

RESOLUTION 12-R49

A RESOLUTION GRANTING A SPECIAL EXCEPTION USE FOR A RECREATIONAL AMUSEMENT FACILITY (DANCE AND ACROBATIC STUDIO) IN WI (WAREHOUSE INDUSTRIAL) ZONING DISTRICT PER SECTION 158.135 (C) (3) FOR TUCKPOINT BUSINESS PARK , LEGALLY DESCRIBED AS LOTS 1 AND 2, ST. LUCIE WEST PLAT 166 (P12-041); PROVIDING AN EFFECTIVE DATE:

WHEREAS, the City of Port St. Lucie, Florida, has been requested by Tuckpoint Properties LLC., to grant a special exception use to allow a 3,600 sq. ft. recreational amusement facility (dance and acrobatic studio), located at 660 NW Enterprise Drive, north of NW Mercantile place and west of NW Enterprise Drive, per 158.135 (C) (3) of the zoning code; and legally described as Lots 1 and 2, St. Lucie West Plat 166; and

WHEREAS, the City Council determines that the granting of this special exception use is authorized by Section 158.255, et seq., Section 158.135 (C) (3), 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 May 1, 2012, the Planning and Zoning Board unanimously recommended approval of the Special Exception Use of the proposed dance and acrobatic studio (P12-041); 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 Tuckpoint Properties LLC., the owners, to allow a 3,600 sq. ft. recreational amusement facility (dance and acrobatic studio) in WI (Warehouse Industrial) zoning district, pursuant to Section 158.255, et seq., and Section 158.135 (C) (3), 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

RESOLUTION 12-R49

'A', and the proposed space for the dance studio attached as Exhibit 'C', to be located at 660 NW Enterprise Drive, north of NW Mercantile place and west of NW Enterprise Drive legally described as Lots 1 and 2, St. Lucie West Plat 166, with condition that the property owner is a signatory to a legally enforceable shared parking agreement as permitted by the Zoning Code Section 158.221 (D).

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 29TH day of MAY, 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: MAY 29, 2012

ORDINANCE RESOLUTION X MOTION PUBLIC HEARING X

ITEM: SPECIAL EXCEPTION USE APPLICATION (P12-041)
 MRS. P'S DANCE & ACROBATIC STUDIO
 TUCKPOINT BUSINESS PARK @ ST. LUCIE WEST

RECOMMENDED ACTION:

On May 1, 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 Recreational Amusement Facility (dance and acrobatic studio) in the WI (Warehouse Industrial) Zoning District, as permitted per §158.135 (C) (3).

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

None

SUBMITTING DEPARTMENT: PLANNING and ZONING

DATE: 5/16/12

RECIPROCAL PARKING AGREEMENT

This reciprocal easement agreement (the "Agreement") is made and entered into this 7 day of May, 2012, by and between TUCKPOINT PROPERTIES, LLC (the "Property Owner"), and EXTREME DANCE, LLC DBA MRS P'S DANCE ACROBATIC STUDIOS (the "Tenant").

RECEIVED
MAY 08 2012
PLANNING DEPARTMENT
CITY OF PORT ST. LUCIE

RECITALS

1. The Property Owner is the owner of that certain real property situated in St. Lucie County, Florida, more particularly described as Tuckpoint Business Park, located at 660, 664 & 668 NW Enterprise Drive, Port St Lucie, FL 34986.
2. The Tenant is the renter of that certain real property situated in St. Lucie County, Florida, more particularly described as Unit #'s 106 and 108 at 660 NW Enterprise Drive, Port St Lucie, FL 34986.
3. The parties hereto desire to impose certain easements for the mutual and reciprocal benefit and complement of Owner and Tenant and the present and future owners and occupants thereof, on the terms and conditions hereinafter set forth.

NOW, THEREFORE, in consideration of the above premises and of the covenants herein contained, the Owner and Tenant hereby covenant and agree that the Property and all present and future owners and occupants of the Parcels shall be and hereby subject to the terms, covenants, easements, restrictions and conditions hereinafter set forth in this Agreement, so that said Units shall be maintained, kept, sold and used in full compliance with and subject to this Agreement and, in connection therewith, the parties hereto on behalf of themselves and their respective successors and assigns covenant and agree as follows:

AGREEMENTS

1. Definitions. For purposes hereof:
 - (a) The term "Owner" or "Owners" shall mean the owner of Tuckpoint Business Park and the term "Tenant" shall mean the lessee of Units 106 and 108 at 660 NW Enterprise Drive, and any and all successors or assigns of such persons as the

owner or owners of fee simple title to all or any portion of the real property covered hereby, whether by sale, assignment, inheritance, operation of law, trustee's sale, foreclosure, or otherwise, but not including the holder of any lien or encumbrance on such real property.

(b) The term "Unit" or "Units" shall mean each separately identified Unit of real property within the building now constituting a part of the real property subjected to this Agreement as described as Unit 106 and Unit 108 at 660 NW Enterprise Drive, Port St Lucie, FL 34986.

(c) The term "Permittees" shall mean the tenant(s) or occupant(s) of a Unit and the respective employees, agents, contractors, customers, invitees and licensees of (i) the Owner of such Parcel, and/or (ii) such tenant(s) or occupant(s).

2. Easement.

2.1 Grant of Reciprocal Easement. Subject to any express conditions, limitations or reservations contained herein, the Owner and Tenant hereby grant, establish, covenant and agree that Tenant shall be given the ability to utilize any of the available parking in the entire project known as Tuckpoint Business Park (660/664/668 NW Enterprise Drive, Port St Lucie, FL 34986), for use by its customers between the hours of 3:00pm to 9:30pm on weekdays and anytime on the weekend. ("Easement"):

2.2 Reasonable Use of Easement. The Easement herein above granted shall be used and enjoyed by the Tenant and its Permittees in such a manner so as not to unreasonably interfere with, obstruct or delay the conduct and operations of the other businesses located within the Owners project.

3. Maintenance.

Tenant shall maintain the interior of its Units, as well as the general cleanup of the parking areas that the Tenants customers use during the hours of operation. This is aside from the building and common area maintenance that is included in the rent.

4. Taxes and Assessments.

The Owner shall pay all taxes, assessments, or charges of any type levied or made by any governmental body or agency with respect to its Building as outlined in the lease agreement.

5. No Rights in Public; No Implied Easements.

Nothing contained herein shall be construed as creating any rights in the general public or as dedicating for public use any portion of Tuckpoint Business Park. No easements, except those expressly set forth in paragraph 2 shall be implied by this Agreement.

6. Remedies and Enforcement.

6.1 All Legal and Equitable Remedies Available. In the event of a breach or threatened breach by the Owner, Tenant or its Permittees of any of the terms, covenants, restrictions or conditions hereof, the other Owner(s) shall be entitled forthwith to full and adequate relief by injunction and/or all such other available legal and equitable remedies from the consequences of such breach, including payment of any amounts due an/or specific performance.

6.2 Remedies and Enforcement. The remedies specified herein shall be cumulative and in addition to all other remedies permitted at law or in equity.

7. Term.

The easements, covenants, conditions and restrictions contained in this Agreement shall be effective commencing on the date of recordation of this Agreement in the office of the St. Lucie County Recorder and shall remain in full force and effect throughout the term of the Lease dated April 16th 2012, unless this Agreement is modified, amended, canceled or terminated by the written consent of all then record Owner and aforementioned Tenant.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the date first written above.

TUCKPOINT PROPERTIES, LLC

By: [Signature]
Greg Kozan
Managing Member

STATE OF Florida
COUNTY OF PAIM BEACH

I HEREBY CERTIFY that the foregoing instrument was acknowledged before me this 08 day of MAY, 2012 by GREG KOZAN, as Managing Member of TUCKPOINT PROPERTIES, LLC, who () is personally know to me or () has produced N/A as identification.

[Signature]
Notary Public



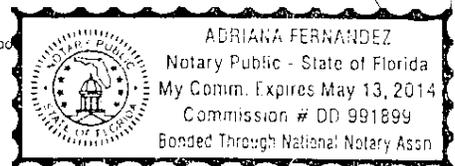
EXTREME DANCE, LLC DBA MRS P'S
DANCE & ACROBATIC STUDIOS

By: [Signature]
Lorraine Giannini
President

STATE OF Florida
COUNTY OF St Lucie

I HEREBY CERTIFY that the foregoing instrument was acknowledged before me this 8th day of May, 2012 by LORRAINE GIANNINI, as PRESIDENT of EXTREME DANCE, LLC DBA MRS P'S DANCE & ACROBATIC STUDIOS, LLC, who () is personally know to me or () has produced FL Lic G550521858756 as identification.

[Signature]
Notary Public





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

TO: PLANNING AND ZONING BOARD - MEETING OF MAY 1, 2012

FROM: THRESIAMMA KURUVILLA, PLANNER *JK*

RE: SPECIAL EXCEPTION USE APPLICATION (PROJECT NO. P12-041)
 MRS.P'S DANCE & ACROBATIC STUDIO
 TUCKPOINT BUSINESS PARK @ ST. LUCIE WEST

DATE: APRIL 20, 2012

OWNER: Tuckpoint Properties LLC.

APPLICANT: Lorraine Giannini of Mrs. P's Dance & Acrobatic Studios. Authorization letter is attached.

LOCATION: 660 NW Enterprise Drive, north of NW Mercantile place and west of NW Enterprise Drive.

LEGAL DESCRIPTION: Lots 1 and 2, St. Lucie West Plat 166

SIZE: Tuckpoint Business Park contains a total of 5.8 acres, consisting of three buildings ('1' -19,800 sq. ft., '2' - 27,600 sq. ft., and '3' - 12,000 sq. ft.) with total area of 53,400 sq. ft. of warehouse and offices. The proposed dance and acrobatic studio is 3,600 sq. ft. area, for bays 106 and 108 in Building '2'.

EXISTING ZONING: WI (Warehouse Industrial) zoning

EXISTING USE: Units 106 and 108 in Building '2' are vacant

PROPOSED USE: Recreational Amusement Facility (dance and acrobatic studio)

REQUESTED SPECIAL EXCEPTION: To allow Recreational Amusement Facility (dance and acrobatic studio) in the WI (Warehouse Industrial) Zoning District, as permitted per §158.135 (C) (3).

SURROUNDING USES: North = GU (General Use) zoning and IN (Industrial) zoning, wetland to the northwest and an existing building to the north; South = WI (Warehouse

Industrial) zoning, Intelliflex PSL II warehouse/office building; East = WI (Warehouse Industrial) and IN (Industrial) zoning, Leader center warehouse and SLW Dunkleburger warehouse/office building; West = WI (Warehouse Industrial) zoning, warehouse building.

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 traffic controlled by our class schedules (attached). Classes are broken down by genre of dance and experience to ensure that there will be no more than 20 students in a class at one time. Classes run from 3:30-9:00 p.m. Operating hours are not in conflict with neighboring business and, therefore, can insure traffic, pedestrian safety and convenience. Adequate ingress and egress doors will be available (2 in front, 2 in rear) in case of fire or emergency".

Staff: The proposed location for the dance and acrobatic studio, is in Building '2' of Tuckpoint Business Park, has already been constructed. The site plan for Tuckpoint Business Park (P05-122) has been approved by City Council on June 27, 2005 for warehouse and offices. This has a total of three (3) access points along NW Enterprise Drive, which should be adequate to handle the traffic generated by the dance and acrobatic studio.

(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: "Not applicable. There is no need for off-street parking. Our deliveries are via Fed-Ex and UPS and are not shipped to the studio, but to alternate addresses. There is no glare available. We do not work with chemicals so odor and detrimental effects are not applicable".

Staff: Tuckpoint Business Park has a total of 53,400 sq. ft. of warehouse and offices. For office area, one space per 200 sq. ft. and for warehouse, two spaces per 1000 sq. ft. up to 10,000 sq. ft., plus one space per 2,000 sq. ft. over 10,000 sq. ft. is taken as per §158.221 (C) (13) and (23). The total required parking is 136 including 5 handicapped parking spaces and the parking provided is 141 (see the site plan-Exhibit A).

The total area of Building '2' is 21,600 sq. ft. with office area 4,320 sq. ft. and warehouse area 17,280 sq. ft. Total parking provided for Building '2' is 46. The total square footage for the two bays allotted to Mrs. P's dance and acrobatic studio in Building '2' is 3,600. Exhibit B shows the current space distribution of the bays for warehouse. It includes two 180 sq. ft. office space, two lobby, two bathrooms and two warehouses. Exhibit C shows the proposed space distribution of Mrs. P's dance and acrobatic studio. The different areas include: a

lobby, two 179.8 sq. ft. office rooms, waiting room, two bathrooms, storage and two dance rooms. Please note that there is no increase in the office space, and the modification is for the warehouse spaces only.

The dance and acrobatic studio shall be considered as a recreational amusement facility or an indoor group-oriented training facility. The parking requirement is one space for each 200 sq. ft. of gross floor area per §158.221 (C) (7) (d) and §158.221 (C) (20) of the Zoning Code and requires 18 parking spaces. Office area in the dance studio is 360 sq. ft. (requires 2 parking). The remaining office area in Building '2' is 3960 sq. ft. (requires 20 parking). Warehouse area in the dance studio is 3240 sq. ft (requires 7 parking spaces). The remaining warehouse area in Building '2' is 14040 sq. ft. (requires 20+2 parking spaces). Hence the total parking for the remaining area in that building is 42. Total parking provided for Building '2' is 46. Hence there are only 4 extra parking spaces. There is a deficiency of 14 parking spaces for the dance studio. However please note that the previous tenant were allotted 9 parking spaces (2+7) and the dance studio intends to use the same space of the existing offices as shown in the floor plan, and this is only an interior alteration to the warehouse space.

In a broad spectrum, there are 3 warehouse/office buildings in this business park with 141 parking spaces. Hence an option to address the deficiency is shared parking. §158.221 (D) Combined Off-Street Parking allows for sharing parking area when it is found that the hours of operation do not overlap. The other businesses in Building '2' are Artistic Closet, Beltic Manning, St. Lucie Sounds etc. and are mostly warehouses. Upon researching the businesses at this location, most of the businesses in this building are closed on weekends, and typically close at 5 p.m., Monday through Friday. According to the application submitted by the applicant, the dance and acrobatic studio will operate on evenings 3.30-9.00 p.m. To ensure there aren't any conflicts with any adjacent business owner that may be operating after hours, or on weekends, the dance and acrobatic studio is required to only use the established parking spaces on the site.

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

Applicant: "Outside street lighting is more than adequate for our dance students and parents to safely walk to and from their vehicles in the parking lot. Water utilities are adequate for plumbing, drinking and fountains. FPL is the supplier of adequate lighting inside the studio".

Staff: This property is connected to St. Lucie West Service District's water and sewer 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: "The two bays which are in discussion are surrounded by two firewalls on each side. Firewalls protect and provide compatibility with adjoining properties."

Staff: The applicant's response adequately addresses this criterion. No additional buffering is required. The proposed use is not next to or in close proximity to residential uses, and the applicant states that all activities are indoors. The proposed dance and acrobatic studio is only 6.7% of the total building area and 16% of Building '2'. The perimeter trees are in good condition.

(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: "We will be installing an illuminated sign on top of our bays #106 & 108. We've already gone through Bayshore Management and St. Lucie West's application process, and have already been granted permission to use our sign. We are in accordance with St. Lucie West's regulations".

Staff: The site is developed and the applicant will be installing an illuminated sign on top of their bays with the approval of St. Lucie West Architectural Committee. The placement of any additional light poles will require a site plan amendment.

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

Applicant: "Not applicable. There are no yards or open spaces shared by adjoining properties".

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

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

Applicant: "This is not applicable for the intended use. Please see section (A) for more detailed descriptions".

Staff: The proposed Special Exception Use (dance and acrobatic studio) is permitted as defined by §158.135 (C) (3) WI (Warehouse Industrial) Zoning District, and should conform to all provisions of the City's Land Development Regulations.

(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: "Mrs P's Dance & Acrobatic Studios is a family-oriented training school that promotes safety, healthy living and teaches life skills. There are no activities that include the use of any harmful materials that could result in injury to residents or workers in the City".

Staff: The proposed use is for the operation of a well established community oriented dance and acrobatic studio for the kids. The applicant has stated in the covering letter that they have surpassingly outgrown their current space in St. Lucie West and need to upgrade to a larger site. 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: "Please see attached section (A) and section (H) for detailed description".

Staff: The applicant states in the application that the operation of the dance and acrobatic school will operate on evenings from 3:30-9:00 p.m., and would be conducted inside the existing building. Upon researching the businesses at this location, most of the businesses in this building are closed on weekends, and typically close at 5:00 p.m., Monday through Friday. The school expects an average of 20 students per evening and the training hours/times are staggered based on their age, category of dance and experience level. Therefore, the proposed use should not constitute a nuisance or hazard.

(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 is not applicable. Our intended use is not outside of the existing structure. We will not be altering the exterior of the existing building".

Staff: This site is already developed, and the proposal will only be changing the interior of two bays of the large warehouse/office stores in an already existing building Tuckpoint Business Park to create the dance and acrobatic studio. This site is located in a significant warehouse/commercial area within the City, and is

surrounded by other warehouse/commercial zoned property, and 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. The applicant has to apply for a change of use application with the Building Department.

(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: §158.135 (C) (3): "Special Exception Uses" allows recreational amusement facility. The applicant will be converting two bays of the warehouse/office building into a dance and acrobatic studio with approximately 3,600 square feet area. This application is compatible with all zoning requirements for the Special Exception Use in WI (Warehouse Industrial).

Similar Other Projects:

1. Treasure Coast Speedway (P09-079) was approved for a special exception use of a recreation instruction school on property zoned WI (Warehouse Industrial). Resolution 09-R121 was approved by City Council on September 28, 2009.
2. A special exception use for East Port Plaza-Technical/Vocational school (P10-083) in the CG (General Commercial) zoning was approved by the City Council on September 27, 2010 as per Resolution 10-R66.
3. A Special Exception Use for a Fine Arts Studio-Drummers Only Drum Shop (P11-013) in the WI (Warehouse Industrial) zoning was approved by the City Council on April 25, 2011, as per Resolution 11-R21.
4. A Special Exception Use for Sidekick Martial Arts Training School (P11-062) in the WI (Warehouse Industrial) zoning was approved by the City Council on July 11, 2011 as per Resolution 11-R42
5. A Special Exception Use for an Indoor Volleyball School (P11-089) in the WI (Warehouse Industrial) zoning was approved by the City Council on September 26, 2011 as per Resolution 11-R21.

Notice to Property Owners: A notice has been sent to all neighbors 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 with the condition that the property owner is a signatory to a legally enforceable shared parking agreement as permitted by the Zoning Code Section 158.221 (D).

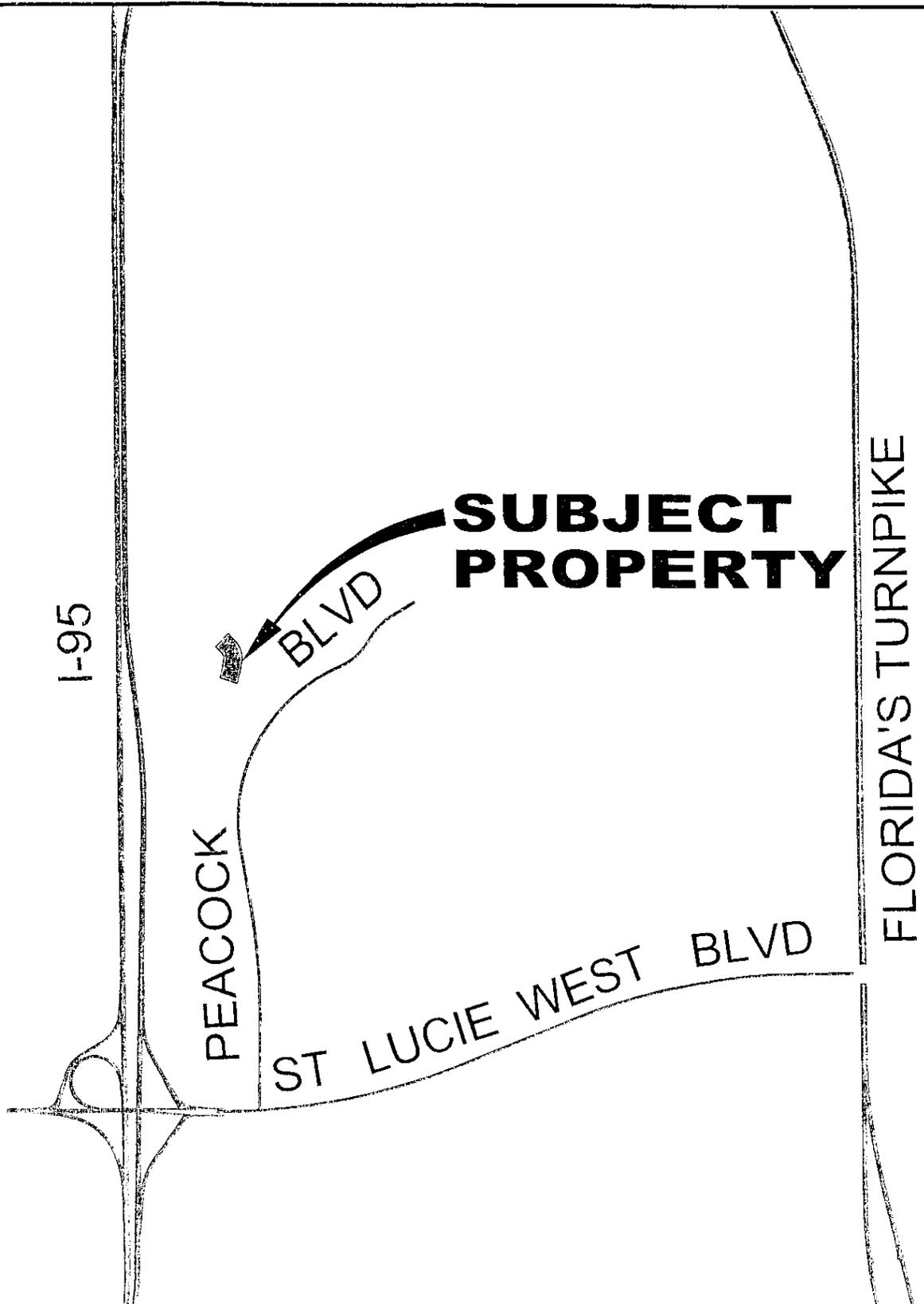
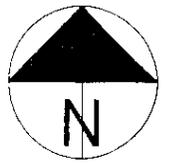
Planning and Zoning Board Action Options:

- 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 applicant has provided a reciprocal parking agreement as attached.

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

ST LUCIE WEST PLAT 166

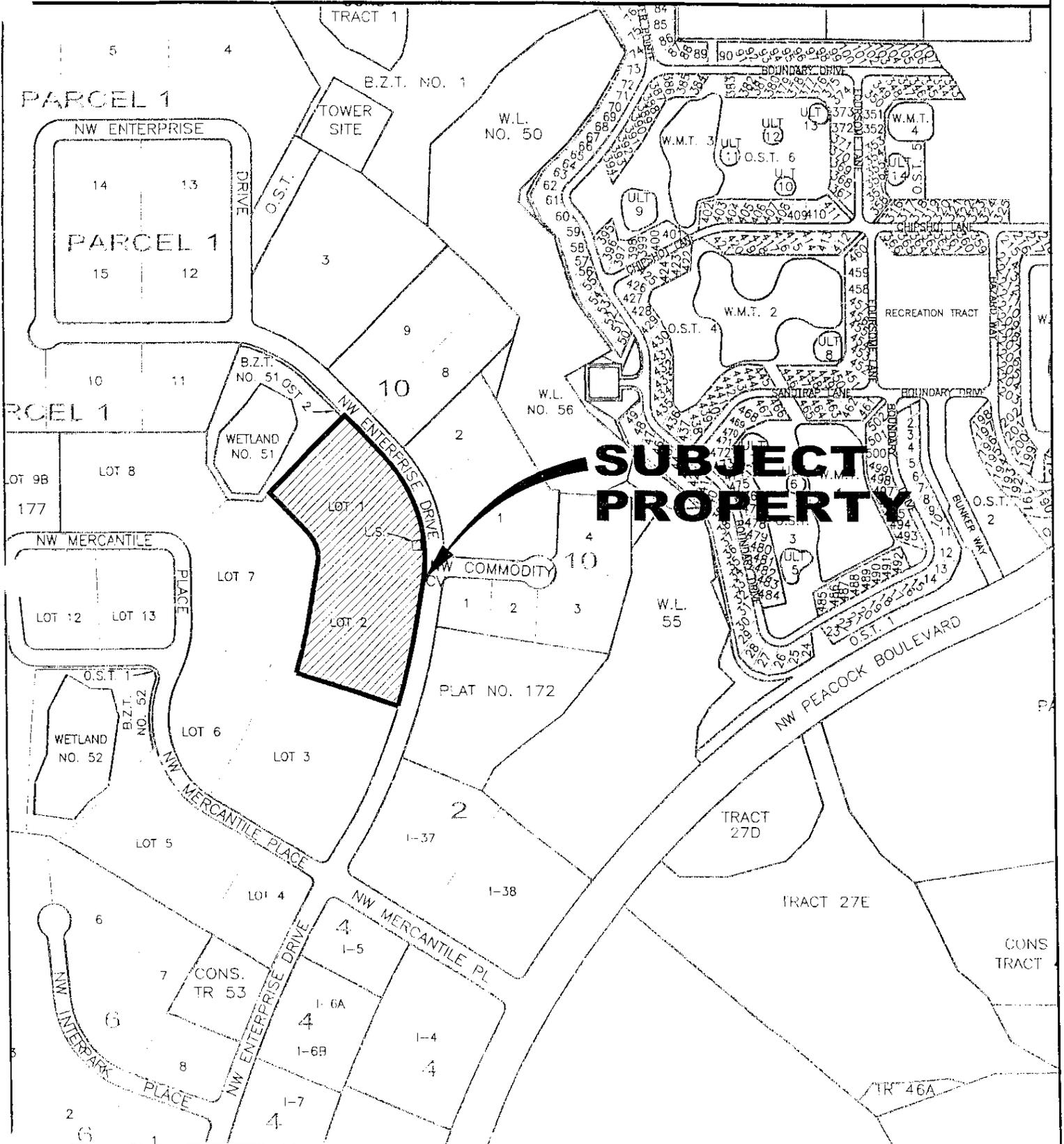
DATE: 4/6/2012

APPLICATION NUMBER:
P12-041

CADD FILE NAME:
P12-041L

SCALE: 1" = .5 MI

SITE LOCATION



**SUBJECT
PROPERTY**



CITY OF PORT ST. LUCIE
PLANNING & ZONING DEPT.

Prepared by:
M.I.S. DEPARTMENT

PZ 2012.DWG

SPECIAL EXCEPTION USE
LOTS 1 & 2
ST LUCIE WEST PLAT 166

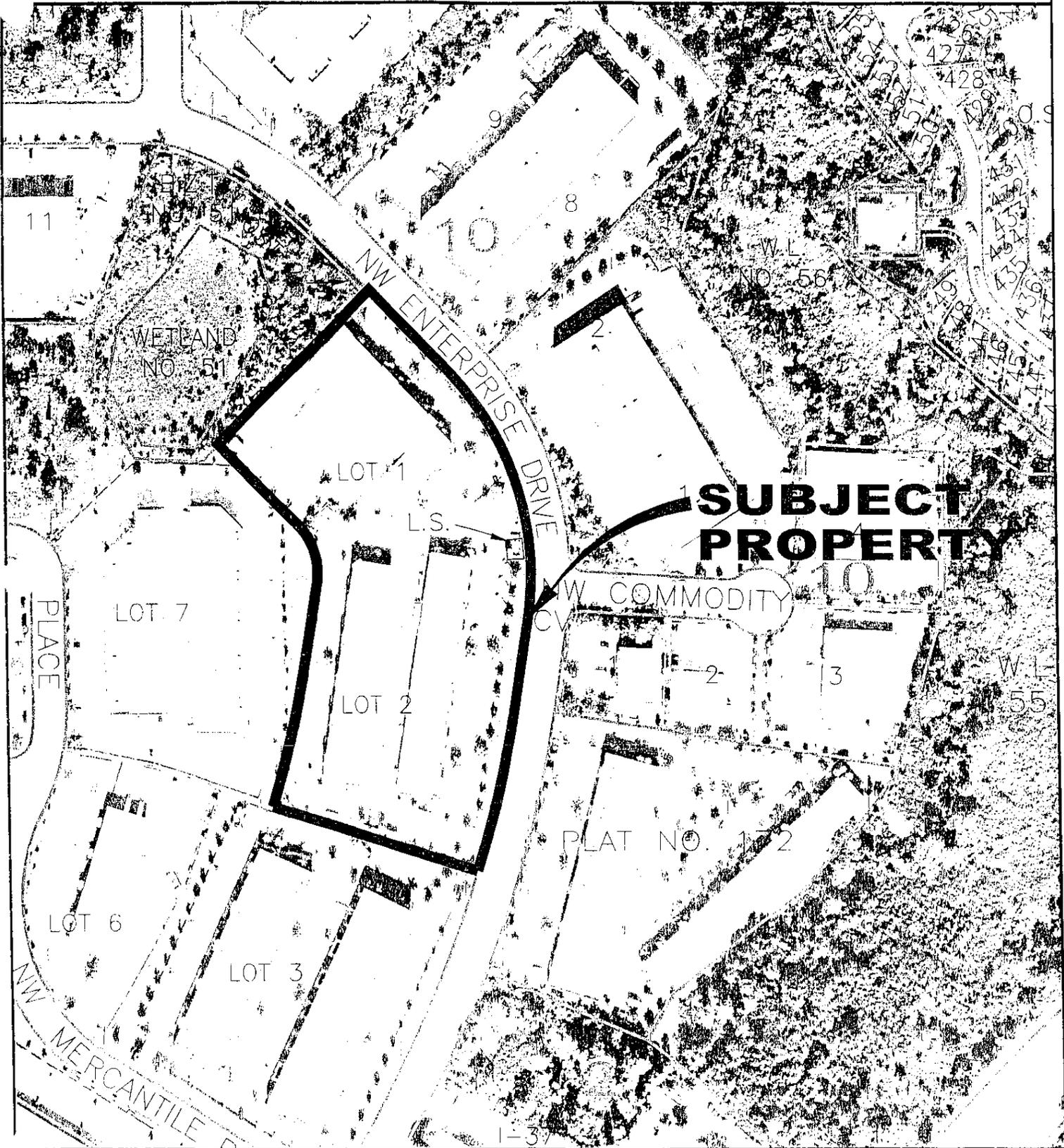
DATE: 4/6/2012

APPLICATION NUMBER:
P12-041

CADD FILE NAME:
P12-041M

SCALE: 1"=400'

SITE LOCATION



**SUBJECT
PROPERTY**



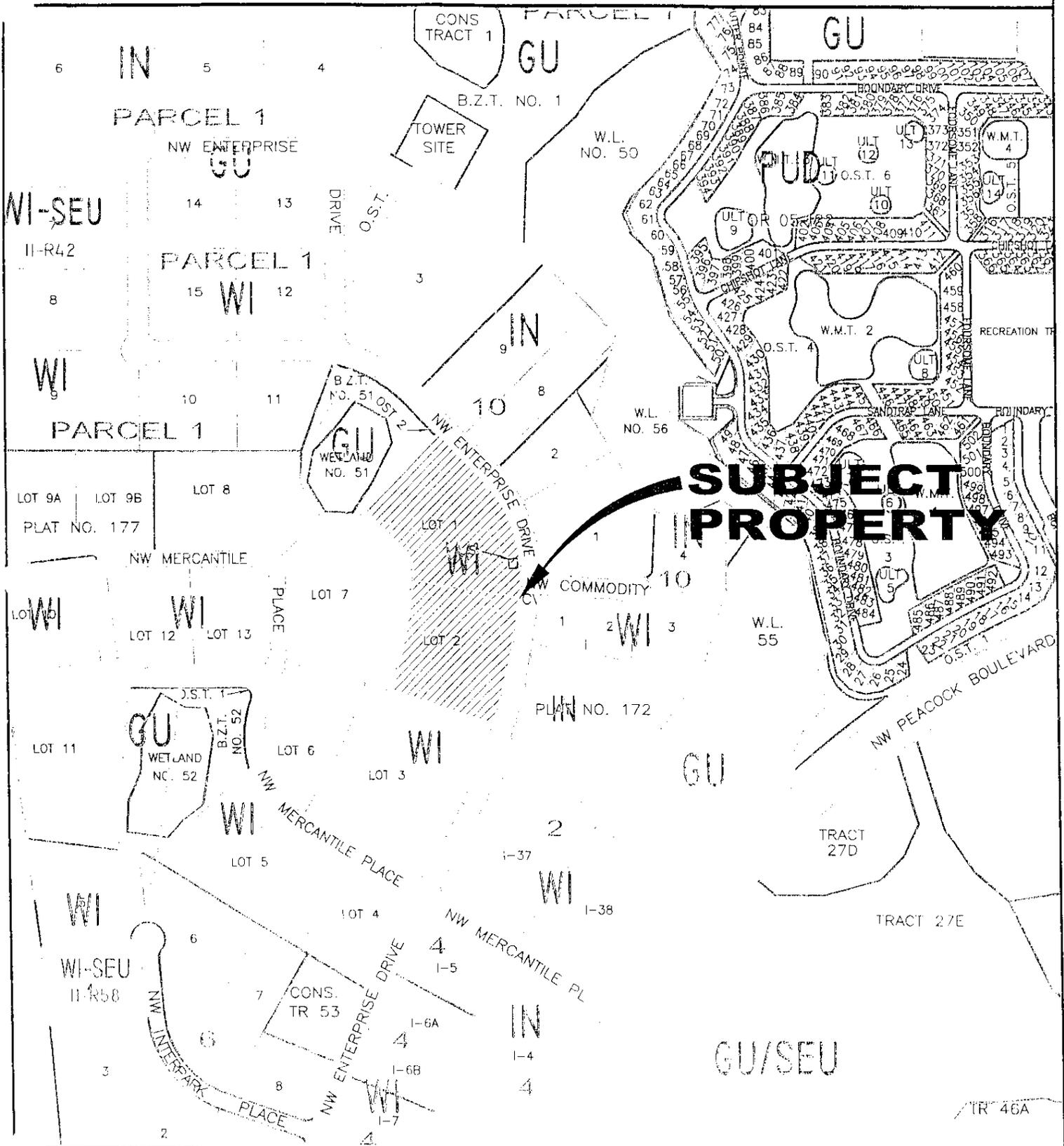
CITY OF PORT ST. LUCIE
PLANNING & ZONING DEPT.

Prepared by
MIS DEPARTMENT PZ 2012.DWG

SPECIAL EXCEPTION USE
LOTS 1 & 2
ST LUCIE WEST PLAT 166
AERIAL DEC 2010

DATE: 4/6/2012
APPLICATION NUMBER:
P12-041
CASE FILE NAME
P12-041A
SCALE: 1"=200'

EXISTING ZONING



CITY OF PORT ST. LUCIE
PLANNING & ZONING DEPT.

Prepared by:
M.I.S. DEPT/MLNT

PZ 2012.DWG

SPECIAL EXCEPTION USE
LOTS 1 & 2
ST LUCIE WEST PLAT 166

DATE: 4/6/2012

APPLICATION NUMBER:
P12-041

CADD FILE NAME:
P12-041M

SCALE: 1"=400'

APPLICATION FOR SPECIAL EXCEP, ON 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. P12-041
Fee (Nonrefundable) \$ 2115.00
Receipt # 11644

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: MrsPsExtremeDance@gmail.com

PROPERTY OWNER:

Name: Tuckpoint Properties LLC
Address: 640 E Industrial Ave, Boyton Beach, FL 33426
Telephone No.: (772) 340-0910 Fax No.: _____

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

Name: Mrs. P's Dance & Acrobatic Studios (Lorraine Giannini)
Address: 660 NW Enterprise Drive SE #106 & 108, Port St. Lucie, FL 34986
Telephone No.: (954) 646-2529 Fax No.: (772) 621-7804

SUBJECT PROPERTY:

Legal Description: Lot 1 and 2 St Lucie West Plat No. 1100
Parcel I.D Number: 3323-080-0002-000-7
Address: 660 NW Enterprise Drive, Port St. Lucie, FL 34986 Bays: 106 & 108
Development Name: Tuckpoint Business Park (Attach Sketch and/or Survey)
Gross Leasable Area (sq. ft.): 3600 sq ft Assembly Area (sq. ft.): _____
Current Zoning Classification: Warehouse/Industrial SEU Requested: C3 (Gymnastics or other sports or recreatic

*according to the Plat
thereof recorded in Plat
Book 42 pages 3 and 4
of the Public Records of
St. Lucie County Florida.*

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

We are a dance studio moving locations. We currently operate in St. Lucie West in a general use-zoned building. We
would like to continue to provide dance education in a larger facility. The proposed location that we would like to move
into is at 660 NW Enterprise Drive, this new building is currently zoned Warehouse/Industrial use only.

Lorraine Giannini Signature of Applicant
Lorraine Giannini Hand Print Name
5/13/10 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.

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.

~~Traffic is controlled by our class schedules (attached). Classes are broken down by genre of dance and experience to ensure that there will be no more than 20 students in a class at one time. Classes run from 3:30 - 9:00 pm. Operating hours are not in conflict with neighboring businesses and therefore can insure traffic, pedestrian safety and convenience. Adequate ingress and egress doors will be available (2 in front, 2 in rear) in case of fire or Emergency.~~

(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.

~~Not-Applicable. There is no need for off-street parking. Our deliveries are via Fed-Ex and UPS and are not shipped to the studio, but to alternate addresses. There is no glare available. We do not work with chemicals so odor and detrimental effects are not applicable.~~

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

~~Outside street lighting is more than adequate for our dance students and parents to safely walk to and from their vehicles in the parking lot. Water utilities are adequate for plumbing, drinking and fountains. FPL is the supplier of adequate lighting inside the studio.~~

(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.

~~The two bays which are in discussion are surrounded by two firewalls on each side. Firewalls protect and provide compatibility with adjoining properties.~~

(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.

~~We will be installing an illuminated sign on top of our bays # 106 & 108. We've already gone through Baysboro Management and St Lucie West's application process, payed the fees and have already been granted permission to use our sign. We are in accordance with St. Lucie West's regulations.~~

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

~~Not-Applicable. There are no yards or open spaces shared by adjoining properties.~~

(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.

This is not applicable for the intended use. Please see section (A) for more detailed descriptions

(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.

Mrs. P's Dance & Acrobatic Studios is a family-oriented training school that promotes safety, healthy living and teaches life skills. There are no activities that include the use of any harmful materials that could result in injury to residents or workers in the city.

(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.

Please see attached section (A) and section (H) for detailed description.

(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 is not applicable. Our intended use is not outside of the existing structure. We will not be altering the exterior of the existing building.


Signature of Applicant

Lorraine Garrison
Hand Print Name

3-13-10
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.



Mrs. P's Dance & Acrobatic Studios Inc
584 NW University Blvd Suite 200
Port St. Lucie, FL 34986
(772) 408-0567

Handwritten notes and stamps in the top right corner, including a date stamp "APR 16 2012" and other illegible markings.

3/15/2012

To whom it may concern,

This letter, along with the attached package, is submitted for the purpose of granting Mrs. P's Dance & Acrobatic Studios a special exception for 660 NW Enterprise Drive Suite 106 & 108, currently zoned Industrial/Warehouse.

Currently Mrs. P's Dance & Acrobatic Studios is facilitating business in a nearby 1,575 sq. ft. location for the past five (5) years now. We have surpassingly outgrown our space and need to upgrade to a larger site soon as our current lease will be fulfilled July 31, 2012. Mrs. P's is a highly reputable, well established, community oriented and driven dance school. With a total of three (3) locations in South Florida, with other locations having been open for over thirty-five (35) years strong, Mrs. P's has demonstrated that we are a solid, well-known business.

The studio would like to continue to operate in St. Lucie West and carry on providing dance education in a larger facility. The proposed location that we would like to move into is at 660 NW Enterprise Drive Suite 106 & 108, a 3,600 sq ft location. This new location is zoned Warehouse/Industrial use and we need to be able to obtain a special exception to operate in this facility.

This is our first time applying for a special exception of any kind and hope that our needs can be met. Thank you so much for your time and consideration.

Sincerely,

Lorraine Giannini

Tuckpoint Properties, LLC

640 East Industrial Ave.
Boynton Beach, FL 33426
(561) 732-3176

TO: City of Port St. Lucie

RE: Parcel ID 3323-680-0008-000-7
St Lucie West Plat #166 SLW Industrial Park Phase 2 Lots 1 & 2

I am the owner of Tuckpoint Business Park, located at 660 NW Enterprise Drive, Port St. Lucie, FL 34986. I hereby give Mrs. P's Dance & Acrobatic Studios the authority to apply for the special exception for Units 106 & 108 for their dance studio to operate at this property. I own the building in its entirety. Thank you for your time.

Sincerely:

TUCKPOINT PROPERTIES, LLC


Signature

Date: March 23, 2012

GILSON KORN - MANAGING DIRECTOR
Print

COPY

ATTENTION MAIL
c/o RUDEN, MCCLOSKEY,
SCHUSTER & RUSSELL, P.A.
Post Office Box 1900
Fort Lauderdale, Florida 33302

This Instrument prepared by:
Barry E. Somerstein, Esq.
Ruden, McClosky, Smith,
Schuster & Russell, P.A.
P.O. Box 1900
Fort Lauderdale, FL 33302

SPECIAL WARRANTY DEED

THIS SPECIAL WARRANTY DEED, made this 17 day of December, 2003, between ST. LUCIE WEST DEVELOPMENT COMPANY, LLC, a Florida limited liability company, successor by merger with ST. LUCIE WEST DEVELOPMENT CORP., a Delaware corporation authorized to do business in the State of Florida, having an address at 1850 Fountainview Boulevard, Suite 201, Port St. Lucie, Florida, 34986 (hereinafter called the "Grantor"), TUCKPOINT PROPERTIES, LLC, a Florida limited liability company, having an address at 640 E. Industrial Avenue, Boynton Beach, Florida (hereinafter called the "Grantee").

* Doc Assump: \$ 0.00
* Doc Tax : \$ 4,424.70
* Int Tax : \$ 0.00

WITNESSETH:

That Grantor, for and in consideration of the sum of Ten Dollars (\$10.00), and other good and valuable consideration to Grantor in hand paid by Grantee, receipt of which is hereby acknowledged, has granted, bargained and sold to Grantee, and Grantee's heirs, successors and assigns forever, the following described land, situate, lying and being in St. Lucie County, Florida, to wit:

See Exhibit "A" attached hereto and made a part hereof ("Property").

SUBJECT TO:

- (a) Taxes and assessments for the year 2004 and subsequent years.
- (b) General utility and rights-of-way easements serving the Property.
- (c) Zoning restrictions and prohibitions imposed by governmental and quasi-governmental authority.
- (d) Restrictions, agreements, covenants, conditions, reservations, dedications and easements of record, but this provision shall not operate to reimpose the same.
- (e) Those matters described in Exhibit "B" attached hereto and made a part hereof.

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

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

JOANNE HOLMAN, CLERK OF THE CIRCUIT COURT - SAINT LUCIE COUNTY
File Number: 2355667 OR BOOK 1868 PAGE 1054
Recorded: 12/23/03 13:14

COPY

AND the Grantor hereby covenants with said Grantee that it has good right and lawful authority to sell and convey said land; that it hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons claiming by, through and under Grantor.

IN WITNESS WHEREOF, Grantor has hereunto set Grantor's hand and seal the day and year first above written.

Signed, sealed and delivered
in the presence of

Shirley E. Smith
Signature
Shirley E. Smith
Printed Name
Alvin E. Stonebraker
Signature
Alvin E. Stonebraker
Printed Name

ST. LUCIE WEST DEVELOPMENT COMPANY,
LLC, a Florida limited liability company successor
by merger with ST. LUCIE WEST
DEVELOPMENT CORP., a Delaware corporation
authorized to do business in the State of Florida

By: *[Signature]*
Name: *David C. Pugh*
Title: *V.P.*

COPY

DR BOOK 1868 PAGE 1055

COPY

STATE OF FLORIDA)
) SS:
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, the foregoing instrument was acknowledged before me by David C. Page, the Vice President of ST. LUCIE WEST DEVELOPMENT COMPANY, LLC, a Florida limited liability company successor by merger with ST. LUCIE WEST DEVELOPMENT CORP., a Delaware corporation authorized to do business in the State of Florida, freely and voluntarily under authority duly vested in him by said corporation, and that the seal affixed thereto is the true corporate seal of said corporation. He is personally known to me or who has produced _____ as identification.

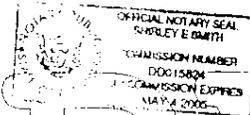
WITNESS my hand and official seal in the County and State last aforesaid this 15th day of December, 2003.

Shirley E. Smith
Notary Public

Shirley E. Smith
Typed, printed or stamped name of Notary Public

My Commission Expires:

COPY

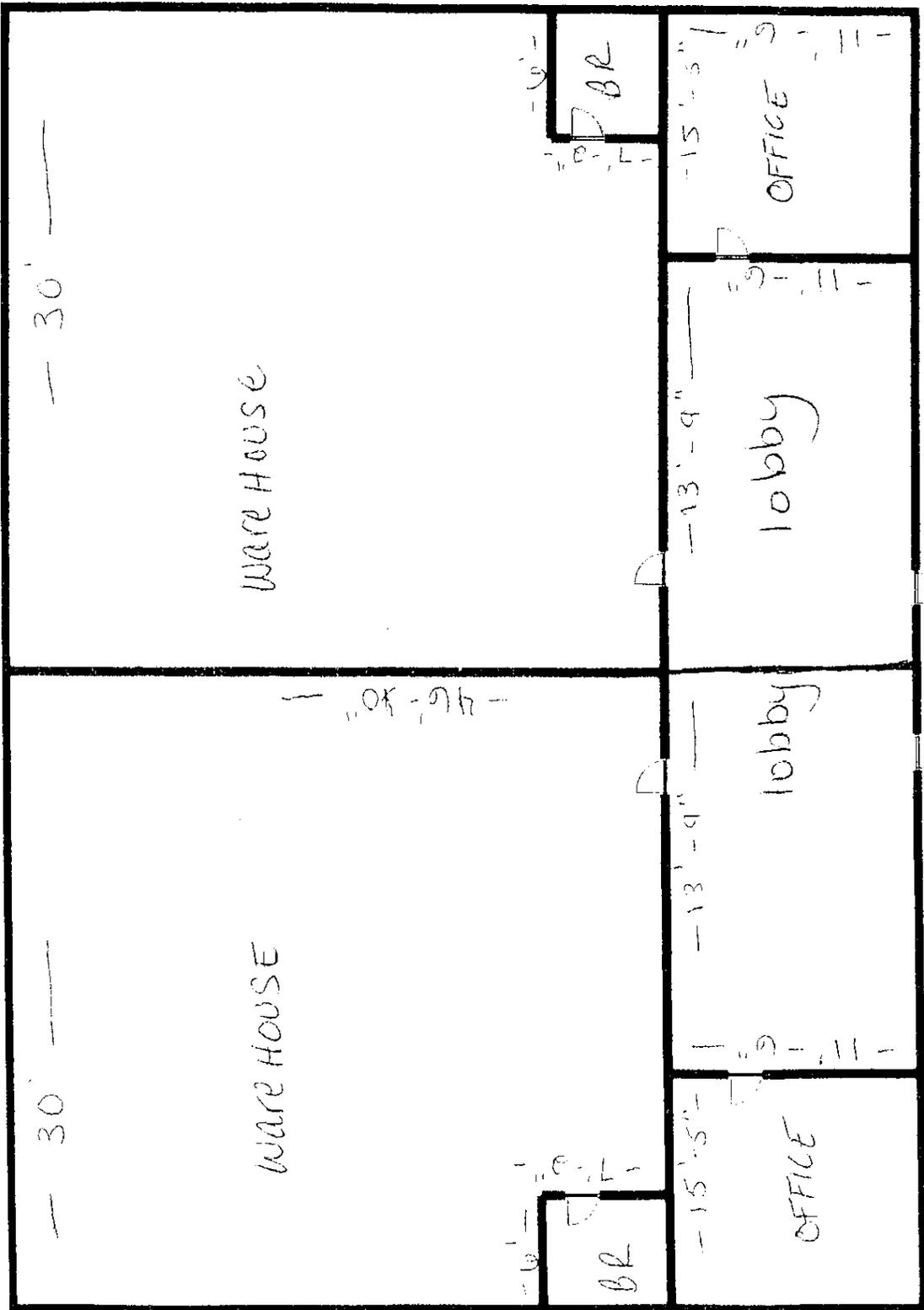


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current use of warehouse

FILED

current



72ft

36ft

feet