

A RESOLUTION GRANTING A SPECIAL EXCEPTION USE PROVIDED FOR IN SECTION 158.126 (D) (3) TO ALLOW AN ENCLOSED ASSEMBLY AREA IN THE CS (SERVICE COMMERCIAL) ZONING DISTRICT FOR PROPERTY LEGALLY DESCRIBED AS LOTS 9-11, BLOCK 628, PORT ST. LUCIE SECTION 13 (P12-088); PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Port St. Lucie, Florida, has been requested by Larry and Sandy Olson the owners, to grant a special exception use to allow an Enclosed Assembly Area (Church), located at 1943-1947 SW Biltmore Street on property presently zoned CS (Service Commercial); and legally described as Lots 9-11, Block 628, Port St. Lucie Section 13; and

WHEREAS, the City Council determines that the granting of this special exception use is authorized by Section 158.255, et seq., Section 158.126 (D) (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 September 4, 2012, the Planning and Zoning Board recommended approval of the Special Exception Use application with a vote of 6 in favor and 1 opposing the proposed Enclosed Assembly Area (Church) (P12-088); 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 Larry and Sandy Olson, (P12-088), to allow an Enclosed Assembly Area (Church), pursuant to Section 158.255, et seq., and Section 158.126 (D) (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 'A', and the proposed floor plan for the Church attached as Exhibit 'B' to be located at 1943-1947 SW Biltmore Street; and

Resolution No. 12-R98

legally described as Lots 9-11, Block 628, Port St. Lucie Section 13 with the condition that the hours of operation be limited to 8:00 a.m. to 6:00 p.m. on Saturdays, and 6:30 p.m. to 9:00 p.m. on Wednesdays.

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 24th day of September, 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

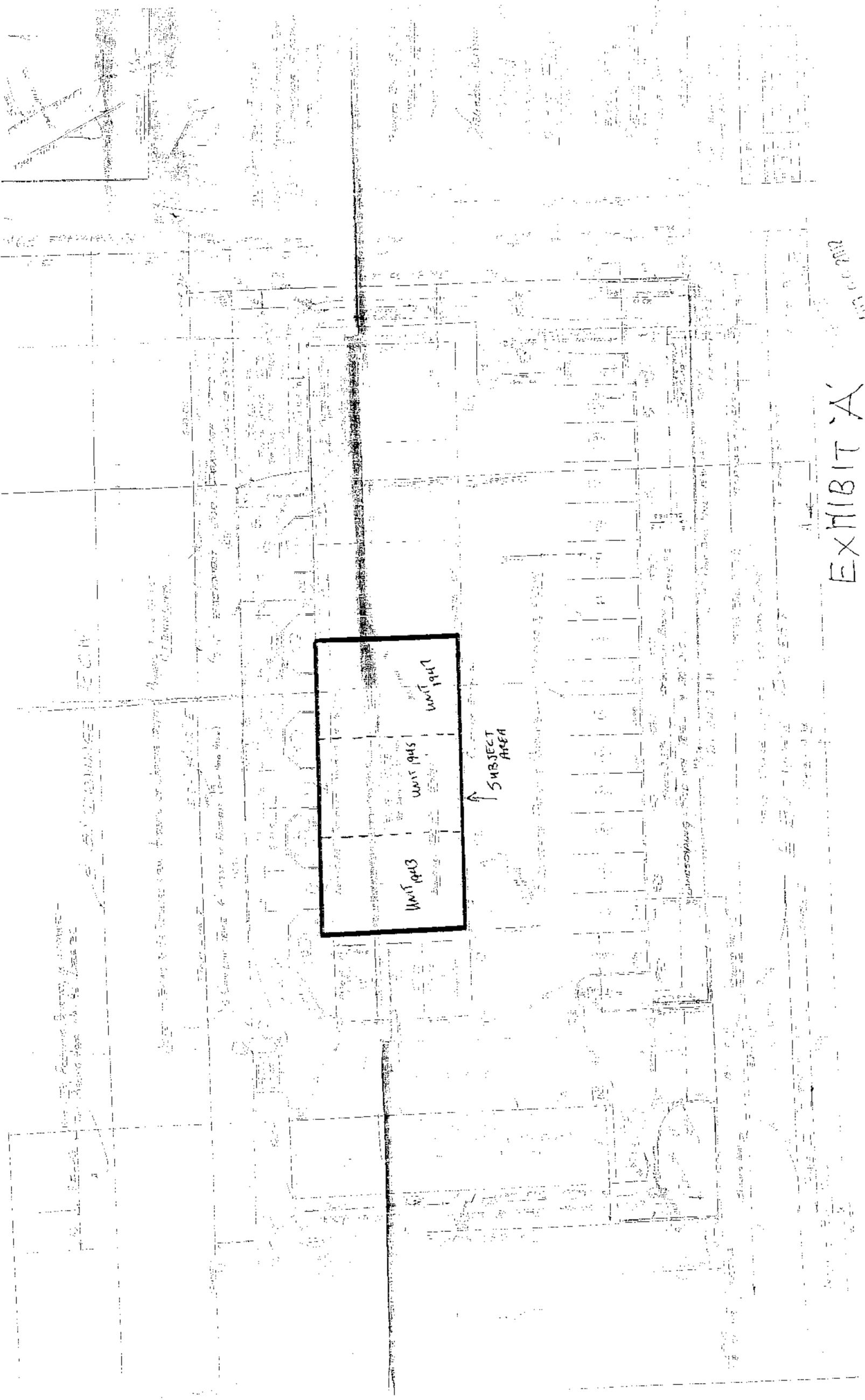
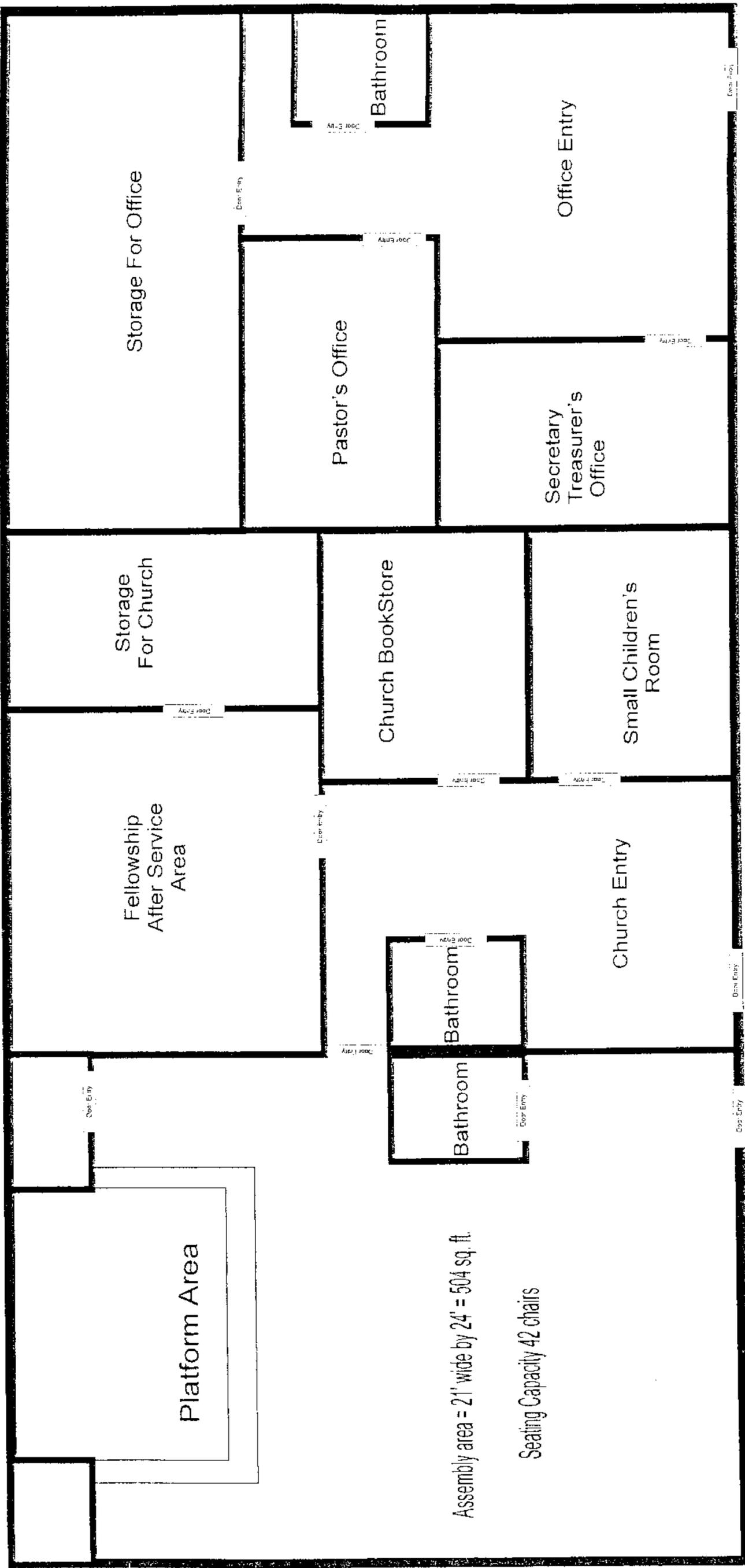


EXHIBIT 'A'

10/10/2000

EXHIBIT 'B'
FLOOR PLAN

Assembly Usage For 1943, 1945, 1947 SW Biltmore St.



Assembly area = 21' wide by 24' = 504 sq. ft.
Seating Capacity 42 chairs

CITY OF PORT ST. LUCIE, FL - CITY COUNCIL

AGENDA ITEM REQUEST

MEETING: REGULAR X SPECIAL

DATE: SEPTEMBER 24, 2012

ORDINANCE RESOLUTION X MOTION PUBLIC HEARING X

ITEM: SPECIAL EXCEPTION USE APPLICATION (P12-088)
 HIS VINE FREE SEVENTH DAY ADVENTIST CHURCH
 FLYING FISH PLAZA

RECOMMENDED ACTION:

On September 4, 2012, the Planning and Zoning Board recommended approval of the Special Exception Use application with a vote of 6 in favor and 1 opposing.

EXHIBITS:

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

SUMMARY EXPLANATION/BACKGROUND INFORMATION:

To allow an Enclosed Assembly Area (Church) in the CS (Service Commercial) Zoning District, as per §158.126 (D) (3) of the City's Zoning Code.

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

None

SUBMITTING DEPARTMENT: PLANNING and ZONING

DATE: 9/13/12



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

TO: PLANNING AND ZONING BOARD-MEETING OF SEPTEMBER 4, 2012

FROM: THRESIAMMA KURUVILLA, PLANNER *[Signature]*

RE: SPECIAL EXCEPTION USE APPLICATION (PROJECT NO. P12-088)
 HIS VINE FREE SEVENTH DAY ADVENTIST CHURCH

DATE: AUGUST 27, 2012

OWNER: Larry and Sandy Olson.

APPLICANT: His Vine Free Seventh Day Adventist Church. Authorization letter is attached.

LOCATION: 1943-1947 SW Biltmore St., located east side of Biltmore St., between Thornhill Dr. and Voltair Terrace.

LEGAL DESCRIPTION: Lots 9-11, Block 628, Port St. Lucie Section 13.

SIZE: 0.69 acres (29,997sq. ft.)

EXISTING ZONING: CS (Service Commercial) zoning

EXISTING USE: Existing warehouse and office building

PROPOSED USE: An Enclosed Assembly Area (Church) – 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.*”

A church will be considered as an Enclosed Assembly Area. The property contains two buildings with a total of 6,975 sq. ft. The church is proposed to occupy 2,682.75 sq. ft. as shown on the attached Exhibit ‘A’.

REQUESTED SPECIAL EXCEPTION: To allow an Enclosed Assembly Area (Church) in the CS (Service Commercial) Zoning District, as per §158.126 (D) (3) of the City's Zoning Code.

SURROUNDING USES: North = CS (Service Commercial) zoning, Land Trust One Open Storage Yard; South = CS (Service Commercial) zoning, Biltmore South warehouse building; East = CG (General Commercial), vacant; West = WI (Warehouse Industrial) zoning, warehouse building, and CS (Service Commercial) zoning, Medallion Park warehouse/office 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: "Site and building plan were already approved in 1985 as to adequate ingress and egress to said property. Because our services are conducted on the Sabbath (Saturday), there is no need for changes in this request. Further there is no structural changes on the exterior that would pose any need for change."

Staff: The access to this project site is from Biltmore Street, which should be adequate to handle the traffic generated by the Enclosed Assembly Area (Church).

(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: "Site and building plan were already approved in 1985. We are requesting an Enclosed Assembly Area for a Church. There will be absolutely no need for any additional parking as a parking lot is already provided. We are few in number (15 on average), and we meet on Saturday when no one is here. No loading area necessary though one provided in original site plan."

Staff: There are two existing buildings in Flying Fish property. The total area of the buildings is 6,975 sq. ft. The total parking shown on the plan was 19, however there is a mail receptacle in one parking space near the entrance. So the total parking provided on the site is 18 spaces (see the site plan amendment P85-146 - Exhibit 'A'). The site was required to have 18 spaces at the time of the site plan approval.

According to the application, the applicant is proposing an approximate assembly area of 504 sq. ft. Total square footage for three bays is 2,682.75 sq. ft. Per §158.221 (C) (5) of the Zoning Code, the parking requirement for a church is 25 spaces for 1,000 sq. ft. of assembly area or 1 space for 200 sq. ft. of the gross

floor area, whichever is greater. Exhibit 'B' shows the floor plan of the proposed Church. The required parking for the proposed church is 13 spaces.

One bay in the south end is occupied for dental lab business. The two other bays are currently vacant. The business in one bay is Safe Waste of Florida storage, and the rest of the spaces are vacant. 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.

Zoning Code §158.221 (D) provides for Combined Off-Street Parking and allows for sharing parking area when it is found that the hours of operation do not overlap. The applicant has stated in the application that the church will operate primarily on Saturdays and there is an additional prayer meeting service on Wednesday evenings beginning at 7:00 p.m. Due to the fact that the neighboring business will not be using the facility at these times, shared parking can be implemented on condition that no service will be offered during normal working hours (Monday thru Friday, between the hours of 9:00 a.m. to 5:00 p.m.). The applicant has provided a shared parking agreement from the property owner.

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

Applicant: "Site and building plan were already approved in 1985 for utilities. The only change will be some additional lighting on the inside which will not require any changes in the pre-existing utilities already present in building."

Staff: The City of Port St. Lucie is the sewer and water provider. 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: "Site and building plan were already approved in 1985 for this provision. There are no exterior structural changes to be made. So pre-existing conditions are sufficient for this section as approved in 1985."

Staff: The proposed use is not next to or in close proximity to residential uses.

The perimeter shrubs are missing on this site. The perimeter trees are in good condition. The shrubs need to be reinstalled.

(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 will be one wall sign for which a permit will be requested identifying the church at this address. There will be no lights of any kind used for this sign nor will it be glass or plastic causing any glare. Zero effect on traffic."

Staff: The site is developed and no additional lighting is being proposed. Signage will be required to conform to the City's Sign Code and the applicant will be required to apply for a sign permit.

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

Applicant: "Site and building plan were already approved in 1985. There are no exterior developments so no changes to approved status necessary or requested. Pre-existing approved spaces are sufficient."

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

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

Applicant: "Site and building plan were already approved in 1985. Once again, we are seeking an enclosed assembly area permit. There is no structural or land development being made in connection with this permit application, so this is not applicable."

Staff: The proposed Special Exception Use (Enclosed Assembly Area-Church) is listed as defined by §158.126 (D) (3) CS (Service Commercial) 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: "A church conducting their service by this proposed use will benefit the neighborhood and everyone connected with it. The Gospel message benefits the physical, mental/emotional and spiritual health for any and all who choose to avail themselves of the church and is a positive for any neighborhood. No risk of impairment.

Staff: The proposed Enclosed Assembly Area-Church will operate on Wednesday beginning at 7:00 p.m. and on Saturdays. 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: "Once again, we conduct our services on Saturday when no one else is here, thus avoiding any conflict. Secondly we are small in number (15) and will pose no nuisance or hazard to any person or business in surrounding area. Please see attached section (A) and section (H) for detailed description."

Staff: The applicant states in the application that the operation of the Enclosed Assembly Area-Church is on Wednesday evenings beginning at 7:00 p.m. and on Saturdays. 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: "The use will be very compatible for the area as there are no less than three other churches (all who meet on Sunday) within 1,000 sq. ft. of proposed location, none of which have posed any conflict with each other or with surrounding business. Further, the owner, Larry Olson has given us his blessings to move forward, knowing we are more than compatible."

Staff: This site is already developed, and the proposal will only be changing the interior of three bays in an already existing building, to create the Enclosed Assembly Area-Church. Most of the businesses in this building are closed on weekends, and typically close at 5 p.m., Monday through Friday. 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: §158.126 (D) (3): "Special Exception Uses" allows Enclosed Assembly Area-Church (refer ordinance #11-79). The applicant will be converting interior of three bays (2,682.75 sq. ft.) of the warehouse commercial stores in an already existing building, to create the Enclosed Assembly Area-Church, with an approximate assembly area of 504 sq. ft. This application is compatible with all zoning requirements for the Special Exception Use in CS (Service Commercial) zoning.

Similar Other Projects:

1. A Special Exception Use for a Church in the in the WI (Warehouse Industrial) Zoning District for Assembly of Christian (P91-106) was approved by the City Council on 12/16/91, as per Resolution 91-R54.
2. A Special Exception Use for a Church in the in the WI (Warehouse Industrial) Zoning District for Grace Emmanuel Church (P92-040) was approved by the City Council on 6/27/94, as per Resolution 94-R32.
3. A Special Exception Use for a Church in the CS (Service Commercial) Zoning District in Biltmore Commons (P10-020) was approved by the City Council on 5/24/10, as per Resolution 10-R35.
4. A Special Exception Use for an Enclosed Assembly Area-Church in the in the CG (General Commercial) Zoning District in Town Center, US-1 for Grace Church (P11-130) was approved by the City Council on 11/21/11, as per Resolution 11-R81.

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 hours of operation be limited to 8:00 a.m. to 6:00 p.m. on Saturdays, and 6:30 p.m. to 9:00 p.m. on Wednesdays.

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.

SITE LOCATION



CROSTOWN PKWY

**SUBJECT
PROPERTY**

BLVD

PORT ST
LUCIE

FLORIDA'S
TURNPIKE



CITY OF PORT ST. LUCIE
PLANNING & ZONING DEPT.

Prepared by:
M.I.S. DEPARTMENT

PZ 2012.DWG

SPECIAL EXCEPTION USE
LOTS 9-11 BLOCK 628
PORT ST LUCIE SECTION 13

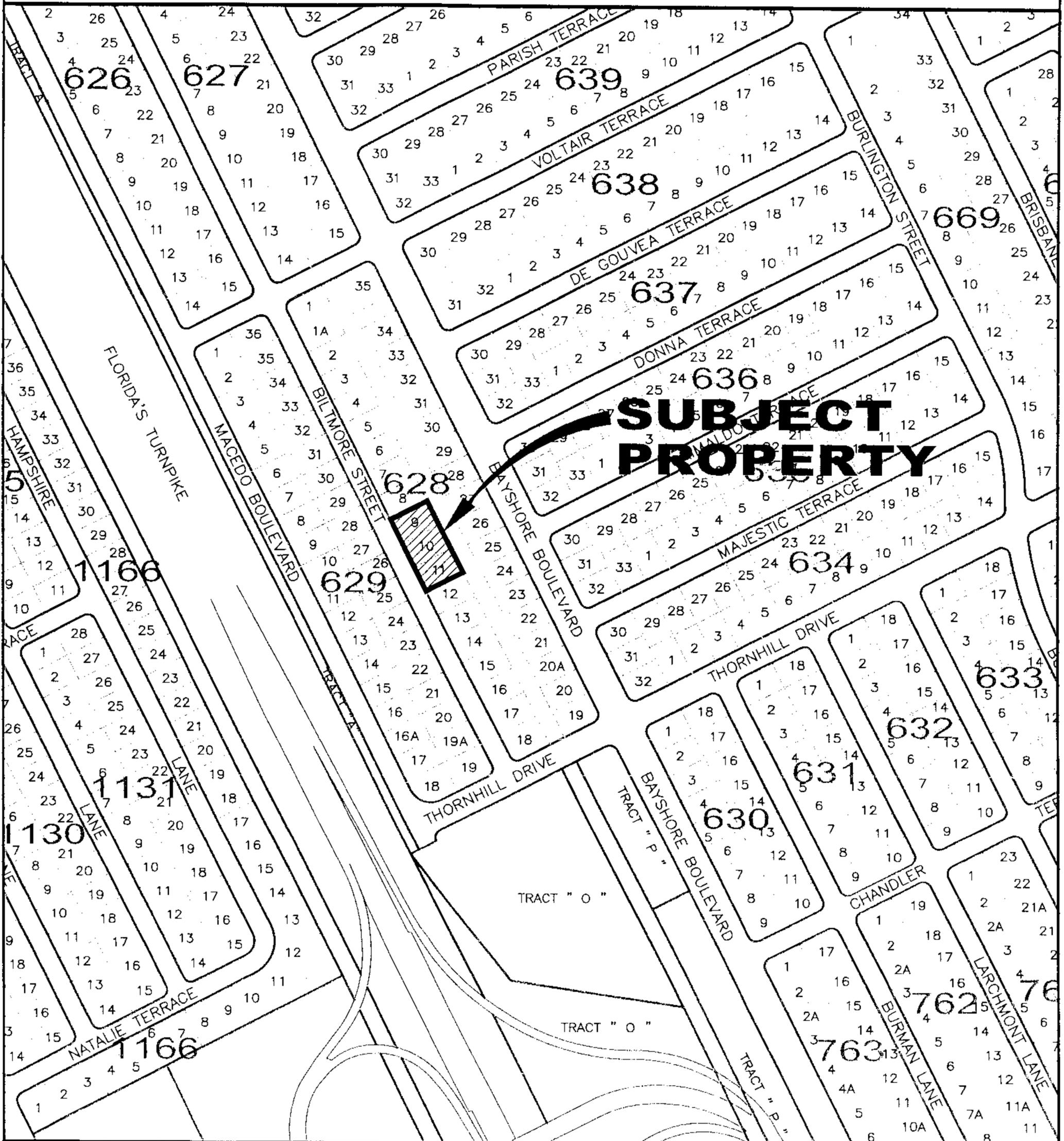
DATE: 7/19/2012

APPLICATION NUMBER:
P12-088

CADD FILE NAME:
P12-088L

SCALE: 1" = .5 MI.

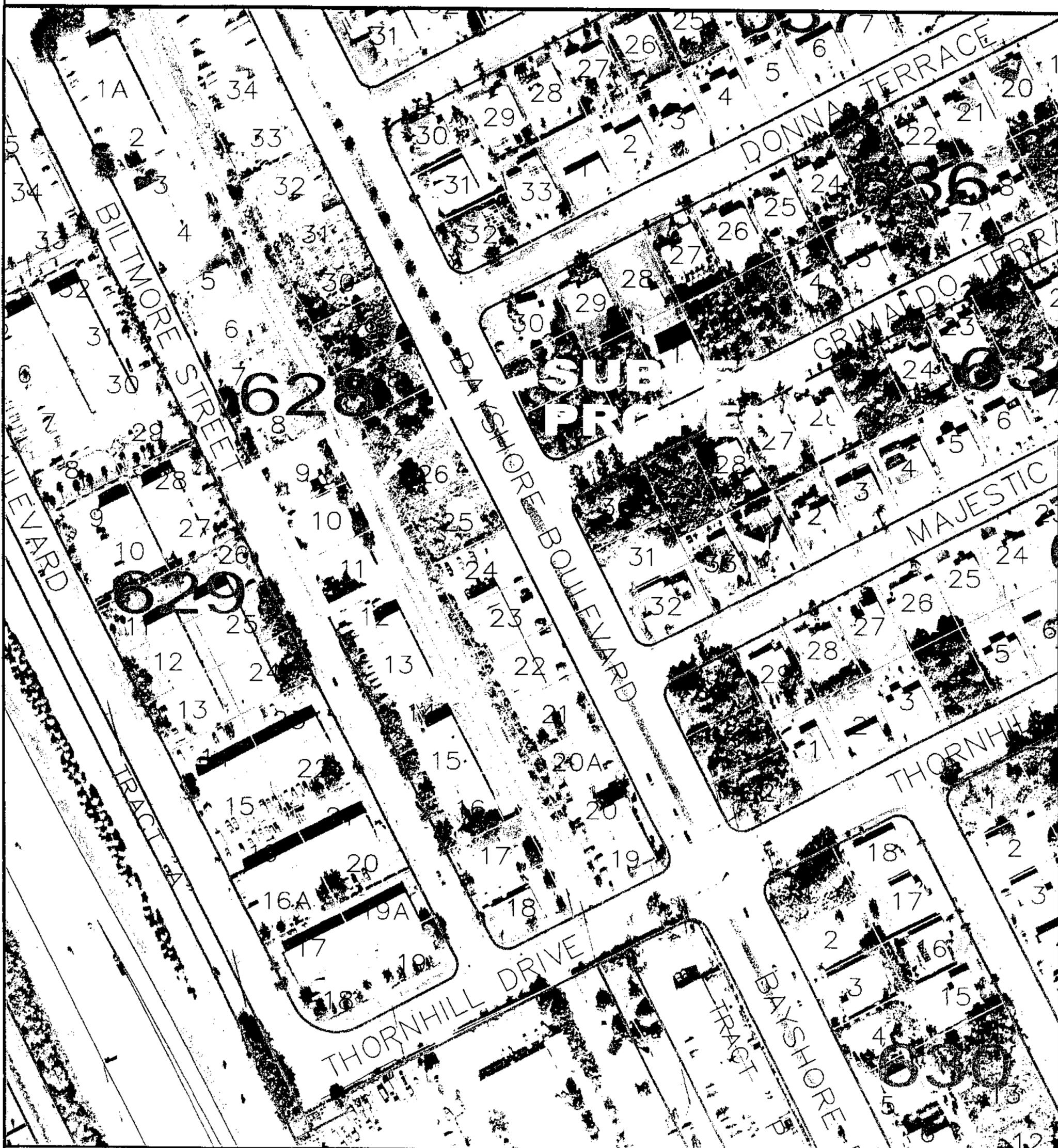
SITE LOCATION



**SUBJECT
PROPERTY**

 <p>CITY OF PORT ST. LUCIE PLANNING & ZONING DEPT.</p> <p>Prepared by: M.I.S. DEPARTMENT</p> <p>PZ 2012.DWG</p>	<p>SPECIAL EXCEPTION USE</p> <p>LOTS 9-11 BLOCK 628</p> <p>PORT ST LUCIE SECTION 13</p>		<p>DATE: 7/19/2012</p>
			<p>APPLICATION NUMBER: P12-088</p>
			<p>CADD FILE NAME: P12-088M</p>
			<p>SCALE: 1" = 400'</p>

SITE LOCATION



CITY OF PORT ST. LUCIE
PLANNING & ZONING DEPT.

Prepared by
M.I.S. DEPARTMENT

PZ 2012.DWG

SPECIAL EXCEPTION USE
LOTS 9-11 BLOCK 628
PORT ST LUCIE SECTION 13
AERIAL DEC 2010

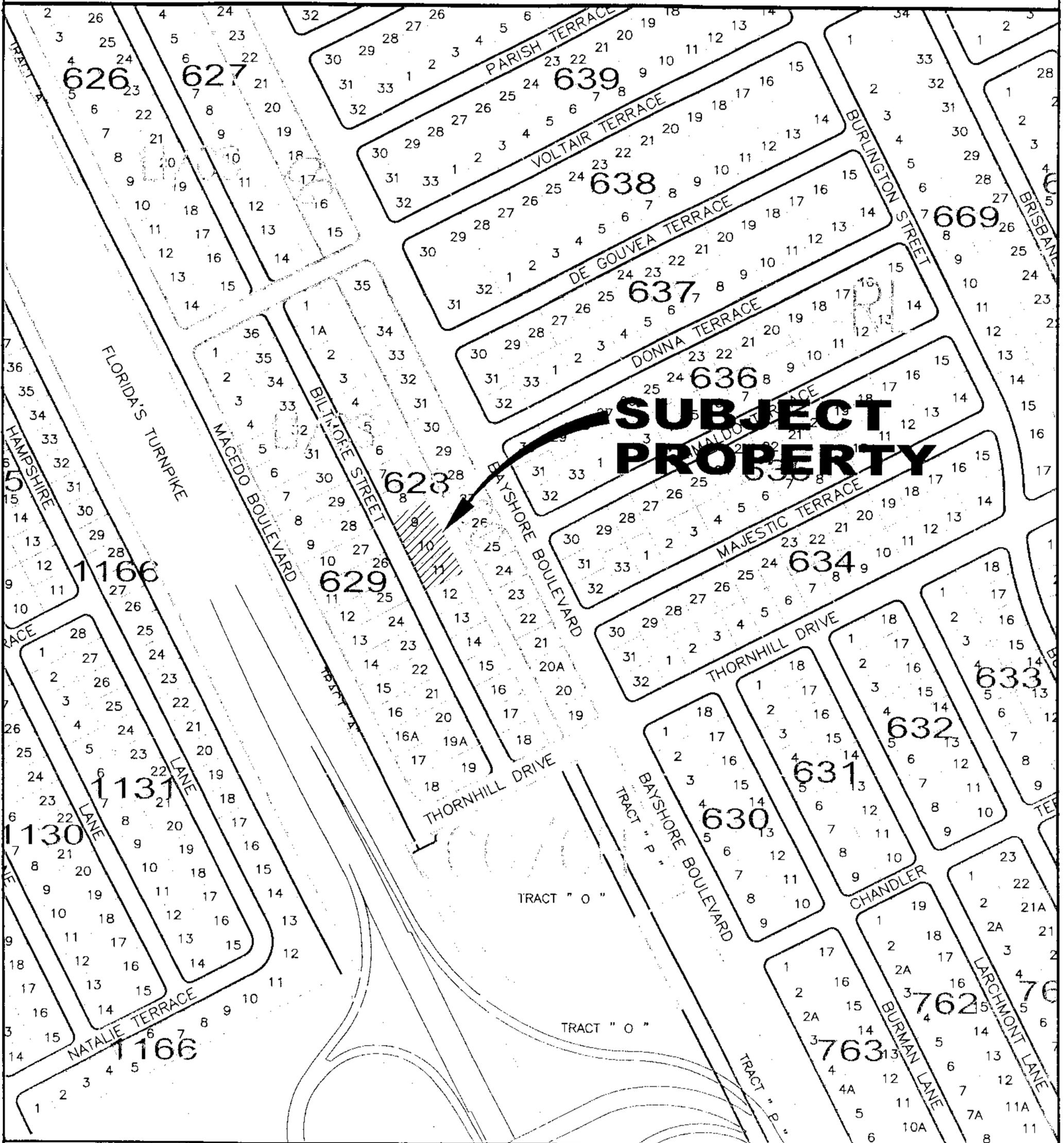
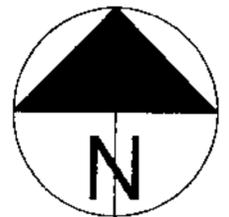
DATE: 7/19/2012

APPLICATION NUMBER:
P12-088

CADD FILE NAME:
P12-088A

SCALE: 1" = 200'

FUTURE LAND USE



SUBJECT PROPERTY



CITY OF PORT ST. LUCIE
PLANNING & ZONING DEPT.

Prepared by:
M.I.S. DEPARTMENT

PZ 2012.DWG

SPECIAL EXCEPTION USE
LOTS 9-11 BLOCK 628
PORT ST LUCIE SECTION 13

DATE: 7/19/2012

APPLICATION NUMBER:
P12-088

CADD FILE NAME:
P12-088M

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. P12-088
Fee (Nonrefundable) \$215.00
Receipt # 11841

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: pastor@hisvinefreesdachurch.org

PROPERTY OWNER:

Name: Larry + Sandy Olson
Address: 3065 SE St. Lucie Blvd., Stuart, FL 34997
Telephone No.: 772-391-3700 Fax No.: _____

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

Name: HIS Vine Free Seventh-day Adventist Church
Address: 1947 SW Biltmore St., Port St. Lucie, FL 34984
Telephone No.: 772-785-5979 Fax No.: 772-785-5979

SUBJECT PROPERTY:

Legal Description: Section 13, Block 628 Lot 9, 10, 11
Parcel I.D Number: 3420560-24200004
Address: 1943-1947 SW Biltmore St., PSL, FL 34984 Bays: 3

Development Name: Flying Fish Plaza (Attach Sketch and/or Survey)

Gross Leasable Area (sq. ft.): 2,682.75 sq. ft. Assembly Area (sq. ft.): 550 sq. ft.

Current Zoning Classification: CS SEU Requested: (3) Enclosed Assembly Area

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

HIS Vine Free SDA Church is requesting the special exception so that we may conduct church services in 1943 SW Biltmore St. PSL, FL 34984, after making minor interior repairs.

HIS Vine Free SDA Church is the only church in this area preaching the historic Adventist message as given by God to us for His church in these last days and giving the message to the world via recordings shown on YouTube and DVDs for distribution.


Signature of Applicant

Charles D. Mills PASTOR
Hand Print Name

8-6-12
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.

Site and building plan already approved 1985 as to adequate ingress and egress to said property. Because our services are conducted on the Sabbath (Saturday) there is no need for changes in this request. Further, there are no structural changes on the exterior that would pose any need for change.

(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.

Site and building plan already approved 1985. We are requesting an enclosed assembly area for a church. There will be absolutely no need for any additional parking as a parking lot is already provided, we are few in number (15 on average) and we meet on Saturday when no one else is here. No loading area necessary though one provided in original site plan.

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

Site and building plan already approved 1985 for utilities. The only change will be some additional lighting on the inside which will not require any changes in the pre-existing utilities already present in building.

(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.

Site and building plan already approved 1985 for this provision. There are no exterior structural changes to be made so pre-existing conditions sufficient for this section as approved in 1985.

(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.

There will be one wall sign for which a permit will be requested identifying the church at this address. There will be no lights of any kind used for this sign nor will it be glass or plastic causing any glare. Zero effect on traffic.

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

Site and building plan already approved 1985. There is no exterior development so no changes to approved status necessary or requested. Pre-existing approved spaces sufficient.

(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.

Site and building plan already approved 1985. Once again, we are seeking an enclosed assembly permit. There is no structural or land development being made in connection with this permit application, so this is not applicable.

We also conduct a prayer meeting service on Wednesday evenings beginning at 7:00 pm. when no one else is here.

(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.

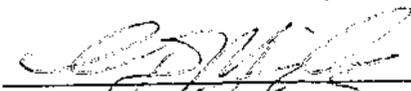
A church conducting their services by this proposed use will benefit the neighborhood and everyone connected with it. The Gospel message benefits the physical, mental, emotional and spiritual health for any and all who choose to avail themselves of the church and is a positive for any neighborhood. No risk of impairment.

(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.

Once again, we conduct our services on Saturday when no one else is here, thus avoiding any conflict. Secondly, we are small in number (15) and will pose no nuisance or hazard to any person or business in surrounding area.

(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.

The use will be very compatible for the area as there are no less than three (3) other churches (all who meet on Sunday) within 1,000 feet of proposed location, none of which have posed any conflict with each other or with surrounding businesses. Further, the owner, Larry Olson, has given us his blessing to move forward, knowing we are more than compatible.


Signature of Applicant

Charles D. Mills
Hand Print Name

7-2-12
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.

TO: CITY OF PORT ST. LUCIE
PLANNING AND ZONING COMMISSION/CITY COUNCIL
121 SW PORT ST. LUCIE BLVD.
PORT ST. LUCIE, FL 34984

FROM: HIS VINE MINISTRIES, INC., *dba* HIS VINE FREE SDA CHURCH
1947 SW BILTMORE ST.
PORT ST. LUCIE, FL 34984

RE: APPLICATION FOR SPECIAL USE EXCEPTION

10/3/2012
10:30 AM
370-1000-1111

Dear Planning and Zoning Commission Members and Members of the City Council,

HIS Vine Ministries, Inc. *dba* HIS Vine Free SDA Church, is a 501(c)(3) corporation seeking permission from you to carry on church services at 1943 SW Biltmore St., Port St. Lucie, FL 34984 by granting this application for a special exception use, i.e., an enclosed assembly area.

1943 SW Biltmore is a pre-existing building consisting of six (6) units that were identical to each other when the building and site plan were approved in 1985 and the building constructed. Each unit has its own address (1943, 1945, 1947, 1949, 1951 and 1953), utilities, lighting, water, etc. Since that time, three of the units have been dressed out as offices (1945, 1947 and 1951). 1949 is an empty warehouse unit (as were the others initially). 1943 is already set up as a sanctuary for church services. 1953 is occupied as a business. The owners of the property are Larry and Sandy Olson, whose address is 3065 SE St. Lucie Blvd., Stuart, FL 34997

HIS Vine Free SDA Church is a ministry that is distinct from all others because of the message it preaches and which is upheld by its members. That message is the Historical Seventh-day Adventist message established between 1844 and 1888 by its pioneers, men such as James White, Joseph Bates, J. N. Andrews, A. T. Jones, E. G. Waggoner, J. Loughborough, etc.. No other Seventh-day Adventist church in the area preaches this message. All of the them are members of the parent corporation of the General Conference of Seventh-day Adventist Churches. We are a member of the International Association of Free Seventh-day Adventist Churches, whose headquarters are in Norcross, GA which upholds the Historical Message as the only message that is to be preached to the world in these last days.

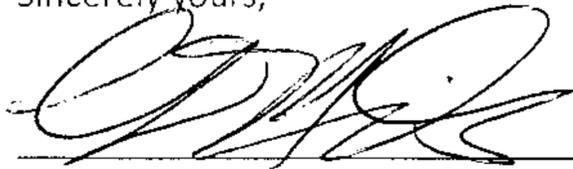
We have previously conducted services at the Realtor's Association of St Lucie County. For those interested, you can watch our services on You Tube. We have our own channel on You Tube, and all of our services are recorded and placed on You Tube for the benefit of the general public. Those services are currently being watched in over 30 states and 30 countries world-wide. You can also look at our web site at www.hisvinefreesdachurch.org. However, we were sharing that space with another church and it was not conducive to remain at that location.

We, as a ministry, moved into 1947 SW Biltmore for our offices on May 28, 2012. The current tenant of 1943 and 1945 is moving into another location. We have asked the owner for permission to conduct our services in 1943. They have given us the go-ahead to do just that. Their only request was that we make sure that we are in accord with the code of the city in order to conduct services in said property. Now, we can conduct our services right next door to our offices and that situation benefits everyone in every way imaginable. This application is part of that procedure to ensure we are in accordance with city code.

We have been in contact with the fire marshal and have proceeded to make all changes to said property necessary to make it a safe environment for our members and to provide adequate safety measures in case of an emergency including emergency lighting, exit signs, etc. There is no need for anything else since it is already used as a sanctuary for the current tenant. In addition there are other churches meeting in the area who have been approved for this application. Those churches meet on Sunday. We meet on Saturday, the Sabbath of the Lord our God (Genesis 2:1-3; Exodus 20:8-11), so there will be no conflict with those churches or any increase in traffic or interference with any business that may be operating in the area on Saturday. We also conduct a prayer meeting service on Wednesday evenings beginning at 7:00 p.m. when no one else is here. The tenant who occupies 1953 has been here for many years and has never had any complaints as to the church meeting on the other end of the building causing him any problems as he conducts his business.

We look forward to a speedy conclusion of the application process and a granting of this application so that we may conduct our services to honor and glorify God and be a strong, solid, positive witness to the community around us.

Sincerely yours,



Charles D. Mills, Pastor



Timothy P. Marshall, Treasurer

LETTER OF PERMISSION

Date 6-1-12

1943 SW Biltmore St.

Port St. Lucie, FL 34984
Street Address

I, Sandra Olson, as owner/agent of the above listed property, do give permission to Charles Mills, Pastor/Timothy Marshall/Earl Sherwood (contractor) as representative of HIS Vine Free Seventh-day Adventist Church to make renovations on the interior of the aforementioned property and are authorized to act in my behalf as owner/builder to obtain necessary permits to do said work.

Owner/Agent Information

LARRY and Sandy Olson
Name

Company

3065 SE St. Lucie Blvd, Stuart, FL 34997
Mailing address

772-341-3700 (cell)
Phone

Sandra Olson
Owner/Agent Signature

6-1-12
Date

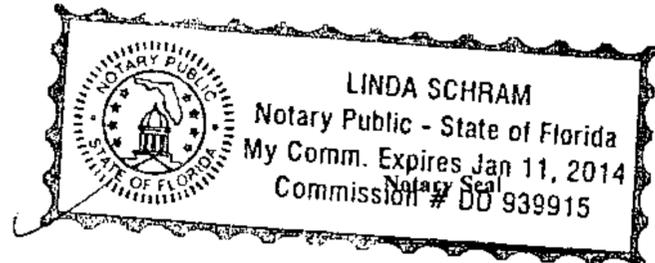
Notary as to Owner:

State of Florida

County of Martin

Sworn to and subscribed to me this 1 day of June, 2012 by Sandra Olson

Linda Schram
Signature of Notary Public



Personally known OR Produced Identification

Type of Identification Produced: FLDL

THIS INSTRUMENT PREPARED BY AND RETURN TO:
JILL A. BROTHERTON
SOUTH FLORIDA TITLE SERVICES, INC.
215 EAST OCEAN BOULEVARD
STUART, FLORIDA 34994
Property Appraisers Parcel Identification (Folio) Numbers: 3420-560-2420-000/4
Grantees SS #: and

SPACE ABOVE THIS LINE FOR RECORDING DATA

THIS WARRANTY DEED, made the 25th day of July, 2002 by DONALD W. CORBY, AS TRUSTEE and ELAINE G. CORBY, AS TRUSTEE UNDER THE DONALD W. CORBY LIVING TRUST DATED 6-21-00, herein called the grantors, to LARRY OLSON and SANDRA OLSON, HIS WIFE whose post office address is, hereinafter called the Grantees: 3065 SE St. Lucie Blvd, Stuart, FL 34997
(Wherever used herein the terms "grantor" and "grantee" include all the parties to this instrument and his heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations)

0.00
1,960.00
0.00
\$ \$ \$
* DOC Assump: : :
* DOC Tax : :
* Int Tax : :

WITNESSETH: That the grantors, for and in consideration of the sum of TEN AND 00/100'S (\$10.00) Dollars and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the grantee all that certain land situate in ST. LUCIE County, State of Florida, viz.:

LOTS 9, 10 AND 11, BLOCK 628, PORT ST. LUCIE SECTION THIRTEEN, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN OFFICIAL RECORDS BOOK 13, PAGES 4, 4A-4M, OF THE PUBLIC RECORDS OF ST. LUCIE COUNTY, FLORIDA.

Subject to easements, restrictions and reservations of record and to taxes for the current year and thereafter. GRANTOR ATTESTS THAT THIS WAS NOT THEIR HOMESTEAD PROPERTY. THIS IS COMMERCIAL PROPERTY.

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

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

AND, the grantors hereby covenant with said grantees that the grantors are lawfully seized of said land in fee simple; that the grantors have good right and lawful authority to sell and convey said land, and hereby warrant the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances, except taxes accruing subsequent to December 31, 2001.

IN WITNESS WHEREOF, the said grantors have signed and sealed these presents the day and year first above written.

Signed, sealed and delivered in the presence of:

[Signature]
Witness #1 Signature

Danielle Goodsell
Witness #1 Printed Name

[Signature]
Witness #2 Signature

COLETTE DEAN
Witness #2 Printed Name

[Signature]
DONALD W. CORBY, AS TRUSTEE

[Signature]
ELAINE G. CORBY, AS TRUSTEE

STATE OF FLORIDA
COUNTY OF ST. LUCIE

The foregoing instrument was acknowledged before me this 25th day of July, 2002 by DONALD W. CORBY, AS TRUSTEE and ELAINE G. CORBY, AS TRUSTEE who are personally known to me or have produced driver's licenses as identification.

SEAL

[Signature]
Notary Public

Danielle Goodsell
Printed Notary Name

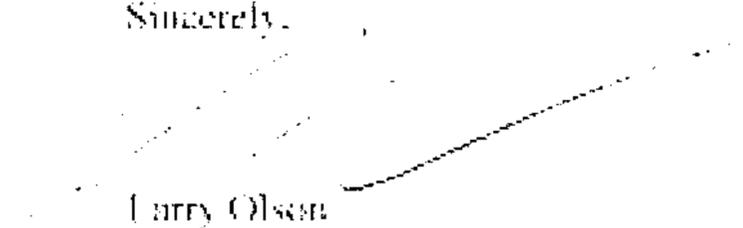
July 5, 2012

RE: Parking rights at Flying Fish Plaza

To whom it may concern:

As owner of Flying Fish Plaza (1937-1955 SW Biltmore Street, Port St. Lucie, FL), I hereby grant exclusive parking rights to His Vine Free 7th Day Adventist Church for the purpose of worship each Saturday during the day, and Tuesday and Wednesday evenings, for the duration of their lease agreement with us.

Sincerely,



Larry Olson

RECIPROCAL PARKING AGREEMENT

This reciprocal easement agreement (the "Agreement") is made and entered into this 1st day of August, 2012, by and between Larry Olson, (the "Property Owner") and HIS Vine Free SDA Church (the "Tenant").

RECITALS

1. The Property Owner is the owner of that certain real property situated in St. Lucie County, Florida, more particularly described as Flying Fish Plaza, located at 1937-1953 SW Biltmore Dr., Port St. Lucie, fl 34984.

2. The Tenant is the renter of that certain real property situated in St. Lucie County, Florida, more particularly described as Unit #s 1943, 1945 and 1947 SW Biltmore Dr., Port St. Lucie, FL 34984.

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 thereon, 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 Property shall be and hereby subject to the terms, covenants, easements, restrictions and conditions hereinafter set forth in this Agreement, so that said Property shall be maintained, kept sold and used in full compliance with and subject to this Agreement and, in connection herewith, 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 Flying Fish Plaza and the term "Tenant" shall mean the lessee of Units 1943, 1945 and 1947 SW Biltmore St., Port St.

Lucie, FL 34974, 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 1943, 1945 and 1947 SW Biltmore Dr., Port St. Lucie, FL 34984.

(c) The term "Permittees" shall mean the tenant(s) or occupant(s) of a Unit and the respective employees, agents, contractors, customers, invitees, parishioners, and licensees of (i) the Owner of such Property, 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 18 of the available parking spots in the entire Property known as Flying Fish Plaza (1937-1953 SW Biltmore St. Port St. Lucie, FL 34984), for use by its parishioners between the hours of 8:00 a.m. ~~and~~^{to} 6:00 p.m. on Saturdays, and 6:30 p.m. to 9:00 p.m. on Wednesday evenings. ("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 with the Owner's Property.

3. Maintenance.

Tenant shall maintain the interior of its Unit(s), as well as the general cleanup of the parking area that the Tenant's parishioners 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 Assessment.

The Owner shall pay all taxes, assessments, or charges of any type levied or made by any government 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 Flying Fish Plaza. 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 hercof, 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 and/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 the 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 August 1, 2012, unless this Agreement is modified, amended canceled or terminated by the written consent of then all record Owners.

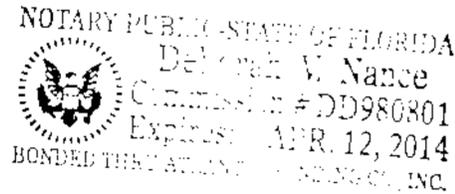
IN WITNESS WHEREOF, the parties have executed this Agreement as of the date first written above.

Larry and Sandy Olson,

By: [Signature]
Larry O. Olson
Owner

STATE OF Florida
COUNTY OF Martin

I HEREBY CERTIFY that the foregoing instrument was acknowledged before me this 24th day of August, 2011 by LARRY O. OLSON, Owner who () is personally know to me or () has produced _____ as identification.



Deborah V. Nance
Notary Public

HIS Vine Ministries, Inc., dba
HIS Vine Free SDA Church
a Florida non-profit corporation

By: [Signature]
Charles D. Mills
Pastor

STATE OF Florida
COUNTY OF Martin

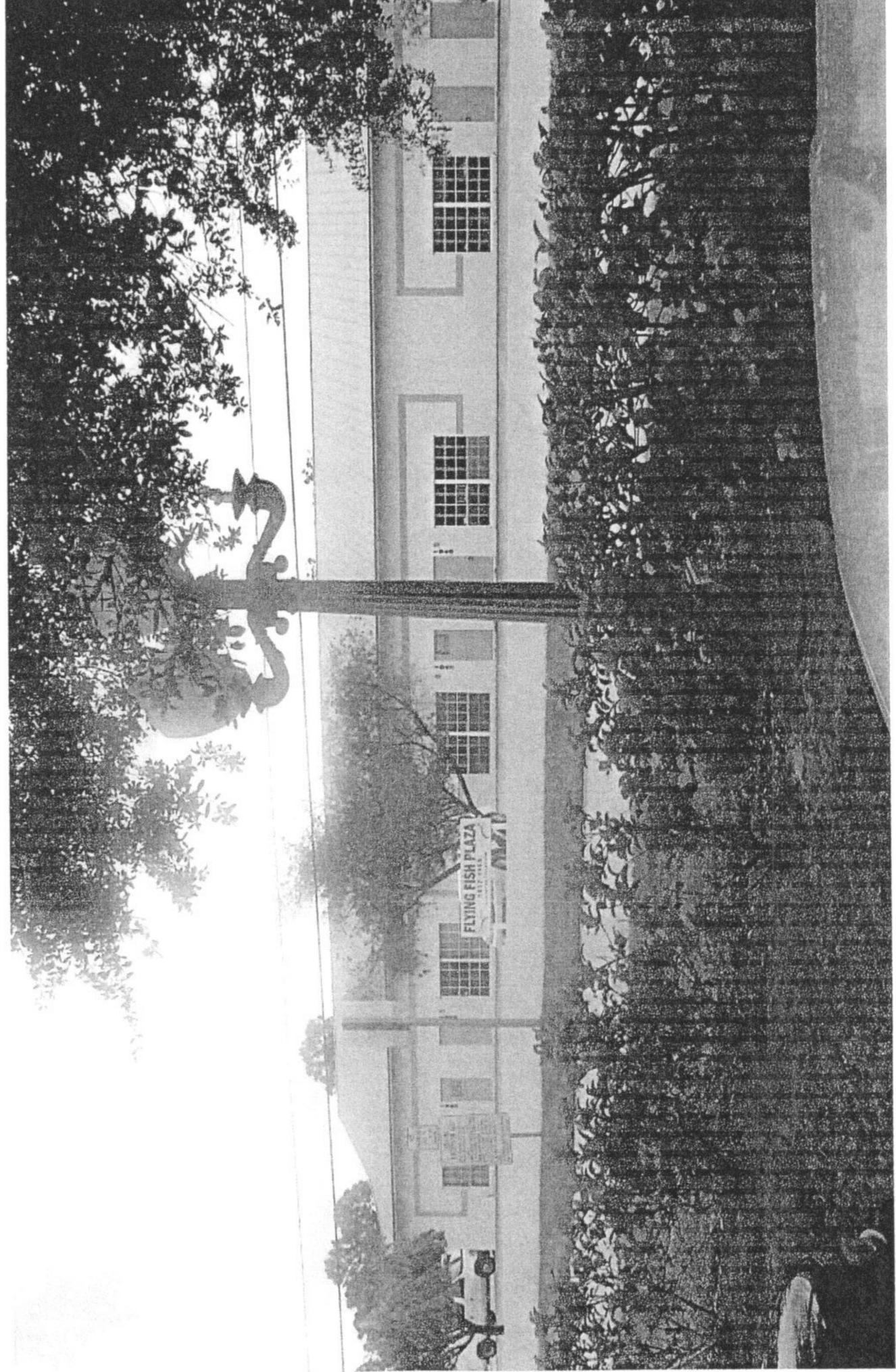
I HEREBY CERTIFY that the foregoing instrument was acknowledged before me this 21st day of August, 2011 by CHARLES D. MILLS, as Pastor of HIS Vine Free SDA Church, who () is personally know to me or () has produced _____ as identification.



[Signature]
Notary Public

All \denise\contracts - agmts, lease agmts, interlocals\thirsty furtie reciprocal easement agmt 10/07/11 doc - draft #2.doc

Another view of the building from Biltmore street
Photo taken by P&Z staff on 8/31/2012



Front view of the Flying Fish Plaza-the proposed church will be occupying 3 bay
Photo taken by P&Z staff on 8/31/2012



Picture shows the missing shrubs in the perimeter landscaping
Photo taken by P&Z staff on 8/31/2012
Photo taken by P&Z staff on 8/31/2012



**PLANNING AND ZONING BOARD MEETING MINUTES
SEPTEMBER 4, 2012**

C. P12-088 HIS VINE FREE SEVENTH DAY ADVENTIST CHURCH – SPECIAL EXCEPTION USE

Ms. Kuruvilla said, "The owners are Larry and Sandy Olson. The applicant is His Vine Free Seventh Day Adventist Church. The property is located at 1943-1947 SW Biltmore Street, located on the east side of Biltmore Street between Thornhill Drive and Voltair Terrace. The legal description is Lots 9-11, Block 628, Port St. Lucie Section 13. The size of the site is 0.69 acres. The existing zoning is CS, Service Commercial, and the existing use is a warehouse and office building. The proposed use is an enclosed assembly area. The requested Special Exception is to allow an enclosed assembly area church in the CS, Service Commercial Zoning District, as per Section 158.126(D)(3) of the City's Zoning Code. The access to this site is from Biltmore Street, which should be adequate to handle the traffic generated by the enclosed assembly area. There are two existing buildings on the Flying Fish property. The total area of the buildings is 6,975 square feet. The total parking spaces shown on the plan was 19. However, there is a mail receptacle in one parking space near the entrance. The total parking provided on the site is 18 spaces. The site was required to have 18 spaces at the time of the Site Plan approval. According to the application, the applicant is taking three bays of the existing building with an area of 2,682.75 square feet, and proposing an approximate assembly area of 504 square feet. Per Section 158.221(C)(5) of the Zoning Code, the parking requirement for a church is 25 spaces for every 1,000 square feet of assembly area, or 1 space for every 200 square foot of the gross floor area, whichever is greater. Exhibit B shows the floor plan of the proposed Church. The required parking for the proposed church is 13 spaces. One bay in the south end is occupied by a dental lab business. The two other bays are currently vacant. Upon researching the business at this location, most of the businesses in this building are closed on weekends and typically closed at 5:00 p.m., Monday through Friday. Zoning Code Section 158.221(B) provides for a combined off-street parking, and allows for sharing of the parking area when it is found that the hours of operation do not overlap. The applicant has stated in the application that the church will operate primarily on Saturdays, and there is an additional prayer service on Wednesday evenings, beginning at 7:00 p.m. The applicant has provided a Shared Parking Agreement from the property owner. The perimeter shrubs are missing on this site. The perimeter trees are in good condition. The shrubs need to be reinstalled."

Ms. Kuruvilla continued, "The proposed Special Exception Use is listed and defined by Section 158.126(D)(3), CS, Service Commercial Zoning District, and should conform to all provisions of the City's Land Development Regulations. This site is already developed, and the proposal will only be changing the interior of the three bays. This site is located in a significant Warehouse/Commercial area within the City, and is surrounded by other Warehouse/Commercial zoned property. It should be compatible with the site itself, as well as with the adjacent properties. This should not impair the health, safety, welfare, or convenience of residents and workers in the City. 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 hours of operation be limited to 8:00 a.m. to 6:00 p.m. on Saturdays, and 6:30 p.m. to 9:00 p.m. on Wednesdays."

Ms. Parks inquired, "Was this item brought to the attention of the Planning and Zoning department due to a Code Enforcement problem?" Mr. Holbrook responded, "Not that I'm aware of." Ms. Parks said, "They exist in the building as we speak. Could the applicant shed some light on the lighting situation in the parking lot? You have evening hours of operation, and I did not see lights there."

Pastor Charles Mills, applicant, said, "The land owner has placed a very bright light at each entrance of the building. At night we turn them on, and it lights up the entire parking lot. When we leave, we shut

them off. Other than that, there is not outside lighting that I'm aware of." Ms. Parks stated, "There appears to be about nine bays. Do you have access to the other bays to turn on their lights?" Pastor Mills replied, "When we turn on ours, because we have three bays, they light up the whole area that we are using. They light up what the street lights don't." Ms. Parks advised, "I mentioned it in the essence of security and safety for your parishioners, women and children." Pastor Mills replied in the affirmative.

Chair Blazak opened the Public Hearing. There being no comments, Chair Blazak closed the Public Hearing. Ms. MacKenzie **moved** to approve P12-088, His Vine Free Seventh Day Adventist Church, Special Exception Use. Vice Chair Martin **seconded** the motion, which **passed** by roll call vote with Ms. MacKenzie, Vice Chair Martin, Chair Blazak, Mr. Garrett, Secretary Ojito, and Mr. Battle voting in favor, and Ms. Parks voting against.

*April C. Stancius
Deputy City Clerk*

*City of Port St. Lucie
121 SW Pl. St. Lucie Blvd.
Port. St. Lucie, FL 34984
(772) 344-4296
AStancius@Cityofpst.com*