

October 19, 2011

Karen A. Phillips, City Clerk  
121 S.W. Port St. Lucie Blvd.  
Port St. Lucie, FL 34984

**RE: Thirsty Turtle Park Variance Appeal Request**

Dear Mrs. Phillips:

On behalf of the property owner, Land Design South of Florida Inc., would respectfully request to appeal the previous decision made by the City of Port St. Lucie Planning and Zoning Board. On October 4, 2011 the Planning and Zoning Board approved a parking variance for the Thirsty Turtle Restaurant (P11-114). This variance was requested to reduce the required parking from 78 spaces to 49 spaces. As a part of the approval, the Planning and Zoning Board placed two (2) conditions on the project.

The Conditions are: "The approval is contingent upon the applicant providing legal documents approved as to form and correctness by the City Attorney and acceptable to the Planning and Zoning Department for shared parking on both properties on the north (Wash-N-Go Car Wash) and the south (CVS Pharmacy)."

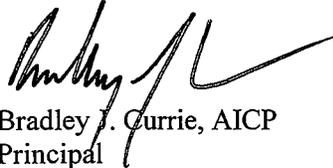
Since the approval on October 4, 2011, the applicant has been diligent in attempting to obtain the required materials as identified in the conditions. Unfortunately, it does not appear the applicant will be successful in obtaining the required documents from the property owners. Therefore, we are requesting to appeal the decision made by the Planning and Zoning Board to remove the proposed conditions.

Section 158.302 of the City of Port St. Lucie Land Development Regulations identifies the procedures for appealing the Planning and Zoning Board Decision. The section states that the applicant must file the appeal within fifteen (15) days of the decision. The decision was made on October 4, 2011 and therefore the applicant has until October 19, 2011 to file the appeal. In addition, please find attached to this letter the required \$150.00 fee for processing the appeal.

If you have any questions regarding this letter or the project, please contact our office. Please let my office know once a date has been scheduled before the City Council.

Sincerely,

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

  
Bradley J. Currie, AICP  
Principal

cc: Joe Paranzino

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Mr. Gardner said, "A few months back we addressed a similar case. I believe it was denied on the grounds of trying to get better signage on the marquee." Mr. Holbrook advised, "Other projects have come to the board recently under different zoning districts. That's why the list wasn't exhaustive." Chair Parks said, "There is a monument sign on US 1 with the Sav-a-Lot name on it. It is very visible from the south but not from the north because of some trees. I have been to the site. If some of the trees were trimmed there would be more visibility. That would be taken care of by the management company of the plaza. The façade is not a very large space compared with the other facades in the pictures."

Mr. Blazak commented, "I have concern if this business hasn't gone to the landowner to see if they want to do a Master Sign Program. We don't know if the owner would want to do it; they may be willing." Chair Parks advised that the board can approve, deny or table the application and asked if each variance needs a separate vote. Mr. Holbrook replied in the affirmative. Mr. Blazak **moved** for the staff recommendation that the request is inconsistent with the variance criteria and for denial. Mr. Gardner **seconded** the motion. The **motion passed** by roll call vote, with Mr. Gardner, Mr. Ojito, Mr. Blazak, Chair Parks, and Vice Chair Rooksberry voting in favor, and Mr. Martin and Mr. Battle voting against. Mr. Holbrook noted that if the applicant wishes to appeal they will have to apply to the City Clerk.

**B. P11-114 THIRSTY TURTLE - VARIANCE**

Ms. Kuruvilla stated, "This is a variance application for Thirsty Turtle Restaurant. The applicant is Brad Currie, Land Design South of Florida, and the owners are Joseph and Karen Paranzino. The property is located at 2825 SW Port St. Lucie Boulevard, between Tulip Boulevard and Aviation Avenue. The property is legally described as Lots 6, 7, 12, and 13, Block 2887, Port St. Lucie Section 41. The existing zoning is General Commercial. The existing use is for the Thirsty Turtle restaurant. The applicant is requesting a variance to reduce the required parking spaces by 29 spaces because of the proposed addition of a tiki bar and outdoor deck. The site has only 49 parking spaces, which is 29 spaces less than what is required by the City's current Land Development Regulations. The impacts and findings are explained in the staff report. The original Site Plan, P00-136, was approved on August 28, 2000, for 4,965 square feet for a free-standing restaurant. The plan was approved with a total of 49 parking spaces, based on one space for every 75 square feet of seating area and one space for every 200 square feet of general building. It does not appear to meet the parking requirement in the year 2000 or today's requirement. Section

158.221(C)14 of the City's Land Development Regulations requires one space for every 75 square feet of gross floor area for free-standing restaurants. That equates to a requirement of 66 spaces as the property is built today. Since there were only 49 approved and built, the site is actually short on parking today by 17 spaces. With the addition of the tiki hut and deck, the total variance request is for a reduction of 29 required parking spaces. Please note that if it were not for the existing shortage, the variance request would be for 12 spaces for the addition of the tiki hut and deck. If the existing shortage is taken into account, the request is for a total of 29 spaces. The applicant has provided a cover letter that they have an agreement with the CVS manager to allow overflow parking on their property, and the applicant is working with the carwash to the north to allow overflow parking. As per Section 158.221(G)(6) of the Zoning Code, shared parking is allowed if they provide legal evidence such as an agreement or contract. The applicant has handed in two shared-parking agreements today just before this meeting. A notice has been sent to all neighbors within a 300 foot radius. We received one letter of objection from a neighbor that has been given to the board. The Planning and Zoning Department staff finds the request to be inconsistent with variance criteria as stipulated in Section 158.295(C) of the Zoning Code. Therefore, staff recommends denial unless the following conditions can be met:

1. Tiki bar and deck hours do not overlap peak or business hours of the carwash and CVS pharmacy.
2. Applicant provides document for shared parking agreement per Section 158.221(G)(6) of the City's Zoning Code."

Mr. Martin said, "I understand that there would need to be some cross-parking agreements, which apparently the applicant has. Can we separate the cross parking agreements for the carwash and CVS? I ask because there is a parcel between CVS and the subject property to the south. Would one cross parking agreement with the carwash be sufficient to cover the excess parking?" Ms. Kuruvilla replied, "CVS has given shared parking, not cross access, because there are four lots in between. The carwash gave shared access as well, and there is a wall." Mr. Holbrook advised, "They are asking for a variance to not meet the parking requirement of the City. They propose parking agreements with the property to the north and a parcel located one development to the south. You can consider those. Staff has raised some issues in what we've seen, and that's why we have listed those as conditions. We're recommending denial because those items have not been presented to the City: the hours of operation, which still shows as overlapping, and parking agreements. I have seen a letter, but a letter is very different than an

enforceable parking agreement. The applicant is here to present information. But from the City's perspective, we have evaluated the variance criteria, and based on that, we can't recommend approval."

Mr. Ojito asked if they need a total of 29 spaces to comply. Mr. Holbrook clarified, "That's what they're requesting." Mr. Ojito asked, "What is the total they need to have?" Mr. Holbrook said, "They need 17 additional spaces." Mr. Ojito asked, "Do the adjacent properties have excess parking? In other words, if they have an agreement for use of the adjacent parking areas, do those businesses have excess parking that would total the required, so you wouldn't need to be concerned about the hours of operation?" Mr. Holbrook replied, "I don't believe we have information to show excess parking. That's why we're looking to see that the hours of operation aren't conflicting. The carwash is open during normal business hours; I believe that is seven days a week. CVS is the same. I don't know how late they're open." Vice Chair Rooksberry asked if they haven't accepted the conditions set forth by the staff. Mr. Holbrook said, "We can ask the applicant. They have provided information on the proposed hours for the tiki bar and deck. They have provided one letter that I have seen. Staff is asking for an actual agreement, which is different than a letter. Management of a business can change in one day. The City is looking for something enforceable. We don't want the parking to overflow into the residential areas. We did have one letter from a resident on College Park Road." Mr. Battle commented, "I've been to the Thirsty Turtle. I believe their hours are 11 to 11. Their peak hours are about 4 p.m. to 7:30 p.m. I think the cross-access agreements with CVS and the carwash may suffice. I would recommend that they contact the retail shopping center across the street to see if they can get a parking access agreement with them, as well."

Brad Currie, Land Design South of Florida, stated, "Staff did an excellent job presenting some of what I'm going to say from a different perspective. I am representing Joe and Karen Paranzino, who own the Thirsty Turtle Sea Grill. They have another restaurant in Juno Beach. Joe will speak later about the tiki hut. The variance we are seeking is from the parking requirement of the City's Land Development Code. The property received Site Plan approval in 2000. Shortly thereafter they received the building permit. They talk about how much they love Port St. Lucie. They have had a successful establishment for 11 years, and they want to continue. I started talking with them several months ago about the possibility of adding the tiki bar to the open play area at the front of the restaurant. It was always approved for a children's play area, but they never used

it. They have seen the success of tiki bars in the Jupiter area. They approached me about adding a tiki bar that is about 400 square feet. There is a deck around the perimeter of about 500 square feet. That's 900 square feet of new floor area, if you will. The idea wasn't to increase the capacity of the restaurant, but to provide a different atmosphere for the existing customers. In a literal interpretation, the Code says you must have one space for every 75 feet of gross floor area. For the purpose of this variance I assumed the worst case scenario, which is the patio and the tiki bar. There could be some argument as to whether the patio counts for floor area. Does a tiki bar count, because there is no one sitting behind the bar? But for the purposes of this variance I went ahead and included the 900 square feet. If you do the math on that, it's only 12 spaces. This was when we talked about it a few months ago, and I said I could probably get that for a longstanding business owner in the City who provides a service people seem to like. They never really had a parking problem or complaints. I believe that there have been no Code violations on the property. Once I looked at the approved Site Plan I realized that it was approved using a calculation that doesn't exist today. They broke up the square footage between the seating area and the non-seating area, and they really mixed and matched two sections of the Code, a free-standing restaurant section and an in-line restaurant section. An in-line restaurant in a shopping center would be one space for every 200 square feet; for free-standing, which this is, it would be one space per 75 square feet. The site is required today to have 66 spaces; it only has 49. We're 17 spaces short right out of the gate, and my variance of 12 turned into 29 spaces. We haven't heard of parking issues on the property. We met with staff and they suggested that we meet with the carwash and CVS about providing overflow or shared parking. We were able to get letters. They're a little late arriving, but we have the letters to give to the Deputy Clerk to pass to the board. Per the discussion about the letters versus recorded copies, that is just another step we'll make. The carwash person they spoke with is the owner from out of state. We have spoken to the right people, but if it requires a more concrete document we will definitely get that."

Mr. Currie continued, "Staff asked about the hours of operation for the outdoor area. We would limit that to 5 p.m. to closing, Monday through Friday. That's a condition we would be willing to put on the variance approval. Closing time is typically around 11 p.m. during the week. On the weekend we would like the outdoor area open as much as possible during normal business hours. I want Mr. Paranzino to talk to you about why they want to add the tiki bar."

Joseph Paranzino, owner, said, "We're trying to enhance our business. We've been there for 11 years, and we want to give our customers a good experience and do the right thing by the community. We try to abide by all the rules. This is the first time I have heard of a parking problem at my restaurant. No neighbor has ever come to us and expressed any dissatisfaction. Jim Gorant, who owns the carwash, is more than happy to help us out. He said he would come here if we wanted him to. I can get it documented. It's the same with the CVS people. I have good working relationships with everyone in the area. I've never had a problem in 11 years. We're asking for the variance so we can continue in the area. The hours of operation now are 11:30 a.m. Monday through Saturday until whenever; 11 p.m. is the latest. Sometimes 12 at the latest. Sunday is noon until 10 p.m. We have live entertainment on Wednesday, Friday, and Saturday. The entertainment is inside."

Mr. Currie said, "If the variance is approved, we still have several steps to go through. We would have a minor Site Plan amendment, which goes through the Planning and Zoning Department, showing the actual location of the tiki hut to make sure it doesn't conflict with drainage, engineering, or water and sewer. We would need to submit a building permit to get the structure built. This is the first step in a long process for a small business owner. The staff report brought up five similar examples in the City. Four have received approval. The fifth was denied and is being appealed to the Board of Zoning Appeals. Most of those requests were for new uses. This is a longstanding, working use in the community. We respectfully request that you approve the variance, based on the historical operation of the business, the agreements from the neighboring property owners to allow shared parking, and the limited hours of operation."

Mr. Martin said, "You keep referencing the property to the south. There is a vacant piece of property, so you have about 160 lineal feet separating CVS from the subject property. I have a bit of an issue in including that in a cross-parking arrangement. Would the carwash alone satisfy the extra parking?" Mr. Currie answered, "I think the carwash has around 20 spaces. We wouldn't want to use all of them at the same time. The intent of the shared parking is to prove that there are other options for people who come to the establishment. The 160 feet isn't that long of a walk. Joe would probably tell you that some customers leave their cars at CVS and walk, so I don't know that it's out of the question. Someone mentioned going across the street. We didn't want people going across Port St. Lucie Boulevard; we thought that would be a dangerous situation. I don't think the 160 feet is too much. It's up to the board." Mr.

Martin said, "I want to clarify the numbers. We're 17 spaces short, as is. It's an oversight by the City, so I consider that forgiven." Mr. Currie clarified, "It's 12 spaces in addition to the 17, 29 in all. The 17 spaces are what we are short today. Adding the tiki bar and deck means an additional 12 spaces." Mr. Martin continued, "You're really only looking for 12 more spaces for overflow." Mr. Currie noted that there are 23 spaces at the carwash. Mr. Blazak advised, "On the aerial picture you can see 10 doublewide spaces, which means 20 spots adjacent to them. I presume the roadway is the drive-thru for the carwash."

Vice Chair Rooksberry asked if the two agreements suffice for the condition put forth by the staff. Mr. Holbrook replied, "I have just been provided the proposed agreements. The language would need to be modified. They would have to be notarized and ultimately recorded to meet the intent of the Code. The quick answer is no, but I think there is opportunity." Ms. Hakim said, "The agreements are not sufficient. We've done this before, but this is absolutely not sufficient. It would not be legally binding on either party. There has been case law and litigation. We can provide to them copies of some of the cross-access easements or shared parking agreements that have been approved before. It would be recorded; it would continue with the property, even if the property changed hands in the future. That is usually where the litigation arises; the new property owners may not want to honor the agreement. It is not as simple as a letter. I say that to make sure you understand that, Brad. When they do talk to the property owners, they need to know it is not a simple letter, and it can create issues for them when they try to sell the properties in the future, because that parking agreement would be binding on future owners of all three properties. It must be notarized and recorded against the properties."

Mr. Gardner asked what the hours of operation are for the carwash, specifically on the weekends. Mr. Currie said that he doesn't have that information. Mr. Gardner said, "One concern is the overlap. I assume a tiki bar would bring in more clientele during the day and late afternoon. That also seems like the same time people would go to wash their cars, specifically on Saturday or Sunday. It seems like that might not go over well if the Thirsty Turtle increases their business with a tight parking issue. I don't think the carwash will want to give up spots for vacuuming. Another question is how the overflow parking will be advertised. Will there be signage?" Mr. Currie answered, "We haven't gotten that far. On the Site Plan we could show signage to the other lots, but we haven't nailed that down yet." Mr. Gardner said, "It seems there is going to be an unfortunate nightmare going on. I would like to address the shared parking

with CVS. Even if there is an agreement, that is approximately 200 feet where people are walking down a six or eight foot sidewalk on Port St. Lucie Boulevard, possibly late at night when they have been drinking. That almost presents a public safety issue."

Mr. Ojito asked, "How can we make a motion to move the project forward? By providing a legally binding agreement that is acceptable to the City?" Mr. Holbrook responded, "That can be a motion, if you are making a recommendation to approve contingent upon the condition that the agreement be amended as similar past approved agreements by the City that have been recorded. That is standard practice." Mr. Battle commented, "In the 11 years that they have been 17 spaces shy there have been no complaints. How many more consumers do you think they will bring in with a 700 square foot max deck area? One or two more cars?"

Chair Parks opened the Public Hearing. There being no comments, Chair Parks closed the Public Hearing.

Mr. Martin said, "If they can get a legally binding agreement with the property owner to the north only, I would definitely be in favor of this variance. The 17 spaces that were a miscalculation or an oversight should be forgiven. I agree with Mr. Battle. There haven't been any parking issues as is, so it shouldn't be considered." Vice Chair Rooksberry indicated that he agrees. Chair Parks said, "The tiki bar is a good business plan. There's nothing like it in this community. If you build it, they will come. The price of doing business will require more land. There are four adjacent lots. Why have you not gone to the 'for sale by owner' of the .92 acres and asked to purchase, so you don't have to go to all of the letters? It's a no-brainer to me. Those are Lots 4 and 5 on Port St. Lucie Boulevard and Lots 14 and 15 on College Park Road. The problem I have is the impact this will have on College Park. There is already a retaining wall there, which is lovely. But there are 17 spaces that the business is deficient, and now you want 12 more. That is 37% totally. It's a great business plan, but I think it will become a problem if it goes through. I don't see that people will walk down Port St. Lucie Boulevard from CVS. I don't know of other instances in Port St. Lucie where a large chain store shares their parking with private entities. And where is the stacking for the carwash once you've washed your car? At the one I use it gets busy and they want you to move your car. Those are my thoughts." Mr. Gardner asked if there has been an attempt to contact the property owners to the south. Mr. Currie indicated that Mr. Paranzino has contacted the owner and added, "If you look at the approved Site Plan in your packet, you will see the cross access that our property had to show to

the carwash and the property to the south. The intent was for the lots to have cross access and cross parking. For some reason, when the carwash was built they cut off the cross access. And an example of where CVS has allowed cross access and parking is on the corner of Bethany and St. Lucie West Boulevard, where there is a strip center." Chair Parks asked if there is a landscape buffer in the cross access. Mr. Currie replied, "I believe the drive-thru separates the two." Mr. Paranzino said that the property owner wanted \$400,000 for the property for sale, which he can't afford, especially with tearing down the house and paving the area. Mr. Battle advised that there is no landscaping at the other CVS site.

Mr. Blazak observed, "This is an existing business. They have made a commitment to the City. They have been deficient in parking for years and there are no complaints. I think the tiki bar will help to keep his existing lot full. The carwash has 20 clear spaces. I would think that an agreement with the carwash alone may keep the business in town." Mr. Gardner said, "I second the comment about if you build it, they will come. I think it is terrific that the restaurant has had a good history and I support the restaurant. However, the parking may be at capacity as it is. I understand they are talking about an agreement with the carwash. I think there is going to be a lot of overlap. I have a hard time supporting this, based on the fact that if this does improve the business at the restaurant, it will cause an issue. As citizens and board members, we have an obligation to perceive these things. They're difficult to undo after the decision is made. I will not be in favor of the variance." Mr. Ojito said, "I would be supportive if there is an agreement for both properties." Mr. Martin noted, "I would be in support of a motion that included only the cross parking arrangement in a legally binding document with just the carwash."

Mr. Blazak **moved** to approve the variance contingent upon legal documents approved as to form and correctness by the City Attorney and acceptable to the Planning and Zoning Department for shared parking for both sites. Mr. Ojito **seconded** the motion, which **passed** by voice vote, with Mr. Ojito, Mr. Martin, Mr. Blazak, Vice Chair Rooksberry, and Mr. Battle voting in favor, and Chair Parks and Mr. Gardner voting against.

**C. P11-029 CITY OF PORT ST. LUCIE - CHAPTER 158 - ZONING TEXT AMENDMENT**

Mr. Holbrook stated, "I will present today a Zoning Code update, P11-029. This will affect Chapter 158.006 to 188, specifically for definitions in the various zoning districts. This



# City of Port St. Lucie

## Planning and Zoning Department Memorandum

**TO:** PLANNING AND ZONING BOARD MEETING OF OCTOBER 4, 2011

**FROM:** THRESIAMMA KURUVILLA, PLANNER *JK*

**RE:** VARIANCE APPLICATION (PROJECT NO. P11-114)  
THIRSTY TURTLE

**DATE:** SEPTEMBER 26, 2011

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**APPLICANT:** Bradley J. Currie. of Land Design South of Florida. Authorization letter is attached.

**OWNER:** Joseph and Karen Paranzino

**LOCATION:** 2825 SW Port St. Lucie Boulevard, between Tulip Boulevard and Aviation Avenue.

**LEGAL DESCRIPTION:** Lots 6, 7, 12, and 13, Block 2887, Port St. Lucie Section 41

**SIZE:** 0.947 acres

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

**EXISTING USE:** Thirsty Turtle restaurant

**REQUESTED VARIANCE:** The applicant is requesting a variance to reduce the required parking spaces by 29 spaces from 78 to 49 because of the proposed addition of a Tiki bar and outdoor deck. Section 158.221(C)(14) of the City of Port St. Lucie Zoning Land Development Regulations requires one (1) space for every seventy-five (75) square feet of gross floor area for free standing restaurants.

**SURROUNDING USES:** North – CG (General Commercial)/SEU, Car Wash; East – RS-2 (Single Family Residential), houses; South – RS-2 (Single Family Residential) single family house and vacant lots, CG (General Commercial)/SEU, CVS Pharmacy; West – Port St. Lucie Boulevard, and CG (General Commercial)/SEU, Bravo Super Market and Mobil gas station.

**IMPACTS AND FINDINGS**

Compatibility with variance criteria:

- 1) That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same zoning district.

*Applicant response: It would appear that the subject property received site plan approval without providing the correct amount of parking. This causes the property to be at a deficit without adding additional square footage. This is an existing established restaurant that does not have a history of having a parking problem. The applicant has obtained approval from one adjoining property owner to allow overflow parking on an adjacent site. The combination of a site plan that may have been approved incorrectly, an existing business with no history of parking problems, and the adjoining property owners' willingness to allow overflow, describe special conditions and circumstances that exist which are peculiar to this property.*

Staff evaluation: There are no special conditions or circumstances related to the land, structure, or building involved which are not applicable to other lands, structures, or buildings in the same zoning district. The original site plan (P00-136) was approved on 8/28/2000 for 4,965 square feet of free standing restaurant. The plan included the required buffers and parking. The plan was approved with a total of 49 parking spaces, based on 1 space for every 75 sq. ft. of seating area and 1 space for every 200 sq. ft. of general building. The City's Land Development Regulations require one (1) space for every seventy-five (75) square feet of gross floor area for free standing restaurants.

The proposal is to add a 400 square foot Tiki Hut and a 500 square foot deck area. The total area of the restaurant is 5,865 sq. ft. including the additional 900 square feet, and the required parking spaces are 78. Existing parking spaces are 49 and hence the shortage is 29. All development within the City needs to provide the required parking spaces as outlined in the City's Land Development Regulations; this site is not meeting this requirement. The applicant has written in the covering letter that they have an agreement with the CVS manager to allow overflow parking on that property. And in addition the applicant is working with the car wash to the north to allow overflow parking. As per Section 158.221 (G) 6, shared parking is allowed if they provide legal evidence like agreement or contract.

- 2) That the special conditions and circumstances do not result from any action of the applicant.

*Applicant response: While the applicant did submit and receive site plan approval, the applicant expected the approved plan to meet the City's Land Development Regulations. With the expansion of the Tiki Hut and deck area, the*

*Petitioner is attempting to offer a different experience for their existing clients. If the plan met code then the parking variance requested would be negligible. The Petitioner is trying to keep his business strong by providing an additional amenity for his clients.*

Staff evaluation: There are no special conditions and circumstances. The additional facility is proposed by the owners to improve his business.

- 3) That granting the variance requested will not confer on the applicant any special privilege that is denied by this chapter to other lands, buildings, or structures in the same zoning district.

Applicant response: *Every property has the ability to ask for a variance. Every property must attempt to justify why the variance should be approved. In the case of the subject property what could be a variance request for only 12 spaces is now 29 due to a different interpretation of the Land Development Regulations now versus when it was approved. The addition of a small tiki hut and deck will not substantially increase the ability of the property to accommodate more guests. This property is also different because it has a relationship with a nearby property owner to allow over flow parking.*

Staff evaluation: Granting of this variance will confer on the applicant a special privilege that is denied by this chapter to other lands, buildings, or structures, in the same zoning district. The immediate property to the south has 4 undeveloped residential lots owned by Jada Corporation and on the north, there is a car wash. The approved site plan (P00-136) does not appear to meet the parking requirement for when they were approved or today's requirement. However, whatever was used, it is not the same as the calculation required today and does not meet the code. Section 158.221(C)(14) of the City of Port St. Lucie Zoning Land Development Regulations requires 1 space for every 75 square feet of gross floor area for free standing restaurants. That equates to a requirement of 66 spaces as the property is built today. Since there were only 49 approved and built, the site is actually short on parking today by 17 spaces. With the addition of tiki hut and deck, the total variance request is for a reduction of 29 required parking spaces. Please note that if it were not for the existing shortage, the variance request, (just for the addition of tiki hut and deck) would be for 12 spaces. If the existing shortage is taken into account, the request is for a total of 29 spaces.

In the past, a similar parking variance for a restaurant Pueblo Viejo in Peacock Plaza at St. Lucie West was approved. The variance requested was for 47 spaces and the Planning and Zoning Board approved it on August 1, 2006. A list of parking variances is provided on page 5 of this report.

- 4) That literal interpretation of the provisions of the chapter would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of the chapter and would work unnecessary and undue hardship on the applicant.

Applicant response: The addition of the tiki hut and deck is interpreted by the Land Development Regulations to be gross floor area similar to adding seating area inside a restaurant. The reality is that the tiki hut and deck will function as a waiting area and additional bar area for the existing clients. The literal interpretation of the code would not allow this small addition of a tiki hut.

Staff evaluation: Literal interpretation of this chapter would not deprive the applicant of rights commonly enjoyed by other properties in the same zoning district, but would prohibit the applicant from expanding the restaurant by adding the tiki hut and deck. The seating arrangement of the tiki hut and outdoor deck area cannot be considered as waiting area and does not justify approval of this request.

- 5) That the variance granted is the minimum variance that will make possible the reasonable use of the land, building, or structure.

Applicant response: The variance request is for a total of 29 spaces. Seventeen (17) of those spaces are a result of the current parking requirements being different than when the project was originally approved. The additional twelve (12) spaces were determined by calculating the area of the tiki hut divided by seventy-five (75) and the area of the deck by seventy five (75). The following is how this was determined:

Tiki Hut –	400 square feet/75 =	5.33
Deck –	500 square feet/75 =	6.66
Total -		12 Spaces

Section 158.221(C)(14) states the following:

*Restaurants, cocktail lounges and bars: One space for each 200 square feet of gross floor area. Restaurants freestanding and out parcels one space per 75 square feet of gross floor area.*

*The Petitioner decided to count the entire new area as gross floor area. The definition in the code is not clear on how to count the deck area. This is the most that could be required, one could say that the tiki hut is the only additional gross floor area.*

Staff evaluation: Denying the variance would not hinder the reasonable use of the land, building, or structure. The site has only 49 parking spaces which is 29 spaces less than what is required by the current City's Land Development Regulations.

- 6) That the granting of the variance will be in harmony with the general intent and purpose of the chapter and that the variance will not be injurious to the area involved or otherwise detrimental to the public welfare.

Applicant response: A parking variance is not detrimental to the public welfare. There is sufficient parking in the area to accommodate any possible overflow

*parking that might be needed. The intent of the City of Port St. Lucie should be a willingness to assist established businesses succeed and thrive in the community. This variance represents a very small request that will allow an established business continue to succeed in the City.*

Staff evaluation: Granting of the variance will not be in harmony with the general intent and purpose of the chapter and that the variance will be injurious to the area involved or otherwise detrimental to the public welfare. All development within the City needs to provide the required parking spaces as outlined in the City's Land Development Regulations; this site is meeting the parking calculation as shown in the approved site plan, but does not meet the City's code. It is understood from the police department that there are no code violations with the subject property specific to parking (see attached email). The applicant indicated that the tiki bars and deck will be using during business hours.

- 7) That there will be full compliance with any additional conditions and safeguards which the Planning and Zoning Board or Zoning Administrator may prescribe, including but not limited to reasonable time limits within which the action for which variance is required shall be begun or completed, or both.

Applicant response: *The applicant understands there may be additional conditions placed on the property by the staff and the Planning and Zoning Board. The applicant will review these additional conditions when proposed and discuss the details at that time.*

Staff evaluation: The applicant has agreed to comply with any additional conditions. The applicant needs to state what the hours of operation for the outdoor space will be. Since the applicant is relying on overflow parking on adjacent or nearby business, they will need to comply with Section 158.221 (G) 6 of the Zoning Code.

Other: The Thirsty Turtle restaurant has to apply for a site plan amendment, and needs to provide a recorded cross access/shared parking agreement if this variance gets an approval.

Similar projects: The staff conducted some research on similar parking variance requests, and the actions were found out as follows.

1. Team IP (P05-350)-City Council acting as Board of Zoning Appeals approved the variance for 11 parking spaces for a warehouse building on December 12, 2005. The current zoning is WI (Warehouse Industrial).
2. Lakeside Shopping Center (P06-138)-City Council acting as Board of Zoning Appeals approved the variance for 23 parking spaces for a school use on August 14, 2006. The current zoning is CG (General Commercial).
3. SLW Commercial Campus (P06-224)-The Planning and Zoning Board approved the variance for 47 parking spaces for a restaurant (Pueblo Viejo in Peacock Plaza) on August 1, 2006. The current zoning is CG (General Commercial).

4. Renaissance Charter School on Cashmere at St. Lucie West (P08-194)-City Council acting as Board of Zoning Appeals approved the variance for 42 parking spaces for charter school on Oct 20, 2008. The current zoning is CG (General Commercial).
5. Renaissance Charter School at Tradition (P11-099)-The Planning and Zoning Board denied the variance for 142 parking spaces on September 6, 2011. The applicant has appealed to the Board of Zoning Appeals and the hearing is scheduled on October 17, 2011. The current zoning is MPUD (Master Planned Unit Development).

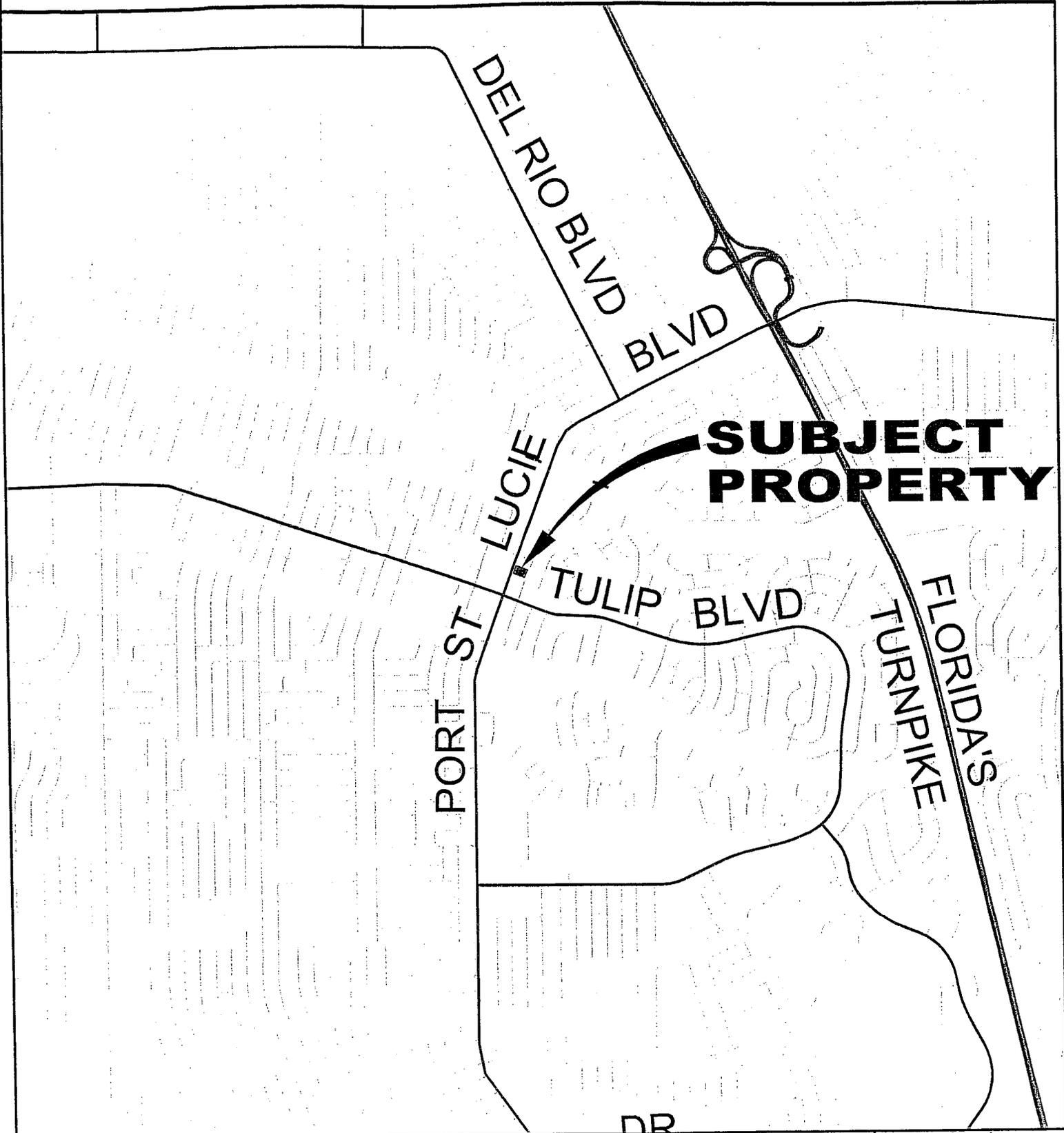
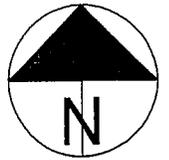
**STAFF RECOMMENDATION:**

The Planning and Zoning Department staff finds the request to be inconsistent with variance criteria as stipulated in Section 158.295 (C) of the Zoning Code. Therefore, staff recommends denial unless the following conditions can be met.

1. Tiki bar and Deck hours do not overlap peak or business hours of the car wash and CVS pharmacy.
2. Applicant provides document for shared parking agreement per Section 158.221 (G) 6 of the City's Zoning Code.

***(NOTE TO APPLICANT: Any request for a variance that is denied by the Planning and Zoning Board may be appealed to the Zoning Board of Appeals. Appeal applications are made through the City Clerk's office and must be submitted within 15 days after the Planning and Zoning Board hearing).***

# SITE LOCATION



CITY OF PORT ST. LUCIE  
PLANNING & ZONING DEPT.

Prepared by:  
M.I.S. DEPARTMENT

PZ2011.DWG

DR  
VARIANCE

LOTS 6,7,12, & 13 BLOCK 2887  
PORT ST LUCIE SECTION 41

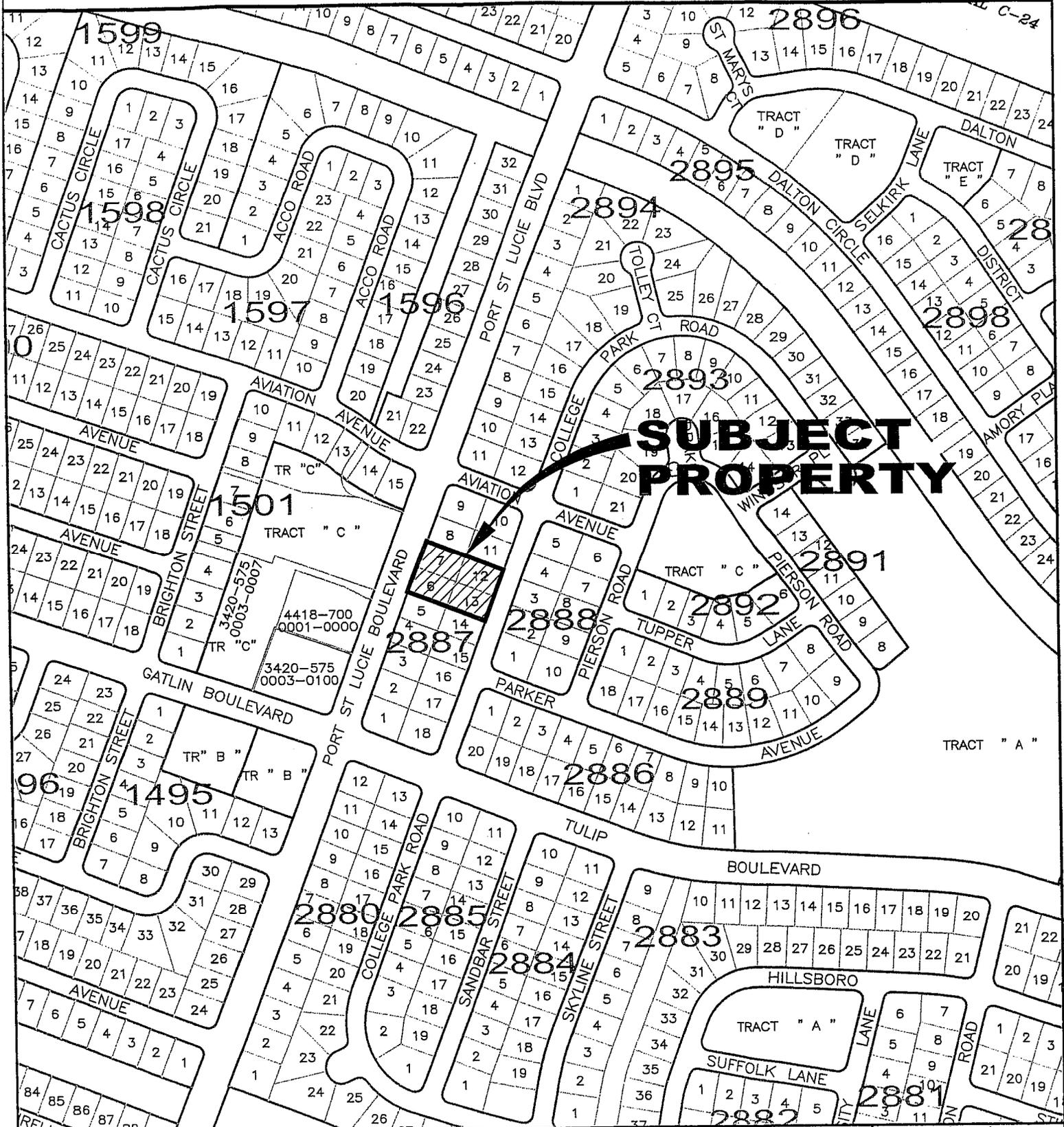
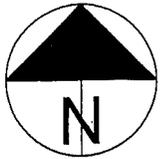
DATE: 9/12/2011

APPLICATION NUMBER:  
P11-114

CADD FILE NAME:  
P11-114L

SCALE: 1" = .5 MI

# SITE LOCATION



**SUBJECT PROPERTY**



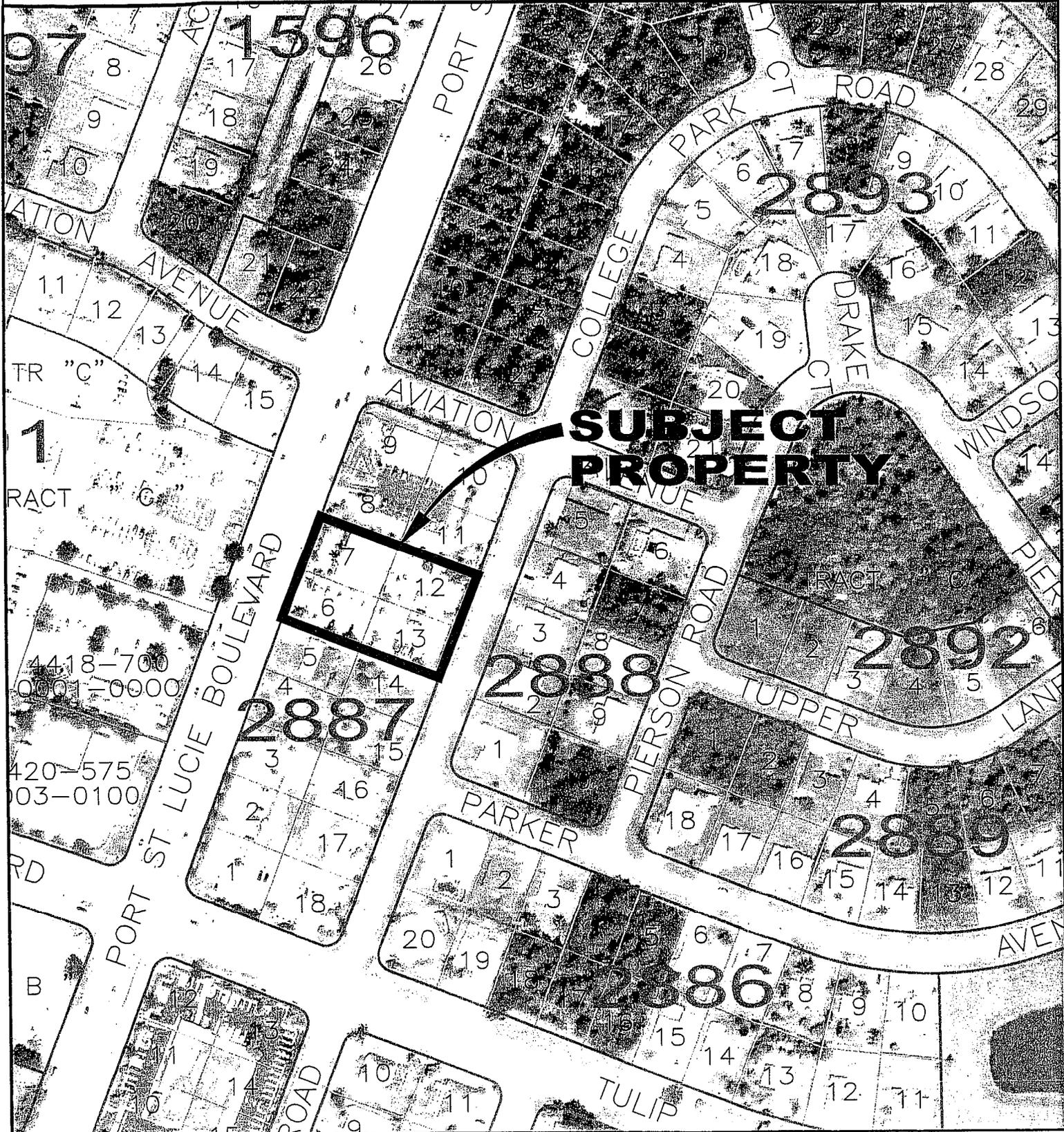
CITY OF PORT ST. LUCIE  
PLANNING & ZONING DEPT.

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

VARIANCE  
LOTS 6,7,12, & 13 BLOCK 2887  
PORT ST LUCIE SECTION 41

DATE: 9/12/2011  
APPLICATION NUMBER:  
P11-114  
CADD FILE NAME:  
P11-114M  
SCALE: 1"=400'

# SITE LOCATION



CITY OF PORT ST. LUCIE  
PLANNING & ZONING DEPT.

Prepared by:  
M.I.S. DEPARTMENT

PZ2011.DWG

VARIANCE

LOTS 6,7,12, & 13 BLOCK 2887  
PORT ST LUCIE SECTION 41

AERIAL JAN 2009

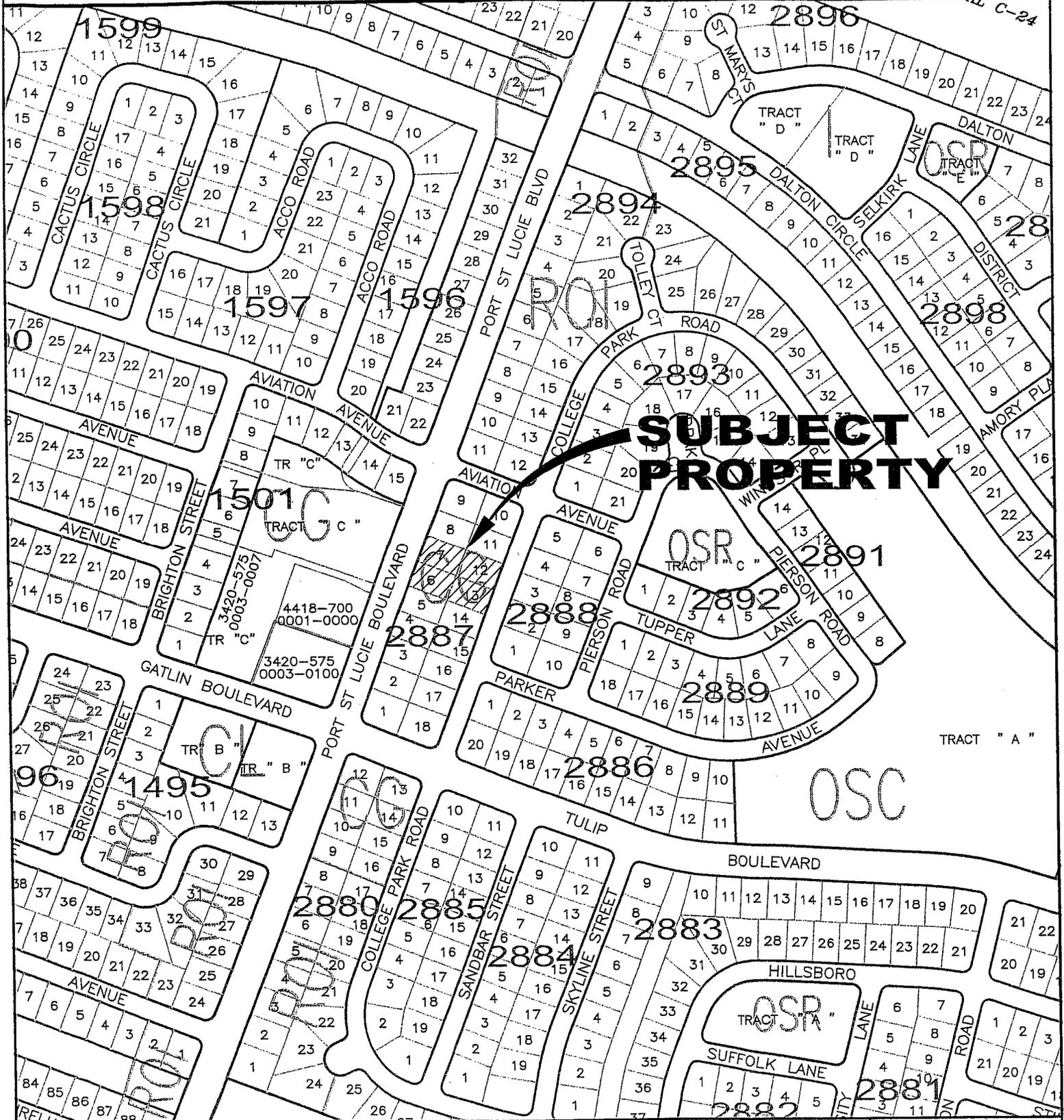
DATE: 9/12/2011

APPLICATION NUMBER:  
P11-114

CADD FILE NAME:  
P11-114A

SCALE: 1"=200'

# FUTURE LAND USE



**SUBJECT PROPERTY**



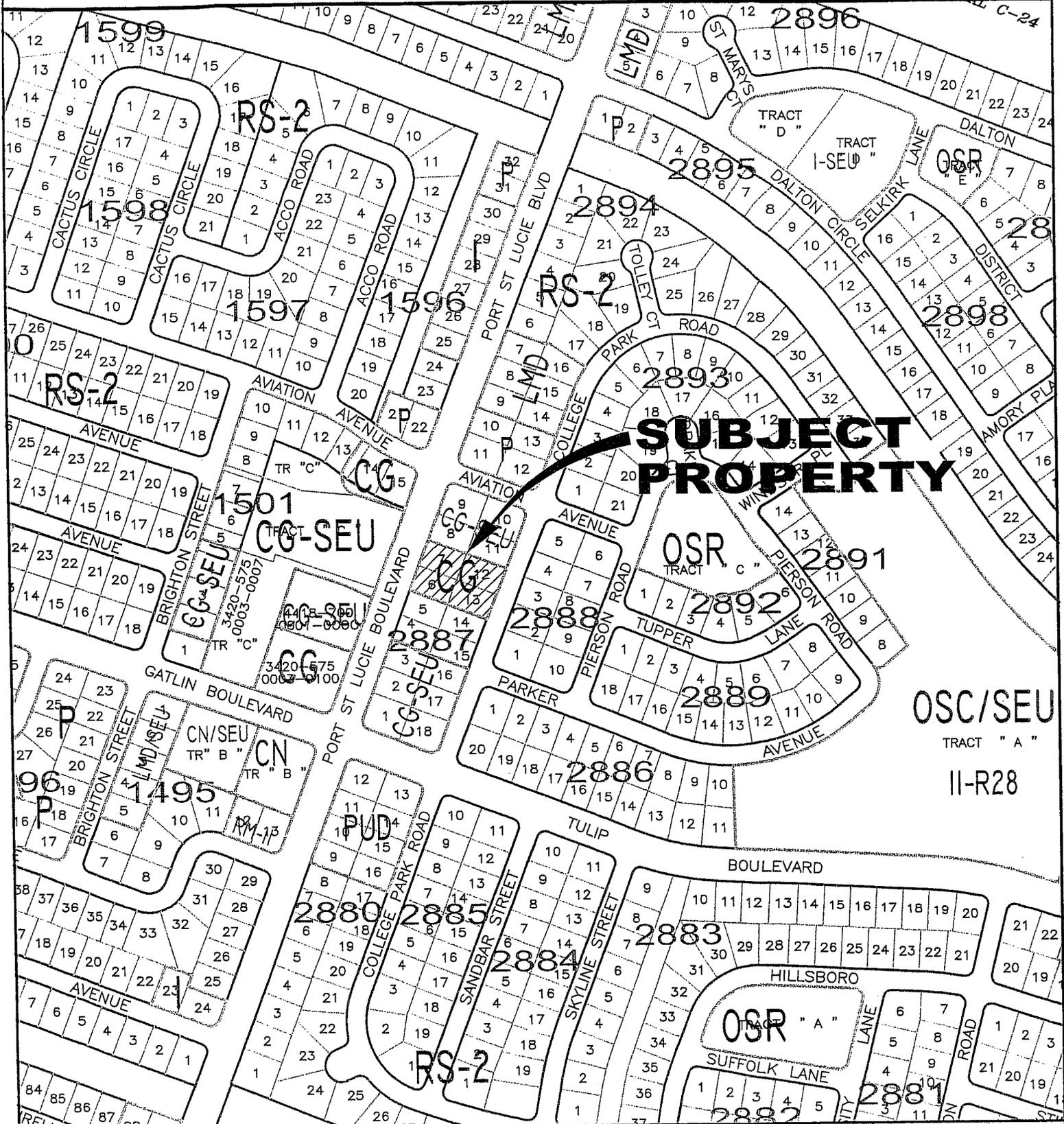
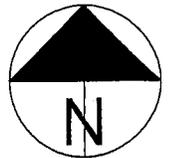
CITY OF PORT ST. LUCIE  
PLANNING & ZONING DEPT.

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

VARIANCE  
LOTS 6,7,12, & 13 BLOCK 2887  
PORT ST LUCIE SECTION 41

DATE: 9/12/2011  
APPLICATION NUMBER:  
P11-114  
CADD FILE NAME:  
P11-114M  
SCALE: 1"=400'

# EXISTING ZONING



CITY OF PORT ST. LUCIE  
PLANNING & ZONING DEPT.

Prepared by:  
M.I.S. DEPARTMENT

PZ2011.DWG

## VARIANCE

LOTS 6,7,12, & 13 BLOCK 2887  
PORT ST LUCIE SECTION 41

DATE: 9/12/2011

APPLICATION NUMBER:  
P11-114

CADD FILE NAME:  
P11-114M

SCALE: 1"=400'

# VARIANCE APPLICATION

**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 P11-114  
Fee (Nonrefundable) \$ 1,635.00  
Receipt # 11276

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 advertising for the Planning and Zoning Board meeting. **Attach two copies of proof of ownership (e.g., warranty deed, affidavit), a copy of recent survey and a statement addressing each of the attached criteria.**

**PRIMARY CONTACT EMAIL ADDRESS:** bcurrie@landdesignsouth.com

### PROPERTY OWNER:

Name: Joseph and Karen Paranzino **RECEIVED**  
SEP 23 2011

Address: 1362 Dakota Drive Jupiter, FL 33458

Telephone No.: (561) 301-7916 Fax No.: \_\_\_\_\_

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

Name: Bradley J. Currie

Address: 501 SE Port St. Lucie Blvd. Port St. Lucie, FL 34984

Telephone No.: (772) 924-2602 Fax No.: (561) 478-5012

### SUBJECT PROPERTY:

Legal Description: Port St. Lucie - Section 41, Block 2887, Lots 6,7,12 & 13 (O.R.B. 1127-2519)

Parcel I.D. Number: 3420-705-0198-000-7

Address: 2825 SW Port St. Lucie Blvd.

Current Zoning Classification: CG (Commercial General)

Description of requested variance and applicable conditions/circumstances justifying request (continue on separate sheet, if necessary): Provide documentation that the attached variance criteria have been met.

Applicant is requesting a variance to Section 158.221(c)(14). The applicant owns an existing restaurant and is seeking to add a 400 sq. ft. Tiki Hut on a wood deck with 500 sq. ft. of additional deck area outside the Tiki Hut area. This proposal requires the addition of 12 parking spaces. The previous site plan was approved with a total of 49 spaces. Today's code would require a total of 66 spaces. Prior to adding any additional sq. ft., the site is 17 spaces deficient. With the addition of the Tiki Hut & deck, the total variance request is for a reduction of 29 required parking spaces.

 Signature of Applicant

Bradley J. Currie Hand/Print Name

09/23/11 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:\PZ\SHARED\APPLCTN\VARAPPL (06/21/11)

## VARIANCES

### § 158.295 PLANNING AND ZONING BOARD OR ZONING ADMINISTRATOR (DIRECTOR OF PLANNING AND ZONING) TO HEAR VARIANCES; POWERS AND DUTIES OF BOARD AND ZONING ADMINISTRATOR

(C) Duties of the Zoning Administrator and Planning and Zoning Board in authorizing a variance. The Planning and Zoning Board and Zoning Administrator may authorize the variance from the provisions of this chapter as will not be contrary to the public interest when, owing to special conditions, a literal enforcement of the provisions will result in unnecessary and undue hardship. In order to authorize any variance from the terms of this chapter, the Planning and Zoning Board or Zoning Administrator should consider:

- (1) That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same zoning district;
- (2) That the special conditions and circumstances do not result from any action of the applicant;
- (3) That granting the variance requested will not confer on the applicant any special privilege that is denied by this chapter to other lands, buildings, or structures, in the same zoning district;
- (4) That literal interpretation of the provisions of the chapter would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of the chapter and would work unnecessary and undue hardship on the applicant;
- (5) That the variance granted is the minimum variance that will make possible the reasonable use of the land, building, or structure;
- (6) That the granting of the variance will be in harmony with the general intent and purpose of the chapter and that the variance will not be injurious to the area involved or otherwise detrimental to the public welfare;
- (7) That there will be full compliance with any additional conditions and safeguards which the Planning and Zoning Board or Zoning Administrator may prescribe, including but not limited to reasonable time limits within which the action for which variance is required shall be begun or completed, or both.

## VARIANCES

The Planning and Zoning Board and Zoning Administrator may authorize the variance from the provisions of this chapter as will not be contrary to the public interest when, owing to special conditions, a literal enforcement of the provisions will result in unnecessary and undue hardship. In order to authorize any variance from the terms of this chapter, the Planning and Zoning Board or Zoning Administrator will consider the variance criteria in § 158.295 (C) 1-7 and consider your responses to the following when making a determination.

(1) Please explain special conditions and circumstances that exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same zoning district;

Please see attached Variance Justification Statement.

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(2) Please explain if these conditions and circumstances result from actions by the applicant;

Please see attached Variance Justification Statement.

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(3) Please explain how granting the variance requested will not confer on the applicant special privilege that is denied by this chapter to other lands, buildings, or structures, in the same zoning district;

Please see attached Variance Justification Statement.

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(4) Please explain how a literal interpretation of the provisions of the chapter would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of the chapter and would work unnecessary and undue hardship on the applicant;

Please see attached Variance Justification Statement.

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(5) Please illustrate and explain if the variance requested is the minimum variance that will make possible the reasonable use of the land, building, or structure;

Please see attached Variance Justification Statement.

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(6) Please indicate how granting variance will be in harmony with the general intent and purpose of the chapter and that granting the variance will not be injurious to the area involved or otherwise detrimental to the public welfare;

Please see attached Variance Justification Statement.

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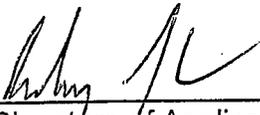
(7) Please indicate that there will be full compliance with any additional conditions and safeguards which the Planning and Zoning Board or Zoning Administrator may prescribe, including but not limited to reasonable time limits within which the action for which variance is required shall be begun or completed, or both.

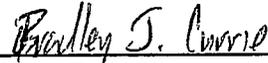
Please see attached Variance Justification Statement.

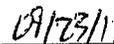
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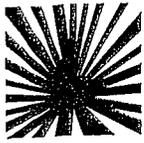
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\_\_\_\_\_  
Signature of Applicant

  
\_\_\_\_\_  
Hand Print Name

  
\_\_\_\_\_  
Date

**VARIANCE JUSTIFICATION STATEMENT**

Thirsty Turtle

September 23, 2011

Originally Submitted August 31, 2011

**REQUEST**

*On behalf of the Petitioner, Land Design South of Florida, Inc. is requesting a variance from the total required parking for the site of 29 spaces for a project to be known as the Thirsty Turtle. The applicant is requesting a reduction in the total number of spaces for the property to be reduced from 78 spaces to 49 spaces for a .947 acre property located at 2825 SW Port St. Lucie Boulevard, near the intersection of Gatlin Boulevard and Port St. Lucie Boulevard. The Petitioner is requesting the variance in order to construct a 400 square foot Tiki Hut and a 500 square foot deck.*

**SITE CHARACTERISTICS & PROJECT HISTORY**

The petitioner is a property owner and business owner that has been in the City of Port St. Lucie since 1998, over 13 years. The petitioner has been successful in establishing a local, family friendly restaurant in the Port St. Lucie Area. The Petitioner is proposing to construct a 400 square foot Tiki Hut and a 500 square foot deck to provide their existing client base an opportunity to be outside and enjoy the restaurant.

The subject property is located at 2825 SW Port St. Lucie Boulevard. The property is located approximately 320 feet north of the intersection of Gatlin Boulevard and Port St. Lucie Boulevard. The subject property can be identified by parcel I.D. number 3420-705-0198-000-7. The property is located in the General Commercial (CG) land use and has a zoning designation of General Commercial (CG).

The property previously received site plan approval around May 8, 2002 for 4,965 square feet of free standing restaurant use. The plan included the required buffers and parking. The plan was approved with a total of 49 parking spaces. It is difficult to determine which version of the City's Land Development Regulations was used to determine the parking for the site, but whatever was used it is not the same as the calculation required today. Section 158.221(C)(14) of the City of Port St. Lucie Zoning Land Development Regulations requires one (1) space for every seventy-five (75) square feet of gross floor area for free standing restaurants. That equates to a requirement of 66 spaces as the property is built today. Since there were only 49 approved and built, the site is actually short on parking today by 17 spaces.

The proposal is to add a 400 square foot Tiki Hut and a 500 square foot deck area. Please find enclosed with this justification statement a copy of the proposed plan. The Tiki Hut will have seating around the perimeter and a bar in the middle. Using the parking calculation for a freestanding restaurant, the additional 900 square feet would require an additional 12 spaces.

If it were not for the existing shortage, the variance request would be for 12 spaces. Due to the existing shortage, the request is for a total of 29 spaces.

The subject property is located in close proximity to possible overflow parking. The Petitioner has a close relationship with the CVS Pharmacy located to the south. The applicant has an agreement with the CVS manager to allow overflow parking on that property. In addition the Petitioner is working with the car wash to the north to allow overflow parking there as well. The intent of the addition is not to expand the seating area or the ability to service more customers. The intent is providing a different atmosphere for the existing clients. The existing customers have asked for an outdoor area to eat and drink. This expansion will help the Thirsty Turtle continue to be successful in the Port St. Lucie Area.

### **VARIANCE CRITERIA**

Section 158.295 identifies the items that should be considered when reviewing a variance application. As a part of the variance application, it is required for the applicant to identify how the request is consistent with these standards. The following is the applicant's response to these standards.

#### **Variance Application**

- (1) Please explain special conditions and circumstances that exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same zoning district;

*It would appear that the subject property received site plan approval without providing the correct amount of parking. This causes the property to be at a deficit without adding additional square footage. This is an existing established restaurant that does not have a history of having a parking problem. The applicant has obtained approval from one adjoining property owner to allow overflow parking on an adjacent site. The combination of a site plan that may have been approved incorrectly, an existing business with no history of parking problems, and the adjoining property owners willingness to allow overflow, describe special conditions and circumstances that exist which are peculiar to this property.*

- (2) Please explain if these conditions and circumstances result from actions by the applicant;

*While the applicant did submit and receive site plan approval, the applicant expected the approved plan to meet the City's Land Development Regulations. With the expansion of the Tiki Hut and deck area, the Petitioner is attempting to offer a different experience for their existing clients. If the plan met code then the parking variance requested would be negligible. The Petitioner is trying to keep his business strong by providing an additional amenity for his clients.*

- (3) Please explain how granting the variance requested will not confer on the applicant special privilege that is denied by the chapter to other lands, building, or structures, in the same zoning district;

*Every property has the ability to ask for a variance. Every property must attempt to justify why the variance should be approved. In the case of the subject property what could be a variance request for only 12 spaces is now 29 due to a different interpretation of the Land Development Regulations now verses when it was approved. The addition of a small tiki hut and deck will not substantially increase the ability of the property to accommodate more guest. This property is also different because it has a relationship with a nearby property owner to allow over flow parking.*

- (4) Please explain how a literal interpretation of the provisions of the chapter would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district

under the terms of the chapter and would work unnecessary and undue hardship on the applicant.

*The addition of the tiki hut and deck is interpreted by the Land Development Regulations to be gross floor area. Similar to adding seating area inside a restaurant. The reality is that the tiki hut and deck will function as a waiting area and additional bar area for the existing clients. The literal interpretation of the code would not allow this small addition of a tiki hut.*

- (5) Please illustrate and explain if the variance requested is the minimum variance that will make possible the reasonable use of the land, building, or structure.

*The variance request is for a total of 29 spaces. Seventeen (17) of those spaces are a result of the current parking requirements being different than when the project was originally approved. The additional twelve (12) spaces were determined by calculating the area of the tiki hut divided by seventy-five (75) and the area of the deck by seventy five (75). The following is how this was determined:*

<i>Tiki Hut –</i>	<i>400 square feet/75 =</i>	<i>5.33</i>
<i>Deck –</i>	<i>500 square feet/75 =</i>	<i>6.66</i>
<i>Total -</i>		<i>12 Spaces</i>

*Section 158.221(C)(14) states the following:*

*Restaurants, cocktail lounges and bars: Once space for each 200 square feet of gross floor area. Restaurants freestanding and out parcels one space per 75 square feet of gross floor area.*

*The Petitioner decided to count the entire new area as gross floor area. The definition in the code is not clear on how to count the deck area. This is the most that could be required, one could say that the tiki hut is the only additional gross floor area.*

- (6) Please indicate how granting variance will be in harmony with the general intent and purpose of the chapter and that granting the variance will not be injurious to the area involved or otherwise detrimental to the public welfare;

*A parking variance is not detrimental to the public welfare. There is sufficient parking in the area to accommodate any possible overflow parking that might be needed. The intent of the City of Port St. Lucie should be a willingness to assist established businesses succeed and thrive in the community. This variance represents a very small request that will allow an established business continue to succeed in the City.*

- (7) Please indicate that there will be full compliance with any additional conditions and safeguards which the Planning and Zoning Board or Zoning Administrator may prescribe, including but not limited to reasonable time limits within which the action for which variance is required shall be begun or completed, or both.

*The applicant understands there may be additional conditions placed on the property by the staff and the Planning and Zoning Board. The applicant will review these additional conditions when proposed and discuss the details at that time.*

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

## Thresiamma Kuruvilla

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**From:** Sheila O'Sullivan [Sheila.O'sullivan@pslpsd.us]  
**Sent:** Monday, September 26, 2011 4:22 PM  
**To:** Thresiamma Kuruvilla  
**Subject:** RE: parking violation

Ms. Kuruvilla,  
We have checked our CAD system and no parking violations show up (although a police officers usually do not write citations on private property, so that could be the reason why no tickets)  
Hope this helps.

***Sheila O'Sullivan***  
***Administrator***

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**From:** Thresiamma Kuruvilla [mailto:TKuruvilla@cityofpsl.com]  
**Sent:** Monday, September 26, 2011 3:35 PM  
**To:** Sheila O'Sullivan  
**Subject:** parking violation

I am doing a parking variance application for 2825 SW Port St. Lucie Blvd (Thirsty Turtle restaurant) for the Oct 4 P&Z Board. Is there any code issue or all parking tickets with this property specific to parking? Pl let me know by today evening or tomorrow.  
Thanks, Thres

# VARIANCE APPLICATION

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. \_\_\_\_\_  
Fee (Nonrefundable)\$ \_\_\_\_\_  
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 advertising for the Planning and Zoning Board meeting. **Attach two copies of proof of ownership (e.g., warranty deed, affidavit), a copy of recent survey and a statement addressing each of the attached criteria.**

**PRIMARY CONTACT EMAIL ADDRESS:** bcurrie@landdesignsouth.com

### PROPERTY OWNER:

Name: Joseph and Karen Paranzino  
Address: 1362 Dakota Drive Jupiter, FL 33458  
Telephone No.: (561) 301-7916 Fax No.: \_\_\_\_\_

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

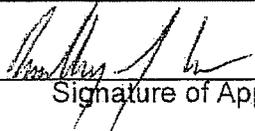
Name: Bradley J. Currie  
Address: 501 SE Port St. Lucie Blvd. Port St. Lucie, FL 34984  
Telephone No.: (772) 924-2602 Fax No.: (561) 478-5012

### SUBJECT PROPERTY:

Legal Description: Port St. Lucie - Section 41, Block 2887, Lots 6,7,12 & 13 (O.R.B. 1127-2519)  
Parcel I.D. Number: 3420-705-0198-000-7  
Address: 2825 SW Port St. Lucie Blvd.  
Current Zoning Classification: CG (Commercial General)

Description of requested variance and applicable conditions/circumstances justifying request (continue on separate sheet, if necessary): Provide documentation that the attached variance criteria have been met.

Applicant is requesting a variance to Section 158.221(c)(14). The applicant owns an existing restaurant and is seeking to add a 400 sq. ft. Tiki Hut on a wood deck with 500 sq. ft. of additional deck area outside the Tiki Hut area. This proposal requires the addition of 12 parking spaces. The previous site plan was approved with a total of 49 spaces. Today's code would require a total of 66 spaces. Prior to adding any additional sq. ft., the site is 17 spaces deficient. With the addition of the Tiki Hut & deck, the total variance request is for a reduction of 29 required parking spaces.

  
Signature of Applicant

Bradley J. Currie  
Hand Print Name

01/23/11  
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.

## VARIANCES

### § 158.295 PLANNING AND ZONING BOARD OR ZONING ADMINISTRATOR (DIRECTOR OF PLANNING AND ZONING) TO HEAR VARIANCES; POWERS AND DUTIES OF BOARD AND ZONING ADMINISTRATOR

(C) Duties of the Zoning Administrator and Planning and Zoning Board in authorizing a variance. The Planning and Zoning Board and Zoning Administrator may authorize the variance from the provisions of this chapter as will not be contrary to the public interest when, owing to special conditions, a literal enforcement of the provisions will result in unnecessary and undue hardship. In order to authorize any variance from the terms of this chapter, the Planning and Zoning Board or Zoning Administrator should consider:

- (1) That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same zoning district;
- (2) That the special conditions and circumstances do not result from any action of the applicant;
- (3) That granting the variance requested will not confer on the applicant any special privilege that is denied by this chapter to other lands, buildings, or structures, in the same zoning district;
- (4) That literal interpretation of the provisions of the chapter would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of the chapter and would work unnecessary and undue hardship on the applicant;
- (5) That the variance granted is the minimum variance that will make possible the reasonable use of the land, building, or structure;
- (6) That the granting of the variance will be in harmony with the general intent and purpose of the chapter and that the variance will not be injurious to the area involved or otherwise detrimental to the public welfare;
- (7) That there will be full compliance with any additional conditions and safeguards which the Planning and Zoning Board or Zoning Administrator may prescribe, including but not limited to reasonable time limits within which the action for which variance is required shall be begun or completed, or both.

**VARIANCES**

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(1) Please explain special conditions and circumstances that exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same zoning district;

Please see attached Variance Justification Statement.

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(2) Please explain if these conditions and circumstances result from actions by the applicant;

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(3) Please explain how granting the variance requested will not confer on the applicant special privilege that is denied by this chapter to other lands, buildings, or structures, in the same zoning district;

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(4) Please explain how a literal interpretation of the provisions of the chapter would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of the chapter and would work unnecessary and undue hardship on the applicant;

Please see attached Variance Justification Statement.

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(5) Please illustrate and explain if the variance requested is the minimum variance that will make possible the reasonable use of the land, building, or structure;

Please see attached Variance Justification Statement.

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(6) Please indicate how granting variance will be in harmony with the general intent and purpose of the chapter and that granting the variance will not be injurious to the area involved or otherwise detrimental to the public welfare;

Please see attached Variance Justification Statement.

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(7) Please indicate that there will be full compliance with any additional conditions and safeguards which the Planning and Zoning Board or Zoning Administrator may prescribe, including but not limited to reasonable time limits within which the action for which variance is required shall be begun or completed, or both.

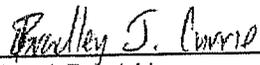
Please see attached Variance Justification Statement.

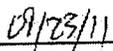
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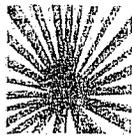
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\_\_\_\_\_  
Signature of Applicant

  
\_\_\_\_\_  
Hand Print Name

  
\_\_\_\_\_  
Date



## VARIANCE JUSTIFICATION STATEMENT

Thirsty Turtle

September 23, 2011

Originally Submitted August 31, 2011

### REQUEST

*On behalf of the Petitioner, Land Design South of Florida, Inc. is requesting a variance from the total required parking for the site of 29 spaces for a project to be known as the Thirsty Turtle. The applicant is requesting a reduction in the total number of spaces for the property to be reduced from 78 spaces to 49 spaces for a .947 acre property located at 2825 SW Port St. Lucie Boulevard, near the intersection of Gatlin Boulevard and Port St. Lucie Boulevard. The Petitioner is requesting the variance in order to construct a 400 square foot Tiki Hut and a 500 square foot deck.*

### SITE CHARACTERISTICS & PROJECT HISTORY

The petitioner is a property owner and business owner that has been in the City of Port St. Lucie since 1998, over 13 years. The petitioner has been successful in establishing a local, family friendly restaurant in the Port St. Lucie Area. The Petitioner is proposing to construct a 400 square foot Tiki Hut and a 500 square foot deck to provide their existing client base an opportunity to be outside and enjoy the restaurant.

The subject property is located at 2825 SW Port St. Lucie Boulevard. The property is located approximately 320 feet north of the intersection of Gatlin Boulevard and Port St. Lucie Boulevard. The subject property can be identified by parcel I.D. number 3420-705-0198-000-7. The property is located in the General Commercial (CG) land use and has a zoning designation of General Commercial (CG).

The property previously received site plan approval around May 8, 2002 for 4,965 square feet of free standing restaurant use. The plan included the required buffers and parking. The plan was approved with a total of 49 parking spaces. It is difficult to determine which version of the City's Land Development Regulations was used to determine the parking for the site, but whatever was used it is not the same as the calculation required today. Section 158.221(C)(14) of the City of Port St. Lucie Zoning Land Development Regulations requires one (1) space for every seventy-five (75) square feet of gross floor area for free standing restaurants. That equates to a requirement of 66 spaces as the property is built today. Since there were only 49 approved and built, the site is actually short on parking today by 17 spaces.

The proposal is to add a 400 square foot Tiki Hut and a 500 square foot deck area. Please find enclosed with this justification statement a copy of the proposed plan. The Tiki Hut will have seating around the perimeter and a bar in the middle. Using the parking calculation for a freestanding restaurant, the additional 900 square feet would require an additional 12 spaces.

If it were not for the existing shortage, the variance request would be for 12 spaces. Due to the existing shortage, the request is for a total of 29 spaces.

The subject property is located in close proximity to possible overflow parking. The Petitioner has a close relationship with the CVS Pharmacy located to the south. The applicant has an agreement with the CVS manager to allow overflow parking on that property. In addition the Petitioner is working with the car wash to the north to allow overflow parking there as well. The intent of the addition is not to expand the seating area or the ability to service more customers. The intent is providing a different atmosphere for the existing clients. The existing customers have asked for an outdoor area to eat and drink. This expansion will help the Thirsty Turtle continue to be successful in the Port St. Lucie Area.

### **VARIANCE CRITERIA**

Section 158.295 identifies the items that should be considered when reviewing a variance application. As a part of the variance application, it is required for the applicant to identify how the request is consistent with these standards. The following is the applicant's response to these standards.

### **Variance Application**

- (1) Please explain special conditions and circumstances that exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same zoning district;  
*It would appear that the subject property received site plan approval without providing the correct amount of parking. This causes the property to be at a deficit without adding additional square footage. This is an existing established restaurant that does not have a history of having a parking problem. The applicant has obtained approval from one adjoining property owner to allow overflow parking on an adjacent site. The combination of a site plan that may have been approved incorrectly, an existing business with no history of parking problems, and the adjoining property owners willingness to allow overflow, describe special conditions and circumstances that exist which are peculiar to this property.*
- (2) Please explain if these conditions and circumstances result from actions by the applicant;  
*While the applicant did submit and receive site plan approval, the applicant expected the approved plan to meet the City's Land Development Regulations. With the expansion of the Tiki Hut and deck area, the Petitioner is attempting to offer a different experience for their existing clients. If the plan met code then the parking variance requested would be negligible. The Petitioner is trying to keep his business strong by providing an additional amenity for his clients.*
- (3) Please explain how granting the variance requested will not confer on the applicant special privilege that is denied by the chapter to other lands, building, or structures, in the same zoning district;  
*Every property has the ability to ask for a variance. Every property must attempt to justify why the variance should be approved. In the case of the subject property what could be a variance request for only 12 spaces is now 29 due to a different interpretation of the Land Development Regulations now verses when it was approved. The addition of a small tiki hut and deck will not substantially increase the ability of the property to accommodate more guest. This property is also different because it has a relationship with a nearby property owner to allow over flow parking.*
- (4) Please explain how a literal interpretation of the provisions of the chapter would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district

under the terms of the chapter and would work unnecessary and undue hardship on the applicant.

*The addition of the tiki hut and deck is interpreted by the Land Development Regulations to be gross floor area. Similar to adding seating area inside a restaurant. The reality is that the tiki hut and deck will function as a waiting area and additional bar area for the existing clients. The literal interpretation of the code would not allow this small addition of a tiki hut.*

- (5) Please illustrate and explain if the variance requested is the minimum variance that will make possible the reasonable use of the land, building, or structure.

*The variance request is for a total of 29 spaces. Seventeen (17) of those spaces are a result of the current parking requirements being different than when the project was originally approved. The additional twelve (12) spaces were determined by calculating the area of the tiki hut divided by seventy-five (75) and the area of the deck by seventy five (75). The following is how this was determined:*

<i>Tiki Hut –</i>	<i>400 square feet/75 =</i>	<i>5.33</i>
<i>Deck –</i>	<i>500 square feet/75 =</i>	<i>6.66</i>
<i>Total -</i>		<i>12 Spaces</i>

Section 158.221(C)(14) states the following:

*Restaurants, cocktail lounges and bars: Once space for each 200 square feet of gross floor area. Restaurants freestanding and out parcels one space per 75 square feet of gross floor area.*

*The Petitioner decided to count the entire new area as gross floor area. The definition in the code is not clear on how to count the deck area. This is the most that could be required, one could say that the tiki hut is the only additional gross floor area.*

- (6) Please indicate how granting variance will be in harmony with the general intent and purpose of the chapter and that granting the variance will not be injurious to the area involved or otherwise detrimental to the public welfare;

*A parking variance is not detrimental to the public welfare. There is sufficient parking in the area to accommodate any possible overflow parking that might be needed. The intent of the City of Port St. Lucie should be a willingness to assist established businesses succeed and thrive in the community. This variance represents a very small request that will allow an established business continue to succeed in the City.*

- (7) Please indicate that there will be full compliance with any additional conditions and safeguards which the Planning and Zoning Board or Zoning Administrator may prescribe, including but not limited to reasonable time limits within which the action for which variance is required shall be begun or completed, or both.

*The applicant understands there may be additional conditions placed on the property by the staff and the Planning and Zoning Board. The applicant will review these additional conditions when proposed and discuss the details at that time.*

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

\\wpb-dc1\projectfiles\1670\1670.3 - Thirsty Turtle\LDS Documents\Variance Application\2011-08-31\_Thirsty\_Turtle\_Variance\_Justification\_Statement\_1670.3.doc

9-28-11

To the City & Planning Department,  
 We, here at the Marcelus Residence, cannot  
 attend the meeting on Tuesday October  
 4th.

We would like to express our  
 opinion of the recent proposal to  
 add parking spaces across the street,  
 from our house.

As Home owners, we are 100%  
 against this proposal, we have  
 previously witnessed patrons of  
 the Thirsty Turtle leave their  
 trash, have loud arguments and  
 disrupt our neighborhood before  
 they built the cement wall a  
 few years ago. IF our request  
 is denied we will get in contact  
 with our local officials, use all the  
 resources available to us to prevent  
 the addition of parking spaces  
 across the street from our  
 home.

Thank's in advance for  
 any assistance you can provide

Sincerely

The Marcelus Family

933 SW Collette Park  
 Port St Lucie FL 34953

RECEIVED

SEP 30 2011

PLANNING DEPARTMENT  
CITY OF SEBASTIAN

FILE # P11-114

### SHARED PARKING AGREEMENT

Wash and Go Car Wash, owner James Gorant, located at 2809 SW Port St. Lucie Blvd., Port St. Lucie, FL, has agreed to a Shared Parking Agreement with Thirsty Turtle Seagrill, owners Joseph and Karen Paranzino, located at 2825 SW Port St. Lucie Blvd., Port St. Lucie, FL.

Pending approval of Thirsty Turtle's parking variance from the City of Port St. Lucie, Thirsty Turtle has agreed to add Wash & Go Car Wash to its present insurance policy and to monitor the parking lot while being used by Thirsty Turtle patrons.

Signature *James Gorant*

Date 9/29/11

James Gorant  
Wash and Go Car Wash

Signature *Joseph Paranzino*

Date 9/28/11

Joseph Paranzino  
Thirsty Turtle Seagrill

# SHARED PARKING AGREEMENT

CVS Pharmacy located at 2873 SW Port St. Lucie Blvd., Port St. Lucie, FL, has agreed to a Shared Parking Agreement with Thirsty Turtle Seagrill, located at 2825 SW Port St. Lucie Blvd., Port St. Lucie, FL.

Pending approval of Thirsty Turtle's parking variance from the City of Port St. Lucie, Thirsty Turtle has agreed to monitor the parking lot while being used by Thirsty Turtle patrons.

Signature 

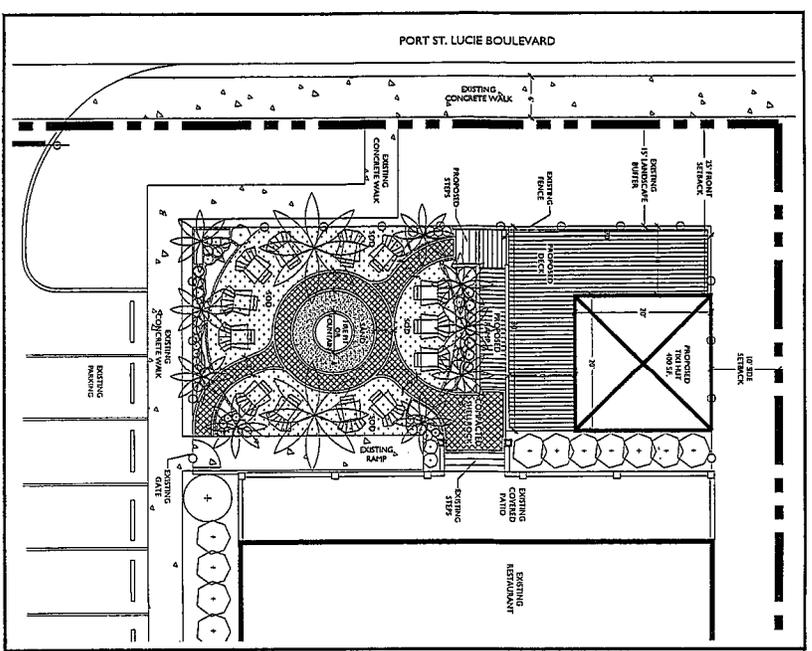
Date 10.01.11

Representative  
CVS Pharmacy

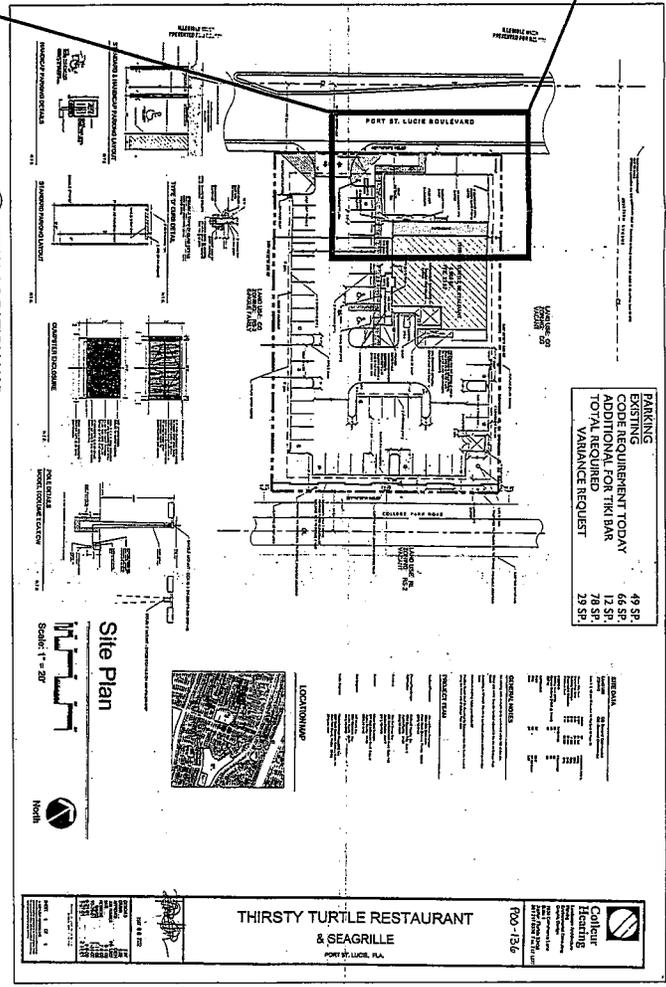
Signature   
Joseph Paranzino  
Thirsty Turtle Seagrill

Date 10/1/11

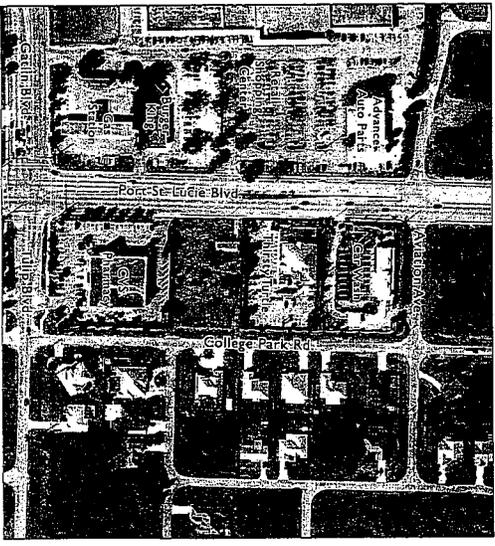
**A** OUTDOOR PATIO & TIKI BAR CONCEPT PLAN



**B** APPROVED THIRSTY TURTLE SITE PLAN



**C** AERIAL LOCATION MAP



DATE: 11/13/2013  
 DRAWN BY: J. HARRIS  
 CHECKED BY: J. HARRIS  
 SHEET #  
 CSP.1



ALL DRAWINGS SPECIFICALLY AND EXCLUSIVELY FOR THE PROJECT AND PROPERTY OF THE LANDSCAPE ARCHITECT AND NOT TO BE REPRODUCED, COPIED, OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, WITHOUT THE WRITTEN PERMISSION OF THE LANDSCAPE ARCHITECT.



NO.	DATE	DESCRIPTION
1	11/13/2013	CONCEPT PLAN
2	11/13/2013	APPROVED SITE PLAN

**THIRSTY TURTLE**  
 OUTDOOR PATIO & TIKI BAR  
 CONCEPT PLAN  
 CITY OF PORT ST. LUCIE, FLORIDA

**LAND DESIGN SOUTH**  
 Planning | Landscape Architecture  
 Environmental Services | Transportation  
 400 Columbus Drive, Suite 110 • West Palm Beach, FL 33409  
 Telephone: 561-478-6501 • Fax: 561-478-5012



# CITY OF PORT ST. LUCIE

CITY CLERK'S OFFICE



A CITY FOR ALL AGES

"A City for All Ages"

October 24, 2011

CERTIFIED MAIL

Land Design South of Florida, Inc.  
501 SE Port St. Lucie Blvd.  
Port St. Lucie, FL 34984

Dear Mr. Currie,

**RE: ZONING APPEAL 11-5**, Appeal the conditions placed on an approved decision of the Planning & Zoning Board on October 4, 2011, for a variance to the required number of parking spaces, Section 158.221(C)(14) of the City of Port St. Lucie Zoning Land Development Regulations, for Thirsty Turtle Restaurant, P11-114. Request for removal of the conditions requiring legal documents approved as to form and correctness by the City Attorney and acceptable to the Planning and Zoning Department for shared parking.

Please consider this a notice of **Public Hearing** before the City Council serving as Board of Zoning Appeals to be held on **Monday, November 21, 2011, at 1:30 p.m.** or as closely thereafter as business permits, at the Port St. Lucie Council Chambers, 121 SW Port St. Lucie Boulevard, Port St. Lucie, Florida.

Any back-up material you wish to have put into the meeting packet should be in the City Clerk's office by 12:00 noon on Wednesday, November 16, 2011.

If you should have any questions, please do not hesitate to contact me at 871-5157.

Sincerely,

Karen A. Phillips, CMC  
City Clerk

cc: Daniel Holbrook, Director Planning & Zoning  
Pam E. Hakim, Assistant City Attorney  
Thresiamma Kuruvilla, Planner



7011 0470 0000 2759 3080  
7011 0470 0000 2759 3080

U.S. Postal Service  
**CERTIFIED MAIL™ RECEIPT**  
 (Domestic Mail Only; No Insurance Coverage Provided)  
 For delivery information visit our website at www.usps.com®  
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Certified Fee		
Return Receipt Fee (Endorsement Required)		
Restricted Delivery Fee (Endorsement Required)		
Total Postage & Fees	\$	

Sent To  
 Land Design South of Florida, Inc.  
 Street, Apt. No.,  
 or PO Box No. 501 SE Port St. Lucie Blvd.  
 City, State, ZIP+4  
 Port St. Lucie, FL 34984  
 PS Form 3800, August 2006 See Reverse for Instructions

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature  Agent  Addressee

B. Received by (Printed Name) C. Date of Delivery

D. Is delivery address different from item 1?  Yes  No  
 If YES, enter delivery address below:

3. Service Type  
 Certified Mail  Express Mail  
 Registered  Return Receipt for Merchandise  
 Insured Mail  C.O.D.

4. Restricted Delivery? (Extra Fee)  Yes

7011 0470 0000 2759 3080  
7011 0470 0000 2759 3080

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Postage	\$	Postmark Here
Certified Fee		
Return Receipt Fee (Endorsement Required)		
Restricted Delivery Fee (Endorsement Required)		
Total Postage & Fees	\$	

Sent To  
 Land Design South of Florida, Inc.  
 Street, Apt. No.,  
 or PO Box No. 501 SE Port St. Lucie Blvd.  
 City, State, ZIP+4  
 Port St. Lucie, FL 34984  
 PS Form 3800, August 2006 See Reverse for Instructions

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:  
 Land Design South of Florida, Inc.  
 501 SE Port St. Lucie Blvd.  
 Port St. Lucie, FL 34984  
 Attn: Brad Currie, AICP

2. Article Number  
 (Transfer from service label)  
 7011 0470 0000 2759 3080

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:  
 Land Design South of Florida, Inc.  
 501 SE Port St. Lucie Blvd.  
 Port St. Lucie, FL 34984  
 Attn: Brad Currie, AICP

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature  Agent  Addressee  
*Dave Mobley*

B. Received by (Printed Name) C. Date of Delivery  
*Dave Mobley* 10-25-04

D. Is delivery address different from item 1?  Yes  No  
 If YES, enter delivery address below:

3. Service Type  
 Certified Mail  Express Mail  
 Registered  Return Receipt for Merchandise  
 Insured Mail  C.O.D.

4. Restricted Delivery? (Extra Fee)  Yes

2. Article Number  
 (Transfer from service label)  
 7011 0470 0000 2759 3080

PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540



Land Design South of Florida, Inc.  
 501 SE Port St. Lucie Blvd  
 Port St. Lucie, FL 34984  
 (772) 871-7778 – Fax (561) 478-5012  
 E-mail: bcurrie@landdesignsouth.com

## TRANSMITTAL

To **City of Port St. Lucie**  
 City Clerk's Office  
 121 SW Port St. Lucie Boulevard  
 Port St. Lucie, Florida 34984

Date	10/19/2011
Job #	1670.3
Re:	Thirsty Turtle – Parking
	Variance Application - APPEAL

Enclosed are the following items via:  U.S. Mail  Overnight Exp.  Courier  FAX

<input type="checkbox"/> Prints	<input type="checkbox"/> Plans	<input checked="" type="checkbox"/> Other: Variance Application RESUBMITTAL
<input type="checkbox"/> Copy of letter	<input type="checkbox"/> Disks	<input type="checkbox"/> Package

Copies	Date	No.	Description
1	08/30/11		Appeal Letter
1	08/31/11		Check #4308 in the amount of \$125.00
1	10/19/11		Cash in the amount of \$25.00

These are transmitted as checked below:

<input checked="" type="checkbox"/> For approval	<input type="checkbox"/> For your use	<input type="checkbox"/> As requested	<input type="checkbox"/> To keep on file
--	---------------------------------------	---------------------------------------	--

Remarks:

Released by:  Date: October 19, 2011  
 Signature

Bradley J. Currie  
 Print Name

Received by:  Date: 10/19/11  
 Signature

SHERRI PETTY  
 Print Name

*If enclosures are not as noted, kindly notify us at once.*

TURTLE SPORT, INC.

PH: (561) 624-6173  
1362 DAKOTA DR  
JUPITER, FL 33458

WACHOVIA BANK, A DIVISION NA  
JUPITER, FL 33477  
63-643/670

4308

10/14/2011

PAY TO THE ORDER OF City of Pt St Lucie

\$\*\*125.00

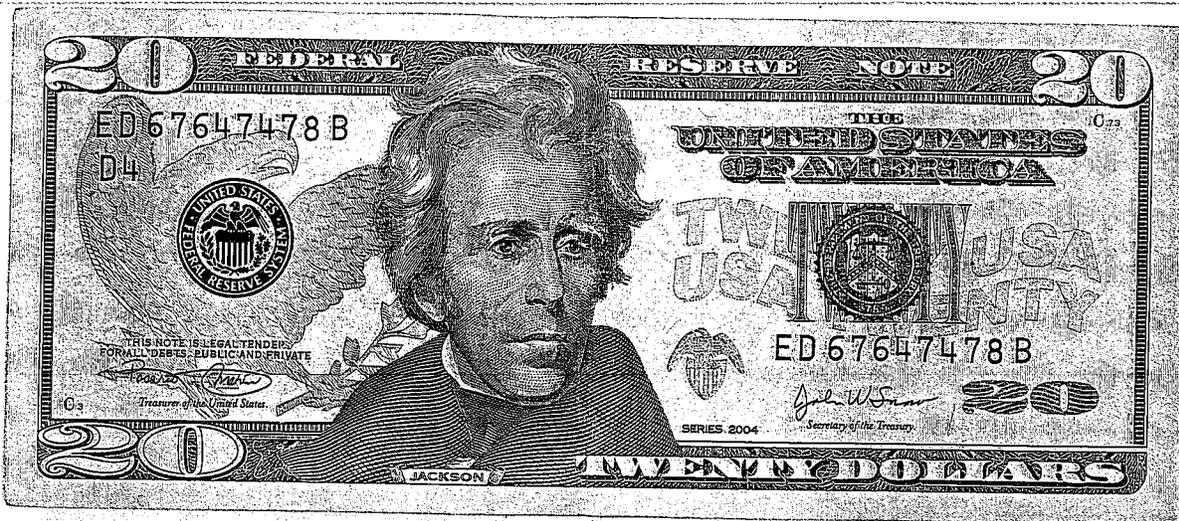
One Hundred Twenty-Five and 00/100\*\*\*\*\* DOLLARS

City of Pt St Lucie

MEMO Fee for Tiki Hut Variance Appeal

*Paul A. Payne* MP

⑈004308⑈ ⑆067006432⑆ 2000009486160⑈



**TURTLE SPORT, INC.**

PH: (561) 624-6173  
1362 DAKOTA DR  
JUPITER, FL 33458

WACHOVIA BANK, A DIVISION NA  
JUPITER, FL 33477  
63-643/670

4308

10/14/2011

PAY TO THE ORDER OF City of Pt St Lucie

\$\*\*125.00

One Hundred Twenty-Five and 00/100\*\*\*\*\* DOLLARS

City of Pt St Lucie

*David A. Palay*

MEMO Fee for Tiki Hut Variance Appeal

⑈004308⑈ ⑆067006432⑆ 2000009486160⑈

**RECEIPT**

AMOUNT OF ACCOUNT	25	<input checked="" type="checkbox"/>	CASH
THIS PAYMENT	105	<input checked="" type="checkbox"/>	CHECK
BALANCE DUE	0	<input type="checkbox"/>	M.O.

RECEIVED FROM Lapin Design South  
ONE HUNDRED FIFTY DOLLARS 100/100  
 DOLLARS

FOR ZONING APPEAL

DATE 10/14/11 2026

CITY OF PORT ST. LUCIE  
 CITY CLERK'S OFFICE  
 121 SW Port St. Lucie Blvd, Port St. Lucie, FL 34984  
 (772) 871-8157

THANK YOU

BY *[Signature]*

Foreign Account Number : 11515278  
 Ad # : 2329692  
 Ad Net Cost : \$86.59  
 Name (Primary) : CITY OF PORT ST. LUCIE  
 Company (Primary) : CITY OF PORT ST. LUCIE  
 Street 1 (Primary) : 121 SW PORT ST. LUCIE BLVD  
 City (Primary) : PORT ST LUCIE  
 State (Primary) : FL  
 ZIP (Primary) : 34984  
 Phone (Primary) : (772) 344-4390  
 Class Code : 94245C - Notice of Meeting  
 Start Date : 10/28/2011  
 Stop Date : 10/28/2011  
 Prepayment Amount : \$0.00  
 Ad Sales Rep. : 190 - Barbara Wentzel  
 Width : 1  
 Depth : 118

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**NOTICE OF  
 PUBLIC HEARING**

The City Council of the City of Port St. Lucie serving as the Board of Zoning Appeals will consider an appeal on November 21, 2011, at 1:30 p.m., at Port St. Lucie City Hall, 121 S.W. Port St. Lucie Boulevard, Port St. Lucie, Florida as follows:

Zoning Appeal  
 #11-5

Legal Description:  
 Lots 6-7 and 12-13,  
 Block 2887, Port St.  
 Lucie Section 41

Location:  
 2825 SW Port St. Lu-  
 cie Boulevard, Port  
 St. Lucie, FL

Action Sought:  
 Appeal the decision of the Planning & Zoning Board of October 4, 2011, to conditions placed on an approved variance to the required number of parking spaces, Section 158.221(C)(14) of the City of Port St. Lucie Zoning Land Development Regulations, to require legal documents approved as to form and correctness by the City Attorney and acceptable to the Planning and Zoning Department for shared parking for the Thirsty Turtle Restaurant, P11-114

Appellant:

**NOTICE OF SALE**

ceiving this notification if the time before the scheduled appearance is less than 7 days; if you are hearing or voice impaired, call 711.

Publish: October 21,  
 28, 2011  
 2325374

**NOTICE OF MEETING**

**NOTICE OF  
 PUBLIC HEARING**

The City Council of the City of Port St. Lucie serving as the Board of Zoning Appeals will consider an appeal on November 21, 2011, at 1:30 p.m., at Port St. Lucie City Hall, 121 S.W. Port St. Lucie Boulevard, Port St. Lucie, Florida as follows:

Zoning Appeal  
 #11-5

Legal Description:  
 Lots 6-7 and 12-13,  
 Block 2887, Port St.  
 Lucie Section 41

Location:  
 2825 SW Port St. Lu-  
 cie Boulevard, Port  
 St. Lucie, FL

Action Sought:  
 Appeal the decision of the Planning & Zoning Board of October 4, 2011, to conditions placed on an approved variance to the required number of parking spaces, Section 158.221(C)(14) of the City of Port St. Lucie Zoning Land Development Regulations, to require legal documents approved as to form and correctness by the City Attorney and acceptable to the Planning and Zoning Department for shared

**NOTICE OF MEETING**

parking for the Thirsty Turtle Restaurant, P11-114

Appellant:  
 Owner: Joseph and  
 Karen Paranzino

Copies of the above appeal documents are available in the City Clerk's office for public inspection Monday through Friday between the hours of 8:00 a.m. and 4:30 p.m. Interested parties may appear at the meeting and be heard with respect to the appeal.

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.

Karen A. Phillips,  
 CMC  
 City Clerk

Publish: October 28,  
 2011  
 2329692

**The #1  
 Advertising  
 Source For  
 Recent Home  
 Buyers**

**Treasure Coast  
 Classifieds**

tcpalm.com classified

Owner: Joseph and  
Karen Paranzino

Copies of the above  
appeal documents  
are available in the  
City Clerk's office for  
public inspection  
Monday through Fri-  
day between the  
hours of 8:00 a.m.  
and 4:30 p.m.  
Interested parties  
may appear at the  
meeting and be  
heard with respect to  
the appeal.

No stenographic re-  
cord by a certified  
court reporter will be  
made of the forego-  
ing meeting.  
Accordingly, any  
person who may  
seek to appeal any  
decision involving  
the matters noticed  
herein will be re-  
sponsible for making  
a verbatim record of  
the testimony and  
evidence at said  
meeting upon which  
any appeal is to be  
based.

Karen A. Phillips,  
CMC  
City Clerk

Publish: October 28,  
2011  
2329692



SCRIPPS

**SCRIPPS TREASURE COAST  
NEWSPAPERS**

St. Lucie News-Tribune

600 Edwards Road, Ft Pierce, FL 34982

**AFFIDAVIT OF PUBLICATION**

STATE OF FLORIDA  
COUNTY OF ST. LUCIE

Before the undersigned authority personally appeared, Tereliz Cloud, who on oath says that she is Classified Inside Sales Supervisor of the St. Lucie News-Tribune, a daily newspaper published at Fort Pierce in St. Lucie County, Florida: that the attached copy of advertisement was published in the St. Lucie News-Tribune in the following issues below. Affiant further says that the said St Lucie News-Tribune is a newspaper published in Fort Pierce, in said St. Lucie County, Florida, and that said newspaper has heretofore been continuously published in said St. Lucie County, Florida, daily and distributed in St. Lucie County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that she has neither paid or promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper. The St. Lucie News-Tribune has been entered as Periodical Matter at the Post Offices in Fort Pierce, St. Lucie County, Florida and has been for a period of one year next preceding the first publication of the attached copy of advertisement.

<u>Customer</u>	<u>Ad Number</u>	<u>Pub Date</u>	<u>Copyline</u>	<u>PO #</u>
CITY OF PORT ST. LUCIE	2329692	10/28/2011	NOTICE OF PUBLIC HEARING	ZONING APPEAL

Rec'd 11/2/11

**NEWSPAPER E-Sheet®  
LEGAL NOTICE  
ATTACHED**  
\*\*\*\*\*  
**DO NOT  
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Sworn to and subscribed before me this day of, October 28, 2011, by

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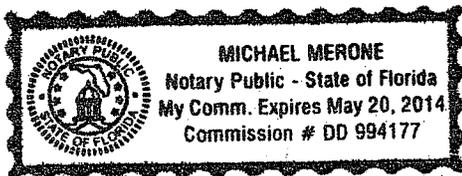
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Michael Merone  
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ORIGINAL

SEAL



Publication Date: 10/28/2011

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Ad Number: 2329692

Insertion Number: 1 x 118

Size: B&W

Color Type:

Client Name: / PO# ZONING APPEAL

Advertiser: CITY OF PORT ST LUCIE

Section/Page/Zone: Local/B12/St Lucie News Tribune

Description: NOTICE OF PUBLIC HEARING

repurpose any content.

**DATED ITEMS**

**Starbucks And Guardian Ad Litem:** Volunteer opportunities for children abused, neglected, abandoned. Starbucks, 1234 US 1, Vero, 10-11 am, Oct. 29. 772-807-3859; gfn4kids.org

**Rotary Club Of Vero Beach:** Need 6-12 volunteers to assist w/ two day Nautical Market. Ocean Dr., Vero Beach, 11:00-11:00 am, 11/11/11. 772-696-1111; rclub@yaho.com

**Artists Fine Arts Festival:** Volunteers needed, ArtKids, parking, site operations, info booths, merchandising, more. Abacoa Town Center, 1000 Blvd., Jupiter, Feb. 18-20. 561-748-3946; artjras.org

**STANDING ITEMS**

**Humane Society Of SLIC:** Dog walking, pet transport, fostering, adoptions, phone, grooming, greeters, clean-up; surgery internships w/ pre-approval. Humane Society of SLIC, 100 Savannah Rd., Fort Pierce, Ages 15+. 772-461-0687; hsslc.org

**CHILDREN**

**Guardians For New Futures:** Advocate for children who have been abused, abandoned or neglected. 8-10 hours/month. Free training, no experience needed. Guardian Ad Litem Corporate Office, 584 NW University Blvd., Suite 600, Port St. Lucie. Ages 18+. 772-785-7804; grossi@gfn4kids.org

**Guardian Ad Litem:** Meet about volunteering to help abused, neglected, abandoned children. Starbucks, 1235 US 1, Vero Beach, 10-11 am, last Sat. Ages 15+. 772-240-8860; gfn4kids.org

**Project LIFT:** Looking for volunteer drivers, 1:30-3:30 pm, 6:30-8:30 pm shifts Mon., Wed., Thurs. 772-355-2554.

**Tykes And Teens:** Help supervise, play w/ children in Palm City counseling center, minimum two hour weekly commitment. 3577 SW Corporate Pkwy., Palm City, M-Thur. 3-7 pm. Ages 16+. 772-631-7653; Laurene@tykesandteens.org

**YMCA Of The Treasure Coast:** 1700 SE Monterey Rd.,

**LOCAL**

**Volunteer Opportunities**

**Stuart.** ymcatreasurecoast.org

**Youth Guidance:** Volunteers needed for on-going mentoring, activities programs for at-risk children. Youth Guidance Mentoring & Activities Program, 1028 20th Pl., Vero Beach, 772-226-3092.

**GARDENING**

**Heathcote Botanical Gardens:** General garden, bonsai, workday 9 am-noon Wednesdays. Organic vegetable garden workdays 9 am-noon Mon., Thurs. 210 Savannah Rd., Fort Pierce. 772-464-4672; heathcotebotanicalgardens.org

**Heathcote Botanical Gardens:** Gift shop, tour guide volunteers needed. 210 Savannah Rd., Fort Pierce. 772-464-4672.

**HOSPITAL/MEDICAL**

**American Cancer Society:**

Program teaches women how to combat the side effects of cancer, must be a licensed cosmetologist or esthetician. St. Lucie, Martin County, 865 SE Monterey Commons Blvd., Stuart, Ages 18+. 772-287-7467; cancer.org

**American Cancer Society:** MSABC Team Leader. A motivated volunteer to spread awareness, fundraise for breast cancer research, services, education, advocacy. 865 SE Monterey Commons Blvd., Stuart. 772-287-7467; elizabeth.hennessey@canca.org

**American Cancer Society:** Need safe drivers to take patients to/from cancer related treatment. Treasure Coast Area and Okeechobee, 855 SE Monterey Commons Blvd., Stuart. Very Flexible Schedule. Ages 18+. Must be a safe driver. 772-287-7467; elizabeth.hennessey@canca.org

**American Cancer Society:** Office/Administrative support. American Cancer

Society Martin Unit, 865 SE Monterey Commons Blvd., Stuart. Flexible & M-F 3-5 pm. Ages 18+. 772-287-7467; elizabeth.hennessey@canca.org

**Consultate Health Care Of Vero Beach:** Caring individuals needed to assist in providing activities, games, music, crafts for residents. Consultate Health Care Of Vero Beach, 1310 37th St., Vero Beach. Flexible hours. Ages 16+. 772-569-5107.

**Lawnwood Regional Medical Center Auxiliary:** Many services needed one day a week. Lawnwood Regional Medical Center & Heart Institute, 1700 S. 23rd St., Fort Pierce. 8 am-noon or noon-4 pm. Ages 18+. 772-458-4443; lawnwoodmed.com

**St. Lucie Medical Center Auxiliary:** People person to work throughout the hospital. St. Lucie Medical Center, 1800 SE Tiffany Ave., Port St. Lucie. Weekdays. 772-335-4000 ext. 3106.



**Foreclosure Defense**

Jeffrey J. Saunders, Esq.  
Fight back against foreclosure!  
Call for a free consultation

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**NOTICE OF SALE OF THE PUBLIC RECORDS OF ST. LUCIE COUNTY, FLORIDA.**

AKA 2005 NORTH 42ND STREET, FORT PIERCE, FL 34947

pursuant to a Final Judgment of Foreclosure entered in Case No. 05-2008-CA-010003 of the Circuit Court of the NINETEENTH Judicial Circuit in and for SAINT LUCIE County, Florida, the sale of which is indicated above.

Any person claiming an interest in the surplus from the sale, if any, other than the property owner as of the date of the lis pendens must file a claim within 60 days after the sale.

WITNESS MY HAND this 27th day of September, 2011.

By: Joseph Wolenski  
FLORIDA BAR NO.: 0042948

**JOHNSON & FREEDMAN, LLC**  
400 Hawthidge Road,  
Suite 1100, MS 27  
Sandy Springs, Georgia 30259  
770-228-9181

If you are a person with a disability who needs an accommodation in order to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Please contact Corrie Johnson, ADA Coordinator, 250 NW Country Club Drive, Suite 217, Fort St. Lucie, FL 34986, (772) 807-4376 at least 7 days before your scheduled court appearance, or immediately upon re-

**NOTICE OF SALE**

receiving this notification if the time before the scheduled appearance is less than 7 days; if you are hearing or voice impaired, call 711.

Published: October 21, 2011  
Owner: Joseph and Karen Parantino

**NOTICE OF MEETING OF PUBLIC HEARING**

The City Council of the City of Port St. Lucie serving as the Board of Zoning Appeals will consider an appeal on November 21, 2011, at 1:30 p.m., at Port St. Lucie City Hall, 121 S.W. Port St. Lucie Boulevard, Port St. Lucie, Florida as follows:

Zoning Appeal #15

Legal Description: Lots 67 and 12-15 Block 2887, Port St. Lucie Section 41

Location: 2825 SW Port St. Lucie Boulevard, Port St. Lucie, FL

Action Sought: Appeal the decision of the Planning & Zoning Board of October 4, 2011, to conditions placed on an approved variance to the required number of parking spaces, Section 10-10-118.21(C)(4) of the City of Port St. Lucie Zoning Land Development Regulations, to require legal documents approved as to form and correctness by the City Attorney and acceptable to the Planning and Zoning Department for shared

**NOTICE OF MEETING**

parking for the Thirty Turtle Restaurant, P11-114

Appeal: Joseph and Karen Parantino

Copies of the above appeal documents are available in the City Clerk's office for public inspection Monday through Friday between the hours of 8:00 a.m. and 4:30 p.m. interested parties may appear at the meeting and be heard with respect to the appeal.

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.

Karen A. Phillips, CMC  
City Clerk

Published: October 28, 2011  
2229692

**The #1 Advertising Source For Recent Home Buyers**

Treasure Coast Classifieds  
tropicalm.com classified

**We'll be there!**

Family Jambooree of Indian River County

Friday, October 21, 2011

10:00am - 1:00pm

Registration 10:00am - 11:00am

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