

**A RESOLUTION GRANTING A SPECIAL EXCEPTION USE PROVIDED FOR IN SECTION 158.155 (D) (3) AND (5) TO ALLOW RETAIL USE EXCEEDING 50% OF THE BUILDING'S GROSS FLOOR AREA AND A USE EXCEEDING 5,000 SQUARE FEET IN THE LMD ZONING DISTRICT FOR ACCENT SHOPPES, LLC, PORT ST. LUCIE SECTION 16, BLOCK 1497, LOTS 1 THROUGH 28, P11-074; PROVIDING AN EFFECTIVE DATE.**

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**WHEREAS**, the City of Port St. Lucie, Florida, has been requested by Accent Shoppes LLC, to grant a special exception use to allow retail use to exceed 50% of the gross floor area, and any use to exceed 5,000 square feet on property presently zoned LMD; and legally described as Port St. Lucie Section 16, Block 1497, Lots 1 through 28; and

**WHEREAS**, the City Council determines that the granting of this special exception use is authorized by Section 158.255, et seq., and Section 158.155 (D) (3) and (4) Code of Ordinances, City of Port St. Lucie, and further that the granting of this special exception use will not adversely affect the public interest; and

**WHEREAS**, the subject application has been reviewed in accordance with Section 158.260, and meets the special exception use requirements as stipulated; and

**WHEREAS**, the Planning and Zoning Board on August 2, 2011 made a recommendation on P11-074.

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

## RESOLUTION NO. 011-R49

Section 1. That the City of Port St. Lucie hereby grants a special exception use to Accent Shoppes LLC, P11-074, to allow retail use to exceed 50% of the gross floor area, and any use to exceed 5,000 square feet, pursuant to Section 158.255, et seq., and Section 158.155 (D) (3) and (4), Code of Ordinances, City of Port St. Lucie, said special exception use is depicted on the conceptual plan which is hereby formally adopted and attached as Exhibit 'A', to be located on the southeast corner of Gatlin Boulevard and Dinner Street and legally described as Port St. Lucie Section 16, Block 1497, Lots 1 through 28, subject to the following conditions:

1. The current site plan approval (P07-404) for this property be revoked.
2. The parking be reduced to include only the required number of parking spaces to offer more green space on the site.

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

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**RESOLUTION NO. 011-R49**

**PASSED AND APPROVED** by the City Council of the City of Port St. Lucie,  
Florida, this 22<sup>nd</sup> day of August, 2011.

CITY COUNCIL  
CITY OF PORT ST. LUCIE

BY: \_\_\_\_\_  
JoAnn M. Faiella, Mayor

ATTEST:

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

APPROVED AS TO FORM:

\_\_\_\_\_  
Roger G. Orr, City Attorney

CITY OF PORT ST. LUCIE, FL - CITY COUNCIL

AGENDA ITEM REQUEST

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MEETING:                   REGULAR   X                     SPECIAL     

DATE:                      AUGUST 22, 2011

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ORDINANCE      RESOLUTION   X   MOTION      PUBLIC HEARING   X  

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ITEM:                   P11-074 ACCENT SHOPPES LLC  
                          SPECIAL EXCEPTION USE APPLICATION

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**RECOMMENDED ACTION:**

On August 2, 2011, the Planning and Zoning Board with a vote of 4-2 recommended approval of the special exception use application with the following conditions:

1. The current site plan approval (P07-404) for this property be revoked.
2. The parking be reduced to only include only the required number of parking spaces to offer more green space for the site.

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**EXHIBITS:**

- A. Resolution
- B. Staff Report
- C. Support Materials

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**SUMMARY EXPLANATION/BACKGROUND INFORMATION:**

There are two special exceptions being sought with this application: one will allow retail use to exceed 50% of the building's gross floor area as is permitted per §158.155 (D) (3), the second will allow a use to exceed 5,000 square feet as is permitted per §158.155 (D) (5).

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**IF PRESENTATION IS TO BE MADE, HOW MUCH TIME WILL BE REQUIRED?**

None.

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**SUBMITTING DEPARTMENT: PLANNING and ZONING**

**DATE: 08/05/11**

**John Finizio**

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**From:** April Stoncius  
**Sent:** Thursday, August 04, 2011 2:43 PM  
**To:** John Finizio  
**Subject:** Request for P11-074

**P11-074      ACCENT SHOPPES LLC – SPECIAL EXCEPTION USE**

Mr. Finizio said, "This is a special use application. The applicant is Joseph T. Friscia of Friscia Engineering. The owner is Accent Shoppes, LLC. The property is located on the south side of Gatlin Boulevard between Dinner Street and Adventure Lane. The total area encompasses 6.48 acres, however, the Concept Plan reviewed only covers 3.24 acres. The existing zoning is Limited Mixed Use Zoning District. The existing use is vacant land and the proposed use to construct a Goodwill Center on the southeast corner of Gatlin Boulevard and Dinner Street. The center will consist of two buildings; one, a 5,000 square foot Goodwill Store, the second, an additional 13,000 square foot multi-tenant retail/office building. There are two special exceptions being requested: one will allow retail use to exceed 50% of the building's gross floor area as is permitted per Section 158.155(D)(3), the second will allow a use to exceed 5,000 square feet as is permitted per Section 158.155(D)(5)."

Mr. Finizio continued, "The Planning and Zoning Department staff finds that the use as proposed is compatible with the surrounding environment and by conforming to all City Codes and design guidelines, the proximity for separation and potential impact will be adequately addressed. Section 158.155(D)(3), special exception uses allow retail or personal service use to exceed 50% of the building's gross floor area, and Section 158.155(D)(5) allows any use to exceed 5,000 square feet in the Limited Mixed Use Zoning District. On January 28, 2008, the City Council approved the Site Plan for Accent Shoppes Major Site Plan, P07-404. On July 12, 2010, this Site Plan approval was extended two years, which gives it the new expiration date of January 28, 2013. Since the Concept Plan being reviewed is dramatically unlike the approved Site Plan, staff requested a letter be submitted which states that upon approval of the Special Exception Concept Plan, the owner will vacate the previous Site Plan approval. There cannot be two radically different approvals for this property. The Planning and Zoning Department finds the request to be consistent with special exception criteria as stipulated in Section 158.260 of the Zoning Code and recommends approval with the added condition that the prior Site Plan approval for P07-404 be revoked. The City's Site Plan Review Committee reviewed the Concept Plan at their January 13, 2011, meeting and recommended approval. There was one letter of objection to this project, which is included in the Staff Report. The condition that I just mentioned is not in the Staff Report at this time, but it will be added prior to going to the City Council."

Secretary Blazak asked, "Is this something that is going to move forward, because the Concept Plan indicates that you are only going to develop half of the lots?" Mr. Finizio replied, "The owners want to sell 14 lots off separately. The Concept Plan is only for 14 lots, which will be developed independent of the other 14." Secretary Blazak clarified, "The exception is only for 14 lots." Mr. Finizio replied in the affirmative. Secretary Blazak pointed out, "They were all shaded in on the aerial, and that is why I was asking." Mr. Finizio advised, "It is because the owner owns all 28 lots." Secretary Blazak inquired, "Does the owner have an approved Landscape Plan for all 28 lots?" Mr. Finizio responded, "I know that there is a Site Plan, and I'm sure that a Landscape Plan is included in that." Mr. Ojito questioned, "Does the parking count that is required take into account the retail area? How are they calculating it?" Mr. Finizio answered, "Parking for retail is similar to parking for office space. The parking would be identical for both uses." Mr. Ojito said, "They are exceeding 50% of retail, which would be more stringent. Does the parking count consider the most stringent uses? Normally, retail would have a storage area, which would require less parking. Is that the way that you are calculating it?" Mr. Finizio responded, "It is

based on the total square footage of the building. Retail is identical to office, so it wouldn't matter." Mr. Ojito inquired, "If they are exceeding the parking count, could we ask them to give us more green space, or do they want to have excess parking? I see a lot of concrete, and I always like to have more green space."

Mr. Holbrook stated, "This is a Public Hearing and a Special Exception Use for this Board to consider, and make recommendations. If there is something that you feel that should be altered or a condition added to the approval, I would recommend that you have the discussion when the applicant comes up. If you support it, then include that in part of your motion and final recommendation."

**JOSEPH T. FRISCIA**, Friscia Engineering, representing the applicant, said, "I'm happy to be representing this project. I think that a Goodwill store is needed in the area. They searched hard for this site, and they like the location near Walmart. This site fits their needs, and I think it is a good use for the property." Secretary Blazak stated, "Thank you for coming today. Looking at the Site Plan, Goodwill is definitely going to have the first two buildings built. They are going to start coming out of the ground, increase jobs, and get some tax base." Mr. Friscia replied in the affirmative. Secretary Blazak asked, "Do you have a Landscape Plan for everything that faces Gatlin Boulevard?" Mr. Friscia replied, "Not at this point. The Code requires a landscape strip on Gatlin, which is in excess of the other roads. At this Conceptual Plan phase, we don't have a Landscape Plan." Secretary Blazak said, "My only concern with that is if the owner owns all of these lots and we are only going to develop half of them, then I would like to see a Landscape Plan completed along Gatlin Boulevard so that all of the property is improved and looks better. This is a gateway to our City, and I think it should all be landscaped in the first phase." Mr. Friscia pointed out, "The site is heavily wooded. I don't think you would notice anything changing in the undeveloped portion of the site. It is all owned by one person, but in a short time the 14 lots will be owned by somebody else. The others will remain vacant land. I don't think it is appropriate to provide a Landscape Plan for property that the applicants will not own. If we landscape in front of an existing wooded area, we would lose the space and existing pine trees." Secretary Blazak explained, "I know it is an overlay zone. We all want more green space, and the canopy trees that would go in along that corridor would get a good start. We just passed new rules to increase the canopy in the City, and I'd like to see those in as soon as possible." Mr. Friscia said, "Once we go to the Site Plan Review Committee for the 14 lots, we will follow the Landscape Code for those lots." Secretary Blazak commented, "Only along the main corridor, as it is important." Mr. Friscia stated, "We are just here to see if the Board would accept the two things that we are asking for." Secretary Blazak clarified, "I don't have a problem with the Special Exception, but we are dealing with one landowner and I'd like to see it dressed up." Mr. Friscia remarked, "Let's see how the rest of the Board feels about that. I don't agree with it."

Mr. Ojito asked, "Would you be willing to reduce the parking to the required, so that the intersection of Dinner and Gatlin can be enhanced?" Mr. Friscia replied, "I really don't understand what you are saying about the parking. I'm going to have to ask you to repeat that." Mr. Ojito explained, "You are over by seven parking spaces, and if you give them back . . ." Mr. Friscia interjected, "You are saying that we are in excess of parking?" Mr. Ojito replied in the affirmative. Mr. Friscia said, "I always thought the City wanted more parking, and for us to exceed the minimum parking requirement. It is not an excessive amount that we are exceeding it by. It is preferable to have those spaces rather than having people parking along Gatlin Boulevard or along the side streets if the spaces are not available. If the Site Plan Review Committee recommends that we reduce our parking, we will be happy to do so. It is less costly for us. It may impact the business negatively, but I'm not averse to changing that as part of the Site Plan approval."

Mr. Battle inquired, "Why do you want to exceed more than 50%? What is your purpose for that?" Mr. Friscia responded, "It is tough enough in this market these days to lease any space, and to limit ourselves to 100% office space is also very difficult. The uses that are permitted under the Zoning Code are very limited, and probably no more objectionable than limited office use. We had a pre-application meeting with the Planning and Zoning Department, and they indicated that they were in support of this project. We are trying to give ourselves

the most options that we can." Mr. Battle asked, "What is the depth requirement to require a fence to surround it regarding the retention area in the back? It is two feet? I see that we are going to put up a six-foot mason wall on the outer side." Mr. Holbrook replied, "That is not a zoning regulation. We wouldn't have that requirement." Mr. Battle commented, "That is fine with me, and that was my only concern." Mr. Friscia pointed out, "A dry retention area by definition is an area that is one-foot above the water table and one-foot above the elevation. They are always dry except for when it rains. There is a mechanism to drain the water. The purpose is for treatment, and the treatment is more effective when the land is dry. The depth of that area is about two feet, and it is full only when we have a lot of rain." Mr. Battle clarified, "So you are saying that the bottom of the retention pond isn't more than two feet above the water table." Mr. Friscia advised, "It is a foot above the water table." Secretary Blazak inquired, "Have you looked to see if there are any species of existing native trees that are worth preserving?" Mr. Friscia responded, "We had a Site Plan on this property about six years ago. At the time, there was a tree preservation ordinance. If we have a tree in an area that is shown on the plan, then we will preserve it if we can." Secretary Blazak said, "If you preserve a canopy, then you could gain some parking spaces. If there are trees available to preserve you can change the configuration of the parking to gain parking spaces. I didn't know if you were aware of that." Mr. Friscia stated, "We are not at that level of detail right now, as it is only a Conceptual Plan. Certainly during the Site Plan, we will look at that." Secretary Blazak remarked, "Okay, thank you."

Vice Chair Rooksberry opened the Public Hearing.

**JOSEPH BUKE**, resident, said, "I am on Lot 35 at the 1496 Block, which is across the street from where the site is supposed to stop. According to the letter that I received, only a certain portion of the area was colored in. If you are talking about doing work on the other 14 lots, doesn't that mean that the rest of the area should be notified? The letter I received only indicated that it would be halfway down our street. There is no drainage across from that street. There is a culvert that goes to the drainage canals. When the retention pond fills up, it will flood the street. Is there a plan to put drainage across Adventure Lane, so that we can get the over abundance of water from the parking lot into the drainage canals? We have a lot of children and pets that live in the area, and we would like the Board to consider that the developer put in speed bumps along Adventure Lane. There will be a lot more traffic, and we would appreciate a couple of speed bumps to slow the traffic down. Is there a noise ordinance in the City of Port St. Lucie? Because I know people that have moved out of the City when they were building in the area previously, because of the noise of generators, flood lights, and back up alarms. They should be prevented from running 24/7 like they did when they built the Home Depot." Mr. Holbrook responded, "The City has a noise ordinance that is enforced by the Police Department. If you have questions or concerns about that, we can provide that information to you." Mr. Buke responded, "I would appreciate that, because when the noise was complained about at Savannah Lakes, they were told they had to live with it." Mr. Holbrook said, "The subject property included notifying the entire block, even though they are proposing development on half of the block. The Zoning Code requirement in Section 158.258, Notice of Public Hearing for both the Board and the City Council requires that we notice it in the newspaper of local circulation, which we did. We have posted it on the agenda. Noticing people by mail is an option that the City has, so we have utilized it. In the event that people weren't noticed, we can provide the additional notification, but I wouldn't see that as an issue to find us in violation of a section of the Code. The property should have been posted, as well. There is one sign for each project, which is an additional notification so that people know that there is an application pending before this Board and the Council." Mr. Buke said, "It doesn't cover the other end of the block." Mr. Holbrook advised, "The sign covers the entire block. If you have any concerns about drainage, I would refer back to the applicant or Engineering. This Board can consider the speed bumps, and if they feel it is worthy, they can include it as a recommendation, but they don't have to. Obviously, there will be an increase in traffic. That is the reality when you have a new use."

There being no further comments, Vice Chair Rooksberry closed the Public Hearing. Mr. Martin said, "I understand the concerns about the green space and trying to make one of the major corridors in our City pretty,

but it will be an undue financial burden on the developer. This Board will have an opportunity to make comments about improving the landscaping when the applicant comes before us in the future. The speed bumps are inconsistent with commercial development, although it sounds like a good idea. It would be an undue burden on the developer." Mr. Ojito said, "I would like the Board to consider making a condition where the parking was reduced to only the required to offer more green space."

Mr. Gardner **moved** to recommend approval of P11-074, Accent Shoppes, LLC., Special Exception Use with the conditions as stated. Mr. Ojito **seconded** the motion, which **passed** by roll call vote with Mr. Gardner, Mr. Ojito, Mr. Battle, and Vice Chair Rooksberry voting in favor, and Mr. Martin and Secretary Blazak voting against. Mr. Holbrook said, "It will go forward with a recommendation of approval with the conditions as stated."

*April Stoncius*  
*Records Specialist*  
*City Clerk's Office*  
*121 SW Pt. St. Lucie Blvd.*  
*Pt. St. Lucie, FL 34984*  
*(772) 344-4296*  
*[astoncius@cityofpsl.com](mailto:astoncius@cityofpsl.com)*





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

**TO:** PLANNING AND ZONING BOARD - MEETING OF AUGUST 2, 2011

**FROM:** JOHN FINIZIO, PLANNER *J.F.*

**RE:** SPECIAL EXCEPTION APPLICATION (PROJECT NO. P11-074)  
 ACCENT SHOPPES LLC

**DATE:** JULY 18, 2011

**APPLICANT:** Joseph T. Friscia, P.E. The authorization letter is attached to the staff report.

**OWNER:** Accent Shoppes, LLC.

**LOCATION:** South side of Gatlin Boulevard, between Dinner Street and Adventure Lane.

**LEGAL DESCRIPTION:** Port St. Lucie Section 16, Block 1497, Lots 1 through 28.

**SIZE:** The total area encompasses 6.48 acres; the concept plan reviewed, will only cover 3.24 acres.

**EXISTING ZONING:** LMD (Limited Mixed Use).

**EXISTING USE:** Vacant land.

**PROPOSED USE:** To construct a Goodwill Center on the southeast corner of Gatlin Boulevard and Dinner Street. This center will consist of two (2) buildings: one, a 5,000 square foot Goodwill Store, the second, an additional 13,000 square foot multi-tenant retail/office building.

**REQUESTED SPECIAL EXCEPTION:** There are two special exceptions being sought with this application: one will allow retail use to exceed 50% of the building's gross floor area as is permitted per §158.155 (D) (3), the second will allow a use to exceed 5,000 square feet as is permitted per §158.155 (D) (5).

**SURROUNDING USES:** North = Gatlin Blvd., beyond is RS-2 (Single Family Residential) zoning with residential lots. South = RS-2 (Single Family Residential) zoning with residential lots. East and West = P (Professional) zoning, currently vacant land.

**IMPACTS AND FINDINGS:**

**Evaluation of Special Exception Criteria (Section 158.260)**

(A) Adequate ingress and egress may be obtained to and from the property, with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or other emergency.

Applicant: "A right-in, right-out driveway will be constructed on Gatlin Boulevard. In addition, we are proposing one (1) right-in, right-out driveway to be constructed on Dinner Street. Pedestrian access is provided from the building to the Gatlin Blvd. sidewalk."

Staff: Agreed. This site is located on the southeast corner of Dinner Street and Adventure Lane and will have two access points; one will be located on Gatlin Boulevard, the second will be on Dinner Street. Both access points allow vehicles to enter and exit the site (the access point on Gatlin will only allow a right turn out of the site). There is also a break in the median on Gatlin Boulevard which will allow vehicles travelling west on Gatlin, to enter the site via Dinner Street, or complete a u-turn and enter on Gatlin Boulevard. Pedestrian accessibility is also being addressed for this site.

(B) Adequate off-street parking and loading areas may be provided, without creating undue noise, glare, odor, or other detrimental effects upon adjoining properties.

Applicant: "We propose to provide adequate parking. One hundred and thirty-five (135) parking spaces are required to comply with Code. We are proposing to provide one hundred and forty-two (142). The parking area will be screened with the required buffer, including the masonry wall. Outdoor lighting will meet Code requirements regarding shielding and pole height."

Staff: As per §158.221(C) of the City's Land Development Regulations, the attached concept plan shows adequate parking and loading areas for the proposed retail/office establishment. Staff believes that adhering to the City's landscape regulations will ensure that the site will not create any undue noise, glare, odor, or other detrimental effects on adjoining properties.

(C) Adequate and properly located utilities are available or may be reasonably provided to serve the proposed development.

Applicant: "The water and sewer mains are located directly behind the property on Adventure Lane. Adequate utilities are available for this project."

Staff: Agreed. There appear to be adequate and properly located utilities to serve this development.

ITEM 7 (B)

(D) Adequate screening or buffering. Additional buffering beyond that which is required by the code may be required in order to protect and provide compatibility with adjoining properties.

Applicant: "A 6' (above finished floor level) masonry wall, and landscaping is proposed to provide a buffer for the residential properties located south of the proposed development. The project does not directly abut residential property. It is separated by Adventure Lane."

Staff: By conforming to city codes, staff believes that adequate screening and buffering will be achieved.

(E) Signs, if any, and proposed exterior lighting will be so designed and arranged so as to promote traffic safety and to eliminate or minimize any undue glare, incompatibility, or disharmony with adjoining properties. Light shields or other screening devices may be required.

Applicant: "A right-turn only sign will be placed at the Gatlin Blvd. exit to promote a safe egress onto Gatlin Boulevard. All outdoor lighting will be installed with adequate shielding provided for adjacent properties and will meet City criteria regarding pole height."

Staff: All signage proposed for this development will be required to be processed according to the sign regulations outlined in the City's Sign Code (Chapter 155).

Lighting will be implemented in accordance with the proper zoning regulations, §158.221 (B) (7). "Where artificial outdoor lighting is provided, it shall be designed and arranged so that no source of the lighting will be visible nuisance to adjoining property used or zoned for a residential purpose."

(F) Yards and open spaces will be adequate to properly serve the proposed development and to ensure compatibility with adjoining properties.

Applicant: "The open space exceeds the City of Port St. Lucie's requirements, and is comparable to the existing open spaces for the adjacent developments."

Staff: As proposed, yards and open spaces are adequately addressed on the concept plan.

(G) The use as proposed will be in conformance with all stated provisions and requirements of this chapter.

Applicant: "We propose to follow all of the City of Port St. Lucie's stated provisions and requirements of the City's Land Development Regulations. The project will be designed in conformance with the Citywide Design Standards."

Staff: The proposed Special Exceptions (retail or personal service uses exceeding 50% of the building's gross floor area, and any use exceeding 5,000 square feet) are permitted as defined by §158.155 (D) (3) and (5) Limited Mixed Use Zoning District, and shall conform to all provisions of the City's Land Development Regulations.

ITEM 7 (B)

(H) Establishment and operation of the proposed use upon the particular property involved will not impair the health, safety, welfare, or convenience of residents and workers in the City.

Applicant: "The proposed development will comply will all city guidelines and will not impair the health, safety, or welfare of the City's citizens. A Goodwill store will offer a convenience to residents and workers and is a needed use in this area."

Staff: By conforming to city codes, staff believes that the requests (to permit retail uses to exceed 50% of the building's gross floor area , and permit a use to exceed 5,000 square feet) will not impair the health, safety, welfare, or convenience of residents and workers in the city.

(I) The proposed use will not constitute a nuisance or hazard because of the number of persons who will attend or use the facility, or because of the hours of operation, or because of vehicular movement, noise, fume generation, or type of physical activity.

Applicant: "We do not anticipate any nuisance or hazard to be caused by this use with the separation and buffering provided."

Staff: It is difficult to know precisely how much an impact this development will have on the surrounding neighborhood; that being said, it will have some impact on the surrounding neighborhood. To help mitigate the impacts to the surrounding residential property owners, the hours of operation could be restricted.

(J) The use as proposed for development will be compatible with the existing or permitted uses of adjacent property. The proximity or separation and potential impact of the proposed use (including size and height of buildings, access location, light and noise) on nearby property will be considered in the submittal and analysis of the request. The City may request project design changes or changes to the proposed use to mitigate the impacts upon adjacent properties and the neighborhood.

Applicant: "There is a substantial buffering between the buildings and any residential use. The nearest residential lot is separated from the buildings by a 65 feet wide pavement/planter area, a six feet high masonry wall, and a 60 feet wide road right-of-way. The total separation is approximately 125 feet."

Staff: Staff finds that the use as proposed is compatible with the surrounding environment, and by conforming with all city codes and design guidelines the proximity or separation and potential impact of the proposed use will be adequately addressed.

(K) As an alternative to reducing the scale and/or magnitude of the project as stipulated in criteria (J) above, the City may deny the request for the proposed use if the use is considered incompatible, too intensive or intrusive upon the nearby area and would result in excessive disturbance or nuisance from the use altering the character of neighborhood.

Staff: Acknowledged.

(L) Development and operation of the proposed use will be in full compliance with any additional conditions and safeguards which the City Council may prescribe, including but not limited to reasonable time limit within which the action for which special approval is requested shall be begun or completed or both.

Staff: Acknowledged.

Compatibility with special exception criteria: §158.155 (D) (3): "Special Exception Uses" allows retail or personal service use to exceed 50% of the building's gross floor area, and §158.155 (D) (5) allows any use to exceed 5,000 square feet in the LMD (Limited Mixed Use) Zoning District.

On January 28, 2008 City Council approved the site plan Accent Shoppes Major Site Plan, (P07-404). On July 12, 2010 this site plan approval was extended two (2) years, which gives it the new expiration date of January 28, 2013. Since the concept plan being reviewed is dramatically unlike the approved site plan, staff requested a letter be submitted which states that upon approval of the Special Exception concept plan, the owner will vacate previous site plan approval (please see letter included in the staff report). There can not be two radically different approvals for this property. Staff is waiting for the City's Legal Department position on this matter.

Notice to Property Owners: On July 12, 2011, notice was sent to all property owners within a 300 foot radius.

Other: All 28 lots in this block were rezoned in 2006 (P06-171 Accent Shoppes LMD Rezoning Application) to LMD (Limited Mixed Use). A requirement of this rezoning application required a Unity of Title to be processed for these 28 lots. Unfortunately, our records indicate that a Unity of Title was never processed for this property. To ensure compliance with rezoning requirements, a request to unify these lots has been sent to the City's Legal Department. The Unity of Title will be processed once the Special Exception Use has been approved.

Note: The applicant has indicated that he is interested in selling these 14 lots. To accommodate this desire, staff will be processing two (2) Unities of Title for this property; one will encompass Lots 1 through 7 and Lots 22 through 28, the second will cover Lots 8 through 21.

**Related Projects:**

P06-349 – Accent Shoppes Variance Application. The application was to allow a three story office building in the ROI land use in the City's Conversion Area. This application was approved by the Zoning Board of Appeals on January 8, 2008.

P06-343 – Accent Shoppes – Bank Drive-Through – Special Exception Use Application. This application was to allow a bank drive-through in the LMD Zoning District. This application was approved by City Council on January 8, 2007.

P06-342 – Accent Shoppes Special Exception Use Application. This application was to allow a restaurant in the LMD Zoning District, and was approved by City Council on January 8, 2007.

P06-171 – Accent Shoppes LMD Rezoning Application. This application rezoned Lots 1 through 28, Block 1497, Port St. Lucie Section 16 from RS-2 (Single Family Residential) to LMD (Limited Mixed Use). This application was approved by City Council on September 11, 2006.

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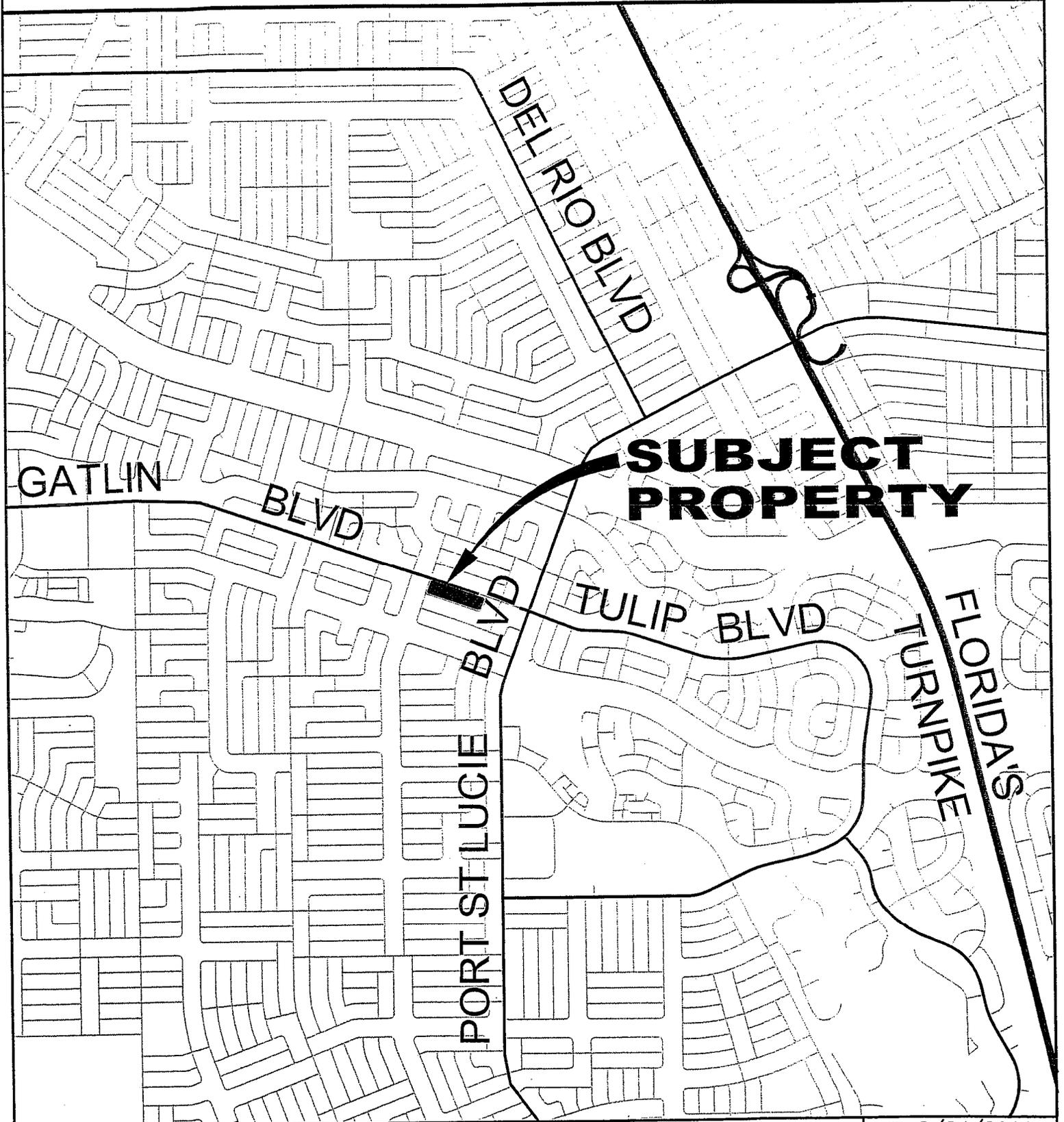
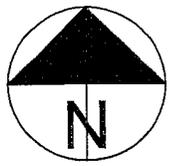
**STAFF RECOMMENDATION:**

The Planning and Zoning Department staff finds the request to be consistent with special exception criteria as stipulated in Section 158.260 of the Zoning Code and recommends approval- with conditions as follows:

1. The current site plan approval (P07-404) for this property be revoked.
2. The parking be reduced to only include only the required number of parking spaces to offer more green space for the site.

The City's Site Plan Review Committee reviewed the concept plan at their July 13, 2011 meeting and recommended approval.

# SITE LOCATION



CITY OF PORT ST. LUCIE  
PLANNING & ZONING DEPT.

Prepared by:  
M.I.S. DEPARTMENT

PZ2011.DWG

SPECIAL EXCEPTION USE  
LOTS 1-28 BLOCK 1497  
PORT ST LUCIE SECTION 16

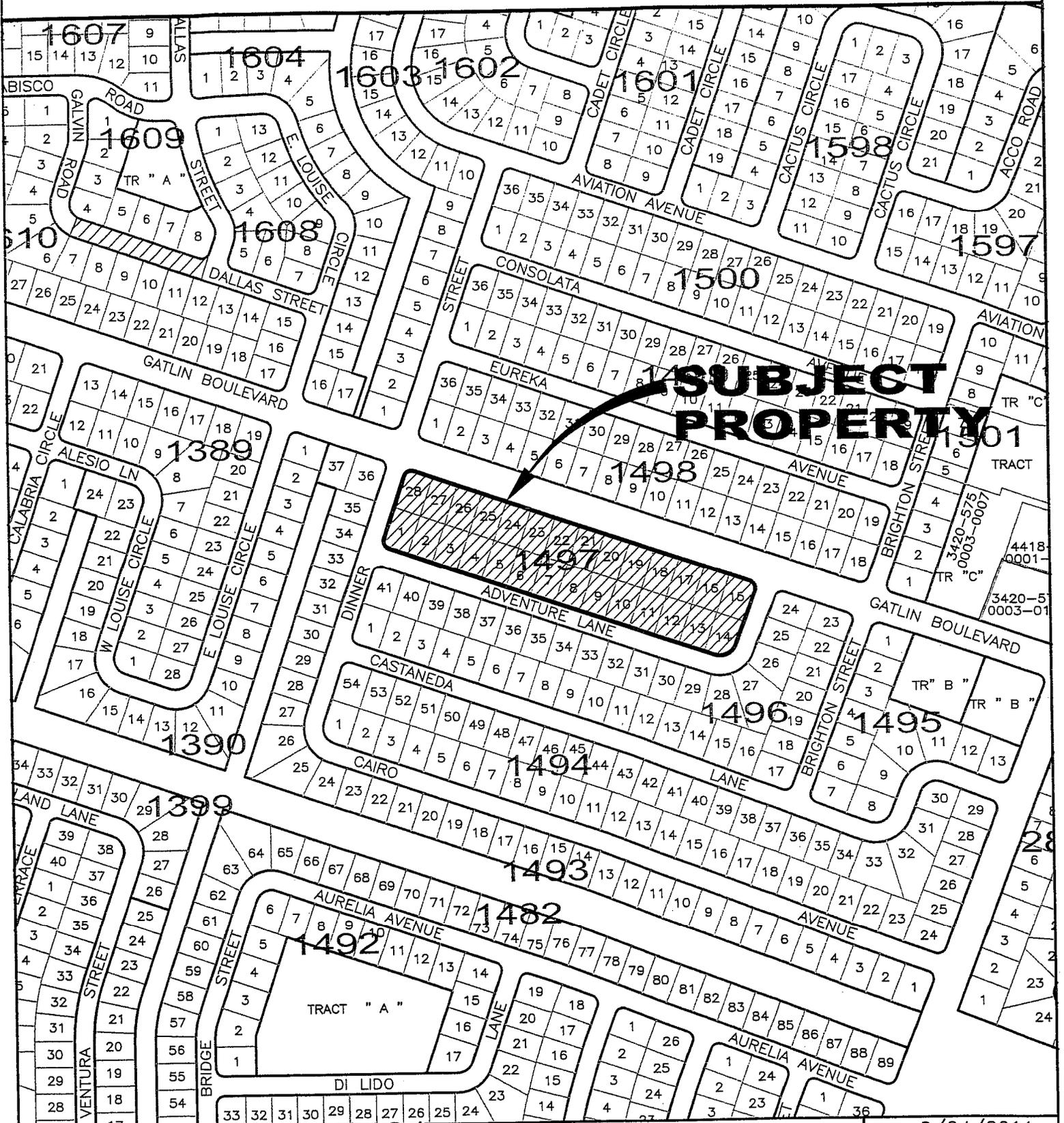
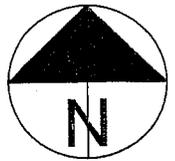
DATE: 6/24/2011

APPLICATION NUMBER:  
P11-074

CADD FILE NAME:  
P11-074L

SCALE: 1" = .5 MI.

# SITE LOCATION



CITY OF PORT ST. LUCIE  
PLANNING & ZONING DEPT.

Prepared by:  
M.I.S. DEPARTMENT

PZZ011.DWG

SPECIAL EXCEPTION USE  
LOTS 1-28 BLOCK 1497  
PORT ST LUCIE SECTION 16

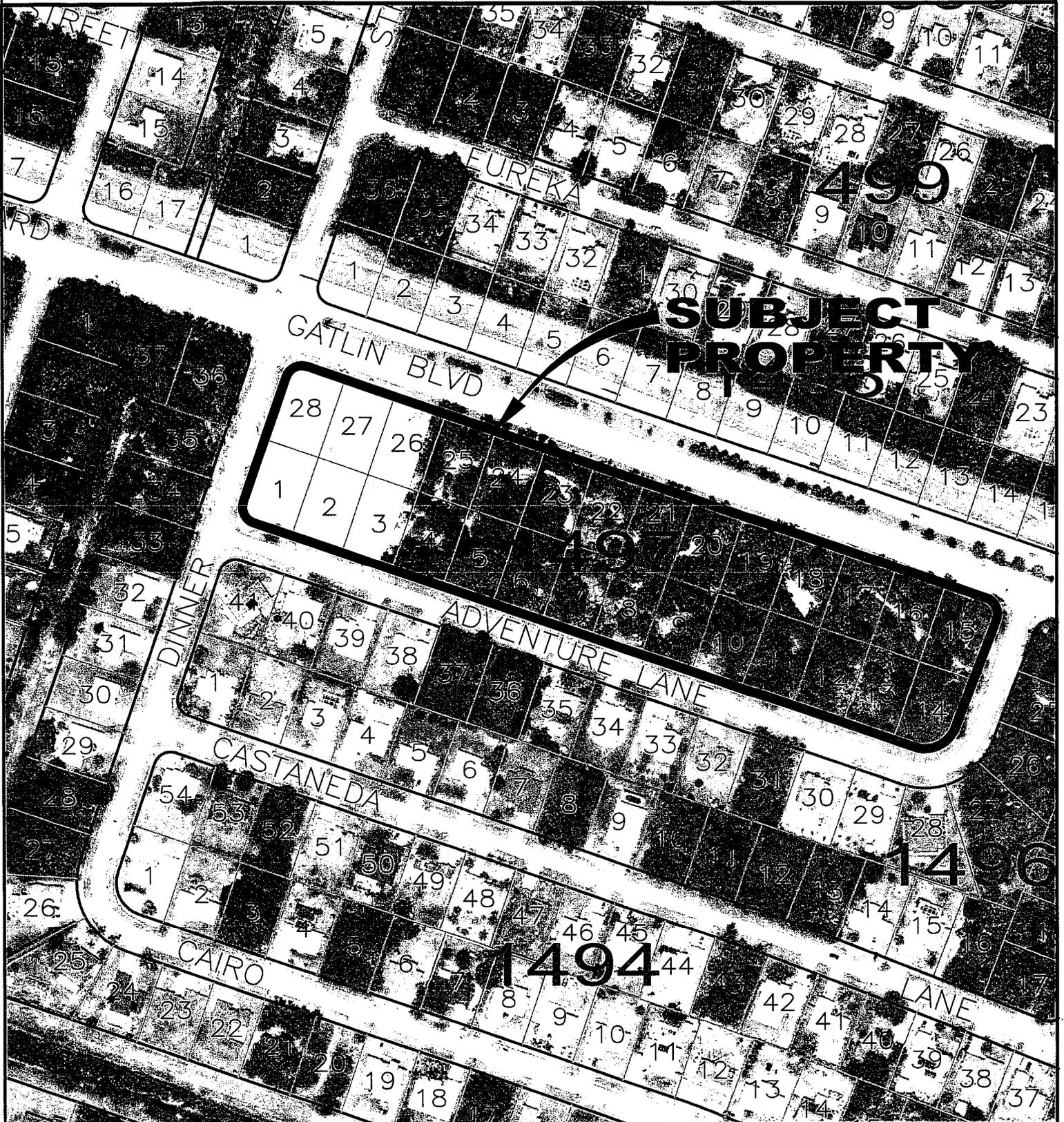
DATE: 6/24/2011

APPLICATION NUMBER:  
P11-074

CADD FILE NAME:  
P11-074M

SCALE: 1"=400'

# SITE LOCATION



CITY OF PORT ST. LUCIE  
PLANNING & ZONING DEPT.

Prepared by:  
M.I.S. DEPARTMENT

PZ2011.DWG

SPECIAL EXCEPTION USE  
LOTS 1-28 BLOCK 1497  
PORT ST LUCIE SECTION 16  
AERIAL JAN 2009

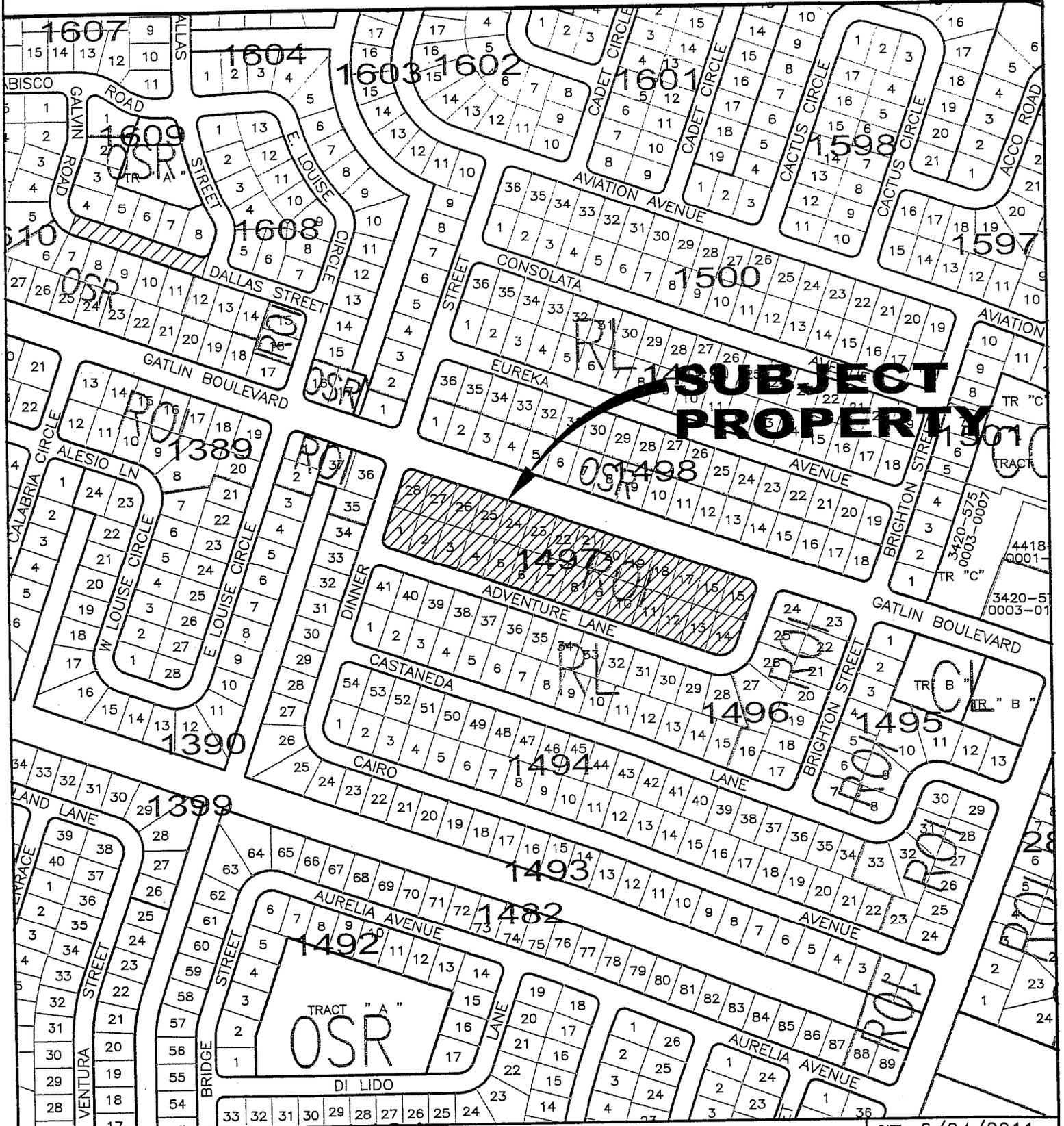
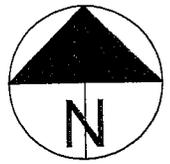
DATE: 6/24/2011

APPLICATION NUMBER:  
P11-074

CADD FILE NAME:  
P11-074A

SCALE: 1"=200'

# FUTURE LAND USE



CITY OF PORT ST. LUCIE  
PLANNING & ZONING DEPT.

Prepared by:  
M.I.S. DEPARTMENT

PZ2011.DWG

SPECIAL EXCEPTION USE  
LOTS 1-28 BLOCK 1497  
PORT ST LUCIE SECTION 16

DATE: 6/24/2011

APPLICATION NUMBER:  
P11-074

CADD FILE NAME:  
P11-074M

SCALE: 1"=400'



**APPLICATION FOR SPECIAL EXCEPTION USE**

**FOR OFFICE USE ONLY**

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

Planning Dept. P11-074  
Fee (Nonrefundable) \$ 2115.00  
Receipt # 11128

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 advertising for the Planning and Zoning Board meeting. **Attach two copies of proof of ownership (e.g., warranty deed, affidavit), lease agreement (where applicable) and a statement addressing each of the attached criteria.**

**PROPERTY OWNER:**

Name: Accent Shoppes, LLC  
Address: 10850 Kymberfyld Lane, Port St. Lucie, FL 34986  
Telephone No.: 772-307-7573 Fax No.: 772-878-5834

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

Name: Joseph T. Friscia, P.E.  
Address: 459 NW Prima Vista Blvd., Port St. Lucie, FL 34983  
Telephone No.: 772-340-4990 Fax No.: 772-340-7996

**RECEIVED**

**JUN 15 2011**

**PLANNING DEPARTMENT  
CITY OF PORT ST. LUCIE, FL**

**SUBJECT PROPERTY:**

Legal Description: Lots 1-7, 22-28, Block 1497, PSL Section 16, PB 13, Pgs 7, 7A-7C  
Parcel I.D Number: 3420-575-0616-0007  
Address: 2819 SW Dinner St. Bays: N/A

Development Name: Goodwill Center (Attach Sketch and/or Survey)

Gross Leasable Area (sq. ft.): 27,000 sq. ft. Assembly Area (sq. ft.): N/A

Current Zoning Classification: LMD SEU Requested: >5,000 sq. ft. retail, >50% retail

Please state, as detailed as possible, reasons for requesting proposed SEU (continue on separate sheet, if necessary):

The purpose of this request for the proposed special exception use is to allow a single use exceeding 5,000 sq. ft. and retail uses exceeding 50% of the floor area. It will not pose a negative impact on surrounding uses. LMD Zoning regulation specifically these requests require a Special Exception Use in the LMD zoning district.

[Signature]  
Signature of Applicant

Joseph T. Friscia  
Hand Print Name  
Agent for: Accent Shoppes, LLC

6-14-11  
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.  
H:\PZ\SHARED\APPLCTN\SEU\APPL (07/29/04)

ACCENT SHOPPES, LLC  
10850 KIMBERFYLD LANE  
PORT ST, LUCIE FL 34986

**Letter of Authorization**

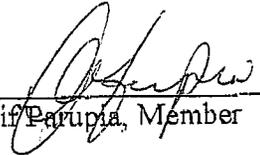
To Whom It May Concern:

This letter authorizes Friscia Engineering, to act as agent for the purposes of obtaining permits and approvals from state and local government agencies for the property described below:

LOTS 1-7, 22-28, BLOCK 1497, PORT ST. LUCIE SECTION 16, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 13, PAGES 7, 7A-7C, PUBLIC RECORDS OF ST. LUCIE COUNTY, FLORIDA.

If you have any questions, please call me at (772) 370-7573.

Sincerely,

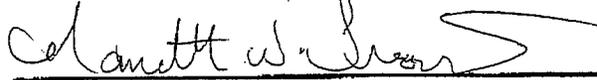
  
\_\_\_\_\_  
Arif Parupia, Member

Date: 6/10/2011

State of: Florida  
County of: St. Lucie

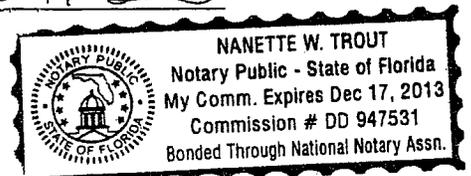
I HEREBY CERTIFY that the foregoing instrument was acknowledged before me this 10<sup>th</sup> day of June, 2011.  
By: Arif Parupia is () personally known to me, or ( ) has produced \_\_\_\_\_ as identification.

NOTARY PUBLIC

  
\_\_\_\_\_

Name Printed: Nanette W. Trout  
State of Florida at-large  
My Commission expires: 12-17-2013

cc: file 11-1254aut.doc



## ***SPECIAL EXCEPTION USES***

The Planning and Zoning Board, and Zoning Administrator, may authorize the special exception use from the provisions of § 158.260. In order to authorize any special exception use from the terms of this chapter, the Planning and Zoning Board, or Zoning Administrator, will consider the special exception criteria in § 158.260 and consider your responses to the following when making a determination.

(1) Please explain how adequate ingress and egress will be obtained to and from the property, with particular reference to automotive and pedestrian safety and convenience, traffic flow, and control, and access in case of fire or other emergency.

A right-in, right-out driveway will be constructed on Gatlin Boulevard. In addition, we are proposing one (1) right-in, right-out driveway to be constructed on Dinner Street. Pedestrian access is provided from the building to the Gatlin Blvd. sidewalk.

(2) Please explain how adequate off-street parking and loading areas will be provided, without creating undue noise, glare, odor or other detrimental effects upon adjoining properties.

We propose to provide adequate parking. One hundred and thirty-five (135) parking spaces are required to comply with Code. We are proposing to provide one hundred and forty two (142). The parking area will be screened with the required buffer, including the masonry wall. Outdoor lighting will meet Code requirements regarding shielding and pole height.

(3) Please explain how adequate and properly located utilities will be available or will be reasonably provided to serve the proposed development.

The water and sewer mains are located directly behind the property on Adventure Lane. Adequate utilities are available for this project.

(4) Please explain how additional buffering and screening, beyond that which is required by the code, will be required in order to protect and provide compatibility with adjoining properties.

A 6' (above finished floor level) masonry wall, and landscaping is proposed to provide a buffer for the residential properties located south of the proposed development. The project does not directly abut residential property. It is separated by Adventure Lane.

(5) Please explain how signs, if any, and proposed exterior lighting will be so designed and arranged so as to promote traffic safety and to eliminate or minimize any undue glare, incompatibility, or disharmony with adjoining properties. Light shields or other screening devices may be required.

A right-turn only sign will be placed at the Gatlin Blvd. exit to promote a safe egress onto Gatlin Boulevard. All outdoor lighting will be installed with adequate shielding provided for adjacent properties and will meet City criteria regarding pole height.

(6) Please explain how yards and open spaces will be adequate to properly serve the proposed development and to ensure compatibility with adjoining properties.

The open space exceeds the City of Port St. Lucie's requirements, and is comparable to the existing open spaces for the adjacent developments.

(7) Please explain how the use, as proposed, will be in conformance with all stated provisions and requirements of the City's Land Development Regulation.

We propose to follow all of the City of Port St. Lucie's stated provisions and requirements of the City's Land Development Regulations. The project will be designed in conformance with the Citywide Design Standard.

(8) Please explain how establishment and operation of the proposed use upon the particular property involved will not impair the health, safety, welfare, or convenience of residents and workers in the city.

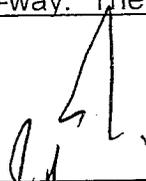
The proposed development will comply will all city guidelines and will not impair the health, safety or welfare of the City's citizens. A Goodwill store will offer a convenience to residents and workers and is a needed use in this area.

(9) Please explain how the proposed use will not constitute a nuisance or hazard because of the number of persons who will attend or use the facility, or because of the hours of operation, or because of vehicular movement, noise, fume generation, or type of physical activity.

We do not anticipate any nuisance or hazard to be caused by this use with the separation and buffering provided.

(10) Please explain how the use, as proposed for development, will be compatible with the existing or permitted uses of adjacent property. The proximity or separation and potential impact of the proposed use (including size and height of buildings, access, location, light and noise) on nearby property will be considered in the submittal and analysis of the request. The City may request project design changes or changes to the proposed use to mitigate the impacts upon adjacent properties and the neighborhood.

There is a substantial buffering between the buildings and any residential use. The nearest residential lot is separated from the buildings by a 65 feet wide pavement/planter area, a six feet high masonry wall, and a 60 feet wide road right-of-way. The total separation is approximately 125 feet.

  
\_\_\_\_\_  
Signature of Applicant

Joseph T. Friscia  
\_\_\_\_\_  
Hand Print Name  
Agent for: Accent Shoppes, LLC

6-14-11  
\_\_\_\_\_  
Date

PLEASE NOTE:

(K) As an alternative to reducing the scale and/or magnitude of the project as stipulated in criteria (J) above, the City may deny the request for the proposed use if the use is considered incompatible, too intensive or intrusive upon the nearby area and would result in excessive disturbance or nuisance from the use altering the character of neighborhood.

(L) Development and operation of the proposed use will be in full compliance with any additional conditions and safeguards which the City Council may prescribe, including but not limited to reasonable time limit within which the action for which special approval is requested shall be begun or completed or both.

Prepared by and Return to:  
Arif Parupia  
c/o 439 S.E. Port St. Lucie Blvd. Suite 109  
Port St. Lucie, Florida 34984  
Parcel ID No: 3420-575-0616-000/7

### Quit Claim Deed

Made this 19th day of August, 2004 A.D. by Arif Parupia, individually and as Trustee of the Friendship Asset Services Trust, hereinafter called the grantor, to Accent Shoppes, LLC, a Florida Limited Liability Company whose post office address is: c/o 439 SE Port St. Lucie Blvd., Suite 109, Port St. Lucie, Florida 34984 hereinafter called the grantee:

(Whenever used herein the term "grantor" and "grantee" include all the parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations)

**Witnesseth**, that the grantor, for and in consideration of the sum of \$ TEN AND NO/100 DOLLARS (\$10.00) and other valuable considerations, receipt whereof is hereby acknowledged, does hereby remise, release, and quit claim unto the grantee forever, all the right, title, interest, claim and demand which the said grantor has in and to, all that certain land situate in St. Lucie County, Florida, viz:

Lots 1 through 28, inclusive, Block 1497, PORT ST. LUCIE SECTION SIXTEEN, according to the Plat thereof, as recorded in Plat Book 13, Pages 7, 7A through 7C of the Public Records of St. Lucie County, Florida.

**Together** with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining. **To Have and to Hold**, the same together with all and singular the appurtenances thereunto belonging or in anywise appertaining, and all the estate, right, title, interest, lien, equity and claim whatsoever of the said grantor, either in law or equity, to the only proper use, benefit and behoof of the said grantee forever.

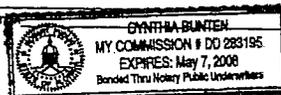
**In Witness Whereof**, the said grantor has signed and sealed these presents the day and year first above written. *Signed, sealed and delivered in our presence:*

_____	FRIENDSHIP ASSET SERVICES TRUST	(Seal)
Witness/Printed Name: <u>Angelica Ryan</u>	BY: <u>Arif Parupia</u> as Trustee	
_____	Address: <u>c/o 439 SE Port St. Lucie Blvd., Suite 109, Port St. Lucie, Florida 34984</u>	
Witness/Printed Name: <u>Cynthia Buntin</u>	Arif Parupia, Individually	(Seal)
_____	Address: <u>c/o 439 SE Port St. Lucie Blvd., Suite 109, Port St. Lucie, Florida 34984</u>	
Witness Printed Name: _____	Address: _____	(Seal)
Witness Printed Name: _____	Address: _____	(Seal)

State of Florida  
County of St. Lucie

The foregoing instrument was acknowledged before me this 19th day of August, 2004, by Arif Parupia, individually and as Trustee of the Friendship Asset Services Trust, who is personally known to me or who has produced n/a as identification.

Notary Public  
Print Name: \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_



# FLORIDA DEPARTMENT OF STATE DIVISION OF CORPORATIONS

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No Events

No Name History

## Detail by Entity Name

### Florida Limited Liability Company

ACCENT SHOPPES, LLC

### Filing Information

Document Number L04000058848  
 FEI/EIN Number 113724828  
 Date Filed 08/05/2004  
 State FL  
 Status ACTIVE

### Principal Address

10850 KIMBERFYLD LANE  
 PORT ST. LUCIE FL 34986 US

### Mailing Address

10850 KIMBERFYLD LANE  
 PORT ST. LUCIE FL 34986

Changed 05/08/2007

### Registered Agent Name & Address

PARUPIA, ARIF  
 10850 KIMBERFYLD LANE  
 PORT ST. LUCIE FL 34986 US

Address Changed: 05/08/2007

### Manager/Member Detail

#### Name & Address

Title MGRM

PARUPIA, ARIF  
 10850 KIMBERFYLD LANE  
 PORT ST. LUCIE FL 34986 US

### Annual Reports

Report Year	Filed Date
2009	04/10/2009
2010	04/08/2010
2011	03/25/2011

### Document Images

03/25/2011 -- ANNUAL REPORT

[04/08/2010 -- ANNUAL REPORT](#)

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[03/13/2006 -- ANNUAL REPORT](#)

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[04/19/2005 -- ANNUAL REPORT](#)

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[08/05/2004 -- Florida Limited Liability](#)

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State of Florida, Department of State

ACCENT SHOPPES, LLC  
10850 KIMBERFYLD LANE  
PORT ST. LUCIE, FL 34986

July xx, 2011

Daniel Holbrook  
City of Port St. Lucie Planning Director  
121 SW Port St. Lucie Boulevard  
Port St. Lucie, FL 34984

Re: Goodwill Center (fka Accent Shoppes P07-404)  
Lots 1 - 28, Block 1497, PSL Section 16  
Special Exception Use Application for LMD Retail

Dear Mr. Holbrook:

There is an application in process for a SEU on my referenced property. A preliminary development plan is part of that application. I accept that approval of this plan supersedes any other previously approved plans.

If you have any questions, please call.

Sincerely,

Arif (Pete) Parupia  
Managing Member  
Accent Shoppes, LLC

*Dorothy W. Mark and Eileen V. McKelvey*

*3213 Fond Drive  
Encino, CA 91436-4205  
phone (818) 788-5579 fax (818) 907-7466  
e-mail address: dottymark@hotmail.com*

18 July 2011

**Re: FILE NUMBER P11 – 074**

Gentlemen:

Today, we received your letter dated July 12, 2011 in which we were informed there is a “request” from Joseph T. Friscia for a special exception use permit. Please see the attached letter entitled:

**SPECIAL EXCEPTION USE  
ACCENT SHOPPES LLC, P11 – 074**

The aforementioned “request” is for a variance which would allow the Developer to build a building within the limited mixed use zone along Gatlin Blvd. It would be larger than the current 50% gross floor coverage rule. It would also exceed the 5000 sq. ft. law currently in effect in the LMD Zoning District.

As owners of a property within 300 feet of this proposal, we wish to state our strong opposition to this “request”. This proposed building would be larger than the property can support in a residential community on a road with pedestrian walkways, lighting, trees and greenery. This proposed building would be inconsistent to the character of this community and would adversely affect the values of the residential properties for all single family home owners in this community.

It is our opinion that it is the responsibility of the Zoning and Planning Department, through the enforcement of current zoning laws, to maintain the character, protect property values, control growth and development within a given community. This “request” does none of these! In fact, there would be an absolute opposite affect to this neighborhood.

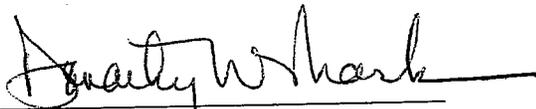
Your letter requested information about our property. Our property is located at:

ADDRESS: 1002 S. W. EUREKA AVENUE  
PORT ST. LUCIE, FL 34953 – 2888

LEGAL DESCRIPTION: Section: 16 Lot: 28 Block: 1498

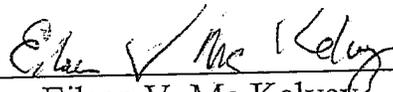
It is our hope the Planning and Zoning Department will seriously consider the negative impact of this “request” on our neighborhood and will advise the City Counsel to deny the proposal.

Sincerely,



Dorothy W. Mark

and



Eileen V. McKelvey