-Use, and 1,876 acres of Residential close to where people live and work.

Planner Kean spoke to the Traffic Impact Analysis prepared by O'Rourke Engineering and last revised on April 18, 2023. She stated the analysis indicates that no additional roadway improvements are required to be constructed in the Wilson Groves DRI until the development reaches 2,200 dwelling units or 2,573 PM peak hour trips, whichever comes last, as shown in Table 2. Planner Kean reviewed the concerns of the traffic impact and indicated the Public Works Department is recommending a condition that when the City deems monitoring is required, the City's 3rd party consultant undertake the monitoring and the applicant reimburse the City for the cost.

Planner Kean presented staff's recommended changes to proposed Figure 1-6, which removes the note addressing the Paseo and other miscellaneous notes from the map. She stated the Planning and Zoning Department staff finds the petition to be consistent with the intent and direction of the City's Comprehensive Plan and recommends approval with the following conditions.

1. The adoption of Revised Exhibit "B" depicting Staff recommended changes.
2. The developer shall reimburse the City for the City's consultant to conduct a monitoring analysis when deemed necessary for the developer's obligated roadways as recommended by the Public Works Department.

Board Member Piechocki asked for a definition of the Paseo and inquired if there was a site plan. Planner Kean stated there is no definition, but she understands it to be a multipurpose path in the City-owned right-of-way. She explained staff does not want the Paseo mentioned at this time, because it is not identified or described in the development order for the City to even know what is being proposed and if it would fit in the City's right-of-way. Board Member Piechocki and Planner Kean discussed and commented on the Paseo.

Board Member Piechocki requested more information on the traffic study. Diana Spriggs with Public Works spoke to the level of service, commercial traffic, and Becker Road.

Dan Sorrow with Coteleur & Hearing stated he was sworn in and requested that all documents, submittal materials, Staff Reports, etc., used as part of this application and Staff's review be entered into the record. He introduced Ramsy Akel, Alex Akel, and Horacio Moncada for Akel Homes as well as Traffic Engineer Susan O'Rourke and Legal Counsel Tara Duhy.

Mr. Sorrow presented a PowerPoint presentation on Wilson Groves and discussed the DRI, Annexation Agreement, entitlements, development order and related resolutions. He explained the request before the Board is to relocate the land uses within the existing entitlement area. He also reviewed the steps and process of the entitlement applications. Mr. Sorrow showed the project site and access via Becker Road, which the applicant is building to Rangeline Road ahead of schedule in partnership with the City. He also discussed the proposed changes to Map H.

Mr. Sorrow elaborated further on the Wilson Groves project and spoke to the community being contained. He discussed the mobility plan, shopping, traffic/golf cart circulation, Becker Road, roadways and

pathways, the Paseo, etc. He indicated the 4 Corners was the heart and soul of the project as well as the inspiration behind the design of Wilson Groves with the active and passive parks, recreation complex, and golf course.

Mr. Sorrow reviewed Staff's recommendations and conditions as well as the developer's responses for clarity with future submissions and implementations. He asked for the Board's support in passing this project onto the City Council with a favorable recommendation of approval.

Planner Kean clarified the DRI requirements for parks and indicated the applicant would have to work with the City and the Parks and Recreation Department on certain park proposals.

Planner Kean explained that at various times during the course of this process, the applicant was going to amend their DRI but decided to amend the map, which is why staff has taken a position on the Paseo. She stated if the applicant is not going to add the Paseo as an improvement or identify it on their DRI, they should not be adding items to the map that could create policy.

For the record, Planner Kean advised the City received a letter from the Law Firm of Shubin & Bass on behalf of the Riverland Kennedy/GL Homes developers. She stated the letter was included in the Board's packet and entered into the record

Chair Beutel opened Public to be Heard.

1. Attorney Denise Haire, Law Firm of Shubin & Bass, stated she is representing Riverland Kennedy, an affiliate of GL Homes. She discussed the June 2, 2023, letter that outlines her client's position in detail and ACR's proposed relocation of land uses and impacts. She stated GL Homes objects to the ACR applications, as the proposed changes would adversely affect GL Homes development of its Riverland DRI property and its roadway obligations as well as impact the health, safety, and welfare of residents in the southwest annexation area. She requested that ACR's pending applications be denied or be approved subject to the inclusions of the policies and conditions outlined in their letter.

There being no further comments, Chair Beutel closed Public to be

Heard.

Attorney Tara Duhy, Law Firm of Lewis, Longman and Walker, stated she was Legal Counsel to ACR. She discussed the Shubin & Bass/GL Homes letter as well as the change in location of the same intensity and density in an improved and vested DRI. She indicated the traffic study would be the same, so there would be no impact.

Board Member Piechocki inquired about the issues outlined in the Shubin & Bass letter as well as the traffic information provided in the Staff Report, to which Attorney Duhy, Planner Kean and staff responded. Colt Schwerdt, Assistant Public Works Director and City Engineer, advised staff was recommending changing the monitoring condition, because they are concerned with the roadway network and level of service capacity. He stated staff is requesting that the City take full control of the monitoring in-house and be reimbursed. Mr. Sorrow indicated he was not comfortable with this condition. Susan O'Rourke, O'Rourke Engineering and Planning, explained the process taken for the Traffic Study. Attorney Duhy opined that the applicant should have control over its study, and not pay for a study and the review of it. Board Member Piechocki recapped the issues and conditions as well as commented on the growth of the City, speaking to City Council, and the Board's responsibilities and discussions.

Board Member Previte questioned why the trigger on when roads will be built comes last, to which Planner Kean explained that process was agreed to within the development orders in approximately 2006. Assistant Public Works Director Schwerdt stated staff does not like the wording of "later" and would prefer "earlier," and explained the trigger is harder to meet with residential units. Board Member Previte stated the residents are concerned about traffic and he did not want to prolong the building of roadways or wait to address it when it is already a concern. Mr. Schwerdt agreed and noted that there will be future development.

Planner Kean clarified the conditions for Mr. Piechocki and explained the process to amend a development order. Mary Savage-Dunham, Director of Planning & Zoning, and Theresa Lamar-Sarno, Deputy City Manager, added to the discussion and spoke to the City's position on the Paseo. Attorney Duhy suggested the condition state the "Paseo may be permitted if approved at the time of site plan by the City as a typical section." She stated they want to reserve the right to bring it forward for consideration when those typical sections would be

presented. Chair Beutel indicated that would not happen tonight, as that would be putting the cart before the horse.

Alternate Board Member Creese asked for further clarification on Map H and the developer's two-way road obligation. Planner Kean noted that Map H is for the DRI amendment and this application is for the NCD Concept Plan that first has to be approved before the DRI can move forward. Assistant Public Works Director Schwerdt explained the orange space on Map H distributes the traffic throughout the DRI development and when the applicant moves all of the Mixed-Use to the south side, it changes the distribution configuration. He noted mixed land use is generally the highest trip generation of the land uses.

Alternate Board Member Creese suggested the language in condition #2 read as follows: The developer shall reimburse the City for the City's consultant to conduct a monitoring analysis when deemed necessary "by the City" for the developer's obligated roadways as recommended by the Public Works Department.

There being no further discussion, Board Member Piechocki moved to recommend approval of P21-128 Wilson Groves - Large Scale Comprehensive Plan with the recommendation and conditions outlined in the Planning Staff's Presentation, Page 11, and Condition #2 to include "when deemed necessary by the City" for the developers obligated roadways, to the City Council. Vice Chair Wooten seconded the motion, which passed unanimously by roll call vote.

8.b P22-336 Lulfs Grove - Comprehensive Plan Amendment -
Large Scale

[2023-232](#)

Location: The property is generally located on the west side of Glades Cut Off Road, east of the C-24 Canal and south of Midway Road.

Legal Description: A portion of Sections 20 & 21, Township 36 South, Range 39 East.

This is a request to change the Future Land Use of 90 acres of Commercial Service/Light Industrial/Heavy Industrial (CS/LI/HI), 311.50 acres of Commercial Service/Light Industrial/Residential, Office and Institutional (CS/LI/ROI) and 63 acres of Commercial General/Residential, Office and Institutional (CG/ROI) to 389.24 acres of Low Density Residential (RL), 29.70 of Medium Density Residential (RM), and 11.56 acres of Recreation Open Space (OSR) for the Lulfs Groves property.

Chair Beutel indicated the applicant requested to table this item to July 5, 2023. There being no discussion, Vice Chair Wooten moved to

table item 8b, P22-236 Lulfs Grove - Comprehensive Plan Amendment - Large Scale, to the July 5, 2023, Planning and Zoning Board meeting. Alternate Board Member Creese seconded the motion, which passed unanimously by roll call vote.

8.c P23-059 City of Port St. Lucie - Text Amendment to Chapter

2023-398

155: Sign Code

A City initiated text amendment to Chapter 155, Sign Code to add public (City) electric message monument signs and updates for clarification of the existing code.

Daniel Robinson, Planning and Zoning, provided a PowerPoint presentation on this City initiated text amendment for the Chapter 155: Sign Code. He indicated the main objective is to update and provide provisions for City signs on City properties and right-of-ways. Planner Robinson reviewed the definition of public electronic message signs and noted the Definition Code Section will be updated in a future amendment. He also discussed the maximum luminance for digital signage.

Planner Robinson stated the Planning and Zoning Department finds the proposed text amendment to be consistent with the intent and direction of the City's Comprehensive Plan and recommends approval.

Chair Beutel opened Public to be Heard. There being no comments, she closed Public to be Heard.

There being no further discussion, Board Member Previte moved to recommend approval of P23-059, City of Port St. Lucie - Text Amendment to Chapter 155: Sign Code. Vice Chair Wooten seconded the motion which passed unanimously by roll call vote.

9. Public Hearing - Quasi-Judicial

Elizabeth Hertz, Senior Deputy City Attorney, reviewed the process and procedures for the Board to hear the Quasi-Judicial Hearings listed under Section 9. The Deputy City Clerk swore in those individuals who intended to speak on any items in Section 9.

9.a P21-127 Wilson Groves DRI - Map Amendment

2023-328

Location: The property is generally located north of the C-23 Canal and east of Range Line Road. It is bounded to the north and east by the Riverland Kennedy DRI.

Legal description: The property is legally described as a portion of the Alan Wilson Grove plat and portions of Sections 30 and 31 Township 37 South, Range 39 East. A full legal description is available in the

Planning and Zoning Department.

This is a request to amend the Wilson Groves DRI development order by amending Map H, the DRI master development plan.

(Clerk's Note: This item was moved to the end of the Agenda and heard after item 8a.)

Chair Beutel inquired if the Board members had any ex parte communications. Mr. Piechocki disclosed he had communications regarding Wilson Groves with Deputy City Manager Teresa Lamar-Sarno, Planning & Zoning Director Mary Savage-Dunham, Planner Bridget Kean, Senior Deputy City Attorney Elizabeth Hertz, City Attorney James Stokes, Councilman Dave Pickett, and Daniel Sorrow with Cotleur & Hearing. Ms. Creese indicated she had no ex parte communications but does live in the Riverland area. Chair Beutel stated she spoke with Azlina Goldstein and met with staff. Vice Chair Wooten stated she spoke with Azlyna Goldstein. Mr. Reikenis reported he met with Daniel Sorrow of Cotleur & Hearing as well as staff. Mr. Previte indicated he met with Daniel Sorrow and the applicant last year, spoke to Azlyna Goldstein in relation to the letter, and met with staff.

Bridget Kean, Planner, Planning and Zoning, stated she was sworn in and the official file was submitted to the City Clerk's Office five days before the hearing. She requested that the file be entered into the record.

Planner Kean provided a PowerPoint presentation on the 3rd Amendment to the Wilson Groves DRI Development Order, which amends Map H of the Development Order. She indicated the applicant is not proposing any other changes to the development conditions in the DRI. She reviewed the proposed project and indicated the property owners are ACR Acquisition, LLC, and the Florida Power and Light Company.

Planner Kean showed the location of the subject property and indicated the Future Land Use is NCD. She reviewed the background of the project, identified the developers of the related DRI's as well as discussed the WATS and grid roadway network. She spoke to the Southwest Annexation Agreement with the City and the construction of Becker Road by the developers.

Planner Kean noted the Board just heard the associated Comprehensive Plan Amendment for Wilson Groves and reviewed the

related entitlements. She reiterated the City will approve how their parks are developed and other responsibilities of the Wilson Groves DRI.

Planner Kean discussed the proposed DRI Amendment to amend Map H of the Master Developer Plan in accordance with Figure 1-6. She showed the current and proposed Map H, and explained there was only one school site even though two are required by the Annexation Agreement and DRI. She stated there is also an issue with the proposed amendment Map H labels of East/West 4, as it consists of a roadway and a Paseo. She indicated the applicant is also including a note on Map H to allow low speed vehicles along pathways, sidewalks, multiuse trails, and roadway crossings within City-owned right-of-ways on Becker Road, North/South A, North/South B, and East/West 3.

Planner Kean reviewed Staff 's analysis of the amendment and noted the two school sites need to be depicted on Map H. She also discussed and recapped the traffic study, traffic impact analysis, and traffic impact concerns and conditions. Planner Kean reiterated the City's position on the Paseo and staff's recommendation to remove it from the proposed Map H.

Planner Kean stated the Planning and Zoning Department found the petition to be consistent with the proposed changes to the City's Comprehensive Plan. She indicated City staff recommends approval with the following conditions:

1. The applicant's proposed changes to Map H be updated to depict the location of the two school sites required by Condition 51 of the Wilson Groves DRI development order and the southwest annexation agreement prior to the application going before City Council.
2. Any references to the Paseo be removed from the proposed changes to Map H.
3. The miscellaneous notes and the note to allow low speed vehicles along pathways, sidewalks, multi-use trails, and roadway crossings within the city owned rights of way for Becker Road, N/S A, N/S B, and E/W be removed from proposed changes to Map H.
4. The developer shall reimburse the City for the City's consultant to conduct a monitoring analysis when deemed necessary for the

developer's obligated roadways as recommended by the Public Works Department.

Planner Kean explained the process of having the DRI Map Amendment and Large Scale Comprehensive Plan Text Amendment go before the City Council at the same time.

Planner Kean also noted the letter from the Law Firm of Shubin & Bass was entered into the record as part of this application.

Daniel Sorrow with Coteleur & Hearing stated he would like to enter the PowerPoint presentation he provided for the Comprehensive Plan into the record for this agenda item. He asked the Board to favorably support this Map Amendment.

Chair Beutel opened Public to be Heard.

1. Kevin Rattery, Vice President of GL Homes, indicated he would be requesting the opportunity to present their arguments in front of City Council. He spoke to the fairness of the traffic report, widening of Becker Road, reallocation of land uses, and trip distribution, as discussed in their letter.

There being no further comments, Chair Beutel closed Public to be Heard.

Attorney Tara Duhy, Law Firm of Lewis, Longman and Walker, stated this was a long process with the three developments to the west and it was always planned to work with one another regarding the conditions. She indicated Riverland Kennedy has not completed its East/West roadway network, and Wilson Groves has committed over \$20 million for an interchange and has advanced its requirement to construct Becker Road. She thought this was an important point to make in regards to fairness.

Alternate Board Member Creese noted the language in condition #4 should include ". . . when deemed necessary by the City . . ."

There being no further discussion, Alternate Board Member Creese moved to recommend approval of P21-127, Wilson Groves DRI, Map Amendment, with the conditions listed as recommended by the City for #1-3 as written, and for #4 the developer shall reimburse the City for

the City's consultant to conduct a monitoring analysis when deemed necessary by the City for the developer obligated roadways as recommended by the Public Works Department. Board Member Piechocki seconded the motion, which passed unanimously by roll call vote.

9.b P22-155 Gatlin Boulevard Car Wash - Special Exception Use

[2023-241](#)

Location: 1837 SW Gatlin Boulevard, at the northwest corner of Gatlin Boulevard and SW Import Drive.

Legal Description: Lot 9, Lot 10 and Tract P of Block 1702, Port St. Lucie Section 31

The request is for approval of a Special Exception Use (SEU) to allow a car wash in the General Commercial (CG) zoning district per Section 158.124(C)(4) of the Code of Ordinances.

(Clerk's Note: This item was heard after item 8.c.)

Chair Beutel inquired if the Board had any ex parte communications, to which each member responded in the negative.

Bethany Grubbs, Planner, Planning and Zoning, stated she was sworn in and the official file was provided at least five days prior to this meeting. She requested that the file be entered into the record.

Planner Grubbs provided a PowerPoint presentation on this Special Exception Use Application for the Gatlin Boulevard Car Wash. She indicated the property owner is PS Lucie SR CGP, LLC, and represented by agent Brandy Zackery of ACES, Arnold Consulting Engineering Services, Inc. She stated Benjamin McDaniel was in attendance via Zoom to answer any questions.

Planner Grubbs showed the location of the subject property and stated the land use and zoning are general commercial. She reviewed the surrounding areas, conceptual plan, and elevations.

Planner Grubbs discussed the Traffic Impact Statement and stated it was found to be acceptable. She also reviewed the SEU criteria and indicated everything has been met. She stated the Site Plan Review Committee recommended approval of the Conceptual Site Plan on October 12, 2022, and Staff recommends approval with two conditions.

Applicant McDaniel, ACES, stated he was sworn in and performed the civil engineering for this project. He indicated Andrew Barkley, for the client Driven Brands, was also via Zoom to answer any questions.

Chair Beutel opened Public to be Heard. There being no comments, she closed Public to be Heard.

There being no further discussion, Alternate Board Member Creese moved to recommend approval of P22-155, Gatlin Boulevard Car Wash Special Exception Use with Staff's Recommendations, to the City Council. Vice Chair Wooten seconded the motion, which passed unanimously by roll call vote.

9.c P22-197 Freese, James - Variance

2023-488

Location: 2732 SW Casella Street

Legal Description: Port St. Lucie Section 31, Block 1706, Lot 12

This is a request to grant a variance to the requirements of Appendix B, Land Use Conversion Manual of the City's Zoning Code to isolate one (1) lot.

Chair Beutel inquired if the Board had any ex parte communications, to which each member responded in the negative.

Bethany Grubbs, Planner, Planning and Zoning, stated she was sworn in and the official file was provided at least five days prior to this meeting. She requested that the file be entered into the record.

Planner Grubbs provided a PowerPoint presentation on a variance application from owner James Freese, to allow for the isolation of one lot. Planner Grubbs showed the location of the subject property and explained the intent is to grant a rezoning to Service Commercial from Residential. She reviewed the surrounding areas and conceptual layout plan. Planner Grubbs stated the request is to utilize the lot for open storage of vehicles and indicated the lot would have to meet the zoning code requirements upon site plan approval with regard to adequate screening and buffering. She explained conversion area 24 allows conversion to Service Commercial; however, it has to meet the hardship requirements of the Conversion Manual and Zoning Code outlined in the Staff Report.

Alternate Board Member Creese inquired about the special circumstances, to which Planner Grubbs explained the applicant would need to meet the Zoning Code for an open storage lot, which includes landscape buffering and fencing. She stated, for a variance request in a conversion area, the applicant has to describe how each property can stand independently .

Applicant/Owner Freese stated his lot was not really isolated. He explained Bush Construction owns five commercial lots and started the commercial trend in this neighborhood in the 1990's. He indicated it was incompatible to have a single family residence, his lot 12, right next to Walgreen's, Bush Construction, and auto repair bays.

Applicant/Owner Freese stated he would allow the overflow of vehicles to be parked on his lot, so he would be doing the City a favor. He thought Bush Construction might be wanting to purchase his property and encouraging the issue.

Chair Beutel opened Public to be Heard. There being no comments, she closed Public to be Heard.

Chair Beutel stated she has never seen the City isolate a property and that there is no hardship at this point. Board Member Previte stated that based on Staff's findings, he is not inclined to approve the variance.

There being no further discussion, Board Member Piechocki moved to recommend denial of P22-197, Freese, James - Variance. Board Member Previte seconded the motion, which passed unanimously by roll call vote.

9.d P22-349 Prima Vista Shops - Planned Unit Development
(PUD) Amendment No. 2

2023-492

Location: The property is located on the north side of NW Prima Vista Boulevard, east of NW Friar Street

Legal Description: Plat of Prima Vista Commercial Center Plat No. 2, Lot 3

This is a request to amend the PUD (Planned Unit Development) document and conceptual plan for the Prima Vista Shops PUD.

Chair Beutel inquired if the Board had any ex parte communications, to which each member responded in the negative.

Bethany Grubbs, Planner, Planning and Zoning, stated she was sworn in and the official file was provided at least five days prior to this meeting. She requested that the file be entered into the record.

Planner Grubbs provided a PowerPoint presentation on Amendment No. 2 of the Prima Vista Shops Planned Unit Development, to add a right-in-only driveway access to lot 3 of the PUD. She indicated the applicant and property owner is CSC Properties, LLC, who is being represented by Jason Bellows of Retail Development Properties, LLC,

and Brad Currie of Engineer, Design and Construction.

Planner Grubbs showed the location of the subject property and indicated the two lots to the west are O'Reilly's and Family Dollar. She indicated the applicant owns lot 3, which is the last lot to be developed. Planner Grubbs stated the future land use is General Commercial and the zoning district is Planned Unit Development. She reviewed the conceptual plan and stated the request is to allow a right-in-only driveway into lot 3. Planner Grubbs noted that the applicant offered to install a driveway for the neighbor, since the location of the turn lane is not ideal.

Planner Grubbs stated the PUD is consistent with the direction and policies of the Comprehensive Plan. She indicated the Site Plan Review Committee recommended approval of this PUD amendment on March 8, 2023.

Brad Currie, Engineer, Design and Construction, stated he was sworn in and representing the property owner. He explained the PUD amendment will allow an additional access point off Prima Vista Boulevard. He indicated they received an email from the neighbor north of the property questioning the landscaping on the north side of the wall. Mr. Currie stated Planner Grubbs showed that the wall, and the landscaping for all three parcels, was constructed when the first parcel was built. He indicated some of the trees are no longer there and the site plan approval will include replacing all trees to match the approved landscape plan.

Chair Beutel opened Public to be Heard. There being no comments, she closed Public to be Heard.

There being no further discussion, Board Member Piechocki moved to recommend approval of P22-349, Prima Vista Shops - Planned Unit Development with the added conditions of a circular driveway, if the abutting residential property desires it, and replacing the trees as to the approved landscaping, to the City Council. Board Member Reikenis seconded the motion, which passed unanimously by roll call vote.

9.e P23-038 Tommy C. Creel - Custom Welding Diversified, Inc. -

2023-324

Variance

Location: 1983 SW Biltmore St.

Legal Description: Port St Lucie Section 13, Block 628 S, ½ Lot 14 and all lots 15 and 16.

This is a request for a variance of 4 feet to allow a 6-foot setback from the side property line for a proposed concrete slab used for open storage.

Chair Beutel inquired if the Board had any ex parte communications, to which each member responded in the negative.

Bianca Lee, Planner, Planning and Zoning, stated she was sworn in and the official City file was provided at least five days prior to this meeting. She asked that the file be entered into the record.

Planner Lee provided a PowerPoint presentation on the variance request from Tommy C. Creel, as he is seeking a variance to the setback requirements of the Service Commercial zoning district. Planner Lee presented a photo from her site visit indicating where the proposed slab would be located for open storage. She reviewed the variance request as well as the location of the subject property, zoning map for service commercial, and boundary survey with the proposed slab.

Applicant Sherry Creel stated she was sworn in. She explained five mature oak trees on the west side caught a fungus and were taken down. She stated the soil is contaminated, so anything planted there dies. She indicated bushes were not planted in the front, because it would be a good hiding spot from the eye level of a police car. Chair Beutel stated the Board had to adhere to the Code of Ordinances, but she would take this into consideration.

Chair Beutel opened Public to be Heard. There being no comments, she closed Public to be Heard.

Board Member Previte stated in looking at the variance criteria in Section 158 of the Code, he is not in favor of approving the variance.

There being no further discussion, Board Member Previte moved to deny approval of P23-038, Tommy C. Creel - Custom Welding Diversified, Inc. - Variance. Board Member Piechocki seconded the motion, which passed unanimously by roll call vote.

- 9.f** P23-081 SLW Total Wine & More (Town Center) - Variance
Location: The Property is located on the northeast corner of St. Lucie West and Peacock Boulevards.
Legal Description: Lot 1-3, Block 3, Parcel 28, St. Lucie West Plat Number 1, Prima Vista Boulevard, Plat Book 26, Page 8

[2023-465](#)

A request to grant a variance to Section 110.02 - Alcoholic Beverage Code that states no license shall be granted to a vendor of alcoholic beverages whose place of business is or shall be within one thousand five hundred (1,500) feet of a school or religious institution. This application is for a variance of four hundred and fifty-eight point thirteen (458.13) feet to allow a separation distance of one thousand forty-one point eighty-seven (1,041.87) feet from a school or religious institution. This variance will allow a Total Wine and More retail store acquire the proper state license for the sale of packaged liquor

Chair Beutel inquired if the Board had any ex parte communications, to which each member responded in the negative.

Daniel Robinson, Planner, Planning and Zoning, stated he was sworn in and the official file was submitted to the City Clerk at least five days prior to this meeting. He requested that the file be entered into the record.

Planner Robinson provided a PowerPoint presentation on the request for a variance of Chapter 110 for Total Wine & More located within the Benderson Development or Town Center. He explained the applicant is seeking a variance for a separation distance requirement of Section 110.02 of the Alcoholic Beverage Code, to allow for a relief or variance of 458.13 feet near schools or religious institutions. Planner Robinson showed the location of the subject property, and stated the property is zoned general commercial and the land use is general commercial/highway commercial/institutional. He noted that Staff was not recommending any conditions with this application and apologized for any confusion regarding the Staff Report.

Attorneys Nicholas Gieseler and Cynthia Angelos from Bartlett, Loeb, Hinds, Thompson and Angelos, PLLC, stated they were the agents for the applicant. Attorney Gieseler indicated Nico Romano with Spiritus Law represents Total Wine & More interests nationwide and is available to answer any specific questions regarding operations. Another representative from Total Wine & More attended via Zoom as well.

Attorney Gieseler provided a PowerPoint presentation and reviewed the background of the request. He discussed the location of the subject property and the related ordinance regarding proximity. Attorney Gieseler also spoke to the standards for a variance request, special conditions and circumstances of the unit within a multiuse plaza, and measuring for the required distance.

Chair Beutel opened Public to be Heard.

1. Melissa Kraus stated she was speaking on behalf of St. Lucie Wine & Liquors located at 1485 NW St. Lucie West Boulevard and indicated she resides in Stuart. Ms. Kraus spoke against granting the variance to Total Wine & More as it would cause St. Lucie Wine & Liquors and other small stores undue hardship, because they cannot compete with the larger stores.

2. Annie Balshi, 117 NW Madison Court, St. Lucie West, stated she would like the variance denied for multiple reasons, as she is a small liquor store owner who has to comply with everything in the code and they will not survive the competition.

3. Atul Patel, 2614 SW River Shore Drive, stated he has resided in Port St. Lucie and has been in the liquor business for 40 years. He explained he went through the same process and was denied several locations. He stated the traffic would increase significantly if Total Wine & More moves in and the small businesses would suffer.

4. Kiran Patel, 6939 Okeechobee Road, Fort Pierce, requested that the Board deny this application because he had the same request in another city and the small businesses do not have the money to hire a big legal team. He asked the Board to treat the big-box stores as they do small businesses.

5. Manish Shukla, 5346 NW Aloha Street, stated the small businesses follow the same City ordinance as the big-box stores. He indicated he was holding a letter and petitions in his hand from a church near the subject property that does not want any liquor stores near them. Mr. Shukla read his own thoughts and experience as a liquor store owner into the record. He provided Senior Deputy City Attorney Hertz the letter from the Church along with the signed petitions.

There being no further comments, Chair Beutel closed Public to be Heard.

(Clerk's Note: Chair Beutel called for a break at 7:11 PM and the meeting resumed at 7:17 PM.)

Chair Beutel indicated the Board was just provided the letter from the

church and the signatures that accompany it. Senior Deputy City Attorney Hertz stated these documents could be entered into the record.

Attorney Gieseler stated he understood the concerns of the competing businesses, but the issue at hand is the application of the ordinance. He indicated the church was the only affected party and the letter was signed by the pastor who may or may not have authority to act on the church's behalf. He opined that it would make sense to grant the variance.

Board Member Previte stated it would be interesting to know if any restrictions were given to Walmart when their variance was approved on April 5, 2016. Board Member Piechocki stated he did not know how the Board could deny this request when Walmart's variance was approved. Chair Beutel reminded the Board that every variance is considered separately.

Chair Beutel questioned if the distance was being measured correctly according to state law. Senior Deputy City Attorney Hertz stated she did not know which state law was being referenced, but Attorney Gieseler's point was if they measured from location to location they met the requirement of 1,500 feet, so it depends on the layout of the property on a large versus small parcel. Mary Savage-Dunham, Director of Planning and Zoning, explained the code speaks to property line to property line, which is what brought Walmart before the previous Board for relief. She stated if they measured from the actual physical location of the liquor store to the physical location of the church or religious institution, it would exceed the 1,500 foot distance. Director Savage-Dunham indicated Staff was looking at revising this section of the code, as it was last updated in 2006, but they have to enforce the code that is before them now.

The Board discussed the measurement process, prior variances approved by the Board, and the City's code adapting to growth. Ms. Savage-Dunham explained the City has a mechanism for relief within the code, which is a variance and being requested tonight.

Board Member Previte stated he was inclined to approve this request based on the actual location of the store and the prior granting of a variance to Walmart. Board Member Reikenis stated he would like to know if any small business owners were denied a variance with this

same request. Senior Deputy City Attorney Hertz reiterated that each variance application is an individual application, so the Board needs to look at the facts and circumstances related to this application.

There being no further discussion, Board Member Previte moved to approve P23-081, SLW Total Wine & More (Town Center) - Variance. Board Member Piechocki seconded the motion, which passed by roll call vote with Chair Beutel, Board Member Piechocki, Alternate Board Member Creese, Board Member Previte, and Vice Chair Wooten voting in favor and Board Member Reikenis voting against.

10. New Business

Board Member Piechocki provided an update on the Site Plan Review Committee and indicated 41 projects were considered, 13 were tabled, and 28 were approved. He stated most of the projects are in Saint Lucie West.

11. Old Business

There was nothing scheduled for this item.

12. Public to be Heard

Chair Beutel opened Public to be Heard. There being no comments, she closed Public to be Heard.

Mary Savage-Dunham reminded the Board that their next meeting is on Wednesday, July 5, 2023, due to the July 4th holiday.

13. Adjourn

There being no further business, the meeting adjourned at 9:48 PM.

Carol Taylor-Moore, Secretary

Calleigh Nazario, Deputy City Clerk

Typed by: Traci Mehl, Deputy City Clerk