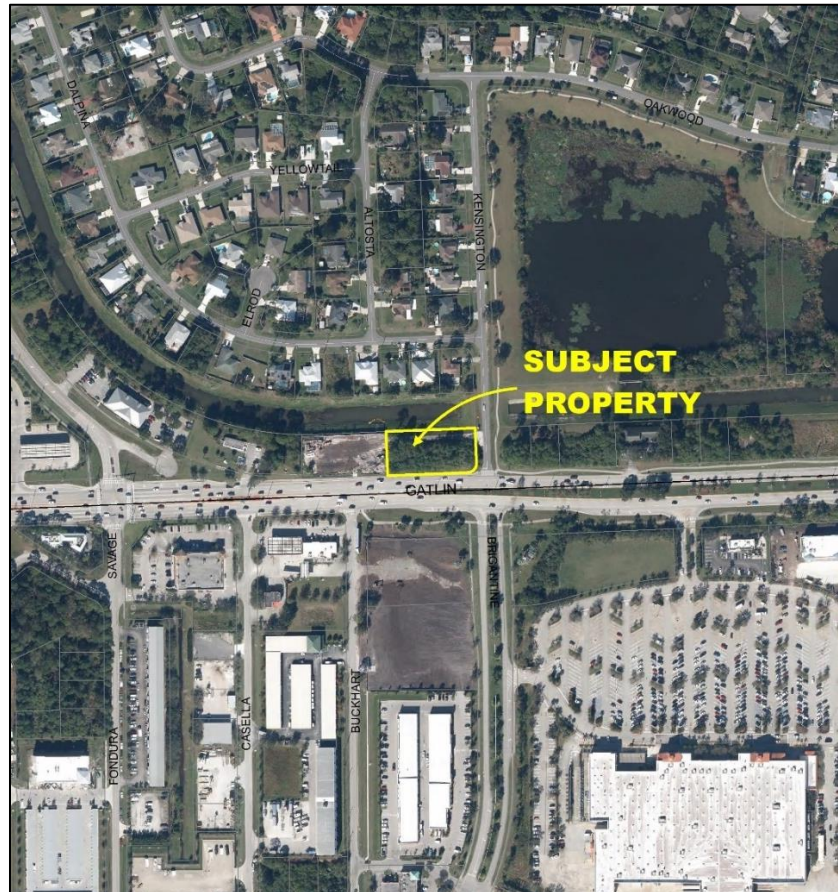




PLANNING AND ZONING STAFF REPORT
August 6, 2024, Planning and Zoning Board Meeting

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



Project Location Map

SUMMARY

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 Street.
Project Planner:	Bethany Grubbs, Planner III

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

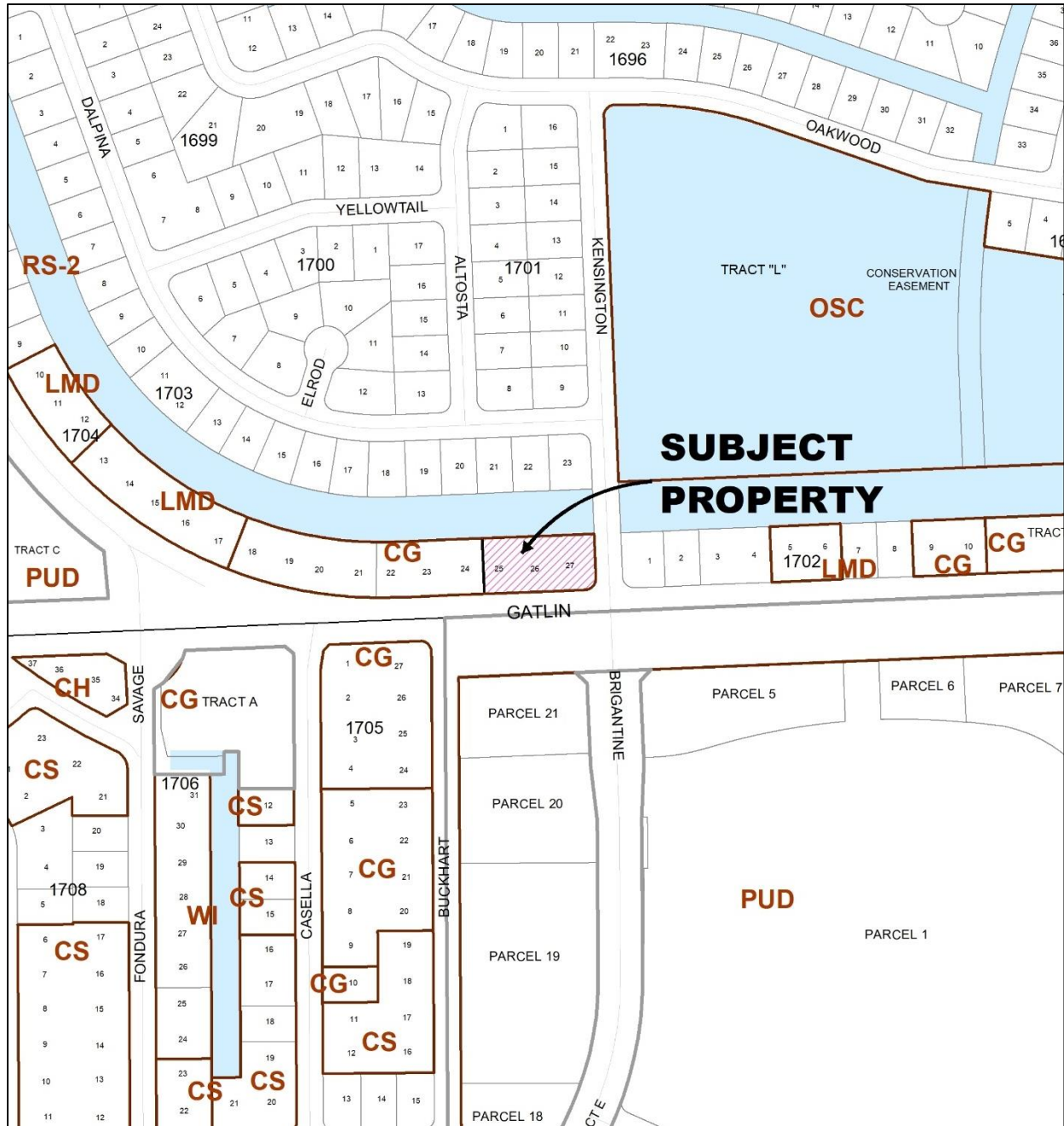
Direction	Future Land Use	Zoning	Existing Use
North	RL	RS-2	Drainage ROW
South	CS/CH	PUD	Retail/Medical Office
East	ROI	RS-2	Vacant
West	CG	CG	Restaurant

Future Land Use

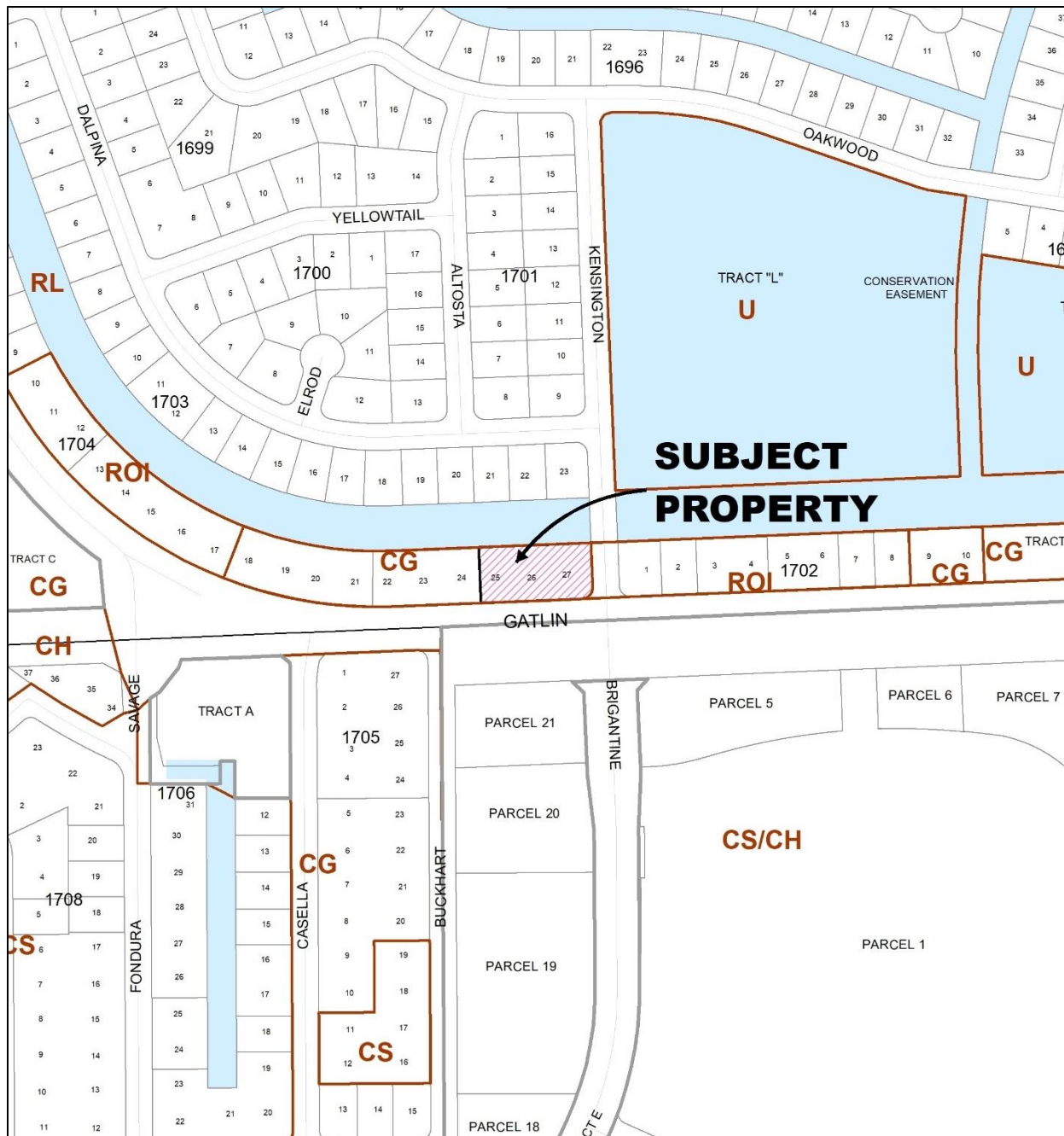
RL – Low density residential, CS – Service Commercial, CH – Highway Commercial, and ROI – Residential, Office, & Institutional

Zoning District

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



Zoning Map



Future Land Use Map

IMPACTS AND FINDINGS

Section 158.295 (B) of the Zoning Code establishes the duties of the Planning and Zoning Board in authorizing a variance. The Planning and Zoning Board may authorize a variance from the provisions of the Zoning Code as will not be contrary to the public interest when, owing to special conditions, a literal enforcement of the provisions will result in unnecessary and undue hardship. Pursuant to Section 158.296, a variance is authorized only for height, area, and size of structure, yard size, building setback, lot size requirements, and other applicable development regulations, excluding use. To authorize a variance, the Planning and Zoning Board should consider the criteria listed under Section 158.295 (B) (1) through (7) of the Zoning Code. The applicant's response to this criterion is attached to the application. Staff's review is provided below:

Compatibility with variance criteria Section 158.295 (B).

- 1) That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same zoning district.
 - *Applicant's Response: 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.*
 - *Staff Findings: 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.*
 - *Staff Findings: 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.*
 - *Staff Findings: 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.

- *Applicant's Response:* 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.
- *Staff Findings:* 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.

- *Applicant's Response:* 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.
- *Staff Findings:* 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.
- *Staff Findings:* Granting the variance will not be injurious to the area involved or be otherwise detrimental to public welfare.

7) That there will be full compliance with any additional conditions and safeguards which the Planning and Zoning Board or Zoning Administrator may prescribe, including but not limited to reasonable time limits within which the action for which variance is required shall be begun or completed, or both.

- *Applicant's Response: Full compliance with additional conditions and safeguards which the Planning and Zoning or Zoning Administrator prescribed is intended with this development.*
- *Staff Findings: 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).