

**A RESOLUTION GRANTING A SPECIAL EXCEPTION USE PROVIDED FOR IN SECTION 158.124(C)(12) TO ALLOW AN RETAIL CONVENIENCE STORE IN THE CG (GENERAL COMMERCIAL) ZONING DISTRICT FOR RACETRAC AT VALENTINE PROPERTIES, LLC PVD DEVELOPMENT, LEGALLY DESCRIBED AS LOTS 7-10 AND 27-30, BLOCK 704, PORT ST. LUCIE SECTION 18, P12-136; PROVIDING AN EFFECTIVE DATE.**

---

**WHEREAS**, the City of Port St. Lucie, Florida, has been requested by Creech Engineers, Inc. acting as agent for the owner Valentine Properties, LLC PVD Development, to grant a special exception use of a retail convenience store on property presently zoned CG (General Commercial); and legally described as Lots 7-10 and 27-30, Block 704, Port St. Lucie Section 18; and

**WHEREAS**, the City Council determines that the granting of this special exception use is authorized by Section 158.255, et seq., and Section 158.124(C)(12), Code of Ordinances, City of Port St. Lucie, and further that the granting of this special exception use will not adversely affect the public interest; and

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

**WHEREAS**, the Planning and Zoning Board, on November 6, 2012 and unanimously recommended approval (P12-136); and

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

**RESOLUTION NO. 12-R122**

Section 1. That the City of Port St. Lucie hereby grants a special exception use to Valentine Properties, LLC PVD Development, P11-168, to allow a retail convenience store, pursuant to Section 158.255, et seq., and Section 158.124(C)(12) Code of Ordinances, City of Port St. Lucie, said special exception use is depicted on the conceptual plan which is hereby formally adopted and attached as Exhibit "A", to be located at 221 Port St. Lucie Boulevard and legally described as Lots 7-10 and 27-30, Block 704, Port St. Lucie Section 18.

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 26<sup>th</sup> day of November, 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:**                      November 26, 2012

---

**ORDINANCE**           **RESOLUTION**   X      **MOTION**           **PUBLIC HEARING**   X  

---

**ITEM:**                    **P12-136 RACETRAC CONVENIENCE STORE  
SPECIAL EXCEPTION USE APPLICATION**

---

**RECOMMENDED ACTION:** The Planning and Zoning Board reviewed the request on November 6, 2012 and unanimously recommended approval.

---

**EXHIBITS:**

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

**SUMMARY EXPLANATION/BACKGROUND INFORMATION:** The requested special exception is to allow a retail convenience store per Section 158.124(C)(12) of the Zoning Code.

---

**IF PRESENTATION IS TO BE MADE, HOW MUCH TIME WILL BE REQUIRED?** None.

---

**SUBMITTING DEPARTMENT:** Planning and Zoning

**DATE:** November 13, 2012



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

---

**TO:** CITY COUNCIL - MEETING OF NOVEMBER 26, 2012

**FROM:** KATHERINE H. HUNTRESS, PLANNER 

**RE:** RACETRAC  
SPECIAL EXCEPTION APPLICATION (PROJECT NO. P12-136)  
RETAIL CONVENIENCE STORE

**DATE:** NOVEMBER 13, 2012

---

**APPLICANT:** Creech Engineers, Inc.

**OWNER:** Valentine Properties, LLC and PVD Development

**LOCATION:** The property is located at 221 Port St. Lucie Boulevard, on the north side of Port St. Lucie Boulevard, south of Chapman Avenue, west of Wayne Street, and east of Trenton Lane,

**LEGAL DESCRIPTION:** The property is legally described as Lots 7-10 and 27-30, Block 704, Port St. Lucie Section 18.

**SIZE:** 1.84 acres

**EXISTING ZONING:** CG (General Commercial)

**EXISTING USE:** Vacant car sales lot

**PROPOSED USE:** The proposed use is an automobile fuel service station with a 5,928 square foot one story retail convenience store.

**REQUESTED SPECIAL EXCEPTION:** The requested special exception is to allow a retail convenience store per Section 158.124(C)(12) of the Zoning Code.

**SURROUNDING USES:** North = RS-2 (Single Family Residential) zoning, existing single family residences. South, east, and west = CG (General Commercial) zoning, existing commercial developments and to the west is vacant land.

## **IMPACTS AND FINDINGS:**

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

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

*Applicant response: "At the east end of the property on SW Port St. Lucie Boulevard, a full access drive is proposed. At the west end of the property on SW Port St. Lucie Boulevard, a "right in right out" shared access drive is proposed. All emergency vehicles will be able to access the site easily as the site is designed to accommodate petroleum delivery vehicles. Adequate parking is provided adjacent to the building for pedestrian convenience and safety."*

*Staff evaluation: The applicant has adequately addressed the criteria. The applicant has provided a conceptual site plan that indicates two access points on Port St. Lucie Boulevard. The western access point is being shared with the adjacent property; however this should not adversely affect access for either site. A shared access agreement between the applicant and the adjacent property owner to the west has been provided by the applicant (see attached). The site plan will be required to provide cross access through the parking lot to the adjacent site to the east. Additionally, bicycle and pedestrian access will need to be better identified.*

*It is important to note that Port St. Lucie Blvd. is a state road, and all access points on state roads require Florida Department of Transportation (FDOT) approval.*

(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 response: "The attached site plan reflects off street loading and parking areas. RaceTrac owns and operates hundreds of similar stores throughout the southeast and ensures that adequate off-street parking and loading areas are maintained. Buffers and setbacks for our use as required by City Code will be provided."*

*Staff evaluation: The applicant has adequately addressed the criteria. The conceptual site plan shows a 5,928 square foot convenience store with 12 gas pumps, and a total of 36 parking spaces which is not including the parking that can be counted adjacent to the gas pumps. §158.221(C) (13) requires one (1) parking space for each 200 square feet of gross floor area; therefore a 5,928 square foot building would require a total of 30 parking spaces; this site has more than adequate parking for the use.*

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

*Applicant response: "The existing site has all necessary utilities. City sanitary sewer connection points are available on both SW Port St. Lucie Boulevard and SW Chapman Avenue The site has an existing city water service. Both facilities have adequate capacity to service our development."*

*Staff evaluation: The property is connected to City 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 response: "Buffering and screening will be provided to meet city code."*

*Staff evaluation: The applicant has adequately addressed the criteria. The applicant has provided a conceptual site plan that indicates a 10' landscape buffer strip and an 8', above finish floor elevation, CBS buffer wall on the north side of the property to adequately screen and buffer the site from the residential area. The applicant will be required to submit a landscape plan that meets all of the requirements of the city landscape code at time of site plan review.*

(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 response: "The RaceTrac lighting and signage will be required to meet city code. If RaceTrac desires to install lighting or signage that does not meet city code RaceTrac will seek a variance from the city code prior to the development of the site."*

*Staff evaluation: All sign applications will need to be processed according to the regulations outlined in the sign code (Chapter 155). P12-028 RaceTrac Sign Variance Application was denied by the Planning and Zoning Board on April 3, 2012. They requested a variance to Chapter 155 Sign Code of the Zoning Code that included the following:*

- 1. An 18 square foot variance to Table 1 of Chapter 155 of the Sign Code. Said code allows a maximum of 32 square feet for a monument sign, whereas the applicant is proposing a maximum of 50 square feet for the monument sign.*
- 2. A variance to Chapter 155.08 (S)(1) of the Sign Code. Said code requires the numerical address to be exhibited on the monument sign, whereas the applicant is proposing no address on the monument sign.*
- 3. A 121 square foot variance to Chapter 155.08(K)(1) of the Sign Code. Said code allows a cumulative maximum of 32 square feet for gas station canopy signs, whereas the applicant is proposing a cumulative maximum of 153 square feet for the canopy signs.*
- 4. A 12 inch variance to Chapter 155.08(E)(b) of the Sign Code. Said code allows a maximum letter height of 24 inches, whereas the applicant is proposing a letter height of 36 inches for the canopy signs.*
- 5. A 9 inch variance to Chapter 155.08(E)(b) of the Sign Code. Said code allows a maximum letter height of 24 inches, whereas the applicant is proposing a letter height of 33 inches for the façade sign.*
- 6. A variance to Chapter 155.08(E)(1)(c) of the Sign Code. Said code requires that only the business name/logo and type of business be identified on the façade*

sign, whereas the applicant is proposing a sign advertising "FRESHLY BREWED COFFEE" on the façade.

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

*Applicant response: "The design meets open space requirements."*

*Staff evaluation: The applicant has adequately addressed the criteria. The existing site has adequate yard and open space to properly serve the proposed development and ensure compatibility with adjoining properties.*

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

*Applicant response: "If the final desired RaceTrac design does not meet city code RaceTrac will seek variances from the code from the city. At that time the city can choose to grant, or not grant the variance. At this time RaceTrac seeks to determine if this special exception use will be granted for this site."*

*Staff evaluation: The proposed use is in conformance with Section 158.124(C)(12) and Section 158.213 of the Zoning Code.*

(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 response: "RaceTrac Petroleum owns and operates hundreds of stores in the southeast United States. RaceTrac Petroleum is a responsible company that strives to provide a safe environment for both its customers and employees. Lighting and security cameras are utilized for safety. The most up to date technology is utilized in respect to the storage and dispensing activities."*

*Staff evaluation: The applicant has adequately addressed the criteria. This report finds that the health, safety, welfare, and convenience of the residents and workers in the city should not be impaired by this use.*

(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 response: "The site will experience usage normal for that of a gas station and convenience store."*

*Staff evaluation: At the October 22, 2012 Site Plan Review Committee meeting, the applicant has indicated the convenience store will be operational 24 hours a day. By conforming to city codes, a retail convenience store and service station at this location should not constitute a nuisance or hazard for anyone using this facility.*

*A recent survey conducted along Port St. Lucie Blvd. and Gatlin Blvd. has found that there are several convenience stores/service stations in the city which are open 24 hours a day, these include:*

- 7-11 (formerly the Mobil station)

*1090 S.E. Port St. Lucie Boulevard*

- *Circle K*  
*400 S.E. Port St. Lucie Boulevard*
- *Chevron*  
*468 S.W. Port St. Lucie Boulevard*
- *7-11 (formerly the Mobil station)*  
*2890 S.W. Port St. Lucie Boulevard*
- *Circle K*  
*2902 S.W. Port St. Lucie Boulevard*
- *7-11*  
*3095 S.W. Port St. Lucie Boulevard*
- *Valero*  
*2691 S.W. Savona Avenue*
- *Sunoco*  
*2681 S.W. Fondura Road.*

(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 response: "The site is located on a major roadway adjacent to similar uses. The site was previously the Ipanema Auto Mall. While the site abuts a residential neighborhood to the north adequate screening and buffering is in place as part of the last approved development."*

*Staff evaluation: The proposed use complies in regards to size, height, access, and light with Chapters 158.124(C)(12) and 158.255 and is compatible with the existing use of the adjacent properties. The applicant has provided a conceptual site plan that indicates a 10' landscape buffer strip and an 8' CBS buffer wall on the north side of the property to adequately screen and buffer the site from the residential area. The applicant will be required to submit a landscape plan that meets all of the requirements of the city landscape code at time of site plan review.*

(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.

*Applicant response: The applicant has noted this.*

*Staff evaluation: The applicant has acknowledged this.*

(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.

*Applicant response: The applicant has noted this.*

*Staff evaluation: The applicant has acknowledged this.*

Compatibility with special exception criteria: As noted above, the proposed use is compatible with all of the special exception criteria.

Notice to Property Owners: Notice was sent to all neighbors within a 300 foot radius.

**Related Projects:**

P11-028 RaceTrac Sign Variance Application was denied by the Planning and Zoning Board on April 3, 2012 and is scheduled for the August 20, 2012 Zoning Board of Appeals meeting.

P11-167 RaceTrac Automobile Fuel Service Station Special Exception Use Application was unanimously recommended for approval by the Planning and Zoning Board on May 1, 2012 and was denied by the City Council on May 29, 2012.

P12-137 RaceTrac Automobile Fuel Service Station Special Exception Use Application is scheduled for the November 6, 2012 Planning and Zoning Board meeting.

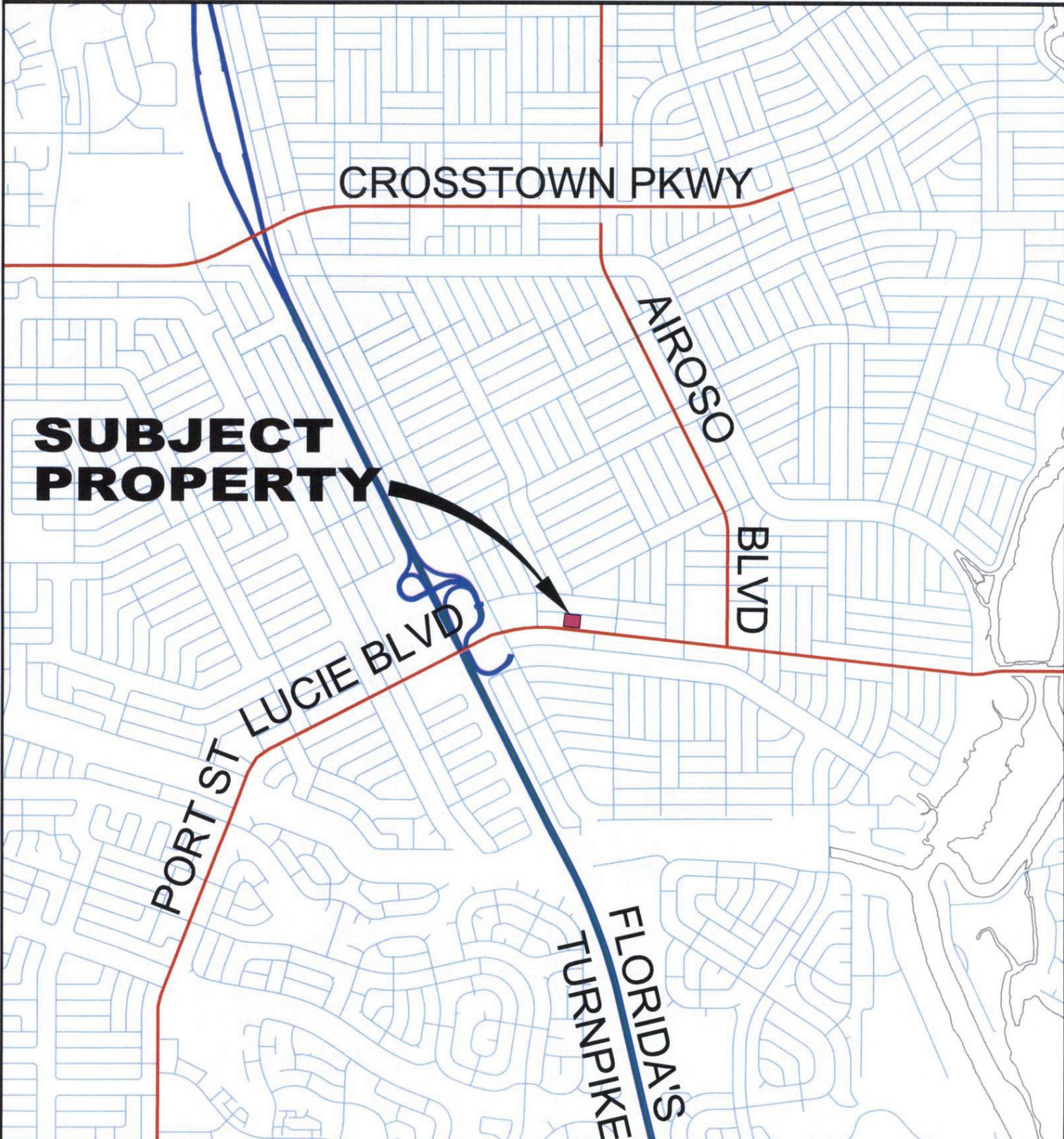
**History:**

The Planning and Zoning Board reviewed the previous request on May 1, 2012 and unanimously recommended approval but was unanimously denied by the City Council on May 29, 2012 (see attached minutes). The applicant requested a waiver to Section 158.256(A)(1)(a) of the Zoning Code which specifies that applications denied by the City Council may not be accepted for filing within 12 months of the denial. Section 158.256(A)(2) allows the Planning and Zoning Board to waive this time limit if it is deemed that the action is necessary to prevent injustice or to facilitate proper development of the city. The 12 month time limit waiver request was approved by the Planning and Zoning Board on October 2, 2012.

---

**STAFF RECOMMENDATION:** The Site Plan Review Committee reviewed the request on October 24, 2012, and unanimously recommended approval. 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. The Planning and Zoning Board reviewed the request at their meeting on November 6, 2012 and unanimously recommended approval.

# SITE LOCATION



CITY OF PORT ST. LUCIE  
PLANNING & ZONING DEPT.

Prepared by:  
M.I.S. DEPARTMENT

PZ 2012.DWG

SPECIAL EXCEPTION USE  
LOTS 7-10 & 27-30 BLOCK 704  
PORT ST LUCIE SECTION 18

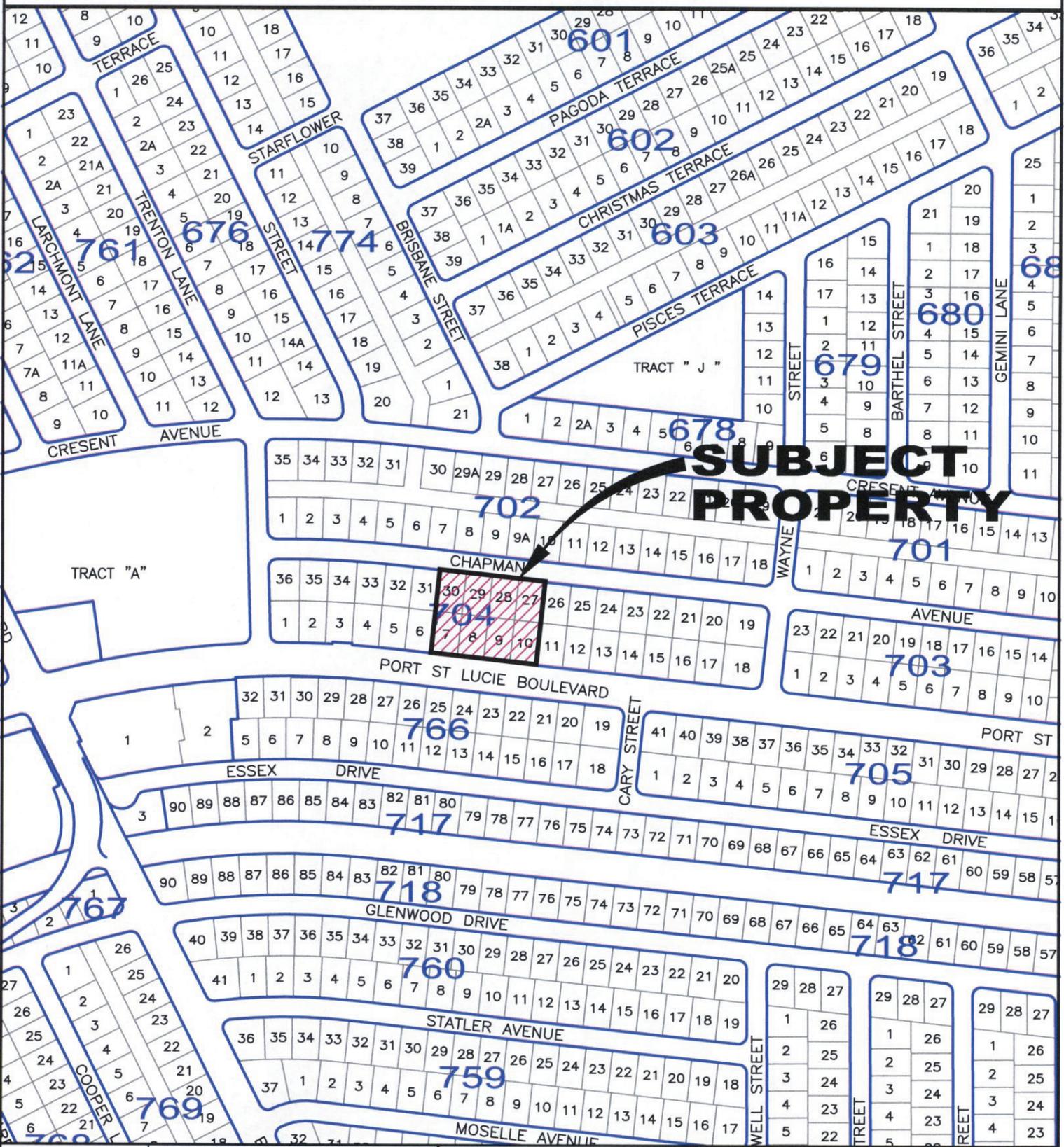
DATE: 10/10/2012

APPLICATION NUMBER:  
P12-136

CADD FILE NAME:  
P12-136L

SCALE: 1" = .5 MI

# SITE LOCATION



CITY OF PORT ST. LUCIE  
PLANNING & ZONING DEPT.

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

SPECIAL EXCEPTION USE  
LOTS 7-10 & 27-30 BLOCK 704  
PORT ST LUCIE SECTION 18

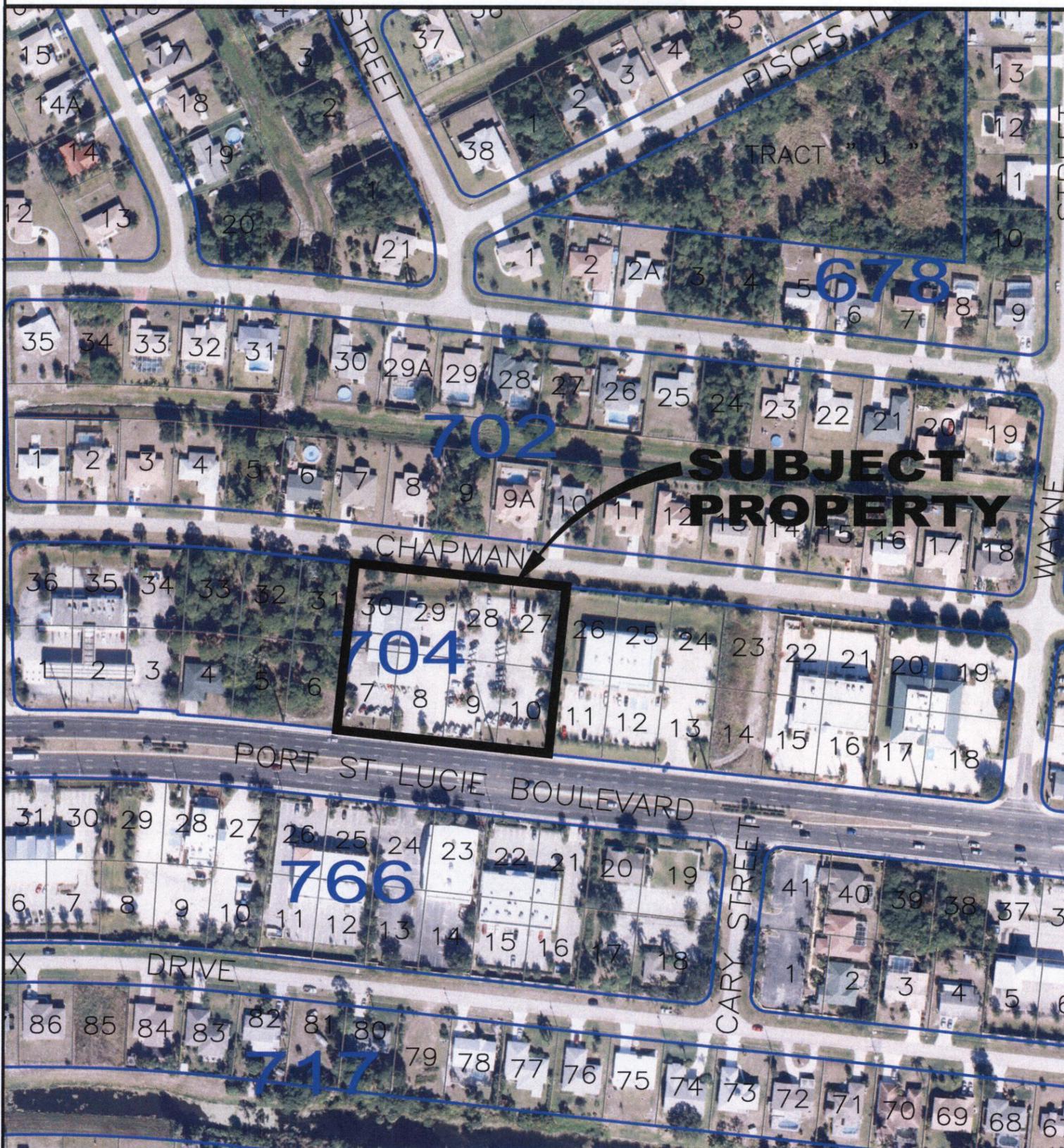
DATE: 10/10/2012

APPLICATION NUMBER:  
P12-136

CADD FILE NAME:  
P12-136M

SCALE: 1" = 400'

# SITE LOCATION



**SUBJECT PROPERTY**

**704**

**678**

**702**

**766**

**717**



CITY OF PORT ST. LUCIE  
PLANNING & ZONING DEPT.

Prepared by:  
M.I.S. DEPARTMENT

PZ 2012.DWG

SPECIAL EXCEPTION USE  
LOTS 7-10 & 27-30 BLOCK 704  
PORT ST LUCIE SECTION 18  
AERIAL DEC 2010

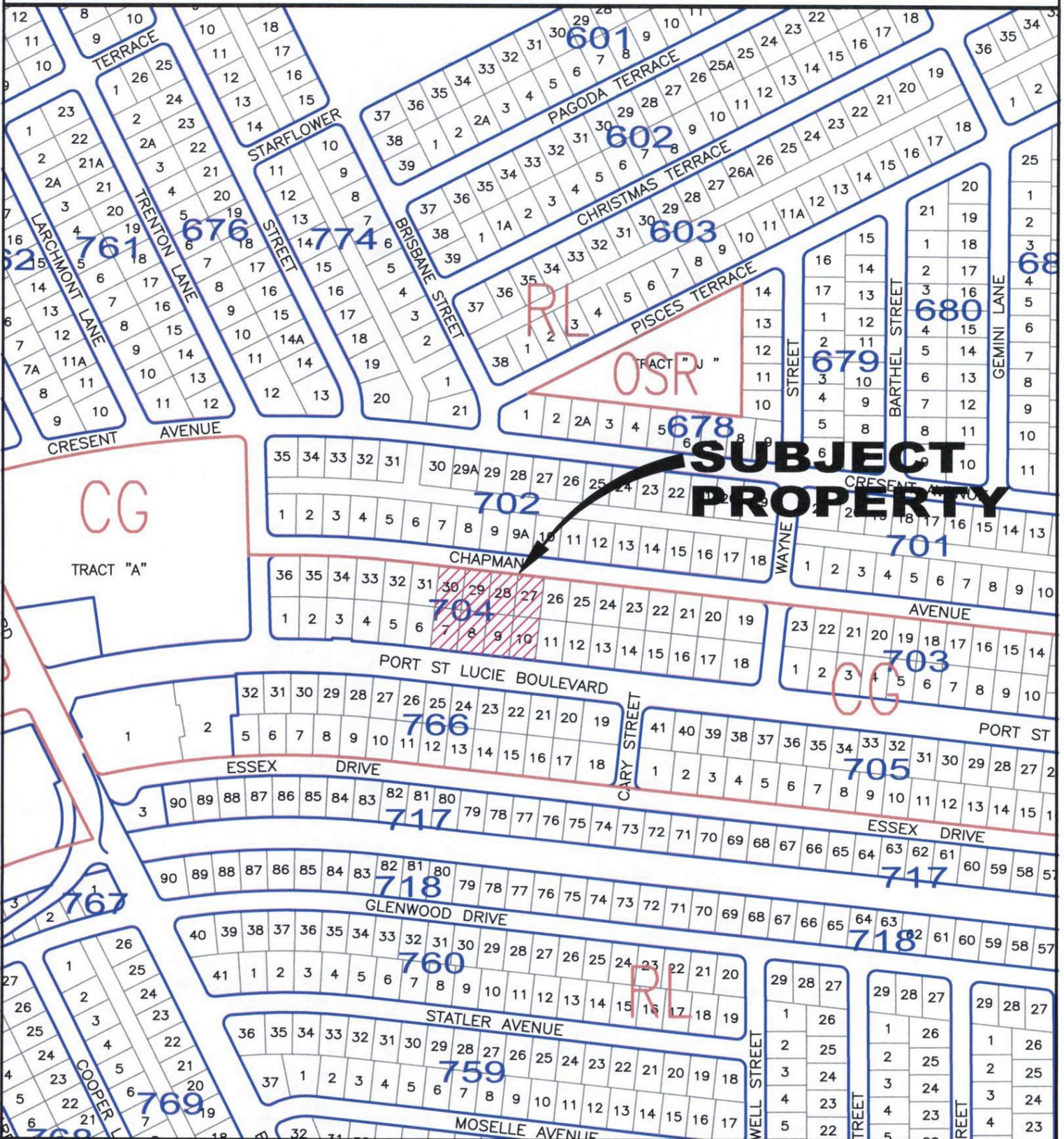
DATE: 10/10/2012

APPLICATION NUMBER:  
P12-136

CADD FILE NAME:  
P12-136A

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 7-10 & 27-30 BLOCK 704  
PORT ST LUCIE SECTION 18

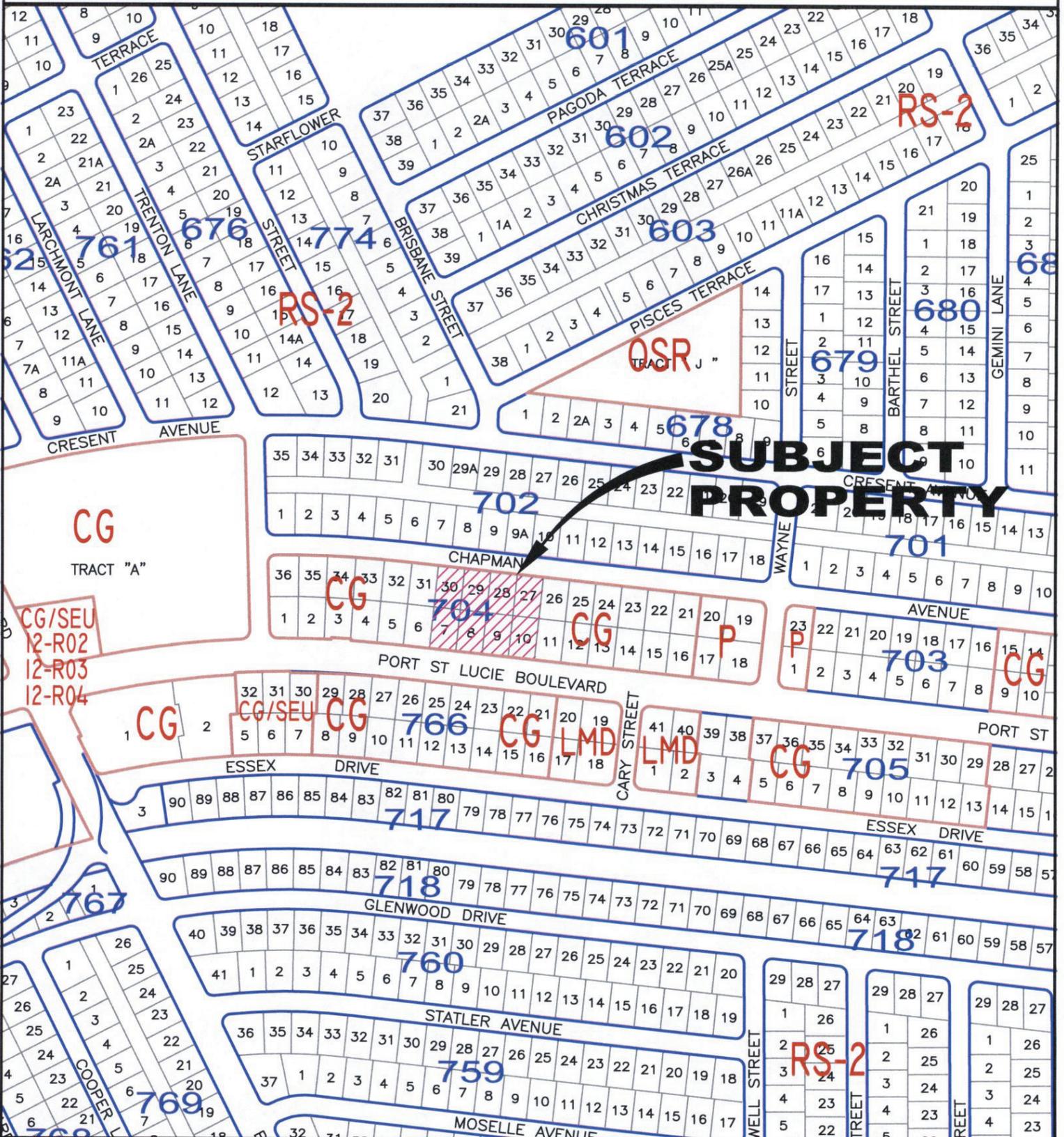
DATE: 10/10/2012

APPLICATION NUMBER:  
P12-136

CADD FILE NAME:  
P12-136M

SCALE: 1" = 400'

# EXISTING ZONING



CITY OF PORT ST. LUCIE  
PLANNING & ZONING DEPT.

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

SPECIAL EXCEPTION USE  
LOTS 7-10 & 27-30 BLOCK 704  
PORT ST LUCIE SECTION 18

DATE: 10/10/2012

APPLICATION NUMBER:  
P12-136

CADD FILE NAME:  
P12-136M

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. P2-136  
Fee (Nonrefundable) \$ 215.00  
Receipt # \_\_\_\_\_

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:** ejuliano@creechinc.com

**PROPERTY OWNER:**

Name: Valentine Properties LLC PVD Development Inc  
Address: 1574 SE Chiffon Ave. Port St Lucie, FL 34952  
Telephone No.: \_\_\_\_\_ Fax No.: \_\_\_\_\_

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

Name: See Exhibit "A"  
Address: \_\_\_\_\_  
Telephone No.: \_\_\_\_\_ Fax No.: \_\_\_\_\_

**RECEIVED**

SEP 20 2012

**SUBJECT PROPERTY:**

Legal Description: See attached Survey  
Parcel I.D Number: 3420-585-1201-000-3  
Address: 221 SW Port St Lucie Blvd. Bays: \_\_\_\_\_  
Development Name: Ipanema Auto Mall (Attach Sketch and/or Survey)  
Gross Leasable Area (sq. ft.): \_\_\_\_\_ Assembly Area (sq. ft.): \_\_\_\_\_  
Current Zoning Classification: CG SEU Requested: Gas Station/Convenience Store

PLANNING DEPARTMENT  
CITY OF PORT ST. LUCIE, FL

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

The proposed use of a Gas Station requires a Special Exception Use Permit  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

*[Signature]*  
Signature of Applicant

*Brian Oates*  
Hand Print Name

3-16-12  
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.  
H:\P2\SHARED\APPLCTN\SEU\APPL (06/21/11)

### SPECIAL EXCEPTION USES

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

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

At the east end of the property on SW Port St. Lucia Blvd. a full access drive is proposed. At the west end of the property on SW Port St. Lucia Blvd. a "right in right out" shared access drive is proposed. All emergency vehicles will be able to access the site easily as the site is designed to accommodate petroleum delivery vehicles. Adequate parking is provided adjacent to the building for pedestrian convenience and safety.

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

The attached site plan reflects off street loading and parking areas. RaceTrac owns and operates hundreds of similar stores throughout the southeast and ensures that adequate off-street parking and loading areas are maintained. Buffers and setbacks for our use as required by City Code will be provided

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

The existing site has all necessary utilities. City sanitary sewer connection points are available on both SW Port St. Lucia Blvd and SW Chapman Ave. The site has an existing City water service. Both facilities have adequate capacity to service our development.

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

Buffering and screening will be provided to meet City code.

(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.

The RaceTrac lighting and signage will be required to meet City Code. If RaceTrac desires to install lighting or signage that does not meet City Code RaceTrac will seek a variance from the City Code prior to the development of the site.

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

The design meets City open space requirements

(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.

If the the final desired RaceTrac design does not meet City Code RaceTrac will seek variances from the Code from the City. At that time the City can choose to grant, or not grant the variance. At this time RaceTrac seeks to determine if this special exception use will be granted for this site.

(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.

RaceTrac Petroleum owns and operates hundreds of stores in the southeast United States. RaceTrac Petroleum is a responsible company that strives to provide a safe environment for both its customers and employees. Lighting and security cameras are utilized for safety. The most up to date technology is utilized in respect to the storage and dispensing activities.

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

The site will experience usage normal for that of a Gas Station and Convenience Store

(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 site is located on a major roadway adjacent to similar uses. The Site was previously the Ipanema Auto Mall. While the Site abuts a residential neighborhood to the north adequate screening and buffering is in place as part of the last approved development.



Signature of Applicant



Hand Print Name

3-16-12

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.

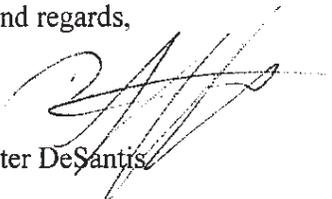
**Valentine Properties, LLC,  
a Florida Limited Liability Company and PVD Development, Inc.  
a Florida Corporation**

RE: Project # & Name: Project 1034, Port St. Lucie Blvd  
Parcel location: 221 SW Port St. Lucie Blvd, Port St. Lucie, FL

To Whom It May Concern

This letter shall serve as written authorization that Cory Hopkins, P.E., and Brian Oates, employees of RaceTrac Petroleum Inc., and Erik Juliano, P.E., P.S.M. an employee of Creech Engineers Inc. are authorized to act on behalf of Valentine Properties, LLC. A Florida Limited Liability Company and PVD Development, Inc. a Florida Corporation in the permitting of the above referenced tract of land. In addition, please let this letter serve as written authorization for Cory Hopkins, P.E., and Brian Oates, employees of RaceTrac Petroleum Inc., and Erik Juliano, P.E., P.S.M. an employee of Creech Engineers Inc. to execute any applications or other documents in order to obtain any such permits, licenses, variances, and approvals.

Kind regards,

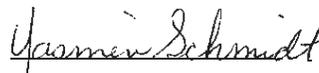
  
Peter DeSantis

STATE OF FLORIDA

COUNTY OF ST LUCIE

The foregoing instrument was acknowledged before me this 19 day of March, 2012 by Peter DeSantis  
✓ who is personally known to me or who has produced \_\_\_\_\_ as identification and who did (did not)  
take an oath.



  
Notary Public

Yasmin Schmidt

Printed Name

Prepared By and Return To:  
Tammy Lynn Duguay  
Fidelity National Title Insurance Company  
1837 SE Port St. Lucie Blvd.  
Port St. Lucie, FL 34952

File No. 06-010-418567

Property Appraiser's Parcel I.D. (folio) Number (s)  
3420-585-1201-000/3

SS#:

**RETURN TO  
FIDELITY NAT'L TITLE  
BOX 61**

COPY

**QUIT-CLAIM DEED**

THIS QUIT-CLAIM DEED executed December 27, 2006 , by Valentine Properties, LLC a Florida Limited Liability Company , first party, to Valentine Properties, LLC, a Florida Limited Liability Company and PVD Development, Inc., a Florida Corporation, whose post office address is PO Box 9394, Port St. Lucie, FL 34985 , second party:

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

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

Lots 7 to 10, inclusive and Lots 27 to 30, Block 704, PORT ST. LUCIE SECTION EIGHTEEN, according to the plat thereof, as recorded in Plat Book 13, Page 17, 17A to 17K of the Public Records of Saint Lucie County, Florida.

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

COPY

IN WITNESS WHEREOF, the said first party has signed and sealed these presents the day and year first above written

WITNESSETH:

Tammy Lynn Duguay  
(Witness Signature)

Tammy Lynn Duguay  
(Print Name of Witness)

Fern Brooks Pappalardo  
(Witness Signature)  
Fern Brooks Pappalardo  
(Print Name of Witness)

Peter V. DeSantis  
(Signature)

Peter V. DeSantis, President

P O Box 9394

Port St Lucie FL 34985

(Address and Phone Number)

STATE of

Florida

COUNTY of

St Lucie

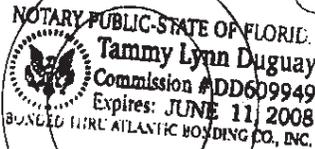
I HEREBY CERTIFY that on this day, before me, an Officer duly authorized in the State aforesaid and the County aforesaid to take acknowledgements personally appeared

Peter V. DeSantis President

to me known to be the person(s) described in or who has/have produced as identification and who executed the foregoing instrument and he/she/they acknowledged before me that he/she/they executed the same.

WITNESS my hand and official seal in the County and State last aforesaid this 27 day of Dec, 2006

COPY



My commission expires:

Tammy Lynn Duguay  
(Signature)  
Notary Signature  
Tammy Lynn Duguay  
Printed Notary Name

COPY

Prepared by, and after recording,  
please return to:

Philip F. West, Esq.  
Corporate Counsel  
Racetrac Petroleum, Inc.  
3225 Cumberland Blvd., Ste. 100  
Atlanta, Georgia 30339

### **MUTUAL ACCESS EASEMENT AGREEMENT**

**THIS MUTUAL ACCESS EASEMENT AGREEMENT** (this "Agreement") is made as of the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ (the "Effective Date"), by and between **RACETRAC PETROLEUM, INC.**, a Georgia corporation (hereinafter referred to as "Racetrac") and **BIGGS FAMILY LLC**, a Florida limited liability company (hereinafter referred to as "Biggs").

#### WITNESSETH:

WHEREAS, Racetrac is, or will be, the owner of certain real property (the "Racetrac Property") located in St. Lucie County, Florida, as more particularly depicted and described on Exhibit "A" attached hereto and incorporated by reference herein;

WHEREAS, Biggs is the owner of certain real property (the "Biggs Property") which is adjacent to the Racetrac Property and is more particularly depicted and described on Exhibit "B" attached hereto and incorporated by reference herein;

WHEREAS, each party desires and agrees to grant to the other a perpetual, non-exclusive mutual access easement for vehicular and pedestrian ingress and egress, over, across and through any driveways and related improvements to be constructed partially

upon the Biggs Property and partially on the Racetrac Property in the areas adjacent to Port St. Lucie Boulevard, more particularly described and depicted on Exhibit "C", attached hereto and incorporated herein (the "Mutual Access Easement Area"), all on terms and conditions set forth below;

NOW, THEREFORE, in consideration of the sum of Ten and No/100ths Dollars (\$10.00), for the mutual covenants and agreements hereinafter set forth, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Racetrac and Biggs hereby expressly agree as follows:

Grant of Access Easement to Racetrac. Biggs does hereby bargain, sell, grant and convey to Racetrac, for the benefit of and as an appurtenance to the Racetrac Property, a perpetual, non-exclusive right, privilege and easement in and to that portion of the Mutual Access Easement Area located on the Biggs Property for vehicular and pedestrian access, ingress and egress from and between the Racetrac Property and Port St. Lucie Boulevard, and for the maintenance and repair of the Driveway (as hereinafter defined).

Grant of Access Easement to Biggs. Racetrac does hereby bargain, sell, grant and convey to Biggs, for the benefit of and as an appurtenance to the Biggs Property, a perpetual, non-exclusive right, privilege and easement in and to that portion of the Mutual Access Easement Area located on the Racetrac Property for vehicular and pedestrian access, ingress and egress from and between the Biggs Property and Port St. Lucie Boulevard, and for the maintenance and repair of the Driveway.

Construction of Driveway; Grant of Temporary Construction Easement. Racetrac and Biggs shall each have the right, but not the obligation, to construct a shared driveway in the Mutual Access Easement Area (the "Driveway"). Each party hereby grants to the other party, for the foregoing purposes, a temporary construction easement over and across those portions of the Racetrac Property or the Biggs Property, as the case may be, located within twenty (20) feet of the Mutual Access Easement Area, which temporary easement shall expire thirty (30) days after the completion of the Driveway.

Maintenance. Following the completion of the Driveway, each party shall maintain and repair, to commercially reasonable standards, that portion of the Driveway located on such party's property. In the event a party fails to so perform such maintenance or repair, the other party may exercise the self-help remedy set forth in Section 12 below, in addition to any other remedies available at law or equity.

Attorneys' Fees. In connection with any litigation arising out of or in connection with this Agreement, the prevailing party shall be entitled to recover reasonable attorneys' fees and costs from the nonprevailing party.

Indemnification and Insurance. Without limiting the terms hereof, each party hereto, by acceptance of the easement rights granted herein, covenants and agrees to indemnify and hold harmless the other party from and against any and all losses, damages, costs, expenses (including, without limitation, reasonable attorneys' fees), liens, claims, suits and liabilities arising out of or connected with the indemnifying party's use and enjoyment of the rights granted under this Agreement, except to the extent any of the foregoing arise from the negligence of the indemnified party. Biggs and Racetrac shall each maintain commercial general liability insurance with commercially reasonable carriers and coverage limits, covering its property and its use of the easement rights granted hereunder.

Runs with Land. This Agreement and the easements, restrictions, rights, and obligations and liabilities created hereby shall be perpetual, shall be appurtenant to and run with title to the land affected hereby, and shall be binding upon and inure to the benefit of the parties hereto and their respective heirs and successors in-title. Notwithstanding the foregoing, in the event of the sale or transfer of either the Racetrac Property or the Biggs Property, the transferring owner of such parcel shall be relieved from all future obligations and liabilities under this Agreement (but not such liabilities and obligations that shall have accrued prior to such transfer) and the transferee of such parcel shall thereafter be liable therefor and shall be deemed to have assumed all such obligations and liabilities effective as the date of such transfer.

Waiver and Severability. The failure of a party to exercise any right given hereunder or to insist upon strict compliance with any term, condition or agreement specified herein, shall not constitute a waiver of such party's right to exercise such right or to demand strict compliance with any such term, condition or agreement under this Agreement. If any covenant or provision of this Agreement shall be held illegal, invalid, or unenforceable under present or future laws effective during the term of this Agreement, then and in that event, it is the intention of the parties hereto that the remainder of this Agreement shall not be affected thereby, and that this Agreement shall otherwise continue in full force and effect. It is the further intention of the parties that in lieu of each covenant, provision, or agreement of this instrument that is held illegal, invalid, or unenforceable, there be added as a part hereof a clause or provision as similar in terms to such illegal, invalid, or unenforceable clause or provision as may be possible and be legal, valid, and enforceable.

Reimbursement Provisions. Any reimbursement due to a party hereunder shall be due and payable within thirty (30) days after such party delivers an invoice therefor to the party obligated to make such payment.

Notices. All notices, demands, or requests required or permitted to be given pursuant to this Agreement shall be in writing and shall be deemed to have been properly given or served if by (i) hand delivery, (ii) reputable national overnight courier service, or (iii) prepaid, certified U.S. Mail, return receipt requested, and shall be effective upon

delivery or refusal. Any such notice, demand, or request shall be addressed to the applicable party as follows:

To Biggs: Biggs Family LLC  
2608 SW BEAUMONT AVE  
PALM CITY, FL  
34990

To Racetrac: Racetrac Petroleum, Inc.  
3225 Cumberland Blvd., Ste. 100  
Atlanta, GA 30339  
Attention: General Counsel

Grant of Easements Only. This Agreement is not and shall not be construed, interpreted or enforced as a dedication of all or any portion of any property to public use or to the private use of any party other than Biggs and Racetrac, their respective invitees, customers, licensees, employees, agents, successors and assigns.

Self-Help. In the event either party fails to perform any obligation required to be performed under this Agreement, the other party may, upon reasonable notice to the defaulting party (except in the event of an emergency, in which event no notice shall be required), take such steps as the non-defaulting party deems reasonably necessary to cure such default, in which event the defaulting party shall reimburse the non-defaulting party for the costs and expenses associated therewith within thirty (30) days of receipt of an invoice therefor.

Miscellaneous.

(a) This Agreement shall be interpreted, construed, and enforced in accordance with the laws of the State of Florida.

(b) This Agreement may not be amended, modified, or terminated except in writing, executed and acknowledged by all the parties to this Agreement or their successors or assigns.

(c) Time shall be of the essence as to all covenants, terms, and conditions in this Agreement.

(d) This Agreement may be executed in any number of counterparts, each of which shall be deemed to be an original instrument, but all such counterparts together shall constitute one and the same instrument.

[Signatures contained on following pages]

IN WITNESS WHEREOF, the undersigned have duly executed this Agreement as of the date and year first above written.

**RACETRAC:**

WITNESSES:

RACETRAC PETROLEUM, INC.,  
a Georgia corporation

[Handwritten Signature]

Print Name: ROBERT J SVCHER

By: [Handwritten Signature]  
Name: Max Leuker  
Title: President

(CORPORATE SEAL)

Print Name: Trey Spivey  
Trey Spivey

STATE OF GEORGIA

COUNTY OF COBB

The foregoing instrument was acknowledged before me this 5 day of March, 2012 by MAX LEUKER, as PRESIDENT of Racetrac Petroleum, Inc., a Georgia corporation, who is personally known to me or who has produced \_\_\_\_\_ as identification and who did (did not) take an oath.

[Handwritten Signature]  
Notary Public

Will Curry  
Printed Name

My expires: 12/16/2012



commission

IN WITNESS WHEREOF, the undersigned have duly executed this Agreement as of the date and year first above written.

WITNESSES

[Signature]

Print Name: SHIRLEY M. HARRIS

BIGGS:

BIGGS FAMILY LLC, a Florida limited liability company

By: [Signature]

Name: ARTHUR E BIGGS

Title: President

[Signature]

Print Name: SABARA J. GARRAMORE

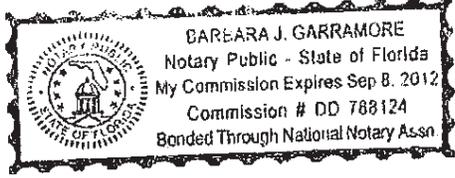
STATE OF FLORIDA

COUNTY OF Martin

The foregoing instrument was acknowledged before me this 27 day of Feb, 2012, by Arthur Biggs, the President of Biggs Family LLC, a Florida limited liability company, who is personally known to me or who have produced \_\_\_\_\_ as identification and who did (did not) take an oath.

[Signature]

Notary Public



[Signature]

Printed Name

My commission

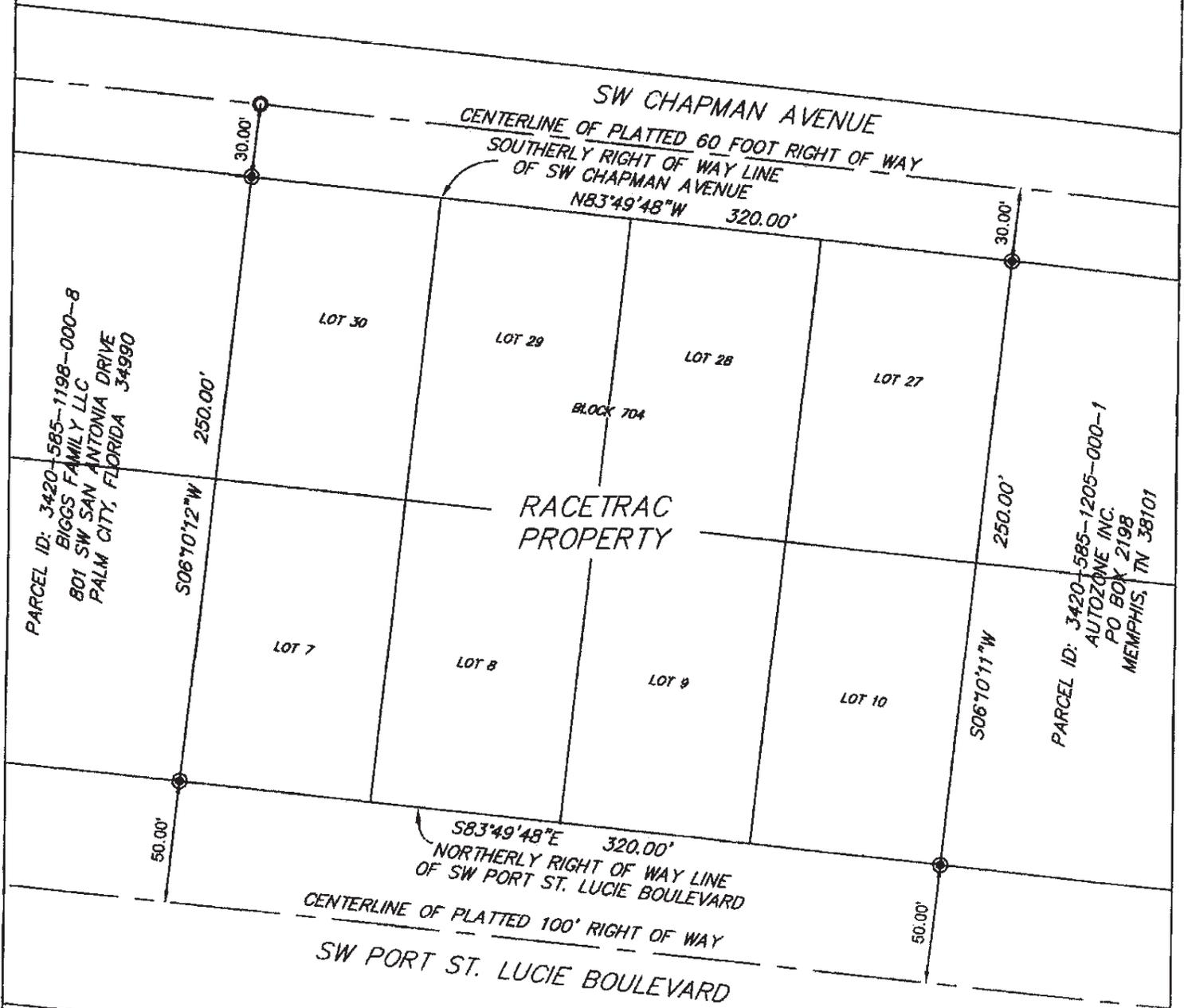
expires: \_\_\_\_\_

EXHIBIT "A"  
SHEET 1 OF 2  
RACETRAC PROPERTY

*THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE COUNTY OF ST. LUCIE, FLORIDA OF FLORIDA, AND IS DESCRIBED AS FOLLOWS:*

*LOTS 7, 8, 9, 10, 27, 28, 29 AND 30, BLOCK 704, PORT ST. LUCIE SECTION EIGHTEEN, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 13, PAGES 17 & 17A-17K, PUBLIC RECORDS OF ST. LUCIE COUNTY, FLORIDA.*

EXHIBIT "A"  
SHEET 2 OF 2



PARCEL ID: 3420-585-1198-000-8  
BIGGS FAMILY LLC  
801 SW SAN ANTONIA DRIVE  
PALM CITY, FLORIDA 34990

PARCEL ID: 3420-585-1205-000-1  
AUTOZONE INC.  
PO BOX 2198  
MEMPHIS, TN 38101



GRAPHIC SCALE IN FEET  
DRAWING SCALE: 1" = 60'

EXHIBIT "B"  
SHEET 1 OF 2  
BIGGS PROPERTY

*THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE COUNTY OF ST. LUCIE, FLORIDA OF FLORIDA, AND IS DESCRIBED AS FOLLOWS:  
LOTS 4, 5, 6, 31, 32, AND 33, BLOCK 704, PORT ST. LUCIE SECTION EIGHTEEN, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 13, PAGES 17 & 17A-17K, PUBLIC RECORDS OF ST. LUCIE COUNTY, FLORIDA.*

EXHIBIT "C"  
SHEET 1 OF 2  
MUTUAL ACCESS EASEMENT AREA

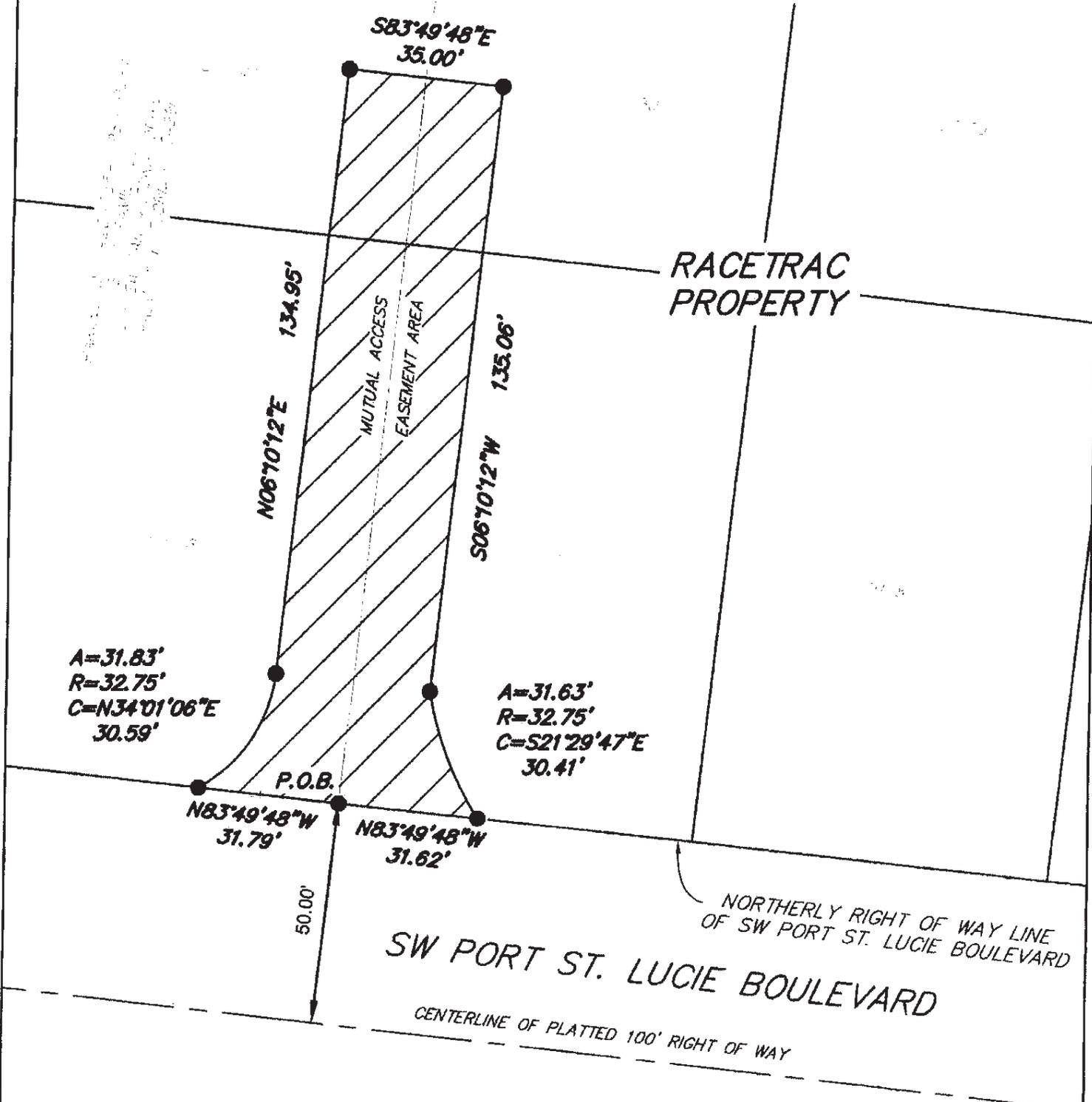
THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE COUNTY OF ST. LUCIE, FLORIDA, BEING A PORTION OF LOTS 6 AND 31, BLOCK 704, PORT ST. LUCIE SECTION EIGHTEEN, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 13, PAGES 17 & 17A-17K, PUBLIC RECORDS OF ST. LUCIE COUNTY, FLORIDA.

BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

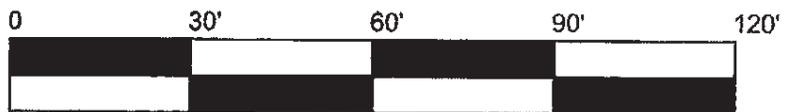
BEGIN AT A POINT LOCATED AT THE SOUTHEAST CORNER OF LOT 6; SAID POINT BEING LOCATED ON THE NORTHERLY RIGHT OF WAY LINE OF SW PORT ST. LUCIE BOULEVARD. THENCE N83°49'48"W, ALONG SAID NORTHERLY RIGHT OF WAY LINE, A DISTANCE OF 31.79 FEET TO A POINT; SAID POINT BEING A POINT OF CURVATURE FOR A CURVE CONCAVE TO THE WEST, HAVING A RADIUS OF 32.75 FEET AND BEING SUBTENDED BY A CHORD BEARING N34°01'06"E, A DISTANCE OF 30.59 FEET; THENCE LEAVING SAID NORTHERLY RIGHT OF WAY LINE, ALONG THE ARC OF SAID CURVE, A DISTANCE OF 31.83 FEET TO A POINT; THENCE N06°10'12"E, A DISTANCE OF 134.95 FEET TO A POINT; THENCE S83°49'48"E, A DISTANCE OF 35.00 FEET TO A POINT; THENCE S06°10'12"W, A DISTANCE OF 135.06 FEET TO A POINT OF CURVATURE FOR A CURVE CONCAVE TO THE EAST, HAVING A RADIUS OF 32.75 FEET AND BEING SUBTENDED BY A CHORD BEARING S21°29'47"E, A DISTANCE OF 30.41 FEET; THENCE ALONG THE ARC OF SAID CURVE 31.63 FEET TO A POINT LOCATED ON THE NORTHERLY RIGHT OF WAY LINE OF SW PORT ST. LUCIE BOULEVARD; THENCE ALONG SAID NORTHERLY RIGHT OF WAY, N83°49'48"W, A DISTANCE OF 31.62 FEET TO THE POINT OF BEGINNING.

CONTAINS: 6,708 SQ. FT. OR 0.151 ACRES MORE OR LESS

EXHIBIT "C"  
 SHEET 2 OF 2  
 MUTUAL ACCESS EASEMENT AREA



GRAPHIC SCALE IN FEET  
 DRAWING SCALE: 1" = 30'





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

---

**TO:** PLANNING AND ZONING BOARD - MEETING OF OCTOBER 2, 2012

**FROM:** DANIEL HOLBROOK, AICP  
DIRECTOR OF PLANNING AND ZONING *D.H.*

**RE:** 12- MONTH TIME LIMIT WAIVER REQUEST FOR SEU'S  
(PROJECT NOS. P11-167 & P11-168)  
RACETRAC SERVICE STATION AND CONVENIENCE STORE SEU  
APPLICATIONS

**DATE:** SEPTEMBER 25, 2012

---

Attached please find a request from the applicant for the Racetrac Special Exception Use applications for a waiver to Section 158.256 (A)(1)(a) of the Zoning Code which specifies that applications denied by the City Council may not be accepted for filing within 12 months of the denial. Section 158.256(A)(2) allows the Planning and Zoning Board to waive this time limit if it is deemed that the action is necessary to prevent injustice or to facilitate proper development of the city. The minutes of the May 1, 2012 Planning and Zoning Board Meeting and the May 29, 2012 City Council meeting are attached.

August 13, 2012

Daniel Holbrook  
Director, City of Port St. Lucie  
Planning and Zoning Department  
121 S.W. Port St. Lucie Blvd.  
Port Saint Lucie, FL 33984

**RE: RaceTrac – 12 Month Time Limit Waiver  
PSL Project #: P11-167 & P11-168**

Dear Mr. Holbrook:

The purpose of this letter is to formally request a waiver to the application limitations as identified in Section 158.256 of the Port St. Lucie Land Development Regulations in regards to the proposed RaceTrac located at 221 SW Port St. Lucie Boulevard. Section 158.256 outlines limitations as a result of actions by the City Council. The section states that a special exception application that is denied by the City Council cannot be submitted within a 12-month period from when it was denied. The section further states that a waiver of this time may be approved by the Planning and Zoning Board. This letter is the first part of the process to request a waiver to the 12 month time frame.

The subject property went before the City of Port St. Lucie City Council on May 29, 2012. There were two (2) applications before the City Council that night. One was for a special exception to allow gas sales and the other was a special exception to allow a convenience store. Both of these application where denied by the City Council. The applicant believes that with more outreach to the neighborhood and a more thorough presentation to the City Council, that this project can obtain the required support. The applicant is conducting a neighborhood meeting on August 15, 2012 to discuss the project with neighbors.

Section 158.256(A)(2) states the following:

- (2) The time limits set forth above (12 months) may be waived by the Planning and Zoning Board when the action is deemed necessary to prevent injustice or to facilitate the proper development of the city.

The applicant believes a waiver is appropriate for these applications in order to facilitate the proper development of the city. The subject parcel is currently vacant. It has been vacant for some time. The building and the property are not being kept in good condition. There is the possibility of vagrants and other persons living or vandalizing the property. In addition, the property is currently under utilized and could be developed to be more beneficial to the City

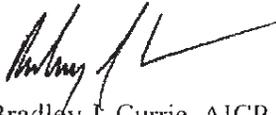
400 Columbia Drive, Suite 110	West Palm Beach	Florida 33409	(561) 475-8501
501 SE Port St. Lucie Boulevard	Port St. Lucie	Florida 34986	(772) 871-7778
919 Lake Baldwin Lane	Orlando	Florida 32814	(407) 233-1367

resident's. It is our belief that with proper design, the proposed special exception uses will be compatible with the surrounding uses. The existing building on the subject property was approved prior to today's architectural guidelines. The redevelopment of the site will allow the property to be constructed so that it is more in line with the character of other buildings along Port St. Lucie Boulevard.

Please schedule the waiver request for the next available Planning and Zoning Board Public Hearing. If you have any questions regarding this letter, the request, or the project, please contact our office.

Sincerely,

**LAND DESIGN SOUTH OF FLORIDA, INC.**



Bradley J. Currie, AICP  
Principal

cc: Brain Oates

WA1926\1926.2 - PSL Blvd\LDS Documents\Letters\2012-08-14\_D\_Holbrook\_12\_Month\_Waiver\_Request\_1926.2.dnc

CITY OF PORT ST. LUCIE  
PLANNING AND ZONING BOARD MEETING MINUTES  
MAY 1, 2012

A Regular Meeting of the PLANNING AND ZONING BOARD of the City of Port St. Lucie was called to order by Chair Blazak at 1:30 p.m., on May 1, 2012, at Port St. Lucie City Hall, 121 SW Port St. Lucie Boulevard, Port St. Lucie, Florida.

**CALL TO ORDER**

**ROLL CALL**

Members Present: William Blazak, Chair  
Ken Martin, Vice Chair  
Brian Battle, Alternate  
Steven Garrett  
Ernie Ojito, Secretary

Members Not Present: Susan E. Parks (Excused)  
Ryan Strickland (Alternate)

Others Present: Mayor JoAnn M. Faiella  
Councilwoman Shannon M. Martin  
Pam E. Booker, Senior Assistant  
City Attorney  
Daniel Holbrook, Planning and Zoning  
Director  
Anne Cox, Assistant Planning  
And Zoning Director  
John Finizio, Planner  
Katherine Huntress, Planner  
Thresiamma Kuruvilla, Planner  
Carol M. Heintz, Assistant City Clerk

**PLEDGE OF ALLEGIANCE**

Chair Blazak led the assembly in the Pledge of Allegiance.

**APPROVAL OF MINUTES - MARCH 6, APRIL 3, AND THE SPECIAL MEETING  
APRIL 11, 2012**

There being no corrections, the minutes were unanimously approved.

**6. CONSENT AGENDA**

C. P11-070 CITY OF PORT ST. LUCIE PRINEVILLE WASTEWATER TREATMENT PLAN TELECOMMUNICATIONS TOWER - SPECIAL EXCEPTION USE

Chair Blazak said, "This item as been pulled, and postponed to the June 5, 2012, meeting of the Planning and Zoning Board."

→ D. P11-167 RACETRAC SERVICE STATION - SPECIAL EXCEPTION USE ←

Ms. Huntress said, "The applicant is Creech Engineers, Inc., acting as the agent for the owner Valentine Properties, LLC and PVD Development. The property is located at 221 Port St. Lucie Boulevard on the north side of Port St. Lucie Boulevard, South of Chapman Avenue, west of Wayne Street, and east of Trenton Lane, and the existing zoning is CG. The future land use is also CG. It's the existing vacant used car lot that has been there for years. The proposed use is an automobile fuel station with a 5,928 square-foot one-story convenience store. The request of the Special Exception is to allow an automobile service station per Section 158.124(C)(11) of the Zoning Code. The Site Plan Review Committee reviewed the request on January 11, 2012, and unanimously recommended approval. 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."

**BRIAN OATES**, RaceTrac Petroleum, stated, "Just as a reminder, we showed you this building last month. This is about a 6,000 square-foot building, with the exterior being stacked stone and stucco. On the interior we're adding a significant number of different offerings from the typical convenience store. We have a large bakery section, a fresh fruit area, a large coffee station, and a new frozen yogurt stand. We're excited to be a part of the community."

Chair Blazak opened the Public Hearing.

**ABBAS HASAN**, on behalf of the Chevron Gas Station on Port St. Lucie Boulevard, noted, "I have been in that location for about two years. To allow a gas station of this magnitude on that road will end up eliminating ten stores. Each of us offers a certain quality to the community where all of us are able to survive, make money, and give back to the community. However, a store that great will. . . . If you open one, you will shut down ten of us. It wouldn't be fair to the rest of us. He might employ 20 to 30 employees, but in the long term you would be shutting down ten of us, and we employ maybe 200 people. With all due respect, I understand he wants to be in business as well, but I don't think the community would be able to have that size of a gas station here as well where all of us are able to live and

survive off of it. He offers 36 pumps, and the average gas station offers eight to twelve pumps. With that being said, I'm submitting a petition signed by most of my customers who also agree with what I'm saying. I wish that you would look into that."

There being no further comments, Chair Blazak closed the Public Hearing. Vice Chair Martin **moved** to recommend approval of the Special Exception Use Application, P11-167. Mr. Garrett **seconded** the motion, which **passed unanimously** by roll call vote.

→ **E. P11-168 RACETRAC RETAIL CONVENIENCE STORE - SPECIAL EXCEPTION USE** ←

Ms. Huntress said, "The details are the same as the previous project. The Conceptual Plan shows the convenience store. The request for Special Exception is to allow a retail convenience store per Section 158.124(C)(12) of the Zoning Code. The Site Plan Review Committee reviewed the request on January 11, 2012, and unanimously recommended approval. 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." Mr. Garrett stated, "I understand that this is a Concept Plan, so it's not the final Site Plan, and I'm assuming that will come through the Site Plan Review process as well. However, in reviewing it, it seems just to the north area where we say that there's a ten-foot landscape buffer being proposed, within that is there a wall as well? It jogs both north and south along that same buffer. In sections along that northern property line where the wall jogs closest to the adjacent residential street, you have less than two feet. I would encourage staff and possibly the applicant to look at that and see if there's any way of getting land back in that area, either by making that wall consistently at. . . . I think it's over five feet in width, so the buffering can take place and the adjacent neighborhood can be adequately protected and screened." Ms. Huntress noted, "We will make note of that. I know that the Site Plan is just conceptual. I think they're still working on the details of it." Mr. Oates commented, "That's an existing wall, so we're leaving it as is."

Chair Blazak opened the Public Hearing. There being no comments, Chair Blazak closed the Public Hearing. Mr. Garrett **moved** to recommend approval of P11-168, RaceTrac Retail Convenience Store for a Special Exception Use. Secretary Ojito **seconded** the motion, which **passed unanimously** by roll call vote.

**F. P12-031 SPECIAL EXCEPTION APPLICATION - CROSSTOWN TOWER**

matter." Vice Mayor Bartz said that she agrees. The City Attorney advised, "Consider this ordinance withdrawn. We'll do it again."

b) **ORDINANCE 12-29**, AUTHORIZING THE CITY MANAGER OF THE CITY OF PORT ST. LUCIE TO ENTER INTO A SITE LEASE AGREEMENT BETWEEN THE CITY OF PORT ST. LUCIE AND PJ DEVELOPMENT, LLC; PROVIDING AN EFFECTIVE DATE

The City Clerk read Ordinance 12-29 aloud by title only. Councilman Kelly **moved** to approve Ordinance 12-29. Councilwoman Martin **seconded** the motion. The City Clerk restated the motion as follows: for approval of Ordinance 12-29. The **motion passed unanimously** by roll call vote.

#### 11. RESOLUTIONS

a) **RESOLUTION 12-R46, PUBLIC HEARING**, GRANTING A SPECIAL EXCEPTION USE PROVIDED FOR IN SECTION 158.124(C)(11) TO ALLOW AN AUTOMOBILE FUEL SERVICES STATION IN THE CG (GENERAL COMMERCIAL) ZONING DISTRICT FOR VALENTINE PROPERTIES, LLC AND PVD DEVELOPMENT (RACETRAC), LEGALLY DESCRIBED AS LOTS 7-10 AND 27-30, BLOCK 704, PORT ST. LUCIE SECTION 18, P11-167; PROVIDING AN EFFECTIVE DATE

The City Clerk read Resolution 12-R46 aloud by title only. Mayor Faiella opened the Public Hearing.

**MIKE BRILL** said, "My family and I have owned Rivergate Chevron for 22 years. We've had many ups and downs, like any small business. Believe it or not, we only make about seven cents a gallon on gas. Despite the difficulties I love this business, and I do what I can for my neighbors and the community. We had a hurricane a few years ago, and the Port St. Lucie police were without gas. They asked if they could charge fuel, and of course we agreed. We also kept extra fuel in reserve just for them. We have given the police thousands of free carwashes, sodas and coffee over the years. We also supply the City with fuel when their pumps are out of order. A Racetrac gas station will pump 300,000 to 400,000 gallons a month, with 6,000 to 8,000 cars a day into and out of that facility. This will cause an excess of traffic and possible accidents. If they are allowed to build, they will put two to three gas stations out of business, and one of them might be mine. Please vote no."

**VINCE DRISCOLL** said, "I'm a resident of Port St. Lucie. I'm here because I heard about this project about two weeks ago. People

in this area didn't even know about this project. This fell out of the sky. Imagine a 24-pump gas station at the corner of Port St. Lucie Boulevard and Bayshore. It's unimaginable how you could allow this to happen. Racetrac has been accused of and practices predatory pricing. In Daytona Beach they justified their pricing by saying that they only put a few people out of business and it didn't qualify under the statute. One business is one too many. I did research on granting Special Exceptions. In order for you to vote yes on this with no public input, you have to be convinced that adequate ingress and egress may be obtained to and from the property with particular reference to automobile and pedestrian safety and convenience, traffic flow and control, and access in case of fire or other emergency. You can draw that up any way you want, but you can't meet that standard. You also have to be convinced that 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. It can't meet that standard, so there is no way that this Exception should be granted. Picture a 24-pump station at that location. I don't know how the Planning and Zoning Board ever approved it. I would ask that you vote no."

**JOHN KELLY** said, "I reside at 237 SW Chapman Avenue. Thank you for allowing me to speak tonight. I would ask on behalf of myself and my family that Council vote no on this. I haven't been involved in a lot of this until now, so I apologize for not having more information. I understand there have been all kinds of Exceptions requested by Racetrac. My first concern is safety. I see many of my neighbors here. Chapman Avenue, which runs parallel to Port St. Lucie Boulevard, has become a thoroughfare for the traffic overflow on Port St. Lucie Boulevard. People cut through the neighborhood to and from Bayshore. They cut down Crescent, Trenton, and Wayne where my children play. I'm sure you're aware of the accident on Chapman Saturday night. A young woman was killed two doors from my residence. That was at an hour when there is not a lot of traffic. Now we are proposing to increase the traffic. This business specifically caters to automobiles. It will increase the traffic and congestion and the number of accidents. You cannot get out onto Port St. Lucie Boulevard coming from Wayne or Trenton very easily. Some time ago the turn lane at Trenton was closed due to safety, I believe. Now there is an increased amount of traffic trying to do U-turns at Bayshore. On many occasions coming out onto Wayne I have had to get to that area just to access Port St. Lucie Boulevard to head east. Traffic backs up tremendously in the

afternoon hours. There is about 1,500 to 2,000 feet of stopped traffic. Vehicles entering a Racetrac with 24 pumps and a convenience store, catering to 6,000 to 8,000 vehicles per day, will increase that congestion. There will be more accidents with people trying to get to the U-turn to head east. With 24 pumps they are looking to cater to a large volume of vehicles. How many gas stations do we need in that general area? Within a stone's throw you have a BP, a Shell, and a Chevron. It's a very big concern for me and for my family. My house is immediately behind the proposed site. You can stand in my front yard and look over the existing wall, which in my opinion is not sufficient separation between the residential and the commercial areas. There is a lot of foot traffic between the existing privacy walls. The walls by the newer businesses are higher. The existing wall now is about 5.5 feet. It gives us no privacy. Now the proposal is to put in a 24/7 gas station. That's not even considering the traffic coming down Chapman to bypass that area due to the congestion. It's a very big concern for my family and my neighbors. I would respectfully request that the City Council vote no on this proposal. I'm not opposed to a business. I'm opposed to this type of business because of what it will bring to the area."

**ALAAS HASAN** said, "I'm also a Chevron owner at Cameo. We always welcome new businesses. Most of us here are mom and pop shops. We're name brand gas stations, but we're not corporate. This will be open 24 hours. There is no way any of us can compete with the gas prices they will set. They mark their gas down about 20 cents below what we can afford. We will automatically start to lose money. Each one of us accommodates our neighborhood. To allow a 6,000 foot convenience store. . . . Most of us are 3,000 foot or smaller. I would like to say vote no, just to keep us alive and keep feeding the community."

**BETTY BRILL** said, "I've been a member of the community and a business owner for over 20 years. There has always been a strong effort by the City to keep the Port St. Lucie corridor a neighborhood type of corridor. Most of the businesses have historically catered to the neighborhoods. I don't know why we would even think of putting in a business that isn't appropriate. I'm not saying no to Racetrac. I'm saying no to Racetrac there. What is on the corner of Bayshore and Port St. Lucie Boulevard? A gas station. It was originally a Chevron station. Why is it vacant? Because it's not an appropriate location. You can't get in and out of there easily. This is only a few feet away from that. Why would we put in a larger gas station when that station couldn't make it? Racetrac has a good

business model for US 1 or a major road. I do believe that voting no would be the right thing to do for the people of Port St. Lucie and for the businesses on Port St. Lucie Boulevard who have been here through thick and thin. I ask you to say no."

**GEORGE TYNES** said, "I'm a resident of Port St. Lucie. We are all aware of what we put into our bodies. The reason Racetrac gas is so cheap is the caliber of gas. In the long run it will cost us more to maintain our vehicles. I don't use Racetrac. Think about it in the long term. I saw some nice vehicles parked outside. They will be in the shop. We collected over 518 signatures in a short period of time. We need to watch what we put into our vehicles."

**JASON ARIA** said, "I live directly behind the proposed gas station at 245 Chapman Avenue. I would like you to vote no. There is too much congestion in the area already. We don't need another gas station."

There being no further comments, Mayor Faiella closed the Public Hearing and stated, "I'm going to vote this down. I'll give you the reasons. We do have too many gas stations that are causing blight that are closed. We have one on Bayshore and one on Gatlin. We have one on US 1 and many more. It happens that there are too many. We had one in St. Lucie West that asked us to change the hours because he was losing business. I am not against Racetrac. Just pick another location. There are too many right there. Where this is going is less than 400 feet from BP, I was told. I don't know if I have to get with Legal on this. In the future, Mr. Oravec, Mr. Orr, is there a way we can have an ordinance in reference to the separation of one gas station from another?" The City Attorney said that they can look at it. Mayor Faiella continued, "The closed station on Bayshore looks awful, and it's right by the turnpike. I am not supporting this item."

Councilman Kelly said, "I'm not going to support this, either. I'm being consistent with these things. I don't give out variances or Special Exceptions lightly. We have ordinances and zoning designations for reasons. I'm not voting against it for any of the reasons said at the podium. The reason is that this is a Special Exception. People forget that they are special. If we're going to give one, you have to show me the hardship we're causing. There is no hardship. All we're going to do is take that property and increase its value 200 or 300% and put a gas station there. Is it appropriate? The problem is that you have to give the City a benefit if I'm going to give this. In this case the benefit may be cheaper gas. I'm sure their octane is

just as high as they say it is. If you're going to give me 70 new jobs, I have to think about that. They might give us that, and we lose two other stations with 110 jobs. There's no benefit. We constantly get calls about the gas station on the corner that has been empty for over three years. It's the gateway to the City. We constantly have to pick up litter there. If we put Racetrac in it will exacerbate that situation. There is no benefit, so I won't support this. Show me the benefit." Mayor Faiella noted, "Did you see the station on US 1 at Walton where the top keeps falling off the sign?" Councilman Kelly answered, "I hear about it all the time. We did this eight or nine years ago in St. Lucie West and I was against it. As soon as that gas station went in, another went out of business. We had two out of business for a while. I'm being consistent. There is no benefit."

Councilwoman Martin said, "I have a question for Daniel. I did attend the Planning and Zoning Board meeting when this went through. There were no issues from Traffic Engineering or the Police Department as to an increase in accidents. Correct?" Mr. Holbrook answered, "The Planning and Zoning Board reviewed this item, as well as the Site Plan Review Committee. Access is one of the items which is considered, as well as the level of service on Port St. Lucie Boulevard. One of the unique things about this location is that Port St. Lucie Boulevard is an FDOT road, not a City road. Ultimately, access will have to be granted by the state, versus the City."

Brian Oats, Racetrac Petroleum, asked for the application to be tabled or withdrawn to a future meeting.

Travis Walker, 10380 SW Village Center Drive, Port St. Lucie, Florida, asked, "Can I have a show of hands as to how many people are here in opposition to this Racetrac? All of these people took time away from their jobs. They came home after a long day at work. They have their children being watched. They have had stress and anxiety over this issue for weeks. Tabling this item will not change the fact that there will be a high volume right in/right out there. It will not change the fact that the applicant had the opportunity to meet with the neighbors. Now he wants to table the item simply because there is a lot of opposition. Tabling the item will not cause a change in the high speed traffic along Chapman that will occur. The residents have made their way here to have their voice heard in opposition. They spent their time, energy, and gas to get here tonight. None of that will change. They will have to go over the same thing if this item is tabled. We respectfully request on

behalf of the residents of Port St. Lucie that you vote no tonight."

Mr. Oats said that they would like the opportunity to have their legal representatives present. Councilman Kelly said, "He asked us to table it and to pull the application. Which is it, sir?" Mr. Oats replied that they would like to table it. Mayor Faiella said, "I don't understand. I'm confused. Why isn't your attorney present tonight?" Mr. Oats replied, "Our attorney isn't available this evening. I'm sorry." Mayor Faiella said, "I don't wish to table this."

Councilwoman Berger said, "I appreciate that you want to move forward with this. I agree. But it is important for us to get our verbiage correct. It's a Special Exception. The reason I will not support this is because of its non-compatibility with the neighborhood. Knowing that it's not a City road, we need to make a decision specifically on the language. I won't support this not because of traffic, but because of compatibility. I hope you join me on that."

Vice Mayor Bartz said, "To the gentleman who owns the Chevron, I have to say that I like healthy competition. I understand where you're coming from, but that's not as much the issue to me. What is more the issue is the health and safety of those neighbors around there. I believe Racetrac had ample opportunity to talk to everyone and get those feelings. Traffic is traffic. Years ago I was in a business that built and serviced gas stations. I know what you guys are doing and what it's like. I also know that when you have a closed station it is tough to get it re-opened because of leakage or anything with the tanks. So when we talk about blight and stations not opening up, there is a lot involved in that. I'm not going to support this, but not because it's competition for you. I do have a concern about the compatibility with that area. I won't be supporting this tonight."

Mayor Faiella said, "Mr. Orr, they are requesting to table this, but we are requesting to make a decision tonight." The City Attorney advised, "It was duly noticed. He can withdraw the application, but then he would have to start from scratch. But it's at the Council's pleasure as to whether or not to table it." Councilman Kelly **moved** to deny Resolution 12-R46. Vice Mayor Bartz **seconded** the motion. The City Clerk restated the motion as follows: to deny Resolution 12-R46. The **motion passed unanimously** by roll call vote. Councilwoman Martin added, "It's not because I don't believe in free enterprise. I absolutely do."

But when it comes to health, safety, and welfare, I have to put that paramount. That is my reason."

The City Attorney said, "As a follow on to an earlier question, does the Council want to give direction that we look into a separation between these types of facilities?" Councilwoman Martin said, "I'm not in favor of that. It impedes free enterprise." Vice Mayor Bartz said, "Once you start doing that, you have to look at all the businesses. Management does that in shopping centers. When they rent the spots they guarantee that if they have one bakery, they won't have another." Councilwoman Martin added, "CVS and Walgreens are competitors. That's free enterprise. Are we going to regulate every business? That's why we have zoning and regulations. People have to apply for their zoning. We have that process. If we do that, it would be over-regulating and impeding free enterprise." Councilwoman Berger said, "I agree. That's why we have the Special Exception option."

**b) RESOLUTION 12-R47, PUBLIC HEARING, GRANTING A SPECIAL EXCEPTION USE PROVIDED FOR IN SECTION 158.124(C)(12) TO ALLOW AN RETAIL CONVENIENCE STORE IN THE CG (GENERAL COMMERCIAL) ZONING DISTRICT FOR VALENTINE PROPERTIES, LLC AND PVD DEVELOPMENT (RACETRAC), LEGALLY DESCRIBED AS LOTS 7-10 AND 27-30, BLOCK 704, PORT ST. LUCIE SECTION 18, P11-168; PROVIDING AN EFFECTIVE DATE**

The City Clerk read Resolution 12-R47 aloud by title only. The City Attorney advised, "I would point out that this is an entirely different operation. This is for a convenience store only. They can have a convenience store without the fuel isles."

Mayor Faiella opened the Public Hearing.

**VINCE DRISCOLL** said, "I don't think this can be divorced from the other project. I would ask that you vote no."

**JOHN KELLY** said, "I'm not opposed to businesses in the area. I agree with you completely on that. However, if something like that were to be approved, my request would be that some consideration be given to the privacy wall that is existing. I know the proposed plan was to keep the wall. I would ask that if any business is approved that the proposed plans increase the privacy wall to be consistent with the newer businesses around there. That would give the residents the privacy we would like to have from the commercial side of things." Councilwoman Berger noted that it would have to be.

There being no further comments, Mayor Faiella closed the Public Hearing. Councilman Kelly said, "They are asking for a Special Exception for a convenience store. The convenience store doesn't need a Special Exception." The City Attorney clarified, "A convenience store can operate without a fuel isle. It still needs a Special Exception." Mr. Holbrook explained, "A Special Exception is needed for a convenience store as well as the fuel pumps. That's why there are two applications and two resolutions." Councilman Kelly **moved** to deny Resolution 12-R47. Councilwoman Berger **seconded** the motion. Vice Mayor Bartz asked, "If that were approved would the wall be higher?" Mr. Holbrook responded, "Yes, ma'am. Code requires that the wall be six feet above the finished floor elevation. The original wall is well below six feet. I would expect the finished floor elevation would be higher if they do construct." The City Clerk restated the motion as follows: to deny Resolution 12-R47. The **motion passed unanimously** by roll call vote.

**c) RESOLUTION 12-R48, PUBLIC HEARING, GRANTING A SPECIAL EXCEPTION USE PROVIDED FOR IN SECTION 158.126 (D) (4) TO ALLOW A WIRELESS COMMUNICATION TOWER IN THE CS (SERVICE COMMERCIAL) ZONING DISTRICT FOR PJ DEVELOPMENT, PORT ST. LUCIE SECTION 28, BLOCK 238, LOTS 11 AND 12, P12-031; PROVIDING AN EFFECTIVE DATE**

The City Clerk read Resolution 12-R48 aloud by title only. Mayor Faiella opened the Public Hearing. There being no comments, Mayor Faiella closed the Public Hearing. Councilwoman Martin **moved** to approve Resolution 12-R48. Councilwoman Berger **seconded** the motion. The City Clerk restated the motion as follows: for approval of Resolution 12-R48. The **motion passed unanimously** by roll call vote.

**d) RESOLUTION 12-R49, PUBLIC HEARING, 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**

The City Clerk read Resolution 12-R49 aloud by title only. Mayor Faiella opened the Public Hearing. There being no comments, Mayor Faiella closed the Public Hearing. Councilwoman Berger **moved** to approve Resolution 12-R49. Councilwoman Martin **seconded** the motion. The City Clerk restated the motion as follows: for approval of Resolution 12-R49. The **motion passed unanimously** by roll call vote.

NOTICE	TAX DEED APPLICATION						
<p><b>FORT PIERCE UTILITIES AUTHORITY (FPUA)</b></p> <p><b>FORT PIERCE, FLORIDA</b></p> <p>Sealed bids will be received by FPUA, Fort Pierce, Florida, in the office of the Purchasing Manager, until:</p> <p>3:00 PM, MONDAY, NOVEMBER 26, 2012</p> <p>for furnishing: 2-INCH BALL VALVE CURB STOPS, FORD P/N: B11-777W-NL</p>	<p><b>WARNING</b></p> <p>THERE ARE UNPAID TAXES ON PROPERTY WHICH YOU OWN OR IN WHICH YOU HAVE A LEGAL INTEREST. THE PROPERTY WILL BE SOLD AT PUBLIC AUCTION 12/17/2012 UNLESS THE BACK TAXES ARE PAID. TO MAKE PAYMENT, OR TO RECEIVE FURTHER INFORMATION, CONTACT THE CLERK OF COURT IMMEDIATELY AT 201 S. INDIAN RIVER DRIVE, 2ND FLOOR, FORT PIERCE, FL 34950, 772-462-6926.</p>	<p><b>WARNING</b></p> <p>THERE ARE UNPAID TAXES ON PROPERTY WHICH YOU OWN OR IN WHICH YOU HAVE A LEGAL INTEREST. THE PROPERTY WILL BE SOLD AT PUBLIC AUCTION 12/17/2012 UNLESS THE BACK TAXES ARE PAID. TO MAKE PAYMENT, OR TO RECEIVE FURTHER INFORMATION, CONTACT THE CLERK OF COURT IMMEDIATELY AT 201 S. INDIAN RIVER DRIVE, 2ND FLOOR, FORT PIERCE, FL 34950, 772-462-6926.</p>	<p><b>WARNING</b></p> <p>THERE ARE UNPAID TAXES ON PROPERTY WHICH YOU OWN OR IN WHICH YOU HAVE A LEGAL INTEREST. THE PROPERTY WILL BE SOLD AT PUBLIC AUCTION 12/17/2012 UNLESS THE BACK TAXES ARE PAID. TO MAKE PAYMENT, OR TO RECEIVE FURTHER INFORMATION, CONTACT THE CLERK OF COURT IMMEDIATELY AT 201 S. INDIAN RIVER DRIVE, 2ND FLOOR, FORT PIERCE, FL 34950, 772-462-6926.</p>	<p><b>WARNING</b></p> <p>THERE ARE UNPAID TAXES ON PROPERTY WHICH YOU OWN OR IN WHICH YOU HAVE A LEGAL INTEREST. THE PROPERTY WILL BE SOLD AT PUBLIC AUCTION 12/17/2012 UNLESS THE BACK TAXES ARE PAID. TO MAKE PAYMENT, OR TO RECEIVE FURTHER INFORMATION, CONTACT THE CLERK OF COURT IMMEDIATELY AT 201 S. INDIAN RIVER DRIVE, 2ND FLOOR, FORT PIERCE, FL 34950, 772-462-6926.</p>	<p><b>WARNING</b></p> <p>THERE ARE UNPAID TAXES ON PROPERTY WHICH YOU OWN OR IN WHICH YOU HAVE A LEGAL INTEREST. THE PROPERTY WILL BE SOLD AT PUBLIC AUCTION 12/17/2012 UNLESS THE BACK TAXES ARE PAID. TO MAKE PAYMENT, OR TO RECEIVE FURTHER INFORMATION, CONTACT THE CLERK OF COURT IMMEDIATELY AT 201 S. INDIAN RIVER DRIVE, 2ND FLOOR, FORT PIERCE, FL 34950, 772-462-6926.</p>	<p><b>WARNING</b></p> <p>THERE ARE UNPAID TAXES ON PROPERTY WHICH YOU OWN OR IN WHICH YOU HAVE A LEGAL INTEREST. THE PROPERTY WILL BE SOLD AT PUBLIC AUCTION 12/17/2012 UNLESS THE BACK TAXES ARE PAID. TO MAKE PAYMENT, OR TO RECEIVE FURTHER INFORMATION, CONTACT THE CLERK OF COURT IMMEDIATELY AT 201 S. INDIAN RIVER DRIVE, 2ND FLOOR, FORT PIERCE, FL 34950, 772-462-6926.</p>	<p><b>WARNING</b></p> <p>THERE ARE UNPAID TAXES ON PROPERTY WHICH YOU OWN OR IN WHICH YOU HAVE A LEGAL INTEREST. THE PROPERTY WILL BE SOLD AT PUBLIC AUCTION 12/17/2012 UNLESS THE BACK TAXES ARE PAID. TO MAKE PAYMENT, OR TO RECEIVE FURTHER INFORMATION, CONTACT THE CLERK OF COURT IMMEDIATELY AT 201 S. INDIAN RIVER DRIVE, 2ND FLOOR, FORT PIERCE, FL 34950, 772-462-6926.</p>

NOTICE	TAX DEED APPLICATION	TAX DEED APPLICATION	TAX DEED APPLICATION	TAX DEED APPLICATION	TAX DEED APPLICATION	TAX DEED APPLICATION	TAX DEED APPLICATION
<p><b>NOTICE</b></p> <p>A PUBLIC HEARING will be conducted before the CITY COUNCIL OF THE CITY OF PORT ST. LUCIE at a meeting beginning at 7:00 p.m., or as closely thereafter as business permits on November 26, 2012 in the City Council Chambers, Building A, located at 121 S.W. Port St. Lucie Blvd., in Port St. Lucie, Florida on the following:</p> <p>A RESOLUTION (12-R104) TO GRANT A SPECIAL EXCEPTION TO ALLOW A 100' MONOPOLE TELECOMMUNICATIONS TOWER IN THE MPUD (MASTER PLANNED UNIT DEVELOPMENT) ZONING DISTRICT PER SECTION 11(C)(1) OF THE MPUD DOCUMENT.</p> <p>LEGAL DESCRIPTION: Tract A, Tradition Parkway and north of Abingdon</p> <p>LOCATION: East of the existing Tradition Parkway and north of Abingdon</p> <p>APPLICANT: PJ Development, LLC</p> <p>FILE NUMBER: P12-012</p> <p>A RESOLUTION (12-R121) TO GRANT A SPECIAL EXCEPTION USE TO ALLOW A CHURCH STEEPLE HEIGHT OF 59 FEET, 11-3/4 INCHES PER SECTION 158.215(B) OF THE ZONING CODE.</p> <p>LEGAL DESCRIPTION: Parcel 3B, St. Lucie West Plat No. 36</p> <p>LOCATION: SW Cashmere Boulevard, between St. Lucie West Boulevard and the Crosstown Parkway</p> <p>APPLICANT:</p> <p>FILE NUMBER: P12-134</p> <p>A RESOLUTION (12-R122) TO GRANT A SPECIAL EXCEPTION USE TO ALLOW A RETAIL CONVENIENCE STORE IN THE CG (GENERAL COMMERCIAL) ZONING DISTRICT PER CHAPTER 158.124(C)(12) OF THE ZONING CODE.</p> <p>LEGAL DESCRIPTION: Lots 7-10 and 27-30, Block 704, Section 18</p> <p>LOCATION: 221 Port St. Lucie Boulevard (north of Port St. Lucie Boulevard, south of Chapman Avenue, west of Wayne Street and east of Trenton Lane)</p> <p>APPLICANT:</p> <p>FILE NUMBER: P12-136</p> <p>A RESOLUTION (12-R123) TO GRANT A SPECIAL EXCEPTION USE TO ALLOW A AUTOMOTILE FUEL SERVICES IN THE CG (GENERAL COMMERCIAL) ZONING DISTRICT PER CHAPTER 158.124(C)(11) OF THE ZONING CODE.</p> <p>LEGAL DESCRIPTION: Lots 7-10 and 27-30, Block 704, Section 18</p> <p>LOCATION: 221 Port St. Lucie Boulevard (north of Port St. Lucie Boulevard, south of Chapman Avenue, west of Wayne Street and east of Trenton Lane)</p> <p>APPLICANT:</p> <p>FILE NUMBER: P12-137</p> <p>Copies of the above Resolution have been placed on file in the City Clerk's Office and are available for public inspection Monday through Friday between the hours of 8:00 a.m. and 4:00 p.m. Interested parties may appear at the meeting and be heard with respect to the proposed resolution. No stenographic record by a certified court reporter will be made of the foregoing meeting. Accordingly, any person who may seek to appeal any decision involving the matters noticed herein will be responsible for making a verbatim record of the testimony and evidence at said meeting upon which any appeal is to be based.</p> <p>Planning &amp; Zoning Department Publish: November 16, 2012 TCN2457841</p>	<p><b>NOTICE</b></p> <p>PROPERTY WILL BE SOLD AT PUBLIC AUCTION 12/17/2012 UNLESS THE BACK TAXES ARE PAID. TO MAKE PAYMENT, OR TO RECEIVE FURTHER INFORMATION, CONTACT THE CLERK OF COURT IMMEDIATELY AT 201 S. INDIAN RIVER DRIVE, 2ND FLOOR, FORT PIERCE, FL 34950, 772-462-6926.</p> <p>Property may be redeemed through the St. Lucie County Tax Collector. For redemption amounts and instructions please contact the Tax Collector, 772-462-3557.</p> <p>Dated this 8th day of November, 2012.</p> <p>Joseph E. Smith Clerk of the Circuit Court of St. Lucie, FL By: Cheryl Freeman Deputy Clerk</p> <p>Publish: November 16, 23, 30, December 7, 2012. TCN2458129</p>	<p><b>NOTICE OF APPLICATION FOR TAX DEED</b></p> <p>Tax Deed File No.: 12-292</p> <p>NOTICE IS HEREBY GIVEN, THAT PENDER NEWKIRK CUST TC09 LLC the holder of the following certificate has filed said certificates for a tax deed to be issued thereon. The certificate number and year of issuance, the description of the property, and the names in which it was assessed are as follows:</p> <p>Certificate No.: 2009-3180</p> <p>Year of Issuance: 2009</p> <p>Property Description: Full Legal Description ANDREWS AND RICHARDS S/D THAT PART OF LOT10 LYG E OF S 2 ST MPDAF BEG</p> <p>Names(s) in Which Assessed: CHARLES ENNS</p> <p>Said property being in the County of St. Lucie, State of Florida.</p> <p>Unless said certificate shall be redeemed according to law the property described in such certificate shall be sold to the highest bidder by electronic sale 17th of December, 2012 at <a href="https://stlucieclerk.ckrkauction.com">https://stlucieclerk.ckrkauction.com</a> at 11:00 am.</p>	<p><b>NOTICE OF APPLICATION FOR TAX DEED</b></p> <p>Tax Deed File No.: 12-305</p> <p>NOTICE IS HEREBY GIVEN, THAT ELEVANT TALENT, LLC the holder of the following certificate has filed said certificates for a tax deed to be issued thereon. The certificate number and year of issuance, the description of the property, and the names in which it was assessed are as follows:</p> <p>Certificate No.: 2010-9373</p> <p>Year of Issuance: 2010</p> <p>Property Description: PORT ST LUCIE SECTION 25-BLK 59 LOT 5 (MAP 34/20N) (OR 1955-2060)</p> <p>Names(s) in Which Assessed: MIRTHA RODRIGUEZ/ ELIEZIER RODRIGUEZ</p> <p>Said property being in the County of St. Lucie, State of Florida.</p> <p>Unless said certificate shall be redeemed according to law the property described in such certificate shall be sold to the highest bidder by electronic sale 17th of December,</p>	<p><b>NOTICE OF APPLICATION FOR TAX DEED</b></p> <p>Tax Deed File No.: 12-303</p> <p>NOTICE IS HEREBY GIVEN, THAT POWELL LINK III LLC the holder of the following certificate has filed said certificates for a tax deed to be issued thereon. The certificate number and year of issuance, the description of the property, and the names in which it was assessed are as follows:</p> <p>Certificate No.: 2010-7597</p> <p>Year of Issuance: 2010</p> <p>Property Description: PORT ST LUCIE SECTION 18-BLK 604 LOT 21 (MAP 44/04S) (OR 1168-383)</p> <p>Names(s) in Which Assessed: BLAS NARANJO/ PETRONA NARANJO</p> <p>Said property being in the County of St. Lucie, State of Florida.</p> <p>Unless said certificate shall be redeemed according to law the property described in such certificate shall be sold to the highest bidder by</p>	<p><b>NOTICE OF APPLICATION FOR TAX DEED</b></p> <p>Tax Deed File No.: 12-301</p> <p>NOTICE IS HEREBY GIVEN, THAT POWELL LINK II LLC the holder of the following certificate has filed said certificates for a tax deed to be issued thereon. The certificate number and year of issuance, the description of the property, and the names in which it was assessed are as follows:</p> <p>Certificate No.: 2010-6739</p> <p>Year of Issuance: 2010</p> <p>Property Description: PORT ST LUCIE SECTION 09-BLK 1142 LOT 30 (MAP 44/08N) (OR 1894-1607)</p> <p>Names(s) in Which Assessed: GUILLERMO RENTERIA</p> <p>Said property being in the County of St. Lucie, State of Florida.</p> <p>Unless said certificate shall be redeemed according to law the</p>	<p><b>NOTICE OF APPLICATION FOR TAX DEED</b></p> <p>Tax Deed File No.: 12-299</p> <p>NOTICE IS HEREBY GIVEN, THAT LINK III LLC the holder of the following certificate has filed said certificates for a tax deed to be issued thereon. The certificate number and year of issuance, the description of the property, and the names in which it was assessed are as follows:</p> <p>Certificate No.: 2010-12020</p> <p>Year of Issuance: 2010</p> <p>Property Description: PALMETTO VILLAGE BUILDING UNIT 2A (OR 2400-1708)</p> <p>Names(s) in Which Assessed: DAVID WHARMBY</p> <p>Said property being in the County of St. Lucie, State of Florida.</p> <p>Unless said certificate shall be redeemed according to law the property described in such certificate shall</p>	<p><b>NOTICE OF APPLICATION FOR TAX DEED</b></p> <p>Tax Deed File No.: 12-299</p> <p>NOTICE IS HEREBY GIVEN, THAT LINK III LLC the holder of the following certificate has filed said certificates for a tax deed to be issued thereon. The certificate number and year of issuance, the description of the property, and the names in which it was assessed are as follows:</p> <p>Certificate No.: 2010-6862</p> <p>Year of Issuance: 2010</p> <p>Property Description: PORT ST LUCIE SECTION 11-LOT 47 43/12N) (140)</p> <p>Names(s) in Which Assessed: EDUARDO LISBEL MI</p> <p>Said property being in the County of St. Lucie, State of Florida.</p> <p>Unless said certificate shall be redeemed according to law the property described in such certificate shall</p>



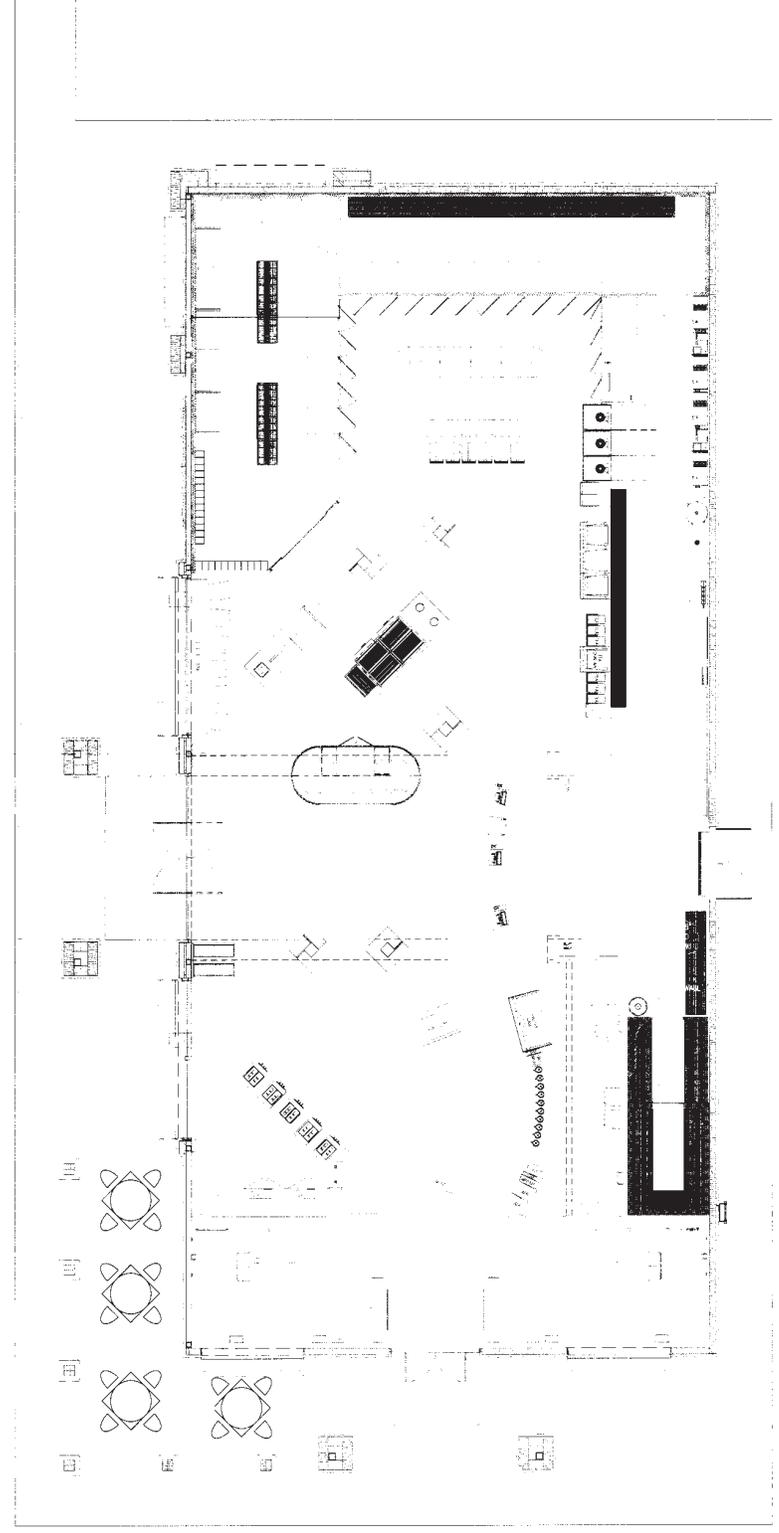
**Professional Seal**  
 REGISTERED ARCHITECT  
 STATE OF FLORIDA  
 NO. 12345  
 EXPIRES 12/31/2024  
 DESIGN PROFESSIONALS

**REVISION RECORD**  
 DATE DESCRIPTION

**PROJECT NAME**  
**NAME 1**  
**NAME 2**  
**NAME 3**  
**CITY**  
**STATE**  
**ADDRESS LINE 1**  
**ADDRESS LINE 2**  
**ARCHITECT PROJECT NUMBER**  
 XXXX

**PERMITS AND FEES**  
 2012 SF, 5130, 0230  
**PLAN INDICATION NOTICE**  
 SHEET NO. 1 OF 1  
 THIS DRAWING IS THE PROPERTY OF THE ARCHITECT AND IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF THE ARCHITECT. THE ARCHITECT ASSUMES NO LIABILITY FOR ANY DAMAGE OR INJURY TO PERSONS OR PROPERTY, OR FOR ANY CONSEQUENCES ARISING FROM THE USE OF THIS DRAWING, WHETHER OR NOT SUCH DAMAGE OR INJURY IS CAUSED IN WHOLE OR IN PART BY NEGLIGENCE OR OTHERWISE.

**PROFESSIONAL SEAL**



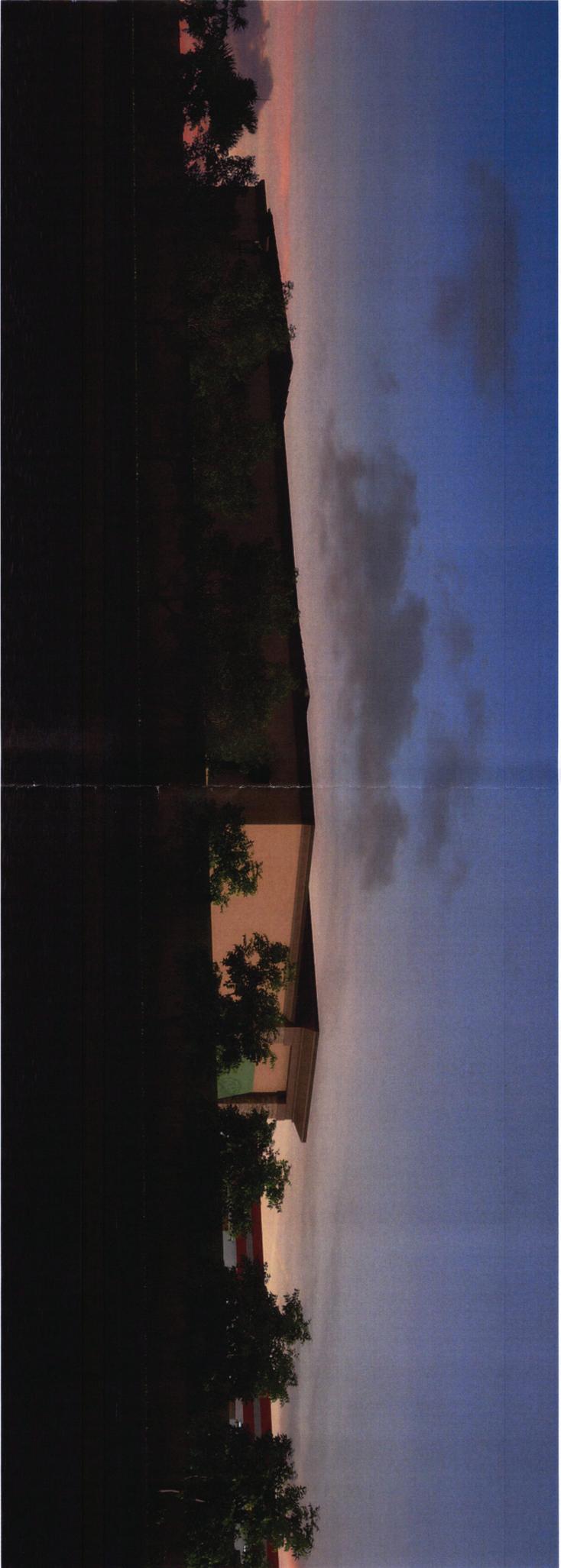
A DIMENSION FLOOR PLAN

**PROJECT NUMBER**  
**SHEET TITLE**  
**FLOOR DIMENSION PLAN**  
**SHEET NUMBER**  
**A120**



FINISH MATERIAL	
1	100% PVC METAL ROOF PANELS (COLOR TO MATCH)
2	SPRINKLER HEADS (COLOR TO MATCH)
3	WHITE GYPSUM BOARD
4	WHITE GYPSUM BOARD (CONCRETE)
5	WHITE GYPSUM BOARD (CONCRETE)
6	CONCRETE (COLOR TO MATCH)
7	CONCRETE (COLOR TO MATCH)
8	CONCRETE (COLOR TO MATCH)

**PORT ST. LUCIE, FLORIDA** ELEVATIONS



ILLEGIBLE WHEN  
PRESENTED FOR RECORD

ILLEGIBLE WHEN  
PRESENTED FOR RECORD

