



# CITY OF PORT ST LUCIE

## COUNCIL AGENDA MEMORANDUM

Agenda Item #: \_\_\_\_\_ 11A  
Meeting Date: **December 12, 2016**

TO: Mayor and City Council

VIA: Russ Blackburn, City Manager 

FROM: Patricia A. Tobin, AICP, Planning & Zoning Director 

Agenda Item: Resolution: Equitas/Starbucks – Landscape Modification  
Request (P16-183) 

Submittal Date: 11/30/2016

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**STRATEGIC PLAN LINK:** This item is consistent with Goal 3: Balanced and Responsible Sustainable Growth.

**BACKGROUND:** The applicant has submitted a site plan for a 2,118 sq. ft. café, which is currently going through the site plan review process. This site contains native upland habitat, which is proposed to be preserved along the northern and western property lines. Therefore, as not to disturb the existing native uplands, the request is to waive the requirement of the architectural wall, which is required to be located along the northern and western property lines. A row of Viburnum is being proposed to serve as buffering where the existing native habit is missing (see attached landscape plan).

**ANALYSIS:** See attached staff report.

**FINANCIAL INFORMATION:** NA

**LEGAL INFORMATION:** The resolution has been approved as to form by Attorney Tom Mullin on November 30, 2016.

**NOTICE/ADVERTISING:** As identified in §154.12 (C) (1) of the City's Landscape Code, legal notice shall be provided by the Planning and Zoning Department "at least seven (7) days prior to the hearings, in a newspaper of general circulation in the City." A

request was sent to the St. Lucie News Tribune to publish said notification on December 3, 2016.

Also, as required by §154.12 (C) (2), a notice to property owners was mailed, on October 24, 2016, to all property owners within 750 feet of the subject property. No property owners have responded to this notification.

**RECOMMENDATION:** The Planning and Zoning Department staff finds the request to be consistent with the direction and intent of the City's Land Development Regulations and policies of the Comprehensive Plan and recommends approval with the following condition: Prior to the issuance of a C.O., if the native preservation area is not providing adequate screening and buffering, the landscaping will need to be supplemented to ensure adequate buffering of the site for the existing residential neighborhood.

**SPECIAL CONSIDERATION:** NA

**PRESENTATION INFORMATION:** Staff may provide a short presentation on the application.

**REQUESTED MEETING DATE:** 12/12/2016

**LOCATION OF PROJECT:** This property is located on the northwest corner of Gatlin Boulevard and Brescia Street, just east of Interstate 95.

**ATTACHMENTS:** Resolution, staff report, maps, and landscape plan.

PT/JF

**RESOLUTION NO. 16-R92**

**A RESOLUTION APPROVING THE LANDSCAPE MODIFICATION PLAN IN LIEU OF THE ARCHITECTURAL WALL FOR EQUITAS/STARBUCKS (P16-183); WITHIN THE CITY OF PORT ST. LUCIE, FLORIDA, ON THE REQUEST OF EQUITAS MANAGEMENT GROUP, LLC; AUTHORIZING THE MAYOR AND CITY CLERK TO COUNTERSIGN SAID PLAN; PROVIDING AN EFFECTIVE DATE.**

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**WHEREAS**, the City of Port St. Lucie, Florida, has been requested by Sabine Marcks, RLA, of Landscape Design Associates, LLC, acting as agent for Equitas Management Group, LLC, to approve and accept the landscape modification plan for Port St. Lucie Section 35, Block 1732, Lots 12-19; and

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Port St. Lucie as follows:

Section 1. That the City Council hereby approves the landscape modification plan for property legally described as Port St. Lucie Section 35, Block 1732, Lots 12-19, within the City of Port St. Lucie, Florida, said plan being offered by Equitas Management Group, LLC, as owner and title holder of said property, and as prepared by Sabine Marcks, RLA of Landscape Design Associates, LLC, with the following condition:

- Prior to the issuance of a C.O., if the native preservation area is not providing adequate screening and buffering, the landscaping will need to be supplemented to ensure adequate buffering of the site for the existing residential neighborhood.

**RESOLUTION NO. 16-R92**

Section 2. This resolution shall take effect immediately upon its adoption.

**PASSED AND APPROVED** by the City Council of the City of Port St. Lucie, Florida, this 12<sup>th</sup> day of December, 2016.

CITY COUNCIL  
CITY OF PORT ST. LUCIE

BY: \_\_\_\_\_  
Gregory J. Oravec, Mayor

ATTEST:

\_\_\_\_\_  
Karen A. Phillips, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
O. Reginald Osenton, City Attorney

### Public Notices

#### NOTICE

A PUBLIC HEARING will be conducted before the CITY COUNCIL of the CITY OF PORT ST. LUCIE at a meeting beginning at 7:00 p.m., or as closely thereafter as business permits on December 12, 2016 in the City Council Chambers, Building A, located at 121 S.W. Port St. Lucie Blvd., in Port St. Lucie, Florida on the following:

A RESOLUTION (16-R92) TO GRANT A LANDSCAPE MODIFICATION TO WAIVE THE REQUIREMENT FOR LANDSCAPE BUFFER WALLS ON THE NORTH AND WEST SIDE OF THE PROPERTY AND TO REPLACE IT WITH HEDGES AND PERIMETER LANDSCAPE TREES TO SERVE AS BUFFERING PER SECTION 154.12 OF THE ZONING CODE.

LEGAL DESCRIPTION: Section 35, Block 1732, Lots 12-19  
LOCATION: North side of Gatlin Boulevard, west of Brescia Street  
APPLICANT: Landscape Design Associates, LLC for Equitas  
FILE NUMBER: P16-183

Copies of the above Resolutions have been placed on file in the City Clerk's Office and are available for public inspection Monday through Friday between the hours of 8:00 a.m. and 4:00 p.m. Interested parties may appear at the meeting and be heard with respect to the proposed resolution. No stenographic record by a certified court reporter will be made of the foregoing meeting. Accordingly, any person who may seek to appeal any decision

### Public Notices

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.

Planning & Zoning  
Department  
Pub: December 3, 2016  
TCN 1385538



**City of Port St. Lucie**  
**Planning and Zoning Department**  
**A City for All Ages**

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**TO:** CITY COUNCIL - MEETING OF DECEMBER 12, 2016

**FROM:** JOHN FINIZIO, PLANNER *JF*

**RE:** EQUITAS/STARBUCKS  
LANDSCAPE MODIFICATION APPLICATION  
PROJECT NO. P16-183

**DATE:** NOVEMBER 30, 2016

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**REQUEST:** The applicant has submitted a site plan for a 2,118 sq. ft. café, which is currently going through the site plan review process. This site contains native upland habitat which is proposed to be preserved along the northern and western property lines. So, as not to disturb the existing native uplands, the request is to waive the requirement of the architectural wall, which is required to be located along the northern and western property lines. A row of Viburnum is being proposed to serve as buffering where the existing native habitat is missing (see attached landscape plan).

**APPLICANT:** Landscape Design Associates, LLC. The authorization letter is attached to the staff report.

**OWNER:** Equitas Management Group, LLC. Please note, Lots 14-16 are owned by Equitas. The City of Port St. Lucie, is the owner of lots 12, 13, 18, & 19. The City is currently working on a land swap with Equitas that, if approved, will give ownership to Equitas Management Group.

**LOCATION:** This property is located on the northwest corner of Gatlin Boulevard and Brescia Street, just east of Interstate 95.

**LEGAL DESCRIPTION:** Port St. Lucie Section 35, Block 1732, Lots 12-19.

**SIZE:** Approximately 1.43 acres in size.

**EXISTING ZONING:** CH (Highway Commercial). Please note, Lots 14-16 are currently zoned RS-2, but a rezoning application to rezone these four (4) lots to CH, is currently under review (P16-050 Gatlin Land Trust Lots 14-17 Rezoning Application).

Lots 12, 13, 18, & 19, which are owned by the City, are currently zoned OSR (Open Space Recreational). A small scale comprehensive plan amendment (P16-139 City of PSL/Brescia Street Small Scale Comprehensive Plan Amendment), and a rezoning application (P16-140 City of PSL/Brescia Street Rezoning Application), are currently under review that will change the land use and zoning of these lots to CH.

**EXISTING USE:** Vacant land.

**SURROUNDING USES:**

Direction	Future Land Use	Zoning	Existing Use
N	RM	RS-2	Vacant lots
S	CH	PUD	Existing commercial center
E	CH	RS-2	Vacant lots
W	OSR	RS-2	Vacant lots

**IMPACTS AND FINDINGS:**

The lots directly north of this site currently have a residential land use and zoning, but a small scale comprehensive plan amendment (P16-047 Brescia Street Lots 12-19 small scale comprehensive plan amendment), and a rezoning application (P16-048 Brescia Street Lots 12-19 Rezoning Application) are currently under review to change the land use and zoning for this property to OSC (Open Space Conservation). The lots west have an OSR land use and zoning designations. Per §154.03 (C) (2) (a) of the landscape code, an architectural landscape buffer wall at least six feet in height measured from the finished floor elevation is required along the property line where the proposed use abuts property with a residential or open space land use.

Currently, this site contains mostly native habitat in the form of undisturbed native Pine Uplands, with a heavy cover of Saw Palmettos, which is proposed to be preserved along the northern and western property lines. Therefore, the applicant is proposing that the existing native Pine Uplands provides ample buffering for the residential neighborhood northwest of this development. In the one area where the native vegetation does not provide a sufficient amount of buffering, a hedgerow of Viburnum will be planted to the void along the northern property line.

A visit to the site did show that this area is mostly undisturbed native Pine Uplands with a heavy ground cover, and very little exotic intrusion and as such, it should provide adequate buffering from the existing residential neighborhood. That said, it is very difficult to predict just how this native Pine Uplands will look after the site is actually developed and the exotic vegetation is removed. Therefore, staff is recommending approval of the attached landscape plan with the condition that prior to the issuance of a C.O., the native buffer area will need to be inspected to ensure that it is providing adequate buffering to the existing residential neighborhood. If it is not providing

adequate buffering, the landscape plan will need to be amended to provide the necessary landscaping to properly buffer this site from the surrounding residential neighborhood.

**OTHER:** §154.12 Exemption or Modification to Landscape Buffer Wall Requirement, states that all requests to substitute landscaping for an architectural wall that is a required feature of a landscape buffer strip or requests from installing the landscape buffer strip requirement shall be reviewed by the City Council. A public hearing and notification is required for these requests.

**NOTICE TO PROPERTY OWNERS:** Notice was sent to all neighbors within a 750 foot radius.

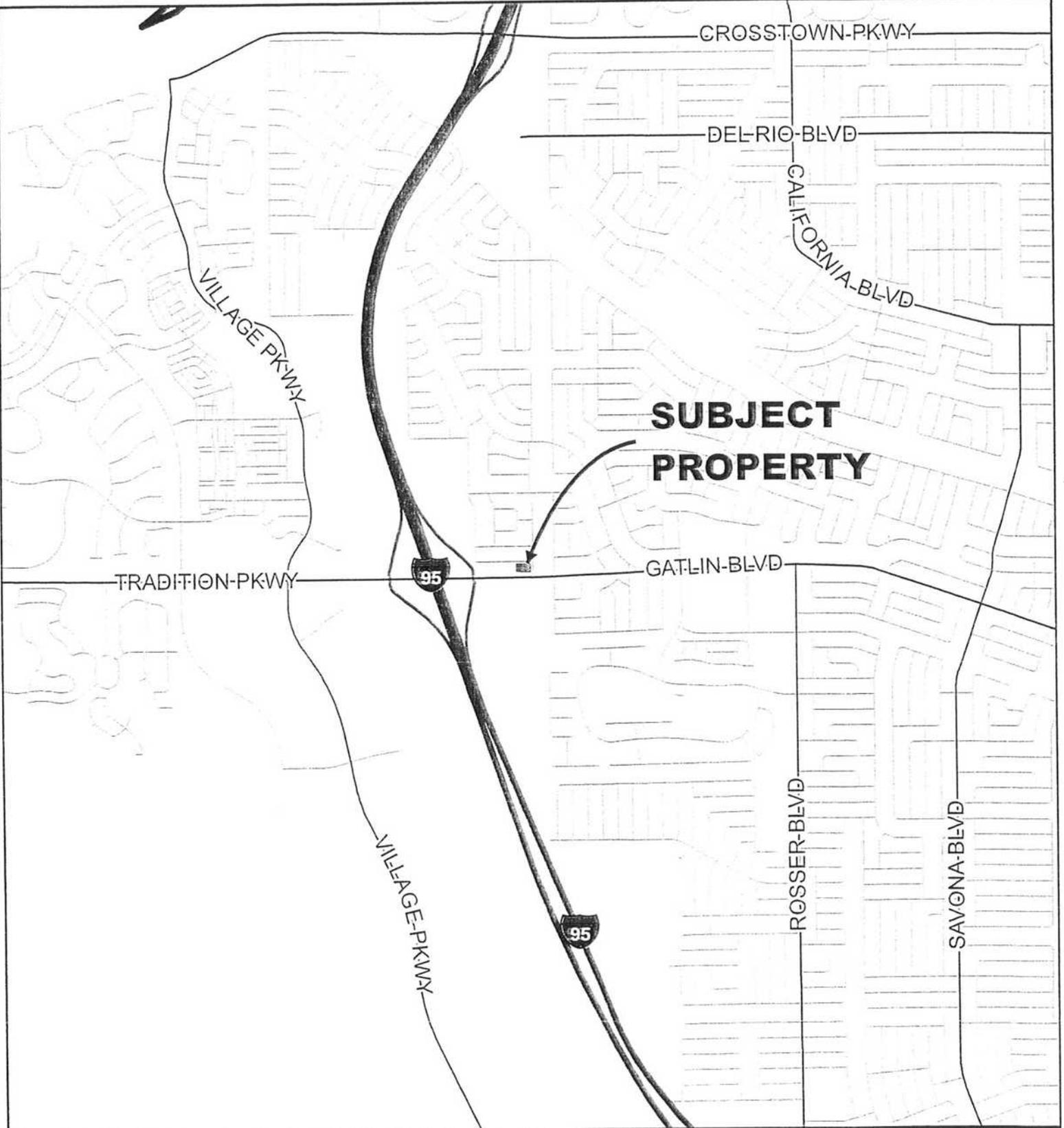
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**STAFF RECOMMENDATION:**

The Planning and Zoning Department staff finds the request to be consistent with the direction and intent of the City's Land Development Regulations and policies of the Comprehensive Plan and recommends approval with the following condition:

- Prior to the issuance of a C.O., if the native preservation area is not providing adequate screening and buffering, the landscaping will need to be supplemented to ensure adequate buffering of the site for the existing residential neighborhood.

# GENERAL LOCATION

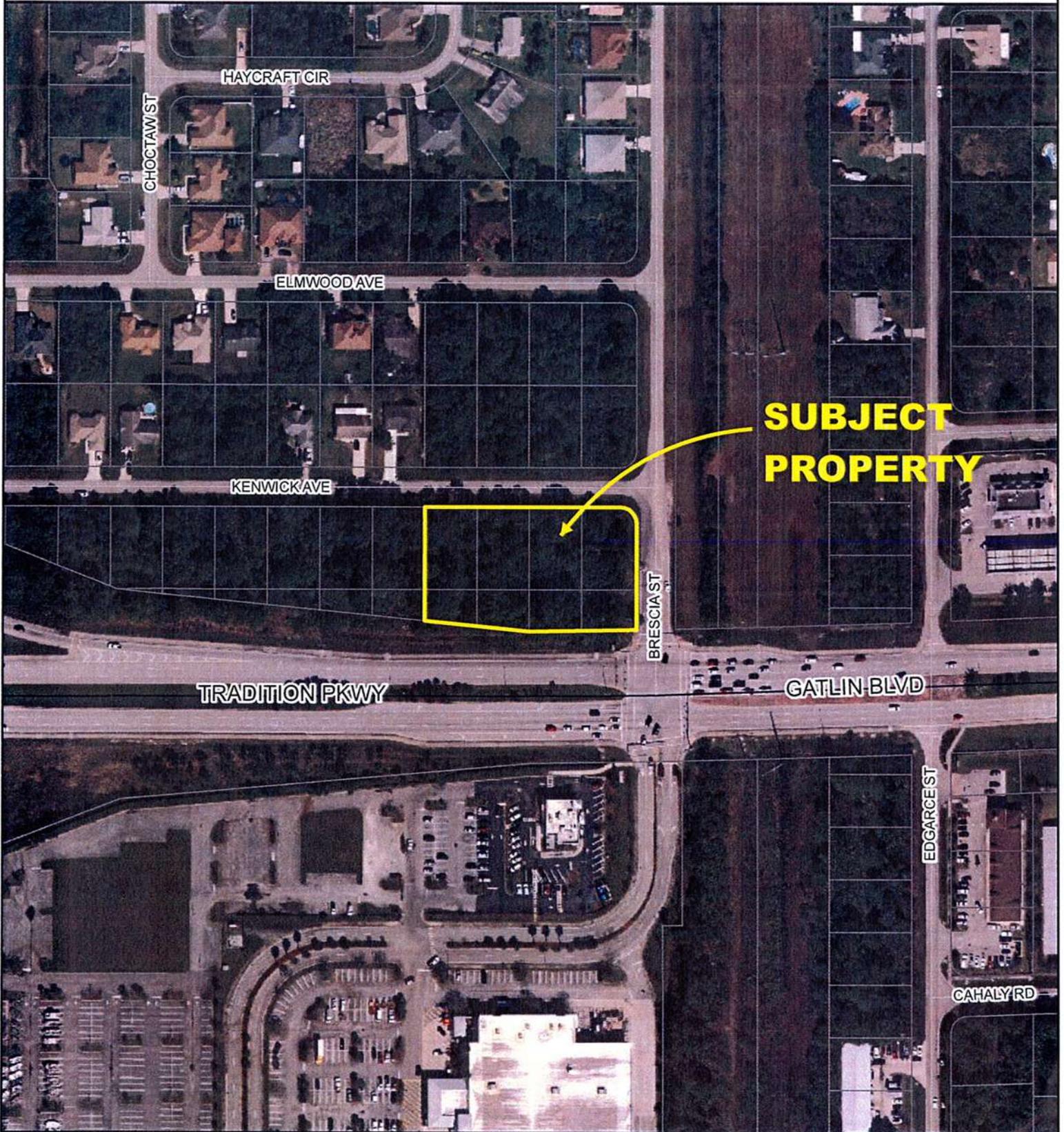


CITY OF PORT ST. LUCIE  
PLANNING & ZONING DEPT.

LANDSCAPE MODIFICATION  
CITY OF PORT ST. LUCIE/EQUITAS  
SECTION 35, BLOCK 1732, LOTS 12-19

DATE:	10/20/2016
APPLICATION NUMBER:	P16-183
USER:	patricias
SCALE:	1 in = 0.5 miles

# AERIAL



**SUBJECT  
PROPERTY**



CITY OF PORT ST. LUCIE  
PLANNING & ZONING DEPT.

LANDSCAPE MODIFICATION  
CITY OF PORT ST. LUCIE/EQUITAS  
SECTION 35, BLOCK 1732, LOTS 12-19  
AERIAL DATE 2014

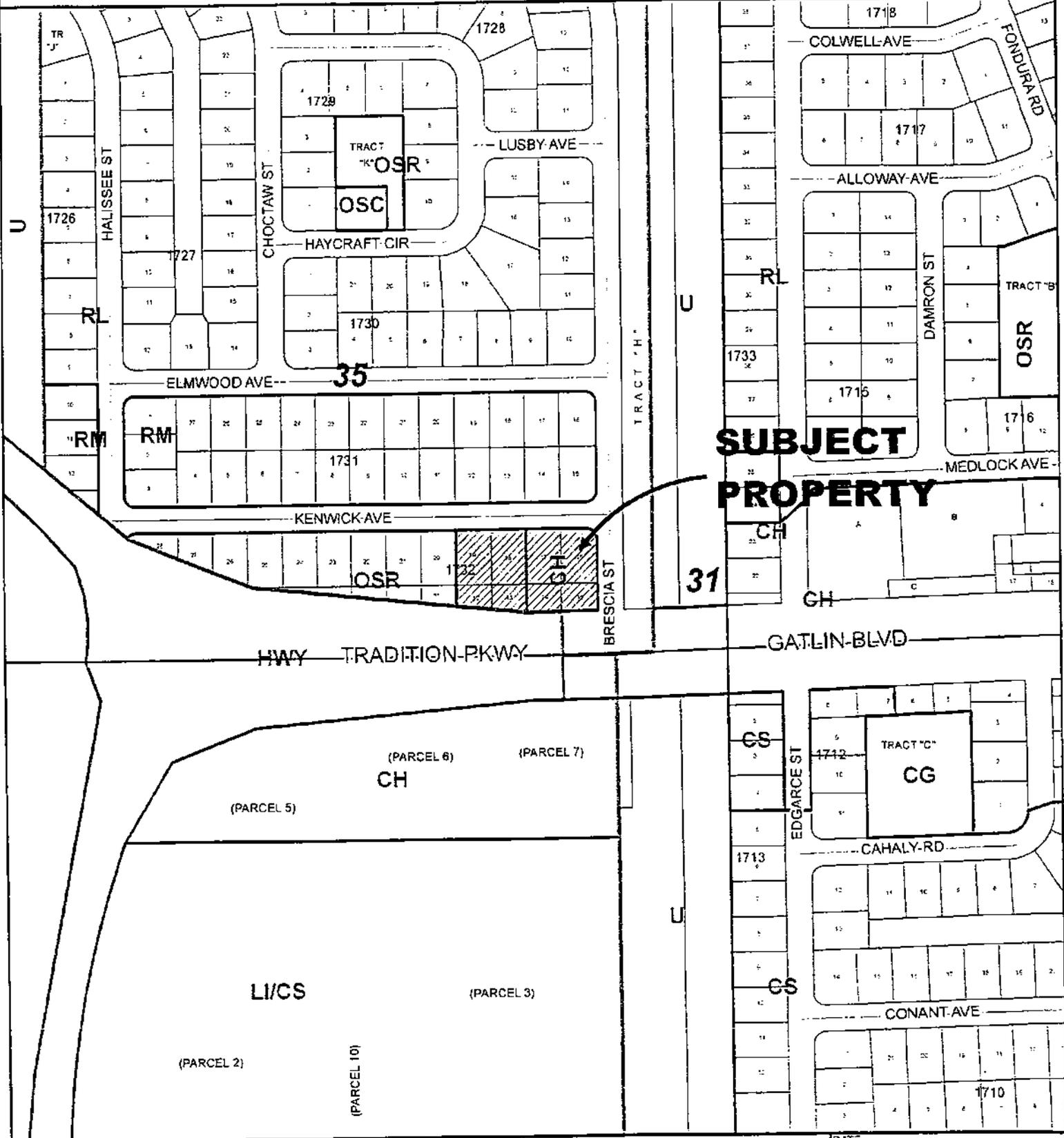
DATE: 10/20/2016

APPLICATION NUMBER:  
P16-183

USER:  
patricias

SCALE:  
1 in = 200 ft

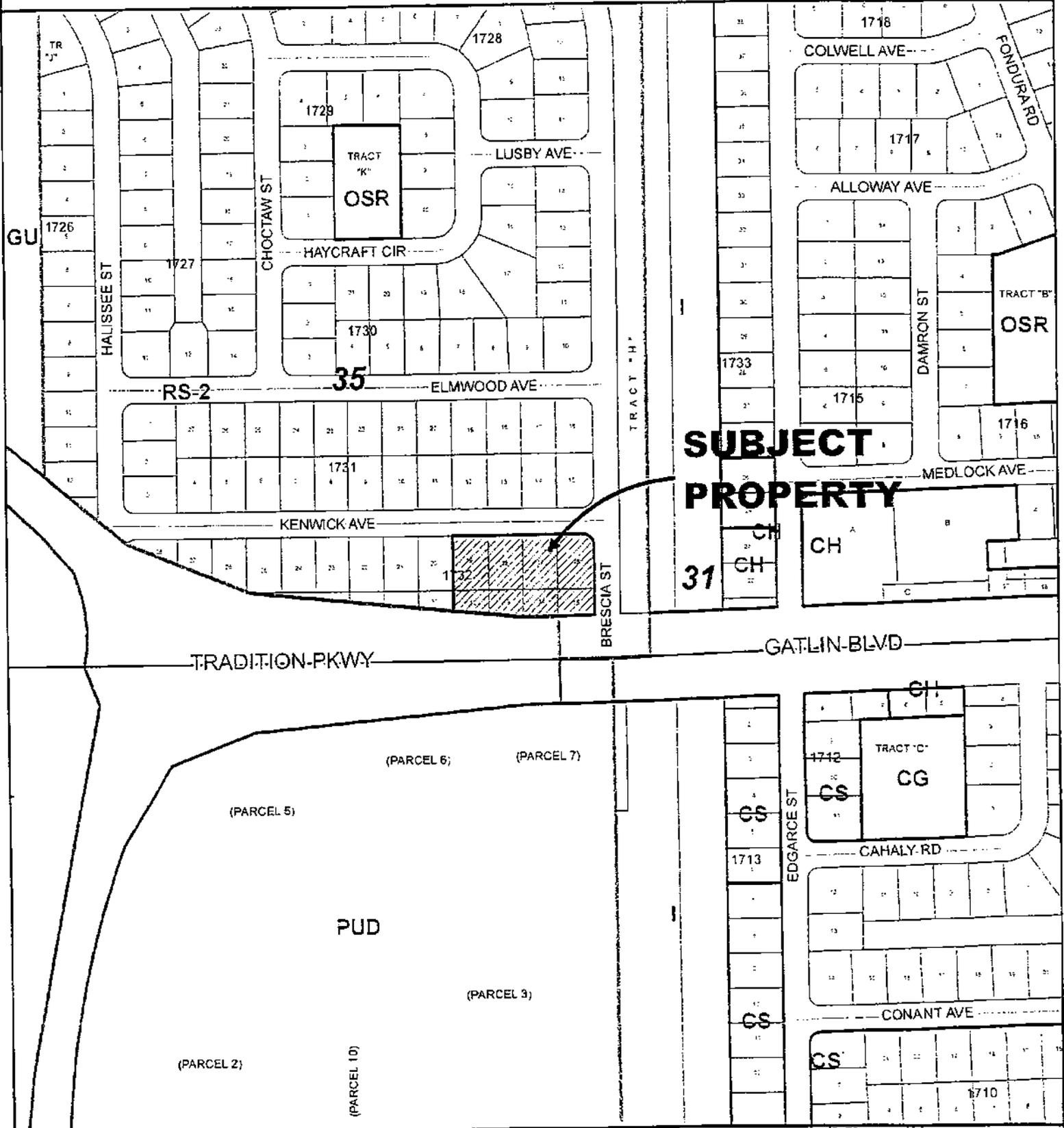
# FUTURE LAND USE



**SUBJECT  
PROPERTY**

	CITY OF PORT ST. LUCIE PLANNING & ZONING DEPT.	LANDSCAPE MODIFICATION CITY OF PORT ST. LUCIE/EQUITAS SECTION 35, BLOCK 1732, LOTS 12-19	DATE: 10/20/2016
			APPLICATION NUMBER: P16-183
			USER: patricias
			SCALE: 1 in = 300 ft

# EXISTING ZONING



**SUBJECT  
PROPERTY**



CITY OF PORT ST. LUCIE  
PLANNING & ZONING DEPT.

LANDSCAPE MODIFICATION  
CITY OF PORT ST. LUCIE/EQUITAS  
SECTION 35, BLOCK 1732, LOTS 12-19

DATE:	10/20/2016
APPLICATION NUMBER:	P16-183
USER:	patricias
SCALE:	1 in = 300 ft



*Landscape Design Associates*  
*Landscape Architecture, Land Planning*  
License No: LC26000247

November 30, 2016

Mrs. Patti Tobin, Planning Director  
City of Port St, Lucie  
Planning & Zoning Department  
121 SW Port St, Lucie Blvd  
Port St, Lucie, FL 34984

**Re: Starbucks Brescia Street Landscape Modification**  
**Our Project No: 16-012**

Dear Mrs. Tobin,

The proposed Starbucks development on the corner of Brescia Street and Gatlin Blvd borders city owned land with a Land Use of OSR and an existing Zoning of RS-2. According to Section 154.03.C.2(b) a wall is required between commercial uses and Open Space Land Uses.

The developer would like to make the request to eliminate the required wall and install the required buffer landscaping internal to the site.

The site is currently vegetated with mostly undisturbed native Pine Uplands, with a heavy cover of Saw Palmetto, Slash Pine, Wax Myrtle and other understory trees. Since the buffer within the proposed development proposes to preserve the native cover it would be more beneficial to the environment to leave this area undisturbed in its entirety. The existing Saw Palmetto on site are almost 10' tall, and the proposed wall would not be visible at all. The construction of the wall would require a 10' wide strip that would open the ground and invite the invasion of Brazilian Pepper. Since the Pine Uplands are so overgrown they don't have as much wildlife value as they should and by installing the dry retention area, the development is providing additional forage area. Installing a wall would block tortoises and such from using the open area around the retention pond which can provide forage and water.

Furthermore, the site plan took great care to retain as much of the native Upland area as possible. The proposed retention pond is mostly located along the Gatlin Blvd/I-95 Access side ramp, so that the residences to the north west of the site won't be impacted very much. All major trees along Kenwick Avenue will remain in place. In areas where the native vegetation has been impacted before and has been invaded more heavily by Brazilian Pepper, the

702 SW Port St, Lucie Blvd  
Port St, Lucie, FL 34953  
772.971.6060, [www.landscapeda.com](http://www.landscapeda.com)

Patti Tobin  
November 30, 2016  
16-012 Starbucks Brescia Street Landscape Modification  
Page 2

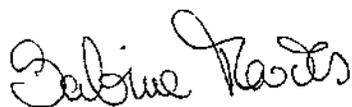
landscape plan provides for additional plantings to meet all buffer requirements.

The developer proposes to landscape the strip of land between the parking lot and the proposed retention area instead, which will act as a buffer between the parking area and the native buffer. All plant material in this buffer would be native plants, further enhancing the wildlife value of the proposed development. This native area would present a natural barrier to any trash that might fly around the site.

If you have any questions or concerns, please do not hesitate to contact me.

Sincerely,

*Landscape Design Associates*

A handwritten signature in cursive script that reads "Sabine Marcks".

Sabine Marcks, RLA

# LANDSCAPE MODIFICATION APPLICATION

CITY OF PORT ST. LUCIE  
Planning & Zoning Department  
121 SW Port St. Lucie Blvd.  
Port St. Lucie, Florida 34984  
(772) 871-5212 FAX: (772) 871-5124

**FOR OFFICE USE ONLY**

Planning Dept P16-183  
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 Planning and Zoning Board meeting. **Attach two copies of proof of ownership (e.g. warranty deed, affidavit), and a copy of recent survey.**

**PRIMARY CONTACT EMAIL ADDRESS:** smarcks@landscapeda.com

## PROPERTY OWNER:

Name: Equitas  
Address: 2034 Hamilton Place Blvd Suite 400 Chattanooga, TN 37421  
Telephone No. 423.490.3281 Fax No. \_\_\_\_\_

## APPLICANT (IF OTHER THAN OWNER, ATTACH AUTHORIZATION TO ACT AS AGENT):

Name: Landscape Design Associates, LLC  
Address: 702 Port St. Lucie Blvd, Port St. Lucie, FL 34953  
Telephone No. 772-971-6060 Fax No. \_\_\_\_\_

## SUBJECT PROPERTY:

Legal Description: LOTS 10, 13, 14, 15, 16, 17, 18 + 19, Block 1732, SECTION 35  
Parcel I.D. Number: 3420-670-0242-000-6, 3420-670-0240-000-2, 3420-  
Address: corner of Brescia and Gatlin Blvd 670-0243-000-3, 3420-670-0244-000-0,  
Current zoning classification CH 3420-670-0245-000-7, 3420-670-0237-000-8

Description of request and applicable conditions/circumstances justifying request (continue on separate sheet, if necessary). A landscape plan showing the proposed landscaping, prepared by a registered landscape architect, and reviewed by the site plan committee is required for City Council approval.

see attached

**RECEIVED**

**OCT 19 2016**

PLANNING DEPARTMENT  
CITY OF PORT ST. LUCIE, FL

Sabine Marks  
Signature of Applicant

SABINE MARKS  
Hand Print Name

10/19/16  
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.



2034 Hamilton Place Blvd.  
 Suite 400  
 Chattanooga, TN 37421  
 www.equitasmg.com

October 3, 2016

Mrs. Patti Tobin, Planning Director  
 City of Port St. Lucie  
 Planning & Zoning Department  
 121 SW Port St. Lucie Blvd  
 Port St. Lucie, FL 34984

**RECEIVED**

OCT 19 2016

PLANNING DEPARTMENT  
 CITY OF PORT ST. LUCIE, FL

RE: **Starbucks Brescia Street**

Please accept this letter as authorization for Sabine Marcks, Landscape Design Associates, to represent Equitas Management Group, LLC. in all matters related to the application for a Landscape Modification regarding the Starbucks Brescia Street Development.

EQUITAS MANAGEMENT GROUP, LLC

By: *John D. Potter*  
 Print Name: John D. Potter  
 Title: VP of Real Estate

STATE OF TENNESSEE        )  
   ) ss.  
 COUNTY OF HAMILTON        )

The foregoing instrument was acknowledged before me this 3<sup>rd</sup> day of October, 2016, by John D. Potter as Vice President of Real Estate of Equitas Management Group, LLC, a Tennessee limited liability company, on behalf of the limited liability company. He/she  is personally known to me or  has produced \_\_\_\_\_ as identification.



*Mary E. Ancora*  
 Print Name: Mary E. Ancora  
 NOTARY PUBLIC  
 My Commission Expires: 5-11-19

MY COMMISSION EXPIRES  
 MAY 11, 2019

I agree this ad is accurate and as ordered.

NOTICE

A PUBLIC HEARING will be conducted before the CITY COUNCIL of the CITY OF PORT ST. LUCIE at a meeting beginning at 7:00 p.m., or as closely thereafter as business permits on December 12, 2016 in the City Council Chambers, Building A, located at 121 S.W. Port St. Lucie Blvd., in Port St. Lucie, Florida on the following:

A RESOLUTION (16-R92) TO GRANT A LANDSCAPE MODIFICATION TO WAIVE THE REQUIREMENT FOR LANDSCAPE BUFFER WALLS ON THE NORTH AND WEST SIDE OF THE PROPERTY AND TO REPLACE IT WITH HEDGES AND PERIMETER LANDSCAPE TREES TO SERVE AS BUFFERING PER SECTION 154.12 OF THE ZONING CODE.

LEGAL DESCRIPTION: Section 35, Block 1732, Lots 12-19

LOCATION: North side of Gatlin Boulevard, west of Brescia Street

APPLICANT: Landscape Design Associates, LLC for Equitas

FILE NUMBER: P16-183

Copies of the above Resolutions have been placed on file in the City Clerk's Office and are available for public inspection Monday through Friday between the hours of 8:00 a.m. and 4:00 p.m. Interested parties may appear at the meeting and be heard with respect to the proposed resolution. No stenographic record by a certified court reporter will be made of the foregoing meeting. Accordingly, any person who may seek to appeal any 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.

Planning & Zoning  
Department  
Pub: December 3, 2016  
TCN 1385538

Sales Rep: Linda Klein (T9103)

Phone: (772) 692-8966

Email: linda.klein@tcpalm.com

> Account Information

Date: 12/01/16

Account Number: 434020 (T11515278)

Name: CITY OF PORT ST LUCIE

Contact:

Email: Robyn Holder <RHolder@cityofpsl.com>

Address: 121 SW PORT ST LUCIE BLVD, PORT ST LUCIE, FL,  
34984

Phone: (772) 344-4390

Fax: (000) 000-0000

> Insertion Information

This is a proof of your ad scheduled to run on the dates indicated below.

Please confirm placement prior to deadline by contacting your account rep at (772) 692-8966 .

Ad Id: 1385538      P.O. No.: Meeting 12/12/16      Total Cost: \$101.40

Tag Line: Meeting: 12/12/16: RES 16-R92

Start Date: 12/03/16

Stop Date: 12/03/16

Number of Times: 1

Class: 16250 - Public Notices

Publications: TC-TC News-Press-Tribune, TC-Internet tcpalm.com

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