



**America Walks
Variance
Project Number: P23-127**



Project Aerial Map

SUMMARY

Applicant's Request:	To grant a variance of ten (10) feet to the Code requirement for a ten (10) foot wide perimeter landscape buffer along the inside western property line for a project known as America Walks.
Applicant:	AW-PSL Land Holdings, LLC
Property Owner:	AW-PSL Land Holdings, LLC
Agent	Brooks Stickler, P.E., Kimley-Horn
Location:	The subject property is located on Becker Road directly south of the intersection of SW Village Parkway and SW Becker Road.
Application Type: (Identify if quasi-judicial)	Variance, Quasi-Judicial
Project Planner:	Bridget Kean, AICP, Senior Planner

Project Description

America Walks is an approved multi-family project that is currently under construction in the Southern Grove area of Tradition. The subject property is a 60 acre parcel that is located west of Interstate 95 and immediately south of the intersection of SW Village Parkway and SW Becker Road. America Walks is an age restricted residential rental community comprised of 410 residential units. The residential units will consist of one-story two bedroom villas in four unit, five unit and six unit buildings for a total of 298 villa units and two multi-story one and two bedroom independent living apartment buildings for a total of 112 apartment units. Each villa will include a parking garage and patio. The development plan also includes an amenity that will include a swimming pool, outdoor recreation, and a clubhouse with a gym, club room, dining room, kitchen and spa.

Section 154.03 (C) (1) (a) of the Landscape Code requires a landscape strip at least ten feet in depth, exclusive of curbing, around the perimeter of a project for all commercial areas, multi-family residential areas, institutional areas, industrial areas, and planned unit developments. The west 68 feet of the America Walks property is encumbered by a drainage easement that includes a drainage ditch and access driveway that runs along the western side of the drainage ditch. The easement is dedicated to the Southern Grove Community Development District No. 1. The drainage ditch conveys stormwater in Southern Grove to the C-23 canal. The approved landscape plan for America Walks depicts the western perimeter landscape buffer on the west side of the drainage ditch. When the contractor went to stake the western landscape buffer, they discovered that there was minimal room to install the required 10 foot perimeter landscape buffer without impacting the access driveway and the CDD's ability to access and maintain their drainage facilities.

Planning staff has discussed the issue with applicant, the applicant's consultants, and the CDD. Since there is not sufficient area to relocate the perimeter landscape buffer to the east side of the drainage ditch, the applicant was advised to apply for a variance to the requirement for a ten foot perimeter landscape buffer along the inside of the project's western property line. In lieu of providing the western landscape buffer, the trees required for the western perimeter landscape buffer will be relocated to other areas of the project site and Pond Cypress trees and ground covers will be planted in clusters along the east side of the drainage ditch as shown on the revised landscape plan attached as Exhibit "A". The revised landscape plan was reviewed by the City's Landscape Architect and found to sufficiently compensate for the plantings in the western landscape buffer.

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))

Notification of the public hearing was mailed to property owners within 750 feet of the subject property and a copy of the notice has been kept available for public inspection during regular business hours..

Location and Site Information

Parcel Number:	4334-700-0003-000-8
Property Size:	60 acres
Legal Description:	Tract D, Southern Grove Replat Plat No. 30
Address:	8500 SW America Walks BLVD
Future Land Use:	NCD
Existing Zoning:	America Walks-Becker Road MPUD
Existing Use:	Multi-family rental community

Surrounding Uses

Direction	Future Land Use	Zoning	Existing Use
North	NCD	SLC AG-5*	Vacant land*
South	NCD	SLC AG-5	C-23 Canal
East	NCD	MPUD	Vacant Land within the America Walks-Becker Road MPUD
West	NCD	SLC AG-5**	Vacant land**

NCD – New Community Development District

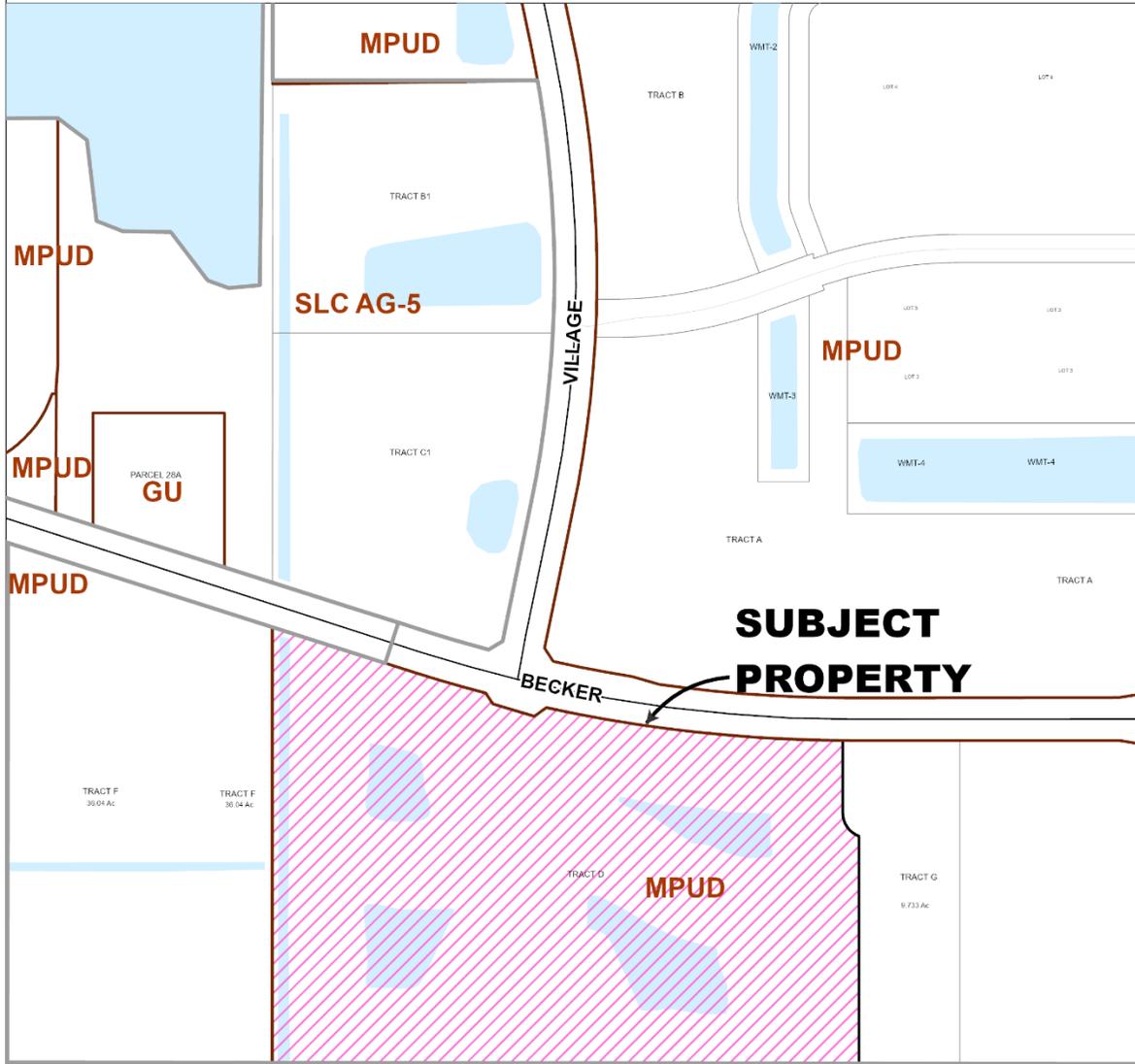
MPUD – Master Planned Unit Development

SLC AG-5 – St. Lucie County Agricultural – one dwelling unit per five acres

*Mattamy Palm Beach, LLC, owner, has applied to rezone the subject property to MPUD and submitted an application for site plan approval for the subject property for commercial development.

** This is a future public park in Southern Grove referred to as SoGrove. The City is processing an application to rezone the property to General Use.

EXISTING 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 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.
 - *Staff Findings: The subject property is located in the America Walks-Becker Road MPUD Zoning District. Unlike the other properties in this zoning district, the subject property is encumbered by a 68-foot-wide drainage easement that runs along the inside of the western property line. The easement is dedicated to the Southern Grove CDD No. 1 and includes a drainage ditch that conveys treated stormwater in Southern Grove to the C-23 Canal. There is an access driveway on the west side of the drainage ditch that runs the length of the easement. The approved landscape plan for the subject property does depict the require ten-foot-wide perimeter landscape buffer along the west side of the drainage ditch. At the time the plans were designed, it was assumed there was sufficient access for the ten-foot-wide perimeter landscape buffer. When the contractor went to stake the western landscape buffer, they discovered that there was minimal room to install the required 10-foot wide perimeter landscape buffer without impacting the access driveway. There is not sufficient room to provide a 10-foot wide perimeter landscape buffer on the east side of the drainage ditch.*
- 2) That the special conditions and circumstances do not result from any action of the applicant.
 - *Staff Findings: The subject property is encumbered by a 68-foot-wide drainage easement that runs along the inside of the western property line that includes a drainage ditch that conveys treated stormwater in Southern Grove to the C-23 Canal. The approved landscape plans were designed showing a ten-foot-wide perimeter landscape buffer along the west side of the drainage ditch. When the contractor went to stake a ten-foot perimeter landscape buffer, there was not sufficient room for the buffer without impacting the access road the CDD uses to maintain the drainage facilities within the 68 foot easement. These conditions are not the result of actions by 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.

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.

- *Staff Findings: The applicant has acknowledged this.*

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).