



**VARIANCE JUSTIFICATION CRITERIA
McDONALD'S L/C #009-1327
3199 SW ST. LUCIE BOULEVARD
PORT ST LUCIE, FLORIDA
OCTOBER 28, 2021**

The proposed parking variance request complies with the following criteria:

Description of requested variance and applicable conditions/circumstances justifying request (Continue on separate sheet, if necessary): Provide documentation that the attached variance criteria have been met. Special conditions and circumstances exist which are peculiar to land, structures or buildings involved, and which are not applicable to other lands, structures or buildings in the same zoning districts.

RESPONSE: The subject site is 0.889 acres (38,275 square feet) and is located at 3199 SW Port St. Lucie Boulevard, in the City of Port Saint Lucie, Florida. The existing McDonald's is a 1-story fast food restaurant with a single drive thru lane. The existing gross floor area is 3,313square feet and will remain the same. McDonald's currently provides 45 parking spaces, however, after completion of the site improvements to provide the side-by-side lane, the site will be providing a total of 37 parking spaces. The code requires that 45 parking spaces be provided. However, Kimley Horn has provided a parking statement that demonstrates the onsite parking demand justifies the relief from the City's parking requirements. The parking statement has been included with this submittal. The site was not constructed to meet the previously approved plan which showed 9.5' wide spaces and 12' for the ADA spaces. The site improvement to provide a side-by-side drive thru will require spaces to be restriped to meet code.

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;

RESPONSE: The special conditions and circumstances do not result from actions of McDonald's. The site was not constructed to meet the previously approved plan that met the code required parking stall sizes. The proposed site improvement to provide a side-by-side drive thru lane versus the existing single lane requires the site to be in compliance with the current code requirements for parking. Since the plan was not built to the approved plan, this created a special circumstance that requires a variance to be requested for the parking shortage that will allow McDonald's to make improvements to the site that will be beneficial to them and its patrons. Therefore, this is a unique circumstance which is peculiar to this site.

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

RESPONSE: The conditions and circumstances are not the result from actions by the applicant, they are the result of a previously approved plan that was not constructed to be in compliance. Therefore, the site improvements will be a benefit to McDonald's, as well as the City for redevelopment.



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.

RESPONSE: The granting of the variance will not confer on the applicant special privilege denied by this chapter. Granting of the parking variance will allow McDonalds to make site improvements that will provide for better coordination in the drive thru area and improve customer service. Variance approvals for certain code deviations have been granted to allow other development projects to further enhance the City's goals and objectives that have made the City of Port St. Lucie a more desirable place to live, work and play.

Please explain how literal 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: The literal interpretation of the provisions of the chapter would deprive McDonald's from making reasonable use of the site to provide a more efficient and coordinated restaurant for its patrons. The site improvements would be in compliance with code and continue McDonald's commitment to the patrons and City. The variance being requested is the minimum necessary to make reasonable use of the subject property.

That the variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure;

RESPONSE: The parking variance being requested is the minimum that will make possible the reasonable use of the land, building or structure. Kimley Horn has prepared a parking statement that shows a reduced parking requirement from the City's code requirement based upon site specific conditions will be harmonious with the general intent of the Land Development Code. the Approval of the variance will allow for the McDonald's site to be harmonious with the general intent of the Code of Ordinances and facilitate a more efficient use of the subject property that will not be detrimental to the public welfare and will not negatively impact the surrounding properties.

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: Approval of the parking variance will allow for the McDonald's to be harmonious with the general intent of the Code of Ordinances and facilitate a more efficient use of the subject property that will not be detrimental to the public welfare and will not negatively impact the surrounding properties.

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, completed, or both;

RESPONSE: If the variance is granted, there will be full compliance with any additional conditions and safeguards which the Planning and Zoning Board or Zoning Administrator may prescribe.