

ORDINANCE 11-68

AN ORDINANCE TO REZONE 1.05 ACRES OF PROPERTY LOCATED ON THE SOUTHEAST CORNER OF PORT ST. LUCIE BOULEVARD AND CARY STREET FROM P (PROFESSIONAL) TO LMD (LIMITED MIXED USE) FOR A PROJECT KNOWN AS PACE 2000 INC., P11-081; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Land Design South of Florida, Inc., hereinafter referred to as the Applicant, seeks to rezone 1.05 acres of property located on the southeast corner of Port St. Lucie Boulevard and Cary Street and within the City of Port St. Lucie, from the zoning designation of P (Professional) to LMD (Limited Mixed Use); and

WHEREAS, the City of Port St. Lucie Planning and Zoning Board held a public hearing on August 2, 2011 to consider the rezoning application (P11-081), notice of said hearing to adjoining property owners for a radius of three-hundred (300) feet having been given and advertising of public hearing having been made; and

WHEREAS, the City Council held a public hearing on September 12, 2011 to consider the rezoning application (P11-081), advertising of the public hearing having been made; and

NOW, THEREFORE, THE CITY OF PORT ST. LUCIE HEREBY ORDAINS:

Section 1: That the property described as Port St. Lucie Section 18, Block 705, Lots 1, 2, 40, and 41, Port St. Lucie, as depicted on the conceptual plan (Preliminary Development Plan) which is hereby formally adopted and attached as Exhibit "A", be rezoned from the Zoning Classification of P (Professional) to LMD (Limited Mixed Use).

Section 2: That this Ordinance shall become effective ten (10) days after its final adoption.

PASSED AND APPROVED by the City Council of the City of Port St. Lucie, Florida,
this ____ day of _____ 2011.

CITY OF PORT ST. LUCIE, FLORIDA

BY: _____
JoAnn M. Faiella, Mayor

ATTEST:

Karen A. Phillips, City Clerk

APPROVED AS TO FORM:

BY: _____
Roger G. Orr, City Attorney

CITY OF PORT ST. LUCIE, FL - CITY COUNCIL

AGENDA ITEM REQUEST

MEETING: REGULAR X SPECIAL

DATE: AUGUST 22, 2011 AND SEPTEMBER 12, 2011

ORDINANCE X RESOLUTION MOTION PUBLIC HEARING X

ITEM: P11-081 PACE 2000, INC.
 REZONING APPLICATION

RECOMMENDED ACTION:

On August 2, 2011, the Planning and Zoning Board unanimously recommended approval of this rezoning application and concept plan.

EXHIBITS:

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

SUMMARY EXPLANATION/BACKGROUND INFORMATION:

The application requests a zoning change from P (Professional) to LMD (Limited Mixed Use) to allow for more flexibility in the allowed uses on the property.

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

None.

SUBMITTING DEPARTMENT: PLANNING and ZONING

DATE: 08/04/2011



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 *JF.*

RE: REZONING APPLICATION
 PROJECT NO. P11-081
 PACE 2000, INC.

DATE: JULY 19, 2011

APPLICANT: Bradley J. Currie, Land Design South of Florida, Inc. The authorization letter is attached to the staff report.

OWNER: Pace 2000 Inc.

LOCATION: Southeast corner of Port St. Lucie Boulevard and Cary Street.

LEGAL DESCRIPTION: Port St. Lucie Section 18, Block 705, Lots 1, 2, 40, and 41.

SIZE: 1.05 acres, or 45,712 square feet.

EXISTING ZONING: P (Professional) Zoning District.

EXISTING USE: Model homes converted to offices, currently unoccupied.

SURROUNDING USES: North = Port St. Lucie Boulevard, beyond is CG zoning, with an existing multi-bay retail/office building. South = RS-2 (Single Family Residential) zoning with existing homes. East = RS-2 (Single Family Residential) zoning, one lot vacant, and one lot with an existing home. West = P (Professional) zoning with existing office buildings.

REQUESTED ZONING: LMD (Limited Mixed Use) Zoning District.

FUTURE LAND USE: CG (General Commercial)

PROPOSED USE: The application requests a zoning change from P (Professional) to LMD (Limited Mixed Use) to allow for more flexibility in the allowed uses on the property.

IMPACTS AND FINDINGS:

Land Use Consistency: This project is found to be consistent with the direction and policies of the Comprehensive Plan and with the proposed LMD future land use designation. The supporting goal and policies from the City's Comprehensive Plan are Goal 1.1, Policy 1.1.1.13 and Policy 1.1.8.1.

Goal 1.1 provides for an appropriate mix of land uses to meet the needs of current and future residents of Port St. Lucie in a way that is environmentally acceptable, and developed concurrent with needed facilities and services. Policy 1.1.4.13 confirms that the current conversion chart indicates that LMD zoning is a compatible zoning district for CG future land use classification. Lastly, Policy 1.1.8.1 encourages developers to build mixed-use projects which integrate several land uses within the same project.

School Concurrency: Not applicable for commercial uses.

Compliance With Conversion Area Requirements:

Planning Area location per conversion manual: 5
 The property is totally within planning area: Yes
 Minimum Frontage: Yes
 Minimum Depth: Yes
 Does the request isolate lots: No
 Has a Unity of Title been submitted: No
 Buffer required: A landscaped buffer and wall is required: Yes

Sewer/Water Service: Port St. Lucie Utility Systems will provide utilities.

Environmental: The total site is less than two (2) acres, and all four lots have already been cleared and developed. There isn't any upland habitat on any of these lots; therefore there is no upland habitat to preserve. There are no unique environmental features associated with this land; however, other environmental issues may need to be addressed during future site plan review. If there is any exotic vegetation on the property, it will need to be removed.

Other: As required by §158.126 (L), an approved site plan is required before any on-site and off-site improvements can be made to ensure compliance with all City rules and regulations.

§153.04 (G) (1), Landscape Buffer Strips Abutting Residential or Open Space Land Uses – Wall Required: any commercial, institutional, office, or public facility uses that abuts residential or open space land is required to construct a 10 foot landscape buffer strip with an architectural wall. Because this property abuts residential property to the south, rezoning to Limited Mixed Use would require the buffer strip and the architectural wall, as defined in §153.04 (G) (1) (b), along the southern property line.

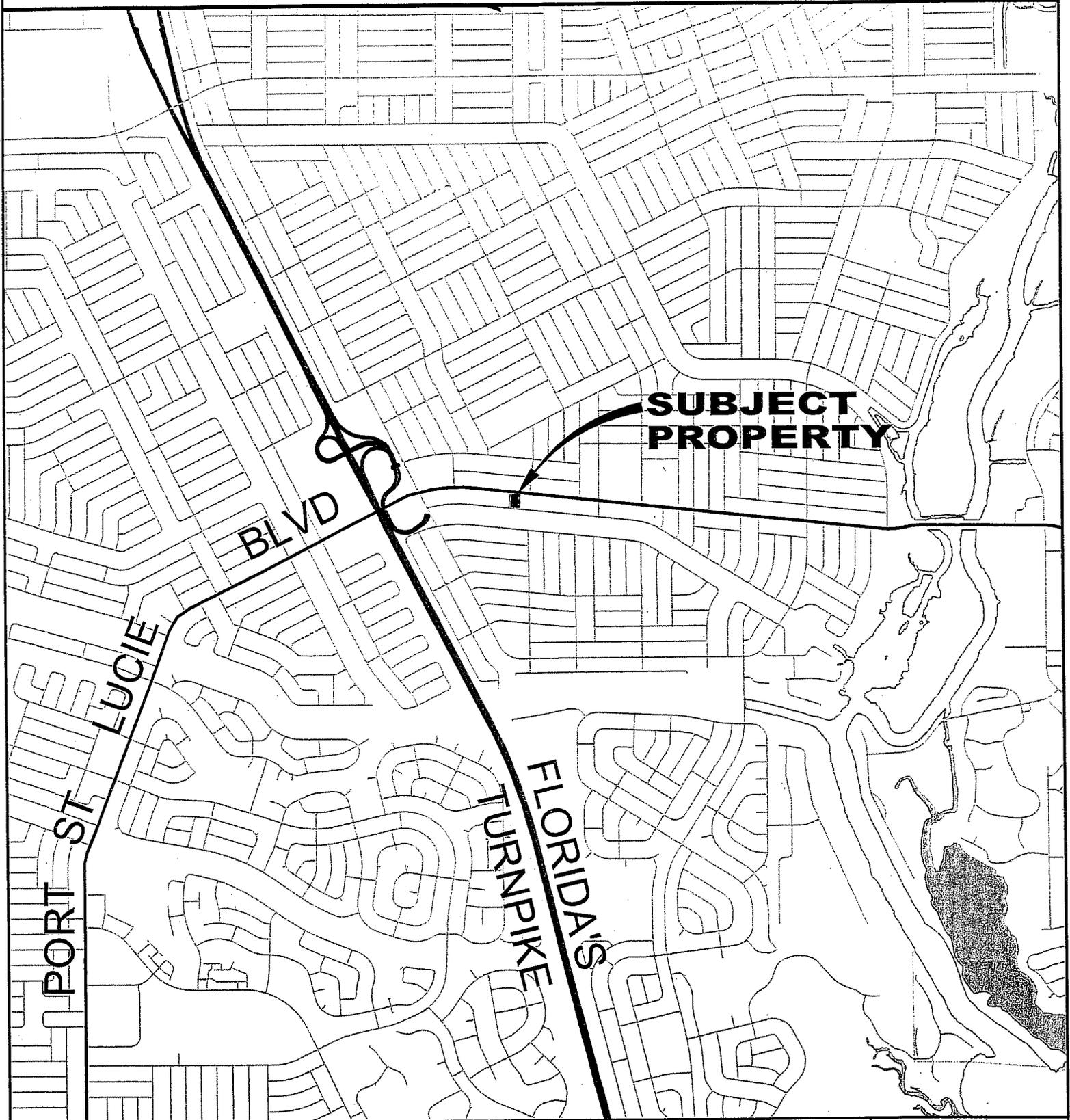
All properties will be combined under a Unity of Title before moving forward to City Council.

§158.155 (M), Procedures for Rezoning Land to Limited Mixed Use Zoning District (LMD), requires a preliminary development plan (concept plan) to be submitted as part of the rezoning application. This concept plan is required to be reviewed by the Site Plan Review Committee (SPRC), Planning and Zoning Board and City Council. All SPRC and Planning and Zoning Board comments need to be addressed by the applicant prior to the rezoning request with concept plan proceeding to City Council.

STAFF RECOMMENDATION:

The Planning and Zoning Department staff finds the request to be consistent with the direction and intent of the future land use map and policies of the City's Comprehensive Plan and recommends approval.

SITE LOCATION



CITY OF PORT ST. LUCIE
PLANNING & ZONING DEPT.

Prepared by:
M.I.S. DEPARTMENT

PZ2011.DWG

REZONING

LOTS 1, 2, 40 & 41 BLOCK 705
PORT ST LUCIE SECTION 18

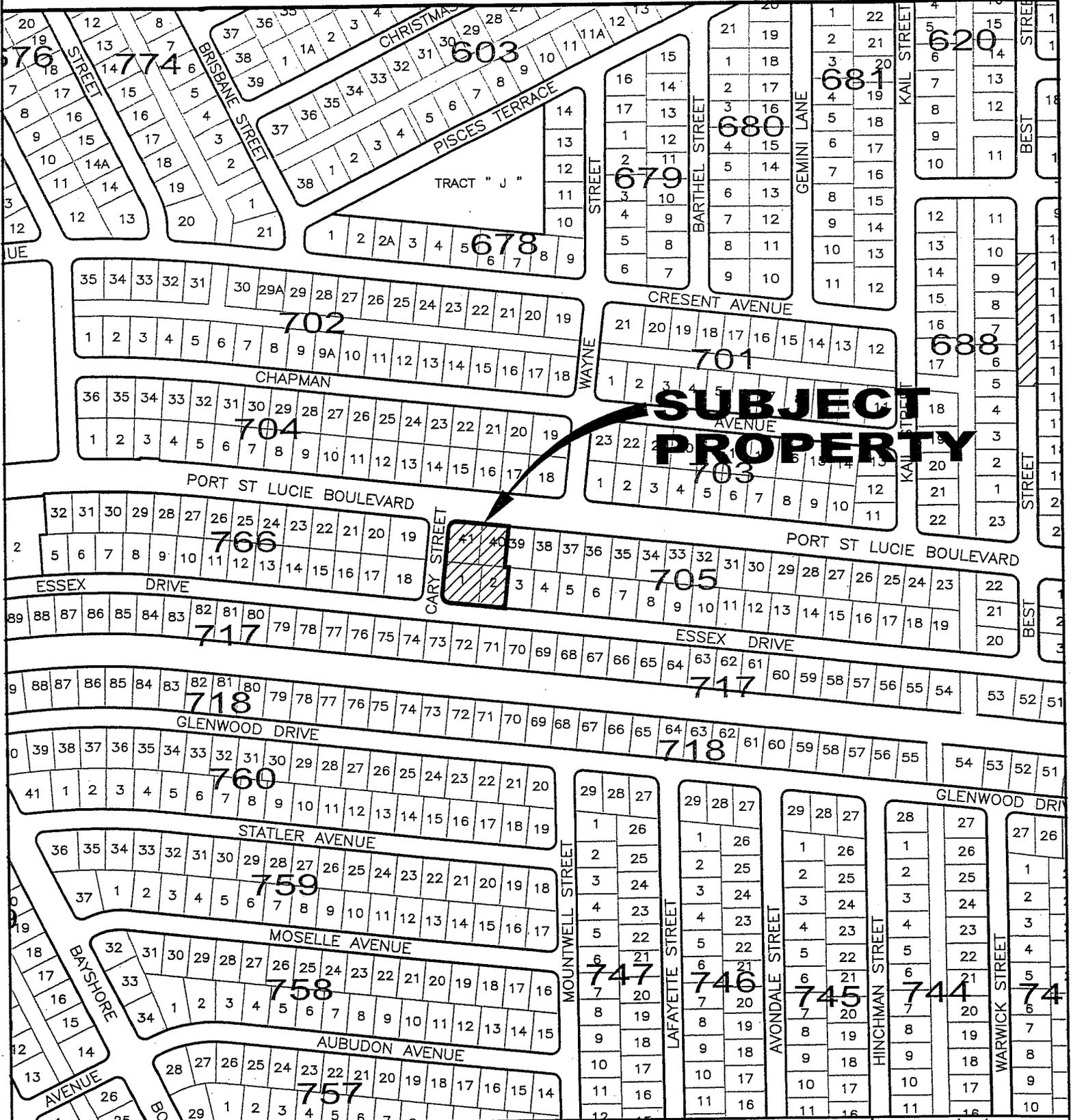
DATE: 7/7/2011

APPLICATION NUMBER:
P11-081

CADD FILE NAME:
P11-081L

SCALE: 1" = .5 MI

SITE LOCATION



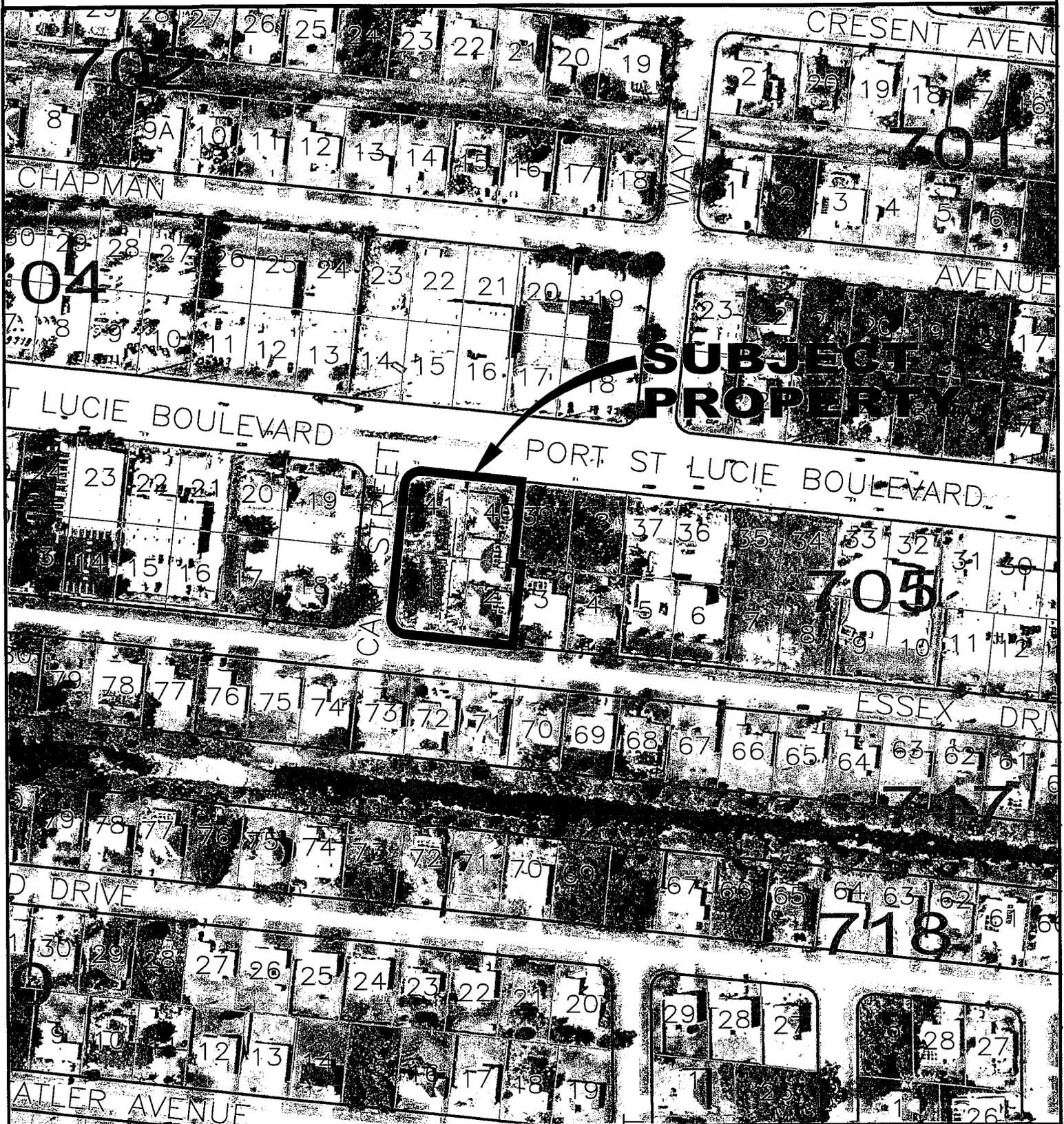
CITY OF PORT ST. LUCIE
PLANNING & ZONING DEPT.

Prepared by:
M.I.S. DEPARTMENT PZ2011.DWG

REZONING
LOTS 1, 2, 40 & 41 BLOCK 705
PORT ST LUCIE SECTION 18

DATE: 7/7/2011
APPLICATION NUMBER:
P11-081
CADD FILE NAME:
P11-081M
SCALE: 1"=400'

SITE LOCATION



CITY OF PORT ST. LUCIE
PLANNING & ZONING DEPT.

Prepared by:
M.I.S. DEPARTMENT

PZ2011.DWG

REZONING

LOTS 1, 2, 40 & 41 BLOCK 705
PORT ST LUCIE SECTION 18

AERIAL JAN 2009

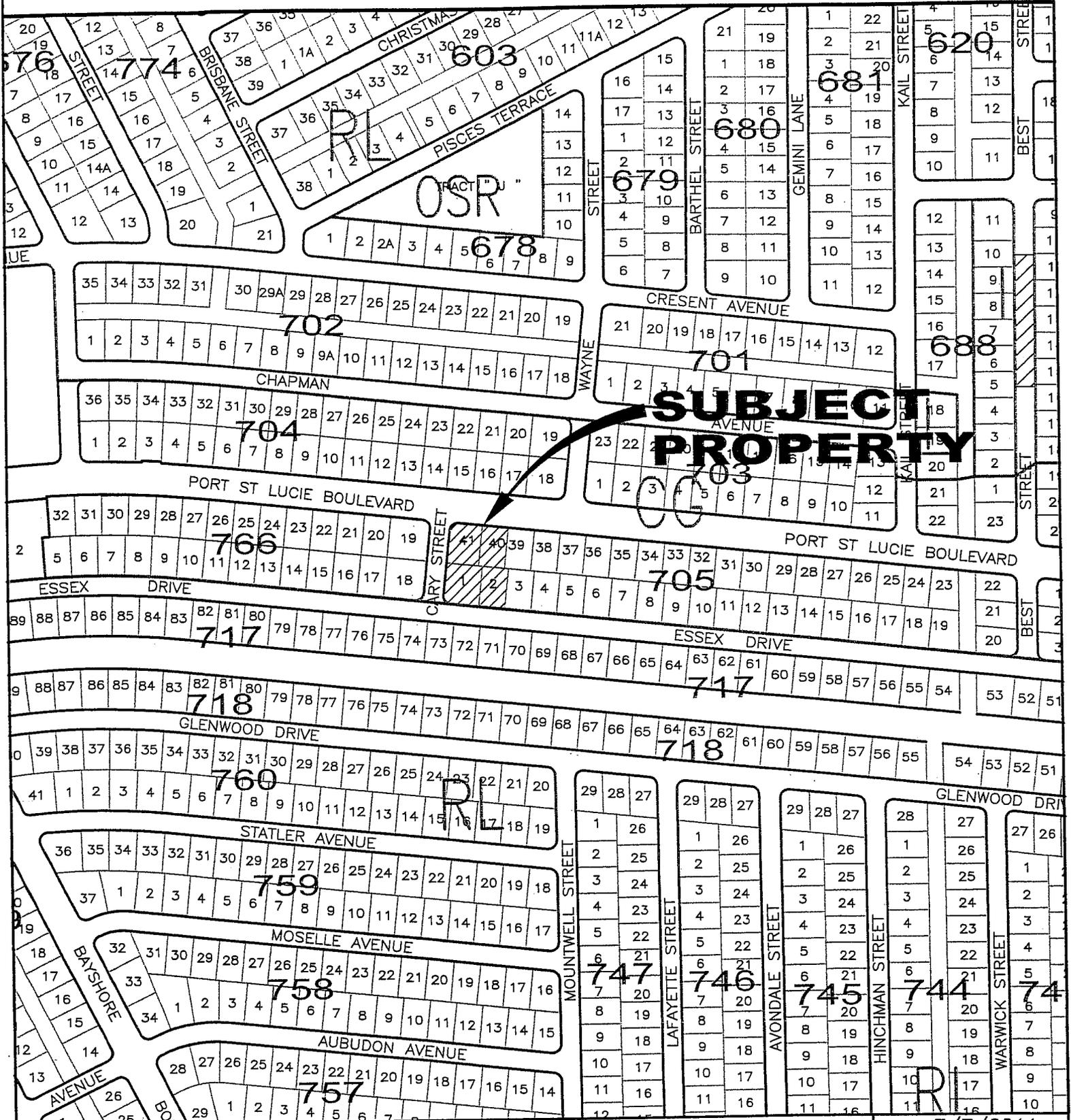
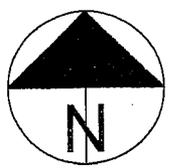
DATE: 7/7/2011

APPLICATION NUMBER:
P11-081

CADD FILE NAME:
P11-081A

SCALE: 1"=200'

FUTURE LAND USE



SUBJECT PROPERTY



CITY OF PORT ST. LUCIE
PLANNING & ZONING DEPT.

Prepared by:
M.I.S. DEPARTMENT

PZ2011.DWG

REZONING
LOTS 1, 2, 40 & 41 BLOCK 705
PORT ST LUCIE SECTION 18

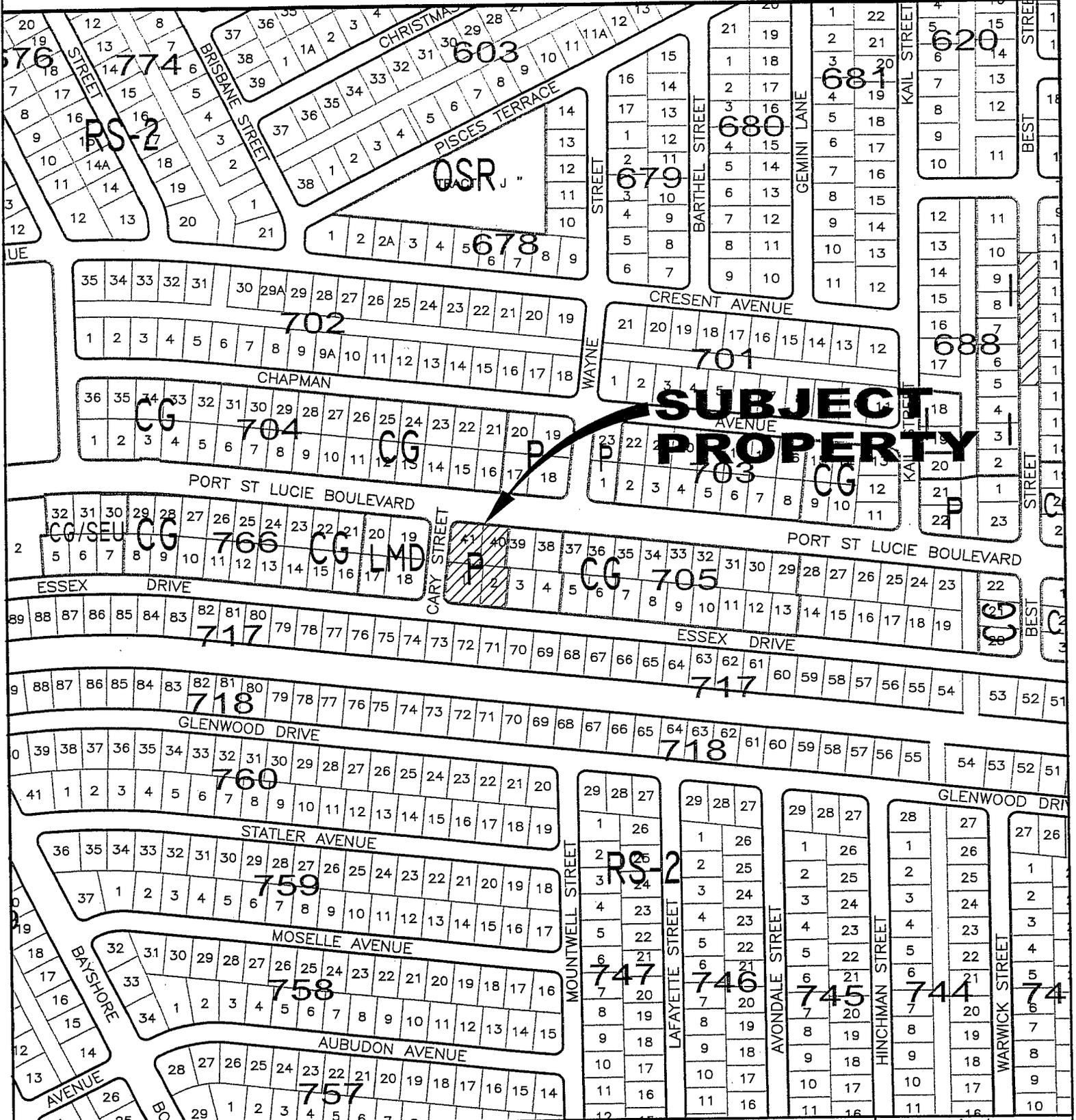
DATE: 7/7/2011

APPLICATION NUMBER:
P11-081

CADD FILE NAME:
P11-081M

SCALE: 1" = 400'

EXISTING ZONING



SUBJECT PROPERTY



CITY OF PORT ST. LUCIE
PLANNING & ZONING DEPT.

Prepared by:
M.I.S. DEPARTMENT PZ2011.DWG

REZONING
LOTS 1, 2, 40 & 41 BLOCK 705
PORT ST LUCIE SECTION 18

DATE: 7/7/2011
APPLICATION NUMBER:
P11-081
CADD FILE NAME:
P11-081M
SCALE: 1"=400'

AGENT CONSENT FORM

Project Name: Pace Property – LMD Rezoning & Minor Site Plan Approval

BEFORE ME THIS DAY PERSONALLY APPEARED Andrew Nadalin, WHO BEING DULY SWORN, DEPOSES AND SAYS THE FOLLOWING:

I hereby give CONSENT to Land Design South / Bradley J. Currie, AICP to act on my behalf, to submit or have submitted this application and all required material and documents, and to attend and represent me at all meetings and public hearings pertaining to, a request to rezone the Pace Property from Professional (P) to Limited Mixed Use (LMD), for the project indicated above. Furthermore, I hereby give consent to the party designated above to agree to all terms and conditions which may arise as part of the approval of this application for the proposed use of a residential development.

FURTHER AFFIANT SAYETH NOT.

The foregoing instrument was acknowledged before me this 23 day of June, 2011, by Andrew Nadalin (Name of Person Acknowledging) who is personally known to me or who has produced _____ (type of identification) as identification and who did (did not) take an oath.

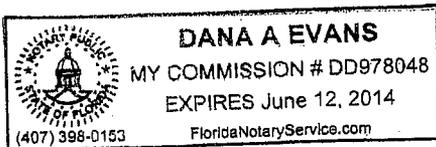
Dana A. Evans
(Signature of Person Taking Acknowledgement)

Dana A. Evans
(Name of Acknowledger Typed, Printed or Stamped)

Office Manager
(Title or Rank)

DD978048
(Serial Number, if any)

(Notary's Seal)



[Signature]
Owner's Signature

Andy Nadalin
Owner's Name (Print)

208 S.W. Port St. Lucie Blvd
Street Address

PSL FL. 34984
City, State, Zip Code

(772) 340-7223
Telephone

(Owner Pres. [Signature])

REZONING APPLICATION

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

FOR OFFICE USE ONLY

Planning Dept. P11-081
Fee (Nonrefundable) \$ 2,195.00
Receipt # 11157

Refer to "Fee Schedule" for application fee. Make checks payable to the "City of Port St. Lucie". Fee is nonrefundable unless application is withdrawn prior to the Planning and Zoning Board Meeting. All items on this application should be addressed, otherwise it cannot be processed. Attach proof of ownership: two copies of recorded deed. If the application includes more than one (1) lot, our Legal Department will contact you regarding execution of the required Unity of Title. Please type or print clearly in **BLACK** ink.

PROPERTY OWNER:

Name: Pace 2000 Inc.
Address: 1225 SE Port St. Lucie Boulevard, Port St. Lucie, Florida, 34952
Telephone No.: (772) 340-7223 FAX No.: (772) 340-7304

AGENT OF OWNER (if any)

Name: Bradley J. Currie, Land Design South of Florida, Inc.
Address: 501 SE Port St. Lucie Boulevard, Port St. Lucie, Florida 34984
Telephone No.: (772) 924-2602 FAX No.: (561) 478-5012

PROPERTY INFORMATION

Legal Description: Port St. Lucie - Section 18, Block 705, Lots 1, 2, 40, 41 (OR 679/2023)
(Include Plat Book and Page)

Parcel I.D. Number: 3420-585-1231-000-2

Current Zoning: Professional (P)

Proposed Zoning: Limited Mixed Use District (LMD)

Future Land Use Designation: Commercial General (CG) Acreage of Property: Approximately 1.06

Reason for Rezoning Request: To allow more flexibility in allowed uses on subject property. Please attached to this application a Project Narrative which justifies the request further.

RECEIVED

JUN 29 2011

PLANNING DEPARTMENT
CITY OF PORT ST. LUCIE FL


Signature of Owner

Bradley J. Currie
Hand/Print Name

June 30, 2011
Date

*If signature is not that of the owner, a letter of authorization from the owner is needed.

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.

FLORIDA DEPARTMENT OF STATE DIVISION OF CORPORATIONS

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Entity Name Search

No Events

No Name History

Detail by Entity Name

Florida Profit Corporation

PACE-2000, INC.

Filing Information

Document Number G33664
 FEI/EIN Number 592291228
 Date Filed 04/18/1983
 State FL
 Status ACTIVE

Principal Address

1225 SE PORT ST. LUCIE BLVD
 PORT ST. LUCIE FL 34952

Changed 02/22/2011

Mailing Address

1225 SE PORT ST. LUCIE BLVD UNIT A
 PORT ST. LUCIE FL 34952

Changed 01/22/2008

Registered Agent Name & Address

NADALIN, ANDREW
 1225 SE PORT ST. LUCIE BLVD
 PORT ST. LUCIE FL 34952 US

Name Changed: 05/22/2002

Address Changed: 02/22/2011

Officer/Director Detail

Name & Address

Title P

NADALIN, ANDREW
 1225 SE PORT ST. LUCIE BLVD
 PORT ST. LUCIE FL 34952 US

Title P

NADALIN, ANDREW V
 1225 SE PORT ST. LUCIE BLVD
 PORT ST LUCIE FL 34952 US

Annual Reports

Report Year Filed Date

2009 03/17/2009
 2010 02/16/2010
 2011 02/22/2011

Document Images

- [02/22/2011 -- ANNUAL REPORT](#)
- [02/16/2010 -- ANNUAL REPORT](#)
- [03/17/2009 -- ANNUAL REPORT](#)
- [01/22/2008 -- ANNUAL REPORT](#)
- [02/05/2007 -- ANNUAL REPORT](#)
- [01/30/2006 -- ANNUAL REPORT](#)
- [04/14/2005 -- ANNUAL REPORT](#)
- [04/15/2004 -- ANNUAL REPORT](#)
- [02/03/2003 -- ANNUAL REPORT](#)
- [05/22/2002 -- ANNUAL REPORT](#)
- [04/11/2001 -- ANNUAL REPORT](#)
- [10/25/2000 -- ANNUAL REPORT](#)
- [02/22/1999 -- ANNUAL REPORT](#)
- [03/26/1998 -- ANNUAL REPORT](#)
- [06/26/1997 -- ANNUAL REPORT](#)
- [01/28/1997 -- ANNUAL REPORT](#)
- [04/29/1996 -- ANNUAL REPORT](#)
- [04/28/1995 -- ANNUAL REPORT](#)

Note: This is not official record. See documents if question or conflict.

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 State of Florida, Department of State

CONTRACTOR

HAMCO FORM 8

Return to: (include self-addressed stamped envelope)

Name

1028548

Address

This instrument prepared by: Angelo Madalin.

Address: ~~10766 S. Federal Hwy.~~

Port St. Lucie, Fla. 33452.

Rec Fee \$ 6.00 BOUGLAB DIXON

Adm Fee \$ _____ St. Lucie County

Tax Fee \$ _____ Clerk of Circuit Court

Int Fee \$ _____ By J.K.

Total \$ 6.55 Deputy Clerk

'90 FEB 27 P2:10
1028548 6X

FILED AND RECORDED
BOUGLAB DIXON
ST. LUCIE COUNTY

SPACE ABOVE THIS LINE FOR PROCESSING DATA

SPACE ABOVE THIS LINE FOR RECORDING DATA

This Quit-Claim Deed, Executed this 1 day of October, A. D. 1988, by

Eastgate Investments, Inc. a Florida Corporation
first party, to
Face 2000 Inc. a Florida Corporation.

whose postoffice address is ~~10766 S. Fed. Hwy., Port St. Lucie, FL 33452.~~
1229 S.E. Port St Lucie Blvd. PORT ST LUCIE FLA 33452
second party:

(Wherever used herein the terms "first party" and "second party" shall include singular and plural, heirs, legal representatives, and assigns of individuals, and the successors and assigns of corporations, wherever the context so admits or requires.)

Witnesseth, That the said first party, for and in consideration of the sum of \$ 10.00 in hand paid by the said second party, the receipt whereof is hereby acknowledged, does hereby remise, release and quit-claim unto the said second party forever, all the right, title, interest, claim and demand which the said first party has in and to the following described lot, piece or parcel of land, situate, lying and being in the County of St. Lucie State of Florida, to-wit:

Lots 1,2,3,40,41, Block 705, FORT ST. LUCIE SECTION EIGHTEEN, according to the Plat thereof, as recorded in Plat Book 13, Page 17, 17A through 17K of the Public Records of St. Lucie County, Florida.

STATE OF FLORIDA
COUNTY OF ST. LUCIE
RECORDED
FEB 27 1990
1028548

To Have and to Hold the same together with all and singular the appurtenances thereto belonging or in anywise appertaining, and all the estate, right, title, interest, term, equity and claim whatsoever of the said first party, either in law or equity, to the only proper use, benefit and behoof of the said second party forever.

In Witness Whereof, The said first party has signed and sealed these presents this day and year first above written.
Signed, sealed and delivered in presence of:

Handwritten signature

Handwritten signature

EASTGATE INVESTMENTS, INC.
Handwritten signature
ANGELO MADALIN, PRES.

STATE OF FLORIDA,
COUNTY OF ST. LUCIE

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State aforesaid and in the County aforesaid to take acknowledgments, personally appeared

ANGELO MADALIN,
to me known to be the person described in and who executed the foregoing instrument and he acknowledged before me that he executed the same.

WITNESS my hand and official seal in the County and State last aforesaid this 27 day of October, A. D. 1988.

BOOK 679 PAGE 2023

Handwritten signature

CHELSEA TITLE B.C. BLVD #77

Prepared by: MARILYN L. RUSSELL
CHELSEA TITLE COMPANY
1229 S.E. PORT ST. LUCIE BLVD. PORT ST. LUCIE, FL 34957
Incidental to the issuance of a title insurance policy.
File No. 1 2062194-437
Parcel to # 3420-585-1333-000/6
Contract(s) to # 063-30-2417, 078-34-2994

* Doc Assump: \$
* Doc Tax : \$
* Int Tax : \$

0.00
508.30
0.00

WARRANTY DEED
(CORPORATE)

This WARRANTY DEED, dated September 2, 1994

by PAGE 2000, INC., a Florida corporation

whose post office address is
208 SW PORT ST. LUCIE BLVD PORT ST. LUCIE, FL 34984
hereinafter called the GRANTOR, to
MARION SIMMON and FRISCELLE SIMMON, his wife

whose post office address is
34-72 112TH STREET, CORONA, NY 11368-1320

hereinafter called the GRANTEE:
(wherever used herein the terms "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 \$10.00 and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, gives, conveys, releases, conveys and confirms unto the GRANTEE, all that certain land situate in St. Lucie County, Florida, viz:

Lot 3, Block 705, PORT ST. LUCIE SECTION EIGHTEEN, according to the plat thereof, recorded in Plat Book 13, Pages 17, 17A through 17K of the Public Records of St. Lucie County, Florida.

Joanna Holman, Clerk of the Circuit Court - St. Lucie County
File Number: 1349484 OR BOOK 0919 PAGE 1282
Recorded: 09-12-94 04:07 P.M.

SUBJECT TO covenants, conditions, restrictions, reservations, limitations, easements and agreements of record, if any; taxes and assessments for the year 1994 and subsequent years; and to all applicable zoning ordinances and/or restrictions and prohibitions imposed by governmental authorities, if any.

TOGETHER with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

TO HAVE AND TO HOLD, the same in fee simple forever.

AND THE GRANTOR hereby covenants with said GRANTEE that except as above noted, the GRANTOR is lawfully seized of said land in fee simple; that the GRANTOR has good right and lawful authority to sell and convey said land; that the GRANTOR hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whatsoever.

IN WITNESS WHEREOF, GRANTOR has signed and sealed these presents the date set forth above.

PAGE 2000, INC.

SIGNED IN THE PRESENCE OF THE FOLLOWING WITNESSES:

Signature: Anita J. Ferrico-Smith
Print Name: ANITA J. FERRICO-SMITH

By: Angelo Madalin
ANGELO MADALIN
President

Signature: Marilyn L. Russell
Print Name: MARILYN L. RUSSELL

State of Florida
County of St. Lucie
I am a notary public of the state of Florida and my commission expires: _____
THE FOREGOING INSTRUMENT was acknowledged before me on September 2, 1994 by
ANGELO MADALIN, President

of PAGE 2000, INC., a Florida corporation

, on behalf of the corporation.
herein is personally known to me or has produced _____ as identification and _____ takes an oath.
(type of identification) (signature) (did not)



MARILYN L. RUSSELL
Notary Public, State of Florida
Signature: Marilyn L. Russell
Print Name: MARILYN L. RUSSELL
Notary Public
Comm. No. 06 955137



PROJECT NARRATIVE

Pace Property

Rezoning Application

June 30, 2011

REQUEST

On behalf of the Petitioner, Land Design South of Florida, Inc. is requesting rezoning approval for a project to be known as Pace Property Rezoning. The applicant is requesting to rezone the 1.06 acre property from Professional (P) to Limited Mixed Use District (LMD). The property is located at 208 SW Port St. Lucie Boulevard, or on the southeast corner of Port St. Luce Boulevard and Cary Street.

SITE CHARACTERISTICS & PROJECT HISTORY

The subject property is located on the south side of Port St. Lucie Boulevard, approximately 1,800 feet west of the Florida Turnpike. The subject property is comprised of approximately 1.06 acres and currently contains three (3) structures. These three (3) structures use to be the Pace 2000 Model Home Center. The property has been vacant for some time and the new owners are seeking to rezone the property to allow more flexibility in allowed uses.

The subject property has a Future Land Use designation of Commercial General (CG) and is located in the Professional (P) zoning district. The applicant is proposing to rezone the property to Limited Mixed Use District (LMD). According to Policy 1.1.4.13 of the City of Port St. Lucie Comprehensive Plan the LMD district is compatible with the CG Future Land Use Designation.

To the north of the subject property is the 100-foot right of way (ROW) for Port St. Lucie Boulevard. On the north side of Port St. Lucie Boulevard is a developed property that has a Future Land Use designation of CG and is located in the Commercial General (CG) zoning district. To the east of the subject property are two (2) parcels. The northern most lot is vacant and the southern lot is improved with an existing building. These two (2) parcels have a Future Land Use designation of CG and they are located in the CG zoning district. To the south of the subject property is the 60-foot ROW for Essex Drive. On the south side of Essex Drive are several single family lots which have a Future Land Use designation of Residential Low (RL) and are located in the RS-2 zoning district. To the west of the subject property is the 60-foot ROW for Cary Street. On the west side of the ROW is a developed property with a Future Land Use of CG and a zoning designation of LMD.

This analysis demonstrates how the request for rezoning to LMD is completely compatible with the surrounding land use and zoning designations.

The subject previously received site plan approval on February 14, 1989. This approval was for the construction of three (3) model homes. From north to south, the square footage of each building is:

- Flamingo – 2,444 square feet
- Cardinal – 2,605 square feet
- Sandpiper – 2,747 square feet

RECEIVED

JUN 29 2011

PLANNING DEPARTMENT
CITY OF PORT ST. LUCIE, FL

Total site square footage approved for the site is 7,796 square feet. As a part of this submittal, the applicant prepared an as built survey of the site. The as built survey shows that there is a total of 7,739 square feet built on the subject property. This consists of three buildings totaling 7,607 square feet and one (1) small storage building comprised of 132 square feet. This will be the square footage used to assess the project. As a part of this rezoning request the applicant is not proposing to add additional square footage to the site.

The purpose for this request is to allow more flexibility in uses on the subject property. The existing P zoning designation is restrictive in that it does not allow residential or institutional uses. After obtaining the rezone, the property owner can market the site to a much broader market. The applicant expects there to be a mixture of uses on the site. The exact use will be determined as part of the site plan approval for the property. Any change from the existing model home use will require a new site plan approval. The approval of the LMD rezoning requires the new user to only obtain site plan approval, shorting the approval time line for a new use.

REZONING REQUIREMENTS

Section 158.155 of the Port St. Lucie Zoning Code identifies the requirements for rezoning a property to LMD. As previously stated, the applicant is requesting the rezoning application to allow a mixture of uses to occur on the site. As identified in Section 158.155(c) and (d) the LMD district allows permitted and special exception uses that are allowed in P, Institutional (I), multi family residential (RM-11), and various retail uses. Due to the current economic state, the owner believes that the flexibility allowed by the LMD district will open his property up to additional potential users.

The next portions of Section 158.155 deal with the minimum property development regulations for the LMD district. Section 158.155(F) states there is a minimum of 20,000 square feet lot size for the LMD district. The subject property is 1.05 acres is therefore meets this requirement. Section (G) states there is a maximum 40% building coverage. The applicant is proposing a total of 7,607 square feet. That equates to a 16.64% building coverage which is consistent with Section (G) of the zoning code. Section (H) states the maximum building height is thirty-five (35) feet. The applicant is not proposing to change the height of the existing buildings which are less than thirty-five (35) feet and therefore is consistent with this section of the zoning code. Section (I) states the minimum building size and minimum living areas. The first portion of Section (I) requires a minimum commercial and office building size of 1,200 square feet. The applicant is proposing three (3) building all of which are over the minimum building size and therefore the application meets the requirements of Section (I).

Section (J) of Section 158.155 outlines the requirements for the building setbacks. For the purpose of this discussion, the front of the site will be considered the frontage on Port St. Lucie Boulevard and the rear will be considered the frontage on Essex. Section (J)(1) states the front setback shall be twenty-five (25) feet. The existing buildings are set back twenty-five (25) feet from the northern property line and are consistent with the code required set back. Section (J)(2) states that the side setback where the side abuts a road ROW shall be twenty-five (25) feet and where it does not the setback shall be ten (10) feet. The portion of the property that has a side setback fronting a road ROW is setback over eighty-four (84) feet. The portion of the property that has a side setback from another property is setback a minimum of ten (10) feet to the screen enclosure. The subject property is compliant with the side setback requirements of Section (J)(2). Section (J)(3) states the rear setback shall be a minimum of twenty-five (25) feet when the rear setback abuts a public ROW. The proposed application has a over a twenty-five (25) foot setback from the Essex Drive ROW.

The last section of Section 158.155(J) describes the landscape buffering requirements. The preliminary development plan submitted with this project narrative identifies the required landscape buffers for this site. The major changes in landscaping are that now the applicant is proposing a fifteen (15) foot buffer along Port St. Lucie Boulevard and a ten (10) foot buffer with a fence along the boundary with Lot 3. The previously approved plan did not identify the required buffers along Carry Street, Essex Drive, and along the boundary with Lot 39B. The preliminary development plan submitted with the project narrative clearly identifies the required ten (10) foot buffer in these areas.

Section 158.155(K) of the code deals with the required off-street parking and loading spaces. For the purpose of this rezone the applicant is assuming that the entire square footage will be used as an office. The office use requires one (1) space for every two hundred (200) square feet. That being the case, the subject property is required to have a total of thirty-eight (38) spaces. The applicant is proposing thirty-eight (38) spaces on the proposed preliminary development plan submitted with this project narrative.

The applicant understands that as part of Section 158.155(K) the Planning and Zoning Board and the City Council may apply specific standards for this project.

Section 158.155(M) identifies the required procedures for rezoning land to LMD. The applicant has demonstrated that they have complete control over the four (4) lots by way of providing the deed. This project narrative, and the signature on the application represents the applicants' agreement to proceed with the proposed development and understanding that there may be additional conditions placed on the approval. As required as a part of the LMD request, please find attached to this narrative and the application, the required Preliminary Development Plan. The plan was completed in accordance with the requirements as outlined in Section 158.155(M)(1)c. of the Zoning Code. Also, the applicant has completed preliminary architectural plans to demonstrate compliance with the Port St. Lucie Design Guidelines. Lastly, the applicant prepared preliminary landscape plans to show compliance with the City's landscape code.

Based on the above justification and attached information, the Petitioner respectfully requests approval of this request.

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