



Joho Properties, LLC Variance
Project No. P24-108



sSUMMARY

Applicant's Request:	A variance request from Section 158.060(E) of the Zoning Code to allow for the development of a property with a lot size of 10,018.8 square feet in a General Use Zoning District located on the west side of U.S. 1, south of Crosstown Parkway and in the portion of Savannas Preserve State Park that is along the North Fork of the St. Lucie River in Port St. Lucie. Section 158.060(E)(2) of the Zoning Code requires a minimum lot size of 20,000 SF and a minimum lot width of 100 feet for all permitted and special exception uses in a General Use Zoning District (GU).
Application Type:	Variance, Quasi-Judicial
Applicant:	Jeff Laughren
Property Owner:	Joho Properties, LLC
Location:	8979 S US Highway 1
Project Planner:	Marissa Da Breo-Latchman, Environmental Planner II

Project Description

The City of Port St. Lucie has received a request from Jeff Laughren, on behalf of the property owner, Joho Properties, LLC, to grant a variance to the minimum lot size requirements for permitted and special exception uses in a General Use Zoning District. Section 158.060(E)(2) of the Zoning Code requires a minimum lot size of 20,000 SF with a minimum lot width of 100 feet for all permitted and special exception uses in a General Use Zoning District, not including a Single Family Residential Dwelling. The subject property is approximately 10,018.8 square feet or .23 acres. The lot dimensions are 80 feet by 126 feet, more or less. The request is to allow for the subject property to be developed as a 10,018.8 square foot lot in a GU zoning district. The request would result in a variance of 9,981.20 sq ft to the minimum lot size requirement. The applicant has stated that the proposed use is a camping facility.

The subject project is located on the west side of U.S. Highway 1, south of Crosstown Parkway, north of an FPL substation (Parcel ID: 3435-133-0001-000-1) and surrounded by the Savannas Preserve State Park (3435-132-0001-000-8). The property is described as St Lucie Gardens 35 36 40 Block 1, part of Lot 10. (Full legal description included in attachments).

Background and State Agency Correspondence

The parcel, which is the focus of the requested variance, was owned by AT&T in 1990 and sold to the Wren family, via warranty deed, in 1991. In 1993, Mr. Leo Cueto purchased the property via a tax deed sale. Mr. Cueto remained the owner until 2013 when the property was conveyed to Ms. Sheila Cueto pursuant to probate proceedings. The property was then sold to Joho Properties LLC, the current owner, and applicant, in 2019.

Since the property was originally owned by AT&T in 1990, the property has been classified as a General Use (GU) Zoning District, with the property having been reclassified to GU in 1984. The permitted uses, as well as the size requirements, per the City Code, have not undergone significant changes since 1984 when the property was reclassified.

In 1965, the General Development Corporation ("GDC") granted an easement which only allowed for a 40-foot access for ingress and egress purposes to the parcel. The property was owned by AT&T at the time, including a 108 square foot cement block structure for the utility use. This easement is the only access to the parcel.

All surrounding properties to the North, South, East, and West of the parcel are owned by the South Florida Water Management District (“SFWMD”) and used for what is known as the Savannas Preserve State Park. At this time, SWFMD, as expressed in their letter to the City, dated December 13th, 2024, remains concerned about the compatibility of infrastructure associated with the use being proposed and believes that such infrastructure poses significant risks to the preserve’s intended function and could undermine its environmental and conservation goals (see attachments). The Florida Department of Environmental Protection (“FDEP”) echoed similar concerns in a letter to the City, dated December 3, 2024, in which FDEP stated that the proposed project poses a net negative impact on the surrounding ecosystem in the park and would require additional staffing for potential security and resource protection risks to park property that FDEP cannot support (see attachments). Both agencies are opposed to the granting of the variance which would then allow the development of this parcel.

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 August 22, 2024, and the file was included in the ad for the Planning & Zoning Board’s agenda.

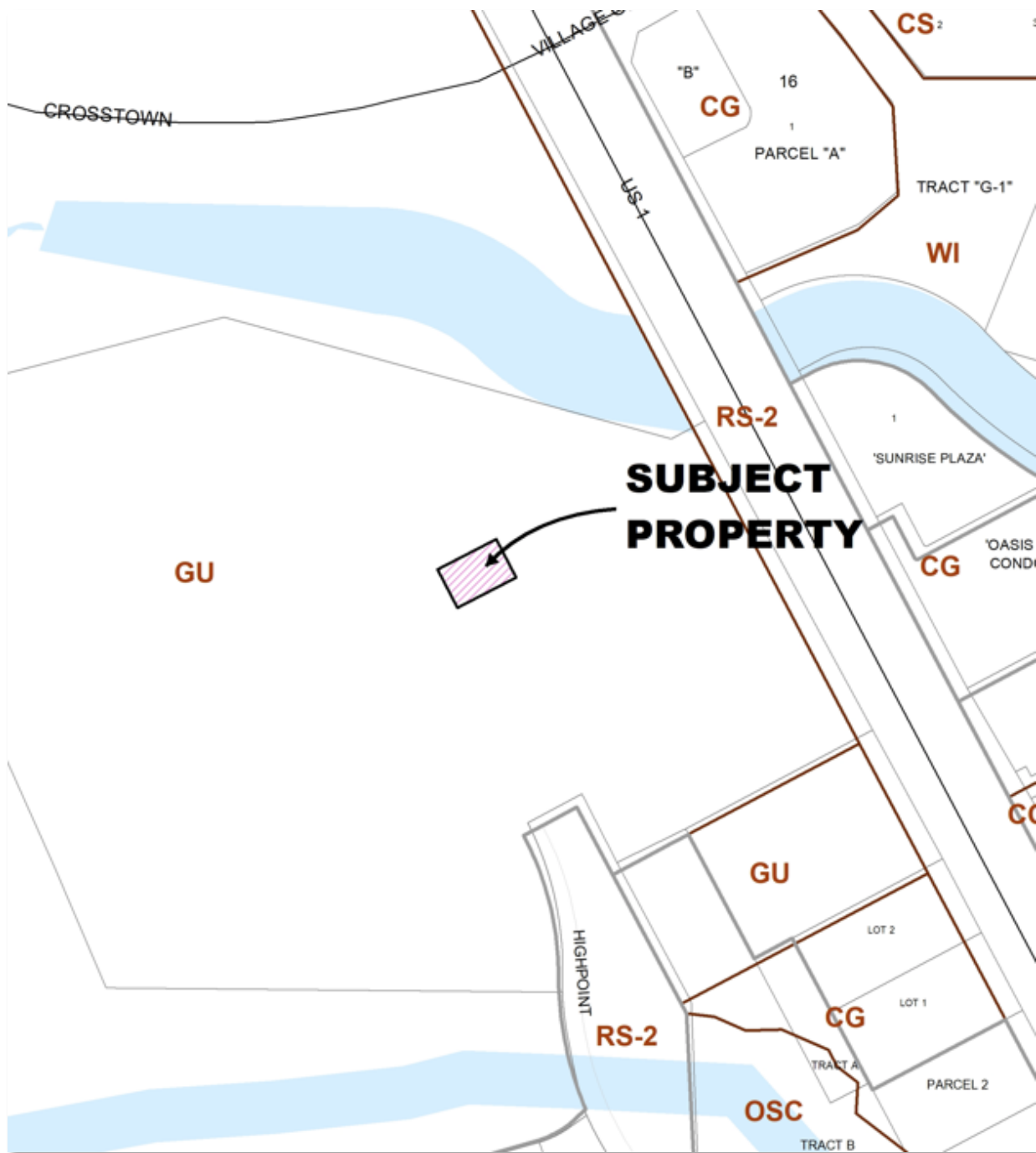
Location and Site Information

Parcel Number:	3414-501-2110-250-3
Property Size:	0.23 acres (10,018 SF)
Legal Description:	St Lucie Gardens 35 36 40 Block 1, Part of Lot 10 (PB 1, PG 35), described as: FROM SE COR OF SEC RUN N 89 DEG 56 MIN 39 SEC W 155.11 FT TO C/L OF US 1, TH N 27 DEG 55 MIN 31 SEC W ON C/L 4000 FT, TH S 62 DEG 04 MIN 29 SEC W 656.5 FT FOR POB, TH N 28 DEG 01 MIN 31 SEC W 80 FT, TH N 62 DEG 04 MIN 29 SEC E 126.9 FT, TH S 28 DEG 01 MIN 31 SEC E 80 FT, TH S 62 DEG 04 MIN 29 SEC W 126.5 FT TO POB (WITH 40 FT ACC) (0.23 AC) (MAP 34/35N)
Address:	8979 S US Highway 1
Future Land Use:	OSC
Existing Zoning:	GU (General Use)
Existing Use:	Developed

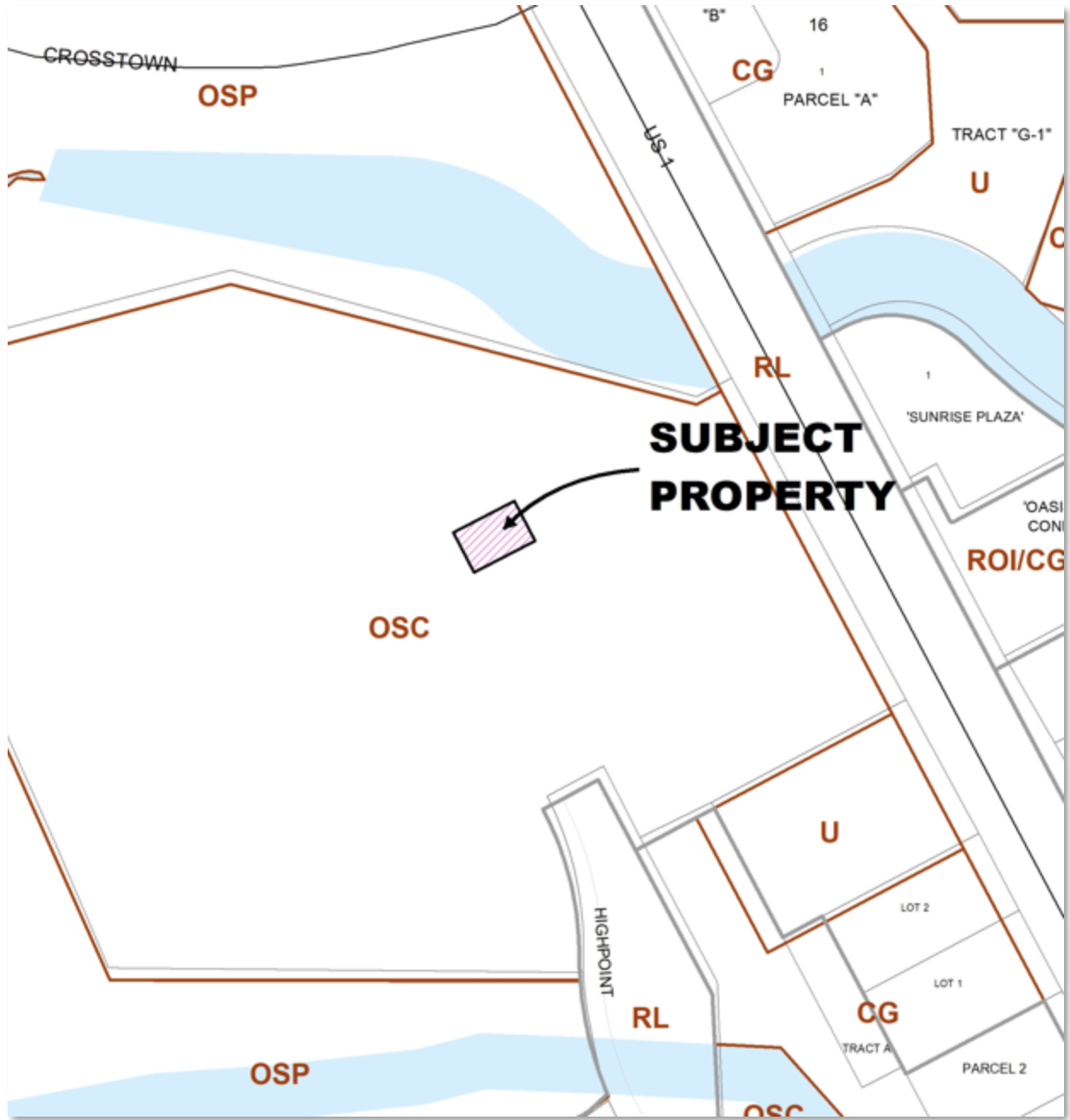
Surrounding Uses

Direction	Future Land Use	Zoning	Existing Use
North	OSC	GU	Vacant Land
South	OSC	GU	Vacant Land
East	OSC	GU	Vacant Land
West	OSC	GU	Vacant Land

OSC-Open Space Conservation



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: Property was originally developed for single family home prior to the incorporation of the City of PSL, and prior to the land surrounding this parcel becoming a park. Existing structure on property exists. Property was redesignated to GU later.*
 - *Staff Findings: The property was not developed at all until BellSouth installed a small cement block building for their utility equipment. A zoning map from 1977 shows the property, along with the surrounding area, being zoned Planned Unit Development (PUD), however, a PUD could not be located in the City records. For reasons unknown by City staff, the property was not acquired when the Savannas Preserve State Park was created in 1977. The City of Port St. Lucie changed its zoning classifications in 1984 and the park, including the lot that is the subject of this variance, was reclassified as GU (General Use). The GU zoning district allows parks and other public recreation uses but it sets a minimum lot size of 20,000 square feet and a minimum width of 100 feet for all permitted and special exception uses in a General Use Zoning District. The subject property is approximately 10,018.8 square feet or .23 acres and does not meet the development standards of the General Use (GU) zoning district for a permitted or special exception use, excluding single-family dwelling. The lot dimensions are 80 feet by 126 feet, more or less.*
- 2) That the special conditions and circumstances do not result from any action of the applicant.
 - *Applicant's Response: Land has been privately owned since the City of PSL incorporated. Existing owners are burdened by the current land use.*
 - *Staff Findings: In 1965, the General Development Corporation ("GDC") granted an easement which allowed for a 40-foot access for ingress and egress purposes only to the parcel. The property was owned by AT&T at the time, including a 108 square foot utility cement block structure. This easement is the only access to the parcel. An AT&T easement exists on the western portion of the property.*

The parcel was owned by AT&T in 1990 and sold to the Wren family, via warranty deed, in 1991. In 1993, Mr. Leo Cueto purchased the property via a tax deed sale. Mr. Cueto remained the owner until 2013 when the property was conveyed to Ms. Sheila Cueto pursuant to probate proceedings. The property was then sold to Joho Properties LLC, the current owner, and applicant, in 2019. The City of Port St. Lucie changed its zoning classifications in 1984 when the parcel and the park, including the lot that is the subject of this variance, was reclassified as GU (General Use). At the time the parcel was reclassified as GU it was still under the ownership of AT&T.

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: Property was redesignated from a planned single family lot to GU. Making this lot unable to develop due to the min acreage requirements of GU. Request is to grant property relief from this acreage requirement.*
- *Staff Findings: The General Use zoning district (GU) is intended to apply to those areas of the City which are presently undeveloped and where the future use is either uncertain, or which the arrangement or boundaries of future uses cannot be clearly defined, and for which any other zoning would be premature or unreasonable. The General Use (GU) district allows the following permitted uses: agriculture; park or playground, or other public recreation; publicly owned or operated building or use; a Single-family dwelling (with a minimum lot size of 10 acres); camping area (public or non-profit); and stable and horse-riding academy. Typical uses of existing GU parcels in the City include water retention ponds, parks, public schools and open space.*
- *A variance is needed for this property to be developable at its current size and under the property's General Use zoning designation. The subject property is 10,018.8 square feet or .23 acres. The lot dimensions are 80 feet by 126 feet, more or less. The General Use zoning district requires a minimum lot size of 20,000 square feet and a minimum width of 100 feet for permitted and special exception use, excluding single-family residential.*

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 land was made non-conforming by the City when it was rezoned. An existing building is on the property. No other buildings are allowed on this property without the variance, making property unusable.*
- *Staff Findings: Other properties in the GU zoning district are subject to the minimum lot size requirements. The Florida Department of Environmental Protection was working with the property owner to purchase the land from them, however the owner stopped pursuing that option.*

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: Please refer to the attached feasibility studies for camping areas. Relief of the 20,000 SF lot size requirement will allow property to be developed.*
 - *Staff Findings: The granting of this request is the minimum that will allow use of the parcel as it does not meet the minimum lot size requirement for development in GU zoning district. A minimum lot size of 20,000 SF is required for all permitted or special exception uses. The applicant proposes a non-profit camping use however the applicant would not be limited to what they are currently proposing.*
- 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: The proposed use of the property will complement the park-this will be a natural camp setting with cabins and will allow campers to more freely use the canoe launch.*
 - *Staff Findings: The SFWMD in correspondence dated December 13, 2024, expressed concerns about the overall development proposal and opposes the granting of the variance. The Florida Department of Environmental Protection in a letter dated December 3, 2024 also expressed concerns and requested that the variance not be granted. (See attached). Staff is not in support of this request given that granting the relief will introduce increased intensity and density of development into this location in the middle of a state park, the proposed may negatively impact the park, and the positions of our partner agencies.*
- 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: We agree to be compliant with conditions set forth.*
 - *Staff Findings: 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 make a:

- Motion to approve the variance to allow a minimum lot size of 10,018.8 square feet where a minimum lot size of 20,000 square feet and a minimum lot width of 100 feet is required for permitted or special exception uses in a General Use Zoning District, with the exclusion of a single-family residential use.
- 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 make a:

- Motion to deny

Should the Board need further clarification or information from either the applicant and/or staff, the Board may make a:

- 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).