

A RESOLUTION GRANTING A SPECIAL EXCEPTION USE FOR AN ENCLOSED ASSEMBLY AREA IN P (PROFESSIONAL) ZONING DISTRICT PER SECTION 158.122 (C) ON GENA ROAD, LEGALLY DESCRIBED AS LOTS 1 AND 2 (P12-019); PROVIDING AN EFFECTIVE DATE:

WHEREAS, the City of Port St. Lucie, Florida, has been requested by John S. Cairns and Marlene A. Cairns, to grant a special exception use to allow an Enclosed Assembly Area, for a 1,617 sq. ft. Yoga Studio located at 1981 SE Port St. Lucie Blvd., north of Port St. Lucie Blvd., east of Gena Road, and west of U.S. Highway No.1, per 158.122 (C) of the zoning code; and legally described as Lots 1 and 2, Block 115, Port St. Lucie Unit 4; and

WHEREAS, the City Council determines that the granting of this special exception use is authorized by Section 158.255, et seq., Section 158.122 (C) (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, on March 6, 2012, the Planning and Zoning Board unanimously recommended approval of the Special Exception Use of the proposed Yoga Studio (P12-019); and

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

Section 1. That the City of Port St. Lucie hereby grants a special exception use to John S. Cairns and Marlene A. Cairns, the owners (P12-019), to allow an Enclosed Assembly Area, for a 1,617 sq. ft. Yoga Studio in P (Professional) zoning district, pursuant to Section 158.255, et seq., and Section 158.122 (C), 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 at 1981-1985 SE Port St. Lucie Blvd., north of Port St. Lucie

Resolution No. 12-R30

Blvd., east of Gena Road, and west of U.S. Highway No.1, and legally described as Lots 1 and 2, Block 115, Port St. Lucie Unit 4.

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

PASSED AND APPROVED by the City Council of the City of Port St. Lucie, Florida, this 26th day of March, 2012.

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

MEETING: REGULAR X SPECIAL

DATE: MARCH 26, 2012

ORDINANCE RESOLUTION X MOTION PUBLIC HEARING X

ITEM: SPECIAL EXCEPTION USE APPLICATION (P12-019)
 JOHN S. CAIRNS AND MARLENE A. CAIRNS

RECOMMENDED ACTION:

On March 6, 2012, the Planning and Zoning Board unanimously recommended approval of the Special Exception Use as recommended by the staff.

EXHIBITS:

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

SUMMARY EXPLANATION/BACKGROUND INFORMATION:

To allow an Enclosed Assembly Area (1,617 sq. ft. Yoga Studio) in the P (Professional) zoning district as per Section 158.122 (C). The Ordinance 12-09 was approved on 3/12/12 and it provided that the Enclosed Assembly Area will be a Special Exception Use in the P (Professional) zoning district.

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

None

SUBMITTING DEPARTMENT: PLANNING and ZONING

DATE: 3/16/12



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

TO: PLANNING AND ZONING BOARD - MEETING OF MARCH 6, 2012

FROM: THRESIAMMA KURUVILLA, PLANNER *JK*

RE: SPECIAL EXCEPTION USE APPLICATION (PROJECT NO. P12-019)
 JOHN S. CAIRNS AND MARLENE A. CAIRNS

DATE: FEBRUARY 24, 2012

OWNERS: John S. Cairns and Marlene A. Cairns

APPLICANTS: John S. Cairns and Marlene A. Cairns

LOCATION: The property is located at 1981 SE Port St. Lucie Blvd., north of Port St. Lucie Blvd., east of Genia Road, and west of U.S. Highway No. 1.

LEGAL DESCRIPTION: Lots 1 and 2, Block 115, Port St. Lucie Unit 4.

SIZE: 0.80 acres (34,814 square feet).

EXISTING ZONING: P (Professional) zoning

EXISTING USE: There are two buildings on this property. There is an office on Lot 1 and there is a residential building on Lot 2.

PROPOSED USE: Enclosed Assembly Area (Yoga Studio) – The Zoning Code defines an Enclosed Assembly Area as “Any enclosed area, building or structure where people assemble for a common purpose, such as social, civic, cultural, recreational and/or religious purposes, whether owned and/or maintained by a for-profit or not-for-profit entity, and includes, but is not limited to, public assembly buildings such as auditoriums, theaters, halls, private clubs and fraternal lodges, assembly halls, exhibition halls, convention centers, and places of worship, or other areas, buildings or structures that are used for religious purposes or assembly by persons. Day care centers will be considered an enclosed assembly area.”

REQUESTED SPECIAL EXCEPTION: To allow an Enclosed Assembly Area (1,617 sq. ft. Yoga Studio) in the P (Professional) zoning district.

SURROUNDING USES: North = RS-1 (Single Family Residential); South = Port St. Lucie Blvd. and P (Professional) zoning, vacant; East = CG-SEU (General Commercial-Special Exception Use, Express Care Auto repair; and West = P (Professional) zoning D&E Income Tax Service, Chiropractor office.

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: The present parking and ingress and egress is already established, and will be from Gena Road.

Staff: The proposed location of the Enclosed Assembly Area is in a 7,020 sq. ft. office building located at 1981 SE Port St. Lucie Blvd. The access to this property is from Gena Road and is adequate to handle the traffic generated by the proposed yoga studio. The original site plan for LBJ (P84-98) was approved for Building 1 on Lot 1. The Site Plan Review Committee reviewed the latest site plan (P11-022) for Gena Road Lot 2 Development (P11-022) for the existing 7,020 sq. ft. office building on Lot 1, with the addition of existing residential building (2,472 sq. ft.) on Lot 2 on 8/26/11. Fire Department and Engineering Department reviewed this project and recommended approval of this project with comments to renovate the house into professional/office building and provision of additional parking. The site plan was approved by the City Council on 9/26/2011. It's understood from Engineering Department that they haven't pulled an Engineering Permit for cross access connection and parking layout as shown in the approved site plan.

(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: The parking area is off street and has been in effect for over 20 years.

Staff: Staff agrees that there is space to accommodate parking. The rezoning of Lot 2 from RS-1 (Single Family Residential) to P (Professional) zoning had been approved as per Ordinance # 11-03, but Lot 2 has not been improved according to the approved site plan. The house on this lot has to comply with the Building Code also. The original site plan for LBJ (P84-98) shows 35 parking spaces existing on Lot 1, and the proposed site plan combining Lots 1 and 2 shows 52 parking spaces as per Exhibit A at the ratio of 1 parking space for every 200 sq. ft. According to the application submitted by the applicant, the total square footage allotted to the Yoga Studio is 1,617 sq. ft. (see the attached email and the conceptual floor plan from the yoga instructor). Yoga can be practiced on and

off the mat and it offers practical tools to foster psychological and spiritual growth. Yoga requires space to practice and learning different types of stretches and poses. Meditation, Pranayama and Savasana need more calm and quiet spaces. This will limit the capacity of the site. Yoga should be considered as an indoor group-oriented training facility, and the required parking is 8 at the ratio of 1 space for each 200 sq. ft. of the gross floor area. Upon researching the businesses at this location, the insurance agency occupies two or three bays of this building and the rest are found vacant.

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

Applicant: There is a separate Electric Room outside of building for access to meters and water meters are established by roadside. Site is already served by existing utilities.

Staff: This property is connected to City water and no additional capacity will be required for the proposed special exception use.

(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: Buffering already established with concrete wall.

Staff: The perimeter trees are in good condition on Lot 1. A landscape plan combining Lots 1 and 2 was approved with the new site plan (P11-022) and has to be inspected by the staff prior to the issue of Certificate of Occupancy and Commercial Tenant Improvement Permit.

(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: There is an existing monument sign on the property. Yoga studio will be allowed by owner to place their own sign after receiving the approval.

Staff: The applicant's response adequately addresses this criterion. The site is developed and no additional lighting or signage is being proposed. If additional signage is proposed, it will need to be processed according to the current sign code, and additional light poles for Lot 2 are shown on the new site plan.

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

Applicant: There will be no change in the adjoining properties and no change in external structure of building and no change in landscape.

Staff: The applicant's response adequately addresses this criterion. The proposed use will not require any additional yard or open space. The proposed

use of Enclosed Assembly Area will not require the applicant to make any changes or additions to the existing yard and open space designated on this site. Also it is important to note that, all activities will take place indoors, and consequently there is no need to require any additional yard or open space.

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

Applicant: The Yoga studio will teach and train students in a very quiet and healthy setting.

Staff: At the direction of the City Council a Zoning Text Amendment (P12-002) to the Section 158.122 (C) to add enclosed assembly area to the list of special exception uses in the P (Professional) zoning district was approved unanimously by the Planning and Zoning Board on 2/07/2012. The first reading of the ordinance will be on 2/27/12 and the second reading will be on 3/12/12. As per the definition of the enclosed assembly area, the yoga studio will be reviewed as a special exception use in P (Professional) zoning district.

(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 Yoga studio is considered as an improvement to health and will be an asset to the residents of Port St. Lucie.

Staff: The applicant states that the proposed use is to train the students to acquire healthy living and life skills. This facility should 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: The class size will not impair nor create a problem in parking and is a quiet type of business.

Staff: The proposed business should not generate abnormal noise, fumes, vehicle movement or physical activity that would impede any adjoining building. Most of the adjacent units are vacant now, and the training will be indoors. Yoga can be practiced on and off the mat and it offers practical tools to foster psychological and spiritual growth. According to the application submitted by the applicant, the total square footage allotted to the Yoga Studio is 1,625 sq. ft. Yoga requires space to practice and learning different types of stretches and poses. Meditation, Pranayama and Savasana need more calm and quiet spaces. This will limit the capacity of the site.

(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: This proposal of use may be considered as a health purpose and creates no noise, fumes or any adverse condition to the other tenants of the building or adjacent property owners or tenants.

Staff: The site is already developed, and the proposal will only be changing one of the uses of the building. It should be compatible with the site itself, as well as with the adjacent properties.

(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.

The applicant has acknowledged this section.

(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.

The applicant has acknowledged this section.

Compatibility with special exception criteria:

As per section 158.122 (C) of the zoning code, in P (Professional) zoning district, a Yoga Studio is considered as a recreation and a religious use and is not a permitted use now. At the direction of the City Council, a Zoning Text Amendment (P12-002) to the Section 158.122 (C) to add enclosed assembly area to the list of special exception uses in the P (Professional) zoning district was recommended for approval unanimously by the Planning and Zoning Board on 2/07/2012. The first reading of the ordinance will be on 2/27/12 and the second reading will be on 3/12/12. As per the definition of the enclosed assembly area, the yoga studio will be reviewed as a special exception use in P (Professional) zoning district.

Other Similar Projects:

1. As per Resolution 11-R81, an Enclosed Assembly Area was approved in CG (General Commercial) zone for Grace Church in the Town Center Shopping Center located at 10011 South US Highway 1.

Notice to Property Owners: A notice has been sent to all property owners within a 300 foot radius.

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.

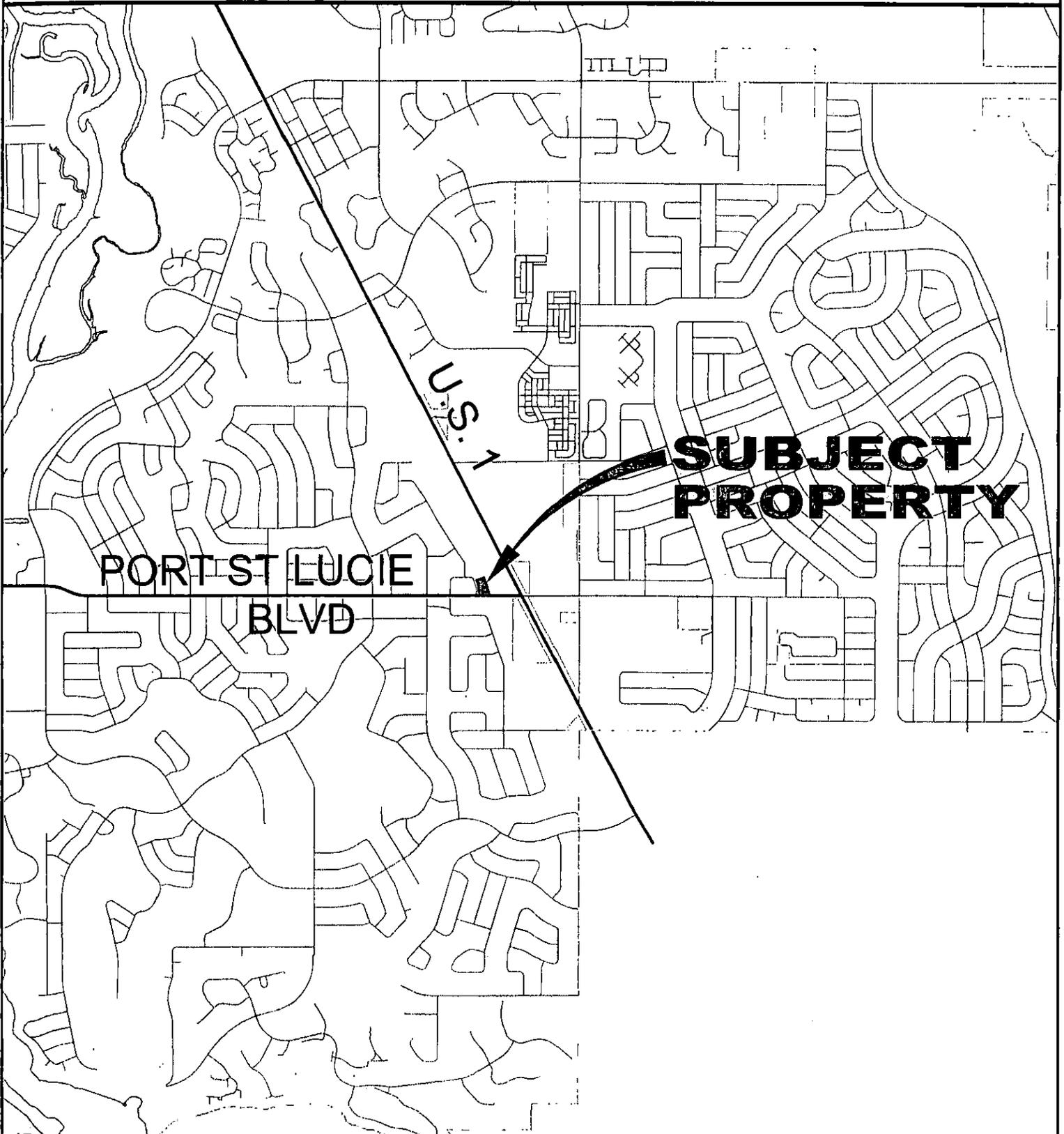
Planning and Zoning Board Action Options:

- Motion to recommend approval to the City Council
- Motion to recommend approval to the City Council with conditions
- Motion to recommend denial to the City Council

*Should the Board need further clarification or information from either the applicant and/or staff, it may exercise the right to *table* or *continue* the hearing or review to a future meeting.

Update: The Ordinance 12-09 was approved on 3/12/12 and it provided that the Enclosed Assembly Area will be a Special Exception Use in the P (Professional) zoning district.

SITE LOCATION



CITY OF PORT ST. LUCIE
PLANNING & ZONING DEPT.

Prepared by:
M.I.S. DEPARTMENT

FZ 2012.DWG

SPECIAL EXCEPTION USE
LOTS 1 & 2 BLOCK 115
PORT ST LUCIE UNIT 4

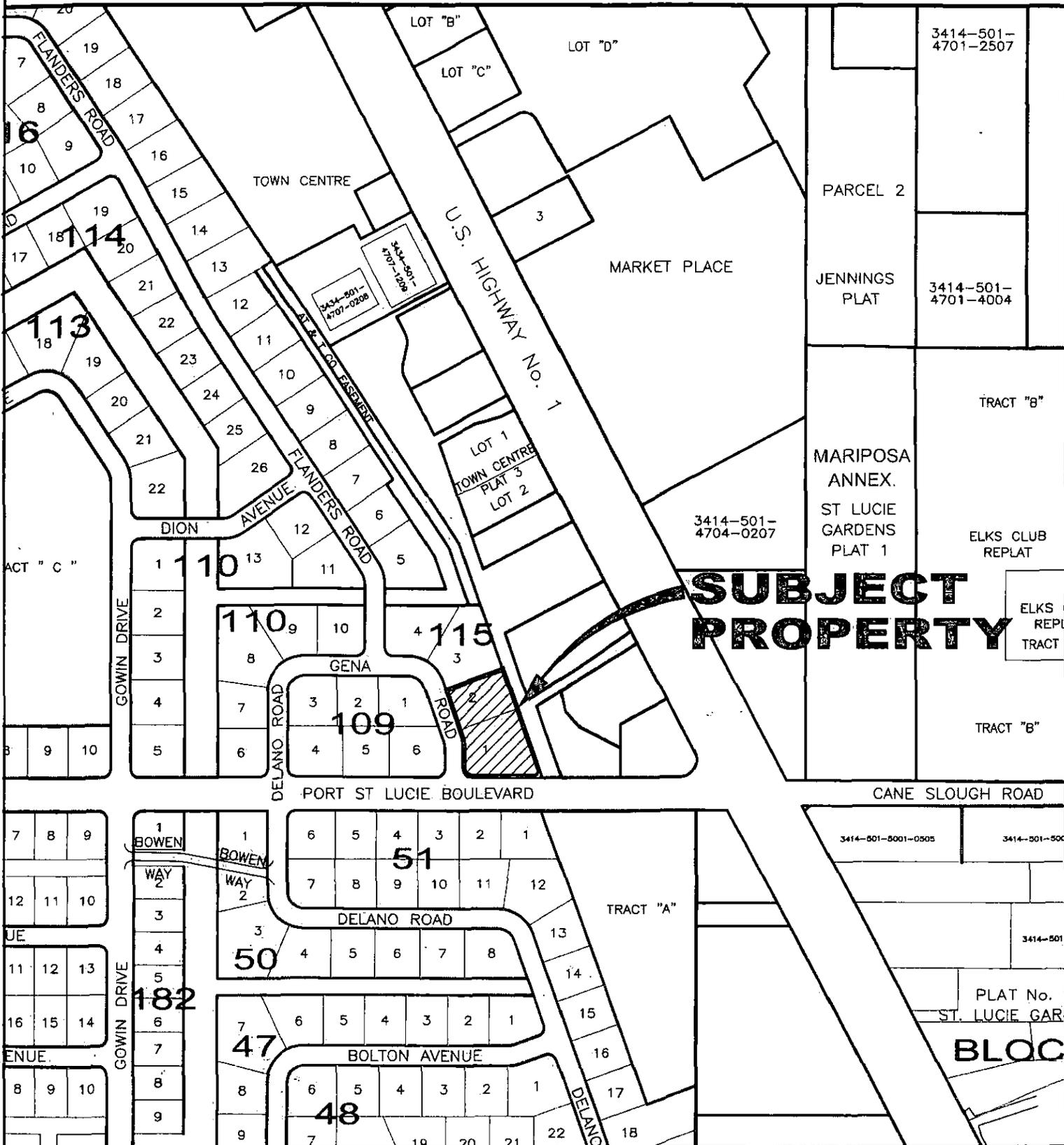
DATE: 2/3/2012

APPLICATION NUMBER:
P12-019

CADD FILE NAME:
P12-019L

SCALE: 1" = .5 MI

SITE LOCATION



CITY OF PORT ST. LUCIE
PLANNING & ZONING DEPT.

Prepared by:
M.I.S. DEPARTMENT

PZ. 2012.DWG

SPECIAL EXCEPTION USE
LOTS 1 & 2 BLOCK 115
PORT ST LUCIE UNIT 4

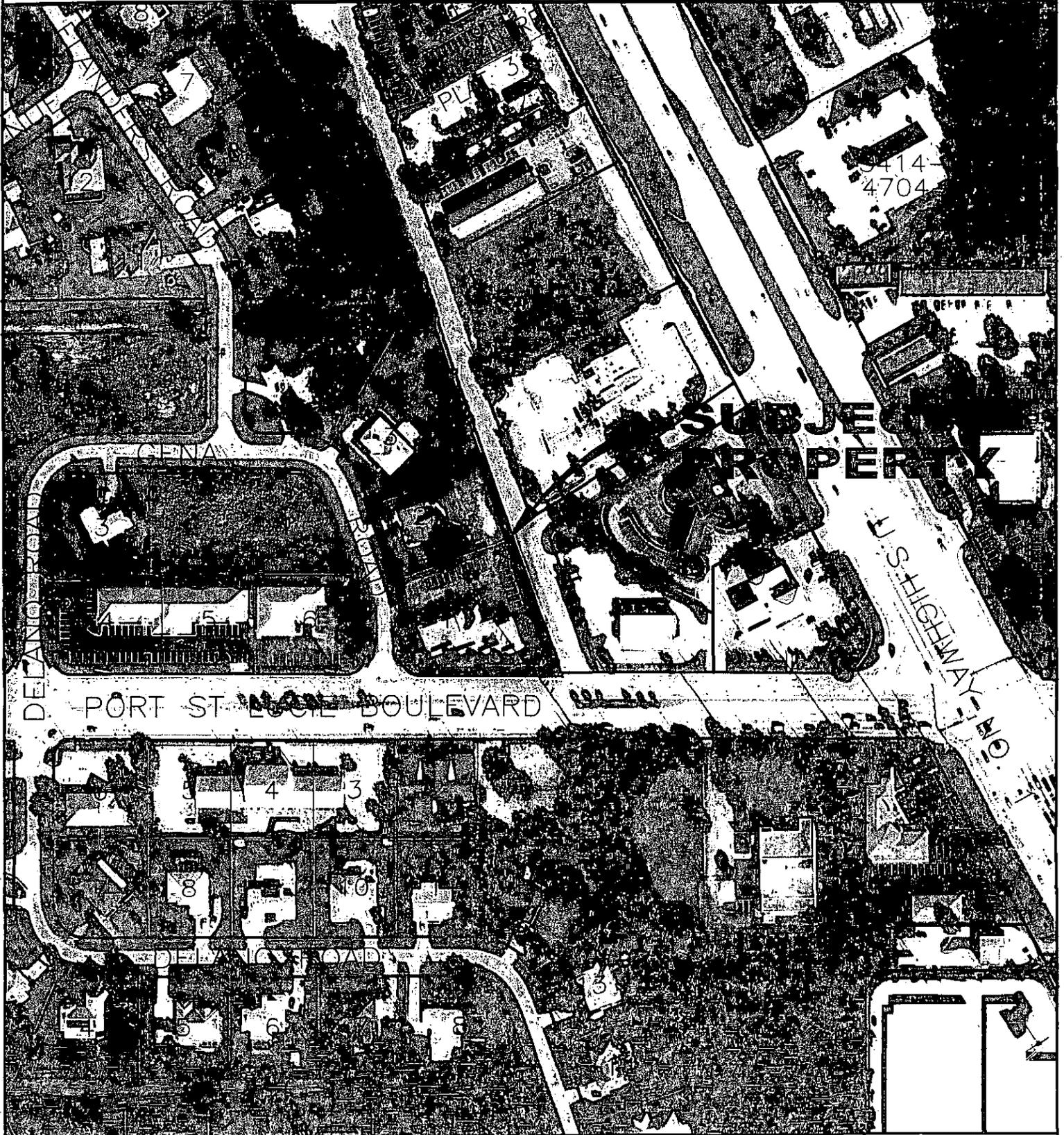
DATE: 2/3/2012

APPLICATION NUMBER:
P12-019

CADD FILE NAME:
P12-019M

SCALE: 1" = 400'

SITE LOCATION



CITY OF PORT ST. LUCIE
PLANNING & ZONING DEPT.

Prepared by:
M.I.S. DEPARTMENT

PZ 2012.DWG

SPECIAL EXCEPTION USE
LOTS 1 & 2 BLOCK 115
PORT ST LUCIE UNIT 4
AERIAL DEC 2010

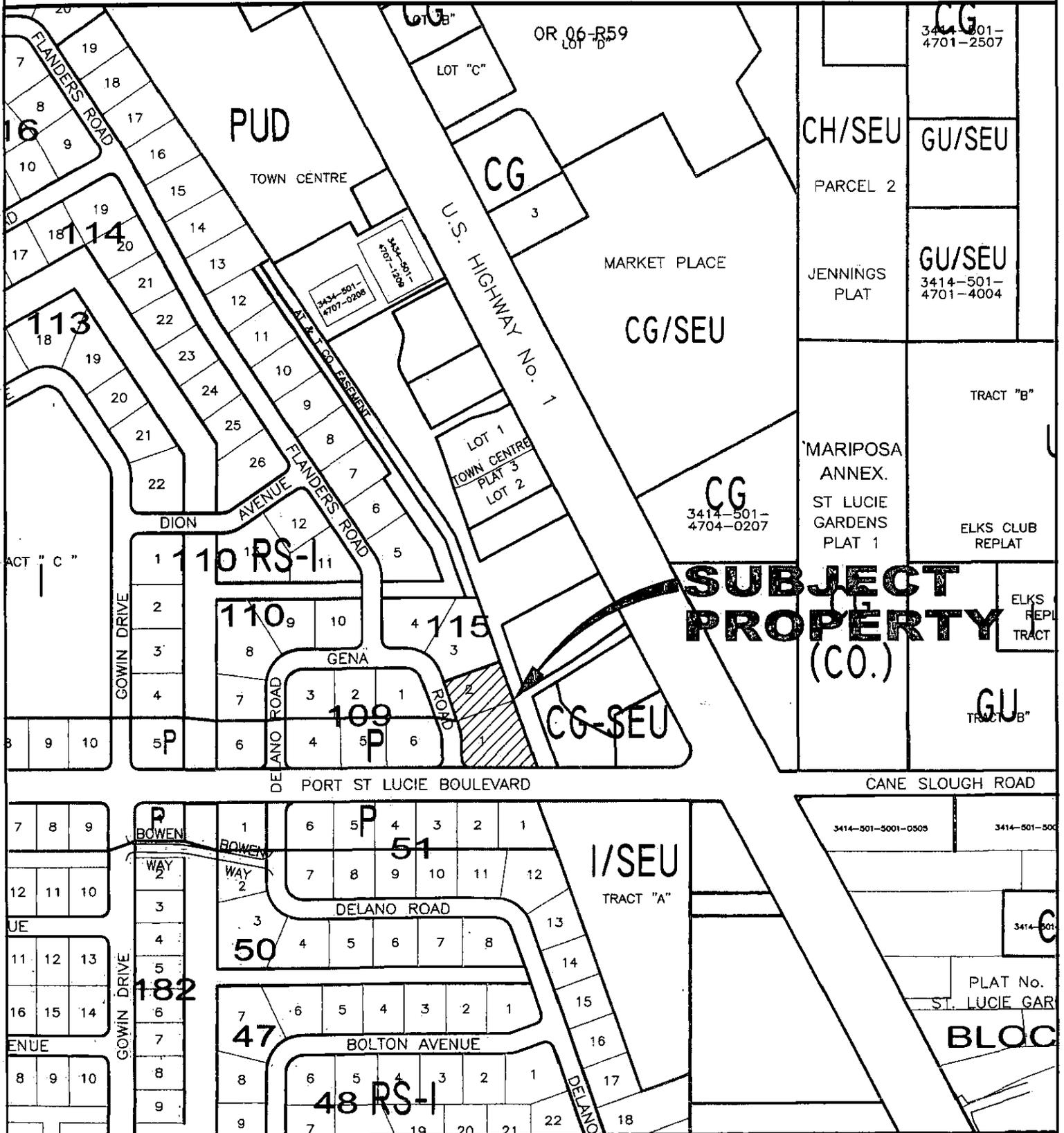
DATE: 2/3/2012

APPLICATION NUMBER:
P12-019

CADD FILE NAME:
P12-019A

SCALE: 1"=200'

EXISTING ZONING



CITY OF PORT ST. LUCIE
PLANNING & ZONING DEPT.

Prepared by:
M.I.S. DEPARTMENT

PZ 2012.DWG

SPECIAL EXCEPTION USE
LOTS 1 & 2 BLOCK 115
PORT ST. LUCIE UNIT 4

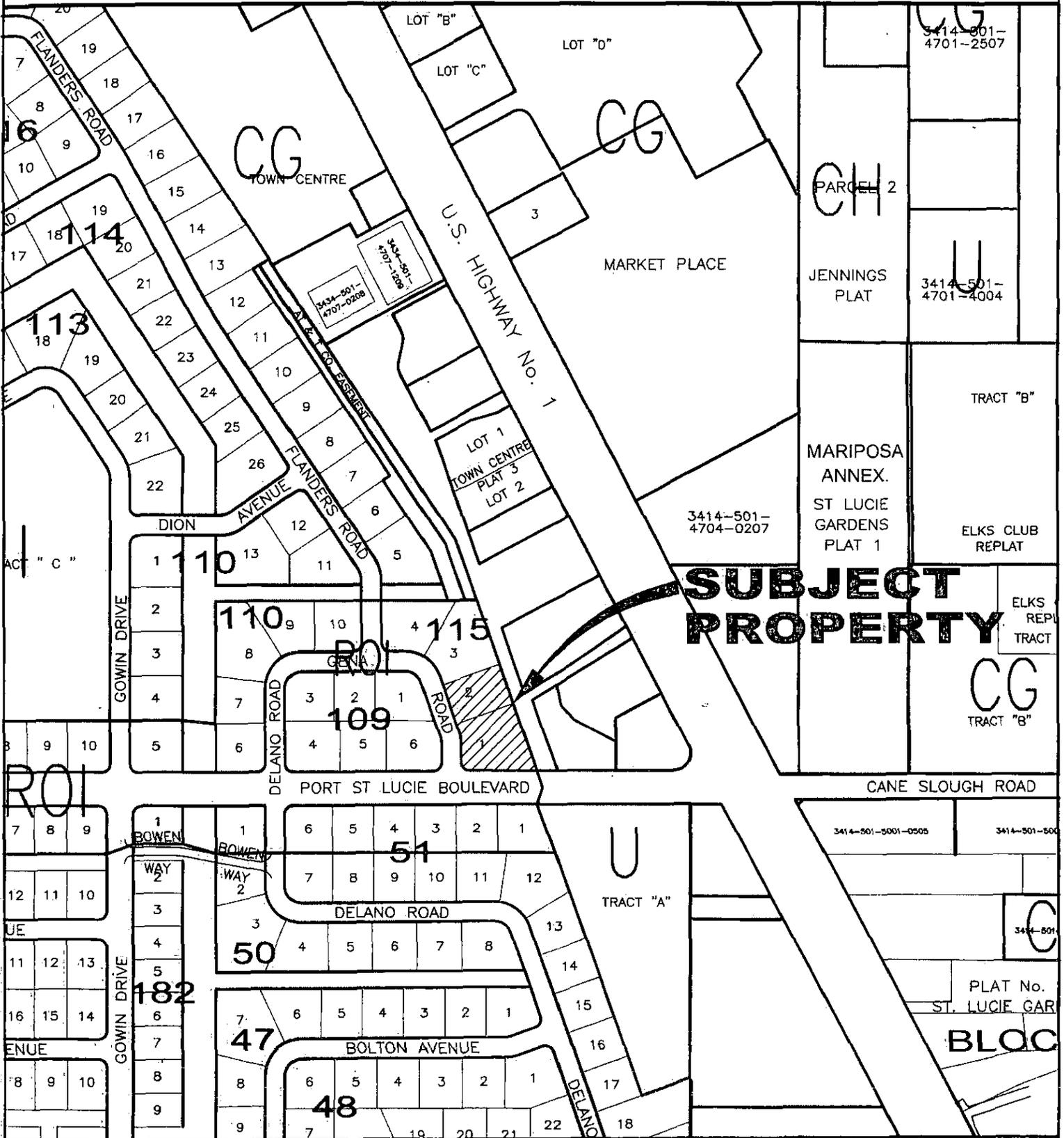
DATE: 2/ 3/2012

APPLICATION NUMBER:
P12-019

CADD FILE NAME:
P12-019M

SCALE: 1" = 400'

FUTURE LAND USE



CITY OF PORT ST. LUCIE
PLANNING & ZONING DEPT.

Prepared by:
M.I.S. DEPARTMENT PZ 2012.DWG

SPECIAL EXCEPTION USE
LOTS 1 & 2 BLOCK 115
PORT ST. LUCIE UNIT 4

DATE: 2/ 3/2012
APPLICATION NUMBER:
P12-019
CADD FILE NAME:
P12-019M
SCALE: 1"=400'

APPLICATION FOR SPECIAL EXCEPTION USE

CITY OF PORT ST. LUCIE

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

FOR OFFICE USE ONLY

Planning Dept P 12-019
Fee (Nonrefundable) \$ 2,115
Receipt # 11549

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 being scheduled for the Site Plan Review Committee meeting or advertising for the Planning and Zoning Board meeting. **Attach two copies of proof of ownership (e.g., warranty deed, affidavit), lease agreement (where applicable), approved Concept Plan or Approved Site Plan, and a statement addressing each of the attached criteria.**

PRIMARY CONTACT EMAIL ADDRESS: Cairns @ gate.net

PROPERTY OWNER:

Name: John S. Cairns and Marlene A. Cairns
Address: 12038 Riverbend Rd. Port St. Lucie, FL 34984
Telephone No.: 772-971-2222 Fax No.: 772-337-6352

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

Name: N/A
Address: _____
Telephone No.: _____ Fax No.: _____

SUBJECT PROPERTY: ① 1981 P.S.L. - Lot 1, Block 115, Unit 4, Pbt Book 13, page 1
② 1985 Gen. - Lot 2, " " " " " " " " " " " "

Legal Description: _____
Parcel I.D Number: _____
Address: 1981 S.E. Port St. Lucie Blvd. Bays: _____
1985 S.E. Gen. Rd.
Development Name: Survey included (Attach Sketch and/or Survey)
Gross Leasable Area (sq. ft.): 1981 - 7000 sq/ft Assembly Area (sq. ft.): 1617 sq/ft
1985 - 2500 "
Current Zoning Classification: D SEU Requested: _____

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

The present code allows for "Studio for performing arts" and "Professional use" but does not specifically indicate the requested use of the "Yoga Studio"

John S. Cairns / Marlene A. Cairns Signature of Applicant
John S. Cairns / Marlene A. Cairns Hand Print Name
Date 1/31/2012

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 (06/21/11)

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.

(A) 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.

The present parking + ingress + egress is already established, whereas the ingress + egress will be from Gene Rd.

(B) 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.

The parking area is off street and has been in effect for over 20 years

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

There is a separate Electric Room outside of Building for access to meters and water meters are established by roadside.

(D) 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.

Buffering already established with concrete wall.

(E) 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.

Monument sign already in existence and the Yoga Studio will be allowed by Owner to place own sign on Monument sign after receiving P+Z's approval for sign.

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

There ^{will} should be no change in the adjoining properties and no change in external structure of Building + no change in landscape.

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

The Yoga Studio will teach + train students in
a very quiet + healthy setting

(H) 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 yoga studio is considered by many as a
improvement to health and will be an asset to the
residents of Port St. Lucie

(I) 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.

The class size will not impair nor create a problem
in parking and is a quiet type of business.

(J) 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.

This proposal of use may be considered as a health
purpose and creates no noise, fumes, or any adverse condition
to the other tenants of the building or adjacent property owners or tenants.

John S. Cairns / Mark A. Cairns
Signature of Applicant

John S. Cairns / Mark A. Cairns
Hand Print Name

1/31/2012
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.



BOULEVARD DENTAL ASSOCIATES, PA

1343 S.E. PORT ST. LUCIE BLVD.
PORT ST. LUCIE, FL 34952-5536
PHONE: (772) 337-1111
FAX: (772) 337-6352
www.BoulevardDentalAssociates.com

Dear Planning and Zoning,

The buildings located at 1981 S.E. Port St. Lucie, Blvd. and 1985 S.E. Gena Rd. are titled together in a Unity of Title in The Professional zoning code.

There is a tenant who wishes to establish a Yoga Studio in a designated space in the building located at 1981 S.E. Port St. Lucie Blvd. This type of instructional class is a very quiet to other tenants and neighbors and is an asset to our community to be able to provide this type of healthy mobility to our residents.

John S. Cairns

1/31/2012

Date

Marlene A Cairns

1/31/2012

Date

JES/81390
253

Rec Fee \$ 19.50 DOUGLAS DIXON
Add Fee \$ _____ St. Lucie County
Doc Tax \$ 3355.00 Clerk of Circuit Court
Int Tax \$ _____ By JL
Deputy Clerk
Total \$ 3374.50

1063926

SPECIAL WARRANTY DEED

THIS INDENTURE made and entered into this 21 day of August, 1990, by and between BRUCE A. SNIGGER, whose principal place of business and post office address is c/o Reggins Associates, 4 Welby Road, New Bedford, MA 02745 (hereinafter "Grantor") and JOHN S. CAIRNS and MARLENE ANN CAIRNS, husband and wife, whose residence and post office address is 246 Emerita Way, Stuart Fl. 34996 (hereinafter "Grantee").

W I T N E S S E T H:

Emerita

THAT, Grantor, for and in consideration of the sum of Ten Dollars (\$10.00) and other valuable consideration, receipt whereof is hereby acknowledged, by these presents does grant, bargain, sell, alien, remise, release, convey and confirm unto Grantee, all that certain land situate in St. Lucie County, Florida, described as follows:

Lot 1, Block 115, SOUTH PORT ST. LUCIE UNIT FOUR, according to the Plat thereof on file in the Office of the Clerk of the Circuit Court in and for St. Lucie County, Florida recorded in Plat Book 13, Page 11, 11A-11C; said lands situate, lying and being in St. Lucie County, Florida.

AND, the reversions, remainders, rents, issues and profits thereof, and all of the estate, right, title and interest of Grantor both at law and in equity, therein and thereto, absolutely and forever.

TO HAVE AND TO HOLD the same, together with all easements, privileges, tenements, hereditaments and appurtenances thereto belonging or in any wise appertaining, unto Grantee in fee simple absolute forever.

AND, Grantor does warrant to Grantee that the premises conveyed hereby is commercial property which is not the homestead of Grantor.

Prepared by and
Return to:
Neil W. Flatoch, Esq.
Edwards & Angell
250 Royal Palm Way
Palm Beach, FL 33480

COPY

AND, Grantor does hereby covenant with Grantee that Grantor has good right to sell and convey the premises hereinbefore conveyed; that said premises are free from all encumbrances made or suffered by Grantor; and that Grantor WARRANTS the title to said premises AND WILL DEFEND the same against the lawful claims of all persons claiming by, through or under Guarantor, including, but not limited to, any and all encumbrances made or suffered by Grantor, save and except the lien of real property taxes and assessments, if any, which shall be pro-rated as of the date of execution and delivery of this Deed.

AND, Grantor, as additional consideration for the sale and transfer to Grantee of the premises hereinbefore described, does hereby assign, convey and transfer to Grantee, without warranty, each and every warranty and obligation to defend as is contained in and given to Grantor in that certain Warranty Deed to said premises, dated August 29, 1990, made by MEDALLION, INC., a Florida corporation, as grantor, to Grantor, as grantee, recorded on or about the date of recordation hereof under Clerk's File No. 1063725, in the Public Records of St. Lucie County, Florida.

PROVIDED, HOWEVER, that it is expressly understood and agreed by and between Grantor and Grantee that this conveyance is made subject to the terms and provisions of that certain Mortgage, dated June 23, 1987, given by MEDALLION, INC., as mortgagor, to HARBOR FEDERAL SAVINGS & LOAN ASSOCIATION, as Mortgagee (hereinafter "Mortgage"), recorded June 24, 1987 in Official Record Book 547, at Page 1159, in the Public Records of St. Lucie County, Florida, and it is expressly understood and agreed that Grantee hereby jointly and severally assumes the obligations under, and agrees to pay, the aforesaid Mortgage and the note secured thereby and shall comply with all of the terms, covenants, and conditions contained in said Mortgage, including the payment of the balance of the Mortgage indebtedness and interest due thereon as provided in said Mortgage or in the note secured by the same, and shall discharge the same, and that Grantee further shall indemnify and hold Grantor harmless therefor.

AND, MEDALLION, INC., a Florida corporation, for itself, and its successors and assigns, does by its execution hereof consent to the foregoing assignment of warranties to Grantee and confirms that such warranties are in full force and effect and shall inure to and be for the benefit of Grantee.

The term "Grantee" herein, or any pronoun used in place thereof, shall mean and include the masculine, the feminine and neuter genders, the singular or plural number, and jointly and severally the individuals so designated described above, and their respective successors, legal representatives and assigns, according to the context hereof.

COPY

COMMONWEALTH
STATE OF MASSACHUSETTS
COUNTY OF BRISTOL

I HEREBY CERTIFY that on this 16 day of August, 1990, before me, an officer duly authorized to take acknowledgements, personally appeared BRUCE A. SNIGGER to me known to be the person described in and who executed the foregoing instrument.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.

[Signature]
Notary Public

My commission expires: _____



COPY

STATE OF FLORIDA
COUNTY OF ST. LUCIE

I HEREBY CERTIFY that on this 21st day of August, 1990, before me, an officer duly authorized to take acknowledgements, personally appeared JOHN S. CAIRNS and MARLENE ANN CAIRNS husband and wife, to me known to be the persons described and who executed the foregoing instrument.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.

[Signature]
Notary Public

My commission expires: 8-4-94



STATE OF FLORIDA
COUNTY OF ST. LUCIE

The foregoing instrument was acknowledged before me on this 21st day of August, 1990 by Ernest Carter personally to me to be the President of MEDALLION Florida corporation, on behalf of the Corporation.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.

[Signature]
Notary Public

My commission expires: 8-4-94



1063926
90 AUG 24 12:03

FILED AND RECORDED
DOUGLAS BIXON CL.
ST. LUCIE COUNTY.

-4-
JEL/253
BOOK 704 PAGE 2395

Notary Public, State of Florida
My Commission Expires Aug. 4, 1994
Banded Three Tray File - Invencon Inc.

COPY

IN WITNESS WHEREOF, Grantor has caused these presents to be executed in his name as of the day and year first above written, and consented to by Grantee and the said Medallion, Inc. by its proper officer with due authority.

Signed, sealed and delivered in the presence of:

GRANTOR:

Melvin G. Harrison
Witness

Bruce A. Snigger
Bruce A. Snigger

John A. Halloran
Witness

Signed, sealed and delivered in the presence of:

GRANTEE:

John A. Cairns
Witness

John A. Cairns
John A. Cairns

John A. Cairns
Witness

Marlene Ann Cairns
Witness

Marlene Ann Cairns
Marlene Ann Cairns

John A. Cairns
Witness

Signed, sealed and delivered in the presence of:

MEDALLION, INC.

John A. Cairns
Witness

By: [Signature]
Name:
Title: President
(Corporate Seal)

[Signature]
Witness



This Instrument Prepared by
and Return to:
Sandra G. Rennick, Esq.
979 Beachland Boulevard
Vero Beach, FL 32963

Rec. \$10.70

EDWIN M. FRY, Jr., CLERK OF THE CIRCUIT COURT
SAINT LUCIE COUNTY
FILE # 3003035 01/31/2007 at 08:54 AM
OR BOOK 2751 PAGE 1675 - 1675 Doc Type: DEED
RECORDING: \$10.00
D DOC STAMP COLLECTION: \$0.70

Parcel I.D. #3422-520-0093-000/0

QUIT-CLAIM DEED

THIS QUIT-CLAIM DEED, executed this 29th day of January, 2007 by **John S. Cairns** whose address is 12038 Riverbend Road, Port St. Lucie, FL 32984, first party, to **John S. Cairns and Mariene A. Cairns, husband and wife**, whose address is 12038 Riverbend Road, Port St. Lucie, FL 32984, 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:

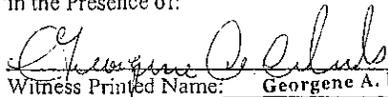
Lot 2, Block 115, SOUTH PORT ST. LUCIE UNIT FOUR, according to the Plat thereof, recorded in Plat Book 13, page 11, Public Records of St. Lucie County, Florida.

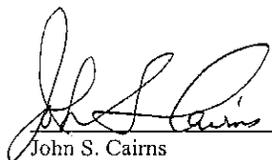
TO HAVE AND TO HOLD the same together with all and singular the appurtenances thereunto belonging or in anywise appertaining, and all the estate, right, title, interest, lien, equity and claim whatsoever of the said first party, either in law or equity to the only proper use, benefit and behalf of the said second party forever.

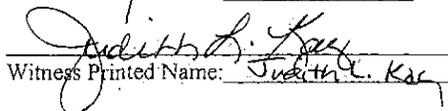
The GRANTOR warrants, covenants and represents to the GRANTEE that the above described property does not constitute the homestead of the GRANTOR under the Constitution or statutes of the State of Florida and that the GRANTOR'S residence is on property other than the above described property.

IN WITNESS WHEREOF, the said first party has caused these presents to be executed the day and year first above written.

Signed, Sealed and Delivered
in the Presence of:


Witness Printed Name: Georgene A. Edwards


John S. Cairns

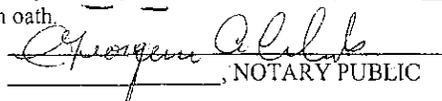

Witness Printed Name: Judith C. Kay

STATE OF FLORIDA
COUNTY OF INDIAN RIVER

I HEREBY CERTIFY that the foregoing instrument was acknowledged before me this 29th day of January, 2007, by **John S. Cairns**, who is personally known to me or who provided _____ as identification and who did not taken an oath.



Georgene A. Edwards
My Commission DD228620
Expires October 12, 2007


_____, NOTARY PUBLIC

My Commission Expires: _____
My Commission No.: _____

JOSEPH E. SMITH, CLERK OF THE CIRCUIT COURT - SAINT LUCIE COUNTY
FILE # 3421764 OR BOOK 3154 PAGE 301. Recorded 12/15/2009 at 04:11 PM

This document has been prepared
by and is to be returned to:
ROBERT A. BURSON, P.A.
By: Robert A. Burson, Esquire
Florida Bar# 217838
Mailing Address:
Post Office Box 1820
Stuart, Florida 34988-1820
Street Address:
900 E. Ocean Blvd., Ste. C-120
Stuart, Florida 34994
772/288-1818
File Number: 07-0100

COPY
UNITY OF TITLE

In consideration of a change of zoning to the property described below and for other good and valuable considerations, the undersigned, John S. Cairns and Marlene A. Cairns, hereby agree to restrict the use of lands described as follows:

Lots 1 & 2, Block 115, South Port St. Lucie, Unit Four, according to the plat thereof, as recorded in Plat Book 13, page 11, public records of St. Lucie County, Florida.

Parcel I.D. No.: 3422-620-0082-000-3 3422-620-0083-000-0

1. That said property shall be considered as one plat and parcel of land and that no portion of said plat and parcel of land shall be sold, transferred, devised, or assigned separately except in its entirety as one plot of parcel of land.
2. The undersigned further agrees that this condition, restriction and limitation shall be deemed a covenant running with the land, and shall remain in full force and effect, and be binding upon the undersigned, their heirs and assigns until such time as the same may be released in writing by the City Council.
3. The undersigned further agrees that this instrument shall be recorded in the public records of St. Lucie County.

COPY

The remainder of this page is intentionally left blank.

COPY
Page 1 of 2

Signed, acknowledged and notarized on October 7 2009.

[Signature]
John S. Cairns
October 7, 2009

[Signature]
Marlene A. Cairns
October 7, 2009

COPY

Signed, sealed and delivered by John S. Cairns and Marlene A. Cairns in the presence of the following witnesses:

Signature of 1st witness: _____

Printed name of 1st witness: Priscilla Peralta

Signature of 2nd witness: [Signature]

Printed name of 2nd witness: Jamie McGahee

STATE OF FLORIDA
COUNTY OF ST. LUCIE

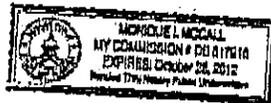
Subscribed and acknowledged before me on October 7, 2009 by John S. Cairns and Marlene A. Cairns.

COPY

[Signature]
(Signature of Notary Public)

(Notary Seal)

Monique I. McCall



(Print, type, or stamp commissioned name of Notary Public)

Personally known or

Produced Identification _____

Type of Identification produced _____

COPY

Thresiamma Kuruvilla

From: Tonya Blewett [downtoearthystudio@gmail.com]
Sent: Thursday, February 23, 2012 5:05 PM
To: Thresiamma Kuruvilla
Subject: Re: Yoga Studio SEU (P12-019)
Attachments: Yoga Studio.jpg

Studio Floor Plan

On Thu, Feb 23, 2012 at 1:56 PM, Tonya Blewett <downtoearthystudio@gmail.com> wrote:
Hello,

The split plans are as followed: The studio total space is 600sq feet is used for our practice floor:space.2 bathrooms exist total 200sq feet. Office space and storage is 642sq feet. and we have a space for personal items at 175 sq feet. The space total is 1617sq feet not 1700sq feet. I will send over a draft copy of room space if needed. Please let me know if anything else needs to be done.

Thank You,
Tonya Blewett

On Thu, Feb 23, 2012 at 1:20 PM, Thresiamma Kuruvilla <TKuruvilla@cityofpsl.com> wrote:

Did u send me the split up of the studio? Today is Daniel's review deadline.

Thanks, Thres

--

DownTo Earth Yoga Studio, LLC
1981 SE Port Saint Lucie, Blvd 34952
www.downtoearthystudio.com
(772)-224-2444

--

DownTo Earth Yoga Studio, LLC
1981 SE Port Saint Lucie, Blvd 34952
www.downtoearthystudio.com
(772)-224-2444

DRAFT PLANNING AND ZONING BOARD MEETING MINUTES 3/6/12
ITEM 7 G.

G. P12-019 JOHN S. AND MARLENE A. CAIRNS - SPECIAL EXCEPTION USE

Ms. Kuruvilla stated, "This is a special exception use application. The owners are John S. and Marlene A. Cairns. The property is located at 1981 SE Port St. Lucie Boulevard, north of Port St. Lucie Boulevard, east of Gena Road, and west of US 1. The legal description is Lots 1 and 2, Block 115, Port St. Lucie Unit 4. The size of the site is 0.8 acres. There is an office building on this property. The existing zoning is P (Professional). The requested special exception is to allow an enclosed assembly area for a 1,617 square foot yoga studio in the Professional Zoning District. If you look at the definition of enclosed assembly area, you can see that a yoga studio will fall under this category. The Proposed location is in a 7,020 square foot office building. The access to this property is from Gena Road and is adequate to handle the traffic generated by the proposed studio. The original Site Plan was approved for Building 1 on Lot 1. The Site Plan Review Committee reviewed the latest Site Plan for Gena road Lot 2 Development for the existing office building on Lot 1, with the addition of the existing 2,472 square foot residential building on Lot 2. Exhibit A is the latest Site Plan. The Fire District and the Engineering Department also reviewed this project and recommended approval with comments to renovate the house into a professional/office building and the provision of additional parking. The Site Plan was approved by City Council on September 26, 2011. It is understood from the Engineering Department that they haven't pulled an Engineering Permit for a cross-access connection and parking layout as shown on the approved Site Plan. A yoga studio should be considered as an indoor group-oriented training facility; the required parking is eight spaces at the ratio of one space for each 200 square feet of the gross floor area. Upon researching the businesses at this location, the insurance agency occupies two or three bays and the rest are vacant. The permitted trees are in good condition on Lot 1. A Landscape Plan combining Lots 1 and 2 was approved with the new Site Plan and has to be inspected by the staff prior to issuance of the Certificate of Occupancy and Commercial Tenant Improvement Permit. The proposed use will not require any additional yard or open space or changes to the existing open space. All activities will take place indoors. As per Section 158.122 (C) of the Zoning Code, a yoga studio is considered a

recreation use and is not a permitted use now. At the direction of City Council, a Zoning Text Amendment to add enclosed assembly area to the list of special exception uses in the Professional Zoning District is in process. This item was recommended for approval by this board on February 7, 2012. The second reading of the ordinance will be on March 12, 2012. As per the definition of enclosed assembly area, the yoga studio will be reviewed as a special exception use in the Professional Zoning District. A notice has been sent to all property owners within a 300 foot radius. The Planning and Zoning Department staff finds the request to be consistent with the special exception criteria as stipulated in Section 158.260 of the Zoning Code and recommends approval."

TONYA BLEWETT said, "I am the owner of the yoga studio. I am here to answer any questions you may have. This process has been enlightening for me. We will educate people on what yoga really is. I'm excited to bring this to the community." Mr. Battle asked about the hours of operation. Ms. Blewett replied, "There are three classes per day at about one hour and fifteen minutes per class. The doors are only open about four hours a day. Our first class is from 7 to 8 in the morning. There is another from 9 to 10:15, and then one from 6 to 7:15 in the evening. Between those times the doors are locked."

Mr. Garrett said, "For the existing parking at the entire site I count 28 spaces on the Site Plan." Ms. Kuruvilla said, "The Site Plan is a combination of Lots 1 and 2. The original Site Plan has 35 parking spaces. This has 52." Mr. Garrett asked how many parking spaces exist. Ms. Kuruvilla replied that there are 35. Mr. Garrett asked whether Lot 2 parking is paved, because it is proposed asphalt. Ms. Kuruvilla noted, "They have opened a cross access, and maybe they lost some parking there." Mr. Garrett said, "On Exhibit A I come up with 28 existing spaces. I understand the cross access. If the yoga is approved and the full building of 7,020 square feet is used, is there adequate parking? I think your staff report noted a couple of vacant bays. If it was in full use, would there be adequate parking on the site to meet Code requirements today?" Ms. Kuruvilla replied in the affirmative. Mr. Garrett asked if the Lot 2 parking has to be paved at any time. Mr. Holbrook replied, "They don't have to further develop Lot 2. They have plans to when the time comes. There is sufficient parking on site currently. The aerial shows you current conditions. Lot 1 holds the existing off-street parking."

Chair Parks opened the Public Hearing. There being no comments, Chair Parks closed the Public Hearing. Mr. Garrett **moved** to approve P12-019, John S. and Marlene A. Cairns, Special Exception Use. Vice Chair Rooksberry **seconded** the motion, which **passed unanimously** by roll call vote.

A RESOLUTION GRANTING A SPECIAL EXCEPTION USE FOR AN ENCLOSED ASSEMBLY AREA IN P (PROFESSIONAL) ZONING DISTRICT PER SECTION 158.122 (C) ON GENA ROAD, LEGALLY DESCRIBED AS LOTS 1 AND 2 (P12-019); PROVIDING AN EFFECTIVE DATE:

WHEREAS, the City of Port St. Lucie, Florida, has been requested by John S. Cairns and Marlene A. Cairns, to grant a special exception use to allow an Enclosed Assembly Area, for a 1,617 sq. ft. Yoga Studio located at 1981 SE Port St. Lucie Blvd., north of Port St. Lucie Blvd., east of Gena Road, and west of U.S. Highway No.1, per 158.122 (C) of the zoning code; and legally described as Lots 1 and 2, Block 115, Port St. Lucie Unit 4; and

WHEREAS, the City Council determines that the granting of this special exception use is authorized by Section 158.255, et seq., Section 158.122 (C) (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, on March 6, 2012, the Planning and Zoning Board unanimously recommended approval of the Special Exception Use of the proposed Yoga Studio (P12-019); and

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

Section 1. That the City of Port St. Lucie hereby grants a special exception use to John S. Cairns and Marlene A. Cairns, the owners (P12-019), to allow an Enclosed Assembly Area, for a 1,617 sq. ft. Yoga Studio in P (Professional) zoning district, pursuant to Section 158.255, et seq., and Section 158.122 (C), 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 at 1981-1985 SE Port St. Lucie Blvd., north of Port St. Lucie

Resolution No. 12-

Blvd., east of Gena Road, and west of U.S. Highway No.1, and legally described as Lots 1 and 2, Block 115, Port St. Lucie Unit 4.

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

PASSED AND APPROVED by the City Council of the City of Port St. Lucie, Florida, this _____ day of _____, 2012.

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

COUNCIL ITEM 8B
DATE 3-12-12

COUNCIL ITEM 10B
DATE 2-27-12

ORDINANCE 12-09

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF PORT ST. LUCIE, FLORIDA: AMENDING CHAPTER 158.122 (C) - PROFESSIONAL ZONING DISTRICT, OF THE ZONING CODE; PROVIDING FOR AN EFFECTIVE DATE

THE CITY OF PORT ST. LUCIE HEREBY ORDAINS:

Section 1. That Chapter 158.122 (C), Professional Zoning District, of the Zoning Code is hereby amended as shown in Exhibit "A", attached hereto and by reference incorporated herein, with additions to text indicated by underline and deletions by ~~strikeout~~.

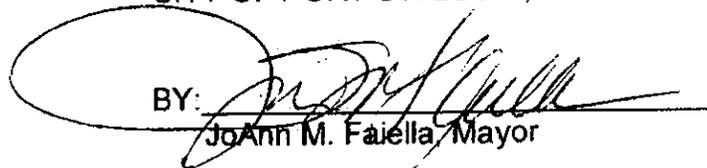
Section 2: All remaining provisions of Chapter 158: Zoning Code shall remain in full force and effect.

Section 3. This ordinance shall become effective ten (10) days after its final adoption.

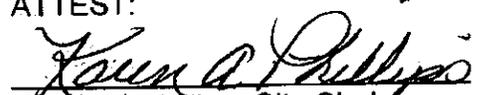
PASSED AND APPROVED by the City Council of the City of Port St. Lucie, Florida, this 12th day of March, 2012.

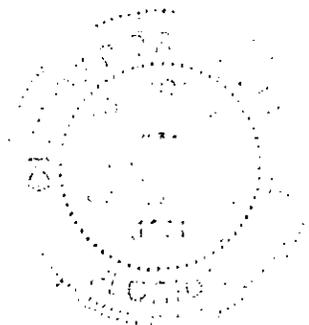
CITY COUNCIL

CITY OF PORT ST. LUCIE, FLORIDA

BY: 
JoAnn M. Faiella, Mayor

ATTEST:


Karen A. Phillips, City Clerk



APPROVED AS TO FORM:


Roger G. Orr, City Attorney

