City of Port St. Lucie

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



Meeting Agenda

Tuesday, August 6, 2024 6:00 PM

Council Chambers, City Hall

Planning and Zoning Board

Eric Reikenis, Chair, Term 1, Expires 1/1/2027
Peter Previte, Vice Chair, Term 1, Expires 1/1/2027
Melody Creese, Chair Pro-Tem, Term 1, Expires 1/1/2027
Jim Norton, At-Large, Term 1, Expires 1/1/2027
John "Jack" Doughney, At-Large, Term 1, Expires 1/1/2027
Greg Pettibon, At-Large, Term 1, Expires 1/1/2027
Peter Louis Spatara, At-Large, Term 1, Expires 1/1/2027
Rose Futch, Alternate, Term 1, Expires 1/1/2027
Regenia Herring, Alternate, Term 1, Expires 3/25/2027

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

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- 2. Roll Call
- 3. Determination of a Quorum
- 4. Pledge of Allegiance
- 5. Approval of Minutes

5.a Approval of Minutes - July 2, 2024 Meeting 2024-747

- 6. Consent Agenda
- 7. Public Hearings Non Quasi-Judicial
 - 7.a P24-103 City of Port St. Lucie Chapter 158, Zoning Code
 Text Amendment for Wireless Communications Towers and

 Data Centers

 Proposed text amendment to Section 158.213, "Wireless Communication

 Antennas and Towers" Section 158 135, "Warehouse Industrial Zoning

Antennas and Towers", Section 158.135, "Warehouse Industrial Zoning District"; and Section 158.136, "Industrial Zoning District" of the City of Port St. Lucie Code of Ordinances regarding Wireless Communication Antennas and Towers and Data Centers.

- 8. Public Hearing Quasi-Judicial
 - 8.a P07-092-A1 The Shoppes at Veranda Falls Master Sign <u>2024-756</u>

Program Amendment

Location: The property is located south of Becker Road east of the Florida Turnpike.

This is a request for the 1st amendment of the Shoppes at Veranda Falls Master Sign Program.

8.b P23-238 Darwin Square - Mavis Tire - Special Exception Use <u>2024-751</u>

Location: The project site is located south of SW Darwin Boulevard and east of SW Port St. Lucie Boulevard.

Legal Description: Darwin Square Lots C, D, and E.

The request is for approval of a Special Exception Use (SEU) to allow a vehicle repair and maintenance facility in the General Commercial (CG) Zoning District, per Section 158.124(C)(10) of the Zoning Code.

8.c	P24-028 Gingerbread Daycare - Special Exception Use Location: 721 and 731 NW Airoso Blvd. Legal Description: The request is for approval of a Special Exception Use (SEU) to allow an enclosed assembly area over 3,000 square feet in the Neighborhood Commercial (CN) zoning district per Section 158.120(C)(1) of the Code of Ordinances.	<u>2024-677</u>
8.d	P24-044 7 Brew Drive - Thru Coffee - Variance Location: The address is 1907 SW Gatlin Blvd. Legal Description: Port St Lucie Section 31, Block 1704, Lots 25, 26, and 27. This is a request for a variance of 122 square feet to allow a 778 square foot building and a variance of eight (8) feet to allow a building height of fourteen (14) feet for a proposed drive-through restaurant.	2024-749
8.e	P24-043 7 Brew Drive - Thru Coffee - Special Exception Use. Location: The property is located northeast of the intersection of SW Gatlin Boulevard and SW Kensington Street. Legal Description: Port St Lucie Section 31, Block 1704, Lots 25, 26, and 27. A request for a special exception to allow drive-through service in the General Commercial (CG) Zoning District, per Section 158.124(C)(13) of the Zoning Code.	<u>2024-754</u>
8.f	P24-080 Garrick, Gladwyn and Latoya - Rezoning Location: The property is located at 2721 and 2741 SW Campana Street. Legal Description: Lots 3, 4, and 5, Block 1708, Port St. Lucie Section 31 This request is for the rezoning of 0.74 acres from Single-Family Residential (RS-2) to Warehouse Industrial (WI).	2024-643
8.g	P24-085 SLW-660 PSL, LLC - Variance	2024-743

8.g P24-085 SLW-660 PSL, LLC - Variance

2024-743

Location: The property is located at 639 NW Enterprise Drive. Legal Description: Lot I-37 North, Lot 1

This is a request to grant a variance from the City of Port St. Lucie Zoning Code, Section 158.227(G), of 400 square feet, to allow for an enclosed, self-service storage facility, with bay sizes up to 900 square feet.

8.h P24-086 Southern Grove DRI (Development of Regional

2024-752

Impact) - 11th Amendment

Location: The property is located directly west of Interstate 95, between Tradition Parkway and the C-23 Canal and bordered to the west by SW Community Boulevard.

Legal Description: A parcel of land lying in Sections 15, 22, 23, 26, 27, 34, and 35 Township 37 South, Range 39 East, St. Lucie County, Florida. This is a request to amend the development order for the Southern Grove DRI by amending Map H, the master development plan, and Map H-2, Tradition Trail and Multi-use Pathways Plan

8.i P24-098 Apollo 22 LLC - Set'em Up! Volleyball - Special Exception Use.

2024-744

Location: 1673 SE South Niemeyer Circle.

Legal Description: Port St. Lucie Industrial Park Unit 1, Block 7, Lots 13 and 14.

The request is for approval of a Special Exception Use (SEU) to allow an enclosed assembly area over 3,000 square feet in the Warehouse Industrial (WI) zoning district per Section 158.136(C)(5) of the Code of Ordinances.

8.j P24-109 Innovation Restaurant Hub - Variance

2024-765

Location: The property is located south of SW Innovation Way and west of SW Village Parkway.

Legal Description: Southern Grove Plat No. 18, Lot 2.

This is a request to grant a variance to deviate from Section (A) of the Tradition Southern Grove Phase 1 Master Planned Unit Development (MPUD) Regulation Book. Specifically, the variance would permit the provision of parking spaces to exceed the maximum limit amount of 125% of the required amount.

9. New Business

10. Old Business

11. Public to be Heard

12. Adjourn

Notice: No stenographic record by a certified court reporter will be made of the foregoing meeting. Accordingly, any person who may seek to appeal a decision involving the matters noticed herein will be responsible for making a verbatim record of the testimony and evidence at said meeting upon which any appeal is to be based.

Notice: In accordance with the Americans with Disabilities Act of 1990, persons needing special accommodation to participate in this proceeding should contact the City Clerk's office at (772) 871-5157 for assistance.

As a courtesy to the people recording the meeting, please put your cell phone on silent.



City of Port St. Lucie

Agenda Summary

Agenda Date: 8/6/2024 Agenda Item No.: 5.a

Placement: Minutes

Action Requested: Motion / Vote

Approval of Minutes - July 2, 2024 Meeting

Submitted By: Pat Shutt, Administrative Assistant, Planning & Zoning Department

Executive Summary: July 2, 2024 minutes attached.

Presentation Information: N/A

Staff Recommendation: Move that the Board Approve the minutes.

Alternate Recommendations:

1. Move that the Board amend the recommendation and approve the minutes with changes.

2. Move that the Board not approve the minutes and provide staff directions.

Background: N/A

Issues/Analysis: N/A

Special Consideration: N/A

Location of Project: N/A

Attachments: July 2, 2024 minutes.

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

City of Port St. Lucie Planning and Zoning Board

Meeting Minutes - Draft

Eric Reikenis, Chair, Term 1, Expires 1/1/2027
Peter Previte, Vice Chair, Term 1, Expires 1/1/2027
Melody Creese, Chair Pro-Tem, Term 1, Expires 1/1/2027
Jim Norton, At-Large, Term 1, Expires 1/1/2027
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Greg Pettibon, At-Large, Term 1, Expires 1/1/2027
Peter Louis Spatara, At-Large, Term 1, Expires 1/1/2027
Rose Futch, Alternate, Term 1, Expires 3/25/2027

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

Tuesday, July 2, 2024

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 Reikenis at 6:00 p.m., on July 2, 2024, at Port St. Lucie City Hall, 121 SW Port St. Lucie Boulevard, Council Chambers, Port St. Lucie, Florida.

2. Roll Call

Members Present:

Eric Reikenis, Chair

Peter Previte, Vice Chair

Melody Creese, Chair Pro-Tem

John Doughney

Greg Pettibon

James Norton

Peter Spatara

Members Not

Present:

Rose Futch, Alternate

Regenia Herring, Alternate

3. Determination of a Quorum

Chair Reikenis confirmed that there was a quorum.

4. Pledge of Allegiance

Chair Reikenis led the assembly in the Pledge of Allegiance.

5. Approval of Minutes

5.a Approval of Minutes - June 4, 2024

2024-624

Mr. Pettibon moved to approve the minutes. Mr. Norton seconded the motion which passed unanimously by voice vote.

6. Consent Agenda

There was nothing scheduled under this item.

7. Public Hearings - Non Quasi-Judicial

7.a P24-057 City of Port St. Lucie - Glades WWTP Adjacent Lands

2024-632

Large Scale Future Land Use Map Amendment

Location: The property is generally located south of Midway Road, northwest of Glades Cut-Off Road and immediately west of McCarty Road.

Legal Description: A portion of Section 17, Township 36 South, Range 39 East. The full legal description is attached as Exhibit "A" of staff report.

This is a request to change the land use on approximately 150 acres of property from Utility (U) to Light Industrial (LI).

Bridget Kean, Planning & Zoning Deputy Director, explained that the request was to change two parcels, north of the Glades Water Treatment Facility, to Light Industrial from Utility Land Use. She added that the land could be changed to Warehouse Industrial Zoning District which has a wider range of uses. She informed the Board that it would result in a decreased number of trips and had no impact on parks or public schools.

Mr. Norton inquired about the land use, to which Kevin Matyjaszek, Utility Systems Director, replied that it would be utilized for opportunities to serve the needs of the City. Chair Pro Tem Creese inquired as to what led to the increase in water, to which Deputy Director Kean replied that it was based on highest use and the level of service concurrency.

Chair Reikenis opened the Public Hearing, there being no one to speak, he closed the Public Hearing.

Mr. Spatara moved to recommended approval of P24-057, City of Port St. Lucie Glades WWTP Adjacent Lands Large Scale Future Land Use Map Amendment, to the City Council. Chair Pro Tem Creese seconded the motion which passed unanimously by voice vote.

7.b P24-065 Southern Grove - Large Scale Comprehensive Plan Text Amendment

2024-634

2024-631

Location: The property is located directly west of Interstate 95, between Tradition Parkway and the C-23 Canal and bordered to the west by SW Community Boulevard.

Legal Description: A parcel of land lying in Sections 15, 22, 23, 26, 27, 34, and 35 Township 37 South, Range 39 East, St. Lucie County, Florida. This is a request to amend Figure 1-4 of the Future Land Use Element.

(Clerk's Note: A PowerPoint was shown at this time.) Deputy Director Kean explained that the request was amending Figure 1-4 of the Future Land Use Element. She gave the background on the Southern Grove Development Regional Impact. She explained the proposed project with the amendments and showed & explained the Conceptual Plans.

Vice Chair Previte inquired about the timing off the interchange, to which Clyde Cuffy, Regulatory Division Director, replied that he was unsure as it was an FDOT/DOT process. Mr. Norton inquired about the dwelling units, to which Deputy Director Kean replied that it was commercial & industrial. Mr. Norton inquired about the residential use, to which Deputy Director Kean replied that it was previously approved for multi-family.

Chair Reikenis opened the Public Hearing, there being no one to speak, he closed the Public Hearing.

Chair Pro Tem Creese moved to recommend approval of P24-065, Southern Grove, Large Scale Comprehensive Plan Text Amendment, to the City Council. Mr. Norton seconded the motion which passed unanimously by voice vote.

8. Public Hearing - Quasi-Judicial

The Deputy City Attorney read the Quasi-Judicial Rules into the record for Items 8 a.) through d.) and the Deputy City Clerk swore in staff and the applicants.

8.a P24-064 500 Stadium Business Center @ SLW - Variance Location: The property is located at 500 NW Stadium Drive.
Legal Description: Lot I-1, Block 4, Parcel 28, St Lucie West Plat No. 1.

This is a request for a variance to allow freestanding air conditioning condensing and compressor units to be sited in front of the building

that faces NW Peacock Boulevard.

Chair Reikenis inquired if there were any ex-parte communications, to which the Board responded in the negative.

(Clerk's Note: A PowerPoint was shown at this time.) Daniel Robinson, Planner III, stated that he had been sworn in & stated that the file was submitted to the City Clerk's Office 5 days prior to the meeting and requested that it be entered into the record. He explained that the request

was proposing to allow freestanding air conditioning condensing and compressor units to be located on the side of a building that faces a street (NW Peacock Boulevard). He showed a location map, the approved Site Plan and the Proposed Landscaping Plan. He informed the Board that staff was requesting a condition, if approved, that the hedges be no less than 36" at planting and be maintained as such.

Vice Chair Previte inquired about a previously approved variance on Peacock Boulevard, to which, Mary Savage-Dunham, Planning & Zoning Director, replied that there was a condition for the shrubs on the approval. The Board and staff discussed conditions for planting height. Elizabth Hertz, Senior Deputy City Attorney, reminded the Board to discuss the evidence before them & not previously approved variances.

Chair Pro Tem Creese inquired that the initial Site Plan had the units behind the building, to which Mr. Robinson responded in the affirmative but clarified that some were permitted as they were not facing a right-of-way.

(A PowerPoint was shown at this time.) Brad Currie, Engineering, Design & Construction, provided the history on the project. He explained that he had been before the Board four previous times for the same request. He stated that the next item had the same request and he gave history on the properties. He showed other City properties that placed the units in the front of the building. He explained that plantings over 24" cost into the hundreds of thousands of dollars but added that they could be maintained at 48". Mr. Spatara inquired if the plantings would shield the unit, to which Mr. Currie replied that maintaining the plantings would be a great condition to add. Mr. Norton inquired if there were noise issues related to the units in the front, to which Mr. Currie replied that it was an industrial area and the noise was not detrimental to the tenants. Ms. Savage-Dunham explained that the Board needed to decide if the units would be allowed in the front, and if so, would there be any screening conditions.

Chair Reikenis opened the Public Hearing, there being no one to speak, he closed the Public Hearing. Mr. Doughney stated that he had reviewed the project for St. Lucie West Services District.

The Board discussed planting and maintaining plantings. Mr. Doughney moved to approve P24-064, 500 Stadium Business Center @ SLW Variance with the condition that the shrubs be planted at a minimum of 36" and maintained at the height of the units to completely shield them. Mr. Norton seconded the motion which passed unanimously by voice vote.

8.b P24-068 Southern Grove - Tradition Business Center - Variance

2024-633

Location: The property is located at 11950 SW Tom Mackie Boulevard. Legal Description: Southern Grove Plat No. 41, Lot 4A This request is to grant a variance from Section 154.03(F) of the City's Landscaping and Land Clearing Code which states that air condensing and compressor units may not be located on the side of a building that faces a street.

Chair Reikenis inquired if there were any ex-parte communications, to which the Board responded in the negative.

(Clerk's Note: A PowerPoint was shown at this time.) Mr. Robinson stated that he had been sworn in & stated that the file was submitted to the City Clerk's Office 5 days prior to the meeting and requested that it be entered into the record. He explained the request was proposing to allow freestanding air conditioning condensing and compressor units to be located on the side of a building that faces a street (SW Tom Mackie Boulevard). He showed a location map, the approved Site Plan and the Proposed Landscaping Plan. He informed the Board that staff was requesting a condition, if approved, that the hedges be no less than 36" at planting and be maintained as such.

Mr. Currie explained that this was the same proposal as the above item.

Chair Reikenis opened the Public Hearing, there being no one to speak, he closed the Public Hearing.

Mr. Norton moved to approve P24-068, Southern Grove, Tradition Business Center Variance with the condition that the shrubs be planted at a minimum of 36" and maintained at the height of the units to completely shield them. Mr. Pettibon seconded the motion which passed unanimously by voice vote.

8.c P24-069 Riverland/Kennedy Development of Regional Impact

2024-630

(DRI) - Correction of Scrivener's Error

Location: The property is located South of Discovery Way, West of Community Boulevard and east of Range Line Road.

Legal Description: A parcel of land lying in Sections 15-22, 27, 28, 33,

34, Township 37 South, Range 39 East, City of Port St. Lucie, Florida.

This is a request to correct a scrivener's error to reflect that the Phase

3 widening of Becker Road from N/S B to Community Boulevard is 6LD $\,$

instead of 4LD.

Chair Reikenis inquired if there were any ex-parte communications, to which the Board responded in the negative.

(Clerk's Note: A PowerPoint was shown at this time.) Mr. Robinson stated

that he had been sworn in & stated that the file was submitted to the City Clerk's Office 5 days prior to the meeting and requested that it be entered into the record. He explained that the request was to correct a scrivener's error in Table 2 of the Transportation to reflect that the Phase 3 widening of Becker Road from N/S B to Community is six lane instead of four lane.

Chair Reikenis opened the Public Hearing, there being no one to speak, he closed the Public Hearing.

Mr. Norton moved to recommend approval of P24-069, Riverland/Kennedy Development of Regional Impact (DRI), Correction of Scrivener's Error, to the City Council. Mr. Doughney seconded the motion which passed unanimously by voice vote.

8.d P24-073 Nacius, Charlot - Variance

2024-641

Location: The property is located south of Kimberly Avenue between

SW Success Street and SW Ardmore Street.

Legal Description: Port St Lucie-Section 20, Block 1244, Lot 26 This is a request to grant a variance of 2,000 square feet to allow an 8,000 square foot lot.

Chair Reikenis opened the Public Hearing, there being no one to speak, he closed the Public Hearing.

(Clerk's Note: A PowerPoint was shown at this time.) Bianca Lee, Planner II, stated that she had been sworn in & stated that the file was submitted to the City Clerk's Office 5 days prior to the meeting and requested that it be entered into the record. She explained that the east 16 feet of lot 26 was sold to the adjacent property owner of lot 25, creating a 96'x125' sized lot on the parcel; a variance of 2,000 square feet to allow an 8,000 square foot lot. She informed the Board that a previous variance was denied as well as an appeal of that decision.

Matthew London, Neill Griffin Marquis Osking, PLLC., gave a brief background on the property. Mr. Pettibon clarified that any buildings on the property would need to adhere to the setbacks as well. Ms. Savage-Dunham clarified that request was not a rezoning, it was a variance to allow an 8,000 sq., ft., lot in an RS-2 zoning district where a 10,000 sq., ft., lot was required.

Chair Reikenis opened the Public Hearing.

John Bonadia spoke in opposition of the variance and stated that his residence was next door to the lot and felt that a home built on the lot would bring down property values. He added that rabbits and gopher tortoises lived on the lot.

Chair Reikenis closed the Public Hearing.

Ms. Lee informed the Board of minimum living area requirements. Ms. Savage-Dunham stated that two-story houses were allowed in the district and cautioned the board about being overly restrictive.

Mr. Previte clarified the staff findings with Ms. Lee.

Mr. Norton moved to approve P24-073, Nacius, Charlot Variance. Chair Pro Tem Creese seconded the motion which passed by roll call vote with Chair Reikenis, Chair Pro Tem Creese, Mr. Doughney, Mr. Norton, Mr. Spatara, & Mr. Pettibon voting in favor and Vice Chair Previte voting against.

9. New Business

Ms. Savage-Dunham informed the Board training was available and to contact her directly if any members were interested.

10. Old Business

There was nothing heard under this item.

11. Public to be Heard

There was nothing heard under this item.

12. Adjourn

There being no further business, the meeting adjourned at	7:13 p.m.
Eric Reikenis, Chair	
Shanna Donleavy, Deputy City Clerk	



City of Port St. Lucie

Agenda Summary

Agenda Date: 8/6/2024 Agenda Item No.: 7.a

Placement: Public Hearing - Non Quasi Judicial

Action Requested: Motion / Vote

P24-103 City of Port St. Lucie - Chapter 158, Zoning Code - Text Amendment for Wireless Communications Towers and Data Centers

Proposed text amendment to Section 158.213, "Wireless Communication Antennas and Towers", Section 158.135, "Warehouse Industrial Zoning District"; and Section 158.136, "Industrial Zoning District" of the City of Port St. Lucie Code of Ordinances regarding Wireless Communication Antennas and Towers and Data Centers.

Submitted By: Sofia Trail, Planner I

Executive Summary: This application is a city-initiated text amendment to Chapter 158 of the City of Port St. Lucie Code of Ordinances. Chapter 158 is the City of Port St. Lucie Zoning Code and the application will amend Section 158.213, Wireless Communications and Towers to add the Regional Business Center sub-district to the list of sub-districts under the NCD future land use classification that allow wireless communication antennas and towers as a special exception use (Section 158.213 (D) (9)). This application will also amend the permitted uses in the Warehouse Industrial Zoning District (WI) under Section 158.135 (B) (1) and the Industrial Zoning District (IN) under Section 158.136 (B) (1) to add Data Centers as a permitted use in both zoning districts.

Presentation Information: Staff will provide a presentation.

Staff Recommendation: Move that the Board recommend approval of the proposed text amendment.

Alternate Recommendations:

- 1. Move that the Board amend the recommendation and recommend approval.
- 2. Move that the Board recommend denial.

Background: Section 158.213 of the Zoning Code establishes the standards for the siting of wireless communication antennas and towers within the City of Port St. Lucie. It requires wireless communication antennas and towers as special exception uses in various zoning districts. Sections 158.135 and 158.136 establish the permitted uses for the Warehouse Industrial and the Industrial Zoning Districts, respectively.

Issues/Analysis: See attached staff report

Special Consideration: N/A

Location of Project: N/A

Agenda Date: 8/6/2024 Agenda Item No.: 7.a

Attachments:

1. Staff Report

2. Exhibit A

3. Exhibit B

4. Exhibit C

5. Staff Presentation



Section 158.213 Zoning Text Amendment City of Port St. Lucie Text Amendment P24-103

SUMMARY

Applicant's Request:	A City initiated text amendment to Section 158.213 Wireless Communication Antennas and Towers, Section 158.135, Warehouse Industrial Zoning District; and Section 158.136, Industrial Zoning District of	
	the City of Port St. Lucie Code of Ordinances.	
Applicant:	City of Port St. Lucie	
Location:	Zoning Text Amendment to the City's Land Development Regulations	
Project Planner:	Sofia Trail, Planner I	

Project Description and Analysis

This application is a city-initiated text amendment to Chapter 158 of the City of Port St. Lucie Code of Ordinances. Chapter 158 is the City of Port St. Lucie Zoning Code and this application will amend Section 158.213, Wireless Communications and Towers to add the Regional Business Center sub-district to the list of sub-districts under the NCD future land use classification that allow wireless communication antennas and towers as a special exception use (Section 158.213 (D) (9)). This application will also amend the permitted uses in the Warehouse Industrial Zoning District (WI) under Section 158.135 (B) (1) and the Industrial Zoning District (IN) under Section 158.136 (B) (1) to add Data Centers as a permitted use in both zoning districts.

Section 158.213

Section 158.213 of the Zoning Code establishes the standards for the siting of wireless communication antennas and towers within the City of Port St. Lucie. It requires wireless communication antennas and towers to be considered as special exception uses in various zoning districts while meeting all the requirements and conditions listed in the code. At present, wireless communication antennas and towers are allowed as special exception uses in the Warehouse Industrial (WI), Industrial (IN), Utility (U), Institutional (I), Service Commercial (CS), Open Space Recreational (OSR), and Open Space Conservation (OSC) zoning districts. Wireless communication antennas and towers are also allowed as special exception uses in the Neighborhood Village/Commercial, Town Center, Resort, Employment Center, Mixed Use and designated park or school sites within Residential land use sub-categories in MPUD's (Master Planned Unit Development) in NCD (New Community Development District) future land use areas. Wireless communication antennas and towers are not permitted in residential land use areas.

The NCD (New Community Development) District is a future land use classification in the City's comprehensive plan for developments of regional impact. It is intended to facilitate the development of mixed-use communities. Each NCD District is divided into defined sub-districts. Per policy 1.2.2.8, the Regional Business Center sub-district allows developments with more than 1,000,000 non-residential square feet with the following uses: industrial, warehouse/distribution, manufacturing, retail,

commercial, office, medical, restaurant, theatres, hotels, institutional, public facilities (including utilities), residential, and other similar services designed to meet the needs of larger development areas. Wireless Communication Antennas and Towers as special exception uses can be allowed in the non-residential areas of a Regional Business Center area similar to as currently allowed in other sub-districts under the NCD land use. The non-residential uses within the Regional Business Center subdistrict adhere to the function of Section 158.213 to only allow wireless communication antennas and towers in non-residential areas.

The proposed changes are provided as Exhibit "A" of the staff report with additions shown as <u>underlined</u> and deletion shown as <u>strikethrough</u>.

Section 158.135, Warehouse Industrial Zoning District and Section 158.136, Industrial Zoning District
Section 158.135 of the Zoning Code establishes the development and use standards for the Warehouse
Industrial Zoning District (WI) and Section 158.136 establishes the development and use standards for the
Industrial Zoning District (IN). At present, Data Centers are a permitted use in the MPUDs (Master Planned
Unit Developments) for the City's southwest annexation area. This text amendment will allow Data
Centers as a permitted use citywide in Warehouse Industrial (WI) and Industrial (I) Zoning Districts. The
Warehouse Industrial Zoning District (WI) is uniquely suited for the development and maintenance of
warehousing, wholesale trade and limited industrial activities of light intensity and the Industrial Zoning
District (IN) are suited for the development and maintenance of industrial activities. Data Centers would
adhere to the development and use standards of both zoning districts.

The proposed changes are provided as Exhibits "A" "B" and "C" of the staff report with additions shown as <u>underlined</u> and deletion shown as <u>strikethrough</u>.

STAFF RECOMMENDATION

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.

Planning and Zoning Board Action Options:

- Motion to recommend approval to the City Council
- Motion to recommend approval of a revised amendment to the City Council
- Motion to recommend denial to the City Council

Please note that: 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.

Sec. 158.213. Wireless Communication Antennas and Towers.

Wireless communication antennas and towers shall comply with all applicable structural and safety standards of the Federal Communications Commission (FCC), Edison Electrical Institute (EEI) and/or Electronic Industries Association (EIA), and Federal Aviation Authority (FAA). Commercial wireless communication antennas and towers are considered structures and shall be installed in accordance with all applicable provisions of the building code, plus all conditions of this section.

- (A) **Monopole Towers.** Monopole towers are single upright poles, engineered to be self-supporting and do not require lateral cross supports or guys.
- (B) **Guyed Towers and Antennas.** Guyed towers and antennas shall be set back from all property lines a minimum distance of the break points as verified by a certified engineer on the site plan or a distance equal to one-half its height to allow for proper guying and maintenance. All tower supports and peripheral anchors shall be located entirely within the boundary of the property.
- (C) **Self-Supporting Towers and Antennas.** Self-supporting towers and antennas shall meet the setback requirements of the applicable zoning district.
- (D) **Special Exception Use.** Wireless communication antennas and towers shall be considered a special exception use in the following zoning districts and shall meet all requirements of sections 158.255 through 158.262:
 - GU (General Use);
 - (2) OSR (Open Space Recreational);
 - (3) OSC (Open Space Conservation);
 - (4) I (Institutional);
 - (5) CS (Service Commercial);
 - (6) WI (Warehouse Industrial);
 - (7) IN (Industrial);
 - (8) U (Utility);
 - (9) Neighborhood Village/Commercial, Town Center, Resort, Employment Center, Regional Business Center, Mixed Use and designated park or school sites within Residential land use sub-categories in MPUD's (Master Planned Unit Development) in NCD (New Community Development District) future land use areas.
- (E) **Wind Load.** Certification from a Florida-registered professional engineer stating that the tower would collapse within the designed and specified fall radius depicted in the plans is required. Further, the engineer shall certify that it is documented that the tower shown in the plan can withstand winds of a Category 3 hurricane intensity.
- (F) Height Limits.
 - (1) Wireless communication towers:

- (a) Located in CS, WI, IN, GU, and U zoning districts; Mixed Use, <u>Regional Business</u>
 <u>Center</u>, and Employment Center Sub-Districts in MPUD's in NCD future land use areas: up to three hundred (300) feet.
- (b) Located in OSR, OSC, and I zoning districts, and Town Center Sub-District in MPUD's in NCD future land use areas, and greater than five (5) acres: up to two hundred (200) feet.
- (c) Located in OSR, and OSC zoning districts; and Neighborhood Village/Commercial Areas, and Resort, Sub-Districts in MPUD's in NCD future land use areas, and less than five acres: up to one hundred (100) feet.
- (d) Not permitted in residential land use areas.
- (2) A waiver to these height limits can be requested as a part of the special exception review. The applicant must provide documentation as to why the height limits are inappropriate to the proposed site.
- (G) **Co-Location.** To discourage the proliferation of communication towers, shared use of tower structures is both permitted and encouraged. As part of special exception applications, applicants shall be required to verify that they have attempted to co-locate any proposed antenna on an existing tower within the proposed service area prior to approval of new towers. Applicants shall also provide evidence that they have mailed a "notice of intent" letter to all known telecommunication providers within the city to determine if any providers can co-locate on the proposed tower.
- (H) **Fencing.** A chain-link fence, with or without barbed wire, or solid wood or masonry wall at least six (6) feet in height, shall be constructed and maintained around the perimeter of the tower and associated structures and equipment. Access shall be through a locked gate.
- (I) Landscaping. Landscaping for sites either in or adjacent to residential land use areas shall be as follows: a row of trees a minimum of eight (8) feet tall set twenty (20) feet apart shall be planted around the outside perimeter of the fence, plus a hedge a minimum of three (3) feet in height and spaced three (3) feet apart shall be planted on the outside of the fence and tree row. Plantings shall be from the approved list in the landscaping code. Landscaping for sites in commercial and industrial areas shall follow the city's landscaping code for those land uses.
- (J) **Signs.** No advertising signage of any type is permitted on a wireless communication antenna, tower, or equipment storage area. Safety and cautionary signs shall be attached to the fence or structure for those facilities using more than 220 voltage. The following signage shall be in large bold letters: "HIGH VOLTAGE DANGER".
- (K) **Lighting.** For the placement and use of any lights on such towers or antennas, the applicant shall submit a lighting plan which includes methods for shielding adjacent properties from glare.
- (L) **Site Plan Review.** All proposals for towers are required to follow the site plan review regulations set forth under sections 158.235 through 158.245. Site plan reviews are to be processed as a part of the special exception application.
- (M) Obsolete and Unused Towers.

- (1) Any obsolete or unused tower shall be removed after twelve (12) months of non-use. A removal bond or irrevocable letter of credit equal to the following shall be required prior to obtaining final site development permits:
 - (a) Towers up to (150) feet in height: Fifteen thousand dollars (\$15,000.00).
 - (b) Towers one hundred fifty-one (151) to two hundred (200) feet in height: twenty thousand dollars (\$20,000.00).
 - (c) Towers two hundred one (201) to three hundred (300) feet in height: twenty-five thousand dollars (\$25,000.00).
 - (d) Towers three hundred (300) feet and above: Thirty thousand dollars (\$30,000.00).
- (2) Tower height shall be measured from the base of the structure.

(N) Separation.

- (1) Separation distance guidelines between towers shall be as follows:
 - (a) Towers less than one hundred (100) feet in height shall locate a minimum of one thousand (1,000) feet apart;
 - (b) Towers greater than one hundred (100) feet in height shall locate a minimum of one thousand five hundred (1,500.00) feet apart;
 - (c) Guyed and self-supporting towers shall locate at least two thousand (2,000) feet away from other guyed or self-supporting towers.
- (2) Applicants shall provide documentation of the distance of the nearest tower to the proposed site as part of the application.
- (3) No separation is required for towers located in CS (Service Commercial), WI (Warehouse Industrial), LI (Light Industrial), and HI (Heavy Industrial) zoning districts.
- (4) A waiver to separation distance requirements may be considered as a part of the application, provided that the applicant can sufficiently justify why such separation is not appropriate.

(O) Interference (Bleed Over).

- (1) As a condition of approval, any proposed tower or antennae shall not cause interference with the use of radio, television, or telephone broadcasting and reception.
- (2) Interference as a result of any approved tower or antennae shall be considered a violation of the special exception approving the tower and may result in the revocation of the special exception. Such interference may further be considered a public nuisance, and the city may order abatement of the same, including but not limited to requiring removal of the tower.
- (P) **Lease Agreements.** For city-owned property, a lease agreement shall be included as a part of the special exception application.

(Ord. No. 98-84, § 1, 3-22-99; Ord. No. 09-28, § 1, 3-9-09; Ord. No. 12-39, § 1(Exh. A), 8-13-12)

Sec. 158.135. Warehouse Industrial Zoning District (WI).

(A) Purpose. The purpose of the warehouse industrial zoning district (WI) shall be to locate and establish areas within the City which are deemed to be uniquely suited for the development and maintenance of warehousing, wholesale trade and limited industrial activities of light intensity; to designate those uses and services deemed appropriate and proper for location and development within said zoning district; and to establish such development standards and provisions as are appropriate to ensure proper development and functioning of uses within the district.

(B) Permitted Principal Uses and Structures.

- (1) The following principal uses and structures are permitted provided that all businesses, services, manufacturing or processing of materials are confined within a fully-enclosed building with no exterior emission of odors, fumes, dust, smoke, vibration, waste liquids, or other substances that would adversely affect surrounding businesses and properties.
 - (a) Cabinet making, carpentry shop or other trade shop.
 - (b) Food processing facility.
 - (c) Cold storage warehouse and pre-cooling plant.
 - (d) Manufacturing, assembly, warehousing, storing, processing and packaging of goods and materials.
 - (e) Public or semi-public facility or use.
 - (f) Warehousing, provided that no more than thirty (30) percent of each building be devoted to office or retail space associated with the warehouse use and not as a separate unrelated business.
 - (g) Television and broadcasting station.
 - (h) Repair and maintenance of vehicles and equipment. No storage of vehicles shall be permitted outside of an enclosed building unless an area designated for such use is on the approved site plan and does not reduce the required number of parking spaces for the building.
 - (i) Commercial laundry facility and linen supply.
 - (i) Analytical laboratory.
 - (k) Wholesale trade, provided that no more than fifty (50) percent of the total floor area is devoted to the display of goods and materials or office space, including the wholesale trade of alcoholic beverages.
 - (I) Furniture sales.
 - (m) Enclosed assembly area 3,000 square feet or less, with or without an alcoholic beverage license for on premises consumption of alcoholic beverages, in accordance with Chapter 110.

- (n) Retail and business services primarily intended to serve the industrial facilities.
- (o) One dwelling unit contained within the development which is incidental to and designed as an integral part of the principal structure.
- (p) Commercial driving school.
- (q) Fine arts studio.
- (r) Music recording studios.
- (s) Microbrewery.
- (t) Data Center.
- (2) The following principal uses which need not be fully enclosed in a building or structure are permitted.
 - (a) Public utility facility, including water pumping plant, reservoir, and electrical substation.
 - (b) Equipment rental business provided that all open storage areas shall be completely enclosed by an opaque fence or a wall having a minimum height of eight (8) feet with no material placed so as to be visible beyond the height of said fence or wall.
 - (c) Warehousing, open storage, provided that all open storage areas shall be completely enclosed by an opaque fence or a wall having a minimum height of eight (8) feet with no material placed so as to be visible beyond the height of said fence or wall.
 - (d) Building material sales and/or lumber yard.
 - (e) Self-service storage facility in accordance with 158.227.
- (C) **Special Exception Uses.** The following uses may be permitted following the review and specific approval thereof of the City Council:
 - (1) Recreational vehicle park.
 - (2) Disposal and recycling facility for construction and demolition debris, provided that all open storage areas shall be completely enclosed by an opaque fence or a wall having a minimum height of six (6) feet with no material placed so as to exceed the height of the fence or wall; minimum area required, ten (10) acres.
 - (3) Indoor shooting facility.
 - (4) Wireless communication antennas and towers, as set forth in section 158.213.
 - (5) Enclosed assembly area over 3,000 square feet, with or without an alcoholic beverage license for on premises consumption of alcoholic beverages, in accordance with Chapter 110.
 - (6) Secondary metals recycler in accordance with Chapter 117.
- (D) Accessory Uses. As set forth within section 158.217

- (E) **Minimum Lot Requirements.** Twenty thousand (20,000) square feet and a minimum width of one hundred (100) feet. More than one (1) permitted or special exception use may be located upon the lot as part of a totally-designed development. Properties located within conversion areas as defined by this chapter shall meet the requirements contained within the City of Port St. Lucie Land Use Conversion Manual.
- (F) **Maximum Building Coverage.** Fifty (50%) percent, provided that the combined area coverage of all impervious surfaces shall not exceed eighty (80%) percent.
- (G) Maximum Building Height. Thirty-five (35) feet, except for transmission and broadcast towers.
- (H) Minimum Living Area. Mobile home or apartment: Six hundred (600) square feet.
- (I) Setback Requirements and Landscaping.
 - (1) **Front Setback.** Each lot shall have a front yard with a building setback line of twenty-five (25) feet.
 - (2) **Side Setback.** Each lot shall have two (2) side yards, each of which shall have a building setback line of ten (10) feet. A building setback line of twenty-five (25) feet shall be maintained adjacent to any residential future land use category or to a public street right-of-way.
 - (3) **Rear Setback.** Each lot shall have a rear yard with a building setback line of ten (10) feet. A building setback line of twenty-five (25) feet shall be maintained adjacent to any residential future land use category or to a public right-of-way.
 - (4) Landscaping Requirements. Landscaping and buffering requirements are subject to Chapter 154. All mechanical equipment shall be screened from property zoned residential. This screening shall be designed as both a visual barrier and a noise barrier.
 - All open storage areas shall be screened from view from public rights-of-way and residentially zoned property. Said screening shall be an opaque fence or wall at least eight (8) feet tall, with no material placed so as to exceed the height of said fence or wall.
- (J) **Off-Street Parking and Service Requirements.** As set forth in section 158.221.
- (K) **Site Plan Review.** All permitted and special exception uses shall be subject to the provisions of section 158.235 through 158.245.
- (Ord. No. 98-84, § 1, 3-22-99; Ord. No. 08-76, 9-8-08; Ord. No. 09-92, § 1, 12-21-09; Ord. No. 11-79, 1(Exh. A), 11-14-11; Ord. No. 15-85, § 1, 12-7-15; Ord. No. 18-12, § 2, 2-26-18; Ord. No. 20-25, § 2, 5-11-20)

Sec. 158.136. Industrial Zoning District (IN).

(A) **Purpose.** The purpose of the industrial zoning district (IN) shall be to locate and establish areas within the City which are deemed to be uniquely suited for the development and maintenance of industrial activities; to designate those uses and services deemed appropriate and proper for location and development within said zoning district; and to establish such development standards and provisions as are appropriate to ensure proper development and functioning of uses within the district. This district incorporates most of those uses formerly designated heavy industrial (HI), flexible industrial (FI), and light industrial (LI).

(B) Permitted Principal Uses and Structures.

- (1) The following principal uses and structures are permitted provided that all businesses, services, manufacturing or processing of materials are confined within a fully-enclosed building with no exterior emission of odors, fumes, dust, smoke, vibration, waste liquids, or other substances:
 - (a) Manufacturing, assembly, warehousing, storing, processing and packaging of goods and materials.
 - (b) Research and development facility.
 - (c) Public or semi-public facility or use.
 - (d) Television broadcasting station and telephone call centers.
 - (e) Analytical laboratory.
 - (f) Warehouse.
 - (g) Wholesale trade and distribution.
 - (h) Office space as needed in conjunction with a use listed above.
 - (i) Retail and business services primarily intended to serve the industrial facilities.
 - (j) Adult entertainment. The applicant must demonstrate consistency with the provisions and conditions of all other pertinent City Code of Ordinances which regulate this use.
 - (k) Facility-based youth day treatment program.
 - (I) Commercial laundry facilities and linen supply.
 - (m) Microbrewery.
 - (n) Repair and maintenance of vehicles and equipment. No storage of vehicles shall be permitted outside of an enclosed building unless an area designated for such use is on the approved site plan and does not reduce the required number of parking spaces for the building. (Doors, including garage doors, may be open during operating hours.
 - (o) Medical Marijuana Dispensing Organizations.
 - (p) Data Center.

- (2) The following principal uses which need not be fully enclosed in a building or structure are permitted.
 - (a) Public utility facility, including water pumping plant, reservoir, and electrical substation.
 - (b) Warehousing, open storage, provided that all open storage areas shall be completely enclosed by an opaque fence or wall having a minimum height of eight(8) feet with no material placed so as to exceed the height of said fence or wall.
 - (c) Equipment rental business provided that all open storage areas shall be completely enclosed by an opaque fence or wall having a minimum height of eight (8) feet with no material placed so as to exceed the height of said fence or wall.
 - (d) Self-service storage facilities in accordance with Section 158.227.
- (C) **Special Exception Uses.** The following uses may be permitted following the review and specific approval by the City Council and serve to implement heavy industrial land uses as contemplated in the Comprehensive Plan:
 - (1) Mobile home or apartment for use by custodian or night watchman.
 - (2) Disposal and recycling facility for construction and demolition debris, provided that all open storage areas shall be completely enclosed by an opaque fence or a wall having a minimum height of eight (8) feet with no material placed so as to exceed the height of the fence or wall; minimum area required, ten (10) acres.
 - (3) Wireless communication antennas and towers, as set forth in section 158.213.
 - (4) Recreational vehicle park.
 - (5) Airport or landing field.
 - (6) Commercial driving school.
 - (7) Kennel (enclosed), with outdoor runs.
 - (8) Other heavy industrial development not listed above but that are considered to have high intensity use with potential impact on surrounding land uses and to be located within heavy industrial land use districts.
 - (9) Billboards as allowed under 155.08(N).
 - (10) Solar generation station subject to the requirements of 158.230.
 - (11) Secondary metals recycler in accordance with Chapter 117.
 - (12) Cat cafes in accordance with Section 158.235.
- (D) **Accessory Uses.** As set forth within section 158.217
- (E) **Minimum Lot Requirements.** Twenty thousand (20,000) square feet and a minimum width of one hundred sixty (160) feet. More than one (1) permitted or special exception use may be located upon the lot as part of a totally-designed development to be maintained under single ownership. Properties located within conversion areas as defined by this chapter shall meet the requirements within the City of Port St. Lucie Land Use Conversion Manual.

- (F) **Maximum Building Coverage.** Fifty (50%) percent, provided that the combined area coverage of all impervious surfaces shall not exceed eighty (80%) percent.
- (G) Maximum Building Height. Thirty-five (35) feet, except for transmission and broadcast towers.
- (H) Minimum Living Area. Mobile home or apartment: Six hundred (600) square feet.
- (I) Setback Requirements and Landscaping.
 - (1) **Front Setback.** Each lot shall have a front yard with a building setback line of twenty-five (25) feet.
 - (2) **Side Setback.** Each lot shall have two (2) side yards, each of which shall have a building setback line of ten (10) feet. A building setback line of twenty-five (25) feet shall be maintained adjacent to any residential future land use category or to a public street right-of-way.
 - (3) **Rear Setback.** Each lot shall have a rear yard with a building setback line of twenty-five (25) feet from any residential future land use, ten (10) feet from any other land use.
 - (4) Landscaping Requirements. Landscaping and buffering requirements are subject to Chapter 154. All mechanical equipment shall be screened from property zoned residential. This screening shall be designed as both a visual barrier and a noise barrier.
 - All open storage areas shall be screened from view from public rights-of-way and residentially zoned property. Said screening shall be an opaque fence or wall at least eight (8) feet tall, with no material placed so as to be visible beyond the height of said fence or wall.
- (J) **Off-Street Parking and Service Requirements.** As set forth in section 158.221.
- (K) **Site Plan Review.** All permitted and special exception uses shall be subject to the provisions of section 158.235 through 158.245.

(Ord. No. 98-84, § 1, 3-22-99; Ord. No. 07-83, § 1, 7-9-07; Ord. No. 08-76, § 3, 9-8-08; Ord. No. 10-33, § 1, 6-14-10; Ord. No. 10-92, § 1, 12-6-10; Ord. No. 11-14, § 1, 3-14-11; Ord. No. 11-79, § 1(Exh. A), 11-14-11; Ord. No. 12-15, § 1, 4-9-12; Ord. No. 15-85, § 1, 12-7-15; Ord. No. 17-04, § 1, 1-23-17; Ord. No. 17-48, § 5, 8-14-17; Ord. No. 18-12, § 2, 2-26-18; Ord. No. 20-25, § 2, 5-11-20; Ord. No. 23-17, § 2, 2-27-23)



Section 158.213 Wireless Communication Antennas and Towers

Text Amendment (P24-103)

Planning and Zoning Board – August 6, 2024 Sofia Trail, Planner I

Request Summary

	A city initiated text amendment to Section
	158.213 Wireless Communication Antennas and
Applicant's	Towers, Section 158.135, Warehouse Industrial
Request:	Zoning District; and Section 158.136, Industrial
'	Zoning District of the City of Port St. Lucie Code
	of Ordinances
Applicant:	City of Port St. Lucie



Proposed Amendment

- Adds the Regional Business Center sub-district to the list of sub-districts under the NCD future land use classification that allow wireless communication antennas and towers as a special exception use (SEU) to Section 158.213 of the Zoning Code.
- Adds Data Centers as a permitted use in the Warehouse Industrial Zoning District (WI) to Section 158.135 and the Industrial Zoning District (IN) to Section 158.136.



Proposed Amendment

- Wireless communication antennas and towers are allowed as an SEU in the WI, IN, U, I, CS, and open space zoning districts.
- Under the NCD land use, wireless communication antennas and towers are allowed as SEUs in the Neighborhood Village/Commercial, Town Center, Resort, Employment Center, and the Mixed Use subdistricts.
- Wireless Communication antennas and towers are not allowed in Residential areas under NCD land use.
- The Regional Business Center sub-district allows developments with more than 1,000,000 non-residential square feet to include industrial, warehouse/distribution, manufacturing, retail, commercial, office, medical, restaurant, theatres, hotels, institutional, public facilities (including utilities), residential, and other similar services designed to meet the needs of larger development areas.
- It's suitable for wireless communication towers in non-residential areas.



Proposed Amendment

- Adds Data Centers as a permitted use in the Warehouse Industrial Zoning District (WI) and the Industrial Zoning District (IN).
- Data Centers are a permitted use in MPUDs (Master Planned Unit Developments) for the City's southwest annexation area.
- Data Centers would adhere to the development and use standards of WI and IN Zoning Districts.
- The proposed changes are included as attachments "A", "B", and "C" of the staff report.



Staff Recommendation

The Planning & Zoning (P&Z) Department staff finds the petition to be consistent with the intent and direction of the City's Comprehensive Plan and recommends approval.





City of Port St. Lucie

Agenda Summary

Agenda Date: 8/6/2024 Agenda Item No.: 8.a

Placement: Public Hearing - Quasi Judicial

Action Requested: Motion / Vote

P07-092-A1 The Shoppes at Veranda Falls - Master Sign Program Amendment

Location: The property is located south of Becker Road east of the Florida Turnpike.

This is a request for the 1st amendment of the Shoppes at Veranda Falls Master Sign Program.

Submitted By: Daniel Robinson, Planner III

Executive Summary: This is a request to amend The Shoppes at Veranda Falls Master Sign Program. This amendment is to add regulations for the commercial, institutional and residential developments being incorporated into the sign program boundary and to increase the square footage of monument and directional signs.

Presentation Information: Staff will provide a presentation.

Staff Recommendation: Move that the Board recommend approval of the amendment.

Alternate Recommendations:

- 1. Move that the Board amend the recommendation and recommend approval.
- 2. Move that the Board recommend denial.

Background: The Program Boundary consists of approximately 91.952 acres and includes residential, institutional and commercial developments located east of the Florida Turnpike and south of Becker Road. The program will provide comprehensive regulations for all signs located within the boundary of this program.

Issues/Analysis: See attached staff report.

Special Consideration: N/A

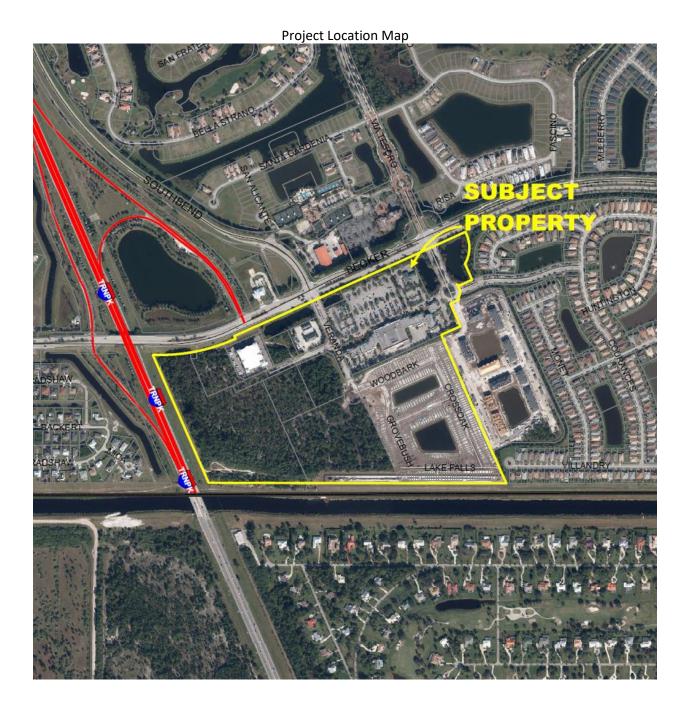
Location of Project: The project is located south of Becker Road and east of the Florida Turnpike

Attachments:

- Staff Report
- Proposed amendment
- Comparison Chart
- Application
- Staff presentation



The Shoppes at Veranda Falls Master Sign Program 1st Amendment P07-092-A1



Page 1 of 5

SUMMARY

Applicant's Request:	This is a request for the 1st amendment of the Shoppes at Veranda Falls master
	sign program.
Applicant:	Derrick E Phillips, Jr, Lucido & Associates
Property Owner:	VF I, LLC, c/o St Lucie Land LTD
Location:	The project is located south of Becker Road and east of the Florida Turnpike.
Project Planner:	Daniel Robinson, Planner III

Project Description

This is a request to amend The Shoppes at Veranda Falls Master Sign Program. This amendment is to add regulations for the commercial, institutional and residential developments that are being incorporated into the sign program boundary and to increase the square footage of monument and directional signs. The area included in the master sign program boundary consists of approximately 91.952 acres and is located east of the Florida Turnpike and south of Becker Road. The program will provide comprehensive regulations for all signs located within the boundary of this program

Location and Site Information

Property Size:	Approximately 91.952 acres
Legal Description:	Verano Plat Nos. 1, 2, 7, 8, and 9
Future Land Use:	Highway Commercial (CH), General Commercial (CG), Service Commercial (CS),
	Residential Golf Community (RGC), and Residential-Office-Institutional (ROI)
Existing Zoning:	Planned Unit Development
Existing Use:	Commercial and Residential uses with some undeveloped property

Surrounding Uses

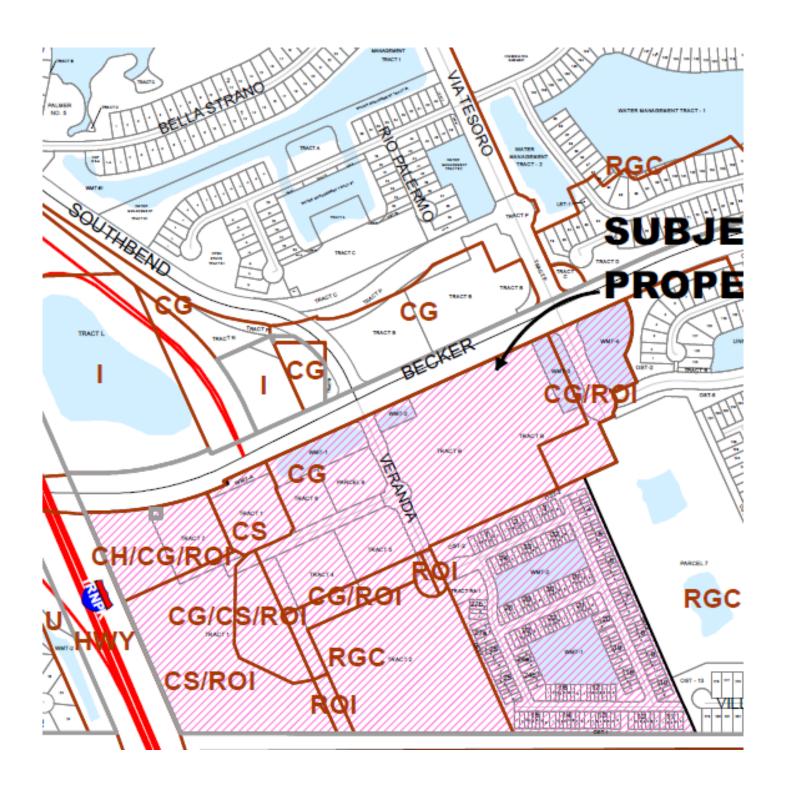
Direction	Future Land Use	Zoning	Existing Use
North	CG, I, RGC	PUD	Residential/Commercial Development
South	Martin County	Martin County	Martin County
East	RGC	PUD	Residential Development
West	RL	RS-2	Single-Family properties

Project Analysis

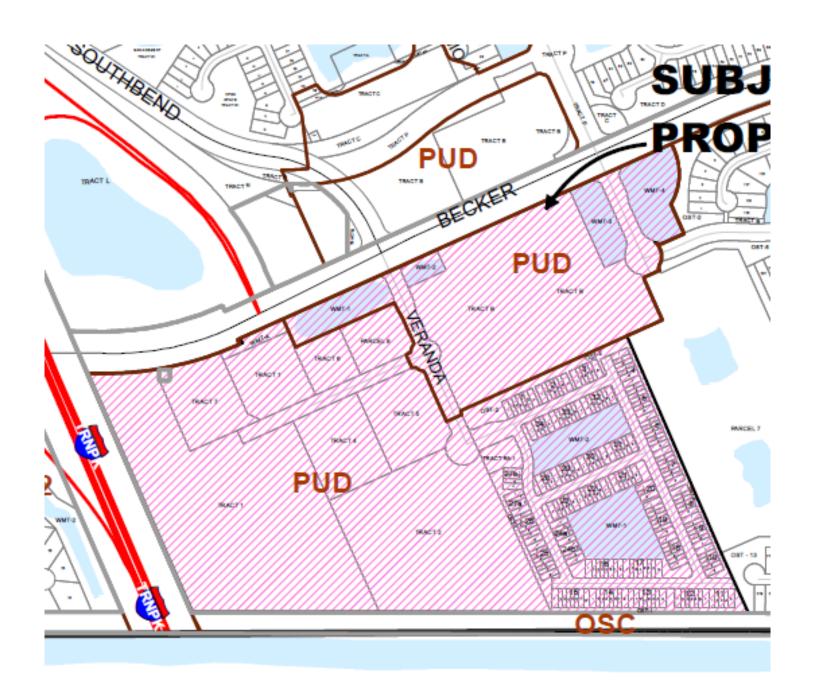
The Program amendment removed any content-based regulations. The City has changed a requirement of sign programs having a review board review signs prior to submitting to the city for permitting, so all reference to such boards has been removed. The comparison chart attached indicates the changes from the current program to the proposed and also provides the comparison to City Sign Code. The Primary Project Sign heights will change from 10 feet to 18 feet in height. The Stand- Alone Building Monument Sign heights are proposed to change from 6 feet to 16 feet and the maximum square footage from 32 square feet to either 60 square feet for most parcels or 122 square feet for the hospital and medical parcels. The amendment calls out the off- premises monument signs that will be permitted along Becker Road to accommodate the properties that may have open space tracts separating them from Becker Road. The only façade sign change was to tenant façade signage, which has been reduced from 200 to 120 square feet cumulatively. The program document has been reduced in size, 19 pages to 9, by creating charts for the regulations. This provides organization and a program that is easy to follow and understand.

Related Projects

P07-092 Master Sign Program



Future Land Use



Zoning Map

STAFF RECOMMENDATION

Staff does find the proposed Master Sign Program to be consistent with the City's Land Development Regulations and policies of Section 155.03(H).

PLANNIGN AND ZONING BOARD ACTION OPTIONS

- o Motion to recommend approval
- o Motion to recommend approval with conditions
- o Motion to recommend denial

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.

The Shoppes at Veranda Falls

Master Sign Program

June 5, 2007 June 27, 2024



Developer:

VF I, LLC c/o St. Lucie Land Ltd.

450 East Las Olas Blvd., Suite 1500 Fort Lauderdale, FL 33301

Contact: Alex Muxo, Jr.

Consultant:

Lucido & Associates

701 East Ocean Blvd. Stuart, FL 34994 772-220-2100

Contact: Derrick E Phillips Jr dphillips@lucidodesign.com

City of Port St. Lucie Application #P07-092-A1

Revision/ Approval Timeline:

Date:

Action:

06.25.07 07.09.07 City Council – First Reading City Council – Second Reading

(Images and specific signs shown in this document have been prepared by Architecture 6400 Inc.)

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Introduction

This Master Sign Program provides a comprehensive overview of all signs within The Veranda Falls <u>Development Community</u>. The guidelines are not intended to restrict imagination, innovation or variety, but to assist in creating a consistent, well-planned solution for identification throughout the community. The master sign program offers many opportunities for creativity and individuality. For informational purposes, be advised that the Veranda Falls POA has additional signage requirements that are not administered by the city. Please contact the Veranda Falls POA for the latest copy of their signage requirements.

Procedure

All proposed signs, prior to application for a sign permit from City of Port St. Lucie, must be approved in writing by the Veranda Falls POA Committee which will review signs based on the criteria that follows. A letter of approval from the Veranda Falls POA Committee must be submitted with the application to the City of Port St. Lucie.

Background

The sign guidelines in this manual supersede existing City of Port St Lucie codes and ordinances and any adopted citywide design standards. Any sign elements or criteria not addressed in this program will first be directed to the Veranda Falls POA Committee for review and consideration. Signs represented are subject to change by the Veranda Falls POA Committee. Quantity and location of signs are estimated only and subject to change. Existing city codes shall be used for sign criteria not addressed in this program. or by the Veranda Falls POA Committee.

Temporary signs within Veranda Falls will be permitted individually at the discretion of the Veranda Falls POA Committee.

General Requirements and Definitions

Utility Setbacks:

All structures, including signs, shall be installed a minimum of 10 feet horizontally from all mains (water, gravity, sewer, force and City owned reclaimed water). The 10 foot horizontal setback shall be as measured from the outside edge of the pipe to the nearest point of the structure, including underground (footers for example) or above ground (roof overhangs for example) features. Single or double post community directional and/or informative signs occurring within the rights-of-ways may encroach within these setbacks with Utility Department approval. Those mains installed between structures shall have a 15-foot setback on each side. Additionally, where deep mains are to be installed at depths greater than 9 feet in-between structures, the Utility may, at its discretion, require additional horizontal setbacks.

Sign Area Calculations:

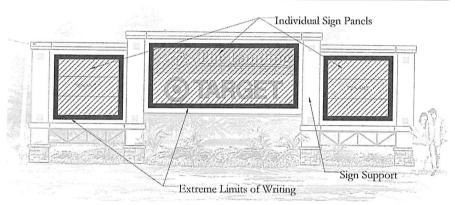
Veranda Falls logos and "The Shoppes at Veranda Falls" name shall be used throughout the sign program. These decorative theme reinforcing elements shall not be counted in allowable square-footage or sign face square footage calculations. The current name of the Development, 'Veranda Falls' (or any future renaming of the overall development) and decorative logos specific to the

overall development name (currently 'VF') may be used throughout the sign program and shall not be counted in allowable square-footage or sign face square footage calculations.

The "allowable sign area" shall include the entire area within a circle, rectangle or triangle enclosing the extreme limits of writing, forming an integral part of the display or used to differentiate the sign from the background against which it is placed; excluding the necessary supports or uprights on which such sign is placed. (See Diagram Below)



Allowable Sign Area (for façade signs)



Allowable Sign Area (for panels)

Façade Sign Placement:

Non-residential development may distribute total allocated signage to individual building facades (front, rear and sides) contingent upon Veranda Falls POA Committee approval; however, maximum <u>cumulative</u> allowable square footage shall not be exceeded. Veranda Falls POA may distribute tenant signage along common building architectural elements and facades.

Monument Sign Setback:

All signs shall maintain a 10' setback from rights-of-way with the exception of those signs specifically designed to occur within road rights-of-way. Signs shall meet FDOT standards. Any sign located within the road rights-of-way will require approval from the City Engineering Department.

Size:

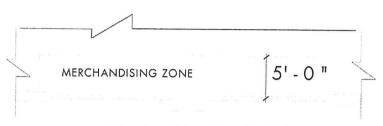
The dimensions used under the "size" category or shown on illustrations are meant as a general size range for the actual sign including all posts, supports, etc. necessary for the sign element. Signs may exceed these dimensions based on the final sign design and in an effort to allow creativity and flexibility in the sign program; however "allowable sign area" may not be altered.

Changeable Copy:

Signs with temporary plastic changeable letters are prohibited. with the exception of gas stations and movie theaters. Gas stations shall be limited to gas pricing and movie theaters being limited to current movies showing.

Merchandising Zone:

The Merchandising Zone is the front of the tenant space that extends from the lease line to all points 5'-0" into the space, and is subject to review and approval by the Veranda Falls POA Committee. The Merchandising Zone includes all display windows, retail graphics, display fixtures, materials, finishes, color and lighting fixtures within the area.



Merchandising Zone Exhibit

Address Incorporation:

The following section is from the City of Port St. Lucie Sign Code and is provided as a convenience. Applicants must refer to the latest adopted City of Port St. Lucie Sign Code. Address to be incorporated in the sign design.

All new freestanding signs shall have an address incorporated in the sign design. Where applicable a range of numbers shall be shown: e.g. 2840 2910. Existing signs shall be required to include this numbering upon applying for any change. All other existing signs shall be replaced or changed to include this information as of January 1, 2004. Numbering will not be included as part of the allowed square footage. It shall be composed of numbers six (6) inches in height. Notification of this requirement to all existing businesses shall be included upon renewal of business occupational licenses.

Commercial plazas shall include the name of the plaza on the primary sign.

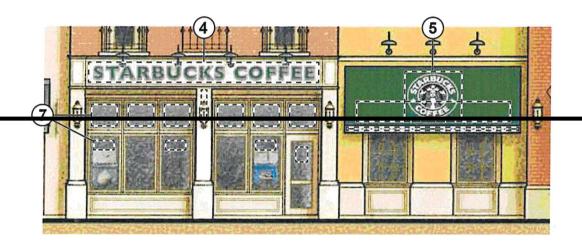
Commercial Signage

General Requirements

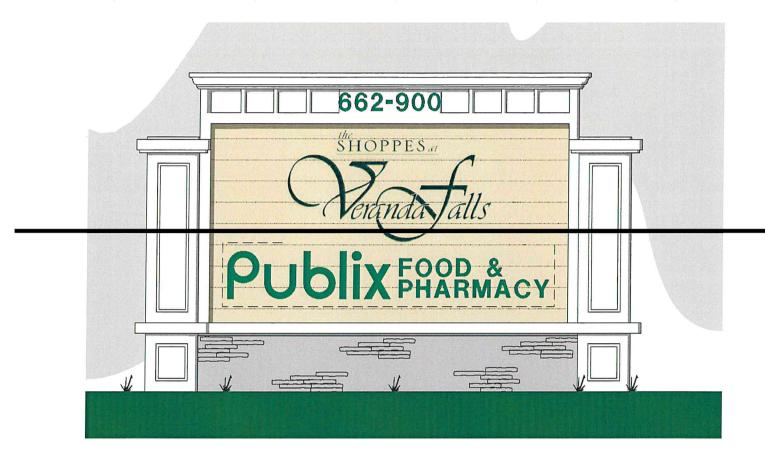
- 1. Tenants shall provide, have installed, illuminate, maintain and remove, and patch back holes at Tenants expense for all signs as proposed including, but not limited to:
 - a) A lighted store identification sign on the façades (main building fascia sign/awning or canopy sign)
 - b) One under canopy U.L. rated sign (under canopy sign)
 - c) Window lettering (storefront lettering)
- 2. Tenant shall be responsible in case of poor workmanship, construction and mounting. Tenant shall bear all costs of remounting and correcting said poor workmanship. The intent is to have signs constructed and installed in a professional manner which compliments and blends with existing signs.
- 3. Veranda Falls POA Committee must be provided a detailed plan, including cross section of sign for approval prior to installation (see exhibit on page 8 for locations of all allowable signs)
- 4. Main building Façade Sign types shall be listed as below. Maximum sign letter height shall be 5' 7'. There is no minimum width or height of sign (refer to exhibit 1.1 on page 8). No backlit boxes, flashing signs, protruding signs or banners of any kind are acceptable. Temporary 'Grand Opening' and 'Special Sale' banners will be permitted for new establishments within community individually. at the discretion of the Veranda Falls POA Committee.
 - a) Individual dimensional backlit letters.
 - b) Open channel letters with exposed neon.
 - c) Painted frontlit graphics.
 - d) Front illuminated letter with plexi-glass panel
- 5. Awning or canopy signage (in lieu of or in addition to Main Building Fascia Sign) types shall be listed as below. Sign shall be limited to a maximum 40% of entire awning surface, or, width of sign shall be 90% of awning width and maximum sign copy height shall be limited to 24". Maximum height of painted valance lettering shall be 8" in addition to main signage where valance exists (refer to exhibit 1.1 on page 8). No backlit boxes, flashing signs, protruding signs or banners are acceptable. Tenant is responsible for structural engineering of sign integral to awning including required safety cables.
 - a) Individual dimensional backlit letters.
 - b) Open channel letters with exposed neon.
 - c) Painted front lit graphics.
 - d) Front illuminated letter with plexi-glass panel
- 6. Under Canopy Sign types shall be as listed below. Area of sign shall be limited to a maximum 18 sf. Minimum height of sign clearance to sidewalk shall be 8'6". There is no minimum width or height of sign.
 - a) Under building arcade.
- 7. Storefront window lettering types shall be as listed below. Area of window lettering shall be limited to a maximum of 20% of total glazing below transom (below 8'-0") and a maximum of 100% of total glazing above transom (above 8'0"). Temporary promotional and holiday graphics and window displays are not governed by the storefront window lettering criteria (refer to exhibit 1.1 on page 8).
 - a) Painted.
 - b) Applied vinyl.
- 8. All wiring connections, appropriate transformers, mounting brackets, wiring conduit and timer are to be hidden from view.
- 9. Powered signs are to be attached to a raceway or individual letters/logos mounted to façade (unless sign design incorporates appropriate backplate/box-subject to approval by Veranda Falls POA Committee). Raceway shall be constructed from extruded materials and shall not exceed 6" in height and 6" in depth. Raceway and returns

- are painted to building standards. Veranda Falls POA Committee has exact raceway paint codes; nearest match is not acceptable.
- 10. All backlit and open channel neon signs are to be constructed of a minimum .040 gauge aluminum sheet, with 3/16" flexible face and a maximum of 6" depth.
- 11. Recommended type styles are BOLD styles of Helvetica, Futura, Corinthian, Georgia Bold and Palentino Bold. Any other and/or nontraditional styles and/or all Tenant Logos are subject to approval by the Veranda Falls POA Committee.
- 12. All sign work must be performed by a licensed and insured sign company.
- 13. Tenant is responsible for permitting and meeting all zoning code requirements and shall hold Veranda Falls POA Committee harmless from any violations resulting there from.
- 14. Signs shall be lit at Veranda Falls POA Committee's discretion.





Primary Project Sign



Use:

Identifies primary entrances to the development.

Locations:

Adjacent to primary roadways and entrances to the development throughout the Veranda Falls PUD.

Quantity:

To be determined by Veranda Falls POA Committee.

Size: (refer to page 4)

10' ht. x 16' width

Allowable Sign Area:

120 SF maximum

Materials:

To be determined.

Colors:

To Be Determined.

Copy:

Copy Size and Style to be determined.

Miscellaneous:

Property owner will be responsible for each sign. Sign illumination to be presented to the Veranda Falls POA Committee for approval.

P07 002_A1 The Sheppes at Veranda Falls Master Sign Program

Major Tenant Façade Sign



Use:

Used to identify major tenants such as Publix within the shopping center.

Locations:

- Signs can be located on front, side and rear facades based on Veranda Falls POA Committee approval
- Endcap users are allowed side façade signs only upon pre approval by the Landlord.

Quantity:

To be reviewed and determined by Veranda Falls POA Committee. Maximum allowable sign area cannot be exceeded.

Design

Signs must be professionally designed and made by a sign contractor. Use of branded logos and creative design is encouraged.

Fabrication:

Can signs must be individually mounted letters or logos and internally illuminated or down lit. Use of internal illumination through LED is acceptable. Halo lighting with pin mounted letters is also acceptable. Exposed neon is allowed only with special permission from the Veranda Falls POA Committee and only within context of a professional manufactured sign assembly. No neon or LED signs in windows.

Materials:

To be determined.

Colors:

Colors as per the Tenant's approved national brand, tenants without registered logo require landlord approval.

Copy:

Size and style at the discretion of the Veranda Falls POA Committee. Additional signage elements such as 'Presto' are allowed and are calculated within the total allowable sign area.

Allowable Sign Area:

Actual approved square footage at the discretion of the Veranda Falls POA Committee and will not exceed 500 S.F. cumulative maximum area for each major tenant façade signage. Major tenant name shall not exceed 120 S.F. maximum.

Miscellaneous:

All signs must be approved by the Veranda Falls POA Committee before submittal to the City. A letter of approval will be issued to the sign company upon approval of their shop drawings by the Landlord's Tenant Coordinator.

Tenant Sign



Use:

Used to identify In Line tenant shops located throughout the shopping center.

Locations:

- Signs can be located on front, side and rear facades based on Veranda Falls POA Committee approval
- Endcap users are allowed side façade signs only upon pre approval by the Landlord.

Quantity:

To be reviewed and determined by Veranda Falls POA Committee. Maximum allowable sign area cannot be exceeded.

Design:

Signs must be professionally designed and made by a sign contractor. Use of branded logos and creative design is encouraged.

Fabrication:

Can signs must be individually mounted letters or logos and internally illuminated or down lit. Use of internal illumination through LED is acceptable. Halo lighting with pin mounted letters is also acceptable. Exposed neon is allowed only with special permission from the Veranda Falls POA Committee and only within context of a professional manufactured sign assembly. No neon or LED signs in windows.

Materials:

Materials can be metal, aluminum and acrylic.

Colors:

Colors as per Tenant's branded image, tenants without registered logo require landlord approval.

Allowable Sign Area:

200 SF cumulative maximum per tenant based upon Veranda Falls POA Committee approval.

Miscellaneous:

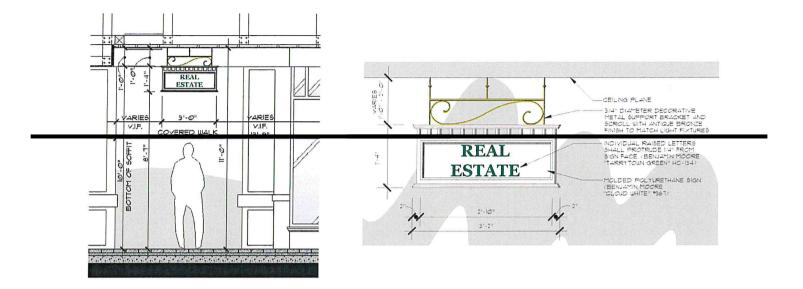
All signs must be approved by the Veranda Falls POA Committee before submittal to the City. A letter of approval will be issued to the sign company upon approval of their shop drawings by the Landlord's Tenant Coordinator.

Additional Façade Signage

1. Awning or Canopy Signage (in lieu of or in addition to main building signage) Allowable Area: Maximum of 40% of awning surface, or 90% of awning width x 2'0" high.
— 2. Under Canopy Sign
Allowable Area: Maximum of 10' 0" s.f. Minimum height clearance to sidewalk 8'6"
 Allowable Area: 20% of total glazing below transom (below 8'-0")
 100% of total glazing above transom (above 8' 0") (refer to exhibit on page 8)
 Allowable Type: Painted, applied vinyl

Note: Temporary window signs (seasonal sales promotions) are allowed. The Veranda Falls POA Committee reserves the right to control the amount and substance of those signs as needed. Refer to the City of Port St. Lucie Code Requirements regarding percentage of window coverage: "(M) Window signs. No more than twenty (20) percent of any window surface shall be covered with such signs. (Also see the City's Design Standards Manual for details.) Window signs shall allow a clear and unobstructed view from outside the building and in a normal line of sight of the cash register and sales transaction area per State Code.

Under Canopy Sign



Use:

Used to guide pedestrians to individual shops throughout the shopping center.

Locations:

Above entry doors, adjacent to front entrance or as approved by Veranda Falls POA Committee.

Quantity:

One per business entrance. Additional signs allowed based on Veranda Falls POA Committee approval.

Size:

Maximum size 10 s.f. Maximum thickness of sign is 4"

Materials:

Brushed aluminum, architectural foam, finished wood product, acrylic or as approved by Veranda Falls POA Committee.

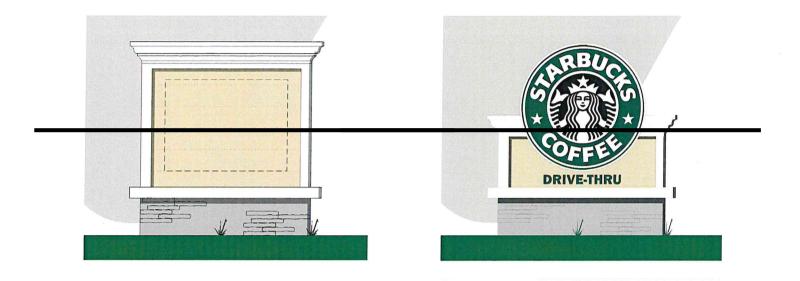
Colors:

To match or blend with tenant's branded image or exterior sign package.

Copy:

Size and style to be determined.

Stand Alone Building Monument Sign



Use:

Identifies stand alone buildings that are bordered by a major roadway (Becker Road) and secondary roadway.

Locations:

Adjacent to primary roadway on each individual property.

Quantity:

Two (2) per building.

Size: (Refer to page 4)

6' ht. x 5'-4" width

Allowable Sign Area:

Max sign SF of first sign: 32 SF

Max sign SF of second sign: 16 SF

Materials:

To be determined.

Colors:

At discretion of Veranda Falls-POA Committee.

Copy:

Copy size and style to be determined by Veranda Falls POA Committee.

Miscellaneous:

Property owner will be responsible for each sign.

Stand Alone Building Façade Sign



Use:

Used to identify Stand Alone Tenants located throughout the shopping center.

Locations:

Located on the front and rear or side building façade depending upon store location.

Quantity:

Location and quantity to be approved by Veranda Falls POA Committee.

Allowable Sign Area:

Actual approved square footage at the discretion of the Veranda Falls POA Committee and will not exceed 200 S.F. cumulative maximum area.

Fabrication:

Materials can be metal and aluminum and acrylic or wood. Contrast required between façade front and trim caps and returns. Can signs must be individually mounted letters or logos and internally illuminated or down lit. Use of internal illumination through LED is acceptable. Halo lighting with pin mounted letters is also acceptable. Exposed neon is allowed only with special permission from the Veranda Falls POA Committee and only within context of a professional manufactured sign assembly. No neon or LED signs in windows.

Design:

Signs must be professionally designed and made by a sign contractor. Use of branded logos and creative design is encouraged.

Colors:

Colors as per the Tenant's approved national brand. Tenants without registered logo require landlord approval.

Miscellaneous:

All signs must be approved by the Veranda Falls POA Committee before submittal to the City. A letter of approval will be issued to the sign company upon approval of their shop drawings by the Landlord's Tenant Coordinator.

<u>Informational / Directional</u>



Use:

Identifies secondary entrances and/or informative elements such as deliveries or service areas.

Locations:

Adjacent to secondary roadways or entrances within individual parcels.

Quantity:

To be determined by Veranda Falls POA Committee.

Size: (refer to page 4)

7' ht. x 5' width

Allowable Sign Area:

16 SF

Materials:

To be determined.

Colors:

To Be Determined.

Copy:

Copy Size and Style to be determined.

Miscellaneous:

Property owner will be responsible for each sign. Sign illumination to be presented to the Veranda Falls POA Committee for approval.

Temporary Signage

Temporary Informational



Use:

Identifies individual projects or locations within Veranda Falls or relevant community or builder information.

Locations:

Throughout the community adjacent to roadways.

Quantity:

To be determined.

Size: (refer to page 4)

7' ht. x 8' width

Allowable Sign Area:

32 SF

Materials:

High grade wood products or approved alternate.

Colors:

To Be Determined.

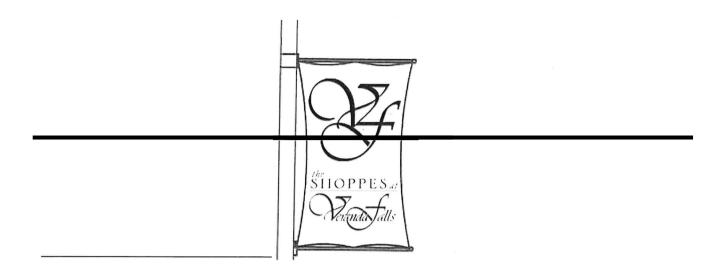
Copy:

Letter Size and Style to be determined.

Miscellaneous:

Veranda Falls will be responsible for the maintenance of the Temporary Sign Program. Sign illumination to be determined by Veranda Falls POA Committee.

Decorative Standards



Use:

Decorative element

Locations:

Attached to community light poles along main and secondary roads and within common areas throughout the community.

Quantity:

Varies. Based on selected poles along various roads.

Size: (refer to page 4)

30" wide x 60" long (represents banner size—not element banner is attached to)

Allowable Sign Area:

12.5 SF (30"x60") per face/side

Materials:

Fabric panels, metal mounting structure

Colors:

Varies

Copy:

Varies (non-advertising, typically community lifestyle or seasonal/special event).

Miscellaneous:

Veranda Falls POA Committee will maintain installed banners and will remove all banners in the event of hurricane or other inclement weather at their expense. Veranda Falls POA Committee may re-install same after the threat or storm has passed.

Proposed Sign Types

All signs not referenced in this Master Sign Program will by default adhere to the City of Port St. Lucie's Code of Ordinances.

Parcel	Sign Types and Number of	Location	Max	Allowable Sign Area		
	Signs Proposed	*	Height			
	*					
1	Stand Alone Building Monument - 14	Within the bounds of Parcel 1	16'	122 SF		
2	Stand Alone Building Monument - 2	Within the bounds of Parcel 2	16'	122 SF		
3	Stand Alone Building Monument - 4	Within the bounds of Parcel 3	16'	122 SF		
4	Stand Alone Building Monument -1	Within the bounds of Parcel 4	16'	60 SF		
<u>5</u>	Stand Alone Building Monument -1	Within parcel 5 or on Parcel 8	<u>16'</u>	60 SF		
<u>6</u>	Stand Alone Building Monument -1	Within parcel 6 or on Parcel 9	16'	60 SF		
7	Stand Alone Building Monument - 1	Within parcel 7 or on Parcel 9	<u>16'</u>	60 SF		
11	Primary Project - 3 Stand Alone Building Monument - 1	Within Parcel 11 adjacent to Becker Road or on Parcel 9	P.P. – 18' S.A.B – 16'	P.P. – 120 SF S.A.B – 60 SF		
14	Stand Alone Building Monument - 1	Within Parcel 14	<u>16'</u>	60 SF		
<u>15</u>	Stand Alone Building Monument - 1	Within Parcel 15	<u>16'</u>	<u>60 SF</u>		
NA	Informational/Directional	ROW within Veranda Falls Development; Adjacent to roadways or entrances within the bounds of the Parcels 1 – 15 shown in Exhibit 1.	12'	66 SF		

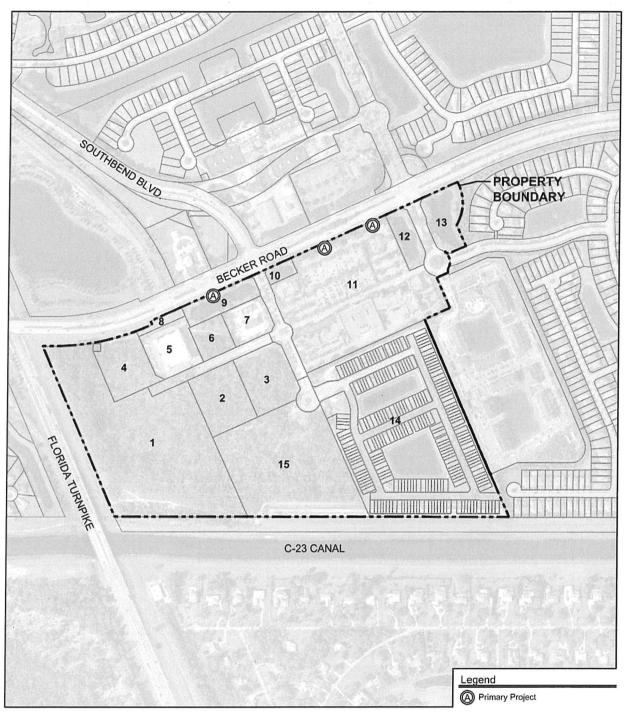
Additional Requirements:

- PARCELS 8,9,10,12,13 are not listed but allow off-premises signs per chart above.
- Stand-alone Building Monument Signs: The horizontal top or main mass of the sign cannot exceed four times the horizontal length of the base (bottom at ground) of sign.

Commercial Façade Signs

Sign Type:	Locations:	Max Height:	Allowable Sign Area:	Lighting: Internal/ External
Major Tenant Façade	Signs can be located on front, side and rear facades	<u>7'</u>	Not exceed 500 S.F. cumulative maximum area for each major tenant façade signage. 125 SF maximum per sign	Internal/External
Tenant	Signs can be located on front, side and rear facades	7'	120 SF maximum per sign	Internal/External
Awning or Canopy Façade (in lieu of or in addition to main building signage)	Signs can be located on front, side and rear facades	24"	Maximum of 40% of awning surface, or 90% of awning width	Internal/External
Under Canopy Façade	Signs can be located on front, side and rear facades	Minimum height clearance to sidewalk 8'6"	18 SF	Internal/External
Storefront Window Lettering	Signs can be located on front, side and rear facades	<u>6"</u>	• 20% of total glazing below transom (below 8'-0") • 100% of total glazing above transom (above 8'-0")	Internal/External

Exhibit 1
LOCATION AND QUANTITIES ARE SUBJECT TO CHANGE





Veranda Falls

Port St. Lucie, Florida Sign Location Exhibit

The Veranda Falls Development Master Sign Program

List of Changes

- 1. Updated Table of Contents
- 2. Removed all Temporary Signage Requirements
- 3. Removed "Procedure" Section from Introduction Page
- 4. Removed "Address Incorporation: from Introduction Page
- 5. Removed Pages 6-19 from the original MSP
- 6. Added Proposed Sign Type Chart
- 7. Added Proposed Commercial Façade Chart
- 8. Added Graphic Exhibit 1 to visually illustrate Sign Types and Locations

	Proposed MSP					Existing Approved MSP				City Sign Code					
	Sign Type as Per MSP	Location	Requirements	Number of Signs	Location of Requirements	Signt Type Per MSP	Location	Requirements	Number of Signs	Location of Requirements	Signt Type Per MSP	Location	Requirements	Number of Signs	Location of Requirements
1	Primary Project	Adjacent to Becker Road	Max height: 18'	Three (3)	MSP PG. 6	Primary Project	Adjacent to primary roadways and entrances to the development	To be determined by Veranda Falls POA Committee 10' Max Height 120 SF Max	To be determined by Veranda Falls POA Committee	MSP PG. 6	Free Standing (permanent monument)	Adjacent to roadway(s) on each individual property.	Max Height: 10'-20' 32-20(SF per face	(See 155.08 H) PSL Code of Ordinances	N/A
2	Stand Alone Building Monument	Adjacent to Becker/ internal roadways within the Shoppes at Veranda Falls Community on each individual property.	Max height: 16'	Four (4) Per Parcel	MSP PG. 6	Stand Alone Building Monument	Adjacent to primary roadway on each individual property	To be determined by Veranda Falls POA Committee 6' Max Height 32 SF Max (1st Sign) 16 SF (2nd Sign)	Two (2) per Building	MSP PG. 6	Free Standing (permanent monument)	Adjacent to roadway(s) on each individual property.	Max Height: 10'-20' 32-20(SF per face	(See 155.08 H) PSL Code of Ordinances	N/A
3		ROW within Veranda Falls Development; Adjacent to roadways or entrances within the bounds of the Parcels 1 – 15 shown in Exhibit A.		Four (4) Per Parcel	MSP PG. 6	Informational/Directional	Afjacent to secondary roadways or entrances within individual parcels	To be determined by Veranda Falls POA Committee 7' max height 16 SF Max	To be determined by Veranda Falls POA Committee	MSP PG. 6	Free Standing (Govt. Directional Sign)	N/A	Max Height: 10' 4 SF Per Face	N/A	N/A
4	Major Tenant Façade		Not exceed 500 S.F. cumulative maximum area for each major tenant façade signage. Major tenant name shall not exceed 125 SF maximum.	NA	MSP PG. 7	Major Tenant Façade	Signs can be located on front, side and rear facades bases on Veranda Falls POA Committee	Not exceed 500 S.F. cumulative maximum area for each major tenant façade signage. Major tenant name shall not exceed 120 SF maximum.	To be determined by Veranda Falls POA Committee	MSP PG. 7	Façade Signs	Located on the front, rear and/or side building façades depending upon store location.	(Res) Max Height: 20' Not to exceed 200 Sq. Ft. 32 Sq. Ft. + 1.5 Sq. Ft. for each lineal ft. of business frontage over 20'	1 per business façade/section of a façade.	Sec 155.08 (a-x)
5	Tenant	Signs can be located on front, side and rear facades		NA	MSP PG. 7	Tenant	Signs can be located on front, side and rear facades bases on Veranda Falls POA Committee	200 SF maximum per tenant based upon Veranda Falls POA Committee	To be determined by Veranda Falls POA Committee	MSP PG. 7	Façade Signs	Located on the front, rear and/or side building façades depending upon store location.	(Res) Max Height: 20' Not to exceed 200 Sq. Ft. 32 Sq. Ft. + 1.5 Sq. Ft. for each lineal ft. of business frontage over 20'	1 per business façade/section of a façade.	Sec 155.08 (a-x)
6	Awning or Canopy Façade	Signs can be located on front, side and rear facades	Maximum of 40% of awning surface or 90% of awning width	NA	MSP PG. 7	Awning or Canopy Façade	Signs can be located on front, side and rear facades	Maximum of 40% of awning surface, or 90% of awning width x 2'0" high.	To be determined by Veranda Falls POA Committee	MSP PG. 7	Façade Signs	Located on the front, rear and/or side building façades depending upon store location.	(Res) Max Height: 20' Not to exceed 200 Sq. Ft. 32 Sq. Ft. + 1.5 Sq. Ft. for each lineal ft. of business frontage over 20'	1 per business façade/section of a façade.	Sec 155.08 (a-x)
7	i açaue	Signs can be located on front, side and rear facades	Allowable Area: Maximum of 10'-0" SF Minimum height clearance to sidewalk 8'6"	NA	MSP PG. 7	Under Canopy Façade	Signs can be located on front, side and rear facades bases on Veranda Falls POA Committee	24" minimum Allowable Area: Maximum of 10'-0" SF Minimum height clearance to sidewalk 8'6"			Façade Signs	Located on the front, rear and/or side building façades depending upon store location.	(Res) Max Height: 20' Not to exceed 200 Sq. Ft. 32 Sq. Ft. + 1.5 Sq. Ft. for each lineal ft. of business frontage over 20'	1 per business façade/section of a façade.	Sec 155.08 (a-x)
8	Storefront Window Lettering	Store Front Windows	20% of total glazing below transom (below 8'-0") 100% of total glazing above transom (above 8'-0")	-	MSP PG. 7	Storefront Window Lettering	Store Front Windows	20% of total glazing below transom (below 8'-0") 100% of total glazing above transom (above 8'-0")	Committee	MSP PG. 7	Window Signs		No more than 40% of any window or door surface	1 per business	Sec. 155.03 & Sec 155.04.18

P07-092 The Shoppes at Veranda Falls Master Sign Program
Amendment #1

TYPE STATUS BUILDING TYPE

MSP CUSTOMER RESPONSED

ASSIGNED TO

Daniel Robinson; Breanna Vasquez; Michele Holler; Public Works Engineering; Evens St. Louis

ADDRESS

SECTION BLOCK LOT

Pl 1 Veranda Tract "B"

LEGAL DESCRIPTION

VERANDA PLAT NO. 1 (PB 60-39) TRACT B (15.744 AC) (OR 2581-1349)

SITE LOCATION

Shoppes at Veranda Falls

PARCEL#

CURRENT LANDUSE PROPOSED LANDUSE CURRENT ZONING PROPOSED ZONING

ACREAGE NON-RESIDENTIAL SQ. FOOTAGE NO. OF RESIDENTIAL UNITS

NO. OF LOTS OR TRACTS

NO. OF SHEETS IN PLAT

0 0

UTILITY PROVIDER

DESCRIBE REQUEST

Amendment to the Shoppes at Veranda Falls Master Sign Program to include both Residential and Non Residential Signage.

Primary Contact Email

dphillips@lucidodesign.com

AGENT/APPLICANT

FIRST NAME
Derrick
LAST NAME
Phillips

Business Name

Phillips

ADDRESS

701 SE Ocean Blvd

 CITY
 STATE
 ZIP

 Stuart
 FL
 34994

 EMAIL
 PHONE

 dphillips@lucidodesign.com
 7722202100

AUTHORIZED SIGNATORY OF CORPORATION

FIRST NAME LAST NAME

ADDRESS

_			
CITY	STATE		ZIP
EMAIL		PHONE	
PROJECT ARCHITECT/ENGINEER	•		
FIRST NAME	<u> </u>	LAST NAME	
- INSTITATIVE		LASTITATIO	
Business Name			
ADDRESS			
СІТУ	STATE		ZIP
EMAIL		PHONE	
PROPERTY OWNER			
Business Name			
VF I LLC			
ADDRESS			
515 N flager dr ste 1500			
CITY	STATE		ZIP
west palm beach	FL		33401
EMAIL		PHONE	
na@tbd.com		(000) 000-0000	
FINAL PERMIT INSPECTION REC	UIRED BY:		



The Shoppes at Veranda Falls Master Sign Program Amendment

Planning and Zoning Board Meeting August 6, 2024

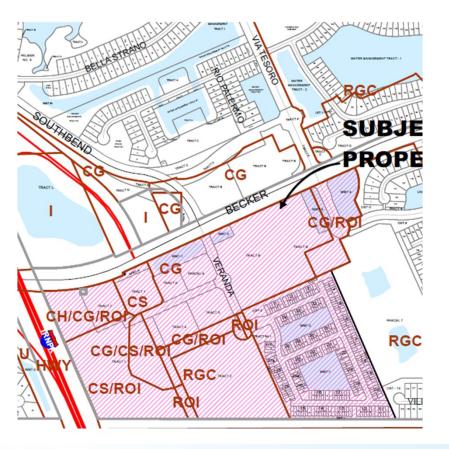
Project Description

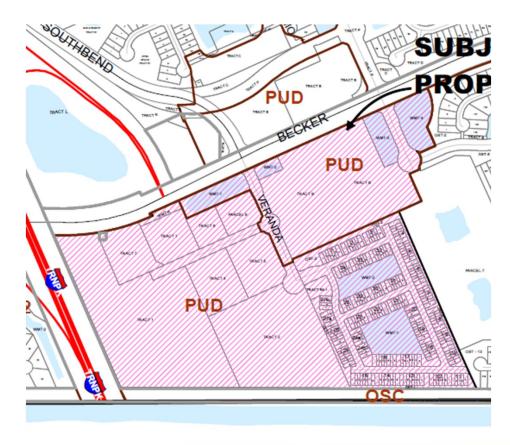
This is a request for the 1st amendment of the Shoppes at Veranda Falls master sign program.



Land Use

Zoning







Summary

This is a request to amend The Shoppes at Veranda Falls Master Sign Program. This amendment is to add regulations for the commercial and residential developments being incorporated into the sign program boundary and to increase square footage of monument and directional signs.



Summary

- The Program amendment removes any content-based regulations.
- Removes requirement of a review board.
- The Primary Project Sign heights will change from 10 feet to 18 feet
- The Stand-Alone Building Monument Sign heights are proposed to change from 6 feet to 16 feet and the maximum square footage from 32 square feet to either 60 square feet for most parcels or 122 square feet for the hospital and medical parcels.
- The amendment calls out the off-premises monument signs that will be permitted along Becker Road
- Tenant façade signage has been reduced from 200 to 120 square feet cumulatively.
- The program document has been reduced in size, 19 pages to 9, by creating charts for the regulations. This provides organization and a program that is

reasy to follow and understand

Proposed Boundary





Recommendation

Staff does find the proposed Master Sign Program to be consistent with the City's Land Development Regulations and policies of Section 155.03(H).





City of Port St. Lucie

Agenda Summary

Agenda Date: 8/6/2024 Agenda Item No.: 8.b

Placement: Public Hearing - Quasi Judicial

Action Requested: Motion / Vote

P23-238 Darwin Square - Mavis Tire - Special Exception Use

Location: The project site is located south of SW Darwin Boulevard and east of SW Port St. Lucie Boulevard.

Legal Description: Darwin Square Lots C, D, and E.

The request is for approval of a Special Exception Use (SEU) to allow a vehicle repair and maintenance facility in the General Commercial (CG) Zoning District, per Section 158.124(C)(10) of the Zoning Code.

Submitted By: Francis Forman, Planner II, Planning & Zoning Department.

Executive Summary: The City of Port St. Lucie has received a request from Bohler Engineering FI, LLC, acting agent for the property owner Real Sub LLC, for a special exception to allow a repair and maintenance of vehicles facility in the General Commercial (CG) Zoning District per Section 158.124(C)(10) of the Zoning Code. The 17.55-acre property is located on the south side of SW Darwin Boulevard, east of SW Port St. Lucie Boulevard, within the Darwin Square commercial Plaza. The property's address is 3225 SW Port St. Lucie Boulevard, and the legal description is Darwin Square Lots C, D, and E.

Presentation Information: Staff will provide a presentation.

Staff Recommendation: Move that the Board recommend approval of the special exception use.

Planning and Zoning Board Action Options:

- 1. Motion to recommend approval to the City Council.
- 2. Motion to amend the recommendation and recommend approval to the City Council.
- 3. Motion to recommend denial to the City Council.

Background: The request is for the approval of a special exception use to construct a repair and maintenance facility for vehicles within the Darwin Square Plaza.

Issues/Analysis: Per Section 158.260 of the City Code, any special exception use must adhere to the criteria listed within this subsection (A) through (L) to receive approval through the City Council. Please see the attached staff report for staff findings based on the applicant's responses.

Special Consideration: N/A.

Location of Project: 3225 SW Port St. Lucie Boulevard.

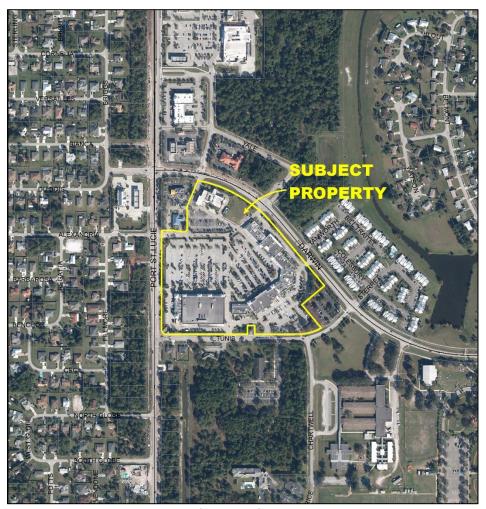
Agenda Date: 8/6/2024 Agenda Item No.: 8.b

Attachments:

- 1. Staff Report,
- 2. SEU Criteria Responses,
- 3. Site Plan,
- 4. Agent Authorization Letter,
- 5. Warranty Deed,
- 6. Staff Presentation.



Darwin Square – Mavis Tire Special Exception Use P23-238



Project Location Map

SUMMARY

SOMMAN	
Applicant's Request:	The request is for approval of a Special Exception Use (SEU) to allow a vehicle repair and maintenance facility in the General
	Commercial (CG) Zoning District, per Section 158.124(C)(10) of
	the Zoning Code.
Agent:	Andrew Savage, Bohler Engineering FL, LLC
Property Owner:	Real Sub LLC
Location:	3225 SW Port St. Lucie Boulevard
Project Planner:	Francis Forman, Planner II

Project Description

The City of Port St. Lucie has received a request from Bohler Engineering FI, LLC, acting agent for the property owner Real Sub LLC, for a special exception to allow a repair and maintenance of vehicles facility in the General Commercial (CG) Zoning District per Section 158.124(C)(10) of the Zoning Code. The 17.55-acre property is located on the south side of SW Darwin Boulevard, east of SW Port St. Lucie Boulevard, within the Darwin Square commercial Plaza. The property's address is 3225 SW Port St. Lucie Boulevard, and the legal description is Darwin Square Lots C, D, and E.

The proposed vehicle repair and maintenance facility will be a 6,136 square foot building located on a 0.56-acre portion of the north side of Darwin Square Plaza on SW Darwin Boulevard. The front of the building is proposed to face towards the southeast, so that the garage door bays are not facing SW Darwin Boulevard. The conceptual site plan provides access to the site from the existing plaza's drive isles and will not have access directly onto SW Darwin Boulevard. The conceptual site plan also meets the parking requirements for the use and provides adequate traffic circulation to and from the existing plaza.

Public Notice Requirements

Notice of this request for a Special Exception Use was mailed on July 25, 2024, to owners of property within a 750-foot radius of the subject property.

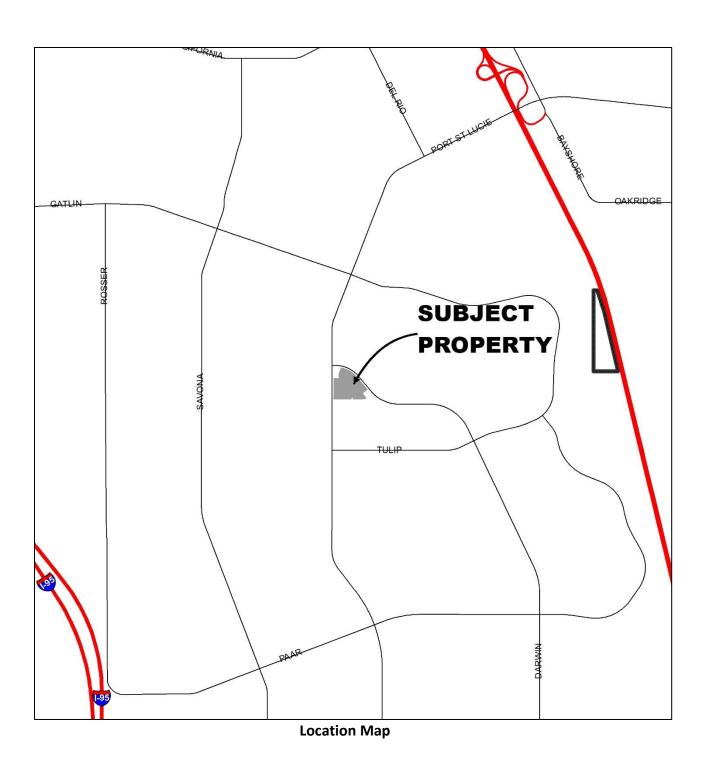
Location and Site Information

Parcel Number:	3420-713-0005-000-3
Property Size:	+/-17.55 acres
Legal Description:	Darwin Square Lots C, D, & E
Future Land Use:	CG (General Commercial)
Existing Zoning:	CG (General Commercial)
Existing Use:	Vacant

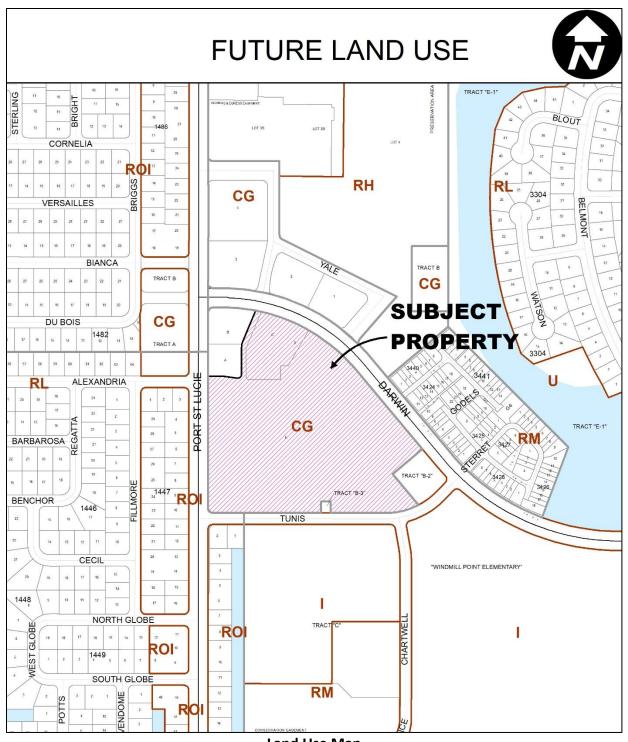
Surrounding Uses

Direction	Future Land Use	Zoning	Existing Use
North	CG	CG	Commercial
South	CG	CG	Commercial
East	CG	CG	Commercial
West	CG	CG	Commercial

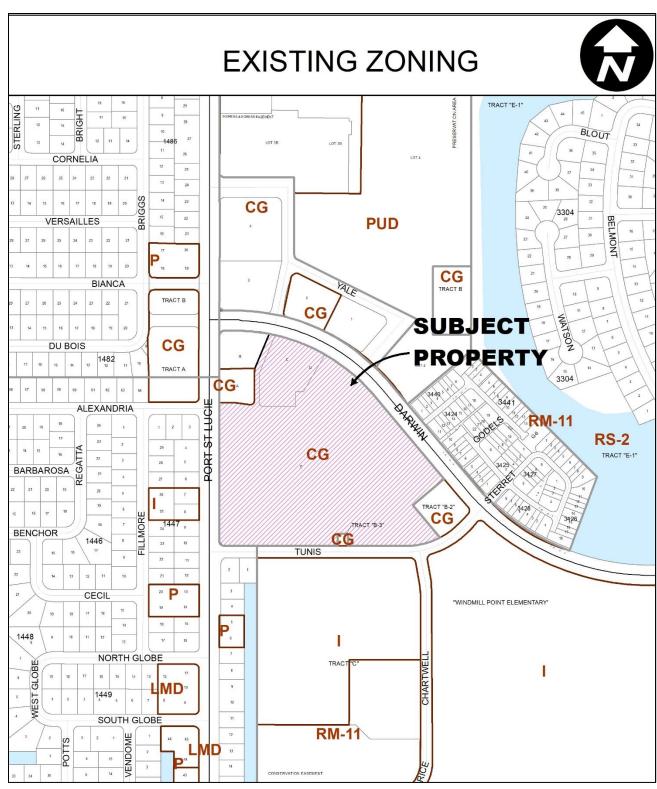
CG - General Commercial



P23-238 – Darwin Square – Mavis Tire



Land Use Map



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.
 - Applicant's Response: The site will have two full access driveways with 24-feet of clearance for emergency vehicles to have access to this site. Pedestrians may enter the site safely from Darwin Boulevard to the storefront crossing the drive aisle with proposed sidewalk.
 - <u>Staff findings:</u> The proposed site plan shows access to the site from the plaza's existing drives and
 will not have access directly onto SW Darwin Boulevard. A sidewalk will be provided to the
 building from SW Darwin Boulevard and connect to the existing sidewalk on the site for pedestrian
 safety and convenience. The proposed site plan will provide adequate access for customers,
 employees and emergency services.
- (B) Adequate off-street parking and loading areas may be provided, without creating undue noise, glare, odor, or other detrimental effects upon adjoining properties.
 - <u>Applicant's Response</u>: The proposed site layout meets code requirements providing adequate offstreet parking. Proposed landscaping shall be provided per code to screen the parking area.
 - <u>Staff findings:</u> The proposed site is required to provide a total of 21 spaces to adequately accommodate the needs of the vehicle repair and maintenance facility. The proposed site plan for the use has provided a total of 29 off-street parking spaces, all of which will be located on the 0.56-acre portion of the site, therefore not creating any undue noise, glare, odor, or other detrimental effects on the existing surrounding uses.
- (C) Adequate and properly located utilities are available or may be reasonably provided to serve the proposed development.
 - Applicant's Response: There are existing 12" underground water mains available along Darwin Boulevard right-of-way approximately 10' from the proposed site. There is an existing sanitary cleanout along the rear property line of the site in the northwest corner that may provide service.
 - <u>Staff findings:</u> The proposed site for the vehicle repair and maintenance facility is located within an existing commercial plaza that contains existing utilities. The utilities in place will provide adequate levels of service for the proposed use to utilize and tie into during the construction of the site.
- (D) Adequate screening or buffering. Additional buffering beyond that which is required by the code may be required in order to protect and provide compatibility with adjoining properties.
 - <u>Applicant's Response</u>: Additional buffering and screening is not required for the remainder of the site because the adjoining properties are part of the same shopping center

- <u>Staff findings:</u> The conceptual site plan for the vehicle repair and maintenance facility shows adequate buffering as required by the City's Landscape Code. The site is required to have a minimum 10- foot- wide landscape buffer along SW Darwin Boulevard.
- (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.
 - Applicant's Response: A monument sign will be designed and placed as to not inhibit sight triangles to and from our site or cause traffic concerns along Darwin Boulevard right-of-way. A site photometric plan shall be designed to meet all code requirements.
 - <u>Staff findings:</u> The applicant will be required to obtain sign permits prior to installation of any signage. Any exterior lighting will be required to meet the requirements of the City Code.
- (F) Yards and open spaces will be adequate to properly serve the proposed development and to ensure compatibility with adjoining properties.
 - Applicant's Response: The sidewalk from the right-of-way to our site shall be maintained as to allow access to and from our site and to the adjoining property within the shopping center. The open spaces are designed to promote safe traffic flow to and from our site and separate our site from the adjoining property.
 - <u>Staff findings:</u> The proposed building meets the setback requirements and the conceptual site plan includes the yards and open spaces required by the City Code to serve the proposed development. The site is located within the existing plaza area.
- (G) The use as proposed will be in conformance with all stated provisions and requirements of this chapter.
 - <u>Applicant's Response</u>: Our site will be designed to the latest zoning standards of the Port St. Lucie land development regulations as a CG (General Commercial) use.
 - <u>Staff findings:</u> The proposed use is designed to meet all requirements of the City Zoning Code for a commercial use.
- (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.
 - <u>Applicant's Response</u>: As the use of automotive service center, our site will not pose a safety risk to the residents of the surrounding populous in the city of Port St. Lucie.
 - <u>Staff findings:</u> By adhering to City Code and regulations, the establishment and operation of the proposed uses are not anticipated to impair the health, safety, or convenience of residents and workers in the City.
- (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.
 - Applicant's Response: The daily trip generation rate produced for this development is approximately 152 trips per day. Given that the adjoining uses area a much larger retail building and a fast-food restaurant the trips that are anticipated will not be significantly higher than the

- other uses. The tire store will not operate past normal business hours, so any noise or activity will not be out of place or nuisance to the adjoining uses.
- <u>Staff findings:</u> The use is not expected to generate noise that will adversely affect the surrounding uses. There is adequate ingress and egress to the site with the surrounding uses being restaurant uses, commercial grocery stores, a medical emergency facility, and other commercial type uses. This Mavis Tire facility is proposed to operate during regular business hours, which is compatible with the surrounding uses and will not adversely affect the surrounding uses.
- (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.
 - Applicant's Response: The proposed development is to be used as a service center that complies
 with commercial zoning standards. The proposed building will have a height and building coverage
 no greater than the existing shopping center and follow noise and lighting requirements stated in
 the Port St. Lucie Land Development Code.
 - <u>Staff findings:</u> The proposed use is not expected to adversely impact surrounding properties. The
 proposed building is surrounded by other one-story commercial buildings and has shared access
 with the properties to the east and south. Exterior lighting will adhere to the City Code
 requirements.
- (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 the neighborhood.
 - Applicant's Response: Acknowledged.
 - Staff findings: Acknowledged.
- (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.
 - Applicant's Response: Acknowledged.
 - <u>Staff findings:</u> Acknowledged.

Related Projects

P24-003 – Darwin Square – Mavis Tire – Site Plan

PLANNING AND ZONING BOARD ACTION OPTIONS

If the board finds that the special exception use application is consistent with the criteria as listed in Section 158.260 (A) through (L) of the City code, 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.

FOR SPECIAL EXCEPTION USE APPLICATION

CITY OF PORT ST. LUCIE
Planning & Zoning Department
121 SW Port ST. Lucie Blvd.
Port St. Lucie, Florida 34984
(772)871-5213

FOR OFFICE USE ONLY

Planning Dept	
Fee (Nonrefundable)\$	
Receipt #	

Refer to "Fee Schedule" for application fee. Make check payable to the "City of Port St. Lucie". Fee is nonrefundable unless application is withdrawn prior to being scheduled for the Site Plan Review Committee meeting or advertising for the Planning and Zoning Board meeting. Attach two copies of proof of ownership (e.g., warranty deed, affidavit), lease agreement (where applicable), approved Concept Plan or Approved Site Plan, and a statement addressing each of the attached criteria.

PRIMARY CO	NTACT EMAIL ADDRESS: fl-permits@bohlereng.com						
PROPERTY O							
Name:	Real Sub, LLC						
Address:	3300 Publix Corporate Pwky, Lakeland, FL 33811						
Telephone No.	: Email						
APPLICANT (IF OTHER THAN OWNER, ATTACH AUTHORIZATION TO ACT AS AGENT):						
Name:	Bohler Engineering FL, LLC - Andrew Savage						
Address:	1900 NW Corporate Blvd, Suite 101 E						
Telephone No.	: 561-571-0280 Email mlinn@bohlereng.com						
SUBJECT PR	OPERTY:						
Legal Descript	DARWIN SQUARE LOTS C, D AND E- LESS THAT PART MPDAF:FROM NW COR OF LOT C AND CURVE CONC E, R OF 900 FT, THELY ALG ARC 267 FT, TH S 30 03 49 W 213, 19 FT, TH N 90 00 00 W 40FT, TH S 00 00 00 W 72 FT.						
Parcel I.D Nun	nber: 3420-713-0005-000-3						
Address:	3225 SW Port St Lucie Blvd, Port St. Lucie, FL 34953 Bays:						
Development I	Name:Mavis: Darwin Square(Attach Sketch and/or Survey)						
	e Area (sq. ft.): 6,136 SFAssembly Area (sq. ft.):						
Current Zoning	g Classification: CG - General Commercial SEU Requested:						
Please state, necessary):	as detailed as possible, reasons for requesting proposed SEU (continue on separate sheet, if						
As stated in Po	rt. St. Lucie land development Sec 158.124 standards, the proposed use as a vehicle repair						
and maintenan	ce center fall under special exception use.						
1							
Signature of A	Andrew Savage Hand Print Name 12/28/2023 Date						

NOTE: Signature on this application acknowledges that a certificate of concurrency for adequate public facilities as needed to service this project has not yet been determined. Adequacy of public facility services is not guaranteed at this stage in the development review process. Adequacy for public facilities is determined through certification of concurrency and the issuance of final local development orders as may be necessary for this project to be determined based on the application material submitted.

SPECIAL EXCEPTION USES

The Planning and Zoning Board, and Zoning Administrator, may authorize the special exception use from the provisions of § 158.260. In order to authorize any special exception use from the terms of this chapter, the Planning and Zoning Board, or Zoning Administrator, will consider the special exception criteria in § 158.260 and consider your responses to the following when making a determination.

(A) Please explain how adequate ingress and egress will 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. The site will have 2 full access driveway with 24 FT of clearance for emergency vehicles to have access to this site. Pedestrians may enter the site safely from Darwin Blvd to the storefront
crossing the drive aisle with proposed crosswalks,
(B) Please explain how adequate off-street parking and loading areas will be provided, without creating undue noise, glare, odor or other detrimental effects upon adjoining properties. The proposed site layout meet code requirements providing adequate off street parking. Proposed landscaping shall be provided per code to screen the parking area.
(C) Please explain how adequate and properly located utilities will be available or will be reasonably provided to serve the proposed development. There are existing 12" underground water main available along Darwin Blvd Right-of-Way approximately 10' from the proposed site. There is an existing sanitary cleanout along the rear property line of the site in
the North West corner that may provide service.
(D) Please explain how additional buffering and screening, beyond that which is required by the code, will be required in order to protect and provide compatibility with adjoining properties. Additional buffering and screening is not required for the remainder of the site because the adjoining properties are part of the same shopping center
(E) Please explain how 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. A monument sign will be designed and placed as to not inhibit sight triangles to and from our site or cause traffic concerns along Darwin Blvd right of way. A site photometric plan shall be designed to meet all code requirements.
requirements.
(F) Please explain how yards and open spaces will be adequate to properly serve the proposed development and to ensure compatibility with adjoining properties. The sidewalk from the right of way to our site shall be maintained as to allow access to and from our site and to the adjoining property within the shopping center. The open spaces are designed to promote safe traffic flow to and from our site and separate our site from the adjoining parcel.

(G) Please explain how the use, as proposed, will be in conformance with all stated provisions and requirements of the City's Land Development Regulation. Our site will be designed to the latest zoning standards of the Port St. Lucie land development regulation as a CG (commercial) use.
(H) Please explain how 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. As the use of automotive service center, our sile will not pose a safety risk to the residents or the surrounding populous in the city of Port St. Lucie.
(I) Please explain how 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 daily trip generation rate produced for this development is approximately 152 trips per day. Given that the adjoining uses are a much larger retail building and a fast food restaurant the trips that are anticipated
will not be significantly higher than the other uses. The tire store will not operate past normal business hours, so any noise or activity will not be out of place or a nuisance to the adjoining uses.
(J) Please explain how 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. The proposed development is to be used as a service center that complies with a commercial zoning standards. The proposed building will have a height and building coverage no greater than the existing shopping
center and follow noise and lighting requirements stated in the Port St. Lucie Land Development Code.
Signature of Applicant Andrew Savage 12/28/2023 Hand Print Name Date

PLEASE NOTE:

- (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.
- (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.

SPECIAL EXCEPTION USE

§ 158.260 REQUIREMENTS AND APPROVAL

Special Exceptions are uses that would only be allowed under certain conditions and are required to be compatible with the existing neighborhood. It is expected that any such approval be implemented in a timely manner to ensure the use is established under the physical conditions of the area in place when approved. Therefore, Special Exception Uses shall expire after one year on the date of approval unless the applicant has received final site plan approval, or if a site plan is not required, the appropriate permits to allow development of the use to continue as approved.

Approval of a special exception application shall be granted by the City Council only upon a finding that:

- (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.
- (B) Adequate off-street parking and loading areas may be provided, without creating undue noise, glare, odor or other detrimental effects upon adjoining properties.
- (C) Adequate and properly located utilities are available or may be reasonably provided to serve the proposed 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.
- (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.
- (F) Yards and open spaces will be adequate to properly serve the proposed development and to ensure compatibility with adjoining properties.
- (G) The use as proposed will be in conformance with all stated provisions and requirements of this chapter.
- (H) Establishment and operation of the proposed use upon the particular property involved will not impair the health, safety, welfare, or convenience of residents and workers in the city.
- (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.
- (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.
- (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.
- (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 87 both.



CONCEPT PLAN SUFFICIENCY CHECKLIST

Revised September, 2013

Project Name:	avis: Darwin Square				
Project Number: P	New Submittal	or	Resubmittal_	(Check One	:)

applicant should submit the concept plan package to Planning & Zoning Department with all items listed below to initiate the eview process. Other drawings or information may be required, if deemed necessary, upon review of the submittal for the Site 'lan Review Committee Meeting.

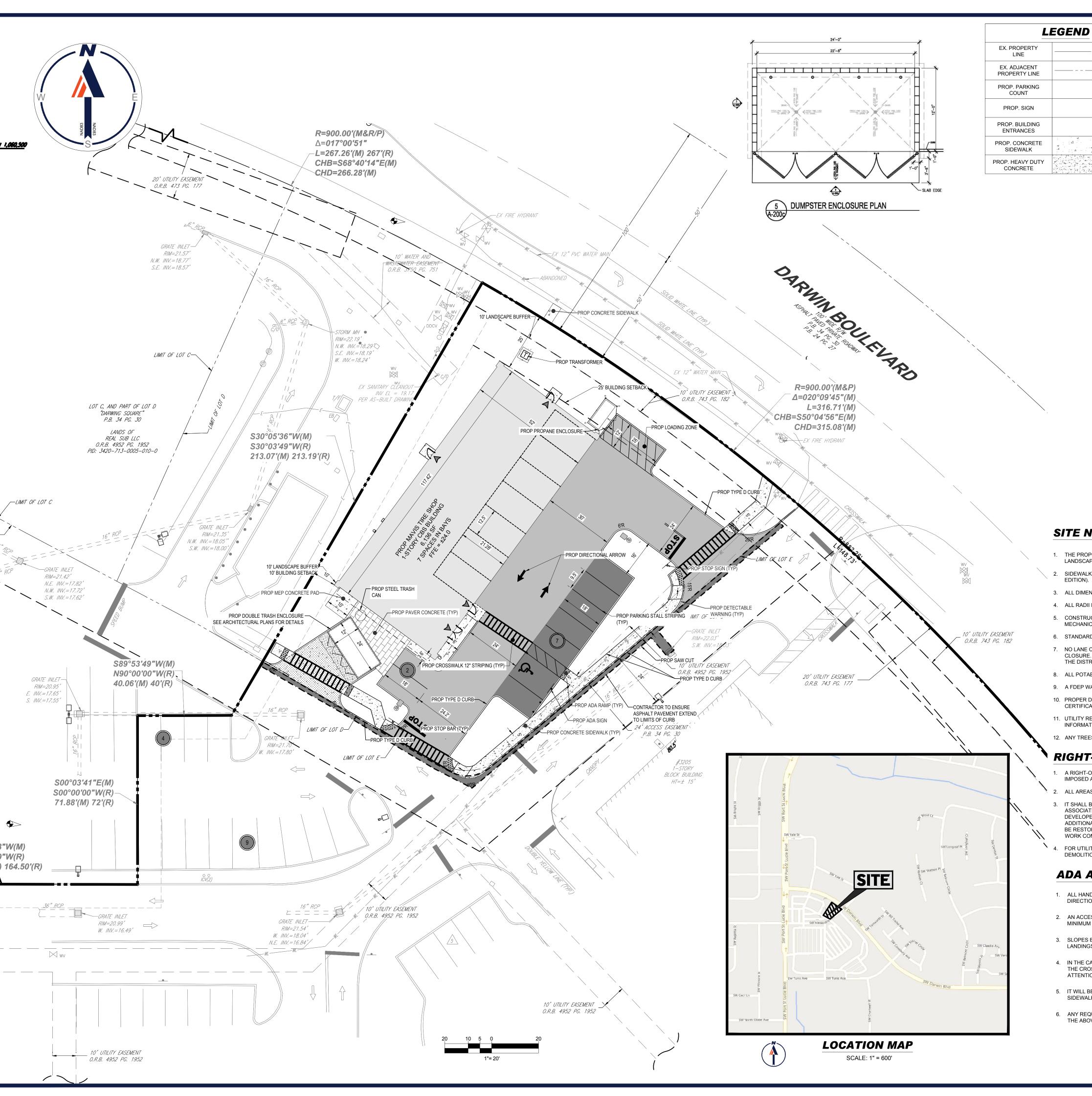
'he Applicant should complete the Project Information, Applicant Checklist and Applicant Certification. Use the following to

lete the checklist: $\sqrt{} = Provided$ $X = Incomplete or Missing NA = Not \ Applicable$	Su	ıfficie	ıt
Estas Bruided	P&Z	Eng.	Utility
Description of them Provided	1		_
Sufficiency Checklist: One original completed and signed by applicant.			
2 CD's with all application materials			
Cover Letter: Sixteen copies of a typed letter explaining the purpose and history of the application.	4		
Written Response to Comments: Sixteen copies. For resubmittals only.			_
Completed Application: Sixteen copies. Use black ink or type to fill out completely and legibly.			_
Owner's Authorization: Sixteen copies of authorization on Owner's letterhead.			_
Application Fees: Refer to each department's fee schedule.			2 -
Proof of Ownership:			
Three copies of the recorded deed(s) for each parcel with the exact same name for each parcel or			
Unity of Title			
PUD/MPUD Document and Concept Plan (Sections 158.170 – 158.175 of the Zoning Code):			100
Sixteen sets of 11" x 17" concept plans			
Show traffic access points			
Show drainage discharge locations	· William		
Show proposed water and sewer connection points			
Evidence of unified control and binding PUD agreement		1	
Density statement			
Proposed zoning district regulations			
LMD Rezoning and Concept Plan (Section 158.155(M) of the Zoning Code):		The state of	B
Sixteen sets of 11" x 17" concept plans			
Show traffic access points			
Show drainage discharge locations	lisail		100
Show proposed water and sewer connection points			
Evidence of unified control and development agreement			
Preliminary building elevations		10	100
Landscape Plan			
SEU Concept Plan:			
Sixteen sets of 11" x 17" plans – either approved site plan or proposed concept plan		- 177	



CONCEPT PLAN SUFFICIENCY CHECKLIST Revised September, 2013

Project Name: Mavis: Darwin	Square				
Project Number: P N	New Submittal_	Χ	or	Resubmittal	(Check One)
App	plicant Certificat	ion			
I, Andrew Savage information checked above has been provided to the checklist is used to determine if the submittal is complete further understand that review of the submittal content exempt a project from being tabled or denied at the Site (Signature of Applicant)	e City of Port St lete so that the pr its will not be ma te Plan Review C	Lucie roject ca de at the ommitte	for 1 an be is tin	he subject project added to the Some and that a su	ite Plan Review Agenda. I
Planning and Zo	oning Departmen	t Repre	senta	ıtive	
I,	Non-Sufficient	based	upo	n my review o	
(Signature of Planning and Zoning Department Repre					(Date)
Engineering	Department Rep	presente	ative		
I,	(Clearly print of Non-Sufficient	based	nam upor	e), as a represe n my review o	entative of the Engineering on (date).
(Signature of Engineering Department Representative					(Date)
Utiliti	es System Depar	tment			
I,(Department, find that this submittal is Sufficient / Additional Comments:	Clearly print or Non-Sufficient	type na. based	me), upo	as a representa n my review o	tive of the Utilities System on (date)
(Signature of Utility System Department Representative	e)				(Date)



SITE DATA TABLE CITY OF PORT ST. LUCIE

GENERAL COMMERCIAL

GENERAL AUTOMOTIVE REPAIR

GENERAL COMMERCIAL

FLOOD ZONE X 17.55 AC (764,304)

6,136 SF

PARKING RATIO (SPACES PER

SERVICE BAY)

3.00

4.14

PROVIDED: 1 SPACES

JURISDICTION **CURRENT ZONING** PROPOSED USE FUTURE LAND USE FEMA FLOOD DESIGNATION GROSS SITE AREA (LOTS C,D,&E) TOTAL PROPOSED BUILDING AREA

MAX. ALLOWED BUILDING HEIGHT PROPOSED BUILDING HEIGHT

24.3' MINIMUM PROVIDED OPEN SPACE 15.00% (3,686 SF) (.08 AC) 32.22%(7,918 SF)(.18 AC) **BUILDING COVERAGE** MAXIMUM PROVIDED 40%(9,828 SF)(0..22 AC) 25%(6,136 SF)(0.14 AC) SITE AREA BREAKDOWN IMPERVIOUS AREA: **EXISTING** PROPOSED 0 SF (0.00 AC) ±16,652 (0.38 AC) PERVIOUS AREA: **EXISTING** PROPOSED ±24,570 (0.56 AC) ±7,918 SF (0.18 AC)

SETBACKS

REQUIRED PER CODE **PROVIDED BUILDING SETBACKS** FRONT (SOUTHEAST) SETBACK 50.8' SIDE 1 (DARWIN BLVD) SETBACK 25.0' SIDE 2 (SOUTHWEST) SETBACK 10.0' 37.4' REAR SETBACK LANDSCAPE BUFFER REQUIRED PER CODE **PROVIDED** FRONT (SOUTHEAST) BUFFER N/A SIDE 1 (DARWIN BLVD) BUFFER 10.3' SIDE 2 (SOUTHWEST) BUFFER N/A PARKING

NUMBER OF PARKING

SPACES

7 BAYS X 3 SPACES = 21

SPACES

29 SPACES (*INCLUDES 7

SPACES IN SERVICE BAYS)

REQUIRED: 1 SPACES

SITE NOTES:

- 1. THE PROPOSED ACTIVITIES SHALL COMPLY WITH CITY OF PORT ST. LUCIE DEVELOPMENT REGULATIONS (LATEST EDITION) INCLUDING THE TREE AND LANDSCAPE CODE, STORM WATER MANAGEMENT REGULATIONS, AND FIRE CODES AT THE TIME OF PERMITTING.
- SIDEWALKS TO BE PROVIDED AND BUILT IN ACCORDANCE WITH F.D.O.T. AND CITY OF PORT ST. LUCIE LAND DEVELOPMENT REGULATIONS (LATEST EDITION). ALL PROPOSED SIDEWALKS SHALL MEET ADA REQUIREMENTS.
- 3. ALL DIMENSIONS ARE SHOWN AT FACE OF CURB, UNLESS OTHERWISE NOTED. B/C INDICATES DIMENSION IS TO BACK OF CURB.

PARKING REQUIRED: 3 SPACES PER

BAY + 1 SPACE CREDIT PER

SERVICE BAY

ADA SPACES

REQUIRED PARKING

PROVIDED PARKING

- 4. ALL RADII DIMENSIONS ARE 3' AT THE FACE OF CURB UNLESS OTHERWISE NOTED.
- 5. CONSTRUCTION PLAN APPROVAL DOES NOT EXEMPT THE CONTRACTOR FROM OBTAINING THE REQUIRED BUILDING, ELECTRICAL, PLUMBING AND MECHANICAL PERMITS. THESE INCLUDE BUT ARE NOT LIMITED TO ANY STRUCTURE, SIGN, WALL, ENCLOSURE, OR SCREENING, ETC
- 6. STANDARD INDICES REFER TO THE LATEST VERSION OF F.D.O.T. "STANDARD PLANS FOR ROADWAY AND BRIDGE CONSTRUCTION".
- 7. NO LANE CLOSURES ARE ALLOWED BETWEEN 5:00 A.M. AND 7:30 P.M. THE F.D.O.T. RESERVES THE RIGHT TO REQUIRE DIFFERENT HOURS OF LANE CLOSURE. ALL LANE CLOSURES MUST BE APPROVED BY THE DEPARTMENT AT LEAST TWO WEEKS PRIOR TO THE LANE CLOSURE IN ACCORDANCE WITH
- 8. ALL POTABLE WATER AND SANITARY SEWER CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE APPROVED CONSTRUCTION PLAN.
- 9. A FDEP WATER AND WASTEWATER PERMITS MUST BE OBTAINED PRIOR TO BEGINNING CONSTRUCTION.
- 10. PROPER DOCUMENTATION FOR ALL PUBLIC UTILITY EASEMENTS SHALL BE PROVIDED TO THE PROPERTY MANAGEMENT DEPARTMENT PRIOR TO CERTIFICATE OF COMPLETION.
- 11. UTILITY RECORD DRAWINGS ARE REQUIRED PRIOR TO PLACING THIS WATER AND WASTEWATER FACILITIES INTO SERVICE. PLEASE SEE THE ADDITIONAL INFORMATION SECTION FOR INSTRUCTIONS.
- 12. ANY TREES OR SHRUBS PLACED WITHIN WATER, SEWER OR DRAINAGE EASEMENTS SHALL CONFORM TO THE CITY OF PORT ST. LUCIE STANDARD DETAILS.

RIGHT-OF-WAY NOTES:

- 1. A RIGHT-OF -WAY USE PERMIT WILL BE REQUIRED FOR ALL WORK WITHIN THE PUBLIC RIGHT-OF-WAY. SPECIFIC STIPULATIONS OR CONDITIONS WILL BE IMPOSED AT THE TIME OF PERMIT APPLICATION.
- ALL AREAS WITHIN THE COUNTY OR F.D.O.T. RIGHT-OF-WAY DISTURBED THROUGH THE COURSE OF CONSTRUCTION WILL BE RE-GRADED AND SODDED.
- 3. IT SHALL BE THE DEVELOPER'S RESPONSIBILITY TO PROTECT ALL COUNTY OR F.D.O.T. OWNED AND/OR MAINTAINED INFRASTRUCTURE. ANY/ALL COSTS ASSOCIATED WITH ALTERATIONS, RELOCATIONS OR REPAIRS MADE NECESSARY BY THIS DEVELOPMENT SHALL BE BORNE BY EITHER THE OWNER, DEVELOPER AND/OR CONTRACTOR. SPLICES IN THE FIBER OPTIC CABLE, SIGNALIZATION OR ROADWAY LIGHTING CONDUCTORS OR THE ADDITION OF ADDITIONAL PULL/JUNCTION BOXES WILL NOT BE PERMITTED. IN THE EVENT A CABLE IS CUT, DAMAGED OR REQUIRES RELOCATION, THE CABLE(S) SHALL BE RESTORED BACK TO THE ORIGINAL CONFIGURATION. ORIGINAL CONFIGURATION IS DEFINED AS SYSTEM STATUS, LAYOUT AND DESIGN PRIOR TO ANY
- FOR UTILITIES TO BE RELOCATED BY THE UTILITY PROVIDER, CONTRACTOR SHALL COORDINATE DEMOLITION SCHEDULE WITH UTILITY PROVIDERS. DEMOLITION OF SIDEWALKS AND DRIVEWAYS SHALL OCCUR PRIOR TO UTILITY RELOCATIONS.

ADA ACCESSIBILITY NOTES:

- 1. ALL HANDICAPPED PARKING SPACES AND ACCESS AISLES ADJACENT TO THE HANDICAP PARKING SPACES SHALL HAVE A MAXIMUM OF 2% SLOPE IN ALL DIRECTIONS (THIS INCLUDES RUNNING SLOPE AND CROSS SLOPE).
- 2. AN ACCESSIBLE ROUTE FROM THE PUBLIC STREET OR SIDEWALK TO ALL BUILDING ENTRANCES MUST BE PROVIDED. THIS ACCESSIBLE ROUTE SHALL BE A MINIMUM OF 60" WIDE. THE RUNNING SLOPE OF AN ACCESSIBLE ROUTE SHALL NOT EXCEED 5% AND THE CROSS SLOPE SHALL NOT EXCEED 2%.
- 3. SLOPES EXCEEDING 5% BUT LESS THAN 8% WILL REQUIRE A RAMP AND MUST CONFORM TO THE REQUIREMENTS FOR RAMP DESIGN (HANDRAILS, CURBS, LANDINGS). NO RAMP SHALL EXCEED AN 8% RUNNING SLOPE OR 2% CROSS SLOPE.
- 4. IN THE CASE THAT A NEW SIDEWALK WILL BE CONSTRUCTED IN THE RW OF A SITE THE RUNNING SLOPE OF THE SIDEWALK SHALL NOT EXCEED 5% AND THE CROSS SLOPE SHALL NOT EXCEED 2%. THIS STANDARD APPLIES TO CROSS WALKS IN THE DRIVEWAY AS WELL AND WILL REQUIRE SPECIAL ATTENTION DURING STAKING TO MAKE SURE THE 2% CROSS SLOPE IS MET IN THE CROSS WALK.
- 5. IT WILL BE THE RESPONSIBILITY OF THE GENERAL CONTRACTOR TO ENSURE THAT THE HANDICAP PARKING SPACES, ACCESSIBLE ROUTES, AND SIDEWALKS/CROSSWALKS ARE CONSTRUCTED TO MEET ADA REQUIREMENTS.
- 6. ANY REQUIREMENTS LISTED ABOVE THAT CAN NOT BE MET SHALL BE BROUGHT TO THE ENGINEER'S ATTENTION IMMEDIATELY. ANYTHING ₩

THE ABOVE STANDARDS WILL REQUIRE REMOVAL AND REPLACEMENT OF THE NON COMPLIANT AREAS AT THE GENERAL CONTRACTORS COST

PSLUSD # 11-205-00 **PSL PN # P23-238**

REVISIONS

EV	/ DATE COMMENT		DIVAMINI
⊏V	DATE	COMMENT	CHECKED BY
1	02/06/2024	CITY SEU REVS	AO
'	02/00/2024	CITT SLU KLVS	ML
2	03/25/2024	PSLUSD REVS #1	AO
	03/23/2024	T OLOOD NEVO #1	ML

Call before you dig **ALWAYS CALL 811** It's fast. It's free. It's the law.

ISSUED FOR MUNICIPAL & AGENCY REVIEW & APPROVA

THIS DRAWING IS INTENDED FOR MUNICIPAL AND/OR AGENCY EVIEW AND APPROVAL. IT IS NOT INTENDED AS A CONSTRUCTION DOCUMENT UNLESS INDICATED OTHERWISE.

PROJECT No.: DRAWN BY: **CHECKED BY:**

PROJECT:

CAD I.D.:

PROP. SITE PLAN

DOCUMENTS



PROPOSED DEVELOPMENT

3209 SW DARWIN BOULEVARD ST. LUCIE COUNTY PORT ST. LUCIE, FL 34953

1900 NW CORPORATE BOULEVARD SUITE 101E **BOCA RATON, FLORIDA 33431**

Phone: (561) 571-0280 Fax: (561) 571-0281 FLORIDA BUSINESS CERT. OF AUTH. No. 30780

RONALD SAVAGE, PE, ON THE DATE ADJACENT TO THE SEAL. PRINTED COPIES OF THIS DOCUMENT ARE NOT CONSIDERED SIGNED AND SEALED AND THE SIGNATURE MUST BE

SHEET TITLE:

SITE LAYOUT

C-301

REVISION 2 - 03/25/2024

LETTER OF AUTHORIZATION

To Whom It May Concern:

This letter authorizes <u>Bohler Engineering FL, LLC</u> to act on behalf of <u>Mavis Southeast, LLC</u>, in regards to permits and applications for site plan approval through the City of Port St. Lucie, as well as but not limited to all regulatory agencies, departments and governmental agencies of SFWMD and FDOT accessary, for the construction and development of a proposed commercial development, located at SW Darwin Blvd & SW Tunis Ave Port St Lucie, FL 34953.

Signature:

Signature:

Sorbaro

Name (printed)

STATE OF FLORIDA New York
COUNTY OF Westchester

The foregoing instrument was acknowledged before me by means of X physical presence

EVIE THOMPSON
Notary Public - State of New York
NO. 01TH0013091
Qualified in Westchester County
My Commission Expires Sep 5, 2027

Notary Public

Evie Thompson

Print Name

Commission No. 01TH0013091

Expiration Date:____

9/5/2027

MICHELLE R. MILLER, CLERK OF THE CIRCUIT COURT - SAINT LUCIE COUNTY OR BOOK 4952 PAGE 1952, Recorded 02/21/2023 11:07:39 AM Doc FILE # 5157039

Tax: \$253750.00

SPECIAL WARRANTY DEED

This instrument prepared by (and after recording return to):

C. Graham Carothers, Jr., Esq. Trenam Law 200 Central Avenue, Suite 1600 St. Petersburg, FL 33701

Property Appraiser's Parcel Identification Numbers: 3420-713-0005-000/3: 3420-713-0005-010/0

PRISA DARWIN SQUARE, LLC, a Delaware limited liability company, whose address is c/o PGIM Real Estate, 7 Giralda Farms, Madison, New Jersey 07940 ("Grantor"), in consideration of ten dollars (\$10.00) and other valuable considerations received from REAL SUB, LLC, a Florida limited liability company ("Grantee"), whose mailing address is Post Office Box 407, Lakeland, Florida 33802-0407, hereby grants and conveys to Grantee the real property in St. Lucie County, Florida, described on the attached Exhibit A, along with any rights, privileges, hereditaments, appurtenances thereto, including all of Grantor's rights, title and interest, if any, in and to any easements related to such real property (the "Real Property").

This conveyance is made by Grantor and accepted by Grantee subject to the permitted exceptions described on Exhibit B (collectively, the "Permitted Exceptions).

TO HAVE AND TO HOLD the Real Property together with all improvements located thereon all and singular the rights and appurtenances thereto in anywise belonging, subject to the Permitted Exceptions, unto Grantee, its legal representatives, successors and assigns forever.

Grantor as its sole warranty herein, specially warrants to Grantee, its successors and assigns, that it will forever defend title to the Real Property (subject to the Permitted Exceptions) against only those claims of persons claiming title to or asserting claims affecting title to the Real Property, or any part thereof, by, through or under Grantor, but not otherwise.

[Remainder of page intentionally blank]

IN WITNESS WHEREOF, this Deed has been executed by Grantor as of <u>February 17</u>, 2023 to be effective as of <u>February 17</u>, 2023.

GRANTOR:

Signed in the	presence	of:	
Walelle	Char	inell	
Print Name:	Isabe	lle Char	inell
Ryan Killy	,		
Print Name:	Rvan	Kelly	_

PRISA DARWIN SQUARE, LLC, a Delaware limited liability company

By:	PRISA LIFE company, its) L	LC, a Delaware limited liability le member
	Ву:	7	
	Name:	Ю	hs Nevalso
	Title:		R
		17	

[COMPANY SEAL]

STATE OF COCCIO	§
0-0	§
COUNTY OF 6	8

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presence	or 🗆	online	notarization	this	of PRISA IN SQUARE,	day	of 🖹	annain	, 20	23, by
amoff F	Meha	Jso	as P		of PRISA	LHC,	LLC,	a Delaware	limited	liability
company,	the sole	member	r of PRISA D	ARW	'IN SQUARE,	LLC, a	Delawa	are limited li	ability co	mpany,
on behalf	of the lin	nited lia	bility compan	y. Su	ch person 🛂 is	persona	lly knov	vn to me or [∃ has pro	duced a
200000000000000000000000000000000000000		program.	as identificat	ion.					•	



Notary Public
My Commission Expires: 4.8.75
Printed Name: 1. Good 26.

AFTER RECORDING RETURN TO:

C. Graham Carothers, Jr., Esq. Trenam Law 200 Central Avenue, Suite 1600 St. Petersburg, FL 33701

Darwin Square Special Warranty Deed

EXHIBIT A TO SPECIAL WARRANTY DEED

Legal Description of the Real Property

Lots C, D and E of Plat of Darwin Square according to the map or plat thereof, recorded or filed in Plat Book 34, Page 30 and 30A, St. Lucie County, Florida

Together with:

A 24 foot wide easement lying within Tract "B-1" of subdivision entitled Tract "B" Replat as recorded in Plat Book 24 at Page 27 of the public records of St. Lucie County, Florida, being more particularly described as follows:

Commencing at the intersection of the projections of the easterly line of a 100 foot wide right-of-way for Port St. Lucie Boulevard with the southerly line of a 100 foot wide right-of-way for Darwin Boulevard, run thence due south along said easterly right-of-way line of Port St. Lucie Boulevard, a distance of 190.95 feet to the point of beginning of the herein described easement; thence continue due south along said easterly right-of-way of Port St. Lucie Boulevard, a distance of 24.00 feet; thence run due east parallel with the north line of said proposed Lot A as will be shown on the Proposed Plat of Darwin Square, a distance of 174.10 feet to the easterly line of said proposed Lot A, thence run due north, a distance of 6.17 feet to a point of curvature of a curve concave to the east having a radius of 75.00 feet; thence run northerly along said curve through a central angle of 13°45'13", an arc distance of 18.00 feet; thence run due west along the north line of said proposed Lot A, a distance of 176.25 feet to the point of beginning, all lying and being in St. Lucie County, Florida.

EXHIBIT B TO SPECIAL WARRANTY DEED

Permitted Exceptions

- 1. Taxes and assessments for the year 2023 and subsequent years, which are not yet due and payable.
- 2. Restrictions, covenants, conditions, easements and other matters as contained on the Plat of Tract "B" Replat, recorded in Plat Book 24, Page 27, of the Public Records of St. Lucie County, Florida, and shown on the survey prepared by Peter G. Johnson, PSM 5913, on behalf of Blew & Associates, P.A., dated November 8, 2022, last revised January 3, 2023, under Surveyor Job Number: 22-10821, the "Survey".
- 3. Restrictions, covenants, conditions, easements and other matters as contained on the Plat of Darwin Square, recorded in Plat Book 34, Page 30 & 30A, of the Public Records of St. Lucie County, Florida, and shown on the Survey.
- 4. Assignment Agreement recorded August 13, 1985, in Official Records Book 473, Page 1177.
- 5. Grant of Easement by and between General Development Corporation, a Delaware corporation, Grantor, and City of Port St. Lucie, Grantee, recorded January 30, 1987, in Official Records Book 529, Page 2753, and shown on the Survey.
- 6. Lease Agreement by and between Darwin Square Partnership, an Arkansas general partnership, Lessor, and Walgreen Co. an Illinois corporation, Lessee, dated October 19, 1990, as evidenced by that certain Memorandum of Lease recorded November 6, 1990, in Official Records Book 714, Page 2568, as affected by Ratification Agreement recorded in Official Records Book 733 page 1097.
- 7. Developer Sewer and Force main Construction Service Agreement recorded April 15, 1991, in Official Records Book 734, Page 497, as affected by Amendment No. 1 to Utility Service Agreement recorded in Official Records Book 3045 page 2274.
- 8. Easement Deed recorded June 17, 1991, in Official Records Book 743, Page 172, and shown on the Survey.
- 9. Easement Deed recorded June 17, 1991, in Official Records Book 743, Page 177, and shown on the Survey.
- 10. Easement Deed recorded June 17, 1991, in Official Records Book 743, Page 182, and shown on the Survey.
- 11. Revised Shopping Center Easement Agreement recorded August 11, 1995, in Official Records Book 969, Page 1951, and shown on the Survey.
- 12. Shopping Center Easement Agreement recorded December 11, 1997, in Official Records Book 1114, Page 2764, and shown on the Survey.
- 13. Restrictive Covenant recorded December 11, 1997, in Official Records Book 1114, Page 2776.
- 14. Lease Agreement by and between Prisa Darwin Square, LLC, a Delaware limited liability company, Lessor, and Publix Super Markets, Inc., a Florida corporation, Lessee, dated October 20,

- 2008, as evidenced by that certain Memorandum of Lease recorded November 18, 2008, in Official Records Book 3034, Page 42, and shown on the Survey.
- 15. Easement by and between Prisa Darwin Square, LLC, Grantor, and Florida Power and Light Company, Grantee, recorded December 18, 2008, in Official Records Book 3044, Page 746, and shown on the Survey.
- 16. Access & Exclusive Utility Easement by and between Prisa Darwin Square, LLC, Grantor, and City of Port St. Lucie, Grantee, recorded August 7, 2009, in Official Records Book 3115, Page 2174, and shown on the Survey.
- 17. Easement by and between Prisa Darwin Square, LLC, Grantor, and Florida Power and Light Company, Grantee, recorded August 18, 2009, in Official Records Book 3119, Page 1785, and shown on the Survey.
- 18. Access & Exclusive Utility Easement by and between Prisa Darwin Square, LLC, Grantor, and City of Port St. Lucie, Grantee, recorded November 17, 2009, in Official Records Book 3145, Page 2246, and shown on the Survey.
- 19. Access & Exclusive Utility Easement by and between Prisa Darwin Square, LLC, Grantor, and City of Port St. Lucie, Grantee, recorded December 15, 2009, in Official Records Book 3153, Page 2360, and shown on the Survey.
- 20. Access & Exclusive Utility Easement by and between Prisa Darwin Square, LLC, Grantor, and City of Port St. Lucie, Grantee, recorded January 29, 2010, in Official Records Book 3166, Page 1138, and shown on the Survey.
- 21. Access & Exclusive Utility Easement by and between Prisa Darwin Square, LLC, Grantor, and City of Port St. Lucie, Grantee, recorded February 4, 2011, in Official Records Book 3266, Page 2301, and shown on the Survey.
- 22. Easement by and between Prisa Darwin Square, LLC, Grantor, and Florida Power and Light Company, Grantee, recorded February 13, 2015, in Official Records Book 3716, Page 2104, and shown on the Survey.
- 23. Utility Easement by and between Prisa Darwin Square, LLC, Grantor, and City of Port St. Lucie, Grantee, recorded May 27, 2015, in Official Records Book 3750, Page 751, and shown on the Survey.
- 24. Rights of tenants occupying all or part of the insured land under unrecorded leases or rental agreements.
- 25. The following matters shown on the survey prepared by Peter G. Johnson, PSM 5913, on behalf of Blew & Associates, P.A., dated November 8, 2022, last revised January 3, 2023, under Surveyor Job Number: 22-10821:
 - a. 1 story masonry building crosses over easement line at multiple locations.



Darwin Square – Mavis Tire

Special Exception Use Project No. P23-238

Planning and Zoning Board Meeting Francis Forman, Planner II August 6, 2024

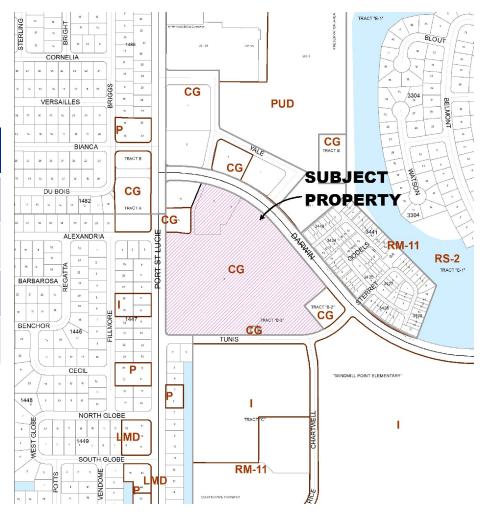
Request Summary

- Agent(s): Andrew Savage, Bohler Engineering FL, LLC
- Owner: Real Sub, LLC
- Location: Located south of SW Darwin Boulevard east of SW Port St. Lucie Boulevard.
- Request: Approval of a Special Exception Use (SEU) to allow a vehicle repair and maintenance facility in the General Commercial (CG) Zoning District, per Section 158.124(C)(10) of the Zoning Code.



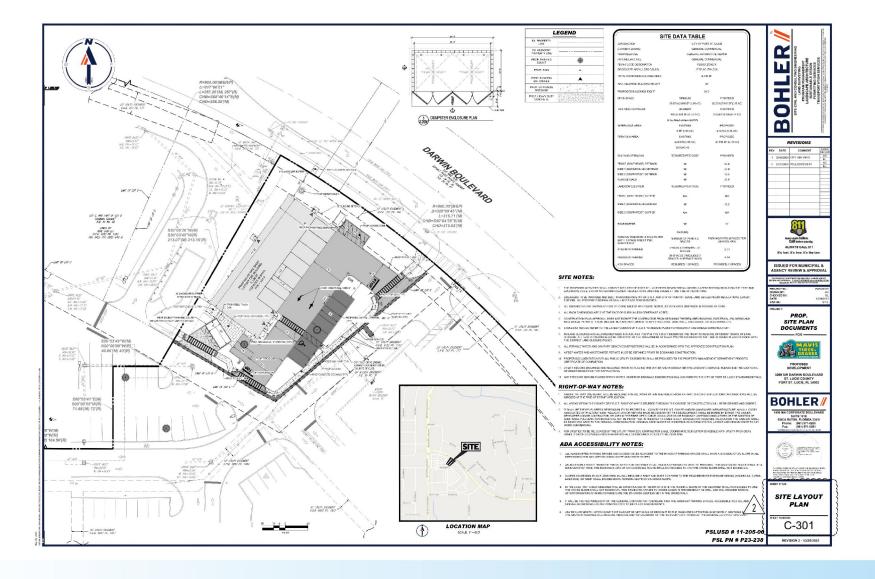
Surrounding Areas

Direction	Future Land Use	Zoning	Existing Use
North	CG	CG	Commercial
South	CG	CG	Commercial
East	CG	CG	Commercial
West	CG	CG	Commercial





Conceptual Site Plan





Evaluation of SEU CRITERIA	<u>FINDINGS</u>
<u>(</u> Section 158.260)	
ADEQUATE INGRESS AND EGRESS (§ 158.260 (A))	Adequate ingress and egress shall exist with regard to automotive and pedestrian safety by means of two compliant driveways, associated crosswalks, and traffic control devices which allow for adequate internal circulation and traffic flow.
ADEQUATE OFF-STREET PARKING AND LOADING AREAS (§ 158.260 (B))	Adequate off-street parking and loading areas are provided without creating undue noise, glare, odor, or other detrimental effects upon adjoining properties. Off-street parking is calculated based upon the provisions identified within Section 158.220(C) of the Zoning Code. The conceptual site plan for Mavis Tires indicates 3 parking space per bay. The overall 6,136 square foot commercial facility with 7 bays is required to have 21 spaces. There are 29 spaces provided, which meets the minimum requirement.
ADEQUATE AND PROPERLY LOCATED UTILITIES (§ 158.260 (C))	Adequate utilities are available to service the proposed development. Port St. Lucie Utilities District will provide utility services to the site. Adequate utilities are available to service the proposed development.
ADEQUATE SCREENING OR BUFFERING (§§ 158.260 (D) (F))	Adequate buffering is being provided for the site. The site is required to have a minimum of a 10' landscape buffer strip along SW Darwin Boulevard.
SIGNAGE AND EXTERIOR LIGHTING (§158.260 (E))	At the time of site plan approval, outdoor lighting shall comply with the requirements of City Zoning Code Section 158.221. Outdoor signage shall comply with Chapter 155's sign code.
COMPATIBILITY WITH SURROUNDING USES (§§ 158.260 (H) (I) (J))	The site is in an area designated for commercial development and is consistent with the adjacent commercial uses.

Planning and Zoning Board Action Options:

- Make a motion to recommend approval to the City Council
- •Make a motion to amend the recommendation and recommend approval
- Make a motion to recommend denial
- •Make a motion to table





City of Port St. Lucie

Agenda Summary

Agenda Date: 8/6/2024 Agenda Item No.: 8.c

Placement: Public Hearing - Quasi Judicial

Action Requested: Motion / Vote

P24-028 Gingerbread Daycare - Special Exception Use

Location: 721 and 731 NW Airoso Blvd.

Legal Description:

The request is for approval of a Special Exception Use (SEU) to allow an enclosed assembly area over 3,000 square feet in the Neighborhood Commercial (CN) zoning district per Section 158.120(C)(1) of the Code of Ordinances.

Submitted By: Cody Sisk, Planner II

Executive Summary: A Special Exception Use (SEU) to allow an enclosed assembly area over 3,000 square feet for a Gingerbread Daycare totaling 6,000 square feet, as per Section 158.120(C)(1) of the City Code, regarding the Neighborhood Commercial (CN) zoning district.

Presentation Information: Staff will provide a presentation.

Staff Recommendation: Move that the Board recommend approval of the special exception use.

Planning and Zoning Board Action Options:

- 1. Motion to recommend approval to the City Council
- 2. Motion to amend the recommendation and recommend approval to the City Council
- 3. Motion to recommend denial to the City Council

Background: The proposed building will be located to the west of an existing daycare facility. The two buildings will be operated as one business with shared parking, ingress and egress, and a dumpster enclosure.

Issues/Analysis: 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) of the City's Zoning Code. The applicant's response to the criteria and Staff's review are provided in the staff report.

Special Consideration: The proposed conceptual site plan provides shared parking, ingress and egress, and a dumpster enclosure between the proposed building and the existing daycare located to the east. The applicant will be required to provide an agreement for shared parking, ingress and egress, and access to the dumpster enclosure in conjunction with site plan approval.

Location of Project: 721 and 731 NW Airoso Blvd.

Agenda Date: 8/6/2024 Agenda Item No.: 8.c

Attachments:

- 1. Staff Report
- 2. SEU Criteria Responses
- 3. Conceptual Site Plan
- 4. Agent Authorization Letter
- 5. Warranty Deed
- 6. Staff Presentation



Gingerbread Lane Daycare Special Exception Use P24-028



Project Location Map

SUMMARY

Applicant's Request:	The request is for approval of a Special Exception Use (SEU) to allow an enclosed assembly area over 3,000 square feet in the Neighborhood Commercial (CN) zoning district per Section 158.120(C)(1) of the Code of Ordinances.
Agent:	Thomas DeGrace, PE, Culpepper & Terpening, Inc.
Applicant/Property Owner:	H. Andrew Development 3, LLC
Location:	Located north of NW Airoso Boulevard and west of St.
	James Drive.
Project Planner:	Cody Sisk, Planner II

Project Description

The City of Port St. Lucie has received a request H. Andrew Development 3, LLC, the property owner, seeking a Special Exception Use (SEU) to accommodate an enclosed assembly area exceeding 3,000 square feet (6,302) for a Daycare Center within the existing vacant site, pursuant to Section 158.120(C)(1) of the Neighborhood Commercial (CN) zoning district. To the east is an existing daycare facility, project P07-335, with a total of 2,338 square feet. The proposed building is an expansion of the existing daycare business.

The proposed conceptual site plan provides shared parking, ingress and egress, and a dumpster enclosure between the two sites. The overall 8,640 square foot of daycare uses are required to have a total of 29 parking spaces at one parking space per 300 square feet of gross floor area. There are 29 spaces provided on the conceptual plan, which meets the minimum requirement. There will be two separate site plans for the existing and proposed buildings, therefore the approved site plan, project P07-335, will be required to be amended to match the proposed site conditions. The applicant will also be required to provide an agreement for shared parking, ingress and egress, and access to the dumpster enclosure. This will allow both daycare buildings to operate and meet the City Code requirements.

The proposed special exception seeks to facilitate the operation of a daycare center, aligning with the zoning code's provisions necessitating review and approval by the City Council for enclosed assembly areas exceeding 3,000 square feet.

Previous Actions

N/A

Public Notice Requirements

Notice of this request for a Special Exception Use was mailed on July 25, 2024, to owners of property within a 750-foot radius of the subject property.

Location and Site Information

Parcel Number:	3420-620-1457-000-8; 3420-620-1458-000-5		
Property Size:	0.57 acres		
Legal Description:	Lot 44 And Lot 45, Block 55, Port St. Lucie Section Twenty		
	Five, According To The Map Or Plat Thereof, As Recorded In		
	Plat Book 13, Page(S) 32, of The Public Records of St. Lucie		
	County, Florida.		
Future Land Use:	CL (Low Commercial)		
Existing Zoning:	CN (Neighborhood Commercial)		
Existing Use:	Vacant Lot and Existing Daycare		

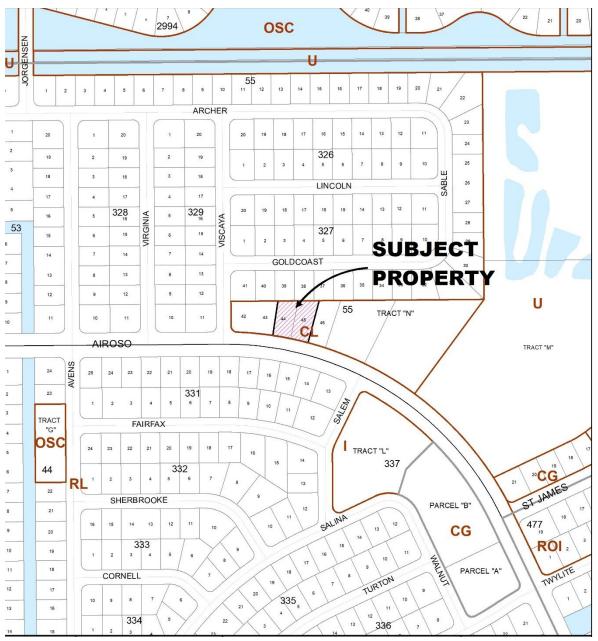
Surrounding Uses

Direction	Future Land Use	Zoning	Existing Use
North	RL	RS-2	Single Family Residential
South	RL	RS-2	Single Family Residential
East	CL	CN	Daycare
West	CL	CN	Retail and Restaurant

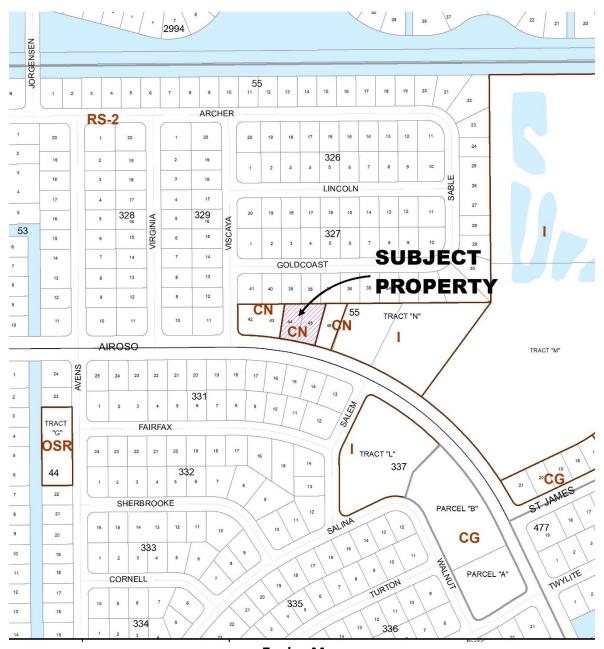
RL – Low Density Residential, CL - Low Density Commercial, RS-2 – Single Family Residential, CN – Neighborhood Commercial



Location Map



Land Use Map



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.
 - Applicant's Response: As part of the project site development, one new driveway access will be
 added that afford a looping opportunity for this expanded use. The establishment of a looping
 network through this site will facilitate a safer travel flow through the project site.
 - Staff findings: The property is located within a vacant property, which at the time of site plan approval the site will have adequate ingress and egress for vehicles and pedestrian circulation. The Gingerbread Lane Daycare is located on NW Airoso Boulevard and one ingress and one egress, and cross-connections, which allows for adequate internal circulation and traffic flow. An existing entrance and sidewalk access are established to the parking lot from the daycare on the east side of the building.
- (B) Adequate off-street parking and loading areas may be provided, without creating undue noise, glare, odor, or other detrimental effects upon adjoining properties.
 - Applicant's Response: All required onsite parking will be compliant with applicable city codes.
 Refer to project site plan.
 - Staff findings: Adequate off-street parking will be provided without creating undue noise, glare, odor, or other detrimental effects upon adjoining properties. Off-street parking is calculated based upon the provisions identified within Section 158.220(C) of the Zoning Code. The proposed conceptual site plan for Gingerbread Daycare indicates 1 parking space per 300 square feet of gross floor area. The 6,302 proposed and 2,338 existing square foot, daycare center is required to have 29 spaces. There are 29 spaces provided, which meets the minimum requirement. An agreement for shared ingress/egress, parking and use of the dumpster enclosure shall be required in conjunction with site plan approval.
- (C) Adequate and properly located utilities are available or may be reasonably provided to serve the proposed development.
 - Applicant's Response: Water and sewer services are available to the project site.
 - <u>Staff findings:</u> The Port St. Lucie Utility Systems Department (PSLUSD) currently provides utility services to the site. Adequate utilities are available to service the proposed 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.
 - Applicant's Response: Refer to the attached project landscape plans. Full perimeter screening has been provided as required by code.

- <u>Staff findings:</u> Adequate buffering is being provided surrounding the site. The site is required to have a minimum of a 10' landscape buffer strip surrounding the site. The north property line will be required to have a landscape buffer wall because there are residential uses to the north of the daycare use.
- (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.
 - Applicant's Response: Final signage placements will be in accord with applicable City standards.
 - <u>Staff findings:</u> Outdoor lighting will comply with the requirements of City Zoning Code Section 158.221. Any outdoor signs shall comply with the Chapter 155 Sign Code. The site is undeveloped; therefore, the request will not change any existing requirements pertaining to exterior lighting and signage. Any future individual tenant sign shall be permitted through a separate application.
- (F) Yards and open spaces will be adequate to properly serve the proposed development and to ensure compatibility with adjoining properties to eliminate or minimize any undue glare.
 - Applicant's Response: Refer to project landscape plans, for planting details (preliminary).
 Compliance with all applicable City standards shall be maintained for the term of this proposed special exception use.
 - <u>Staff findings:</u> The yards will be adequate to properly serve the proposed development and will be compatible with the adjacent lots.
- (G) The use as proposed will be in conformance with all stated provisions and requirements of this chapter.
 - <u>Applicant's Response</u>: Yes, the use as proposed will be in conformance with all stated provisions and requirements of this chapter.
 - <u>Staff findings:</u> The proposed use is a special exception as defined by Section 158.120(C)(1) Commercial General (CN) zoning district when over 3,000 square feet and shall conform to all
 provisions of the Zoning Code.
- (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.
 - Applicant's Response: The proposed use, a child daycare center, upon the particular property involved will not impair the health, safety, welfare, or convenience of residents and workers in the City.
 - <u>Staff findings:</u> By adhering to City Code and regulations, the establishment and operation of the
 proposed uses are not anticipated to impair the health, safety, or convenience of residents and
 workers in the City.
- (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.
 - <u>Applicant's Response:</u> We believe that the proposed use of the property as a child day care center 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.

- <u>Staff findings:</u> The facility is not expected to generate noise that would constitute a nuisance. The
 subject property is situated within an established commercial retail environment and the day-today activities occur indoors.
- (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.
 - <u>Applicant's Response:</u> There is an existing childcare center on the overall property that the applicant owns, and this application represents an expansion of those activities.
 - <u>Staff findings:</u> The proposed use is not expected to adversely impact surrounding properties. The facility is in an area designated for commercial development. The site will be developed, and the required landscape buffers have been installed.
- (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 the neighborhood.
 - Applicant's Response: N/A
 - Staff findings: Acknowledged.
- (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.
 - Applicant's Response: Acknowledged.
 - <u>Staff findings:</u> Acknowledged.

PLANNING AND ZONING BOARD ACTION OPTIONS

If the Board finds that the special exception use application is consistent with the criteria as listed in Section 158.260 (A) through (L) of the City code, then the Board may:

- Motion to recommend approval to the City Council
- Motion to amend the recommendation and recommend approval to the City Council

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.

ARTICLE XIII. - SPECIAL EXCEPTIONS

Sec. 158.260. - Requirements and Approval.

Approval of a special exception application shall be granted by the City Council only upon a finding that:

(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.

As part of the project site development, one new driveway access will eb added that afford a looping opportunity for this expanded use. The establishment of a looping network through this site will facilitate a safer travel flow through the project site.

(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.

All required onsite parking will be compliant with applicable city codes. Refer to project site plan.

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

Water and sewer services are available to the project site.

(D) Adequate screening or buffering. Additional buffering beyond that which is required by the code may be required in order to protect and provide compatibility with adjoining properties.

Refer to the attached project landscape plans. Full perimeter screening has been provided as required by code.

(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.

Final signage placements will be in accord with applicable City standards.

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

Refer to project landscape plans, for planting details (preliminary). Compliance with all applicable City standards shall be maintained for the term of this proposed special exception use.

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

Yes, the use as proposed will be in conformance with all stated provisions and requirements of this chapter.

(H) Establishment and operation of the proposed use upon the particular property involved will not impair the health, safety, welfare, or convenience of residents and workers in the City.

The proposed use, a child daycare center, upon the particular property involved will not impair the health, safety, welfare, or convenience of residents and workers in the City.

(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.

We believe that the proposed use of the property as a child day care center 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.

(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.

There is an existing child care center on the overall property that the applicant owns, and this application represents an expansion of those activities.

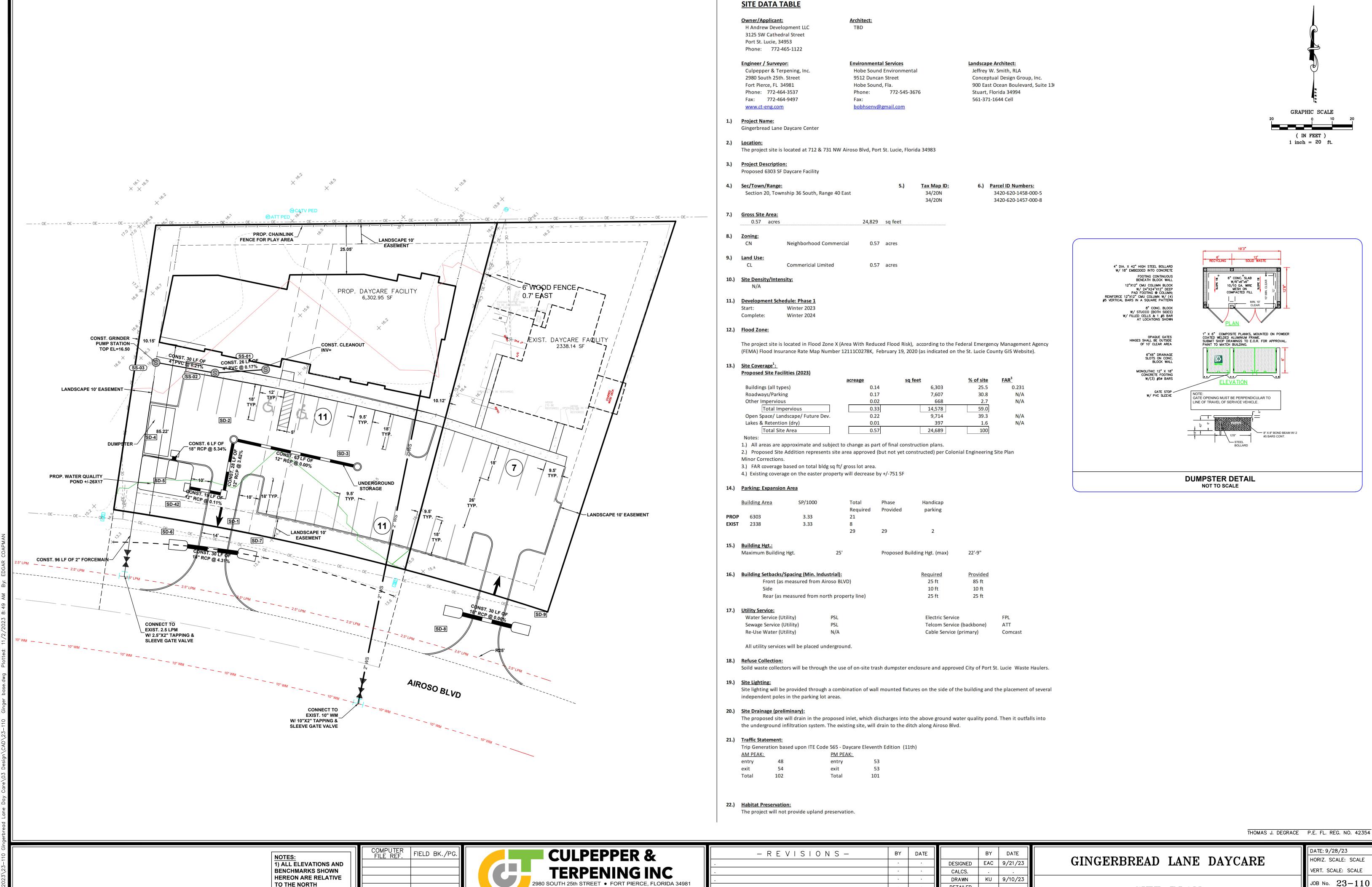
(K) As an alternative to reducing the scale and/or magnitude of the project as stipulated in criteria above, the City may deny the request for the proposed use if the use is considered incompatible, too intensive or intrusive upon the nearby area and would result in excessive disturbance or nuisance from the use altering the character of neighborhood.

Review standard acknowledged.

(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.

This standard is not yet applicable.





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AMERICAN VERTICAL

DATUM (N.A.V.D.) OF 1988.

DETAILED CHECKED

APPROVED

JOB No. 23 - 110SITE PLAN SHEET 1 of 1

H Andrew Development 3 LLC

OWNERS AUTHORIZATION

The undersigned, Marianna Preston, the owners of the property described under Parcel ID
Number 3420-620-1458-000-5, 3420-620-1458-000-8, do herby authorize CULPEPPER & TERPENING, INC.
to submit to the City of Port Saint Lucie ("City") our applications for Site Plan and Site
Development Permitting for the commercial project to be known as Gingerbread Lane 3 Day Care.
Included with this authorization is our acknowledgment that C&T is so authorized to represent this
application before the City (it's Department and Boards) through the site plan and development review
process.

Name:

Owner

Owner

Date: 11/03/2023

MICHELLE R. MILLER, CLERK OF THE CIRCUIT COURT - SAINT LUCIE COUNTY FILE # 4989415 OR BOOK 4767 PAGE 546, Recorded 02/07/2022 08:59:17 AM Doc Tax: \$1820.00

Prepared by and Return To:

Monica Pritchard Fidelity National Title of Florida, Inc., Chelsea Title Division 582 NW University Blvd, Suite 325 Port St. Lucie, FL 34986

Order No.: 61-21-0805

For Documentary Stamp Tax purposes the consideration is \$260,000.00

Doc Stamp: \$1,820.00

APN/Parcel ID(s): 3420-620-1458-000/5

3420-620-1457-000/8

WARRANTY DEED

THIS WARRANTY DEED dated <u>7 Cur. 28, 2072</u>, by Emile Maroun, a married man, hereinafter called the grantor, to H. Andrew Development 3, LLC, a Florida limited liability company, whose post office address is 3125 SW Cathedral Street, Port Saint Lucie, FL 34953, hereinafter called the grantee:

(Wherever used herein the terms "grantor" and "grantee" include all the parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations)

WITNESSETH: That the grantor, for and in consideration of the sum of Ten And No/100 Dollars (\$10.00) and other valuable consideration, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys, and confirms unto the grantee, all the certain land situated in the County of Saint Lucie, State of Florida, to wit:

As to Parcel: 1

Lot 45, Block 55, Port St. Lucie Section Twenty Five, according to the map or plat thereof, as recorded in Plat Book 13, Page(s) 32, of the Public Records of St. Lucie County, Florida.

As to Parcel: 2

Lot 44, Block 55, Port St. Lucie Section Twenty Five, according to the map or plat thereof, as recorded in Plat Book 13, Page(s) 32, of the Public Records of St. Lucie County, Florida.

Subject to easements, restrictions, reservations and limitations of record, if any.

The property being conveyed/mortgaged hereby, is vacant land and, to the best of grantor's knowledge, has never been improved with a structure that could have been utilized as a residence and/or mobile home. The property is not now, nor has it ever been, nor was it ever intended to be the homestead of the grantor, the grantor's spouse, and/or minor children, if any. Nor is it contiguous with or adjacent to such homestead. The grantor's residence is at the street or post office address designated below.

TOGETHER with all the tenements, hereditaments and appurtenances thereto belonging or in any wise appertaining.

Deed (Warranty - Indiv. to Indiv.) FLD1121.doc / Updated: 08.03.21

FL-CT-FMOC-02325.179161-61-21-0805

WARRANTY DEED

(continued)

TO HAVE AND TO HOLD the same in Fee Simple forever.

AND the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances, except taxes accruing subsequent to December 31, 2021.

IN WITNESS WHEREOF, the undersigned have executed this document on the date(s) set forth below.

:
Emile Marven
Address: 10 Thayer Street Methuen, MA 01844
fore me by means of [] physical presence or [] online to me known to be the as identification and who aley acknowledged that he/she/they executed the same.

Deed (Warranty - Indiv. to Indiv.) FLD1121.doc / Updated: 08.03.21

FL-CT-FMOC-02325.179161-61-21-0805



Gingerbread Lane Day Care

Special Exception Use Project No. P24-028

Planning and Zoning Board Meeting Cody Sisk, Planner II August 6, 2024

Request Summary

- Owner/Applicant(s): H. Andrew Development 3, LLC & Thomas DeGrace, PE, Culpepper & Terpening, Inc.
- Location: Located north of the NW Airoso Boulevard and west of St. James Drive.
- Request: Approval of a Special Exception Use (SEU) to allow an enclosed assembly area over 3,000 square feet in the Neighborhood Commercial (NC) zoning district per Section 158.120(C)(1) of the Code of Ordinances.



Project Description

- The proposed conceptual site plan provides shared parking, ingress and egress, and a dumpster enclosure between the two sites.
- The overall 8,640 square foot of existing and proposed daycare uses
- Required to have a total of 29 parking spaces at one parking space per 300 square feet of gross floor area.



Surrounding Areas

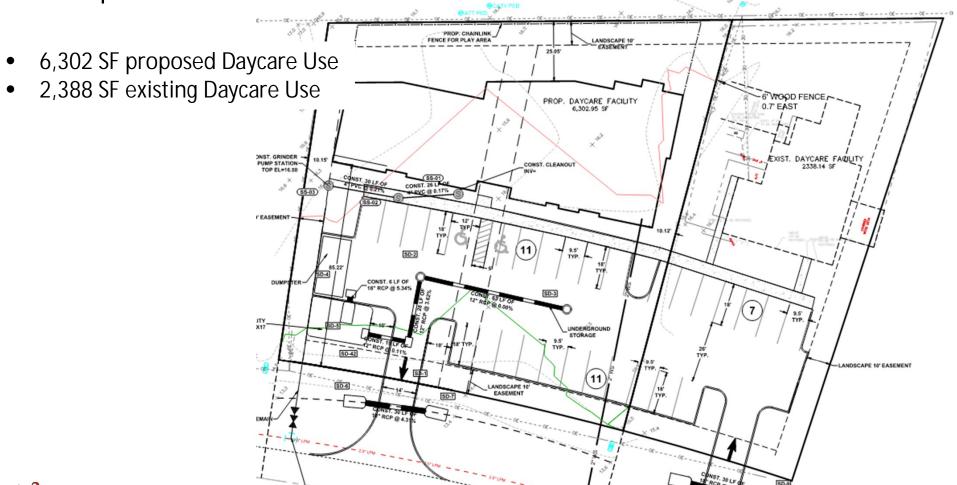
Direction	Future Land Use	Zoning	Existing Use
North	RL	RS-2	Single Family Residential
South	RL	RS-2	Single Family Residential
East	CL	CN	Daycare
West	CL	CN	Retail and Restaurant





Conceptual Site Plan

PORT ST. LUCIE



Evaluation of SEU CRITERIA (Section 158.260)	<u>FINDINGS</u>
ADEQUATE INGRESS AND EGRESS (§ 158.260 (A))	The property is located within a vacant property, which at the time of site plan approval the site will have adequate ingress and egress for vehicles and pedestrian circulation. The Gingerbread Lane Daycare is located on NW Airoso Boulevard and one ingress and one egress, and cross-connections, which allows for adequate internal circulation and traffic flow. An existing entrance and sidewalk access are established to the parking lot from the daycare on the east side of the building.
ADEQUATE OFF-STREET PARKING AND LOADING AREAS (§ 158.260 (B))	Adequate off-street parking will be provided without creating undue noise, glare, odor, or other detrimental effects upon adjoining properties. Off-street parking is calculated based upon the provisions identified within Section 158.220(C) of the Zoning Code. The proposed conceptual site plan for Gingerbread Daycare indicates 1 parking space per 300 square feet of gross floor area. The 6,302 proposed and 2,338 existing square foot, daycare center is required to have 29 spaces. There are 29 spaces provided, which meets the minimum requirement. An agreement for shared ingress/egress, parking and use of the dumpster enclosure shall be required in conjunction with site plan approval.
ADEQUATE AND PROPERLY LOCATED UTILITIES (§ 158.260 (C))	Adequate utilities are available to service the proposed development. Port St. Lucie Utilities District will provide utility services to the site. Adequate utilities are available to service the proposed development.
ADEQUATE SCREENING OR BUFFERING (§§ 158.260 (D) (F))	Adequate buffering is being provided surrounding the site. The site is required to have a minimum of a 10' landscape buffer strip surrounding the site. The north property line will be required to have a landscape buffer wall because there is residential uses to the north.
SIGNAGE AND EXTERIOR LIGHTING (§158.260 (E))	At the time of site plan approval, outdoor lighting shall comply with the requirements of City Zoning Code Section 158.221. Outdoor signage shall comply with Chapter 155's sign code.
COMPATIBILITY WITH SURROUNDING USES (§§ 158.260 (H) (I) (J))	The site is in an area designated for commercial development and is consistent with the adjacent commercial uses.

Planning and Zoning Board Action Options:

- Make a motion to recommend approval to the City Council
- •Make a motion to amend the recommendation and recommend approval
- Make a motion to recommend denial
- •Make a motion to table





City of Port St. Lucie

Agenda Summary

Agenda Date: 8/6/2024 Agenda Item No.: 8.d

Placement: Public Hearing - Quasi Judicial

Action Requested: Motion / Vote

P24-044 7 Brew Drive - Thru Coffee - Variance

Location: The address is 1907 SW Gatlin Blvd.

Legal Description: Port St Lucie Section 31, Block 1704, Lots 25, 26, and 27.

This is a request for a variance of 122 square feet to allow a 778 square foot building and a variance of eight

(8) feet to allow a building height of fourteen (14) feet for a proposed drive-through restaurant.

Submitted By: Bethany Grubbs, Planner III.

Executive Summary: The applicant is requesting two (2) variances, a variance of 122-square feet to allow a 778 -square foot building and a variance of eight (8) feet to allow a building height of fourteen (14) feet for a proposed commercial building. Per Section 158.124(H) Minimum Building Size Requirements of the Zoning Code, drive-through restaurants shall be a minimum of nine hundred (900) square feet. As per section 5.3.1 Building Wall Height of the Citywide Design Standards for commercial buildings, the façade of a building that faces an arterial or collector road or Interstate highway shall have a minimum building wall height of twentytwo (22) feet, exclusive of sloped roof height, for at least 60% of the length of the building.

Presentation Information: A presentation will be given.

Staff Recommendation: Move that the Board review the variance application and vote to approve, approve with conditions, or deny the variances request.

Background: A special exception use application (P24-043) has been filed to allow a permitted principle use or structure which includes drive-through service.

Issues/Analysis: An application for a variance is reviewed for consistency with Article XV of the Zoning Code, Sections 158.295 through 158.299. The applicant's responses to the variance criteria and the staff's findings are presented in the staff report.

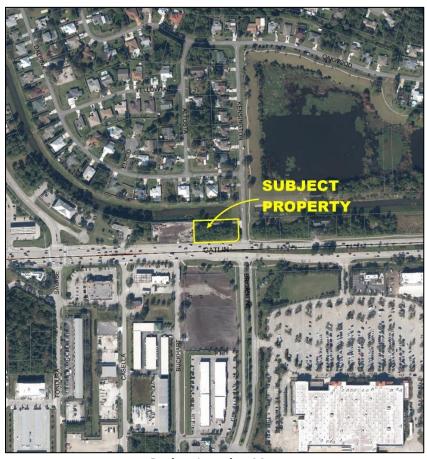
Special Consideration: N/A.

Location of Project: 1907 SW Gatlin Blvd.

Attachments: 1. Staff report, 2. Survey, 3. Application & response to variance criteria, 4. Floor plan & Elevations, 5. Deed, 6. Agent authorization, 7. Staff presentation.



7 Brew Drive-Thru Coffee Variance Project No. P24-044



Project Location Map

Applicant's Request:	A variance to deviate from the requirements of Section 158.124(H) -	
	Minimum Building Size of the Zoning Code and Section 5.3.1 - Building Wall	
	Height of the Citywide Design Standards for commercial buildings.	
Application Type:	Variance, Quasi-Judicial	
Applicant:	Zach Middlebrooks, Metro Group Development II, LLC	
Property Owner:	Gatlin Blvd Ventures, LLC	
Location:	The address is 1907 SW Gatlin Boulevard, and the property is located	
	northeast of the intersection of SW Gatlin Boulevard and SW Kensington	
	Character	

Bethany Grubbs, Planner III

SUMMARY

Project Planner:

Project Description

The City of Port St. Lucie has received a request from Zach Middlebrooks, Metro Group Development II, LLC, acting as agent for the property owner Gatlin Ventures, LLC, requesting approval of two variances.

- 1.) Per Section 158.124(H) Minimum Building Size of the Zoning Code, drive-through restaurants shall be a minimum of 900 square feet. The applicant is requesting a variance of 122 square feet to allow a 778 square foot building; and
- 2.) Per Section 5.3.1 Building Wall Height of the Citywide Design Standards for commercial buildings, the façade of a building that faces an arterial or collector road or interstate highway shall have a minimum building wall height of 22 feet, exclusive of sloped roof height, for at least 60% of the length of the building. The applicant is requesting a variance of 8 feet to allow a building height of 14 feet.

The subject 0.72-acre property is zoned CG (General Commercial). The address of this property is 1907 SW Gatlin Boulevard and is located northeast of the intersection of SW Gatlin Boulevard and SW Kensington Street.

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 July 25, 2024, and the file was included in the ad for the Planning & Zoning Board's agenda.

Location and Site Information

Parcel Number:	3420-650-0985-000-4		
Property Size:	0.72 acres		
Legal Description:	Port St Lucie Section 31, Block 1704, Lots 25, 26, and 27		
Address:	1907 SW Gatlin Blvd.		
Future Land Use:	CG (General Commercial)		
Existing Zoning:	CG (General Commercial)		
Existing Use:	Vacant		

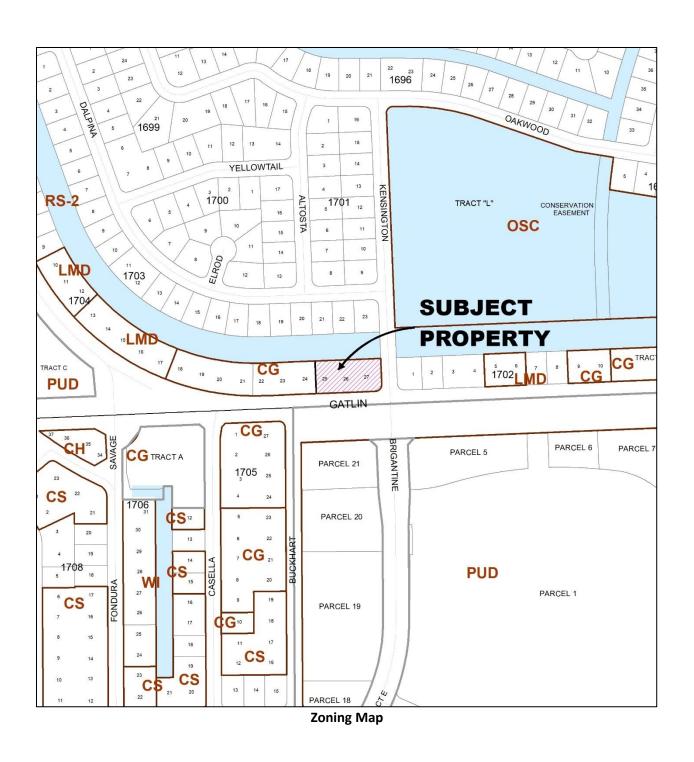
Surrounding Uses

Direction	Future Land Use	Zoning	Existing Use
North	RL	RS-2	Drainage ROW
South	CS/CH	PUD	Retail/Medical Office
East	ROI	RS-2	Vacant
West	CG	CG	Restaurant

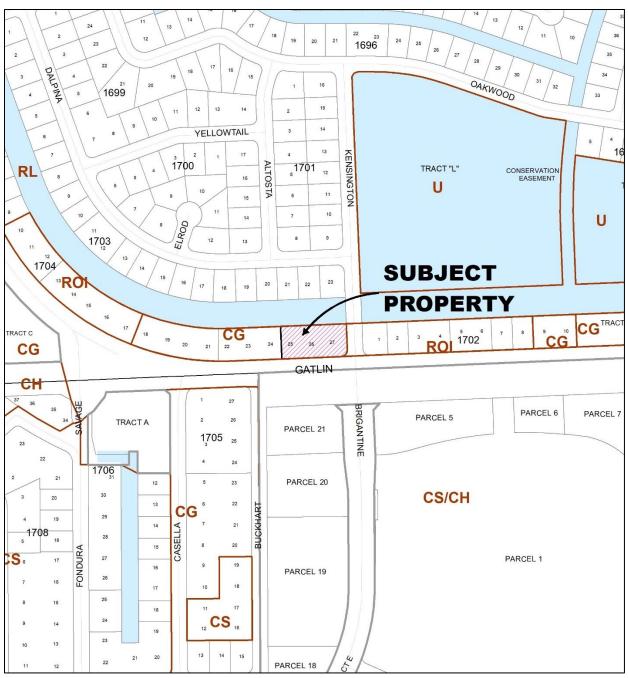
Future Land Use

RL – Low density residential, CS – Service Commercial, CH – Highway Commercial, and ROI – Residential, Office, & Institutional Zoning District

RS-2 – Single-Family Residential, PUD – Planned Unit Development, and CG – General Commercial



Page 3 of 8



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).

- 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.
 - <u>Applicant's Response</u>: Special conditions are particular to the 7 Brew program due to their prefabricated building. The building needs to be of a certain size in order to be shipped to the proposed location. The needs for operations and safety for the use are all housed within the 778-sf building proposed.
 - <u>Staff Findings:</u> Special conditions do not exist which are peculiar to this structure that are not applicable to other structures in this zoning district. Other drive-thru restaurants and commercial entities have successfully developed within the CG zoning district and met the minimum building size, demonstrating that it is feasible to operate under the existing requirements. The proposed development of a prefabricated 778-square-foot building is unique to the company's business model therefore, the company could adapt its plans to align with the established zoning requirements.
- 2) That the special conditions and circumstances do not result from any action of the applicant.
 - Applicant's Response: These conditions and circumstances are the result of the 7 Brew Drive-Thru Coffee operations. The drive-thru only use warrants a smaller building footprint. The smaller footprint maximizes the efficiency of operations of their staff and improves efficiency and circulation of the drive-thru within the site.
 - <u>Staff Findings:</u> Special conditions and circumstances peculiar to the land, structure, or building are the result of actions taken by the applicant. The drive-thru only use warrants a smaller building footprint, which is a specific condition related to the applicant's business model, not a general hardship imposed by the zoning regulations.
- 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 for the reduction in the minimum square footage will not confer special privilege due to 7 Brew. The proposed use does not warrant a larger footprint.
 - <u>Staff Findings:</u> The granting of this variance request will confer a special privilege that is denied by this chapter to other lands in the same zoning district. The proposed development and land are not unique. The property is a standard rectangular lot with

no peculiarities, and the use is a restaurant, which is typical within the CG zoning district.

- 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.
 - <u>Applicant's Response</u>: Section 158.124(H) restricts the minimum building size to 900 sf. The proposed prefabricated building must be of a specific size, in this case 778 sf, for it to be delivered to the proposed project site.
 - <u>Staff Findings:</u> The literal interpretation of the provisions would not deprive the applicant of any rights commonly enjoyed by other property owners in the same zoning district. Other drive-thru restaurants and commercial entities have successfully developed within the CG zoning district, demonstrating that it is feasible to operate under the existing guidelines. Special conditions do not exist which are peculiar to this structure that are not applicable to other structures in this zoning district.

Choosing a prefabricated building is a business decision. The proposed development of a prefabricated 778-square-foot building is unique to the company's business model, rather than a limitation imposed by the zoning regulations. Therefore, the company could adapt its plans to align with the established zoning requirements, as others in the district have done. The literal interpretation of the zoning regulations does not pose a hardship, as the applicant retains the ability to develop the property within the parameters set forth by the zoning code.

- 5) That the variance granted is the minimum variance that will make possible the reasonable use of the land, building, or structure.
 - <u>Applicant's Response</u>: The variance for the reduction of the minimum building size to 778 sf would allow for 7 Brew to reasonable use the land and building for its proposed operations.
 - <u>Staff Findings:</u> The request for this variance is not the minimum variance needed to make possible the reasonable use of the land and to develop the property in any manner. The lot is a typical rectangular lot with no peculiarities that would prevent a development that meets the applicable zoning district requirements such as size, height, setbacks, etc. The applicant has not demonstrated that the existing zoning requirements prevent the reasonable use of the property. Therefore, the request does not fulfill the criteria for the minimum variance necessary for reasonable use of the land.
- 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 of the variance for the reduction of the minimum building size will be in harmony with the general intent and purpose of Section 158.124(H). The smaller building footprint provides all the required systems for operations of the proposed use and is not detrimental to the public welfare.
 - <u>Staff Findings</u>: 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.
 - <u>Applicant's Response</u>: Full compliance with additional conditions and safeguards which the Planning and Zoning or Zoning Administrator prescribed is intended with this development.
 - <u>Staff Findings</u>: Acknowledged.

PLANNING AND ZONING BOARD ACTION OPTIONS

The Board may choose to approve, deny or table the proposed variance(s). If the Board finds that the variance application(s) 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 vote accordingly.

Each variance request requires a separate motion.

Size

- 1.) Per Section 158.124(H) Minimum Building Size of the Zoning Code, drive-through restaurants shall be a minimum of 900 square feet. The applicant is requesting a variance of 122 square feet to allow a 778 square foot building; and
- 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:

Should the Board need further clarification or information from either the applicant and/or staff, 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

Height

2.) Per Section 5.3.1 - Building Wall Height of the Citywide Design Standards for commercial buildings, the façade of a building that faces an arterial or collector road or interstate highway shall have a minimum building wall height of 22 feet, exclusive of sloped roof height, for at least 60% of the length of the building. The applicant is requesting a variance of 8 feet to allow a building height of 14 feet.

- 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).

VARIANCE APPLICATION

CITY OF PORT ST. LUCIE
Planning & Zoning Department
121 SW Port ST. Lucie Blvd.
Port St. Lucie, Florida 34984
(772)871-5213

FOR OFFICE USE ONLY

121 SW Port ST. Lucie Port St. Lucie, Florida 1772)871-5213	e Blvd. Planning Dept
Refer to "Fee Schedo nonrefundable unless Attach two copies of statement addressin	ule" for application fee. Make check payable to the "City of Port St. Lucie. Fee is application is withdrawn prior to advertising for the Planning and Zoning Board meeting. f proof of ownership (e.g.: warranty deed, affidavit), a copy of recent survey and a g each of the attached criteria.
PRIMARY CONTACT	EMAIL ADDRESS: zmiddlebrooks@metrogroupdevelopment.com
PROPERTY OWNER:	
Name:	Yani Enterprises, LLC
Address:	1907 SW Gatlin Blvd., Port Saint Lucie, FL 34953
Telephone No.	
APPLICANT (IF OTH	ER THAN OWNER, ATTACH AUTHORIZATION TO ACT AS AGENT):
Name:	Zach Middlebrooks - MetroGroup Development
Address:	821 Atlanta St, Roswell GA, 30075
Telephone No.	(404) 456-2448 Email zmiddlebrooks@metrogroupdevelopment.com
SUBJECT PROPERT	Y:
Legal Description:	Lots 25, 26, 27, block 1704, Port St. Lucie Section 31, according to the plat thereof, as recorded in plat book 14, containint 0.72 acres, more or less.
Parcel I.D. Number:	3420-650-0985-000-4
Address:	1907 SW Gatlin Blvd., Port St. Lucie, FL 34953
Current Zoning Classi	ification CG - General Commercial
sheet, if necessary):	ted variance and applicable conditions/circumstances justifying request (continue on separate Provide documentation that the attached variance criteria have been met.
Per Section 158.124(H)	the minimum building size is 900-sf. This Variance request approval for a reduction of the proposed
building to a 778-sf build	ling. 7 Brew Drive-Thru Coffee program utilizes a 565-sf pre-fabricated building & 140-sf remote
cooler as their prototype	nationwide. To avoid a freestanding cooler, and to get closer to the minimum code building area, 7
Brew has moved to a int	ternal cooler which results in a 778-sf building area. The 778sf maximizes the interior space for the
functionality of a "drive-t	hru coffee" shop including cooler, employee restroom, (3) drink stations, and large ice bin.
Signature of A	Applicant Hand Print Name Date

NOTE: Signature on this application acknowledges that a certificate of concurrency for adequate public facilities as needed to service this project has not yet been determined. Adequacy of public facility services is not guaranteed at this stage in the development review process. Adequacy for public facilities is determined through certification of concurrency and the issuance of final local development orders as may be necessary for this project to be determined based on the application material submitted.

03/02/20

VARIANCES

§ 158.295 PLANNING AND ZONING BOARD OR ZONING ADMINISTRATOR (DIRECTOR OF PLANNING AND ZONING) TO HEAR VARIANCES; POWERS AND DUTIES OF BOARD AND ZONING ADMINISTRATOR

- (C) Duties of the Zoning Administrator and Planning and Zoning Board in authorizing a variance. The Planning and Zoning Board and Zoning Administrator may authorize the variance from the provisions of this chapter 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. In order to authorize any variance from the terms of this chapter, the Planning and Zoning Board or Zoning Administrator should consider:
 - (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;
 - (2) That the special conditions and circumstances do not result from any action of the applicant;
 - (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;
 - (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;
 - (5) That the variance granted is the minimum variance that will make possible the reasonable use of the land, building, or structure;
 - (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;
 - (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.

VARIANCES

The Planning and Zoning Board and Zoning Administrator may authorize the variance from the provisions of this chapter 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. In order to authorize any variance from the terms of this chapter, the Planning and Zoning Board or Zoning Administrator will consider the variance criteria in § 158.295 (C) 1-7 and consider your responses to the following when making a determination.

(1) Please explain special conditions and circumstances that 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;
Special conditions are particular to the 7 Brew program due to their pre-fabricated building. The building needs
to of a certain size in order to be shipped the proposed location. The needs for operations and safety for the use
are all housed within the 778-sf building proposed.
(2) Please explain if these conditions and circumstances result from actions by the applicant;
These conditions and circumstances are the result of the 7 Brew Drive-Thru Coffee operations. The drive-thru only
use warrants a smaller building footprint. The smaller footprint maximizes the efficiency of operations of their staff and
improves the efficiency and circulation of the drive-thru within the site.
(3) Please explain how granting the variance requested will not confer on the applicant special privilege that is denied by this chapter to other lands, buildings, or structures, in the same zoning district;
Granting the variance for the reduction in the minimum square footage will not confer special privileged due to
7 Brew. The proposed use does not warrant a larger building footprint.
(4) Please explain how a 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;
Section 158.124(H) - restricts the minimum building size to 900sf. The proposed pre-fabricated building must be of a
specific size, in this case 778sf, for it to be delivered to the proposed project site.
(5) Please illustrate and explain if the variance requested is the minimum variance that will make possible the reasonable use of the land, building, or structure;
The variance for the reduction of the minimum building size to 778sf would allow for 7 Brew to resonably use
the land and building for its proposed operations.

(6) Please indicate how granting variance will be in harmony with the general intent and purpose of the chapter and that granting the variance will not be injurious to the area involved or otherwise detrimental to the public welfare;

Granting of the variance for the reduction of the minimum building size will be in harmony with general intent and purpose of Section 158.124 (H). The smaller building footprint provides all the required systems for operations of the proposed use and is not detrimental to the public welfare.

(7) Please indicate 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.

Full compliance with additional conditions and safeguards which the Planning and Zoning or Zoning Administrator as prescribed is intended with this development.

Adultable Planning and Zoning or Zoning Administrator as Date Planning and Zoning or Zoning Administrator as Prescribed is intended with this development.

VARIANCE APPLICATION

CITY OF PORT ST. LUCIE
Planning & Zoning Department
121 SW Port ST. Lucie Blvd. Port St. Lucie, Florida 34984 (772)871-5213

Signature of Applicant

FOR OFFICE USE ONLY

Planning Dept

Receipt #_

Fee (Nonrefundable) \$

nonrefundable unless Attach two copies o	ule" for application fee. Make check payable to the "City of Port St. Lucie. Fee is application is withdrawn prior to advertising for the Planning and Zoning Board meeting. f proof of ownership (e.g.: warranty deed, affidavit), a copy of recent survey and a g each of the attached criteria.
PRIMARY CONTACT	EMAIL ADDRESS: chris.ossa@kimley-horn.com
PROPERTY OWNER	
Name:	Yani Enterprises, LLC
Address:	1907 SW Gatlin Blvd., Port Saint Lucie, FL 34953
Telephone No.	
APPLICANT (IF OTH	ER THAN OWNER, ATTACH AUTHORIZATION TO ACT AS AGENT):
Name:	Chris Ossa, P.E., Kimley - Horn and Associates
Address:	7341 Office Park Place, Suite 102, Melbourne, FL 32940
Telephone No.	(321) 222-6925 Email chris.ossa@kimley-horn.com
SUBJECT PROPERT Legal Description:	Y: Lots 25, 26, 27, block 1704, Port St. Lucie Section 31, according to the plat thereof, as recorded in plat book 14, containing 0.72 acres, more or less.
Parcel I.D. Number:	3420-650-0985-000-4
Address:	1907 SW Gatlin Blvd., Port St. Lucie, FL 34953
Current Zoning Classi	fication CG - General Commercial
Description of request sheet, if necessary):	ed variance and applicable conditions/circumstances justifying request (continue on separate Provide documentation that the attached variance criteria have been met.
Per Sec 5.3.1. of the Cit	y of Port St. Lucie P&Z Citywide Design Standards Review, the facade of a building that faces
an arterial or collector ro	ead or Interstate highway shall have a minimum building wall height of 22 feet, exclusive of
sloped roof height, for a	t least 60% of the length of the building. This Variance requests approval for a reduction of this

NOTE: Signature on this application acknowledges that a certificate of concurrency for adequate public facilities as needed to service this project has not yet been determined. Adequacy of public facility services is not guaranteed at this stage in the development review process. Adequacy for public facilities is determined through certification of concurrency and the issuance of final local development orders as may be necessary for this project to be determined based on the application material submitted. 03/02/20

Chris Ossa, P.E.

height requirement from 22' to 14'-8" for the building façade facing Gatlin Blvd. The proposed 7 Brew Drive-Thru Coffee

Hand Print Name

program utilizes a small 778sf prefabrizated building that will not be able to accommodate a façade height of 22'.

7/11/2024

Date

VARIANCES

§ 158.295 PLANNING AND ZONING BOARD OR ZONING ADMINISTRATOR (DIRECTOR OF PLANNING AND ZONING) TO HEAR VARIANCES; POWERS AND DUTIES OF BOARD AND ZONING ADMINISTRATOR

- (C) Duties of the Zoning Administrator and Planning and Zoning Board in authorizing a variance. The Planning and Zoning Board and Zoning Administrator may authorize the variance from the provisions of this chapter 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. In order to authorize any variance from the terms of this chapter, the Planning and Zoning Board or Zoning Administrator should consider:
 - (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;
 - (2) That the special conditions and circumstances do not result from any action of the applicant;
 - (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;
 - (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;
 - (5) That the variance granted is the minimum variance that will make possible the reasonable use of the land, building, or structure;
 - (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;
 - (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.

VARIANCES

The Planning and Zoning Board and Zoning Administrator may authorize the variance from the provisions of this chapter 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. In order to authorize any variance from the terms of this chapter, the Planning and Zoning Board or Zoning Administrator will consider the variance criteria in § 158.295 (C) 1-7 and consider your responses to the following when making a determination.

(1) Please explain special conditions and circumstances that 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;

The special condition of this project is specific to the 7 Brew use due to the limited building size. The building's design intent is to maximize the interior area for its employees operations within the proposed 778sf building footprint. The building and operations are for employees only with no interior accommodations and/or sales for customers as all transactions are completed via the drive-through. Further, the maximum height of the building is 20'-8" with approximately 50% of the building elevation having a height of 14'-8" both below the required 22'.

(2) Please explain if these conditions and circumstances result from actions by the applicant;

These conditions and circumstances are the result of the 7 Brew Drive-Thru Coffee and its limited footprint building prototype and maximum building height of 20'-8" at the highest point. The design of the building elevation does not allow to accommodate a 22' tall facade wall along the Gatlin Blvd. corridor.

(3) Please explain how granting the variance requested will not confer on the applicant special privilege that is denied by this chapter to other lands, buildings, or structures, in the same zoning district;

Granting the variance for the reduction in the minimum wall height will not confer special privileges to 7 Brew as the proposed use does not warrant a taller building height and this is a specific building prototype specifically catered for the proposed use.

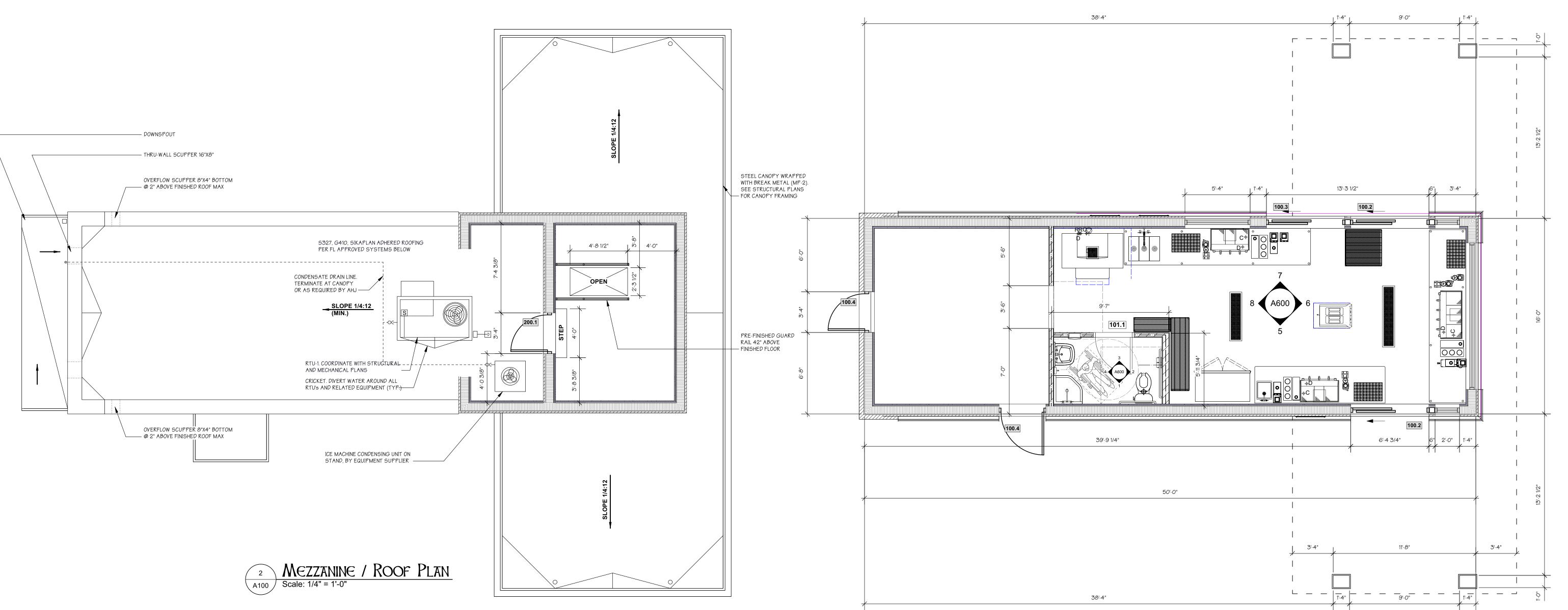
(4) Please explain how a literal interpretation of the provisions of the chapter would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of the chapter and would work unnecessary and undue hardship on the applicant;

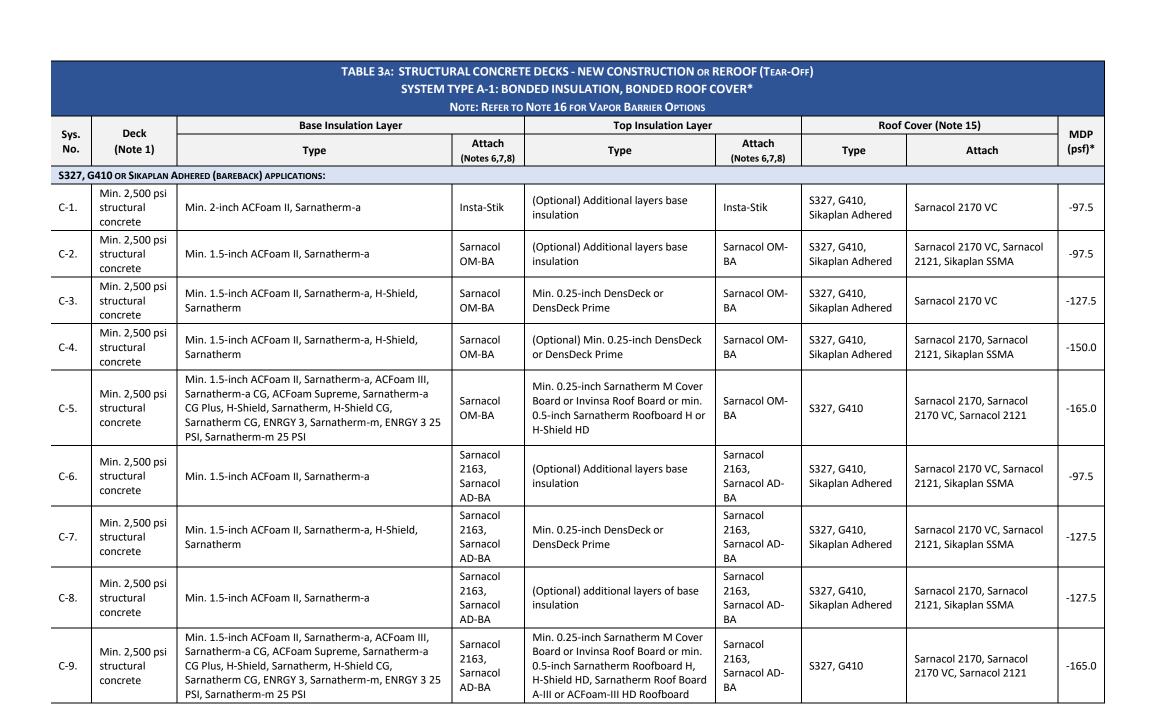
Section 5.3.1. of the Citywide Design Standards - restricts the minimum wall height to 22 ft for at least 60% of the wall facing Gatlin Blvd. The maximum height of the building is lower than the required height of 22ft, to adhere to the code provision would result in unnecessary and significant redesign of the building structural and architectural elements.

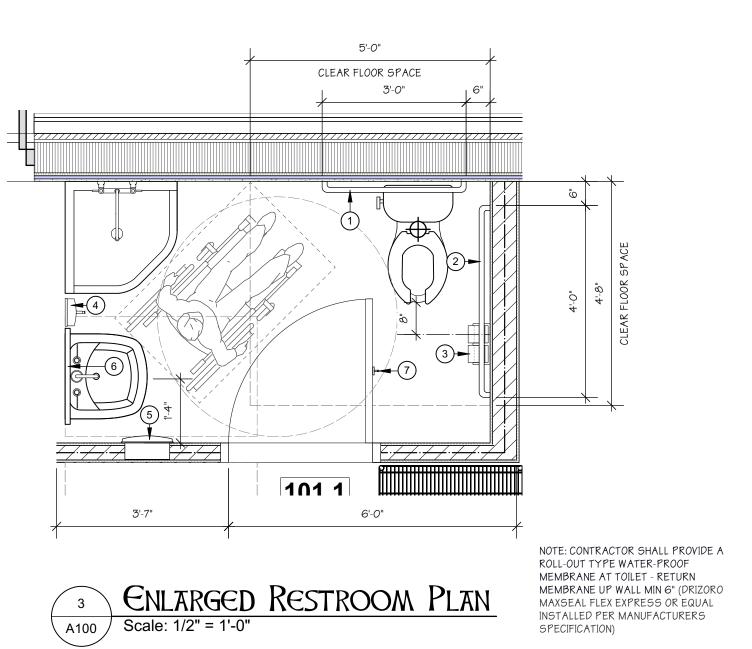
(5) Please illustrate and explain if the variance requested is the minimum variance that will make possible the reasonable use of the land, building, or structure;

The variance is for the reduction of the minimum wall height from 22 feet to 14 feet would allow for the applicant to use the standard pre-fabricated building without unreasonable modification to the existing design.

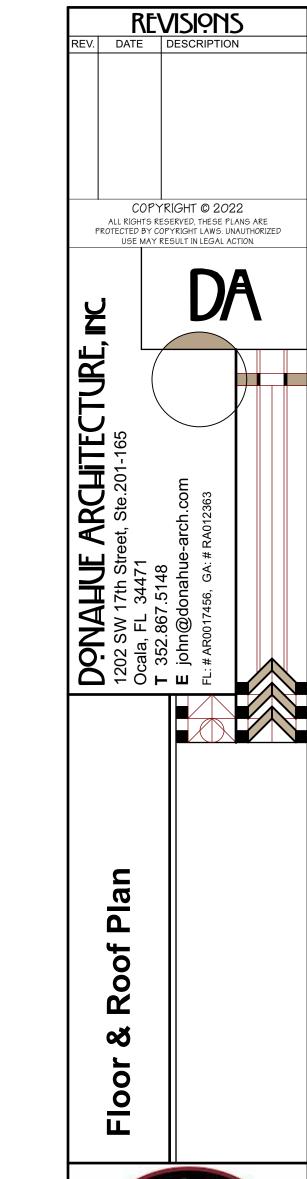
Signature of Applicant	Hand Print Name	Date
	Chris Ossa, P.E.	7/11/2024
prescribed is intended with this developmen	t.	
Full compliance with additional conditions are	nd safeguards which the Planning and Zo	ning or Zoning Administrator as
(7) Please indicate that there will be full of Planning and Zoning Board or Zoning Adlimits within which the action for which va	lministrator may préscribe, including b	ut not limited to reasonable time
than 22 feet tall will not be injurious to the su	urrounding area or detrimental to the publi	c welfare.
purpose of Section 5.3.1. as the building is s	still proportionately tall relative to its size.	The building having walls shorter
Granting of the variance for the reduction of	the minimum building height will be in har	mony with the general intent and
(6) Please indicate how granting variance and that granting the variance will not be welfare;		

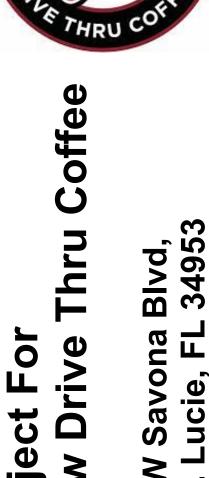






BATHROOM ACCESORIES				
TAG	TYPE	MANUFACTURER	PRODUCT#	DESCRIPTION / NOTES
1	36" GRAB BAR	BOBRICK	B-5806×36	Straight Grab Bar 1-1/2" DIA (mount @ 2'-10" A.F.F.)
2	48" GRAB BARS	BOBRICK	B-5806×48	Straight Grab Bar 1-1/2" DIA (mount @ 2'-10" A.F.F.)
3	TOILET PAPER DISPENSER	BOBRICK	B-27460	Double Roll Toilet Tissue Dispenser (Bottom @ 18" A.F.F.)
4	SOAP DISPENSER	BOBRICK	B-2111	ClassicSeries Surface-Mounted Soap Dispenser (Mount @ 48" Max A.F.F.)
5	PAPER TOWEL DISPENSER	BOBRICK	B-2620	Surface-Mounted Paper Towel Dispenser (Mount @ 48" Max A.F.F.)
6	MIRROR	GAMCO	A-Series	Welded Frame Mirror – 24" x 36" (Bottom @ 40" Max A.F.F.)
7	COAT HOOK	BOBRICK	B-542	Coat Hook – Satin Finish (Mount @ 40" Min / 48" Max A.F.F.)

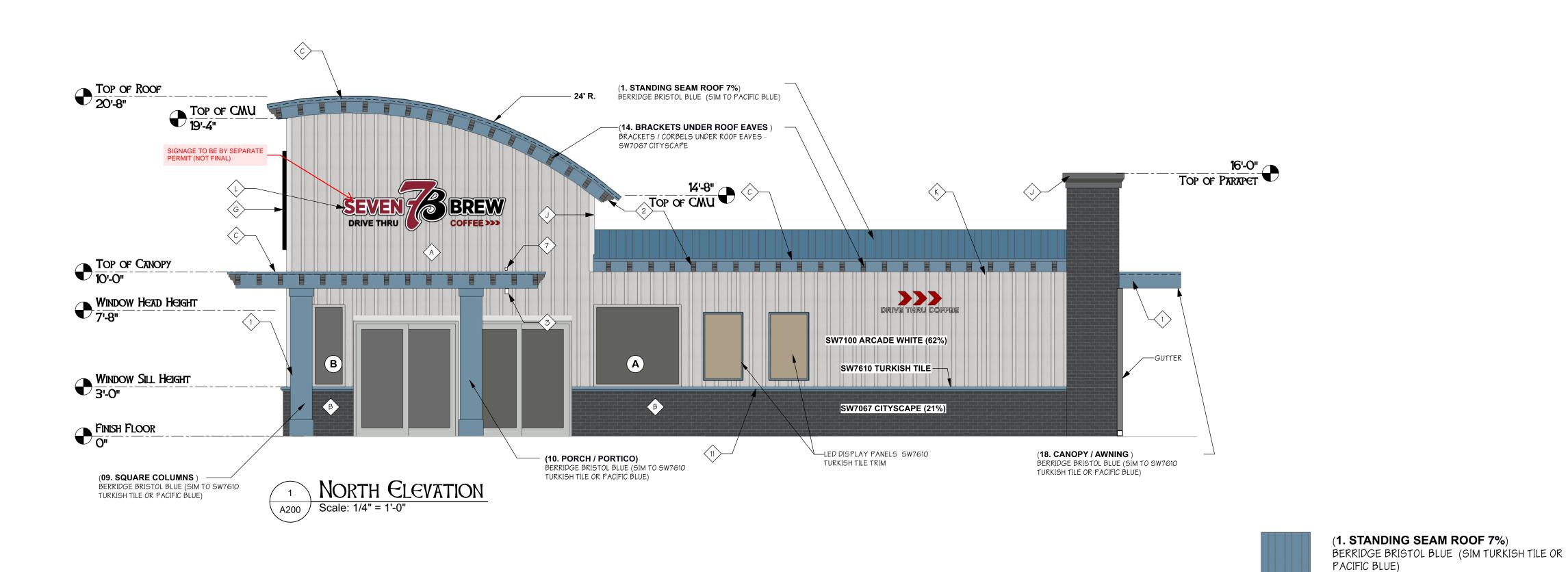




A₁₀₀ Scale: 1/4" = 1'-0"

roje 0 **DATE** 7/10/24 **JOB** D_22018-1 **DRAWN BY** JAD CHECKED BY JAD

A100 **22**



NOTES

1 STEEL CANOPY WRAPPED WITH BRAKE METAL - SEE STRUCTURAL PLANS FOR CANOPY FRAMING

2 BRACKETS / CORBELS UNDER ROOF EAVES - SW7067 CITYSCAPE

3 WALL MOUNTED SPEAKER SYSTEM

4 ADDRESS NUMBERS TO BE 8" TALL X 2" BRUSH STROKE

5 ELECTRICAL EQUIPMENT - SEE ELECTRICAL

6 FROST PROOF HOSE BIBB

7 EXTERIOR WEATHER PROOF OUTLET - SEE MEP

8 EMERGENCY ROOF SCUPPER / OVERFLOW DRAIN

9 SURFACE MOUNTED SIGN PANEL

10 TOP OF FOOTER - COORDINATE WITH CIVIL

11 EIFS BAND AT TOP OF CMU

ELEVATION LEGEND			
TAG	DESCRIPTION / NOTES		
Α	BOARD & BATTEN COMPOSITE SIDING - SW7100 Arcade White		
В	PAINTED SPLITFACE CMU (alt. Stucco Brick) - SW7067 Cityscape		
С	BRAKE METAL CAP FLASHING - BERRIDGE BRISTOL BLUE (SIM TO SW7610 TURKISH TILE OR PACIFIC BLUE)		
D	METAL SOFFIT PANELS		
E	STANDING SEAM ROOF - BERRIDGE BRISTOL BLUE (SIM TO SW7610 TURKISH TILE OR PACIFIC BLUE)		
F	COLUMN WRAP - BRAKE METAL - BERRIDGE BRISTOL BLUE (SIM TO SW7610 TURKISH TILE PACIFIC BLUE)		
G	ROUND STOREFRONT SIGN - SUPPLIED & INSTALLED BY SIGN VENDOR		
Н	1/4" THICK ACRYLIC SIGNAGE APPLIED TO SIDING W/ DOUBLE STICK TAPE		
J	BRAKE METAL CAP OVER CORNICE - BERRIDGE CHARCOAL		
K	HORIZONTAL COMPOSITE TRIM TO ALIGN WITH CANOPIES		
	ILLUMINATED STOREFRONT SIGNAGE BY SIGN CONTRACTOR		

NOTE:

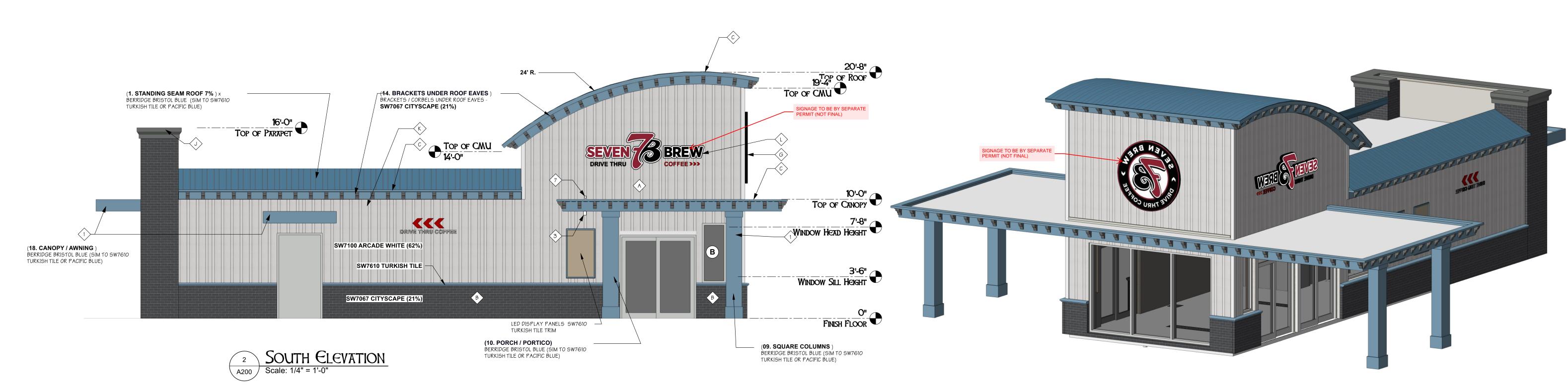
SW7100 ARCADE WHITE (62%)

SW7610 TURKISH TILE (10%)

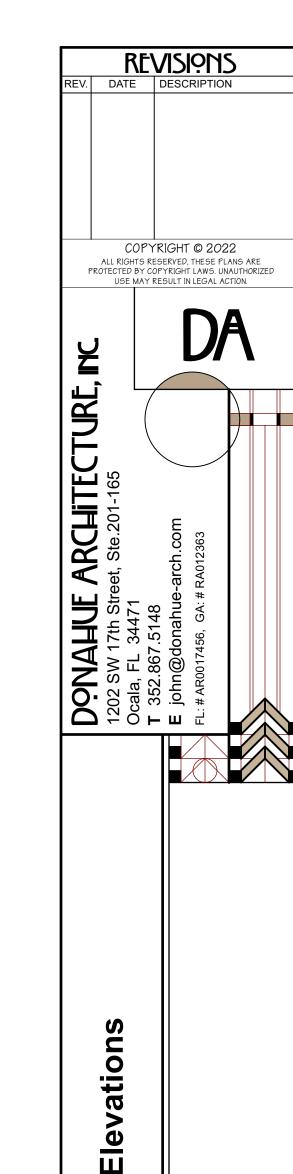
SW7067 CITYSCAPE (21%)

BUILDING SIGNAGE SHOWN IS NOT FINALIZED. BUILDING SIGNAGE TO GO THROUGH A SEPARATE PERMIT REVIEW PROCESS WITH AHJ.

THE ELEVATION DESIGN AND COLORS MAY NOT BE MODIFIED WITHOUT APPROVAL FROM THE CITY



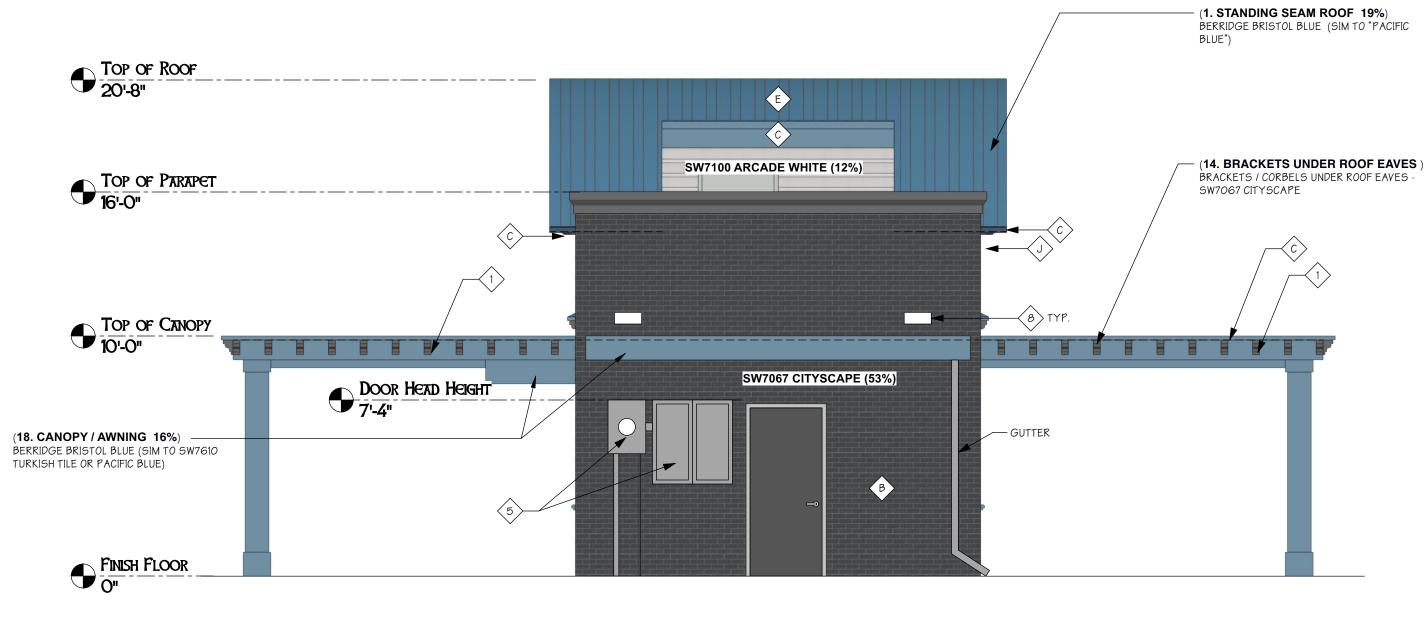






A Project For 7 Brew Drive Thru Coffee 2710 SW Savona Blvd, Port St. Lucie, FL 34953

Q	/	2
DATE	7/10/24	
JÒB	D_22018-I	
DRAWI CHECKE	5	
		OF
<i> </i>	A200	22



(1. STANDING SEAM ROOF 19%)
BERRIDGE BRISTOL BLUE (SIM TO PACIFIC BLUE)

SW7100 ARCADE WHITE (12%)

SW7610 TURKISH TILE (16%)

SW7067 CITYSCAPE (53%)

1 WEST ELEVATION

Scale: 1/4" = 1'-0"

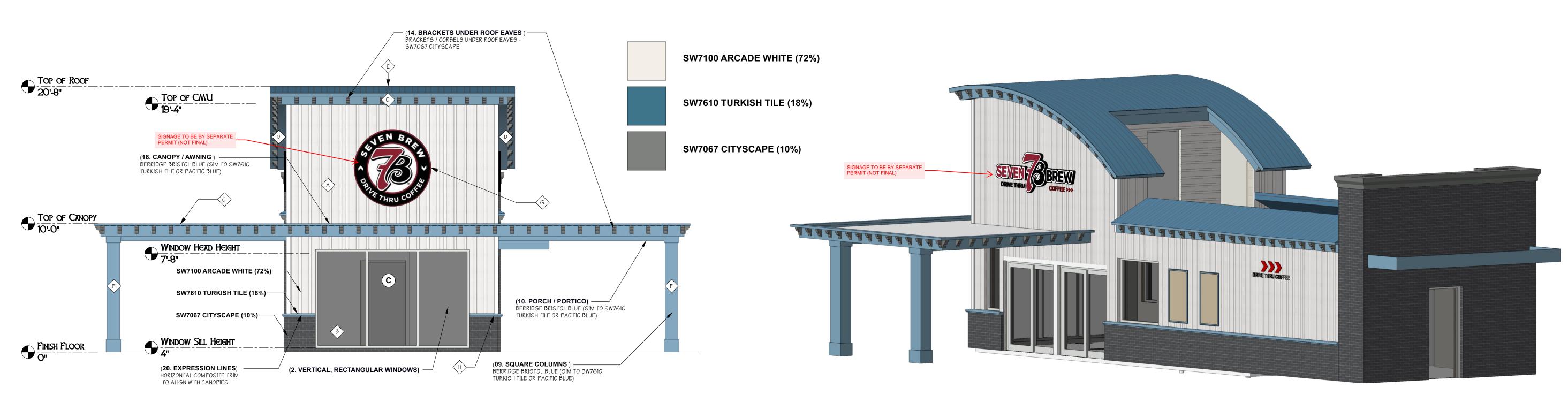
NOTES 1 STEEL CANOPY WRAPPED WITH BRAKE METAL - SEE STRUCTURAL PLANS FOR CANOPY FRAMING 2 BRACKETS / CORBELS UNDER ROOF EAVES - SW7067 CITYSCAPE 3 WALL MOUNTED SPEAKER SYSTEM 4 ADDRESS NUMBERS TO BE 8" TALL X 2" BRUSH STROKE 5 ELECTRICAL EQUIPMENT - SEE ELECTRICAL 6 FROST PROOF HOSE BIBB 7 EXTERIOR WEATHER PROOF OUTLET - SEE MEP 8 EMERGENCY ROOF SCUPPER / OVERFLOW DRAIN 9 SURFACE MOUNTED SIGN PANEL 10 TOP OF FOOTER - COORDINATE WITH CIVIL 11 EIFS BAND AT TOP OF CMU

ELEVATION LEGEND		
TAG	DESCRIPTION / NOTES	
Α	BOARD & BATTEN COMPOSITE SIDING - SW7100 Arcade White	
В	PAINTED SPLITFACE CMU (alt. Stucco Brick) - SW7067 Cityscape	
С	BRAKE METAL CAP FLASHING - BERRIDGE BRISTOL BLUE (SIM TO SW7610 TURKISH TILE OR PACIFIC BLUE)	
D	METAL SOFFIT PANELS	
E	STANDING SEAM ROOF - BERRIDGE BRISTOL BLUE (SIM TO SW7610 TURKISH TILE OR PACIFIC BLUE)	
F	COLUMN WRAP - BRAKE METAL - BERRIDGE BRISTOL BLUE (SIM TO SW7610 TURKISH TILE PACIFIC BLUE)	
G	ROUND STOREFRONT SIGN - SUPPLIED & INSTALLED BY SIGN VENDOR	
Н	1/4" THICK ACRYLIC SIGNAGE APPLIED TO SIDING W/ DOUBLE STICK TAPE	
J	BRAKE METAL CAP OVER CORNICE - BERRIDGE CHARCOAL	
K	HORIZONTAL COMPOSITE TRIM TO ALIGN WITH CANOPIES	
L	ILLUMINATED STOREFRONT SIGNAGE BY SIGN CONTRACTOR	

NOTE:

BUILDING SIGNAGE SHOWN IS NOT FINALIZED. BUILDING SIGNAGE TO GO THROUGH A SEPARATE PERMIT REVIEW PROCESS WITH AHJ.

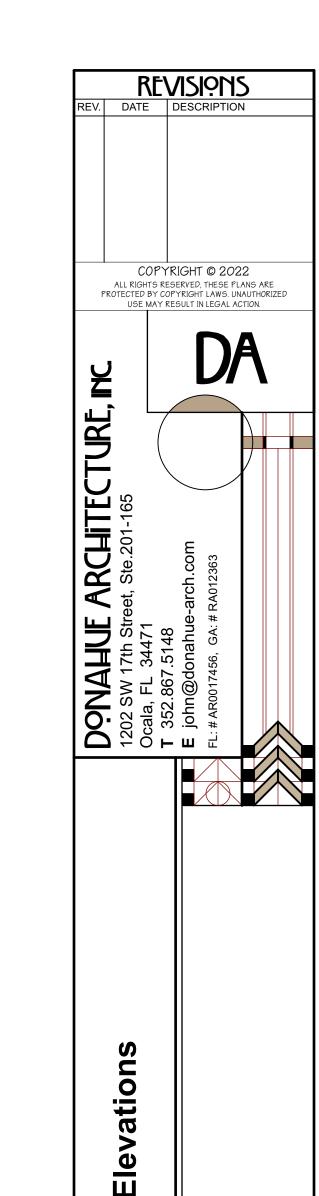
THE ELEVATION DESIGN AND COLORS MAY NOT BE MODIFIED WITHOUT APPROVAL FROM THE CITY

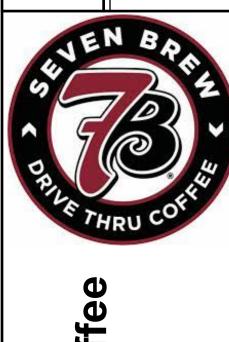


2 EAST ELEVATION

Scale: 1/4" = 1'-0"







A Project For 7 Brew Drive Thru Coffe 2710 SW Savona Blvd, Port St. Lucie, FL 34953 MICHELLE R. MILLER, CLERK OF THE CIRCUIT COURT - SAINT LUCIE COUNTY FILE # 5312590 OR BOOK 5120 PAGE 2595, Recorded 03/15/2024 04:01:03 PM Doc

Tax: \$4550.00

Prepared By: Edward W. Becht, Esquire Becht Anderson LLP 321 South Second Street Fort Pierce, Florida 34950 (as counsel to Grantor only) Return To: Edward W. Becht, Esquire Becht Anderson LLP 321 South Second Street Fort Pierce, Florida 34950

Parcel I.D. No(s).: 3420-650-0985-000-4

GENERAL WARRANTY DEED

_ day of March 2024 by YANI ENTERPRISES LLC, a Florida limited liability company whose post office address is c/o Edward W. Becht, Esquire, 321 South Second Street, Fort Pierce, FL 34950, hereinafter called the Grantor, to GATLIN BLVD VENTURES whose post LLC, Florida limited liability company, office address is 2100 SE Ocean Blvd Ste 100, Stuart FL hereinafter called the Grantee.

(Whenever used herein the term "Grantor" and "Grantee" include all the parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations)

WITNESSETH, that the Grantor, for and in consideration of the sum of Ten and No/100 Dollars (\$10.00), and other valuable considerations, the receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the Grantee, all that certain land situate in St. Lucie County, Florida and described as:

See Exhibit "A" attached hereto and incorporated herein by reference (the "Property")

Said Property is not the homestead of Grantor under the laws and constitution of the State of Florida in that neither Grantor nor any members of the household of Grantor reside thereon.

Subject to reservations, restrictions covenants, and easements of record; provided, however that this reference shall not act to reimpose same.

TOGETHER with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

TO HAVE AND TO HOLD the same in fee simple forever.

AND the Grantor hereby covenants with said Grantee that the Grantor is lawfully seized of said Property in fee simple; that the Grantor has good right and lawful authority to sell and convey said Property; that the Grantor hereby fully warrants the title to said Property and will defend the same against the lawful claims of all persons whomsoever; and that said Property is free from all encumbrances except those shown on **Exhibit "B"** attached hereto and incorporated herein by reference.

[SIGNATURES APPEAR ON FOLLOWING PAGE]

IN WITNESS WHEREOF, the said Grantor has signed and sealed these presents the day and year first above written.

GRANTOR: YANI ENTERPRISES LLC, a Florida Signed, sealed and delivered in the presence Of: limited liability company Witness Signature (as to Grantor) Name: Mark C. Floyd MANUGA LUIZA Alves Title: Manager Printed Name 1800 SE Port St Lucie Blvd, Port St Lucie FL 34952 Witness Signature (as to Grantor) Printed Name 1800 SE Port St Lucie Blvd, Port St Lucie, FL 34952 STATE OF FLORIDA COUNTY OF SAINT LUCIE The foregoing instrument was acknowledged before me by means of physical presence or \square online notarization this L day of March, 2024, by Mark C. Floyd, as Manager of YANI ENTERPRISES LLC, a Florida limited liability company, who is personally known to me, or who has produced Drivers i. as identification and who did not take an oath. (Notarial Seal) Notary Public Print Name:

My Commission Expires: 3-14-24

Commission Number:

LUIZA ALVES

Commission # GG 970444

Expires March 17, 2024 Bonded Thru Budget Notary Services

EXHIBIT "A"

Legal Description

LOTS 25, 26, AND 27, BLOCK 1704, PORT ST. LUCIE SECTION THIRTY-ONE, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 14, PAGE(S) 22, 22A TO 22G, OF THE PUBLIC RECORDS OF ST. LUCIE COUNTY, FLORIDA.

The Property is being conveyed subject to a Deed Restriction that, so long as a SUBWAY is operating within a mile radius of the Property, the Property shall not be used for the purposes of operations on the Property of a SUBWAY, Jimmy John's. Jersey Mike's, Firehouse Subs, Schlotzky's, McAlister's, and/or Blimpies.

The term of this Restriction shall be 10 years from the date of the recording of the Deed containing this Restriction.

SCHEDULE B, Permitted Exceptions

- 1. General or special taxes and assessments required to be paid in the year 2024 and subsequent years.
- 2. Dedications, reservations, and easements as shown on the Plat of Port St. Lucie Section Thirty-One, as recorded in Plat Book 14, Pages 22, Public Records of St. Lucie County, Florida.
- 3. Easements as described in Declaration of Restrictions recorded in Official Records Book 165, Page 2155, Public Records of St. Lucie County, Florida.
- 4. Assignment Agreement between General Development Corporation and Florida Power and Light Company, as recorded in Official Records Book 473, Page 1177, Public Records of St. Lucie County, Florida.
- 5. Assignment and Assumption Agreement recorded in Official Records Book 1141, Page 2395, Public Records of St. Lucie County, Florida.
- 6. Resolution No. 98-R49 recorded in Official Records Book 1157, Page 2701, Public Records of St. Lucie County, Florida.
- 7. Reservations contained in Quit Claim Deed recorded in Official Records Book 726, Page 1395, and Official Records Book 1191, Page 2135, Public Records of St. Lucie County, Florida. (Lot 27 only)
- 8. Subject to Declaration of Unity of Title recorded in Official Records Book 4108, Page 2070, Public Records of St. Lucie County, Florida.
- 9. Declaration of Cross Access and Utility Easements recorded in Official Records Book 4186, Page 60, as amended by First Amendment recorded in Official Records Book 4592, Page 1482, Public Records of St. Lucie County, Florida.
- 10. Cross Access Easement recorded in Official Records Book 4574, Page 1291, Public Records of St. Lucie County, Florida.
- 11. Revocable Encroachment Permit recorded in Official Records Book 5006, Page 1682, Public Records of St. Lucie County, Florida.
- 12. Utility Service Agreement recorded in Official Records Book 5032, Page 1559, Public Records of St. Lucie County, Florida.
- 13. Recorded Notice of Environmental Resource Permit recorded in Official Records Book 5033, Page 906, Public Records of St. Lucie County, Florida.
- 14. Riparian and littoral rights are neither guaranteed nor insured.

Letter of Authorization

Project Name:	7 Brew Drive-Thru Coffee		
roject Location: 1907 SW Gatlin Blvd.,			
	Port St. Lucie, FL 34953		
St. Lucie County Parcel ID / Account #:	3420-650-0985-000-4		
To whom it may concern,			
Agent on behalf of Gatlin BLVD Ventures LLC,	the below entities are authorized to act as Applicant/ for the purpose of making application submittals for elopment of a 7 Brew Drive-Thru Coffee development at		
Kimley-Horn and Associates, Inc.	Metro Group Development II, LLC		
7341 Office Park Place, Suite 102	821 Atlanta St.		
Melbourne, FL 32940	Roswell, GA 30075		
(321) 430-1138	(770) 641-1671		
Sincerely,			
Signature	April 3, 2024 Date		
Jeremiah Baron			
Print Name	Title		



7 Brew Drive-Thru Coffee

Variance (P24-044)

Planning and Zoning Board – August 6, 2024 Bethany Grubbs, Planner III

Variance Request

- Per Section 158.124(H) Minimum Building Size Requirements of the Zoning Code, drive-through restaurants shall be a minimum of 900 square feet.
 The applicant is requesting a variance of 122 square feet to allow a 778 square foot building; and
- 2. Per Section 5.3.1 Building Wall Height of the Citywide Design Standards for commercial buildings, the façade of a building that faces an arterial or collector road or interstate highway shall have a minimum building wall height of 22 feet, exclusive of sloped roof height, for at least 60% of the length of the building. The applicant is requesting a variance of 8 feet to allow a building height of 14 feet.



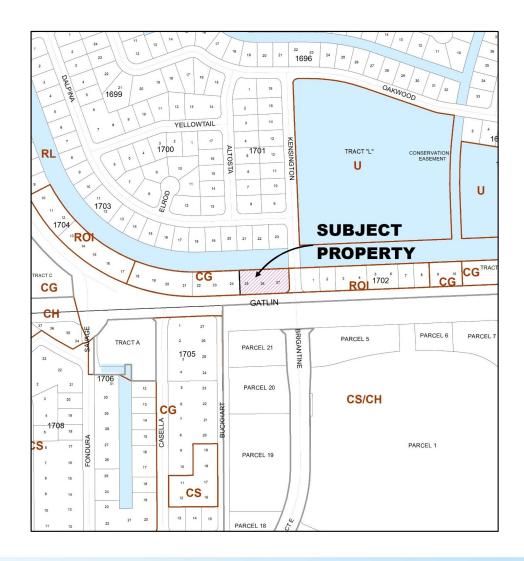
Applicant and Property Owner

Applicant/Property Owner:	Gatlin Blvd Ventures, LLC	
Agent:	Zach Middlebrooks, Metro Group	
	Development II, LLC	
Proposed Use:	Coffee Shop	
Location:	1907 SW Gatlin Blvd., Located on the north side of SW Gatlin Blvd., at the corner of the intersection of SW Gatlin Blvd. & SW Kensington Street	



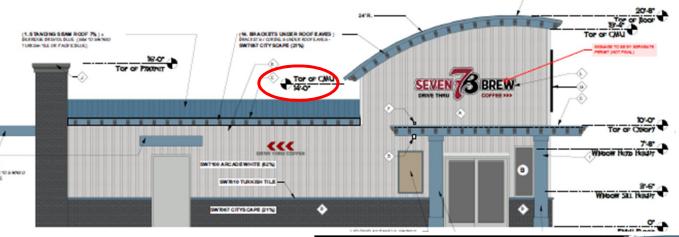
Location Map

Direction	Future Land Use	Zoning	Existing Use
North	RL	RS-2	Drainage ROW
South	CS/CH	PUD	Retail/Medical Office
East	ROI	RS-2	Vacant
West	CG	CG	Restaurant





Color Rendering & Elevations







Planning & Zoning Board Action Options

Variance #1 - Size

- Make a motion to approve the variance.
- Make a motion to approve the variance with conditions.
- Make a motion to deny.
- Make a motion to table.



Planning & Zoning Board Action Options

Variance #2 - Height

- Make a motion to approve the variance.
- Make a motion to approve the variance with conditions.
- Make a motion to deny.
- Make a motion to table.





City of Port St. Lucie

Agenda Summary

Agenda Date: 8/6/2024 Agenda Item No.: 8.e

Placement: Public Hearing - Quasi Judicial

Action Requested: Motion / Vote

P24-043 7 Brew Drive - Thru Coffee - Special Exception Use.

Location: The property is located northeast of the intersection of SW Gatlin Boulevard and SW Kensington

Street.

Legal Description: Port St Lucie Section 31, Block 1704, Lots 25, 26, and 27.

A request for a special exception to allow drive-through service in the General Commercial (CG) Zoning

District, per Section 158.124(C)(13) of the Zoning Code.

Submitted By: Bianca Lee, Planner II, Planning & Zoning.

Executive Summary: The proposed special exception use will allow development of the site consistent with the applicants intended use of a drive-through restaurant. Section 158.124(C)(13) of the Zoning Code lists drivethrough service as a special exception use.

Presentation Information: A presentation will be given.

Staff Recommendation: Move that the Board review the SEU application and vote to approve, approve with conditions, or deny the SEU request.

Background: The applicant has also applied for a variance to the minimum size requirement of the proposed building (P24-044).

Issues/Analysis: Approval of a special exception application shall only be granted only if it meets the criteria established under Section 158.260 (A) through (L) of the City's Zoning Code. The applicant's response to the criteria and Staff's review is provided in the staff report.

Special Consideration: N/A.

Location of Project: 1907 SW Gatlin Blvd.

Attachments: 1. Staff report, 2. Conceptual site plan, 3. Application and SEU Criteria Responses 4. Public Works Traffic Memo, 5. Staff presentation.



7 Brew Drive-Thru Coffee Special Exception Use P24-043



Project Aerial Map

SUMMARY

Applicant's Request:	The request is for approval of a Special Exception Use (SEU) to allow a drive-through. Section 158.124(C)(13) of the Zoning Code lists drive-through service as a special exception use within the General Commercial (CG) Zoning District.	
Applicant:	Zach Middlebrooks	
Agent:	Zach Middlebrooks	
Property Owner:	Gatlin Blvd. Ventures, LLC	
Location:	Located northeast of the intersection of SW Gatlin	
	Boulevard and SW Kensington Street.	
Address: 1907 SW Gatlin Blvd.		
Project Planner:	Bianca Lee, Planner II	

Project Description

The applicant is requesting a special exception use (SEU) to allow a drive-through restaurant. Section 158.124(C)(13) of the Zoning Code lists drive-through service as a special exception use in the General Commercial (CG) zoning district. The Zoning Code lists a special exception use as a use that may be permitted only following the review and specific approval thereof by the City Council. The proposed special exception use will allow the operation of the site consistent with the applicants intended use and character of a 7 Brew establishment.

Background

A variance application has been submitted (P24-044) for the building size and height. These variances seek relief from the Zoning Code and Citywide Design Standards for commercial buildings.

Public Notice Requirements

Notice of this request for a Special Exception Use was mailed on July 25, 2024, to owners of property within a 750-foot radius of the subject property.

Location and Site Information

Parcel Number:	3420-650-0985-000-4	
Property Size:	0.72 acres	
Legal Description:	Port St Lucie Section 31, Block 1704, Lots 25, 26, and 27	
Future Land Use:	CG (General Commercial)	
Existing Zoning:	CG (General Commercial)	
Existing Use:	Vacant	

Surrounding Uses

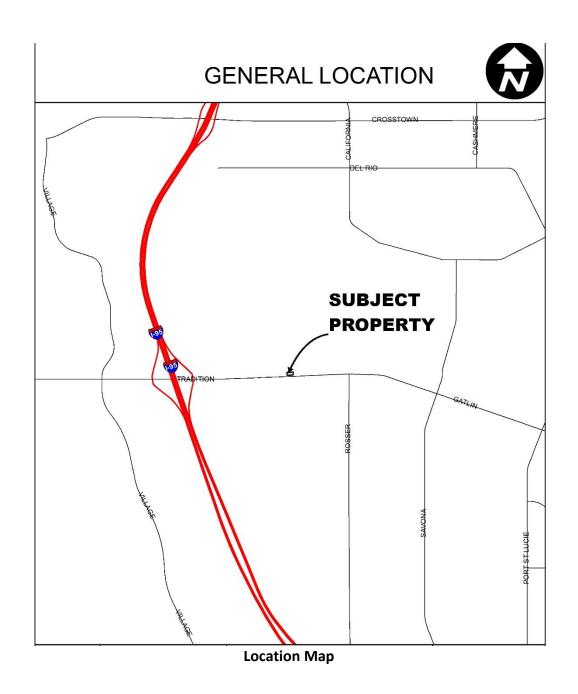
Direction	Future Land Use	Zoning	Existing Use
North	RL	RS-2	Drainage R/W
South	CS/CH	PUD	Retail/Medical office
East	ROI	RS-2	Vacant
West	CG	CG	Restaurant

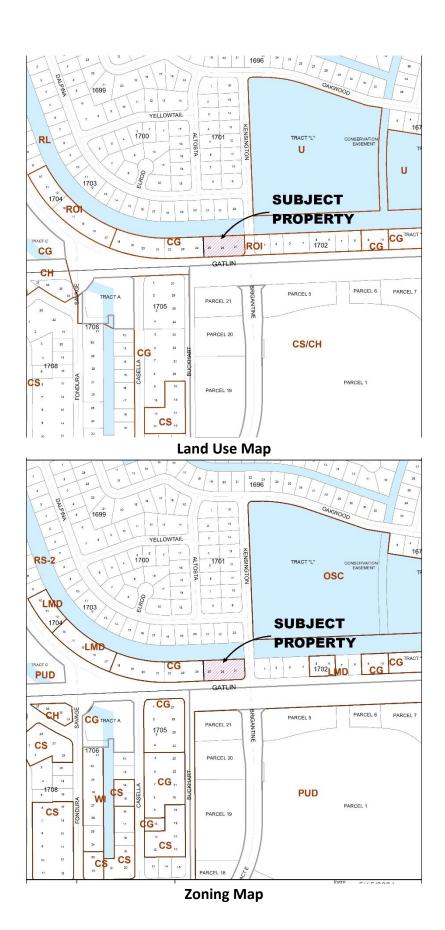
Future Land Use

RL – Low density residential, CS – Service Commercial, CH – Highway Commercial and ROI – Residential, Office, Institutional

Zoning District

RS-2 - Single-Family Residential, PUD - Planned Unit Development, CG - General Commercial





P24-043-7 Brew Drive-Thru Coffee SEU

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.
 - Applicant response: Adequate ingress and egress is proposed to and from the property via Kensington St., the proposed site layout provides drive-thru facilities that do not encroach on pedestrian safety, pedestrian connectivity is provided within the site via concrete sidewalks, traffic flow is intended to not impede the flow of traffic at driveways to and from the main ROW roadway, and proper emergency vehicle circulation has been accounted for in the proposed site layout.
 - <u>Staff findings:</u> The conceptual site plan demonstrates that the site has adequate ingress and
 egress. The property is located at the northeast corner of the intersection of SW Gatlin Boulevard
 and SW Kensington Street and has vehicular access along SW Kensington Street, a public roadway.
 A sidewalk will be constructed along SW Kensington Street to tie into the existing sidewalk along
 SW Gatlin Boulevard. There is cross-access to the development to the west identified on the
 conceptual plan.
- (B) Adequate off-street parking and loading areas may be provided, without creating undue noise, glare, odor, or other detrimental effects upon adjoining properties.
 - Applicant response: The proposed site layout proposes (10) parking spaces, intended for employees of the 7 Brew use. No interior dining is proposed for this use. Off-street parking area is located towards the southeast of the site abutting Kensington St. and Gatlin Blvd. ROW, this location is considered not detrimental to adjoining properties. Further, a wall is proposed as required along the northern boundary and will act as a screen to residential properties to the north across the canal.
 - <u>Staff findings:</u> Adequate off-street parking is provided for the proposed drive-through use as shown on the conceptual site plan. There will be no indoor dining or patron use. The site is required to have 10 parking spaces at one (1) space per 75 square feet. On-site parking will be used for employee parking only.
- (C) Adequate and properly located utilities are available or may be reasonably provided to serve the proposed development.
 - Applicant response: The project proposes potable water connection to an existing 2" water line located under the existing sidewalk on the north shoulder of Gatlin Blvd. Sanitary sewer service is proposed via a lift station under construction at the time of this application within the adjoining property to the west.
 - Staff findings: Adequate utilities are available to service 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.
 - <u>Applicant response:</u> At the time of this application, no additional buffering and/or screening is proposed. The proposed site layout will adhere to the required landscape buffer and screening requirements as per the City's code of development for this use and zoning district criteria.
 - <u>Staff findings:</u> A wall is required in a landscape buffer strip where commercial, industrial, institutional, office, or public facility uses abut property to the side or rear which is designated with a residential or open space land use. A buffer wall will be used to screen the proposed development from neighboring residential properties to the north of the site. The architectural wall is required to be at least 6 feet in height measured from the finished floor elevation of the primary structure on the subject property.
- (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.
 - <u>Applicant response:</u> Proposed site lighting will be adhered to promote traffic safety and minimize undue glare, incompatibility or disharmony with adjoining properties. The project site abuts a commercial property to the west, Gatlin Blvd. ROW to the south, Kensington St. ROW to the east and 100-ft. of Canal E-8 ROW to the north. The proposed building is located to the southeast, away from the residential neighbors to the north.
 - <u>Staff findings:</u> All signs and exterior lighting shall be required to adhere to the requirements of the City's Codes.
- (F) Yards and open spaces will be adequate to properly serve the proposed development and to ensure compatibility with adjoining properties.
 - <u>Applicant response:</u> The proposed layout intends to adhere to the minimum requirements for proposed yard buffers and open spaces, consistent with commercial uses in the surrounding areas.
 - <u>Staff findings:</u> The proposed yard setbacks and open space meet the City Code requirements and are adequate, to properly serve the proposed development and to ensure compatibility with adjoining properties.
- (G) The use as proposed will be in conformance with all stated provisions and requirements of this chapter.
 - <u>Applicant response:</u> The proposed 7 Brew Drive-Thru Coffee use is an approved use under Section 158.124 (B)(5) restaurants under the General Commercial zoning district. The intent for the SEU is to adhere to Section 158.124(C)13 for the drive-thru portion of the use. Note, a previous Special Exception Approval was issued to a Subway development at this same location.
 - <u>Staff findings:</u> The proposed Special Exception Use shall conform to all provisions of the City's Zoning Code.
- (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.
 - <u>Applicant response:</u> Establishment and operation of the proposed use will not impair the health and safety, welfare or the convenience of residents and workers of the City. The proposed use is

- an approved use under the current zoning district and will provide a site layout that will not adversely affect health, safety, welfare or convenience of residents and workers of the City.
- <u>Staff findings:</u> By adhering to City Codes and Regulations, the establishment and operation of the
 proposed use is not anticipated to impair the health, safety, welfare, or convenience of residents
 and workers in the City.
- (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.
 - Applicant response: 7 Brew is a drive-thru only coffee use, its operations criteria is to serve its
 drive-thru only patrons in under a minute and a half. The layout proposed provides an efficient
 and safe circulation around the site for its customers and patrons while not adversely impacting
 the surrounding roadways and/or neighbors. Its hours of operation are 5:30am to 10:00pm.
 - <u>Staff findings:</u> The proposed use is not expected to generate noise or hazards because of the number of persons who will attend or use the facility. The establishment will operate year-round and be open from 5:30 AM to 10:00 PM. Public Works has reviewed the drive-thru queuing analysis and found that adequate queuing and stacking will be provided on site. See attached memo. The proposed use is not expected to impact the neighbors or surrounding roadways.
- (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.
 - Applicant response: The proposed use is within the General Commercial (CG) zoning district and is an approved use in the zoning district. The adjacent parcel to the west is also zoned CG and is being developed as a Waffle House restaurant. Gatlin Blvd. corridor includes other commercial zoning districts with similar and/or compatible commercial uses. As noted, a previous Special Exception Approval was issued to a Subway development at this same location.
 - <u>Staff findings:</u> The proposed use is not expected to adversely impact surrounding properties. The building footprint is proposed to be 778 square feet and is adjacent to commercial uses such as a restaurant to the west of the site.
- (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.
 - <u>Staff findings:</u> Acknowledged.
- (L) Development and operation of the proposed use will be in full compliance with any additional conditions and safeguards which the City Council may prescribe, including but not limited to reasonable time limit within which the action for which special approval is requested shall be begun or completed or both.
 - Staff findings: Acknowledged.

PLANNING AND ZONING BOARD ACTION OPTIONS

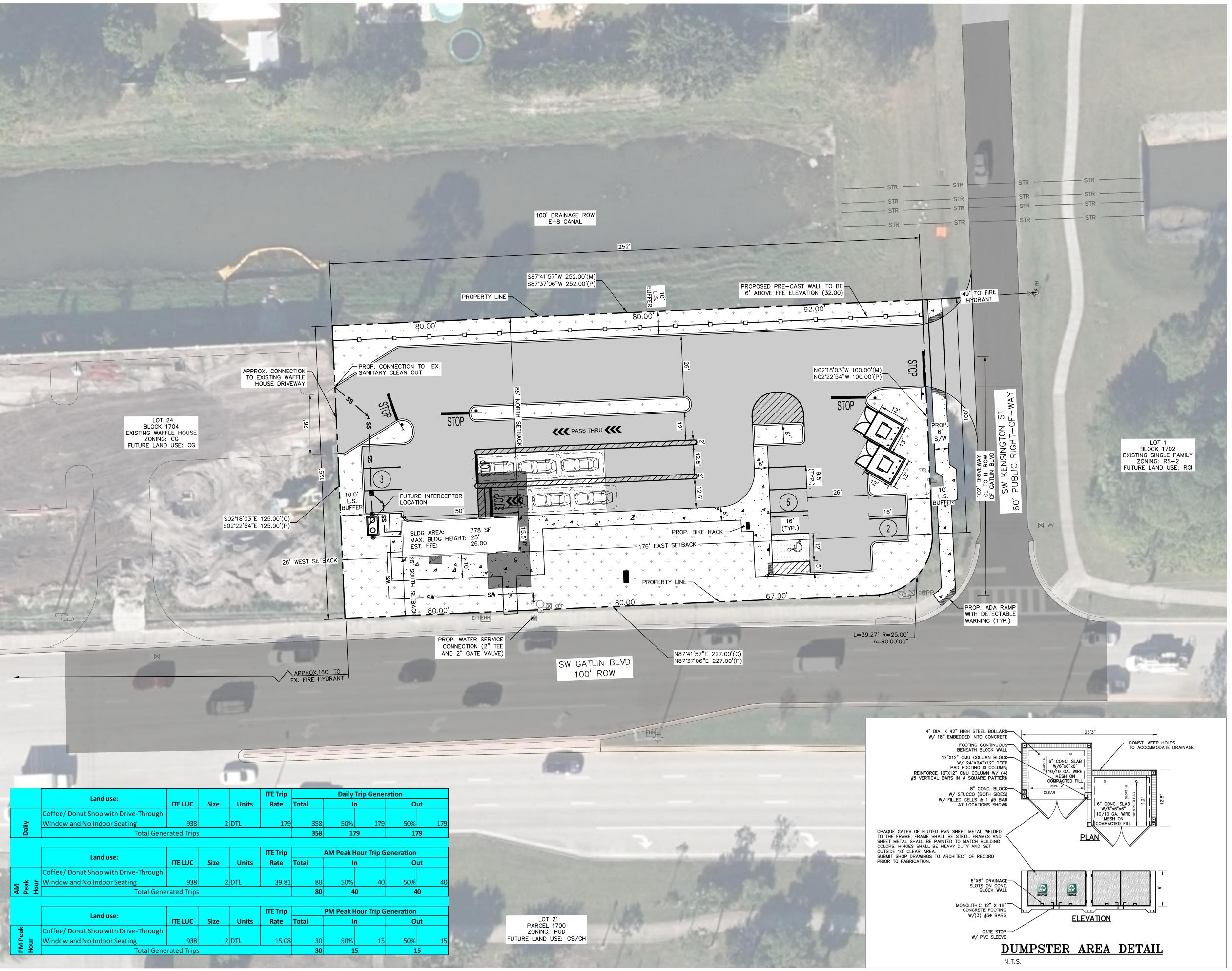
Section 158.260 (A) through (L) of the City code, then the Board may:

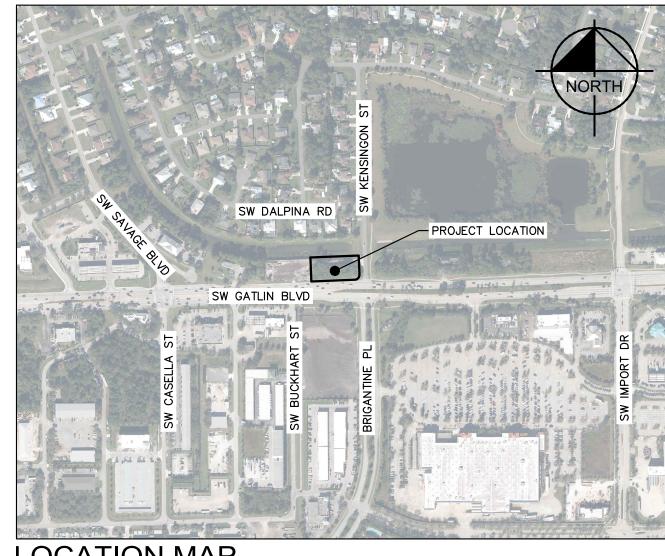
- Motion to recommend approval to the City Council
- Motion to recommend approval to the City Council with conditions

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.





LOCATION MAP

SITE DETAILS:

PROJECT NAME: DRIVE-THRU COFFEE - 1907 SW GATLIN

LOCATION: 1907 SW GATLIN BLVD, PORT ST. LUCIE, FLORIDA 34953

LEGAL DESCRIPTION: LOTS 25, 26, AND 27, BLOCK 1704, PORT ST. LUCIE

> SECTION THIRTY-ONE, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 14, PAGE(S) 22 AND 22A THROUGH 22G, OF THE PUBLIC RECORDS OF ST. LUCIE COUNTY, FLORIDA.

CONTAINING 0.72 ACRES, MORE OR LESS.

SECTION/TOWNSHIP/RANGE SECTION 11/ TOWNSHIP 37S/ RANGE 39E

3420-650-0985-000-4 PARCEL ID:

TOTAL SITE AREA:

GROSS SITE AREA 0.72 ACRES (31,366 SF)

BUILDING SIZE: 778 SF (900 SF)

MAX. BUILDING HEIGHT: 25' (ONE-STORY)

CG (COMMERCIAL GENERAL)

CG (COMMERCIAL GENERAL) FUTURE LAND USE:

X, MAP 12111C0275J, FLOOD ZONE:

EFFECTIVE FEBRUARY, 16, 2012

PARKING CALCULATIONS:

778 SF * (1 PER 75SF)	REQUIRED: 10 SPACES	PROVIDED: 10 SPACES
HANDICAP SPACES:	REQUIRED:	PROVIDED

SETBACKS

SIDE		<u>SETBACK</u>	<u>SETBA</u>
NORTH	(SIDE/INTERIOR)	10 FT	85 FT
SOUTH	(SIDE/CORNER)	25 FT	25 FT
EAST	(FRONT)	25 FT	176 FT
WEST	(REAR)	20 FT	26 FT
EXISTING	CONDITIONS:		
PROJECT	AREA	31,366 SF	100.00%
BUILDING	SS	0 SF	0.00%
PAVEMEN	NT (ASPHALT/CONCRETE)	0 SF	0.00%
TOTAL IMPERVIOUS AREA		0 SF	0.00%
TOTAL PERVIOUS AREA		31,366 SF	100.00%
PROPOSI	ED CONDITIONS:		
PROJECT	AREA	31,366 SF	100.00%
BUILDINGS		776 SF	2.47%
PAVEMEN	NT (ASPHALT/CONCRETE)	20,027 SF	63.85%
TOTAL IMPERVIOUS AREA		20,803 SF	66.32%
TOTAL PERVIOUS AREA		10,563 SF	33.68%

REQUIRED

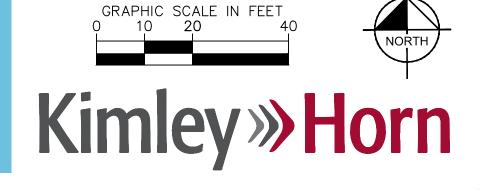
PSLUSD #5297 P24-043

<u>PROVIDED</u>

SW GATLIN BLVD

DRIVE-THRU COFFEE - 1907 SW GATLIN BLVD. PORT ST. LUCIE

CONCEPTUAL PLAN



FOR SPECIAL EXCEPTION USE APPLICATION

CITY OF PORT ST. LUCIE
Planning & Zoning Department
121 SW Port ST. Lucie Blvd.
Port St. Lucie, Florida 34984
(772)871-5213

FOR OFFICE USE ONLY

Planning Dept	
Fee (Nonrefundable)\$	
Receipt #	

Refer to "Fee Schedule" for application fee. Make check payable to the "City of Port St. Lucie". Fee is nonrefundable unless application is withdrawn prior to being scheduled for the Site Plan Review Committee meeting or advertising for the Planning and Zoning Board meeting. Attach two copies of proof of ownership (e.g., warranty deed, affidavit), lease agreement (where applicable), approved Concept Plan or Approved Site Plan, and a statement addressing each of the attached criteria.

ownership (e.g., or Approved Site	Plan, and a statement addressing each of the attached criteria.
PRIMARY CONT	ACT EMAIL ADDRESS: zmiddlebrooks@metrogroupdevelopment.com
PROPERTY OWN	
Name:	Yani Enterprises, LLC
Address:	1907 SW Gatlin Blvd., Port Saint Lucie, FL 34953
Telephone No.: _	Email
APPLICANT (IF	OTHER THAN OWNER, ATTACH AUTHORIZATION TO ACT AS AGENT):
Name:	Zach Middlebrooks - MetroGroup Development
Address:	821 Atlanta St, Roswell GA, 30075
Telephone No.: _	(404) 456-2448 Email zmiddlebrooks@metrogroupdevelopment.com
SUBJECT PROP	Lots 25, 26, 27, block 1704, Port St. Lucie Section 31, according to the plat and rees, as recording
Parcel I.D Number	0400 050 0005 000 4
	907 SW Gatlin Blvd., Port St. Lucie, FL 34953 Bays:
Development Na	me: 7 Brew Drive-Thru Coffee - 1907 SW Gatlin (Attach Sketch and/or Survey)
Gross Leasable	Area (sq. ft.): 31,366Assembly Area (sq. ft.): 778
Current Zoning C	Classification: CG - General Commercail SEU Requested: Drive-Through with Use
Please state, as necessary):	detailed as possible, reasons for requesting proposed SEU (continue on separate sheet, if
	SEU for the proposed 7-Brew Drive-Thru Coffee use to comply with Section 158.124 (C)(13), which requires a
	ts with drive-thrus. Previously, this specific parcel proposed a 1,500-sf Subway restaurant with drive-thru.
	ject and use received SEU approval from the City. The proposed 7 Brew development, is a similar but less
intrusive use withi	n the same parcel. A new Waffle House restaurant is nearing completion adjacent to the project site to west.
Signature of App	Date Date
المارين والمارين	VI 11

NOTE: Signature on this application acknowledges that a certificate of concurrency for adequate public facilities as needed to service this project has not yet been determined. Adequacy of public facility services is not guaranteed at this stage in the development review process. Adequacy for public facilities is determined through certification of concurrency and the issuance of final local development orders as may be necessary for this project to be determined based on the application material submitted.

SPECIAL EXCEPTION USES

The Planning and Zoning Board, and Zoning Administrator, may authorize the special exception use from the provisions of § 158.260. In order to authorize any special exception use from the terms of this chapter, the Planning and Zoning Board, or Zoning Administrator, will consider the special exception criteria in § 158.260 and consider your responses to the following when making a determination.

(A) Please explain how adequate ingress and egress will 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. Adequate ingress and egress is proposed to and from the property via Kensington St, the proposed site layout provides drive-thru facilities that

do not encroach on pedestrian safety, pedestrian connectivity is provided within the site via concrete sidewalks, traffic flow is intended to not

imped the flow of traffic at driveways to and from the main ROW roadway, and proper emergency vehicle circulation has been accounted for in the proposed site layout.

(B) Please explain how adequate off-street parking and loading areas will be provided, without creating undue noise, glare, odor or other detrimental effects upon adjoining properties.

The proposed site layout proposes (10) parking spaces, intended for employees of the 7 Brew use. No interior dining is

proposed for this use. Off-street parking area is located towards the southeast of the site abutting Kensington St and Gatlin

Blvd ROW, this location is considered not detrimental to adjoining properties. Further, a wall is proposed as required along the

northern boundary and will act a screen to residential properties to the north across the canal. (C) Please explain how adequate and properly located utilities will be available or will be reasonably provided

to serve the proposed development. The project proposes potable water connection to an existing 2" water line located under the existing sidewalk on the

north shoulder of Gatlin Blvd. Sanitary sewer service is proposed via a Lift Station under construction at the time of this application within the adjoining property to the west.

(D) Please explain how additional buffering and screening, beyond that which is required by the code, will be required in order to protect and provide compatibility with adjoining properties. At the time of this application, no additional buffering and/or screening is proposed. The proposed site layout will

adhere to the required landscape buffer and screening requirements as per the City's Code of Development for this use and zoning district criteria.

(E) Please explain how 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. Proposed site lighting will adhered to promote traffic safety and minimize undue glare, incompatibility or disharmony with

adjoining properties. The project site is abuts a commercial property to the west, Gatlin Blvd. ROW to the south, Kensington

St ROW to the east and 100-ft of Canal E-8 ROW to the north. Proposed building is located to the southeast away from

the residential neighbors to the north.

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

The proposed layout intends to adhere to the minimum requirements for proposed yard buffers and open spaces,

consistent with commercial uses in the surrounding areas.

- (G) Please explain how the use, as proposed, will be in conformance with all stated provisions and requirements of the City's Land Development Regulation.

 The proposed 7 Brew Drive-Thru Coffee use is an approved use under Section 158.124 (B)(5) Restaurants under the General Commercial Zoning District. The intent for the SEU is to adhered to Section 158.124(C)(13) for the drive-thru portion of the use. Note, a previous Special Exception Approval was issued to a Subway development at this same location.
- (H) Please explain how 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.

 Establishment and operation of the proposed use will not impair the health and safety welfare or the convenience of residents and workers of the City. Proposed use is an approved use under the current zoning district and will provide an site layout that will not adversely affect health, safety, welfare or convenience of residents and workers of the City.
- (I) Please explain how 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.

 7 Brew is a drive-thru only coffee use, its operations criteria is to serve its drive-thru only patrons in under a minute an half.

 The layout proposed provides an efficient and safe circulation around the site for its customers and patrons while not adversely impacting the surrounding roadways and/or neighbors. Its hours of operation are 5:30am to 10:00pm.
- (J) Please explain how 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.

The proposed use is within the General Commercial (GC) zoning district and is an approved use in the zoning district. The adjacent parcel to the west is also zoned GC and is being developed as a Waffle House restaurant. Gatlin Blvd. corridor includes other commercial zoning districts with similar and/or compatible commercial uses. As noted, Note, a previous Special Exception Approval was issued to a Subway development at this

same location.

Signature of Applicant

Hand Print Name

PLEASE NOTE:

- (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.
- (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.



PUBLIC WORKS

MEMORANDUM

TO: Bianca Lee, Planner II, Planning & Zoning

FROM: Clyde Cuffy, P.E. – Regulatory Division Director, Public Works

DATE: July 26, 2024

SUBJECT: 7 Brew Coffee P24-043

Traffic Generation, Stacking & Circulation Approval

This application and Traffic Report prepared by Kimley Horn and Associates dated May 20, 2024 has been reviewed by the Public Works Department and the transportation elements of the project were found to be in compliance with the adopted level of service and requirements of Chapter 156 of City Code, and Public Works Policy 19-01pwd. The proposed development predicts to generate 17 net external PM peak hour trips.

In addition, a drive-thru queueing analysis dated June 4, 2024 was prepared by Kimley Horn and Associates. This report illustrates a maximum of thirteen (13) vehicles were in the drive-thru lane of another 7-Brew Coffee location during the peak hour. The proposed site provides the capacity for up to fourteen (14) vehicles in the drive-thru lanes.

No mitigation will be required for this development.

Page 2 of 2 (Name of Addressee) (Subject) (Date)



CityofPSL.com

PORT ST. LUCIE

7 Brew Drive-Thru Coffee 1907 SW Gatlin Blvd. Special Exception Use

Project: P24-043

Planning and Zoning Board Meeting Bethany Grubbs, Planner III August 6, 2024, Meeting

PROJECT SUMMARY

- A special exception use is sought to allow the operation of a site consistent with the applicants intended use and character of a 7 Brew establishment.
- <u>158.124(C)(13) of the General Commercial Zoning Code</u>: Lists any use that is a permitted principle use or structure which includes drive-through service as a special exception use that may only be permitted following the review and specific approval by the City Council.





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APPLICANT AND OWNER

• Zach Middlebrooks of Metro Group Development II LLC is agent, for Gatlin Blvd Ventures, LLC, property owners.

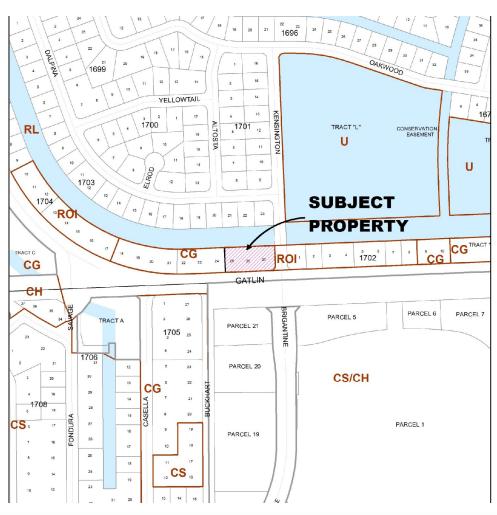
CityofPSL.com

REQUEST

 Review a Special Exception Use to allow a drive-through. Section 158.124(C)(13) of the Zoning Ordinances lists drive-through service as a special exception use within the General Commercial (CG) Zoning District.

PORT ST. LUCIE

Future Land Use



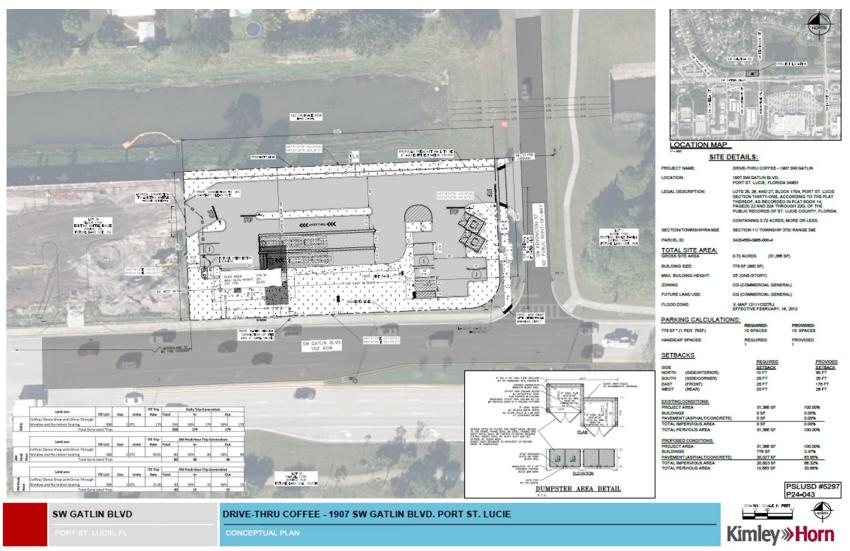




Surrounding Uses

Direction	Future Land Use	Zoning	Existing Use
North	Low density residential – (RL)	Single-Family Residential (RS-2)	Drainage R/W
South	Service Commercial – (CS), & Highway Commercial – (CH)	Planned Unit Development (PUD)	Retail/Medical office
East	Residential, Office, & Institutional – (ROI)	Single-Family Residential (RS-2)	Vacant
West	Residential, Office, & Institutional – (ROI)	General Commercial (CG)	Restaurant

CityofPSL.com PORT ST. LUCIE



Conceptual Site Plan

PORT ST. LUCIE



Aerial Site View

PORT ST. LUCIE

<u>Evaluation of SEU CRITERIA</u> <u>(</u> Section 158.260)	<u>FINDINGS</u>
ADEQUATE INGRESS AND EGRESS (§ 158.260 (A))	The site plan demonstrates that the site has adequate ingress and egress for vehicles, the proposed development will allow for pedestrian safety and convenience. The property is located on the north side of SW Gatlin Blvd., at the corner of the intersection of SW Gatlin Blvd. & SW Kensington Street and has vehicular access along SW Kensington Street, a public roadway. There is cross-access identified on the conceptual plan.
ADEQUATE OFF-STREET PARKING AND LOADING AREAS (§ 158.260 (B))	Adequate off-street parking is provided for the proposed drive-through use. There will be no indoor dining or patron use. The site is required to have 10 parking spaces at one (1) space per 75 square feet. On-site parking will be used for employee parking only. A buffer wall will be used to screen the proposed development from neighboring residential properties to the north of the site.
ADEQUATE AND PROPERLY LOCATED UTILITIES (§ 158.260 (C))	Adequate utilities are available to service the development.
ADEQUATE SCREENING OR BUFFERING (§§ 158.260 (D) (F))	A wall is required in a landscape buffer strip where commercial, industrial, institutional, office, or public facility uses abut property to the side or rear which is designated with a residential or open space land use. The architectural wall shall be at least 6 feet in height measured from the finished floor elevation of the primary structure on the subject property. Yard setbacks and open space are adequate, to properly serve the proposed development and to ensure compatibility with adjoining properties.
SIGNAGE AND EXTERIOR LIGHTING (§158.260 (E))	No signs or outdoor lighting has been proposed for the site.
COMPATIBILITY WITH SURROUNDING USES (§§ 158.260 (H) (I) (J))	By adhering to City Codes and Regulations, the establishment and operation of the proposed use is not anticipated to impair the health, safety, welfare, or convenience of residents and workers in the City. The proposed use is not expected to generate noise or hazards because of the number of persons who will attend or use the facility. The establishment will operate year-round and is open from 5:30 AM to 10:00 PM. Public Works has reviewed the queuing analysis and found it acceptable. The proposed use is not expected to impact the neighbors or surrounding roadways. The proposed use is not expected to adversely impact surrounding properties. The building footprint is proposed at 778 sq. ft. and is adjacent to commercial uses such as a restaurant to the west of the site.

<u>Traffic Impact Statement</u>

This development with the Traffic Impact Statement and drivethru queueing analysis was reviewed by City Staff.

Per ITE Trip Generation Manual, 11th Edition, this particular development predicts an addition of 17 PM Peak Hour trips to be generated. The drive-thru lane provides capacity for up to fourteen (14).

No additional mitigation is required.



QUESTIONS OR COMMENTS?

PLANNING AND ZONING BOARD ACTION OPTIONS:

- Make a motion to recommend approval to the City Council
- Make a motion to recommend approval to the City Council with conditions
- Make a motion to recommend denial to the City Council
- Make a motion to table or continue the hearing or review to a future meeting

PORT ST. LUCIE



City of Port St. Lucie

Agenda Summary

Agenda Date: 8/6/2024 Agenda Item No.: 8.f

Placement: Public Hearing - Quasi Judicial

Action Requested: Motion / Vote

P24-080 Garrick, Gladwyn and Latoya - Rezoning

Location: The property is located at 2721 and 2741 SW Campana Street. Legal Description: Lots 3, 4, and 5, Block 1708, Port St. Lucie Section 31

This request is for the rezoning of 0.74 acres from Single-Family Residential (RS-2) to Warehouse Industrial

(WI).

Submitted By: Sofia Trail, Planner I

Executive Summary: The Owners, Gladwyn and Latoya Garrick, are requesting the rezoning of 0.74 acres from Single-Family Residential (RS-2) to Warehouse Industrial (WI). The property address is 2721 and 2741 SW Campana Street. The properties have a future land use designation of Service Commercial (CS). The WI zoning district is compatible with the CS future land use designation. The proposed use is commercial warehouse.

Presentation Information: : Staff will provide a presentation.

Staff Recommendation: Move that the Board review the rezoning request and vote to recommend approval or recommend denial to the City Council.

Background: N/A

Issues/Analysis: Issues/Analysis: The rezoning complies with the direction and intent of the City's Comprehensive Plan. The WI (Warehouse Industrial) Zoning District is compatible with the CS (Service Commercial) future land use classification per Policy 1.1.4.13 of the Future Land Use Element of the Comprehensive Plan.

Special Consideration: N/A

Location of Project: 2721 and 2741 SW Campana Street

Attachments:

1. Staff Report

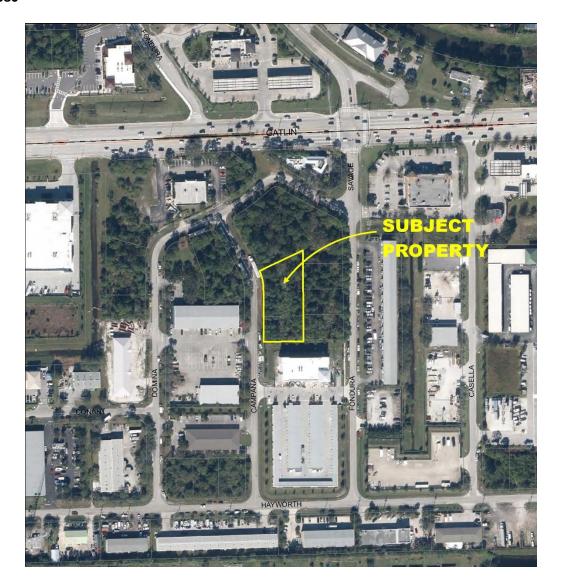
- 2. Application
- 3. Warranty Deed
- 4. Staff Presentation

Agenda Item No.: 8.f **Agenda Date:** 8/6/2024

5. Unity of Title



Garrick, Gladwyn and Latoya Rezoning P24-080



SUMMARY

SOMMAN		
Applicant's Request:	An application to rezone the subject properties from Single-Family	
	Residential (RS-2) to Warehouse Industrial (WI).	
Property Owners:	Gladwyn & Latoya Garrick	
Location:	East on SW Campana Street and south of SW Gatlin Boulevard	
Address:	2721 & 2741 SW Campana Street	
Project Planner:	Sofia Trail, Planner I	

Project Description

The Owners, Gladwyn and Latoya Garrick, are requesting the rezoning of 0.74 acres legally described as Port St. Lucie Section 31, Block 1708, Lots 3, 4, and 5 from Single-Family Residential (RS-2) to Warehouse Industrial (WI). The property address is 2721 and 2741 SW Campana Street.

The properties have a future land use designation of Service Commercial (CS). The WI zoning district is compatible with the CS future land use designation.

Public Notice Requirements

Public notice was mailed to owners within 750 feet of the property and the item was included in the ad for the August 6, 2024, Planning & Zoning Board meeting.

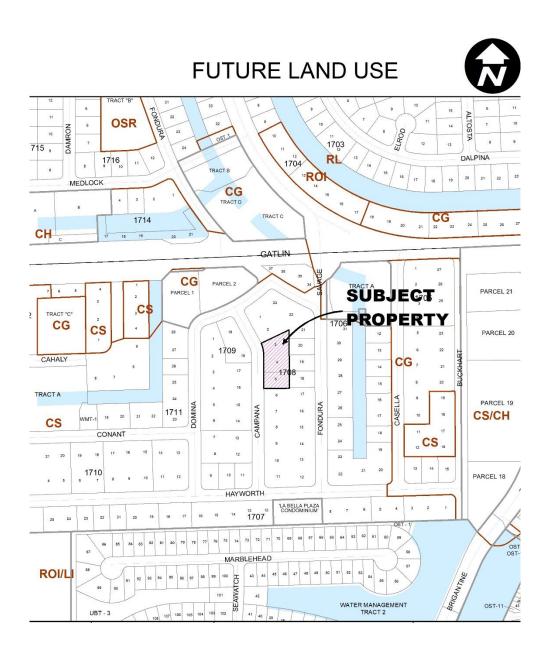
Location and Site Information

Parcel Number(s):	1. 3420-650-1081-000-4	
	2. 3420-650-1083-000-8	
Property Size:	+/- 0.74 acres	
Legal Description:	Port St. Lucie Section 31, Block 1708, Lots 3, 4, and 5	
Future Land Use:	Commercial Service (CS)	
Existing Zoning:	Single Family Residential (RS-2)	
Existing Use:	Vacant lots	
Requested Zoning:	Warehouse Industrial (WI)	
Proposed Use:	Commercial warehousing	

Surrounding Uses

Direction	Future Land Use	Zoning	Existing Use
North	CS	CS	Vacant
South	CS	CS	Self-Storage Business
East	CS	RS-2	Vacant
West	CS	CS	Warehouse/Vacant

CS - Service Commercial, RS-2 - Single-Family Residential



EXISTING ZONING FONDURA ALTOSTA 11 **OSR** 10 1703 ost 1 715 , DALPINA 1716 TRACT B MEDLOCK PUD TRACT D ²CH TRACT C 1714 RS-2 GATLIN 1 CG 27 SAVAGE CG TRACT A PARCEL 2 PARCEL 21 PARCEL 1 SUBJECT 25 PUD TRACT "C" CS 1706 PROPERTY CG PARCEL 20 CS 1709 27 CAHALY 7 CG 21 CS 17 PARCEL 19 CS CONANT 13 CS 16 CS CS 1710 PARCEL 18 HAYWORTH 1707 73 72 MARBLEHEAD U SEAWATCH WATER MANAGEMENT UBT - 3 103 102

IMPACTS AND FINDINGS

COMPREHENSIVE PLAN REVIEW

Land Use Consistency (Policies 1.1.4.2 and 1.1.4.13): Policy 1.1.4.2 of the Future Land Use Element states the City shall provide the Commercial Service (CS) Future Land Use Designation Intended for the most intensive commercial development including wholesale, warehouses, vehicle sales, lumber yards, etc. In addition, the proposed rezoning is consistent with Policy 1.1.4.13 in which the Warehouse Industrial (WI) zoning district is listed as a compatible zoning district under the Service Commercial (CS) future land use classification.

FUTURE LAND USE CLASSIFICATION	COMPATIBLE ZONING DISTRICT(S)
Service Commercial (CS)	CS, GU (General Use), &
	WI (Warehouse Industrial)

ZONING REVIEW

<u>Applicant's Justification Statement</u>: The applicant requests to rezone the parcels from RS-2 to WI to support development of a commercial warehousing type facility. WI's zoning permits the development and maintenance of warehousing facilities while the current RS-2 does not permit such facilities.

Staff Analysis: The proposed rezoning to WI is consistent with the future land use CS and surrounding zoning designations including WI and CS. Further, nearby land uses include maintenance and contractor facilities in the CS zoning to the west of SW Campana Street and a self-storage facility in the CS designation to the immediate south.

Compliance with Conversion Area Requirements

Planning Area location per Conversion Manual	24	
Is all property within planning area?	Yes	
Type of Conversion Area	CS	
Proposed rezoning	WI;'	
Will rezoning result in isolation of lots?	No	
Has Unity of Title been submitted?	Yes	
	Required	Proposed
Minimum Frontage	160'	224'
Minimum Depth	240' (Single lot depth, 125' may be used if the entire rear lot line is bounded by a major drainage right-of way or non-residential use and sufficient frontage exists for development)	125' (abutting a non- residential use) single lot depth
Landscape Buffer Wall	Not required	

STAFF RECOMMENDATION

The Planning and Zoning Department recommends approval of the proposed rezoning.

Planning and Zoning Board Action Options:

- Motion to recommend approval to the City Council
- Motion to recommend denial to the City Council

Please note: 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.

REZONING APPLICATION

CITY OF PORT ST. LUCIE Planning & Zoning Department 121 SW Port St. Lucie Boulevard Port St. Lucie, Florida 34984

(772) 871-5213

FOR OFFICE USE ONLY

Planning Dept. Fee (Nonrefundable)\$ Receipt#

Refer to "Fee Schedule" for application fee. Make checks payable to the "City of Port St. Lucie". Fee is <u>nonrefundable</u> unless application is withdrawn prior to the Planning and Zoning Board Meeting. **All** items on this application should be addressed, otherwise it cannot be processed. Attach proof of ownership: two copies of recorded deed. <u>If the application includes more than one (1) lot, our Legal Department will contact you regarding execution of the required <u>Unity of Title.</u> Please type or print clearly in **BLACK** ink.</u>

PRIMARY CON	ITACT EMAIL ADDRESS: Jatoya garrick & Orol. Com
PROPERTY OV	NNER:
Name: _	GLADWYN and LATOYA GARATCK
Address: _	2115 SW Devon ave
Telephone No.:	772-621-0763 Email latoyaga (11ch a ach Com
AGENT OF OW	
Name: _	
Address: _	
Telephone No.:	Email
PROPERTY INI	FORMATION
Legal Descriptio (Include Plat Bo	n: ok and Page)
Parcel I.D. Num	ber: 3420-650-1083-000-8 3420-650-1081-000-L
Current Zoning:	RS2
Proposed Zonin	g: WI
Future Land Us	e Designation: Acreage of Property:
Reason for Rez	oning Request: To build and operate Commercially
*Signature of Ov	LATOYA GARRUIL June 17-2024 Wher Hand Print Name Date

*If signature is not that of the owner, a letter of authorization from the owner is needed.

NOTE: Signature on this application acknowledges that a certificate of concurrency for adequate public facilities as needed to service this project has not yet been determined. Adequacy of public facility services is not guaranteed at this stage in the development review process. Adequacy for public facilities is determined through certification of concurrency and the issuance of final local development orders as may be necessary for this project to be determined based on the application material submitted. 02/26/20

MICHELLE R. MILLER, CLERK OF THE CIRCUIT COURT - SAINT LUCIE COUNTY FILE # 5329099 OR BOOK 5139 PAGE 1226, Recorded 04/24/2024 12:11:51 PM Doc

Tax: \$2625.00

This Instrument Prepared by and Return to:

Judy O. Jurcak

Prime Title Services, LLC 1775 S.W. Gatlin Boulevard #105

Port St. Lucie, FL 34953 Our File No.: **24-049**

Property Appraisers Parcel Identification (Folio) Number: 3420-650-1081-000-4

Florida Documentary Stamps in the amount of \$2,625.00 have been paid hereon.

representatives and assigns of individuals, and the successors and assigns of corporations)

Space above this line for Recording Data

WARRANTY DEED

THIS WARRANTY DEED, made the 19th day of April, 2024 by CYR Land Holdings, LLC a Maine Limited liability Company as converted from CYR Family Limited Partnership, a Maine Limited Partnership, whose post office address is PO Box 252, Portage Lake, MA 04768 herein called the Grantor, to Gladwyn Garrick and Latoya Laclair Garrick, husband and wife whose post office address is 2115 SW Devon Ave, Port St. Lucie, FL 34953, hereinafter called the Grantees: (Wherever used herein the terms "Grantor" and "Grantee" include all the parties to this instrument and the heirs, legal

WITNESSETH: That the Grantor, for and in consideration of the sum of TEN AND 00/100'S (\$10.00) and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the Grantee all that certain land situate in SAINT LUCIE County, State of Florida, viz.:

PARCEL 1: LOTS 3 AND 4, BLOCK 1708, PORT ST. LUCIE SECTION THIRTY ONE, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 14, PAGES 22, 22A THROUGH 22G, INCLUSIVE, OF THE PUBLIC RECORDS OF ST. LUCIE COUNTY, FLORIDA.

PARCEL 2: LOT 5, BLOCK 1708, PORT ST. LUCIE SECTION THIRTY ONE, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 14, PAGES 22, 22A THROUGH 22G, INCLUSIVE, OF THE PUBLIC RECORDS OF ST. LUCIE COUNTY, FLORIDA.

Subject to easements, restrictions and reservations of record and taxes for the year 2024 and thereafter.

TOGETHER, with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

TO HAVE AND TO HOLD, the same in fee simple forever.

AND, the Grantor hereby covenants with said Grantees that the Grantor is lawfully seized of said land in fee simple; that the Grantor has good right and lawful authority to sell and convey said land, and hereby warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances, except taxes accruing subsequent to December 31, 2023.

IN WITNESS WHEREOF, the said Grantor has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered in the presence of:

Witness #1 Signature

Cameron K. Lane

Witness #1 Printed Name

40 Colonial Road

Witness #1 Street Address

Portland, ME 04102

Witness #1 City, State Zip

Witness #2 Signature

Eric Benziger

Witness #2 Printed Name

34 Deer Run Rd

Witness #2 Street Address

Ugles, ME 04280

Witness #2 City, State Zip

Land-30

CYR[®]Holdings, LLC a Maine Limited liability Company as converted from CYR Family Limited Partnership, a Maine Limited Partnership

BY: Scott L. Cvr. Manager

BY: Janue Des

State of Maint County of Cumberland

The foregoing instrument was acknowledged before me this \(\frac{1}{2} \) day of April, 2024 by Scott L. Cyr, Manager and Janice T. Cyr, Manager of CYR Holdings, LLC a Maine Limited liability Company as converted from CYR Family Limited Partnership, a Maine Limited Partnership who appeared by \(\subseteq \) physical presence or \(\subseteq \) online notarization and has produced \(\frac{1}{2} \subseteq \) where \(\subseteq \) as identification and \(\subseteq \) did not take an oath.

SEAL

CAMERON K. LANE
Notary Public, State of Maine
Ny Commission Expires 11/08/2928

Notary Public

Printed Notary Name

My Commission Expires:



Garrick, Gladwyn and Latoya Rezoning Project No. P24-080

Planning and Zoning Board Meeting Sofia Trail, Planner I August 6, 2024

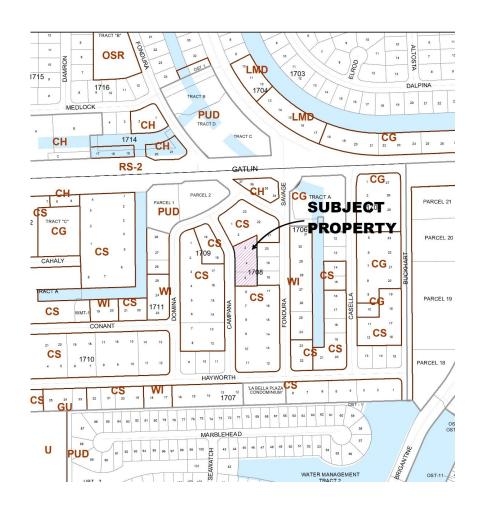
Request Summary

Applicant's Request:	The applicant requests to rezone 0.74 acres from Single Family Residential (RS-2) to Warehouse Industrial (WI) to be consistent with the City's Comprehensive Plan and current Future Land Use. The proposed use is a commercial warehousing type facility.
Applicant/Property Owner:	Gladwyn & Latoya Garrick
Location:	The parcels are located at 2721 and 2741 SW Campana Street, south of SW Gatlin Boulevard and east on SW Campana Street.



Surrounding Areas

Direction	Existing Use	Future Land Use	Zoning
North	Vacant	CS	CS
South	Self-Storage	CS	CS
East	Vacant	CS	RS-2
West	Warehouse/Vacant	CS	CS





Land Use Conversion Manual

FACTOR	ISSUE		
Planning Area Location	Conversion Area #24		
Is all property within planning area?	Yes		
Type of Conversion Area	CS		
Proposed rezoning	Warehouse Industrial Zoning District		
Will rezoning result in isolation of	No		
lots?			
Has Unity of Title been submitted?	Yes		
	Required	Proposed	
Minimum Frontage	160'	224'	
Minimum Depth	240' (Single lot depth, 125' may be used if the entire rear lot line is bounded by a major drainage right-of way or non-residential use and sufficient frontage exists for development)	125' (abutting a non-residential use) single lot depth.	
Landscape Buffer Wall	Not required		



Justification

- The proposed rezoning is consistent with Policy 1.1.4.13 of the Future Land Use Element of the Comprehensive Plan which establishes the compatible future land use and zoning categories.
- The Warehouse Industrial (WI) Zoning District is listed as a compatible zoning district under the Service Commercial (CS) future land use classification.

POLICY 1.1.4.13 FUTURE LAND USE ELEMENT	
<u>FUTURE LAND USE CLASSIFICATION</u> <u>COMPATIBLE ZONING DISTRICT</u>	
Service Commercial (CS)	CS (Service Commercial), GU (General Use), and WI (Warehouse Industrial)



Staff Recommendation

The Planning and Zoning Department staff finds the request to be consistent with the direction and intent of the future land use map and policies of the City's Comprehensive Plan and recommends approval.



This instrument was prepared under the direction of: City of Port St. Lucie, City Attorney's Office Prepared by: CITY OF PORT ST. LUCIE City Attorney's Office 121 S.W. Port St. Lucie Boulevard Port St. Lucie, FL 34984

(Space above this line reserved for recording office use only)

DECLARATION OF UNITY OF TITLE

KNOW ALL MEN BY THESE PRESENTS that the undersigned, Gladwyn Garrick and Latoya Garrick, are the fee simple owners of the following described real property situated and being in the City of Port St. Lucie, Florida (the "Property"):

Lots 3, 4, and 5, Block 1708, Port St. Lucie Section Thirty-One, according to the plat thereof, as recorded in Plat Book 14, Page 22, of the Public Records of St. Lucie County, Florida.

WHEREAS, in consideration of the issuance of permit(s) for the Property and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the undersigned does hereby make the following declarations of conditions, limitations and restrictions on said lands, hereinafter to be known and referred to as a Declaration of Unity of Title, as to the following particulars:

- 1. That the said Property shall be considered as one plot or parcel of land, and that no portion thereof shall be sold, assigned, transferred, conveyed, devised, or mortgaged separately except in its entirety, as one plot or parcel of land.
- 2. That this condition, restriction and limitation is intended and shall constitute a restrictive covenant concerning the use, enjoyment and title to the Property described above, and shall be deemed a covenant running with the land, as provided by law, and shall remain in full force and effect, and be binding upon the undersigned, and the heirs, successors and assigns of the undersigned until such time as the same may be released in writing by the City of Port St. Lucie, or its successor, in accordance with the applicable rules, codes or ordinances of said City then in effect. The Declaration of Unity of Title granted by the City is subject to revocation upon written notice to the property owner of record, as listed in the public tax records at the time the written notice is issued. Furthermore, this Declaration of Unity of Title neither conveys any right, title or interest in or to any of the legal or equitable easement rights of the City nor serves as City's abandonment of its rights in and to any easement.
- 3. Should the City exercise its rights to revoke this Declaration of Unity of Title, as outlined in paragraph 2 above, the undersigned and/or any successors, assigns or future holders of interest in the Property shall be responsible for the removal of the encroachment(s), obstruction(s), or structure(s) and the restoration of the terrain, at the owner's sole cost and expense, within thirty (30) days of the owner of record's receipt of the City's notice of revocation unless the urgency of the situation requires the removal of the encroachment to be accomplished in a shorter period of time. Said written notice of City's revocation of this Declaration of Unity of Title shall be made by

certified mail, return receipt requested, hand-delivery, or personal service. In the event that the removal of the encroachment(s) and restoration are not accomplished within thirty (30) days of the owner of record's receipt of the City's notice of revocation, the City shall be hereby authorized to remove the encroachment(s). The undersigned hereby agrees to immediately reimburse City for any and all costs incurred for said removal and restoration. The City shall have the right to levy an assessment against the real property and collect the costs of removal and restoration in the same manner as general taxes are collected under state and local laws.

4. The undersigned also agrees that this Declaration of Unity of Title shall be recorded in the Public Records of St. Lucie County, Florida.

NOW, THEREFORE, for good and valuable consideration, the undersigned does hereby declare that the undersigned will not convey or cause to be conveyed the title to the above-described Property without requiring the successor in title to abide by all terms and conditions set forth herein.

FURTHER, the undersigned agrees to indemnify, defend, and hold harmless the City of Port St. Lucie, its officials, officers, attorneys, consultants, agents and employees, from and against all claims, damages, losses, and expenses, direct, indirect or consequential (including but not limited to fees and charges of attorneys and other professionals and court and/or arbitration costs) arising out of or resulting, in whole or in part, from the undersigned's execution of this Declaration of Unity of Title. Moreover, the undersigned agrees that nothing in this indemnification and hold harmless provision shall be considered to increase or otherwise waive any limits of liability, or to waive any immunity, as established by Florida Statutes, case law, or any other source of applicable governing law afforded to the City of Port St. Lucie.

NO PRECEDENT ESTABLISHED. This Declaration Unity of Title is issued with the understanding that any action herein is not to be considered as establishing a precedent, as to the utility or the acceptability, of any permit to any other or future situation. Each approval of a Declaration of Unity of Title will be determined on a case-by-case basis using the policy guidelines established and approved by the City Council of the City of Port St. Lucie.

IN WITNESS WHEREOF, Gladwyn Garrick and Latoya Garrick have caused this Declaration to be executed in its name, by its proper and duly authorized officer, on this _____ day of August 2024.

[SIGNATURES TO FOLLOW ON NEXT PAGE]

WITNESSES		<u>OWNER</u>
Signature of Witness Print Name: Address:		Signature of Owner Print Name: Gladwyn Garrick
Signature of Witness Print Name: Address:		
STATE OF FLORIDA) ss		
notarization, this day of August 2024,		efore me by means of [] physical presence or [] online adwyn Garrick, who is [] personally known to me to be the r who has [] produced the following identification:
		Cionatore of Matary Dublic
NOTARY SEAL/STAMP		Print Name of Notary Public Notary Public, State of Florida My Commission expires

WITNESSES		<u>OWNER</u>	
Signature of Witness Print Name: Address:		Signature of Owner Print Name: Latoya Garrick	
Signature of Witness Print Name: Address:			
STATE OF FLORIDA COUNTY OF ST. LUCIE)) ss)		
notarization, this day of A	August 2024, by L	pefore me by means of [] physical presence or [] online atoya Garrick, who is [] personally known to me to be the or who has [] produced the following identification:	
		Signature of Notary Public	
NOTARY SEAL/STAMP		Print Name of Notary Public Notary Public, State of Florida My Commission expires	



City of Port St. Lucie

Agenda Summary

Agenda Date: 8/6/2024 Agenda Item No.: 8.g

Placement: Public Hearing - Quasi Judicial

Action Requested: Motion / Vote

P24-085 SLW-660 PSL, LLC - Variance

Location: The property is located at 639 NW Enterprise Drive.

Legal Description: Lot I-37 North, Lot 1

This is a request to grant a variance from the City of Port St. Lucie Zoning Code, Section 158.227(G), of 400 square feet, to allow for an enclosed, self-service storage facility, with bay sizes up to 900 square feet.

Submitted By: Sofia Trail, Planner I, Planning and Zoning Department

Executive Summary: The applicant is requesting a variance from the City of Port St. Lucie Zoning Code, Section 158.227(G), of 400 square feet, to allow for an enclosed, self-service storage facility, with bay sizes up to 900 square feet. Section 158.277(G), states that the maximum bay size of a self-storage bay shall be no greater than 500 square feet. The applicant is proposing an enclosed storage facility for Class A recreational vehicles which can be as long as 45 feet and would require larger bay sizes.

Presentation Information: Staff will provide a presentation.

Staff Recommendation: Move that the Board review the variance application and vote to approve, approve with conditions, or deny the variance request.

Background: See Staff Report.

Issues/Analysis: See Staff Report.

Special Consideration: N/A

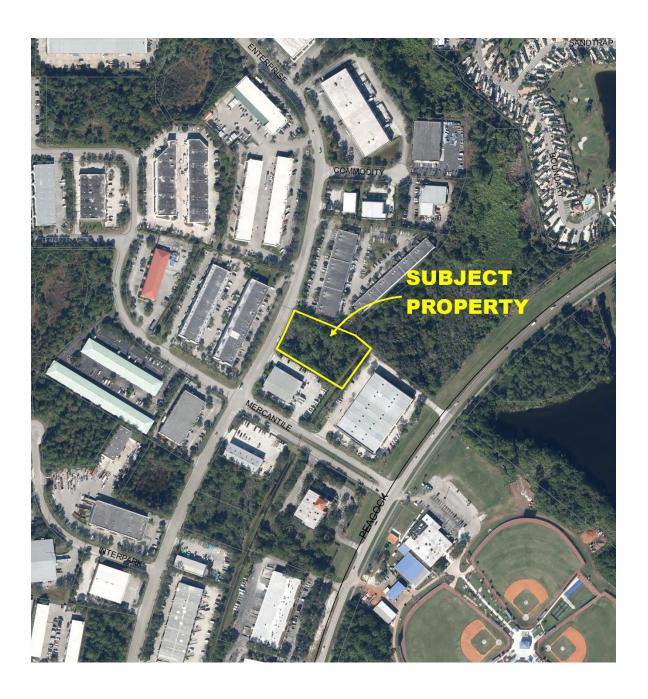
Location of Project: 639 NW Enterprise Drive

Attachments:

- 1. Staff Report
- 2. Proposed Site Plan
- 3. Responses to Variance Criteria
- 4. Application
- 5. Warranty Deed
- 6. Staff Presentation



SLW-660 PSL, LLC, (TR) Variance (Section 158.227(G)) P24-085



Aerial Map

SUMMARY

Applicant's Request:	To grant a variance from City of Port St. Lucie Zoning Code, Section 158.227(G), of 400 square feet, to allow for an enclosed, self-service storage facility, with bay sizes up to 900 square feet.
Application Type:	Variance, Quasi-Judicial
Applicant / Property Owner:	660 PSL, LLC
Address:	639 Northwest Enterprise Drive
Location:	The property is generally located north of NW Mercantile Place and on
	the east side of NW Enterprise Drive.
Project Planner:	Sofia Trail, Planner I

Project Description

The applicant is requesting a variance from the City of Port St. Lucie Zoning Code, Section 158.227(G), of 400 square feet, to allow for an enclosed, self-service storage facility, with bay sizes up to 900 square feet. Section 158.277(G), states that the maximum bay size of a self-storage bay shall be no greater than 500 square feet. The applicant is proposing an enclosed storage facility for Class A recreational vehicles which can be as long as 45 feet and would require larger bay sizes.

Background

The applicant has submitted a site plan application (P24-092) that proposes two buildings with 28 storage bays that range from 600 square feet to 900 square feet. Exhibit "A" shows the proposed site plan.

Review Criteria

An application of a variance is reviewed for consistency with Article XV of the Zoning Code, Sections 158.295 through 158.299.

Public Notice Requirements

Public notice was mailed to owners within 750 feet on July 25, 2024, and the file was included in the ad for the Planning & Zoning Board's agenda.

Location and Site Information

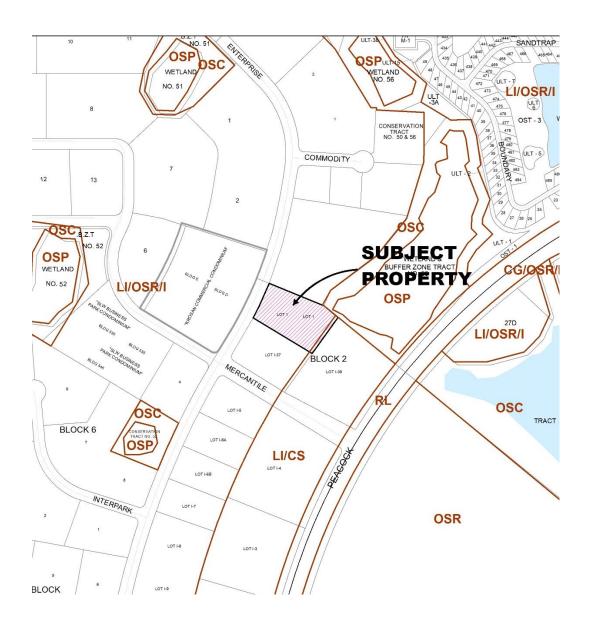
Parcel Number:	3323-583-0001-000-0
Property Size:	1.42-acres
Legal Description:	Lot I-37 North (PB 90-15) Lot 1 (1.423 AC – 61,986 SF)
Future Land Use:	LI/OSR/I
Existing Zoning:	WI
Existing Use:	Vacant

Surrounding Uses

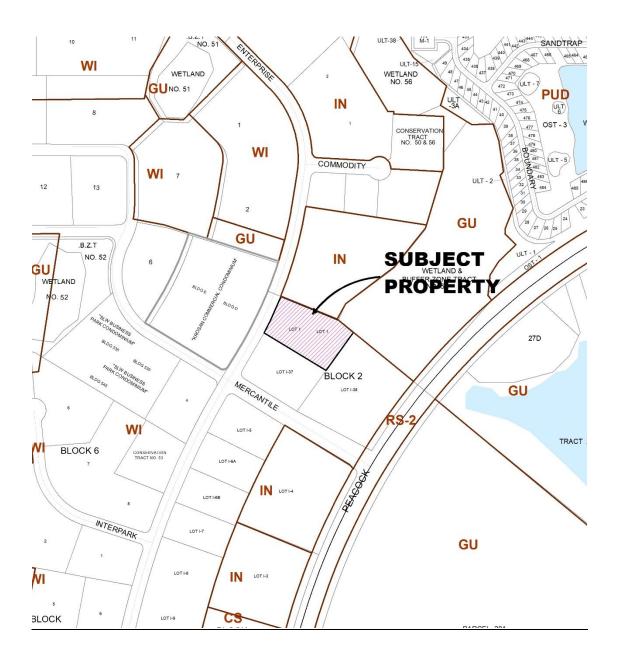
Direction	Future Land Use	Zoning	Existing Use
North	LI/OSR/I	IN	Warehousing
South	LI/OSR/I	WI	Warehousing
East	LI/CS	WI	Warehousing
West	LI/OSR/I	WI	Warehousing

WI – Warehouse Industrial, CS – Service Commercial, LI – Light Industrial, OSR – Open Space Recreational, I – Institutional

Future Land Use



Zoning



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 the 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 the 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). The applicant's response to this criterion is attached to the application. Staff's review is provided below.

See the applicant's responses that are included in the Variance application.

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: The special conditions and circumstances that exist are specific
 to the use as a self-storage for large or multiple RVs & Boats due to the unique size of
 these vehicles and vessels. The 500 SF maximum storage unit size cannot
 accommodate a large Class A RVs, which can be as long as 45 feet. The current code
 does not account for this type of storage.
 - <u>Staff Findings</u>: Special circumstances exist since the proposed building is to accommodate large RVs and boats. The applicant could propose an open storage site which would not require a variance for the maximum bay size, but their request is for an enclosed self-service storage facility. To staff's knowledge there are currently no self-service storage facilities in the City for large RVs.
- 2. That the special conditions and circumstances do not result from any action of the applicant.
 - <u>Applicant's Response</u>: The unique condition is related to the length of Class A luxury RVs, which does not result from the actions by the Applicant. This variance application actually addresses a market need regarding the storage of large RVs and boat that current zoning code does not recognize or address.
 - <u>Staff Findings</u>: As a self-service storage facility, property other than recreational vehicles (RVs) could be stored within the proposed storage bays. The need for the variance is due to the proposal to store the larger RV's.
- 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: This variance request will not confer on the Applicant special privilege that is denied by this chapter to other lands, buildings, or structures, in the same district. The use of "enclosed RV & Boat storage" (aka self-storage) will require larger bay sizes in order to accommodate large RVs and boats, as well as multiple vehicles owned by the same customer. Until the code is amended to address this use, a variance is required in order to allow this use.

- <u>Staff Findings</u>: Granting of this variance will confer on the applicant special privileges that is denied by this chapter to other self-service storage facilities within the Warehouse Industrial (WI) Zoning District. Any other applicant would need to apply for variance to grant bay sizes over 500 square feet.
- 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: The literal interpretation of the code would not allow the
 enclosed storage of larger RVs or boats if the bays exceed the 500 SF maximum
 allowed for the self-storage use. If the self-storage use, specifically for RVs and boats,
 on this property is classified as warehouse use, other requirements like parking at 1
 space/200 SF would be an undo hardship on the Applicant as there is no need for the
 excessive parking
 - <u>Staff Findings</u>: The literal interpretation of the provisions of the chapter would not deprive the applicant of rights commonly enjoyed by other properties in the same zoning district. Without the granting of the variance, the applicant could deem the use as warehousing and provide a parking space for every 500 square feet of gross floor area.
- 5. That the variance granted is the minimum variance that will make possible the reasonable use of the land, building, or structure.
 - <u>Applicant's Response</u>: The increase in bay size requirement from 500 SF to 900 SF (+400 SF of variance) is the minimum variance to accommodate the larger luxury Class A RVs, which can only fit in a bay large enough to maneuver the RV into the bay and still have room to walk around the RV when it is in the bay.
 - <u>Staff Findings</u>: See responses to questions 1 and 4.
- 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.
 - <u>Applicant's Response</u>: The intent of the 500 SF maximum bay size is typically used in similar codes to so customers are not using bays for other commercial uses, including standard warehouse or distribution space. The storage of RVs and boats in an enclosed facility is a similar use to standard self-storage, which is in harmony with the general intent of the use and the code.
 - <u>Staff Findings</u>: Section 158.227 of the Zoning Code establishes the use standards for Self-Service Storage Facilities. It requires all property on site to be stored entirely within enclosed buildings but permits the open storage of recreational vehicles and dry pleasure boats if all conditions are met. The applicant is proposing fully enclosed bays that are large enough to store these items customarily maintained by private individuals for their personal use. The granting of this variance appears to be in harmony with the general intent and purpose of the chapter and appears not to be injurious to the area involved or detrimental to the 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 use of self-storage of RVs and boats will be in full
 compliance with any additional conditions and safeguards which the P&Z Board or
 staff may prescribe. In fact, code Section 158.227(I)(2) allows for customer parking
 within the drive aisles as long as they are large enough. In this case the plan the
 Applicant is proposing allows parking in the drive aisles.
 - <u>Staff Findings</u>: Staff acknowledges that the applicant intends to be in full compliance with any additional conditions and safeguards which the Planning and Zoning Board or Zoning Administrator may prescribe.

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) and the City of Port St. Lucie Land Use Conversion Manual performance standards, then the Board may:

- Motion to recommend approval
- Motion to recommend approval with conditions

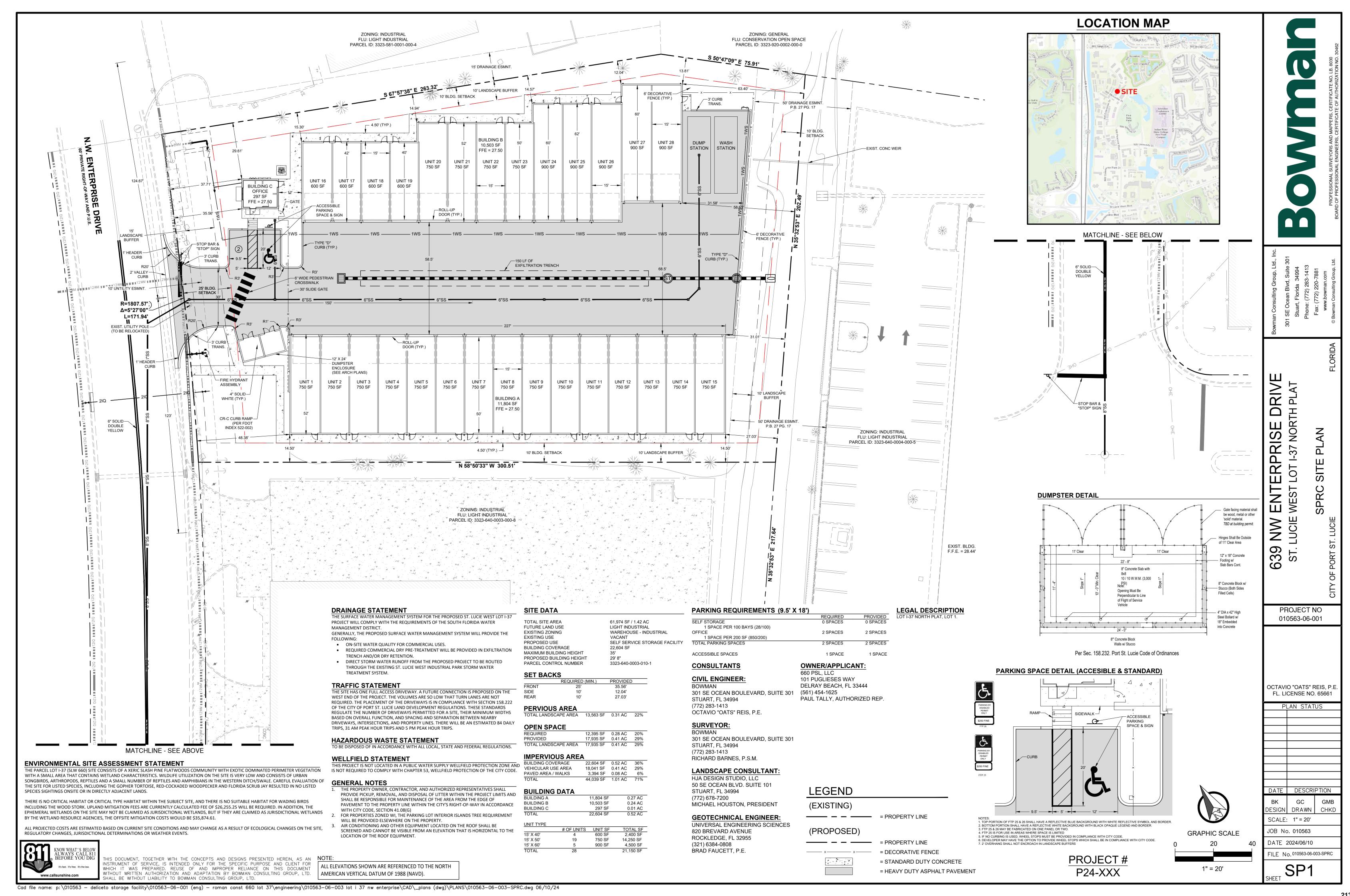
If the Board finds that the variance application is inconsistent with the criteria as listed in Section 158.295 (B) (1) through (7) of the City code, then the Board may:

• Motion to recommend denial

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).



Justification Statement 639 NW Enterprise Drive City of Port St. Lucie – Variance Application Original Submittal: 06/19/2024

Revised: 07/10/2024

Introduction

The Applicant and Property Owner, 660 PSL, LLC ("Owner"), respectfully requests your approval of this application for a Variance on a property located in the City of Port St. Lucie ("City"). The vacant 1.423-acre subject property (P.I.D. 3323-583-0001-000-0) located on the east side of NW Enterprise Drive just north of NW Mercantile Place and has the address of 639 NW Enterprise Drive ("Property").

Currently, the Property supports a Future Land Use designation of Light Industrial/Open Space Recreational/Institutional (LI/OSR/I) and is zoned Warehouse – Industrial (WI). The Property is surrounded by developed parcels on three (3) sides and a public right-of-way (NW Enterprise Drive) on the west side. The Owner also owns the property directly to the east (P.I.D. 3323-640-0004-000-5). Below is a summary of surrounding properties:

Adjacent Lands	Uses	FLU	Zoning
Subject Property	Vacant	LI/OSR/I	WI
North	Various Warehouse Uses & Auto Repair and Maintenance	LI/OSR/I	WI
South	Warehouse (Lindstrom Air Conditioning)	LI/OSR/I	WI
East	Various Warehouse Uses	LI/CS	WI
West	Various Warehouse Uses, Service Uses & Auto Repair, Sales and Maintenance	LI/OSR/I	WI

LI/CS (Light Industrial/Service Commercial)

Request

The Applicant is requesting the following:

• A Variance from the City of Port St. Lucie Zoning Code, Chapter 158, Section 158.227(G) – Maximum Bay Size (for self-storage use).

The objective is to obtain Site Plan Review Committee (SPRC) approval in conjunction with this request for a variance in order to construct a self-storage specifically to

accommodate large Class A Recreational Vehicles (RVs) and (trailered) boats. Per the City's Land Development Code Section 158.227(G) – Maximum Bay Size, the maximum size of a self-storage bay shall be no greater than five hundred (500) square-feet. The Applicant is proposing bay sizes larger than 500 square feet in order to accommodate these large vehicles and vessels, as well as multiple high-end luxury and classic automobiles. Per the proposed site plan attached, the proposed facility will have bay sizes bay sizes from six hundred and thirty square feet (60030 SF) to nine hundred and ninety-two square-feet (90092 SF). There is a growing market and need for this type of use based on the value of these vehicles and vessels. Fully enclosed storage will allow for these vehicles and vessels to be stored in a safe and secure manner and away from inclement weather.

Variance

Pursuant to City's Code of Ordinances, Section 158.295(C) – The Planning and Zoning Board and Zoning Administrator may authorize the variance from the provisions of this chapter 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. In order to authorize any variance from the terms of this chapter, the Planning and Zoning Board or Zoning Administrator should consider.

- (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.
 - Response: The special conditions and circumstances that exist are specific to the use as a self-storage for large or multiple RVs & Boats due to the unique size of these vehicles and vessels. The 500 SF maximum storage unit size cannot accommodate a large Class A RVs, which can be as long as 45 feet. The current code does not account for this type of storage.
- (2) That the special conditions and circumstances do not result from any action of the applicant.
 - Response: The unique condition is related to the length of Class A luxury RVs, which does not result from the actions by the Applicant. This variance application actually addresses a market need regarding the storage of large RVs and boat that current zoning code does not recognize or address.
- (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.
 - Response: This variance request will not confer on the Applicant special privilege that is denied by this chapter to other lands, buildings, or structures, in the same district. The use of "enclosed RV & Boat storage" (aka self-storage) will require larger bay sizes in order to accommodate large RVs and boats, as well as multiple vehicles owned by the same customer. Until the code is amended to address this use, a variance is required in order

to allow this use.

- (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.
 - Response: The literal interpretation of the code would not allow the enclosed storage of larger RVs or boats if the bays exceed the 500 SF maximum allowed for the self-storage use. If the self-storage use, specifically for RVs and boats, on this property is classified as warehouse use, other requirements like parking at 1 space/200 SF would be an undo hardship on the Applicant as there is no need for the excessive parking.
- (5) That the variance granted is the minimum variance that will make possible the reasonable use of the land, building, or structure.

 Response: The increase in bay size requirement from 500 SF to 90092 SF (+40092 SF of variance) is the minimum variance to accommodate the larger luxury Class A RVs, which can only fit in a bay large enough to maneuver the RV into the bay and still have room to walk around the RV when it is in the bay.
- (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.
 Response: The intent of the 500 SF maximum bay size is typically used in similar codes to so customers are not using bays for other commercial uses, including standard warehouse or distribution space. The storage of RVs and boats in an enclosed facility is a similar use to standard self-storage, which is in harmony with the general intent of the use and the code.
- (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.
 Response: The use of self-storage of RVs and boats will be in full compliance with any additional conditions and safeguards which the P&Z Board or staff may prescribe. In fact, code Section 158.227(I)(2) allows for customer parking within the drive aisles as long as they are large enough. In this case the plan the Applicant is proposing allows parking in the drive aisles.

In conclusion, the Applicant and Property Owner, 660 PSL, LLC ("Owner"), respectfully requests your approval of this application for a Variance to allow self-storage bay sizes up to 90092 square feet.

VARIANCE APPLICATION

CITY OF PORT ST. LUCIE
Planning & Zoning Department
121 SW Port ST. Lucie Blvd.
Port St. Lucie, Florida 34984
(772)871-5213

FOR OFFICE USE ONLY

Planning Dept_

Receipt #

Fee (Nonrefundable) \$___

nonrefundable unless	application is withdray	ee. Make check payable to the " wn prior to advertising for the Planr (e.g.: warranty deed, affidavit), a ed criteria.	ning and Zoning Board meeting
PRIMARY CONTACT	EMAIL ADDRESS:	dbrink@puglieseco.com	
PROPERTY OWNER:			
Name:	660 PSL, LLC		
Address:	101 Pugliese's Way, 2	nd Floor, Delray Beach, Florida 33444	
Telephone No.	561-454-1642	· · · · · · · · · · · · · · · · · · ·	
APPLICANT (IF OTH	ER THAN OWNER, A	TTACH AUTHORIZATION TO ACT	ΓAS AGENT):
Name:	Same as Owner		
Address:			
Telephone No.		Email	
SUBJECT PROPERT	Y :		
Legal Description:	LOT I-37 NORTH (PB 9	90-15), LOT 1 (1.423 AC - 61,986 SF)	
Parcel I.D. Number:	3323-583-0001-000-0		
Address:	639 NW Enterprise Driv	ve, Port St. Lucie, Florida 34986	
Current Zoning Classi	fication Warehouse Inc	dustrial (WI)	
Description of requeste sheet, if necessary): <u>F</u>	ed variance and applic Provide documentation	able conditions/circumstances justify n that the attached variance criteria	ing request (continue on separate have been met.
The Applicant is reques	ting a variance from the	City of Port St. Lucie Zoning Code, Ch	apter 158, Section 158.227(G) -
Maximum Bay Size. Pe	er code, the maximum si	ze of a self-storage bay shall be five hu	indred (500) square feet. The
Applicant is proposing b	oay sizes larger than 500) square feet in order to accommodate	large Class A Recreational Vehicles
(RVs) and boats. The p	roposed facility will have	e bay sizes up to 900 square feet. See	attached justification statement for
additional information.			
Signature of A	oplicant	David Cloran, as Vice President for 660 PSL, LLC Hand Print Name	07/10/2024 Date

NOTE: Signature on this application acknowledges that a certificate of concurrency for adequate public facilities as needed to service this project has not yet been determined. Adequacy of public facility services is not guaranteed at this stage in the development review process. Adequacy for public facilities is determined through certification of concurrency and the issuance of final local development orders as may be necessary for this project to be determined based on the application material submitted.

VARIANCES

§ 158.295 PLANNING AND ZONING BOARD OR ZONING ADMINISTRATOR (DIRECTOR OF PLANNING AND ZONING) TO HEAR VARIANCES; POWERS AND DUTIES OF BOARD AND ZONING ADMINISTRATOR

- (C) Duties of the Zoning Administrator and Planning and Zoning Board in authorizing a variance. The Planning and Zoning Board and Zoning Administrator may authorize the variance from the provisions of this chapter 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. In order to authorize any variance from the terms of this chapter, the Planning and Zoning Board or Zoning Administrator should consider:
 - (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;
 - (2) That the special conditions and circumstances do not result from any action of the applicant;
 - (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;
 - (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;
 - (5) That the variance granted is the minimum variance that will make possible the reasonable use of the land, building, or structure;
 - (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;
 - (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.

VARIANCES

The Planning and Zoning Board and Zoning Administrator may authorize the variance from the provisions of this chapter 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. In order to authorize any variance from the terms of this chapter, the Planning and Zoning Board or Zoning Administrator will consider the variance criteria in § 158.295 (C) 1-7 and consider your responses to the following when making a determination.

(1) Please explain special conditions and circumstances that 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;
Please see attached justification statement.
(2) Please explain if these conditions and circumstances result from actions by the applicant;
Please see attached justification statement.
(3) Please explain how granting the variance requested will not confer on the applicant special privilege that is denied by this chapter to other lands, buildings, or structures, in the same zoning district;
(4) Please explain how a 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;
Please see attached justification statement.
(5) Please illustrate and explain if the variance requested is the minimum variance that will make possible the reasonable use of the land, building, or structure;
Please see attached justification statement.

(6) Please indicate how granting variance will be in harmony with the general intent and purpose of the chapte and that granting the variance will not be injurious to the area involved or otherwise detrimental to the public welfare;			
Please see attached justification st	atement.		
Planning and Zoning Board or Zo	be full compliance with any additional conditions and ning Administrator may prescribe, including but not which variance is required shall be begun or completatement.	t limited to reasonable time	
Signature of Applicant	David Cloran, as Vice President for 660 PSL, LLC Hand Print Name	07/10/2024 Date	

JOSEPH E. SMITH, CLERK OF THE CIRCUIT COURT - SAINT LUCIE COUNTY FILE # 4655299 OR BOOK 4361 PAGE 2106, Recorded 12/20/2019 01:02:37 PM Doc

Tax: \$822.50

Prepared by/Return to: Brian Hickey, Esq. Nason, Yeager, Gerson, Harris & Fumero, P.A. 3001 PGA Boulevard, Suite 305 Palm Beach Gardens, Florida 33410

SPECIAL WARRANTY DEED

THIS SPECIAL WARRANTY DEED, effective as of the 18th day of December, 2019, is by and between ENTERPRISE DRIVE LAND, LLC, a Delaware limited liability company, whose address is 1001 East Telecom Drive, Boca Raton, FL 33431 ("Grantor"), and 660 PSL, LLC, a Delaware limited liability company, whose address is 101 Pineapple Grove Way, Suite 200, Delray Beach, FL 33444 ("Grantee").

$\underline{WITNESSETH}$:

That Grantor, for and in consideration of the sum of TEN AND NO/100 (\$10.00) DOLLARS and other good and valuable considerations, in hand paid by Grantee, the receipt whereof is hereby acknowledged, by these presents does grant, bargain, sell, alien, remise, release, convey and confirm unto Grantee, those certain lands situate, lying and being in the County of St. Lucie, State of Florida, described as follows:

See attached Exhibit "A" (the "Property").

TOGETHER with all the tenements, rights, hereditaments and appurtenances thereto belonging or in anywise appertaining, and the reversion or reversions, remainder or remainders, rents, issues and profits thereof.

SUBJECT TO: (a) local, state and federal laws, ordinances or governmental regulations, including, but not limited to, building and zoning laws, ordinances and regulations, now or hereafter in effect relating to the Property, (b) real estate taxes and assessments for the year 2020 and all subsequent years, a lien not yet due and payable, (c) assessments and dues imposed by any property owners' association for the year of 2020 and subsequent years, a lien not yet due and payable, (d) all covenants, restrictions, easements, agreements and other matters of record, and (e) all matters that would be disclosed by an accurate inspection or survey of the Property.

AND Grantor, subject to the hereinbefore exceptions, hereby covenants that Grantor has good right and lawful authority to sell and convey the above-described land, and hereby warrants the title to said lands for any acts of Grantor and will defend the title of said land against the lawful claims and demands of all persons claiming by, through or under Grantor, but against none other.

[SIGNATURE PAGE FOLLOWS]

IN WITNESS WHEREOF, this Special Warranty Deed has been duly executed by Grantor, and is effective as of the day and year first written above.

Signed, sealed and delivered in the presence of: RUSA M JIMENEZ STATE OF FLORIDA) SS:

GRANTOR:

ENTERPRISE DRIVE LAND, LLC, a Delaware limited liability company

By: Enterprise Drive Manager, LLC, a Delaware limited liability company,

its Manager

Name: Kenneth J. Goodman

Its: Manager

COUNTY OF PALM BEACH

The foregoing Special Warranty Deed was acknowledged before me this ______ day of December, 2019, by Kenneth J. Goodman, as Manager of Enterprise Drive Manager, LLC, a Delaware limited liability company, as Manager of Enterprise Drive Land, LLC, a Delaware limited liability company, on behalf of the companies, () who is personally known to me OR () who produced identification.

Print Notary Name

NOTARY PUBLIC State of Florida at Large

My Commission Expires:



EXHIBIT "A" LEGAL DESCRIPTION

That portion of Lot I-37, Block 2, ST. LUCIE WEST PLAT NO. 14, COMMERCE PARK PHASE TWO, according to the plat thereof recorded in Plat Book 27, Pages 17 and 17A through 17F, of the Public Records of St. Lucie County, Florida, more particularly described as follows:

Begin at the Northeasterly corner of said Lot I-37 as a Point of Beginning; thence run South 35°32'22" West along the East line of said Lot I-37 a distance of 202.49 feet; thence run North 58°50'18" West 300.56 feet to an intersection with a curve and the Easterly right-of-way line of N.W. Enterprise Drive; thence run Northeasterly along the Easterly right-of-way line of N.W. Enterprise Drive and along the arc of a curve, concave to the Northwest, with a radius of 1807.57 feet and a central angle of 5°27'00" a distance of 171.94 feet to the Northwest corner of said Lot I-37; thence run South 67°57'27" East a distance of 263.32 feet; thence run South 50°46'58" East a distance of 75.91 feet to the Point of Beginning.



SLW – 660 PSL, LLC Variance Project No. P24-085

Planning and Zoning Board Meeting Sofia Trail, Planner I August 6, 2024

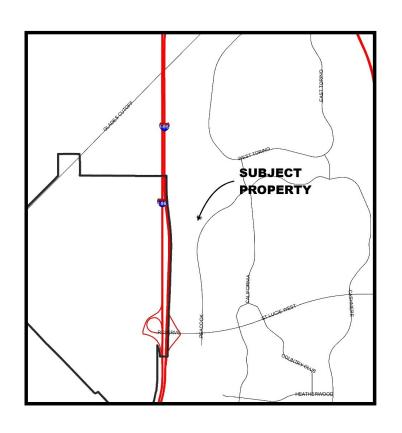
Request Summary

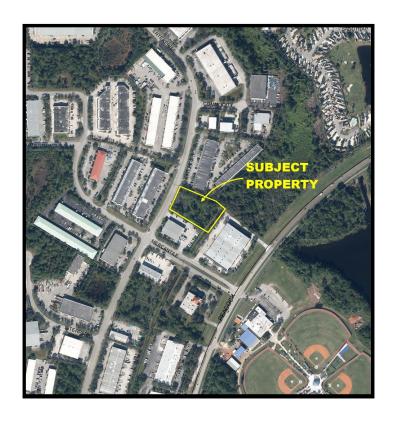
Applicant's Request:	The applicant is requesting a variance from the City of Port St. Lucie Zoning Code, Section 158.227(G), of 400 square feet, to allow for an enclosed, self-service storage facility, with bay sizes up to 900 square feet.
Applicant/Property Owner:	660 PSL, LLC
Location:	639 Northwest Enterprise Drive The property is generally located north of NW Mercantile Place and on the east side of NW Enterprise Drive.

Section 158.227(G) of the City of Port St. Lucie Zoning Code, sets the maximum storage bay size, for self-service storage facilities, to 500 square feet.



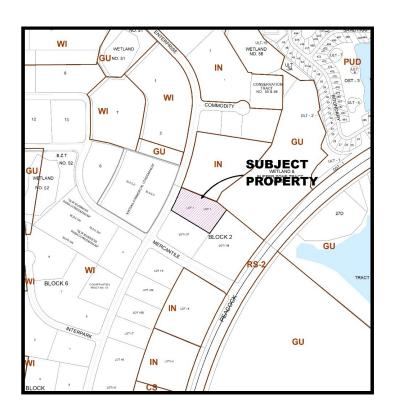
General Location and Aerial







Zoning and Surrounding Use



Direction	Future Land Use	Zoning	Existing Use
North	LI/OSR/I	IN	Warehousing
South	LI/OSR/I	WI	Warehousing
East	LI/CS	WI	Warehousing
West	LI/OSR/I	WI	Warehousing

WI – Warehouse Industrial, CS – Service Commercial, LI – Light Industrial, OSR – Open Space Recreational, I – Institutional

Note: The site directly east of the subject property is also owned by the applicant and operating as a warehouse facility.



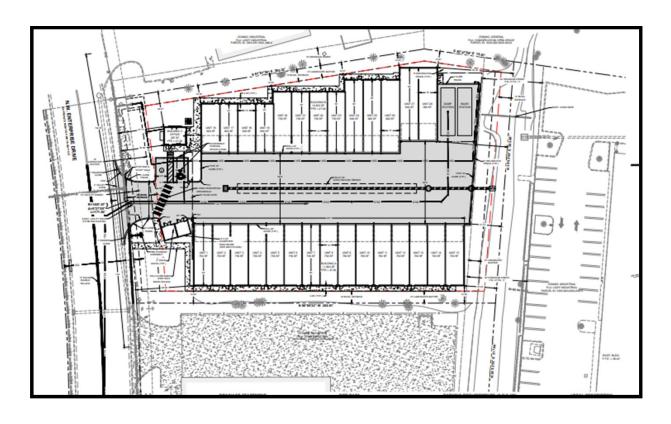
Proposed NW Enterprise Drive RV Storage







Proposed Site Plan





Staff Findings

The staff findings for consistency with the variance criteria listed in Sections 158.295(B)(1) through (7) are included in the staff report.



Planning & Zoning Board Action Options

- Make a motion to approve the variance.
- Make a motion to approve the variance with conditions.
- Make a motion to deny.
- Make a motion to table.





City of Port St. Lucie

Agenda Summary

Agenda Date: 8/6/2024 Agenda Item No.: 8.h

Placement: Public Hearing - Quasi Judicial

Action Requested: Motion / Vote

P24-086 Southern Grove DRI (Development of Regional Impact) - 11th Amendment

Location: The property is located directly west of Interstate 95, between Tradition Parkway and the C-23 Canal and bordered to the west by SW Community Boulevard.

Legal Description: A parcel of land lying in Sections 15, 22, 23, 26, 27, 34, and 35 Township 37 South, Range 39 East, St. Lucie County, Florida.

This is a request to amend the development order for the Southern Grove DRI by amending Map H, the master development plan, and Map H-2, Tradition Trail and Multi-use Pathways Plan

Submitted By: Bridget Kean, AICP, Deputy Director

Executive Summary: This is an application to amend the development order for the Southern Grove DRI. The proposed amendment will amend Map H, the master development plan, and Map H-2, the Tradition Trail/multi-purpose pathways map, for the Southern Grove DRI. The proposed changes to Map H revise the land use sub-districts depicted for approximately 528 acres of land located on the east side of SW Village Parkway and between E/W 2 (Destination Way) and SW Hegener Drive from the Employment Center subdistrict, the Neighborhood/Village Commercial sub-district, and the Mixed Use sub-district to the Regional Business Center sub-district and it revises the alignment for a future Marshall Parkway and Interstate 95 Interchange. The proposed changes to Map H-2 revise the alignment for Tradition Trail by removing on road and off- road segments of the trail that were proposed for the area east of SW Village Parkway.

Presentation Information: Staff may provide a short presentation.

Staff Recommendation: Move that the Board approve the amendment as recommended by the Planning and Zoning Department.

Alternate Recommendations:

- 1. Move that the Board amend the recommendation and approve the amendment.
- 2. Move that the Board not approve the amendment and provide staff direction.

Background: This application is associated with an application to amend the City's comprehensive plan that was approved by the Planning and Zoning Board at the August 2, 2024 Planning and Zoning Board meeting (P24-065). P24-065 is a proposed amendment to Figure 1-4 of the Future Land Use Element. Figure 1-4 is the conceptual land use plan for the Southern Grove NCD District. The proposed amendment revises the land use sub-districts for approximately 528 acres from the Employment Center sub-district, the Neighborhood/Village Commercial sub-district, and the Mixed Use sub-district to the Regional Business Center sub-district and **Agenda Date: 8/6/2024** Agenda Item No.: 8.h

revises the alignment for Marshall Parkway.

Issues/Analysis: This application and the associated comprehensive plan amendment (P24-065) are intended to accommodate the buildout of the GFC area of Southern Grove by providing a more unified land use plan for the area. The DRI has to be consistent with the city's comprehensive plan so the first step in the process is to amendment Figure 1-4 followed by an amendment to the DRI.

Special Consideration: N/A

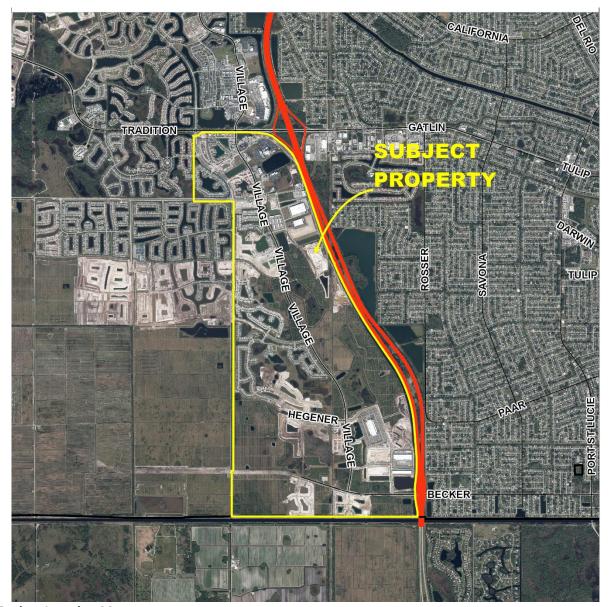
Location of Project: The property is located directly west of Interstate 95, between Tradition Parkway and the C-23 Canal and bordered to the west by SW Community Boulevard.

Attachments:

- 1. Staff Report
- 2. Exhibit A
- 3. Application and Authorization
- 4. Staff Presentation



Southern Grove DRI 11th Amendment to the DRI Development Order to Amend Map H and Map H-2, the Master Development Plan P24-086



Project Location Map

SUMMARY

Applicant's Request:	An application for the 11 th Amendment to the Southern Grove DRI to modify Map H, the master development plan, and Map H-2, Tradition Trail and multiuse paths plan. No other changes are proposed to the DRI development order conditions.
Agent:	Dennis Murphy, Culpepper and Terpening, Inc.
Applicant:	Port St. Lucie Governmental Finance Corporation
Property Owners:	Port St. Lucie Governmental Finance Corporation, City of Port St. Lucie and
	Mattamy Palm Beach, LLC
Location:	The property is located directly west of Interstate 95, between Tradition
	Parkway and the C-23 Canal and bordered to the west by SW Community
	Boulevard.
Legal Description:	A parcel of land lying in Sections 15, 22, 23, 26, 27, 34, and 35 Township 37
	South, Range 39 East, St. Lucie County, Florida.
Application Type:	DRI Amendment
Project Planner:	Bridget Kean, AICP, Deputy Director

Project Description

On behalf of the Port St. Lucie Governmental Finance Corporation (GFC) and Mattamy Palm Beach, LLC, Culpepper and Terpening, Inc. has submitted an application for an amendment to the development order for the Southern Grove DRI. The proposed amendment will amend Map H, the master development plan, and Map H-2, the Tradition Trail/multi-purpose pathways map, for the Southern Grove DRI. The amendment was prepared with assistance from Lucido and Associates. The proposed changes to Map H revise the land use sub-districts depicted for approximately 528 acres of land located on the east side of SW Village Parkway and between E/W 2 (Destination Way) and SW Hegener Drive and it revises the alignment for a future Marshall Parkway and Interstate 95 Interchange. The proposed changes to Map H-2 revise the alignment for Tradition Trail by removing on road and off road segments of the trail that were proposed for the area east of SW Village Parkway. In place of the trail, the roadways on the east side of SW Village Parkway are being designed with wider sidewalks to accommodate bicycle and pedestrian traffic. All of the property that is the subject of this application is within the area of the Southern Grove DRI that is owned or previously owned by the Port St. Lucie Governmental Finance Corporation (GFC).

Southern Grove is an approved Development of Regional Impact (DRI) and is approximately 3,606 acres in size. In total, the development program includes 7,674 residential dwelling units; 1,831,465 square feet of retail use; 1,409,903 square feet of office use; 1,201,557 square feet of research and development; 8,745,000 square feet of warehouse/industrial use; 1,051 hotel rooms; 300 hospital beds; and ancillary and support uses as permitted within the NCD District.

Proposed Amendment

The proposed changes to Map H and Map H-2 are as follows:

- 1. A realignment of the Marshall Parkway right-of-way for better alignment for a future I-95 and Marshall Parkway interchange.
- 2. A change to the land use sub-district classification for approximately 304 acres of property located east of SW Village Parkway and between Marshall Parkway and SW Hegener Drive from the Employment Center sub-district classification to the Regional Business Center sub-district classification.

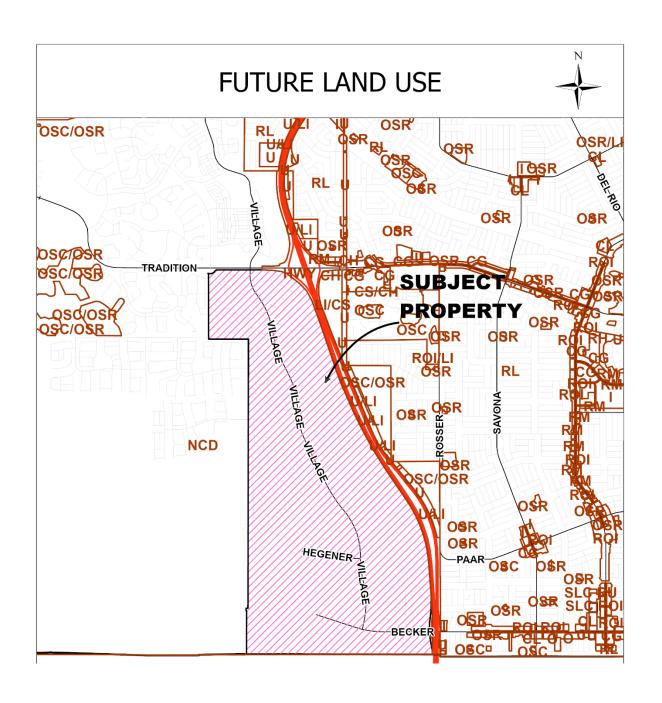
- 3. A change to the land use sub-district classification for approximately 39 acres of property located at the southeast quadrant of the intersection of Marshall Parkway and SW Village Parkway from the Mixed-Use sub-district classification to the Regional Business Center sub-district classification.
- 4. A change to the land use sub-district classification for approximately 158 acres of property located east of SW Village Parkway and between E/W 2 (Destination Way) and Marshall Parkway from the Employment Center sub-district classification to the Regional Business Center sub-district classification.
- 5. A change to the land use sub-district classification for approximately 27 acres of property located at the northeast quadrant of the intersection of SW Marshall Parkway and SW Village Parkway from the Neighborhood/Village Commercial sub-district classification to the Regional Business Center sub-district classification.
- 6. Removes the segments of Tradition Trail that were proposed for the area on the east side of SW Village Parkway between Becker Road and E/W 2.

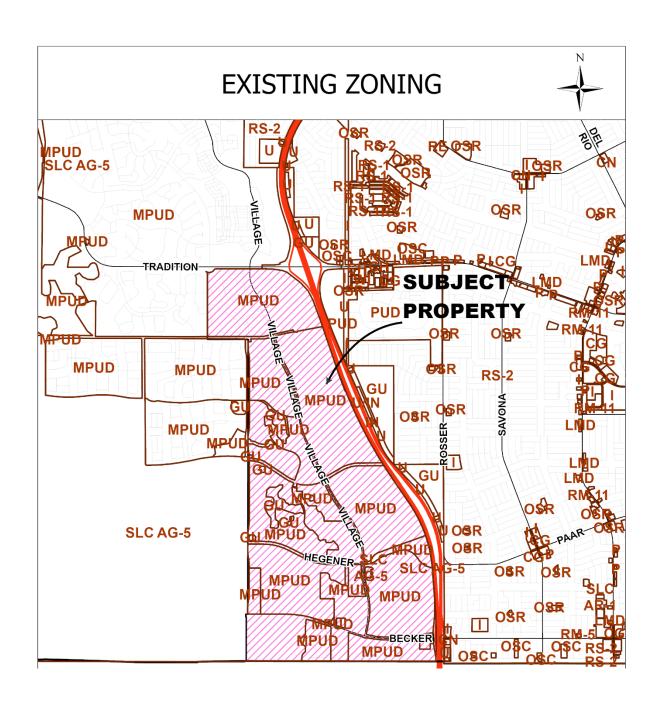
The purpose of this application is to create a more unified land use plan for the remaining undeveloped land in the GFC area of Southern Grove. The Regional Business Center sub-district provides for a wide variety of uses and is a more suitable land use for this area of the City. It can accommodate warehouse, manufacturing, and other employment generating uses and it allows for retail, office, restaurants, and residential uses. Per Policy 1.2.2.8, a Regional Business Center sub-district allows industrial uses, warehouse/distribution, manufacturing, retail, commercial and office uses, and medical uses, restaurants, theaters, hotels, institutional uses, public facilities (including utilities), residential and other similar services designed to meet the needs of the larger area. Each Regional Business Center area must be a minimum of three (3) acres and a maximum of 500 acres. Each Regional Business Center requires a minimum of two uses and must contain over 1,000,000 million square feet of non-residential development.

Map H-2 has been revised to more closely resemble the existing or proposed developments for this area of the Southern Grove DRI. To accommodate pedestrian and bicycle traffic, the roadways on the east side of SW Village Parkway are being designed with wide sidewalks between eight (8) and ten (10) feet.

With the exception of the proposed changes to Map H and Map H-2 (Exhibit "B" and "B-2" to Exhibit 1 of Resolutions 21-R136 and Resolution 23-R121), no changes are proposed to the development order conditions adopted under Resolution 21-R136. With the exception of the changes to described above, the existing development order approved under Resolution 21-R136 will remain in full force and effect.

The proposed changes are attached as Exhibit "A" with the existing maps struck-through and the new maps added.





<u>ANAL YSIS</u>: Section 380.06(7)(a), Florida Statutes, requires any proposed change to a previously approved DRI to be reviewed by the local government based on the standards and procedures in its adopted local comprehensive plan and adopted local land development regulations. The proposed changes to Map H and Map H-2 are consistent with a proposed large scale comprehensive plan text amendment to amend Figure 1-4 of the Future Land Use Element (P24-065). Figure 1-4 is the conceptual land use plan for the Southern Grove NCD District. The proposed amendment revises the land use subdistricts for approximately 528 acres of land on the east side of SW Village Parkway and between E/W 2 (Destination Way) and SW Hegener Drive from Employment Center, Mixed Use, and Neighborhood/Village Commercial to the Regional Business Center. It revises the alignment for a proposed Marshall Parkway and Interstate 95 Interchange.

The proposed large scale comprehensive plan text amendment was recommended for approval by the Planning and Zoning Board at the July 2, 2024 Planning and Zoning Board meeting. The proposed amendment was approved for transmittal to the Florida Department of Commerce at the July 22, 2024 City Council meeting. The adoption hearing for the proposed DRI amendment will be scheduled to follow the adoption hearing for the proposed comprehensive plan text amendment.

In 2021, the City Council adopted the 8th Amendment to the Southern Grove DRI through Resolution 21-R136 (P21-012). The 8th Amendment to the Southern Grove DRI provided for revised development entitlements, revised conditions of approval, revised buildout and expiration dates, a revised master development plan (Map H), and a revised Tradition Trail and multi-purpose plan (Map H-2). The 8th amendment to the Southern Grove DRI included an updated traffic study for Southern Grove and the City's western annexation area referred to as WATS 3.0. It showed that the updated development plan for the Southern Grove DRI could be accommodated within the existing transportation conditions. The 9th and 10th amendments to the Southern Grove DRI Development Order were also map amendments to Map H and Map H-2 with no other changes to the development order conditions. This application further refines the land use plan for the Southern Grove DRI to accommodate new development plans for the GFC area of Southern Grove. The proposed map changes can be accommodated within the existing DRI development order conditions for Southern Grove DRI.

STAFF RECOMMENDATION

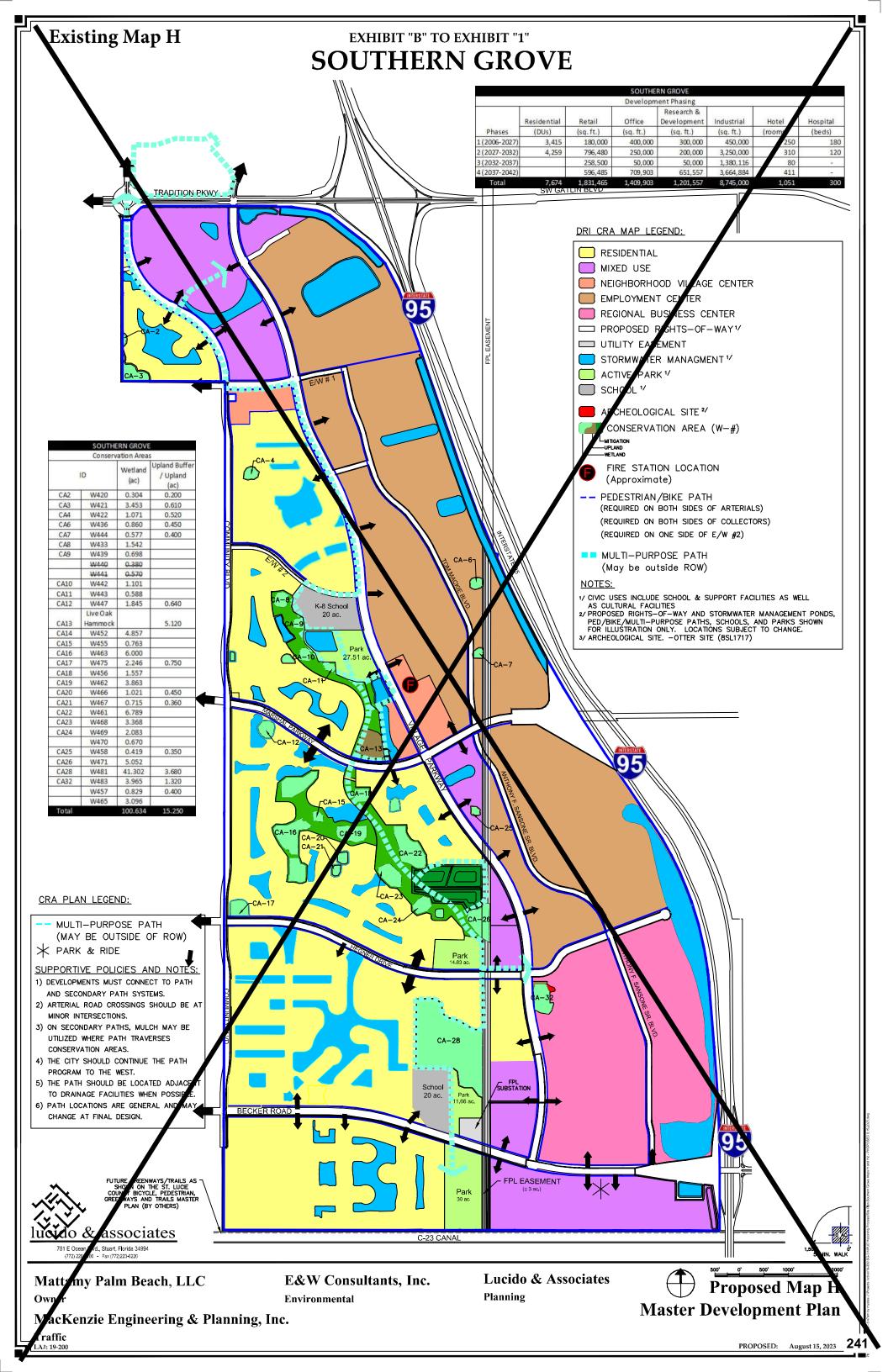
The Planning and Zoning Department staff finds the petition to be consistent with the intent and direction of the City's comprehensive plan and recommends approval.

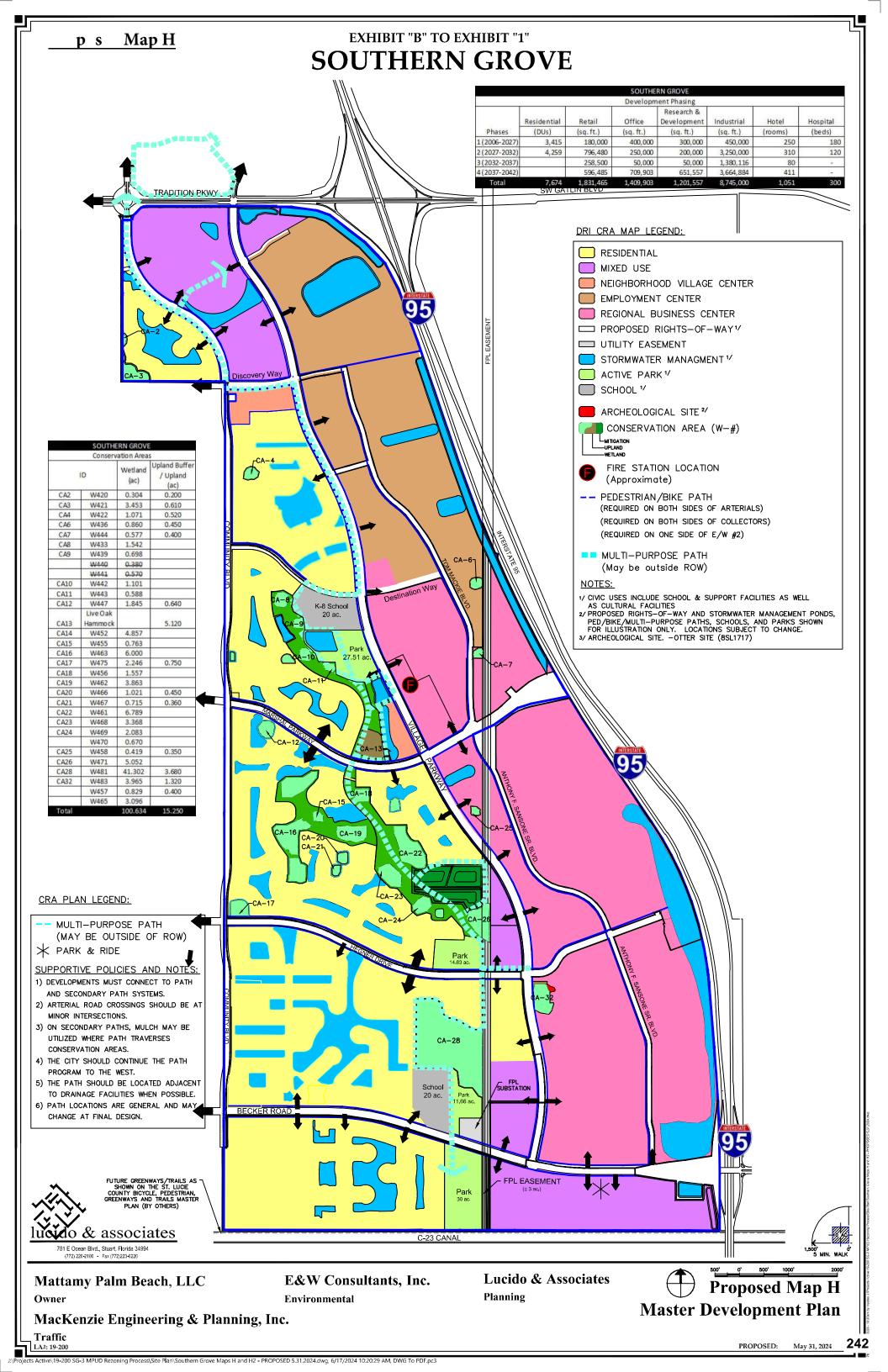
Planning and Zoning Board Action Options:

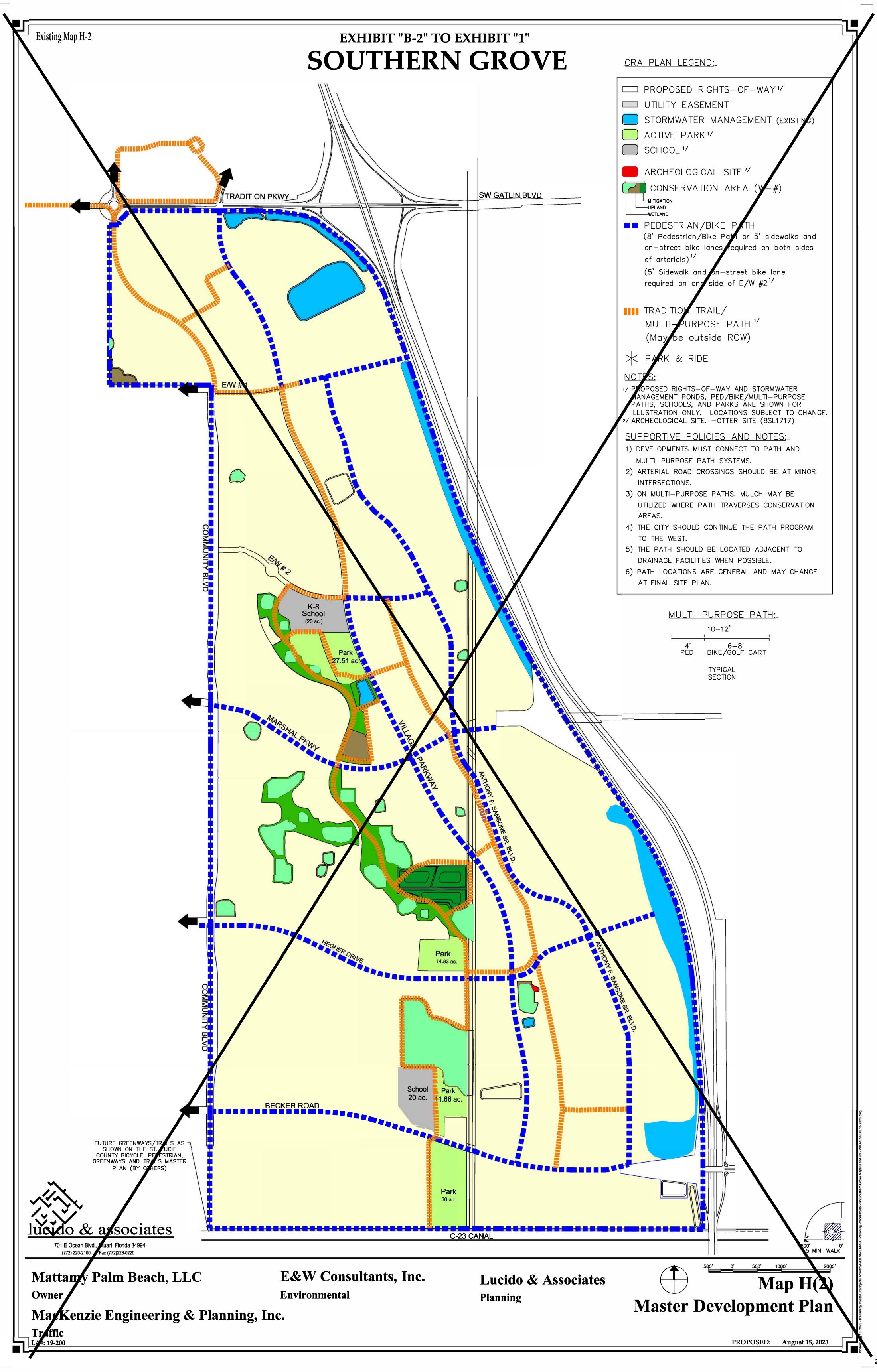
- Motion to recommend approval to the City Council
- Motion to recommend approval to the City Council with conditions
- Motion to recommend denial to the City Council

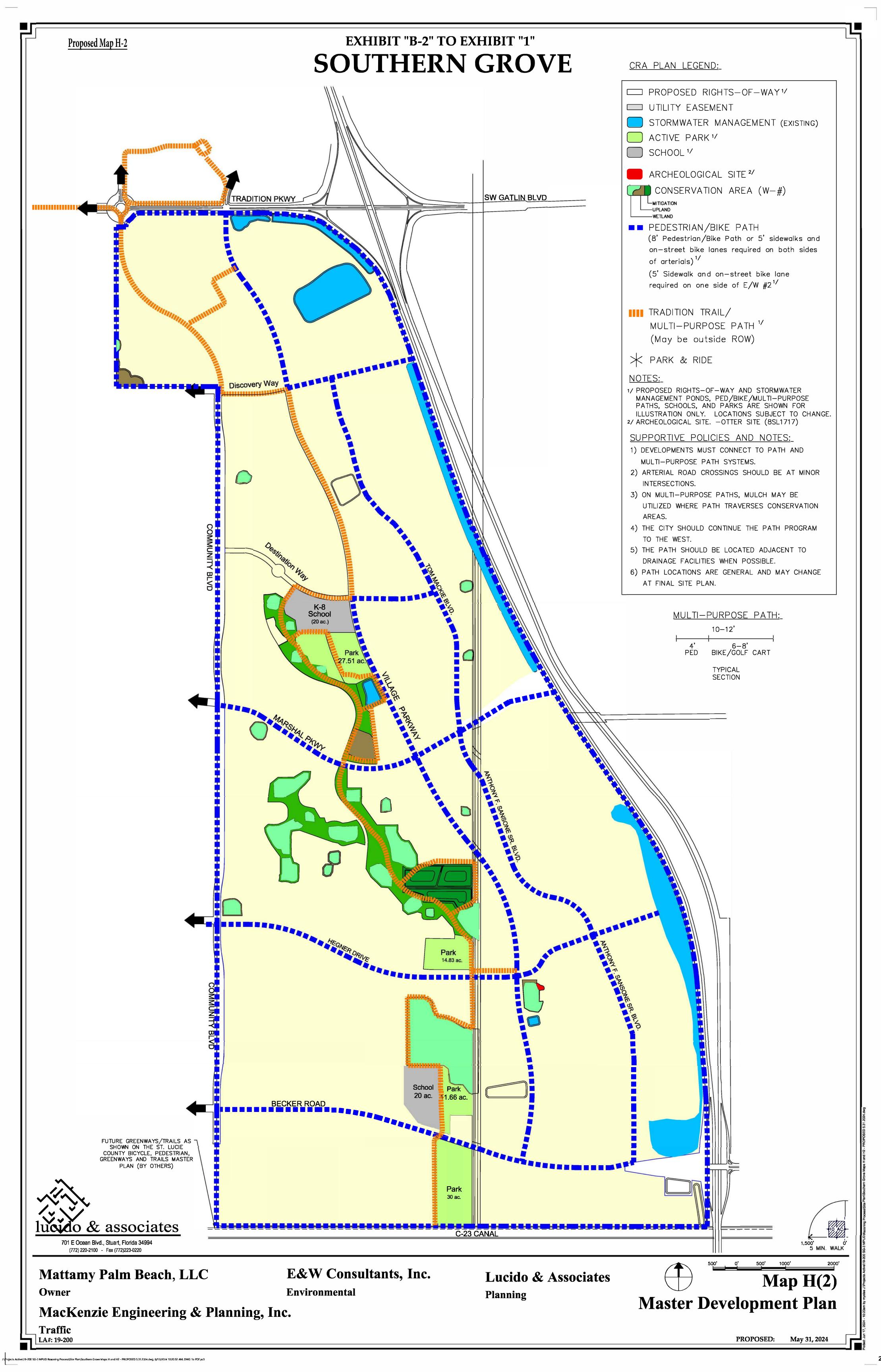
Please note: Should the Board need further clarification or information from either the applicant and/or staff, it may exercise the right to *table* or *continue* the hearing or review to a future meeting.

Exhibit A









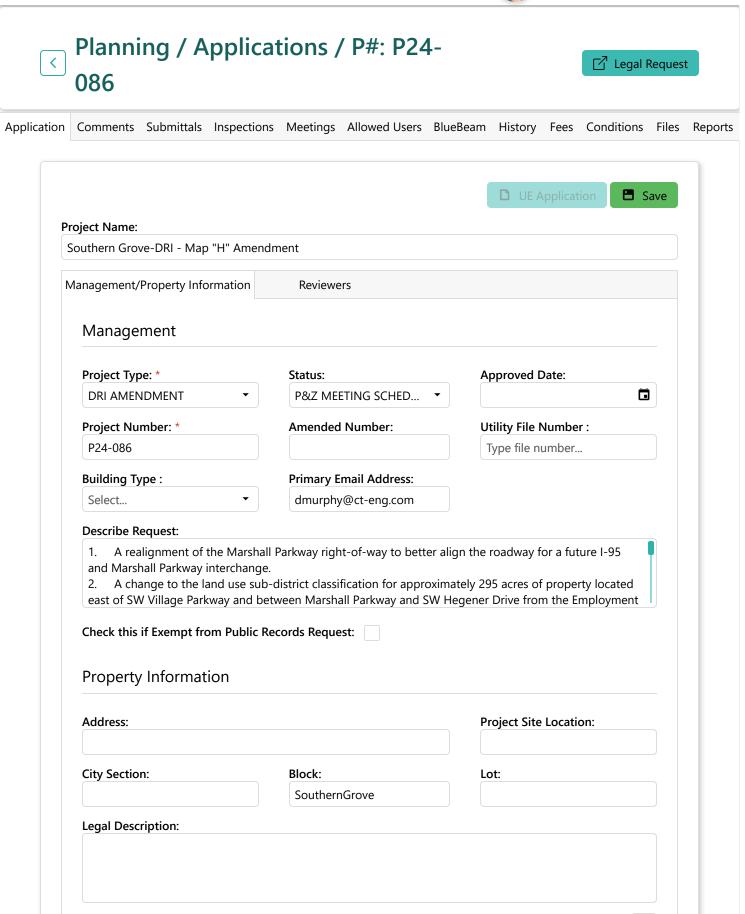
Fusion

Planning & Zoning ▼

Public Works ▼

Utility Engineering *





	No	data	
Current Land Use:		Current Zoning:	
Select	~	Select	•
Proposed Zoning:		Utility Provider:	
Select	•	Select	•
Acreage:		Administrative:	
3606 Architectural Elevation	ons:		
3606		orized Signatory of Corpora	tion Project Architect/Eng
Architectural Elevation		orized Signatory of Corpora Agent Business	tion Project Architect/End Agent Phone:
Architectural Elevation Agent/Applicant	Property Owners Author		
Agent/Applicant Agent First Name:	Property Owners Authors Agent Last Name:	Agent Business Name:	Agent Phone:
Agent/Applicant Agent First Name: Dennis	Property Owners Author Agent Last Name: Murphy	Agent Business Name:	Agent Phone:
Agent/Applicant Agent First Name: Dennis Agent Address:	Property Owners Author Agent Last Name: Murphy	Agent Business Name:	Agent Phone:

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Port St. Lucie Governmental Finance Corporation

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

AGENT CONSENT FORM

Project Name(s): P24-065 Southern Grove Comprehensive Plan Text Amendment and Southern Grove DRI Map H Amendment

Legal Description: N/A

I hereby give CONSENT to <u>Culpepper and Terpening</u>, <u>Inc.</u>, to act on my behalf, to submit or have submitted applications and all required material and documents, and to attend and represent me at all meetings and public hearings pertaining all City, County and State permits for completion of the projects indicated above.

of stupy	CEO	Glielzy
Signature	Title	Date

Jesus Merejo Print Name

STATE OF FLORIDA COUNTY OF ST. LUCIE

The foregoing instrument was acknowledged before me by means of physical presence or online notarization, this day of 2024, by Jesus Merejo, CEO, who is personally known to me.

ignature of Notary Public

MARY ANN VERILLO
MY COMMISSION # HH 361481
EXPIRES; June 9, 2027

Print Name of Notary Public Notary Public, State of Florid

My Commission expires

City of Port St. Lucie 121 SW Port St. Lucie Blvd. Port St. Lucie, FL 34984

AGENT CONSENT FORM

Project Name(s): P24-065 Southern Grove Large Scale Comprehensive Plan Text Amendment and Southern Grove DRI Map H Amendment

Legal Description: N/A

I hereby give CONSENT to Culpepper and Terpening, Inc., to act on my behalf, to submit or have submitted applications and all required material and documents, and to attend and represent me at all meetings and public hearings pertaining all City, County and State permits for completion of the projects indicated above.

Signature City Manager Date

Jesus Merejo Print Name

STATE OF FLORIDA COUNTY OF ST. LUCIE

The foregoing instrument was acknowledged before me by means of physical presence or online notarization, this day of the 2024, by Jesus Merejo, City Manager, who is personally known to me.

MARY ANN VERILLO
MY COMMISSION # HH 361481
EXPIRES: June 9, 2027

NOTARY SEAL/STAMP

Signature of Notary Public

Print Name of Notary Public Notary Public, State of Florida

My Commission expires



T 561-413-6100



July 2, 2024

Planning & Zoning Department City of Port St. Lucie 121 SW. Port St. Lucie Boulevard, Building B Port St. Lucie, FL 34984-5099

Re: SOUTHERN GROVE COMPREHENSIVE PLAN AMENDMENT

To Whom It May Concern:

As owner of the property referenced above, please consider this correspondence as formal authorization for Culpepper & Terpening, Inc. to represent MATTAMY PALM BEACH, LLC as an applicant during the governmental review process for the Southern Grove Comprehensive Plan amendment to FIGURE 1-4, Southern Grove NCD District Concept Plan, of the city's comprehensive plan and an amendment to Map H of the Southern Grove DRI.

Please feel free to contact me if you have any additional questions or comments.

Sincerely,

Karl Albertson

Vice President — Land Acquisition and Entitlement

Mattamy Homes



P24-086 11th Amendment to the Southern Grove DRI

August 6, 2024 Planning and Zoning Board Meeting

Request Summary

Applicant's Request:	An application for the 11 th Amendment to the Southern Grove DRI to modify the master development maps for the project.
Agent:	Dennis Murphy, Culpepper and Terpening, Inc. with assistance from Lucido and Associates
Applicant /Property Owner:	Port St. Lucie Governmental Finance Corporation (GFC) with assistance from Mattamy Palm Beach, LLC, as the master developer of the Southern Grove DRI
Location:	The subject property is generally located west of Interstate 95, south of Tradition Parkway, north of the C-23 canal, and bordered by SW Community Boulevard to the west.



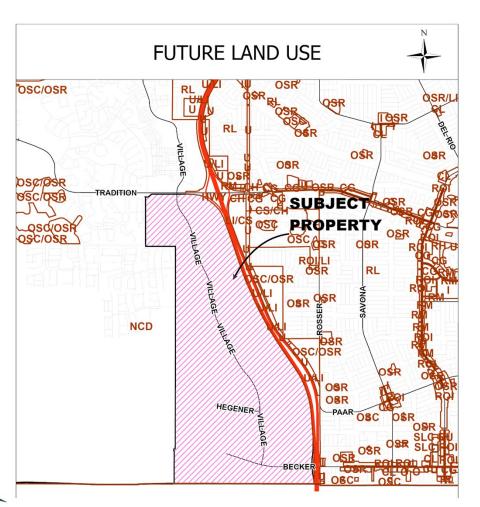
Project Background

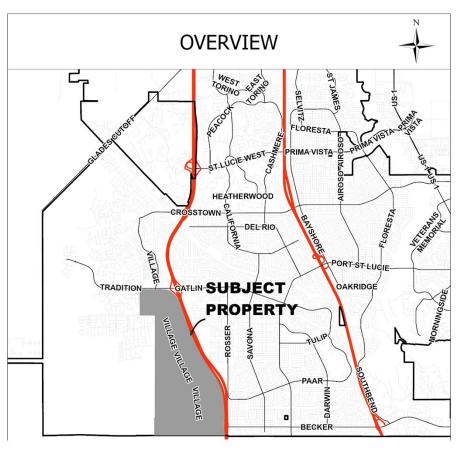
- Southern Grove is an approved Development of Regional Impact (DRI) and approximately 3,606 acres in size.
- Southern Grove DRI is approved for: 7,674 residential dwelling units; 1.8 million sq ft of retail use; 1.4 million sq ft of office use; 1.2 million sq ft of research and development; 8.7 million sq ft of warehouse/industrial use; 1,051 hotel rooms; and 300 hospital beds
- The future land use classification for the Southern Grove DRI is New Community Development District (NCD).
- NCD is a future land use classification for DRIs to create mixed use communities.



Project Background

- In 2021, the City adopted the 8th Amendment to the Southern Grove DRI which revised development entitlements, revised conditions of approval, revised buildout and expiration dates, and revised Map H, the DRI master development plan, and Map H-2, Tradition trail and multi-use plan (Res. 21-R136.)
- The 8th Amendment followed the adoption of the Southern Grove Master Plan and an updated traffic study for the western annexation area.
- In 2022 the City adopted the 9th amendment to the Southern Grove DRI Development Order and In 2023 the City adopted the 10th amendment. Both of these applications were map amendments to the DRI development order master plan, Map H and Map H-2, with no other changes to the development order conditions adopted under Res. 21-R136.
- This application further refines the development plan for the Southern Grove DRI as depicted on Map H and Map H-2.







Proposed Amendment

- This application is the 11th Amendment to the DRI development order for the Southern Grove DRI.
- The proposed amendment will amend Map H, the master development plan, and Map H-2, the Tradition Trail/multi-purpose pathways map.

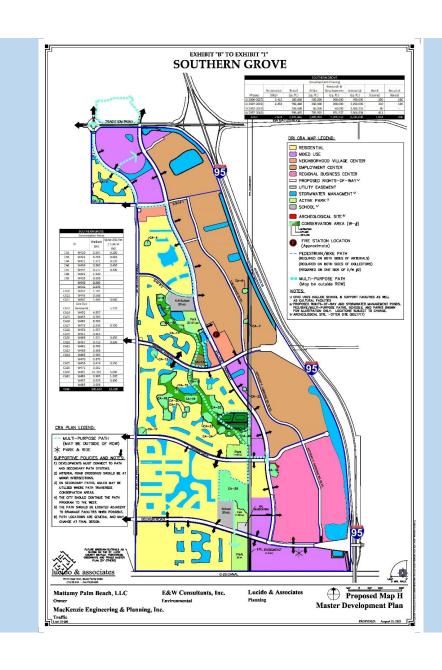


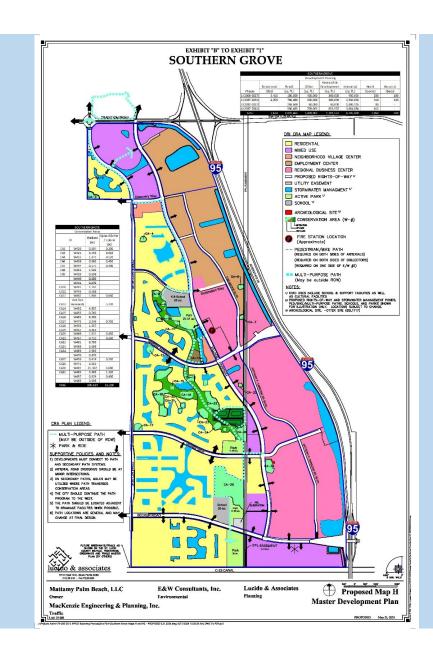
Proposed Amendment

Proposed changes to Map H, the master development plan:

- Revises the land use subdistrict on approximately 528 acres of land from the Employment Center sub-district, the Mixed-Use sub-district, and the Neighborhood/Village Commercial sub-district to the Regional Business Center sub-district.
- Provides for the realignment of the Marshall Parkway right-of-way from Tom Mackie Blvd west to I-95 to better align the roadway for a future interchange.





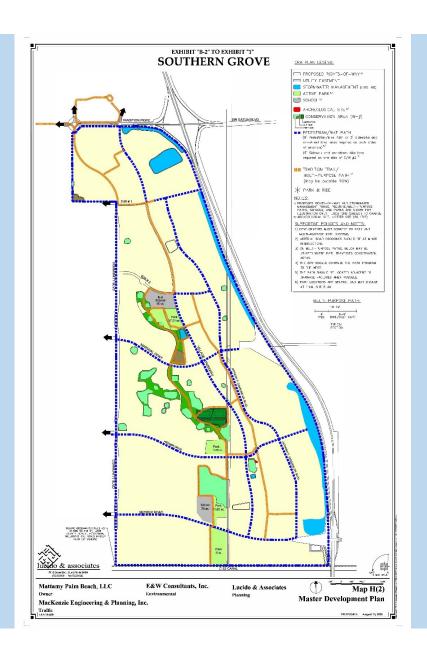


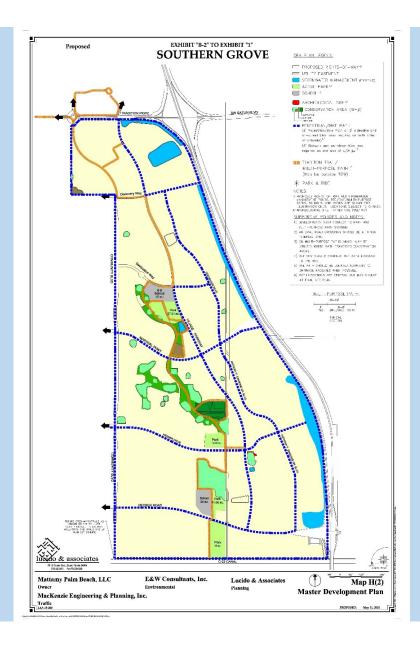
Proposed Amendment

Proposed changes to Map H-2, the Tradition Trail and Multi-purpose pathways plan:

 Removes the segments of Tradition Trail that were proposed for the area on the east side of SW Village Parkway between Becker Road and E/W 2.







Impacts and Findings

- This amendment is intended to create a more unified land use plan for the remaining undeveloped land in the GFC area of Southern Grove.
- Per Policy 1.2.2.8, a Regional Business Center sub-district allows industrial uses, warehouse/distribution, manufacturing, retail, commercial and office uses, and medical uses, restaurants, theaters, hotels, institutional uses, public facilities (including utilities), residential and other similar services designed to meet the needs of the larger area. Each Regional Business Center area must be a minimum of three (3) acres and a maximum of 500 acres. Each Regional Business Center requires a minimum of two uses and must contain over 1,000,000 million square feet of non-residential development.



Impacts and Findings

- The proposed revisions to Map H-2 reflect the existing or proposed developments in the GFC area of Southern Grove DRI.
- To accommodate pedestrian and bicycle traffic, the roadways on the east side of SW Village Parkway are being designed with wide sidewalks between eight (8) and ten (10) feet.
- No changes are proposed to the DRI development order conditions with this application.
- With the exception of the map changes, the DRI development order conditions adopted under Resolution 21-136 will remain in full force and effect.



Impacts and Findings

- Section 380.06(7)(a), Florida Statutes, requires any proposed change to a previously approved DRI to be reviewed by the local government based on the standards and procedures in its adopted local comprehensive plan and adopted local land development regulations.
- This application is consistent with a proposed large scale comprehensive plan text amendment to amend Figure 1-4 of the Future Land Use Element (P24-065).
- Figure 1-4 is the conceptual land use plan for the Southern Grove NCD District.
- Project P24-065 revises the land use sub-districts for approx. 528 acres of land on the east side of SW Village Parkway and between E/W 2 (Destination Way) and SW Hegener Drive from Employment Center, Mixed Use, and Neighborhood/Village Commercial to the Regional Business Center. It revises the alignment for a proposed Marshall Parkway and Interstate 95 Interchange.
- Project P24-065 was recommended for approval at the July 2, 2024 Planning and Zoning Board meeting.

Staff Recommendation

• The Planning & Zoning (P&Z) Department staff finds the petition to be consistent with the intent and direction of the City's Comprehensive Plan and recommends approval.





City of Port St. Lucie

Agenda Summary

Agenda Date: 8/6/2024 Agenda Item No.: 8.i

Placement: Public Hearing - Quasi Judicial

Action Requested: Motion / Vote

P24-098 Apollo 22 LLC - Set'em Up! Volleyball - Special Exception Use.

Location: 1673 SE South Niemeyer Circle.

Legal Description: Port St. Lucie Industrial Park Unit 1, Block 7, Lots 13 and 14.

The request is for approval of a Special Exception Use (SEU) to allow an enclosed assembly area over 3,000 square feet in the Warehouse Industrial (WI) zoning district per Section 158.136(C)(5) of the Code of Ordinances.

Submitted By: Francis Forman, Planner II, Planning & Zoning Department.

Executive Summary: The City of Port St. Lucie has received a request from Patricia Sandoval, applicant with Set'em Up! Volleyball, for a special exception to allow an 8,500 square foot enclosed assembly in the Warehouse Industrial (WI) Zoning District per Section 158.135(C)(5) of the Zoning Code. The 2.79-acre property is located on the northwest corner of SE South Niemeyer Circle and SE Industrial Boulevard, south of SE Village Green Drive, and east of US Highway 1. The property's address is 1673 SE South Niemeyer Circle, and the legal description is Port St. Lucie Industrial Park Unit 1, Block 7, Lots 13 and 14.

Presentation Information: Staff will provide a presentation.

Staff Recommendation: Move that the Board recommend approval of the special exception use.

Planning and Zoning Board Action Options:

- 1. Motion to recommend approval to the City Council.
- 2. Motion to amend the recommendation and recommend approval to the City Council.
- 3. Motion to recommend denial to the City Council.

Background: The application is for the allowance of an enclosed assembly over 3,000 square feet to provide a recreational indoor volleyball business that will provide training and open court uses for all ages.

Issues/Analysis: Per Section 158.260 of the City Code, any special exception use must adhere to the criteria listed within this subsection (A) through (L) to receive approval through the City Council. Please see the attached staff report for staff findings based on the applicant's responses.

Special Consideration: N/A.

Agenda Date: 8/6/2024 Agenda Item No.: 8.i

Location of Project: 1673 SE South Niemeyer Circle.

Attachments:

- 1. Staff Report,
- 2. SEU Criteria Responses,
- 3. Site Plan,
- 4. Agent Authorization Letter,
- 5. Warranty Deed,
- 6. Staff Presentation.



Apollo 22 LLC – Set'em Up! Volleyball Special Exception Use P24-098



Project Location Map

SUMMARY

The request is for approval of a Special Exception Use (SEU) to	
allow an 8,500 square foot enclosed assembly in the	
Warehouse Industrial (WI) Zoning District, per Section	
158.135(C)(5) of the Zoning Code.	
Patricia Sandoval, Set'em Up! Volleyball	
Apollo 22, LLC	
1673 SE South Niemeyer Circle	
Francis Forman, Planner II	

P24-098 – Apollo 22, LLC – Set'em Up Volleyball

Project Description

The City of Port St. Lucie has received a request from Patricia Sandoval, applicant with Set'em Up! Volleyball, for a special exception use to allow an enclosed assembly area exceeding 3,000 square feet (8,500 square feet) in the Warehouse Industrial (WI) Zoning District per Section 158.135(C)(5) of the Zoning Code. The 2.79-acre property is located on the northwest corner of SE South Niemeyer Circle and SE Industrial Boulevard, south of SE Village Green Drive, and east of US Highway 1. The property's address is 1673 SE South Niemeyer Circle, and the legal description is Port St. Lucie Industrial Park Unit 1, Block 7, Lots 13 and 14.

The proposed enclosed assembly use is a recreational volleyball facility that will be open to all ages with a limited number of athletes at one time. The proposed use will occupy an existing warehouse type facility and will not require any site plan amendment since no exterior or site work will be needed. The recreational use will meet the parking requirements and have more parking than is required by code to handle any overflow of parking that may occur.

Public Notice Requirements

Notice of this request for a Special Exception Use was mailed on July 25, 2024, to owners of property within a 750-foot radius of the subject property.

Location and Site Information

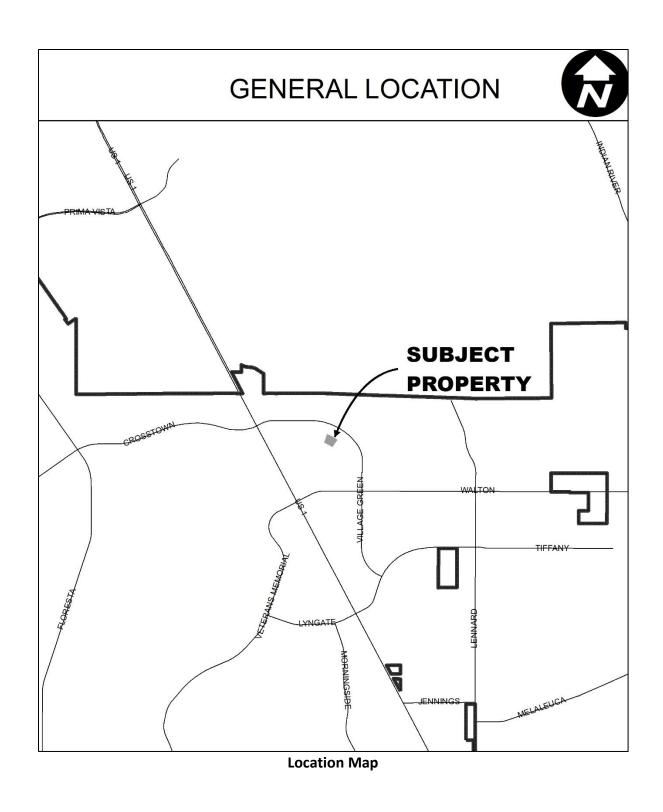
Parcel Number:	3435-600-0028-000-9	
Property Size:	+/-2.79 acres	
Legal Description:	Port St. Lucie Industrial Park Unit 01, Block 7, Lots 13 & 14	
Future Land Use:	LI/CS (Light Industrial/Service Commercial)	
Existing Zoning:	WI (Warehouse Industrial)	
Existing Use:	Warehousing	

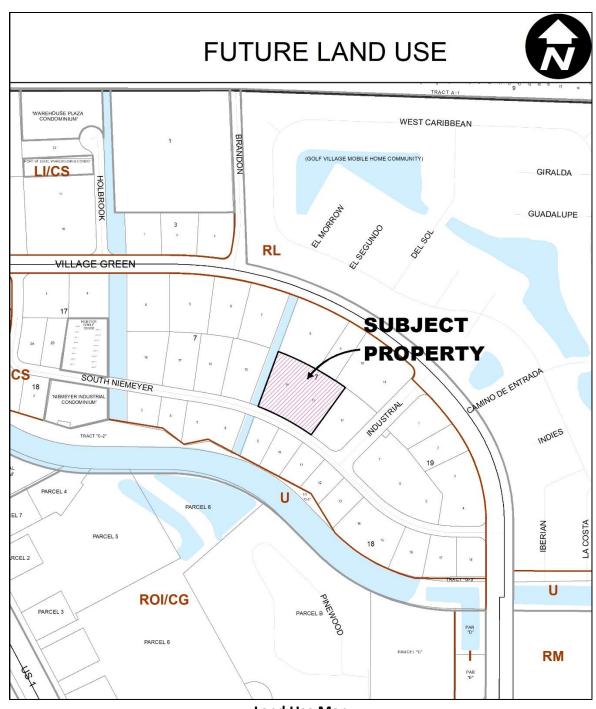
Surrounding Uses

Direction	Future Land Use	Zoning	Existing Use
North	LI/CS	WI	Warehousing
South	LI/CS	WI	Warehousing
East	LI/CS	WI	Warehousing
West	LI/CS	WI	Warehousing

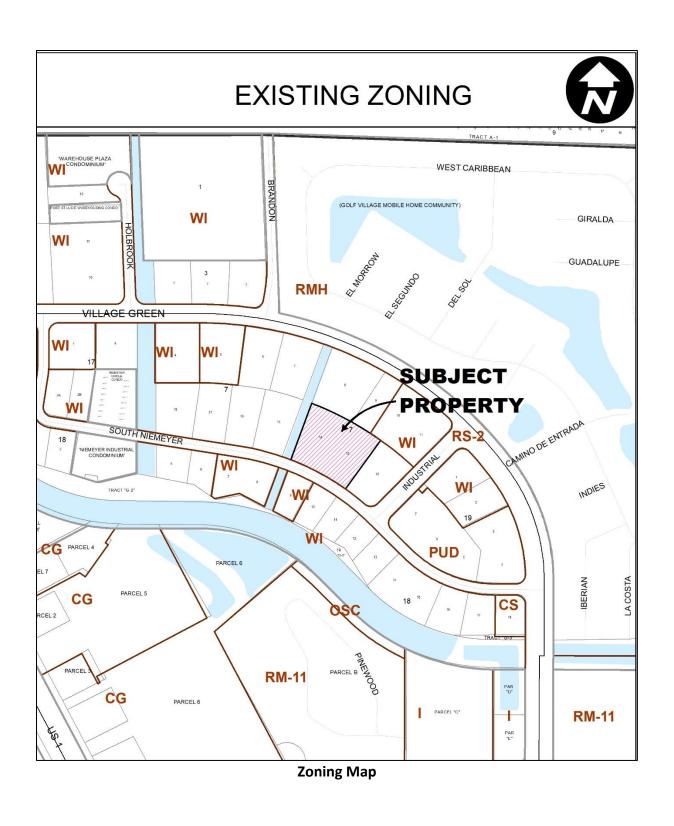
LI/CS – Light Industrial/Service Commercial

WI - Warehouse Industrial





Land Use 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.
 - Applicant's Response: The proposed special exception use is to allow an 8,500 square foot enclosed assembly for the purposes of a recreational volleyball facility with a limited number of athletes at a time during business hours.
 - <u>Staff findings:</u> The proposed enclosed assembly is an 8,500 square foot recreation use that will be
 located within an existing warehouse building with adequate ingress and egress to the property.
 The existing site plan will not be affected or changed, therefore the approved traffic, and access
 for emergency services will remain adequate for the site and the proposed use.
- (B) Adequate off-street parking and loading areas may be provided, without creating undue noise, glare, odor, or other detrimental effects upon adjoining properties.
 - <u>Applicant's Response</u>: The proposed use will be located within an existing warehouse building and will not require additional off-street parking or loading areas and will not create undue noise, glare, odor or other detrimental effects upon adjacent properties.
 - Staff findings: The existing site plan already provides sufficient off-street parking spaces to accommodate the needs of the proposed enclosed assembly use. The existing warehouse facility consists of a 22,000 square foot metal building with 44 available parking spaces on site. The initial approval of the warehouse building required a total of 26 parking spaces, with the final constructed site containing the existing 44 parking spaces. The proposed recreational use is intending to only use 8,500 square feet of the existing building requiring a total of 43 spaces of the site's current 44 spaces along with additional space onsite to construct additional parking at a future date through a site plan amendment. The remaining 13,500 square feet of the building is intended to be unused until a future date when a site plan amendment for the site will be processed to update the site with additional parking and landscaping.
- (C) Adequate and properly located utilities are available or may be reasonably provided to serve the proposed development.
 - Applicant's Response: The proposed use will be located within an existing warehouse facility.
 - <u>Staff findings:</u> The proposed enclosed assembly will be located within an existing warehouse facility that contains existing utilities. The utilities in place will provide adequate levels of service for the intended use.
- (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.

- <u>Applicant's Response</u>: The site is an existing warehouse and is not connected to any adjacent properties.
- <u>Staff findings:</u> The project site contains an existing warehouse facility that was constructed to meet the required code setbacks and buffering requirements at the time of completion.
- (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.
 - Applicant's Response: The proposed sign will go out front of the building in accordance with code.
 - <u>Staff findings:</u> The applicant has stated that signage will be constructed in accordance with code standards.
- (F) Yards and open spaces will be adequate to properly serve the proposed development and to ensure compatibility with adjoining properties to eliminate or minimize any undue glare.
 - Applicant's Response: The proposed enclosed assembly will be an interior training use only.
 - <u>Staff findings:</u> The proposed use will be interior to the building only and will not impede on any of the site's existing open spaces. The existing approved warehousing facility plan provides adequate open space for the site in accordance with code requirements.
- (G) The use as proposed will be in conformance with all stated provisions and requirements of this chapter.
 - <u>Applicant's Response</u>: The proposed use is allowed as a SEU in the existing zoning district. The applicant demonstrated consistency with the requirement of the City's Land Development Code by completion of the SEU application.
 - <u>Staff findings:</u> The proposed use is allowed as a special exception use in the Warehouse Industrial zoning district per Section 158.135(C)(5) of the Zoning Code.
- (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.
 - Applicant's Response: Set'em Up! Is an established recreational facility that serves kids and adults for exercise. This facility will provide an enclosed safe area.
 - <u>Staff findings:</u> By adhering to City Code and regulations, the establishment and operation of the proposed uses are not anticipated to impair the health, safety, or convenience of residents and workers in the City. The only traffic in the area is generated by employees and patrons of the existing warehouse uses.
- (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.
 - <u>Applicant's Response:</u> The proposed facility will operate within the same hours as the surrounding businesses to not constitute a nuisance or hazard.

- <u>Staff findings:</u> The indoor recreational facility is not expected to generate noise or hazards because of the number of people who will attend or use the facility. The establishment will operate year-round and is open 7 days a week. The facility will be open from January 1st to June 1st & September 1st to December 31st from 4pm-10pm. During the summer months, June 2nd to August 10th the facility will be open from 10am to 10pm. The facility will consist of 3 volleyball courts, games will be held once per month with a maximum of 2 games being played at once.
- (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.
 - Applicant's Response: The request is based on pre-existing interior space within the plaza.
 - <u>Staff findings:</u> The proposed use is not expected to adversely impact surrounding properties. The
 building footprint is existing, the recreational facility is surrounded by warehousing uses which
 have similar hours of operation.
- (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 the neighborhood.
 - Applicant's Response: Acknowledged.
 - Staff findings: Acknowledged.
- (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.
 - Applicant's Response: Acknowledged.
 - <u>Staff findings:</u> Acknowledged.

PLANNING AND ZONING BOARD ACTION OPTIONS

If the board finds that the special exception use application is consistent with the criteria as listed in Section 158.260 (A) through (L) of the City code, 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.

DESCRIPTION:

LOT 13 & 14 OF BLOCK 7, PORT ST LUCIE INDUSTRIAL PARK UNIT ONE, SUBDIVISION 192, AS RECORDED IN PLAT BOOK 16, PAGE 27, OF THE PUBLIC RECORDS OF ST. LUCIE COUNTY, FLORIDA

PROPERTY ADDRESS

1673 NIEMEYER CIRCLE SE PORT ST. LUCIE FL

NOTES:

SUBJECT TO ANY APPLICABLE EASEMENTS, RIGHTS-OF-WAY, OR OTHER RESTRICTIONS OF RECORD.

A SEARCH OF THE PUBLIC RECORDS HAS NOT BEEN MADE BY THIS OFFICE. BEARINGS SHOWN ARE RELATED TO THE CENTERLINE OF INDUSTRIAL BOULEVARD, AS SHOWN ON THE PLAT OF RECORD.

ELEVATIONS SHOWN ARE RELATED TO ASSUMED DATUM.

LEGAL DESCRIPTION PROVIDED BY CLIENT.

PROPERTY LIES IN F.I.R.M. ZONE "X", AS SHOWN ON PANEL 120287-0295 DATED 8/19/91.

IN ACCORDANCE WITH CHAPTER 61G17-2.005, BE ADVISED THAT THE SURVEY DEPICTED HERE IS NOT COVERED BY PROFESSIONAL LIABILITY INSURANCE.

IN ACCORDANCE WITH CHAPTER 61G17-6.003, ADDITIONS OR DELETIONS TO SURVEY MAPS OR REPORTS BY OTHER THAN THE SIGNING PARTY, IS PROHIBITED WITHOUT WRITTEN CONSENT OF THE SIGNING PARTY.

UNDERGROUND ENCROACHMENTS, IF ANY, ARE NOT LOCATED

CONTRACTOR IS RESPONSIBLE FOR VERIFYING ALL SITE PLAN INFORMATION PRIOR TO CONSTRUCTION.

CERTIFIED TO: CLASSIC GROUP PROPERTIES, LLC; SAILESH PATEL; MAHESH PATEL; HARBOR FEDERAL SAVINGS BANK, ITS.; SUPERIOR TITLE SERVICES, INC.; COMMONWEALTH LAND TITLE INSURANCE COMPANY; AND GONANO, HARRELL & FERGUSON.

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT THE MAP SHOWN HEREON IS A TRUE AND CORRECT REPRESENTATION OF A SURVEY MADE UNDER MY DIRECTION AND THAT SAID SURVEY MEETS THE MINIMUM TECHNICAL STANDARDS OF CHAPTER 61G17, FLORIDA ADMINISTRATIVE CODE AND THAT THERE ARE NO ABOVE GROUND ENCROACHMENT UNLESS OTHERWISE SHOWN. NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAR OF A FLORIDA LICENSED SURVEYOR AND MAPPER

EDWIN R. MATTHEWS PROFESSIONAL SURVEYOR AND MAPPER STATE OF FLORIDA # 3954

LICENSE BUSINESS #4942

JRVEYORS LUCIE BLVD. ST. LUCIE, V. PORT ST. 17. PORT S FLORIDA 349 (561) 879-0 (FAX) 871-6 ENGINEERS SIT 702 St

UPDATED CHANGE

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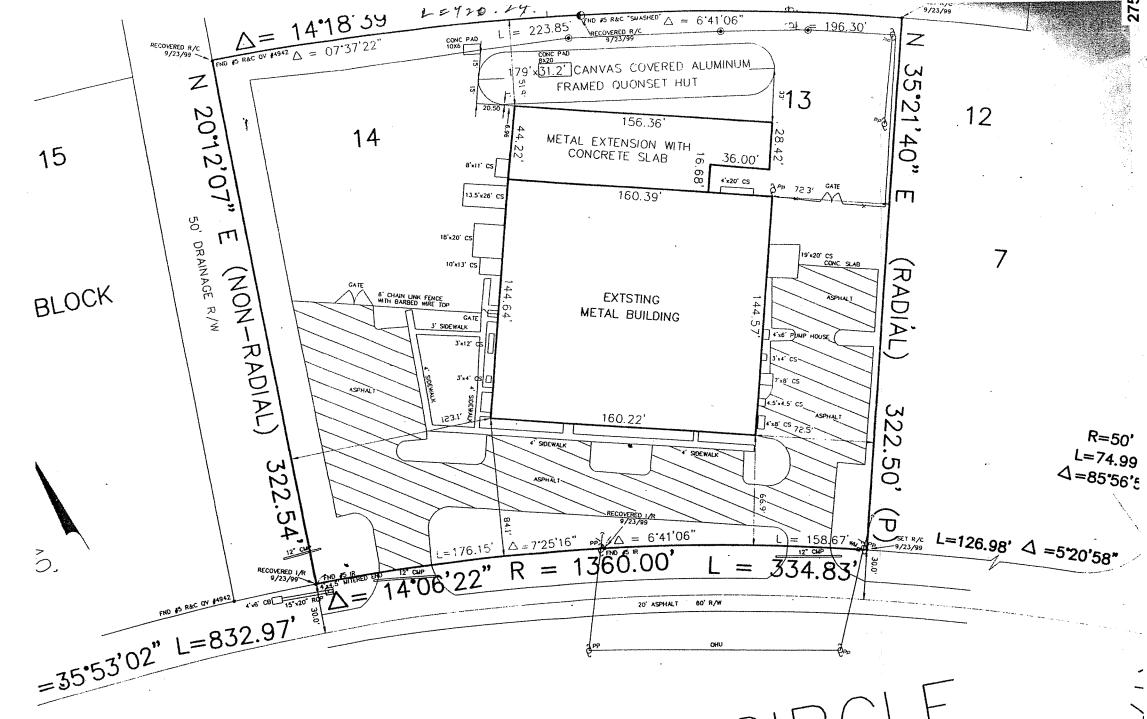
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OF



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CIRCLE

Apollo 22, LLC.

572 Market Street, Newark, NJ 07105

www.apollodevcorp.com

June 28th, 2024

Attn: Planning and Zoning Board

RE: 1673 SE South Niemeyer Cir, Port St. Lucie, FL 34952

To Whom it May Concern,

Please accept this letter authorizing Set em' Up Volleyball, and it's officers William Ault and Patricia Sandoval to act as an agent and to speak on our behalf regarding the special exemption use application.

Should you have any questions, please feel free to contact me directly, 908-672-9285 or via email fpeterpaul@gmail.com.

Warm Regards,

Frank Peterpaul

Member

Apollo 22, LLC.

MICHELLE R. MILLER, CLERK OF THE CIRCUIT COURT - SAINT LUCIE COUNTY FILE # 5312816 OR BOOK 5121 PAGE 388, Recorded 03/18/2024 10:56:40 AM Doc Tax: \$23100.00

THIS INSTRUMENT PREPARED BY AND RETURN TO: Gregory R. Cohen, Esq. Cohen, Norris, Wolmer, Ray, Telepman, Berkowitz & Cohen 712 U.S. Highway One, Suite 400 North Palm Beach, FL 33480

WARRANTY DEED

THIS WARRANTY DEED, made March , 2024 by CLASSIC GROUP PROPERTIES, L.C., a Florida limited liability company whose post office address is 8300 Currency Dr., Riviera Beach, FL 33404 ("Grantor"), to, APOLLO 22, L.L.C., a New Jersey limited liability company whose post office address is 572 Market Street, Newark, NJ 07105 ("Grantee"):

WITNESSETH: That the Grantor, for and in consideration of the sum of TEN AND 00/100'S (\$10.00) Dollars and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the Grantee all that certain land situate in St. Lucie County, State of Florida, viz.:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

TOGETHER, with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

Subject to taxes for the year 2024 and subsequent years;

TO HAVE AND TO HOLD, the same in fee simple forever.

AND, the Grantor hereby covenants with said Grantee that the Grantor was lawfully seized of said land in fee simple; that the Grantor had good right and lawful authority to sell and convey said land, and hereby warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever.

[SIGNATURE PAGE TO FOLLOW]

[SIGNATURE PAGE TO WARRANTY DEED]

IN WITNESS WHEREOF, the undersigned authorized representative of the Grantor has signed and sealed these presents the day and year first above written.

WITNESSES:	GRANTOR:
Print: Knyen C Hodsi Address: 712 US Highwar NPB F2 33408 Print: Address: 71 US Huy One Address: 71 US Huy One	CLASSIC GROUP PROPERTIES, L.C., a Florida limited liability company By: Sailesh Patel, Manager
STATE OF Plonds	
COUNTY OF Pulm Beach	
appeared Sailesh Patel, as Manager of Cliability company, by means of \checkmark p	ublic, duly authorized in the County and State aforesaid, LASSIC GROUP PROPERTIES, L.C., a Florida limited physical presence or online notarization, who is oduced <u>Fla Driver (I Clare</u> as identification, who astrument and who took an oath.
Witness my hand and official seal in the 2024.	County and State last aforesaid this 14 day of Much
	Notary Signature
KAREN C. HODGE MY COMMISSION # HH 307793 EVEIDES: December 6, 2028	Printed Notary Signature

EXHIBIT "A" LEGAL DESCRIPTION

Lots 13 and 14, Block 7, PORT ST. LUCIE INDUSTRIAL PARK, UNIT ONE, according to the Plat thereof on file In the Office of the Clerk of the Circuit Court In and for St. Lucie County, Florida, recorded in Plat Book 16, page 27 (27-A through 27-F), said lands situate, lying and being In St. Lucie County, Florida.



Apollo 22, LLC - Set'em Up Volleyball

Special Exception Use Project No. P24-098

Planning and Zoning Board Meeting Francis Forman, Planner II August 6, 2024

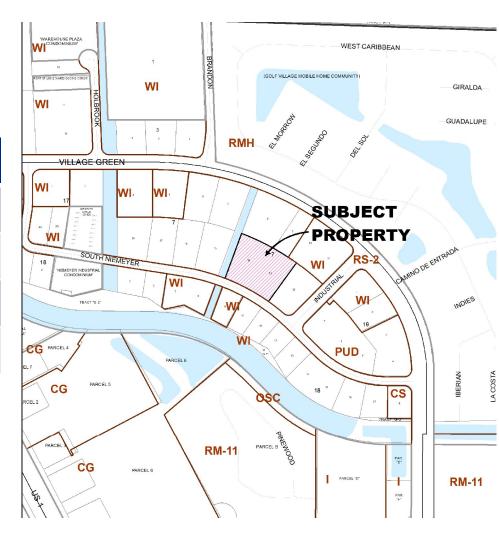
Request Summary

- Applicant(s): Patricia Sandoval, Set'em Up! Volleyball
- Owner: Apollo 22, LLC
- Location: Located north of SE South Niemeyer Circle and west of SE Industrial Boulevard.
- Request: Approval of a Special Exception Use (SEU) to allow an enclosed assembly area over 3,000 square feet in the Warehouse Industrial (WI) zoning district per Section 158.135(C)(5) of the Code of Ordinances.



Surrounding Areas

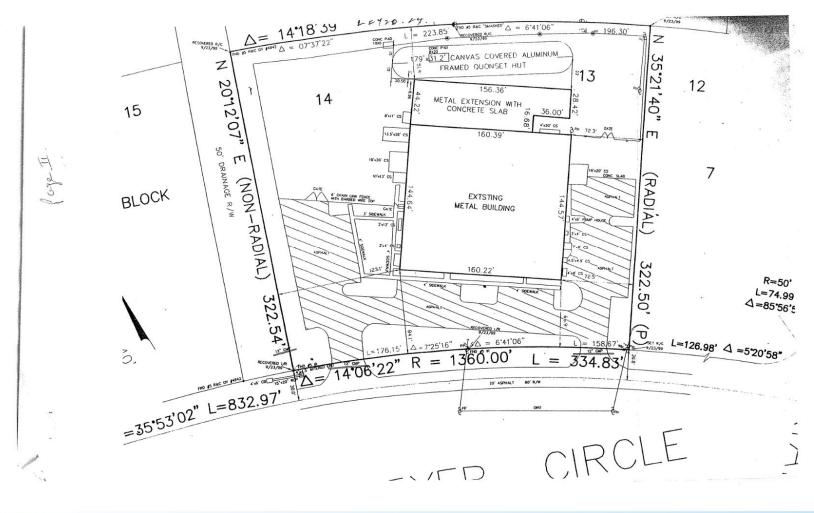
Direction	Future Land Use	Zoning	Existing Use
North	LI/CS	WI	Warehousing
South	LI/CS	WI	Warehousing
East	LI/CS	WI	Warehousing
West	LI/CS	WI	Warehousing





Site Plan

PORT ST. LUCIE



Evaluation of SEU CRITERIA (Section 158.260)	<u>FINDINGS</u>
ADEQUATE INGRESS AND EGRESS (§ 158.260 (A))	Adequate ingress and egress will be provided for vehicles and pedestrians by the two code compliant driveways, associated crosswalks, and traffic control devices which allow for adequate internal circulation and traffic flow.
ADEQUATE OFF-STREET PARKING AND LOADING AREAS (§ 158.260 (B))	Adequate off-street parking and loading areas are provided without creating undue noise, glare, odor, or other detrimental effects upon adjoining properties. Off-street parking is calculated based upon the provisions identified within Section 158.220(C) of the Zoning Code. The site plan for Apollo 22, LLC indicates 1 parking space per 500 square feet of gross floor area. The overall 20,000 square foot warehouse facility is required to have 40 spaces. There are 44 spaces provided, which meets the minimum requirement.
ADEQUATE AND PROPERLY LOCATED UTILITIES (§ 158.260 (C))	Adequate utilities are available to service the proposed development. Port St. Lucie Utilities District will provide utility services to the site. Adequate utilities are available to service the proposed development.
ADEQUATE SCREENING OR BUFFERING (§§ 158.260 (D) (F))	Adequate buffering is being provided surrounding the site. The site is required to have a minimum of a 10' landscape buffer strip surrounding the site.
SIGNAGE AND EXTERIOR LIGHTING (§158.260 (E))	At the time of site plan approval, outdoor lighting shall comply with the requirements of City Zoning Code Section 158.221. Outdoor signage shall comply with Chapter 155's sign code.
COMPATIBILITY WITH SURROUNDING USES (§§ 158.260 (H) (I) (J))	The site is in an area designated for commercial development and is consistent with the adjacent commercial uses.

Planning and Zoning Board Action Options:

- Make a motion to recommend approval to the City Council
- •Make a motion to amend the recommendation and recommend approval
- Make a motion to recommend denial
- •Make a motion to table





City of Port St. Lucie

Agenda Summary

Agenda Date: 8/6/2024 Agenda Item No.: 8.j

Placement: Public Hearing - Quasi Judicial

Action Requested: Motion / Vote

P24-109 Innovation Restaurant Hub - Variance

Location: The property is located south of SW Innovation Way and west of SW Village Parkway.

Legal Description: Southern Grove Plat No. 18, Lot 2.

This is a request to grant a variance to deviate from Section (A) of the Tradition Southern Grove Phase 1 Master Planned Unit Development (MPUD) Regulation Book. Specifically, the variance would permit the provision of parking spaces to exceed the maximum limit amount of 125% of the required amount.

Submitted By: Bethany Grubbs, Planner III.

Executive Summary: This is a request to grant a variance to deviate from Section (A) of the Tradition Southern Grove Phase 1 Master Planned Unit Development (MPUD) Regulation Book. Specifically, the variance would permit the provision of parking spaces to exceed the maximum limit amount of 125% of the required amount.

Presentation Information: Staff will provide a presentation.

Board Recommendation Options: Move that the Board approve, approve with conditions, or deny the variance request.

Background: The applicant is proposing four (4) stand-alone restaurants to serve the community.

Issues/Analysis: An application for a variance is reviewed for consistency with Article XV of the Zoning Code, Sections 158.295 through 158.299. The Applicant's responses to the criteria and staff's findings can be found in the attached staff report.

Special Consideration: N/A.

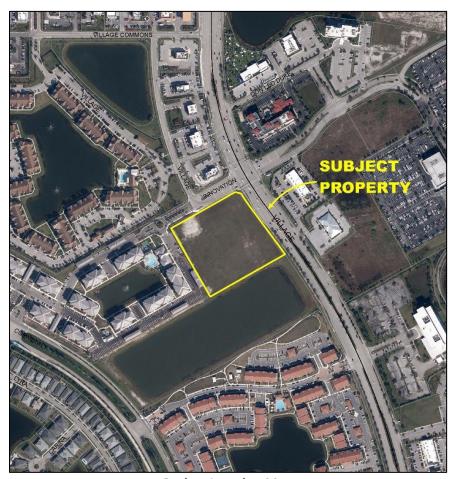
Location of Project: South of SW Innovation Way and west of SW Village Parkway.

Attachments:

- 1. Staff Report,
- 2. Variance Responses,
- 3. Conceptual Site Plan,
- 4. Deed,
- 5. Agent Authorization Letter,
- 6. Staff Presentation.



Innovation Restaurant Hub Variance Project No. P24-109



Project Location Map

SUMMARY

•••••	
Applicant's Request:	A variance to deviate from Section (A) of the Tradition Southern Grove Phase 1 Master Planned Unit Development (MPUD) Regulation Book. Specifically, the variance would permit the provision of parking spaces to exceed the maximum limit amount of 125% of the required amount.
Application Type:	Variance, Quasi-Judicial
Applicant:	Brad Currie, Engineering Design & Construction, Inc.
Property Owner:	Village & Innovation, LLC
Location:	SW Innovation Way and west of SW Village Parkway
Project Planner:	Bethany Grubbs, Planner III

Project Description

The City of Port St. Lucie has received a request from Brad Currie of Engineering Design & Construction, Inc., agent for the property owner, Village & Innovation, LLC, to grant a variance to deviate from Section (A) of the Tradition Southern Grove Phase 1 Master Planned Unit Development (MPUD) Regulation Book. Specifically, the variance would permit the provision of parking spaces to exceed the maximum limit amount of 125 percent of the required amount. The proposed development requires 196 parking spaces. The provision of parking spaces exceeds the maximum limit by 125%, which translates to 245 spaces. However, 326 spaces are proposed, which is approximately 33.06% over the maximum allowable parking. The property is legally described as Southern Grove Plat No. 18, Lot 2, as recorded in Plat Book 73, Page 25, 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 July 25, 2024, and the file was included in the ad for the Planning & Zoning Board's agenda.

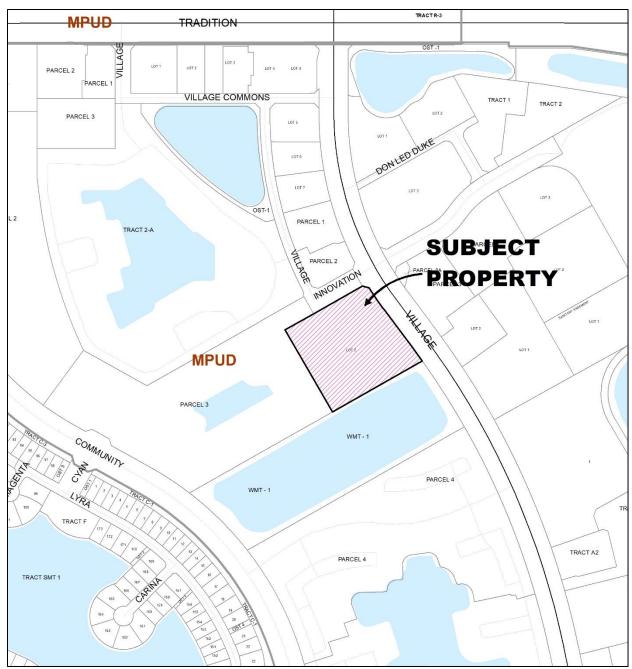
Location and Site Information

Parcel Number:	4315-609-0003-000-9	
Property Size:	5.5 acres	
Legal Description:	Southern Grove Plat No. 18, Lot 2	
Address:	SW Innovation Way and west of SW Village Parkway	
Future Land Use:	New Community Development (NCD)	
Existing Zoning:	Master Planned Unit Development (MPUD)	
Existing Use:	Vacant	

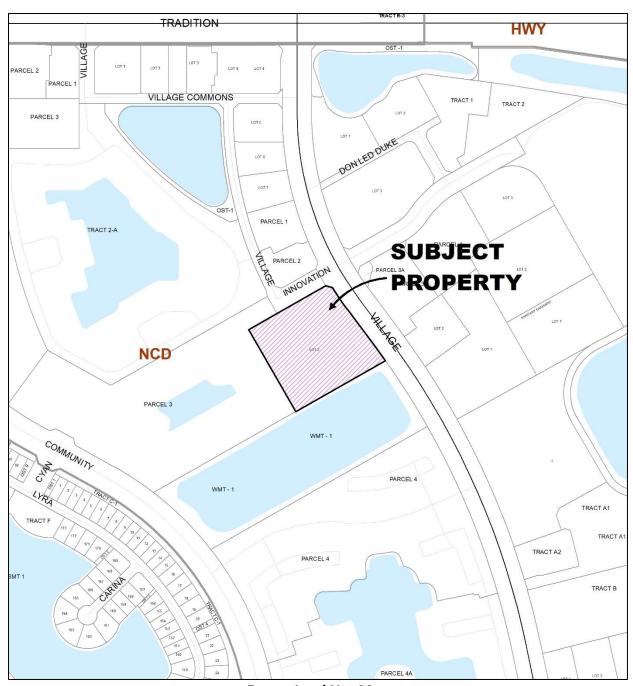
Surrounding Uses

Direction	Future Land Use	Zoning	Existing Use
North	NCD	MPUD	Commercial outparcel (Burger King)
South	NCD	MPUD	Stormwater tract
East	NCD	MPUD	Commercial shopping center
West	NCD	MPUD	The Lucie at Tradition (multi-family)

NCD - New Community Development, MPUD - Master Planned Unit Development



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).

- 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: The applicant is proposing four (4) stand-alone restaurants to serve the community which include a Bonefish Grille, First Watch and Outback Steakhouse. The fourth (4th) restaurant is not yet determined. Other MPUD's in the area do not have this requirement outlined and one (1) in particular, Tradition Commerce Park North Amendment 1 was revised to remove this statement from Section 4 of the MPUD. There is a great need in the area for a restaurant hub such as what being proposed. We feel that the parking proposed will meet the needs of the proposed development. The applicant has coordinated with the tenants of each building for which they have outlined their parking requirements. The requirement of each tenant is much larger than what the MPUD allows. We reviewed another Outback and Hibachi restaurant in St. Lucie West. This area, with two (2) restaurants, has 165 parking spaces. With only two (2) restaurants being served by these parking stalls, it is known that parking is very limited during business hours.
 - <u>Staff Findings:</u> Special conditions do exist which are peculiar to the structures that are not applicable to other structures in this zoning district. The associated MPUD limits the parking to 125 percent of the maximum number of required parking spaces. This provision is peculiar to this MPUD and the Tradition MPUD. It was intended to prevent overparking for certain sites that park based on their highest and best use at peak periods, such as major shopping holidays. This provision does have the potential to create a parking deficiency for high demand users such as a development that contains all restaurants. The city's standard code requires one space per every 75 square feet of restaurant space. This MPUD has a less stringent standard of one space per 100 square feet, so it will already be parked at a deficit to what the city's standard code would require. The city's standard code does not include a maximum number of spaces. Given the suburban context and reliance on automobile transportation, implementing a maximum parking rate has the potential to create an issue where there is not enough parking for the number of customers to the restaurants which could result in spillover into the roadway and adjacent properties.
- 2) That the special conditions and circumstances do not result from any action of the applicant.
 - Applicant's Response: The conditions of the site are not a result of actions by the

- applicant. The MPUD was drafted to allow for parking spaces to not exceed 125% of the required parking spaces for all uses outlined in the MPUD. The proposed use requires more parking to serve the development than other uses outlined in the MPUD.
- <u>Staff Findings:</u> Special conditions and circumstances which are peculiar to the land, structure, or building do not exist from the actions of the applicant. The limitation on parking spaces is a pre-existing condition. The applicant is responding to the practical requirements of the proposed restaurant hub, which inherently demands more parking than given an allowance for. The need for additional parking spaces is driven by the type of development (restaurants) and its anticipated staffing size and customer volume. The applicant seeks the variance to ensure that the development is functional.
- 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.
 - <u>Applicant's Response</u>: Other MPUD's within Tradition and Southern Grove have been revised to remove the language as noted in Section 5(A). Due to this, we feel that a precedence has been set for other developments in the area which were not capped at 125% of the required parking spaces.
 - <u>Staff Findings:</u> While all restaurants in this MPUD must comply with the same standards, this project is unique as it comprises four standalone restaurants on a single site. Granting this variance request will not provide a special privilege that is denied to other properties in the same zoning district under this chapter. The proposed development is distinctive because it includes four standalone restaurants, necessitating a significant amount of parking to ensure accessibility. This restaurant hub is expected to attract a large number of patrons, especially during peak times, thereby requiring more parking spaces than normally allowed.
- 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.
 - <u>Applicant's Response</u>: Other MPUD's in the area do not have this requirement outlined and one (1) in particular, Tradition Commerce Park North Amendment 1 was revised to remove this statement from Section 4 of the MPUD.
 - <u>Staff Findings:</u> The literal interpretation of the provisions would not deprive the applicant of any commonly enjoyed rights by other property owners in the same MPUD. However, strict because strict adherence to the literal provisions of the chapter would impose undue hardship on the applicant. Without the variance, the applicant would be unable to meet the practical parking needs of the proposed restaurant hub, thereby compromising the viability of the development. This restriction would deprive the applicant of the ability to provide a much-needed community amenity that residents have expressed strong interest in. Again, the standard zoning code does not limit the amount of parking that exceeds the minimum amount required. A maximum parking threshold is not appropriate for the suburban surroundings.
- 5) That the variance granted is the minimum variance that will make possible the reasonable use of the land, building, or structure.

- <u>Applicant's Response</u>: There is a great need in the area for a restaurant hub such as what is being proposed. We feel that the parking proposed is the minimum needed to serve the proposed development. The applicant has coordinated with the tenants of each building for which they have outlined their parking requirements. The requirements of each tenant are much larger than what the MPUD allows.
- <u>Staff Findings:</u> 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. Given the nature of the proposed development, which includes four stand-alone restaurants, the need for sufficient parking is critical to its functionality. These national restaurant chains have extensive experience and knowledge of their business models and parking requirements. The applicant has coordinated with the tenants of each building, and the outlined parking needs of these tenants are much larger than what the MPUD currently allows. This demonstrates that the requested variance is based on well-established operational requirements rather than arbitrary estimates.
- 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: There is a great need in the area for a restaurant hub such as what is being proposed. The request for a variance for the maximum parking spaces will not be injurious to the area involved or detrimental to public welfare. The development of this restaurant hub will allow residents in this area to dine in their neighborhood, reducing trips on other roadway networks.
 - <u>Staff Findings</u>: 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: Acknowledged.
 - <u>Staff Findings</u>: 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).



LETTER OF JUSTIFICATION Innovation Restaurant Hub

Variance Application July 16, 2024

REQUEST

On behalf of the petitioner, Engineering Design & Construction, Inc. (EDC) is requesting approval of a variance from Section 5 (A) of the Tradition SG Phase 1 MPUD for a project to be known as Innovation Restaurant Hub. The proposed development is located south of SW Innovation Way and west of SW Village Parkway in Port St. Lucie, Florida. The petitioner is proposing a restaurant hub which includes four (4) restaurant buildings. An address is not yet assigned for this project. The parcel is 5.50 acres and the parcel information is noted below:

Parcel ID	Parcel Address	Acreage	Current FLU	Current Zoning
4315-609-0003-000-9	TBD	5.50	NCD	MPUD

SITE CHARACTERISTICS & PROJECT HISTORY

The subject site totals 5.50 acres and is currently undeveloped and cleared. The applicant is proposing the development of four (4) sit-down restaurant buildings with a combined gross square footage of 19,619 square feet with associated site improvements. A site plan was reviewed by SPRC on July 8, 2024. This application is being submitted to request for relief from Section 5 of the Tradition SG Phase 1 MPUD which states:

Section 5. Parking and Pedestrian Requirements

(A) Parking Requirements. Each building, use, or structure shall be provided with on-street and/or off-street parking and service facilities in accordance with the provisions set forth herein. The maximum number of parking spaces to be provided is limited to 125% of that required by the provisions set forth herein. On-street parking spaces directly and fully adjacent to a site and available to a development shall be counted toward the maximum.

The MPUD reflects the parking factor for stand-alone restaurants at 1 space per 100 sq. ft. There are four (4) stand-alone restaurants proposed on the subject site. Required parking per the MPUD totals 196 spaces. The MPUD would allow for the maximum parking spaces of 245. The applicant is proposing 326 spaces to serve the proposed restaurants which exceeds the required parking requirements by approximately 1.66%.

The subject property has a Future Land Use designation of New Community Development (NCD) and an underlying Zoning designation of Master Planned Unit Development (MPUD).

To the north of the subject property lies the right-of-way of SW Innovation Way followed by a developed commercial parcel. This parcel has a Future Land Use designation of New Community Development (NCD) and an underlying Zoning designation of Master Planned Unit Development (MPUD).

To the south of the subject parcel is a developed stormwater tract owned and maintained by the CDD. This parcel has a Future Land Use designation of New Community Development (NCD) and an underlying Zoning designation of Master Planned Unit Development (MPUD).

To the east of the subject parcel lies the right-of-way of SW Village Parkway followed by developed commercial parcels. These parcels have a Future Land Use designation of New Community Development (NCD) and an underlying Zoning designation of Master Planned Unit Development (MPUD).

West of the subject parcel is a multi-family development. This parcel has a Future Land Use designation of New Community Development (NCD) and an underlying Zoning designation of Master Planned Unit Development (MPUD).

VARIANCE REQUIREMENTS

Section 158.295 (B) of the Port St. Lucie Land Development Code identifies the requirements for variance requests. The attached variance application meets all of the requirements of Section 158.295.

1. Please explain the special conditions and circumstances that 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.

RESPONSE: The applicant is proposing four (4) stand-alone restaurants to serve the community which include a Bonefish Grille, First Watch and Outback Steakhouse. The fourth (4^{th}) restaurant is not yet determined.

Other MPUD's in the area do not have this requirement outlined and one (1) in particular, Tradition Commerce Park North Amendment 1 was revised to remove this statement from Section 4 of the MPUD. See below:

Section 4. Parking, and Pedestrian Requirements, and Loading Area Requirements

(A) Parking Requirements. Each building, use, or structure shall be provided with on-street and/or off-street parking and service facilities in accordance with the provisions set forth herein. To the extent that a use is not identified below, the parking requirements shall be in accordance with Chapter 158, Code of Ordinances. The maximum number of parking spaces to be provided is limited to 125% of that required by the provisions set forth herein. On-street parking spaces directly and fully adjacent to a site and available to a development shall be counted toward the maximum.

There is a great need in the area for a restaurant hub such as what being proposed. We feel that the parking proposed will meet the needs of the proposed development. The applicant has coordinated with the tenants of each building for which they have outlined their parking requirements. The requirements of each

tenant is much larger than what the MPUD allows.

We reviewed another Outback and Hibachi restaurant in St. Lucie West. This area with two (2) restaurants has 165 parking spaces. With only two (2) restaurants being served by these parking stall, it is known that parking is very limited during business hours.



2. Please explain if these conditions are circumstances result from actions by the applicant.

RESPONSE: The conditions of the site are not a result of actions by the applicant. The MPUD was drafted to allow for parking spaces to not exceed 125% of the required parking spaces for all uses outlined in the MPUD. The proposed use requires more parking to serve the development than other uses outlined in the PUD.

3. Please explain how granting the variance requested will not confer on the applicant special privilege that is denied by this chapter on other lands, buildings or structures in the same zoning.

RESPONSE: Other MPUD's within Tradition and Southern Grove have been revised to remove the language as noted in Section 5(A). Due to this, we feel that a precedence has been set for other developments in the area which were not capped at 125% of the required parking spaces.

4. Please explain how a 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.

RESPONSE: Other MPUD's in the area do not have this requirement outlined and one (1) in particular, Tradition Commerce Park North Amendment 1 was revised to remove this statement from Section 4 of the MPUD. See below:

Section 4. Parking, and Pedestrian Requirements, and Loading Area Requirements

(A) Parking Requirements. Each building, use, or structure shall be provided with on-street and/or off-street parking and service facilities in accordance with the provisions set forth herein. To the extent that a use is not identified below, the parking requirements shall be in accordance with Chapter 158, Code of Ordinances. The maximum number of parking spaces to be provided is limited to 125% of that required by the provisions set forth herein. On-street parking spaces directly and fully adjacent to a site and available to a development shall be counted toward the maximum.

Additionally, Section 158.221(C) of the Port St. Lucie Land Development Code calculates parking requirements for restaurants at one (1) space for each two hundred (200) square feet of gross floor area, with a minimum of twenty (20) spaces. Restaurants with drive- through free standing and outparcels one (1) space per seventy-five (75) square feet of gross floor area. It does not note a cap to the number of proposed parking spaces for restaurant uses.

5. Please illustrate and explain if the variance request is the minimum variance that will make possible for reasonable use of the land, building or structure.

RESPONSE: There is a great need in the area for a restaurant hub such as what being proposed. We feel that the parking proposed is the minimum needed to serve the proposed development. The applicant has coordinated with the tenants of each building for which they have outlined their parking requirements. The requirements of each tenant is much larger than what the MPUD allows.

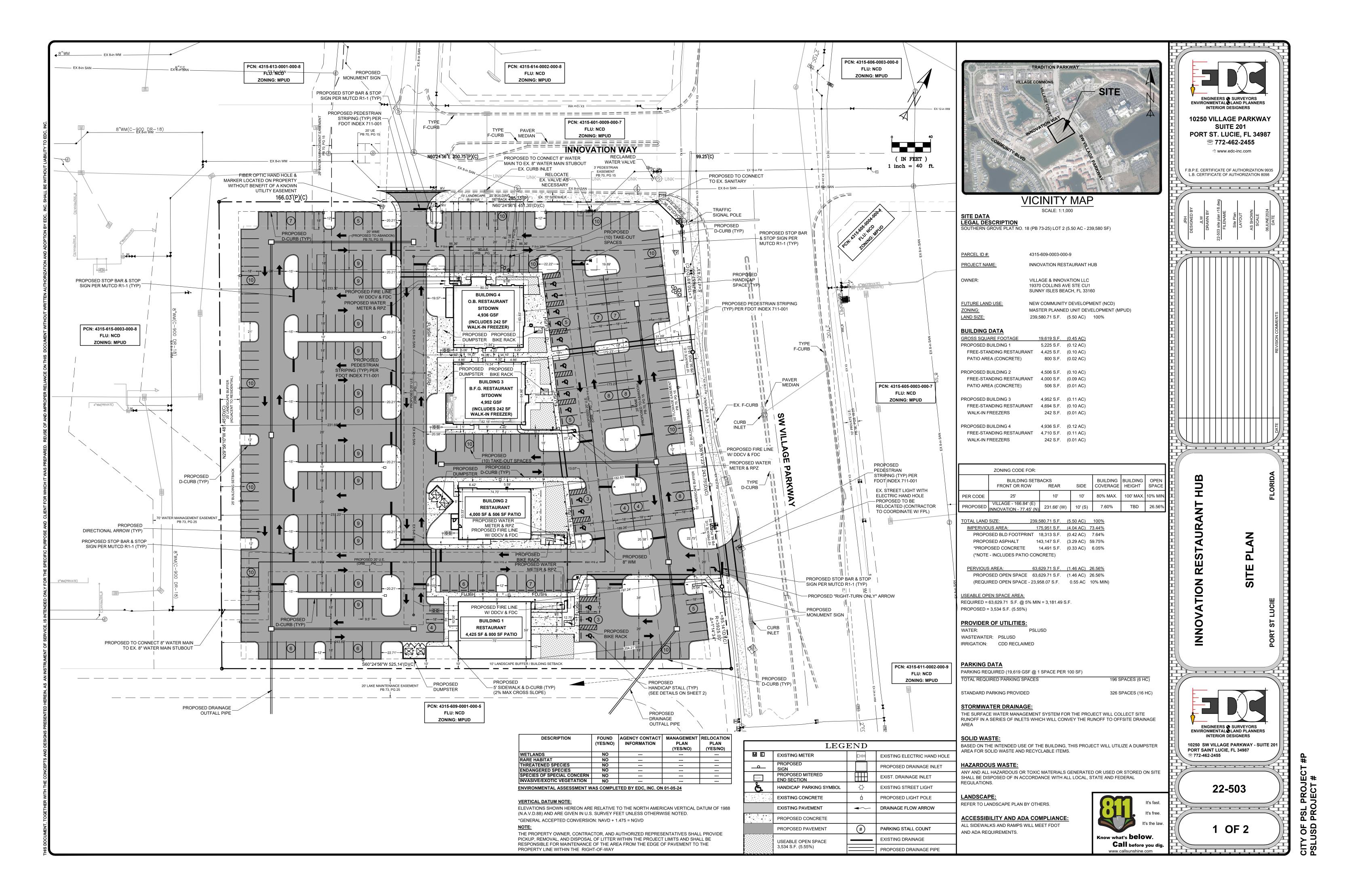
6. Please indicate how granting variance will be in harmony with the general intent and purpose of the chapter and that granting the variance will not be injurious to the area involved or otherwise detrimental to the public welfare.

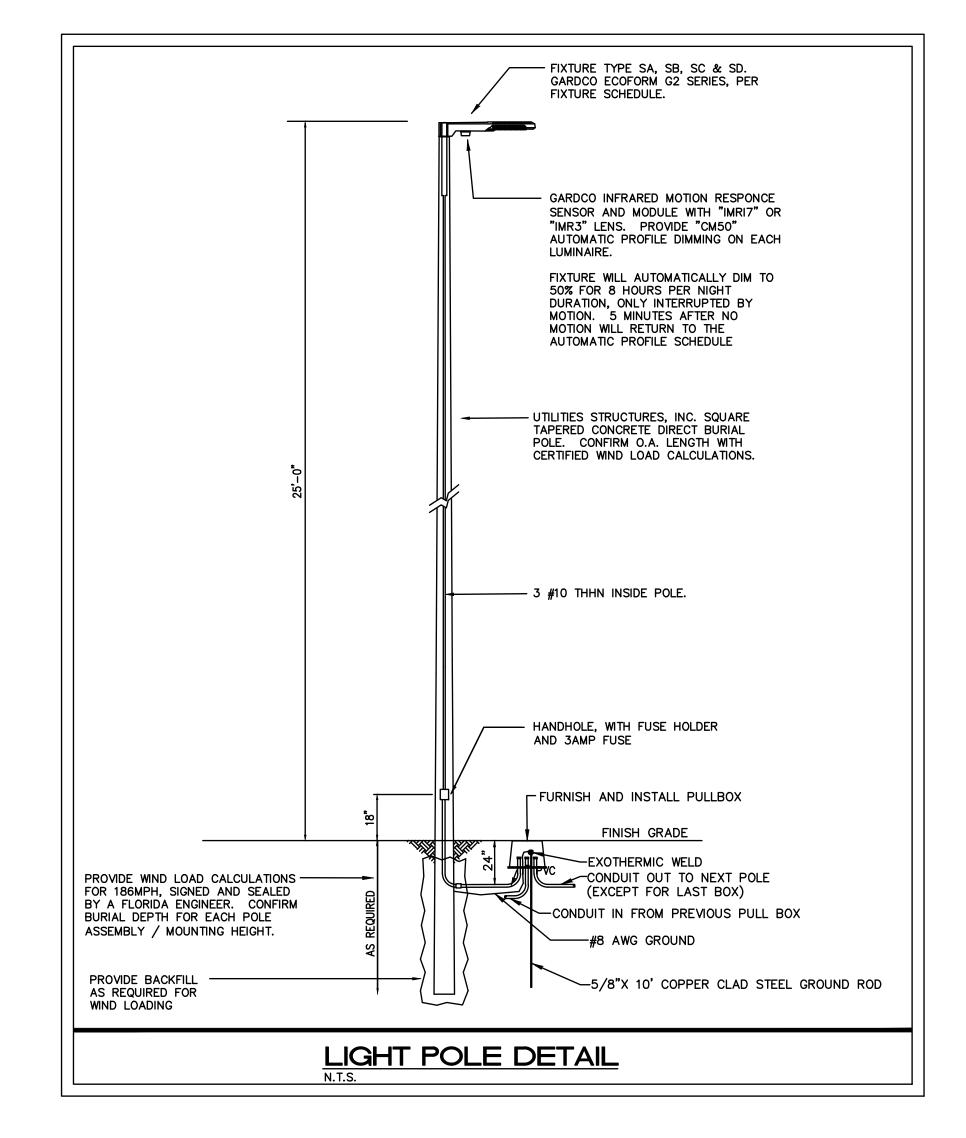
RESPONSE: There is a great need in the area for a restaurant hub such as what is being proposed. The request for a variance for the maximum parking spaces will not be injurious to the area involved or detrimental to the public welfare. The development of this restaurant hub will allow residents in this area to dine in their neighborhood reducing trips on other roadway networks.

7. Please indicate that there will be full compliance with any additional comments and safeguards which the Planning and Zoning Board or Zoning Administrator may prescribe, including but not limited to reasonable time limits which the action for which variance is required shall be begun or completed, or both.

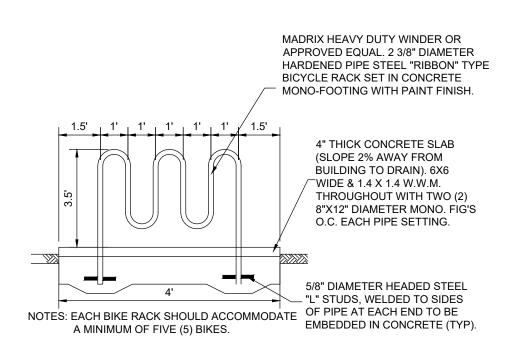
RESPONSE: Acknowledged.

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

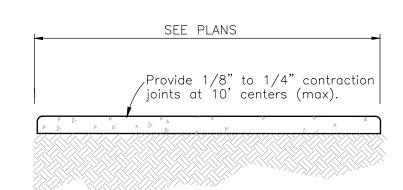








TYPICAL BIKE RACK DETAIL

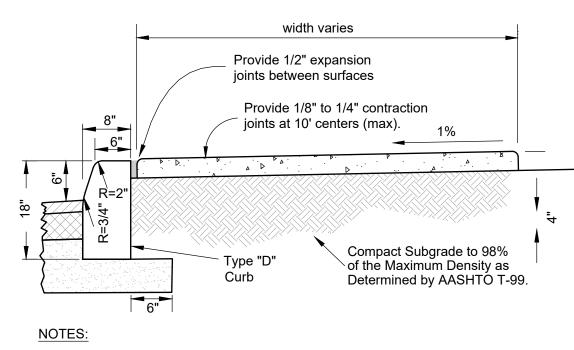


Compact Subgrade to 98% of the Maximum Density as Determined by AASHTO T-99

NOTES: 1. USE 3,000 P.S.I. CONCRETE AT 28 DAYS FOR

- SIDEWALK CONSTRUCTION. 2. SIDEWALK THICKNESS TO BE INCREASED TO 6"
- THICK AT DRIVEWAY LOCATIONS.
- 3. ALL REPAIRS REQUIRED DURING CONSTRUCTION SHALL BE REMOVED AND REPLACED 10' MINIMUM TO NEXT FULL JOINT.
- 4. ALL SIDEWALK WITHIN FDOT RIGHT-OF-WAY TO BE CONSTRUCTED PER STANDARD PLANS 522-001.

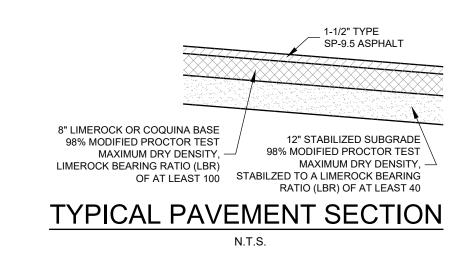
4" THICK SIDEWALK DETAIL

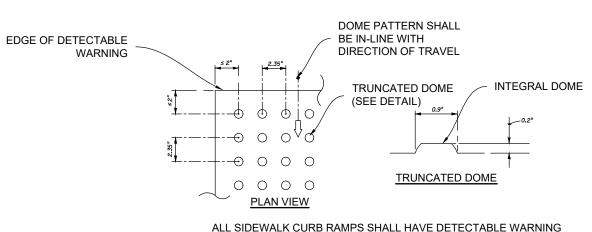


1. USE 3,000 P.S.I. CONCRETE AT 28 DAYS FOR CONSTRUCTION. 2. SUBGRADE TO EXTEND AN ADDITIONAL 6" BEYOND TYPE "D" CURB.

TYPE "D" CURB & SIDEWALK COMBINATION

NOT TO SCALE

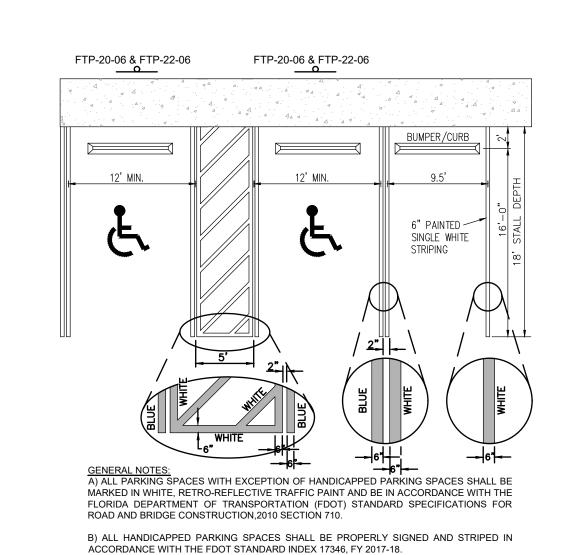




ALL SIDEWALK CURB RAMPS SHALL HAVE DETECTABLE WARNING SURFACES THAT EXTEND THE FULL WIDTH OF THE RAMP AND IN THE DIRECTION OF TRAVEL 24 INCHES (610 MM) FROM THE BACK OF CURB

REFER TO FDOT INDEX 304 FOR FURTHER DETAILS CAST IN PLACE

DETECTABLE WARNING



C) ALL COMPACT SPACES SHALL BE MARKED "COMPACT" ON THE STALL OR TIRE STOP. HANDICAPPED SPACE DETAIL 18' PARKING STALL DETAIL

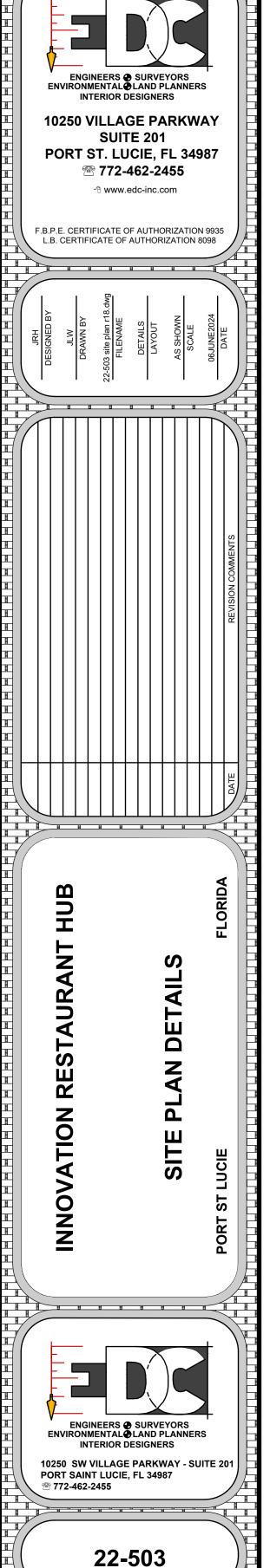




1. FTP 20-06: TOP PORTION SHALL HAVE REFLECTIVE BLUE BACKGROUND WITH WHITE REFLECTIVE SYMBOL AND BORDER. BOTTOM PORTION SHALL HAVE A REFLECTIVE WHITE BACKGROUND WITH BLACK OPAQUE LEGEND AND BORDER. 2. FTP 21-06: TOP PORTION SHALL HAVE REFLECTIVE BLUE BACKGROUND WITH WHITE REFLECTIVE SYMBOL AND BORDER. BOTTOM PORTION SHALL HAVE A REFLECTIVE WHITE BACKGROUND WITH BLACK OPAQUE LEGEND AND BORDER.

 FTP 20-06 IS FOR USE IN AREAS WHERE SPACE IS LIMITED.
 FTP 22-06 IS SUPPLEMENTAL PANEL FOR THE FTP 20-06 & FTP 21-06 SIGNS.
 HEIGHT SHALL BE 7 FEET MEASURED FROM THE GROUND OR SIDEWALK TO THE BOTTOM OF "PERMIT ONLY" SIGN OR 6 FEET TO THE BOTTOM OF "\$250 6. REFER TO FDOT INDEX No. 711-001 FOR PAVEMENT MARKING DETAILS & FDOT INDEX No. 700-102 SIGN DETAILS PER THE LATEST FDOT DESIGN





2 OF 2

MICHELLE R. MILLER, CLERK OF THE CIRCUIT COURT - SAINT LUCIE COUNTY FILE # 5144518 OR BOOK 4939 PAGE 2550, Recorded 01/19/2023 08:46:35 AM Doc

Tax: \$38500.00

THIS INSTRUMENT PREPARED BY AND RETURN TO:

Ocean Title and Escrow Company Odalys Ibrahim, Esq. 11200 Pines Boulevard Pembroke Pines, Florida 33026

File No: **22-6048**

Property Appraisers Parcel Identification (Folio) Numbers: 4315-609-0003-000-9

_____Space Above This Line For Recording Data _____

THIS SPECIAL WARRANTY DEED made the 13th day of January, 2023 by Fast Developments LLC, a Delaware Limited Liability Company, whose post office address is 20801 Biscayne Blvd Ste 306, Aventura, FL 33180 herein called the *Grantor*, to Village & Innovation LLC, a Florida Limited Liability Company, whose post office address is 19370 Collins Avenue Suite CU1, Sunny Isles Beach, FL 33160, hereinafter called the *Grantee*:

(Wherever used herein the terms "grantor" and "grantee" include all the parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations)

WITNESSETH: That the Grantor, for Ten Dollars (\$10.00) and other valuable consideration, the receipt and sufficiency of which is acknowledged, hereby grants, bargains, sells and conveys to Grantee all the right, title, interest, claim, to the real property located in St. Lucie County, Florida, fully described on Exhibit A attached hereto, along with any tenements, hereditaments and appurtenances belonging to or in any way appertaining to the land thereto ("Land"), in fee simple, but nonetheless subject to those matters listed on: (a) Exhibit "B" attached hereto ("Existing Exceptions") provided, however, reference thereto shall not serve to re-impose the same; and (b) Exhibit "C" attached hereto ("Additional Covenants and Restrictions") and (c) taxes for the year 2023 and thereafter. Grantor hereby covenants that Grantor has good, right, and lawful authority to sell and convey the Land and hereby warrants the title to said Land and will defend the same against the lawful claims and demands of all persons claiming by, through or under said Grantor.

IN WITNESS WHEREOF, the said Grantor has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered in the presence of:

FAST DEVELOPMENTS LLC, a Delaware Limited Liability Company

By GRU CAPITAL LLC, a Delaware Limited Liability Company, its sole member

D...

Leopotdo Ferro, Manager

Witness #1 Signature

Witness #1 Printed Name

Witness #2 Signature

EMSM. IBAHim

Witness #2 Printed Name

STATE OF FLORIDA COUNTY OF SAINT LUCIE

The foregoing instrument was acknowledged before me by means of □ physical presence or □ online notarization this 13th day of January, 2023 by Leopoldo Ferro as Manager of Gru Capital LLC, a Delaware Limited Liability Company the sole member of Fast Developments LLC, a Delaware Limited Liability Company who is personally known to me □ has produced a Florida Driver License □ or as identification.

SEAL



Notary Signature

Printed Notary Signature My Commission Expires:

Warranty Deed Page 2

EXHIBIT "A"

LEGAL DESCRIPTION

BEING A PORTION OF TRACT 1, SOUTHERN GROVE PLAT NO. 11, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 70, PAGE 15 OF THE PUBLIC RECORDS OF SAINT LUCIE COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT OF INTERSECTION OF THE SOUTHERLY RIGHT-OF-WAY LINE OF INNOVATION WAY (TRACT 4) PER SAID SOUTHERN GROVE PLAT NO. 11 WITH THE WESTERLY RIGHT-OF-WAY LINE OF VILLAGE PARKWAY (TRACT R-1) AS SHOWN ON SOUTHERN GROVE PLAT NO. 3, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 61 AT PAGE 17 OF SAID PUBLIC RECORDS OF SAINT LUCIE COUNTY, FLORIDA, SAID POINT OF INTERSECTION BEING A POINT ON A CURVE ON SAID WESTERLY RIGHT-OF-WAY LINE, CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 1657.00 FEET AND FROM WHICH A RADIAL LINE BEARS N57°49'20"E; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE AND RIGHT-OF-WAY LINE, THROUGH A CENTRAL ANGLE OF 4°30'43", A DISTANCE OF 130.49 FEET TO THE POINT OF TANGENCY OF SAID CURVE; THENCE CONTINUE ALONG SAID RIGHT-OF-WAY LINE, S36°41'23"E, A DISTANCE OF 243.75 FEET TO THE BEGINNING OF A CURVE, CONCAVE TO THE SOUTHWEST AND HAVING A RADIUS OF 3925.00 FEET, THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE AND SAID RIGHT-OF-WAY LINE, THROUGH A CENTRAL ANGLE OF 1°14'34", A DISTANCE OF 85.14 FEET; THENCE DEPART SAID RIGHT-OF-WAY LINE, S60°24'56"W A DISTANCE OF 525.14 FEET; THENCE N29°56'10"W A DISTANCE OF 481.45 FEET TO A POINT ON THE WESTERLY EXTENSION OF THE SOUTH RIGHT-OF-WAY LINE OF SAID INNOVATION WAY; THENCE ALONG SAID SOUTH RIGHT-OF-WAY LINE FOR THE FOLLOWING TWO COURSES, FIRST BEAR N60°24'56"E A DISTANCE OF 451.35 FEET; THENCE S75°39'56"E A DISTANCE OF 36.02 FEET BACK TO THE POINT-OF-BEGINNING.

FOR THE PURPOSE OF THIS DESCRIPTION BEARINGS ARE STATE PLANE GRID BASED UPON THE SOUTH RIGHT-OF-WAY LINE OF INNOVATION WAY BEARING N60°24'56"E AND ALL OTHER BEARINGS ARE RELATIVE THERETO.

EXHIBIT "B"

EXISTING TITLE EXCEPTIONS

- 1. Any law, ordinance, permit or governmental regulation.
- 2. Governmental police powers.
- 3. Rights or eminent domain.
- 4. Defects, liens, encumbrances, adverse claims or other matters created, suffered, assumed or agreed to by the Grantee.
- 5. Federal bankruptcy, state insolvency or similar creditors' rights laws.
- 6. Taxes and assessments for the year 2023 and subsequent years, which are not yet due and payable.
- 7. Conditions and easements as set forth on the Plat of Southern Grove Plat No. 11, according to the Plat thereof, as recorded in Plat Book 70, Page 15, Public Records of St. Lucie County, Florida.
- 8. Conditions and easements as set forth on the Plat of Southern Grove Plat No. 4, according to the Plat thereof, as recorded in Plat Book 56, Page 18, Public Records of St. Lucie County, Florida.
- 9. Annexation and Development Agreement by and between Westchester Development Company, LLC, a Florida limited liability company, successor by merger to Westchester Development Company, formerly known as St. Lucie Farms, Inc., Horizons St. Lucie Development, LLC, a Florida limited liability company, Bernard A. Egan Groves, Inc., a Florida corporation, A. Duda & Sons, Inc., a Florida corporation, and the City of Port St. Lucie, a Florida municipal corporation, recorded January 28, 2003 in Official Records Book 1648, Page 2879, Public Records of St. Lucie County, Florida.
- 10. Notice of Establishment of the Westchester Community Development District No. 5, recorded April 16, 2003 in Official Records Book 1694, Page 422, Public Records of St. Lucie County, Florida.
- 11. Declaration of Consent to Imposition of Special Assessments, recorded January 14, 2004 in Official Records Book 1881, Page 2114, Public Records of St. Lucie County, Florida.
- 12. Notice of Special Assessments for Series 2003 Bonds, recorded January 14, 2004 in Official Records Book 1881, Page 2139, Public Records of St. Lucie County, Florida.
- Terms, provisions, covenants, conditions, restrictions, assessments, easements, liens, and other 13. matters established by Commercial Charter for Tradition, recorded November 23, 2004 in Official Records Book 2098, Page 1697; Eighth Supplement, recorded June 16, 2005 in Official Records Book 2274, Page 1742; First Supplement, recorded June 8, 2006 in Official Records Book 2584, Page 2025; Second Supplement, recorded June 20, 2006 in Official Records Book 2592, Page 2701; Third Supplement, recorded July 6, 2006 in Official Records Book 2605, Page 870; Fourth Supplement, recorded July 6, 2006 in Official Records Book 2605, Page 903; First Amendment to Commercial Charter for Tradition, recorded July 6, 2006 in Official Records Book 2605, Page 908; Consent to Use, recorded July 6, 2006 in Official Records Book 2605, Page 919; Fifth Supplement and Second Amendment, recorded September 7, 2006 in Official Records Book 2650, Page 2111: Consent to Use, recorded October 2, 2006 in Official Records Book 2668, Page 382; Seventh Supplement, recorded December 29, 2006 in Official Records Book 2729, Page 2333; Sixth Supplement and Amendment, recorded January 3, 2007 in Official Records Book 2731, Page 2869; Second Amendment to Commercial Charter for Tradition, recorded March 9, 2007 in Official Records Book 2776, Page 1541; Eighth Supplement, recorded March 9, 2007 in Official Records Book 2776, Page 1546; Supplement, recorded September 27, 2007 in Official Records Book 2885, Page 1351; Supplement, recorded December 12, 2007 in Official Records Book 2914, Page 2047; Ninth Supplement and Amendment, recorded December 17, 2007 in Official Records Book 2916, Page 1973; Tenth Supplement and Amendment recorded January 2, 2008 in Official Records Book 2923, Page 550; Amendment recorded April 17, 2008 in Official Records Book 2963, Page 369; Corrective Ninth Supplement and Amendment, recorded April 22, 2008 in Official Records Book

2964, Page 1931; Supplement, recorded June 16, 2008 in Official Records Book 2984, Page 2233; Amended and Restated Consent to Use, recorded June 16, 2008 in Official Records Book 2984. Page 2242; Supplement, recorded August 4, 2008 in Official Records Book 3001, Page 2250; Amendment, recorded September 24, 2008 in Official Records Book 3017, Page 224; Supplement, recorded December 23, 2008 in Official Records Book 3045, Page 1132; Supplement, recorded January 14, 2009 in Official Records Book 3051, Page 1686; Amendment, recorded January 20, 2009 in Official Records Book 3052, Page 1102; Supplement and Amendment, recorded June 18, 2009 in Official Records Book 3101, Page 51; Supplement and Amendment, recorded December 30, 2009 in Official Records Book 3158, Page 2213; Amendment, recorded January 12, 2010 in Official Records Book 3161, Page 2290; Supplement, recorded March 29, 2010 in Official Records Book 3183, Page 1096; Amendment, recorded June 14, 2010 in Official Records Book 3204, Page 1260; Amendment, recorded June 14, 2010 in Official Records Book 3204, Page 1268: Supplement, recorded November 5, 2010 in Official Records Book 3243, Page 651; Supplement, recorded December 30, 2010 in Official Records Book 3257, Page 89; Supplement, recorded March 7, 2011 in Official Records Book 3274, Page 842; Supplement and Amendment, recorded April 28, 2011 in Official Records Book 3288, Page 1054; Assignment of Founder's Rights, recorded September 19, 2011 in Official Records Book 3325, Page 1277; Supplement and Amendment, recorded September 30 2011 in Official Records Book 3328, Page 849; Supplement and Amendment, recorded October 5, 2012 in Official Records Book 3439, Page 688; Supplement and Amendment, recorded December 10, 2012 in Official Records Book 3461, Page 1570; Supplement and Amendment, recorded August 8, 2013 in Official Records Book 3547, Page 1583; Certificate of Amendment, recorded February 27, 2015 in Official Records Book 3720. Page 2573: Supplement to Commercial Charter, recorded June 16, 2015 in Official Records Book 3757, Page 2243; Certificate of Amendment, recorded July 9, 2015 in Official Records Book 3766, Page 637. all of the Public Records of St. Lucie County, Florida, and any amendments thereto.

- 14. Notice of Adoption of the Development Order for the Southern Grove Development of Regional Impact recorded October 30, 2006 in Official Records Book 2689, Page 189; Notice of Adoption of the Amended and Restated Development Order for the Southern Grove Development of Regional Impact recorded August 21, 2007 in Official Records Book 2868, Page 1267; Assignment of Land Use Entitlements to PSL Acquisitions, LLC, an Iowa limited liability company recorded September 19, 2011 in Official Records Book 3325, Page 1285; Notice of Adoption of the Amended and Restated Development Order for the Southern Grove Development of Regional Impact recorded May 18, 2012 in Official Records Book 3391, Page 940; Notice of Adoption of the Amended and Restated Development Order for the Southern Grove Development of Regional Impact recorded December 20, 2012 in Official Records Book 3466, Page 342; Notice of Adoption of the Amended and Restated Development Order for the Southern Grove Development of Regional Impact recorded April 16, 2015 in Official Records Book 3 736, Page 440; Notice of Adoption recorded January 13, 2016 in Official Records Book 3826, Page 2235, all of the Public Records of St. Lucie County, Florida, and any amendments thereto.
- 15. Declaration of Restrictions by Horizons St Lucie Development, LLC, a Florida limited liability company and Tradition Development Company, LLC, a Florida limited liability company and Horizons Acquisition 5, LLC, a Florida limited liability company, recorded December 29, 2006 in Official Records Book 2729, Page 2344; First Amendment to Declaration of Restrictions recorded September 4, 2009 in Official Records Book 3124, Page 679, all of the Public Records of St. Lucie County, Florida.
- 16. Access and Drainage Easement Agreement by and between Horizons St. Lucie Development, LLC, a Florida limited liability company, Grantor, and Grande Palms at Tradition I, LLC, a Florida limited liability company and Grande Palms at Tradition II, LLC, a Florida limited liability company, Grantees, recorded January 3, 2007 in Official Records Book 2731, Page 2980; Amendment to Access and Drainage Easement Agreement recorded May 5, 2010 in Official Records Book 3193, Page 576, all of the Public Records of St. Lucie County, Florida.

- 17. Notice of Establishment of the Southern Grove Community Development District No. 5A, recorded May 9, 2007 in Official Records Book 2814, Page 1392; Notice of Merger of Southern Grove Community Development District No. 5 into Southern Grove Community District 5A, recorded November 13, 2009 in Official Records Book 3145, Page 397; City/District No. 5A Interlocal Agreement, recorded February 5, 2009 in Official Records Book 3057, Page 1403, all of the Public Records of St. Lucie County, Florida.
- 18. Educational Facilities Impact Fee Credit Agreement between Horizons Acquisitions 5, LLC, a Florida limited liability company, Horizons St. Lucie Development, LLC, a Florida limited liability company and The School Board of St. Lucie County, Florida, recorded October 5, 2007 in Official Records Book 2889, Page 650, Public Records of St. Lucie County, Florida.
- 19. Waiver and Consent as to Special Assessments recorded October 9, 2007 in Official Records Book 2889, Page 2823, Public Records of St. Lucie County, Florida.
- 20. Flowage Easement (MXD Parcel) in favor of the City of Port St. Lucie, recorded November 7, 2007 in Official Records Book 2902, Page 1177, Public Records of St. Lucie County, Florida.
- 21. Fire/EMS Development and Impact Fee Agreement for Southern Grove Development of Regional Impact and Western Grove Development of Regional Impact, recorded December 14, 2007 in Official Records Book 2916, Page 661; First Amendment to Fire/EMS Development and Impact Fee Agreement, recorded February 20, 2009 in Official Records Book 3062, Page 938, all of the Public Records of St. Lucie County, Florida.
- Declaration of Restrictions by Horizons St. Lucie Development, LLC, a Florida limited liability company, recorded December 17, 2007 in Official Records Book 2916, Page 2027; Corrective Declaration of Restrictions, recorded April 22, 2008 in Official Records Book 2964, Page 1919, all of the Public Records of St. Lucie County, Florida.
- 23. True-Up Agreement with Respect to the City of Port St. Lucie, Florida Southwest Annexation Special Assessment District No. 1, recorded December 27, 2007 in Official Records Book 2920, Page 2644; Amended and Restated True-Up Agreement, recorded December 13, 2013 in Official Records Book 3587, Page 991, all of the Public Records of St. Lucie County, Florida.
- 24. Waiver as to Special Assessments, recorded December 27, 2007 in Official Records Book 2920, Page 2681, Public Records of St. Lucie County, Florida.
- Declaration of Restrictions by Horizons St. Lucie Development, LLC, a Florida limited liability company, recorded January 2, 2008 in Official Records Book 2923, Page 572, Public Records of St. Lucie County, Florida.
- 26. Park and Recreation Impact Fee Credit Agreement Between Tradition Development Company, LLC, a Florida limited liability company, and Horizons St. Lucie Development, LLC, a Florida limited liability company, and the City of Port St. Lucie, recorded September 29, 2008 in Official Records Book 3018, Page 747, Public Records of St. Lucie County, Florida.
- 27. Blanket Flowage Easement in favor of the City of Port St. Lucie, recorded June 1, 2009 in Official Records Book 3094, Page 1591, Public Records of St. Lucie County, Florida
- 28. Declaration of Restrictions by Horizons St. Lucie Development, LLC, a Florida limited liability company and Horizons Acquisition 5, LLC, a Florida limited liability company, recorded June 18, 2009 in Official Records Book 3101, Page 127, Public Records of St. Lucie County, Florida.
- 29. Impact Fee Pre-Payment Agreement (Southern Grove DRI), recorded November 6, 2009 in Official Records Book 3143, Page 1301; Notice of Assignment, recorded November 9, 2009 in Official Records Book 3143, Page 2986, and re-recorded on December 4, 2009 in Official Records Book 3150, Page 2025, all of the Public Records of St. Lucie County, Florida.
- 30. Resolution 11-R06 authorizing an Interlocal Agreement Relating to Irrigation Service within the Developments known as Tradition and Southern Grove, recorded March 16, 2011 in Official Records Book 3276, Page 1487, Public Records of St. Lucie County, Florida.
- 31. Merged, Amended and Restated Utility Service Agreement by and between The City of Port St. Lucie, PSL Acquisitions, LLC, an Iowa limited liability company, d/b/a PSL Acquisition 1, LLC, in the State of Florida, recorded May 4, 2012 in Official Records Book 3386, Page 1776, Public

- Records of St. Lucie County, Florida.
- Waiver and Consent to Special Assessments, recorded September 18, 2013 in Official Records Book 3560, Page 2611, Public Records of St. Lucie County, Florida.
- 33. Agreement to Dedicate and Complete-Public Infrastructure, recorded December 18, 2014 in Official Records Book 3700, Page 1922, Public Records of St. Lucie County, Florida.
- 34. True Up Agreement, recorded December 18, 2014 in Official Records Book 3700, Page 1930, Public Records of St. Lucie County, Florida.
- 35. Use Restrictions, recorded December 30, 2015 in Official Records Book 3822, Page 798, Public Records of St. Lucie County, Florida.

EXHIBIT "C"

EXISTING TITLE EXCEPTIONS

ADDITIONAL COVENANTS AND RESTRICTIONS

The Land described on Exhibit "A" to the Special Warranty Deed to which this Exhibit "C" is attached is hereby encumbered and made subject to the covenants and restrictions set forth on this Exhibit "C" ("Additional Covenants and Restrictions") which (a) shall be covenants running with the land and binding upon Grantee and its successors and assigns; and (b) may enforced by, and in the sole discretion of, Grantor and its successors and assigns. By acceptance of said Special Warranty Deed, Grantee accepts and agrees, individually and on behalf of its successors and assigns, to be bound legally by said Additional Covenants and Restrictions. The "Effective Date" of these Additional Covenants and Restrictions is the date the Special Warranty Deed is recorded among the Public Records of St. Lucie County, Florida.

Permitted Use

Grantee shall develop and use the land for up to: (a) 100,000 square feet of retail and/or office space; and/or (b) 100 multi-family residential condominium and/or rental units ("Permitted Use"). Thereafter the Land may be used for such other use or uses as may be permitted under applicable laws and the overall development plan for the Land, provided, however, the floor area of all buildings shall not exceed 100,000 square feet. Buildings on the land may be up to 100 feet in height, subject to governmental and association approvals.

Community Development Districts

The Tradition Community Development Districts ("CDDs") were formed for operation and maintenance of the Southern Grove DRI, and possible other purposes in the future. Grantee shall comply with all of the requirements of the CDDs, such as those relating to the payment of operations and maintenance assessments associated with the CDDs.

Assessments and Entitlements

Grantor has allocated and assigned herein, its interests in those entitlements available for the Permitted Use pursuant to the current Development Order for the Southern Grove Development of Regional Impact. All future assessments based on use of the Land (CDDs, SAD, etc.) shall be based on the maximum entitlements assigned in the Special Warranty Deed to the Land, even if the actual uses developed are less than the maximum entitlements assigned to the Land.

Utilization of Impact Fee and Utility Credits

When Grantee is required to pay impact fees, utility connection fees, public building impact fees or other fees or exactions to applicable governmental or quasi-governmental authorities or applicable utility authorities for which Grantor has Impact Fee Credits or Utility Credits for such obligations, less and except St. Lucie Road Impact Fee Credits (as recognized by such governmental or utility authority, as applicable), then Grantee shall purchase from Grantor (or the CDDs, as applicable) such Impact fee Credits or Utility Credits that may be lawfully assigned to Grantee by Grantor (or the CDDs, as applicable) in an amount equal to that which Grantee would otherwise have been required to pay to the applicable governmental or quasi-governmental authority or utility company.

Irrigation System

Grantee agrees to enter into a service contract with Tradition Irrigation Company, LLC ("TIC") on substantially similar terms and conditions as other owners in the Tradition development. Grantee acknowledges that it will install assemblies pursuant to TIC specs, including without limitation, a meter assembly for TIC and all onsite irrigation improvements. Grantee agrees that the Land shall be served exclusively by TIC and the end-user owners of the Land, or any portion thereof, shall be required to enter into an Irrigation Service Agreement, in the standard form and content required by TIC, and pay the standard charge for capacity fees and service rates in effect from time to time.

Signage

All signage on the Land must comply with the Master Sign Program for the Tradition development, as revised by Grantor from time-to-time.

No Zoning Changes

The Land shall be restricted to provide that for a period of ten (10) years after the date hereof, neither Grantee nor its successors in interest or assigns shall be permitted to obtain any change to the zoning of the Land without the prior written consent of Grantor, in its sole discretion.

Infrastructure and Improvements

Grantee shall construct, at its expense, all infrastructure (roads, water management facilities, utilities, public facilities) and other improvements required by governmental authorities which are: (i) located within the perimeter boundaries of the Land; and/or (ii) located outside the perimeter boundaries of the Land but required, necessary or appropriate to serve the same, including, but not by way of limitation, and required by the Southern Grove DRI and/or governmental entities.

Communication Facilities

Gran tor, or at Grantor's option, the Association shall have the exclusive right to franchise, establish or enter into a contract for providing cable, gas, internet, telephone and other telecommunication services (or any portion of such services) to the Land upon terms and conditions as Grantor (or the Association, as applicable) may deem appropriate, provided that such service is competitive with that otherwise available in the marketplace generally, recognizing that such service may not be the lowest rate charged, but will be competitive with the pricing for similar services in the Treasure Coast area; provided, however, that Grantee shall be entitled to operate a satellite dish(es) and other telecommunication systems such as microwave systems, internal systems, VA, FHA and other governmental systems upon the Land; provided that such satellite dish(es), antennae and other equipment and/or systems are properly screened based upon plans for such satellite dish, antenna and other equipment and/or systems and related screening with respect thereto which are approved in writing by Grantor. Grantee agrees to comply with the terms of any agreement between Grantor (or the Association) and any provider of service and Grantee agrees to execute any documents and grant any easements in connection with such systems or services requested by Grantor or the Association or the provider of any of such service as may be reasonably necessary to install, construct or maintain any of the respective systems. Additionally, Grantee shall fully cooperate with the provider of such services with respect to the installation of any wiring, equipment or other apparatus or device required by said provider to be placed on the Property and the improvements thereon.

Notice, Cure and Enforcement

In the event that Grantee fails to pay any required sum or perform any required obligation on its part to be paid or performed pursuant hereto, then Grantor may provide Grantee with notice thereof ("Notice of Grantee Default"). In the case of a failure to: (a) pay any such sum, Grantee shall pay said sum within ten (10) days from the date of receipt of said Notice of Grantee Default; or (b) perform any such obligation, Grantee shall perform said obligation within thirty (30) days from the date of receipt of said Notice of Grantee Default, provided however, if said obligation is of such a nature that it could not reasonably be performed within thirty (30) days, then Grantee shall: (i) promptly institute necessary cure efforts; and (ii) thereafter diligently and continuously pursue said efforts for a period of up to ninety (90) days after the date of receipt of said Notice of Grantee Default. If Grantee fails to cure any such matter within the applicable time periods set forth above after receipt of the Notice of Grantee Default, then it shall constitute a "Grantee Event of Default" hereunder. So long as a Grantee Event of Default continues, Grantor may as its sole and exclusive remedies (waiving any right to money damages except as otherwise expressly set forth herein) elect to: (i) exercise rights of self-help by paying the sum and/or performing the obligation on Grantee's part to have been paid and/or performed, and recover from Grantee the reasonable out-of-pocket cost thereof as damages; and/or (ii) enforce these Additional Covenants and Restrictions through actions for money damages, specific performance, injunctive relief and such other remedies as may be available at law or in equity. Grantor's remedies hereunder are mutual and non-exclusive.

Village & Innovation LLC 19370 Collins Ave – Suite CU1 Sunny Isles Beach, FL 33160

AGENT CONSENT FORM

Project Name: <u>Lumer – SW Innovation Way</u>				
Parcel ID: <u>4315-609-0003-000-9</u>				
BEFORE ME THIS DAY PERSONALLY APPEA SWORN, DEPOSES AND SAYS THE FOLLOW	ARED HARINA KESSLER, WHO BEING DULY VING:			
to submit or have submitted applications attend and represent me at all meetings and State permits for completion of the give consent to the party designated abo	Design & Construction, Inc. to act on my behalf, and all required material and documents, and to a and public hearings pertaining all City, County project indicated above. Furthermore, I hereby we to agree to all terms and conditions which may plication for the proposed use of a commercial			
FURTHER AFFIANT SAYETH NOT.				
The foregoing instrument was acknowledged be ALINA KESSLER (Name of Person Acknow	efore me this 30th day of 444, 2024 by wledging) who is personally known to me or who			
	of identification) as identification and who did (did			
not) take an oath.				
Notary Signature	Owner's Signature			
Printed Name of Notary	MARINA KESSUEL FOR			
Printed Name of Notary	Owner's Name VIULEE & INNOVATION LLC			
SMOJAR SMOJAR	17370 COLLINS AUE SUITE CUD Street Address			
MY COMMISSION EXPIRES 1-25-2027 EXPIRES 1-25-2027	SUNNY ISLES BEACH FL 33/600 City, State, Zip			
My Marine HH 353851	307 37 0061			
Marine Marine	Telephone / Email			
ar Page	TORINA KESSER GETAIL COM			



Innovation Restaurant Hub

Variance (P24-109)

Planning and Zoning Board – August 6, 2024 Bethany Grubbs, Planner III

Variance Request

A variance to deviate from Section (A) of the Tradition Southern Grove Phase 1 Master Planned Unit Development (MPUD) Regulation Book.

Specifically, the variance would permit the provision of parking spaces to exceed the maximum limit amount of 125% of the required amount. The development requires 196 spaces based on a parking rate of 1 space per 100 square feet of gross floor area. 326 spaces are proposed.

The proposed parking is approximately 33.06% over the maximum allowable parking.



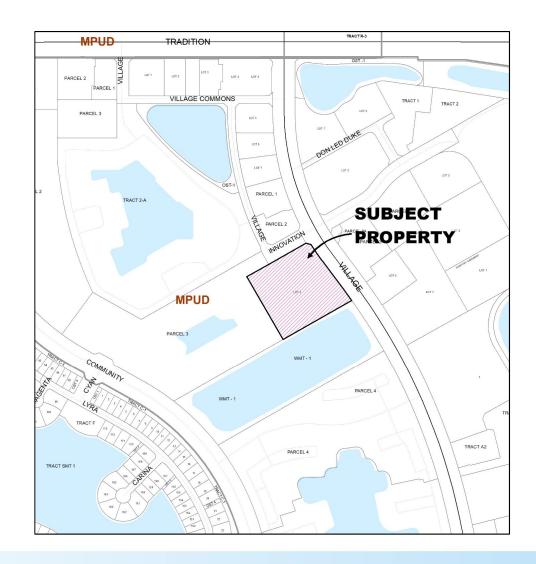
Applicant and Property Owner

Applicant/Property Owner:	Village & Innovation, LLC
Agent:	Brad Currie, Engineering Design & Construction, Inc.
Proposed Use:	(4) Free-Standing Restaurants
Location:	SW Innovation Way and west of SW Village Parkway



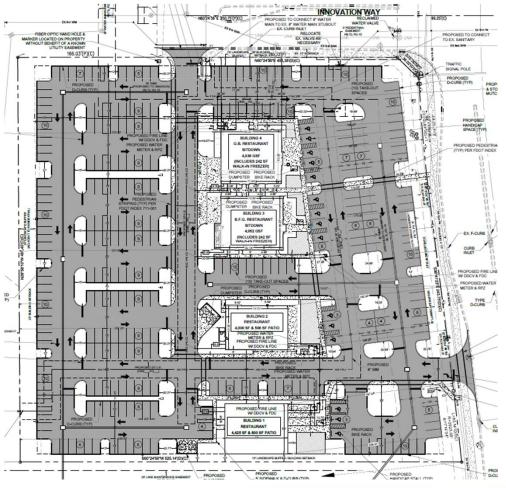
Location Map

Direction	Future Land Use	Zoning	Existing Use
North	NCD	MPUD	Commercial outparcel (Burger King)
South	NCD	MPUD	Stormwater tract
East	NCD	MPUD	Commercial shopping center
West	NCD	MPUD	The Lucie at Tradition (multi- family)





Conceptual Site Plan



PARKING DATA

PARKING REQUIRED (19,619 GSF @ 1 SPACE PER 100 SF)

TOTAL REQUIRED PARKING SPACES 196 SPACES (6 HC)

STANDARD PARKING PROVIDED 326 SPACES (16 HC)



Planning & Zoning Board Action Options

- Make a motion to approve the variance.
- Make a motion to approve the variance with conditions.
- Make a motion to deny.
- Make a motion to table.

