

RESOLUTION NO. 12-R21

COUNCIL ITEM/
DATE

11c
2/27/12

A RESOLUTION GRANTING A SPECIAL EXCEPTION USE PROVIDED FOR IN SECTION 158.120 (C) (7) TO ALLOW A RETAIL CONVENIENCE STORE IN THE CN (NEIGHBORHOOD CONVENIENCE COMMERCIAL) ZONING DISTRICT FOR PETRO WALTON, LLC, PORT ST. LUCIE SECTION 52, BLOCK 3461, LOT 1, P11-172; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Port St. Lucie, Florida, has been requested by Petro Walton, LLC, to grant a special exception use of a retail convenience store on property presently zoned CN (Neighborhood Convenience Commercial); and legally described as Port St. Lucie Section 52, Block 3461, Lot 1; and

WHEREAS, the City Council determines that the granting of this special exception use is authorized by Section 158.255, et seq., and Section 158.120 (C) (7), Code of Ordinances, City of Port St. Lucie, and further that the granting of this special exception use will not adversely affect the public interest; and

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

WHEREAS, the Planning and Zoning Board on February 7, 2012 made a recommendation on P11-171.

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

Section 1. That the City of Port St. Lucie hereby grants a special exception use to Petro Walton, LLC P11-172, to allow a retail convenience store, pursuant to Section 158.255, et seq., and Section 158.120 (C) (7), Code of Ordinances, City of Port St. Lucie, said special exception use is depicted on the

RESOLUTION NO. 12-R21

conceptual plan which is hereby formally adopted and attached as Exhibit 'A', to be located at 2200 Walton Rd. and legally described as Port St. Lucie Section 52, Block 3461, Lot 1, subject to the following condition:

- That any missing or dead landscape material, located along the Walton Rd. and Lennard Rd. right-of-way shall be replanted as identified on the approved landscape plan (Exhibit B).

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

PASSED AND APPROVED by the City Council of the City of Port St. Lucie, Florida, this 27th day of February, 2012.

CITY COUNCIL
CITY OF PORT ST. LUCIE

BY: _____
JoAnn M. Faiella, Mayor

ATTEST:

Karen A. Phillips, City Clerk

APPROVED AS TO FORM:

Roger G. Orr, City Attorney

CITY OF PORT ST. LUCIE, FL - CITY COUNCIL

AGENDA ITEM REQUEST

MEETING: REGULAR X SPECIAL

DATE: FEBRUARY 27, 2012

ORDINANCE RESOLUTION X MOTION PUBLIC HEARING X

ITEM: P11-172 Walton Westar – Convenience Store
 Special Exception Use Application

RECOMMENDED ACTION:

On February 7, 2012, the Planning and Zoning Board unanimously voted to recommend approval of this special exception use application.

EXHIBITS:

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

SUMMARY EXPLANATION/BACKGROUND INFORMATION:

To reestablish a convenience store as permitted per §158.120 (C) (7) of the Zoning Code.

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

None.

SUBMITTING DEPARTMENT: PLANNING and ZONING

DATE: 02/09/2012



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

TO: PLANNING AND ZONING BOARD - MEETING OF FEBRUARY 7, 2012
FROM: JOHN FINIZIO, PLANNER *J.F.*
RE: SPECIAL EXCEPTION APPLICATION (PROJECT NO. P11-172)
WALTON WESTAR – CONVENIENCE STORE
DATE: JANUARY 25, 2012

OWNER: Petro Walton, LLC.

LOCATION: Southeast corner of Walton Road and Lennard Road.

LEGAL DESCRIPTION: Port St. Lucie Section 52, Block 3461, Lot 1.

SIZE: Approximately one (1) acre in size, or 43,127 square feet.

EXISTING ZONING: CN (Neighborhood Convenience Commercial).

EXISTING USE: Service Station and Convenience Store.

PROPOSED USE: To reestablish a service station and convenience store at this location.

REQUESTED SPECIAL EXCEPTION: Convenience store as permitted per §158.120 (C) (7) of the Zoning Code.

SURROUNDING USES: North = Residential PUD (Midpoint Patio Homes Planned Unit Development) zoning, with existing patio homes. South and East = I (Institutional) zoning, with an existing church. West = RS-2 (Single Family Residential) zoning, with existing homes with detention areas.

IMPACTS AND FINDINGS:**Evaluation of Special Exception Criteria (Section 158.260)**

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

Applicant: "The existing development has an approved concept plan with multiple access points for good automobile and pedestrian access. The existing driveways provide proper circulation for the convenience store. It has one access point on Walton Rd., and it has once access point on Lennard Rd."

Staff: Agreed. This site has two access points; one is off Walton Rd., the other is off Lennard Rd. Both these access points are being shared with the adjacent property; however this should not adversely affect access for either site.

Note: the original site plan for Walton Rd. Convenience Store (P87-068) was approved with this same configuration. The previous service station operated with this identical layout for many years with very little, if any, acknowledged conflicts. Consequently, there are no conflicts being anticipated with the reestablishment of the convenience store on this site.

(B) Adequate off-street parking and loading areas may be provided, without creating undue noise, glare, odor, or other detrimental effects upon adjoining properties.

Applicant: "Adequate off-street parking and loading areas are provided without creating undue noise, glare, odor or other detrimental effects upon adjoining properties. The site has twenty one parking spaces, one handicap parking, and one loading area. The current code requires 1 parking space for every 200 sq ft, our building is 2,600 sq ft, which would required 15 parking spaces. Our site meets and exceeds this number."

Staff: The approved site plan shows a 2,828 square foot convenience store with 6 gas pumps, and a total of 18 parking spaces (a recent site visit confirmed these 18 parking spaces), which is not including the parking that can be counted adjacent to the gas pumps. §158.221 (C) (13) requires one (1) parking space for each 200 square feet of gross floor area; therefore a 2,828 square foot building would require a total of 15 parking spaces; this site has more than adequate parking for the use.

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

Applicant: "The existing utilities area located in place. Infrastructure in conjunction with the existing convenience store is in place and adequate easements are provided for utilities."

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

(D) Adequate screening or buffering. Additional buffering beyond that which is required by the code may be required in order to protect and provide compatibility with adjoining properties.

Applicant: "No additional buffering beyond which is required is needed since the existing commercial areas of the approved concept plan are strategically located. The location of the existing convenience store is typical for the type of commercial area within the CN Zoning District."

Staff: 2200 Walton Rd. is located on the southeast corner of Walton Rd. and Lennard Rd. This particular area is a small neighborhood commercial node in what is predominately a residential area of the City. The site plan was originally approved by City Council on July 6, 1987 (Walton Place Convenience Store, P87-068), and contains a one story 2,828 square foot retail building.

Currently, this site does not provide adequate buffering or screening when considering the surrounding residential zoning. With this business being open 24/7, to ensure the proper screening from the inevitable vehicle headlights which will be visiting this site, more screening is required. The site has an approved landscape plan, and a recent site visit confirmed that much of the hedgerow in the required landscape strip is dead or missing (please see figure 1 and 2 attached to the staff report). Therefore, to provide adequate buffering and screening, especially considering the adjacent residential zoning, any missing or dead hedge material missing along the Walton Rd. and Lennard Rd. right-of-way, identified on the landscape plan (P87-068), will need to be reinstalled. There are some trees missing as well, however due to the existence of Utility easements along Walton Rd. and Lennard Rd., there would be some difficulties in replacing these trees.

(E) Signs, if any, and proposed exterior lighting will be so designed and arranged so as to promote traffic safety and to eliminate or minimize any undue glare, incompatibility, or disharmony with adjoining properties. Light shields or other screening devices may be required.

Applicant: "No modifications have been done to the existing convenience store signage and lighting which were approved at one time. The property has no direct adjoining residential and commercial properties."

Staff: The site is developed and no additional lighting or signage is being proposed at this time. Walton Westar is a business that is currently operating at this location and already has a façade sign and a monument sign in place. If additional signage is proposed in the future, all sign applications will need to be processed according to the regulations outlined in the sign code (Chapter 155).

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

Applicant: "The existing convenience store site is located within the CN Zoning District. Convenience store are allowed as a special exception in the CN Zoning

ITEM 7 (H)

District: "Acceptable" uses and all yards and open space requirements are being met or exceeded.

Staff: The proposed use (convenience store) will not require the applicant to make any changes or additions to the existing yard and open space designated for this site. A convenience store has existed on this site in the past, and all yard and open space requirements have been addressed during the original site plan process. There are no changes being proposed to the site plan.

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

Applicant: "The existing use will meet all pertinent codes."

Staff: The proposed Special Exception Uses (convenience store) is permitted as a special exception use as defined by § 158.120 (C) (7) Neighborhood Convenience Commercial Zoning District, and will conform to all provisions of the City's Land Development Regulations.

(H) Establishment and operation of the proposed use upon the particular property involved will not impair the health, safety, welfare, or convenience of residents and workers in the City.

Applicant: "The convenience store will add to the convenience of the residences nearby. By meeting code requirements, it will have no negative impact on the health and safety of nearby residents."

Staff: By conforming to city codes, staff believes that a convenience store at this location will not impair the health, safety, welfare, or convenience of residents and workers in the city.

For emergency situations, there are currently no plans to include a generator on this site. However, the applicant has indicated that they have several mobile generators which will be transported to the site if needed.

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

Applicant: "The convenience store faces a street and therefore neighboring residents will not incur the nuisance or hazard associated with vehicular movement, noise, fume generation." Vehicular movement has been planned to be efficiently utilized within the overall project and designed to meet or exceed all applicable standards."

Staff: Agreed. By conforming to city codes, staff believes that a convenience store at this location will not constitute a nuisance or hazard for anyone using this facility.

(J) The use as proposed for development will be compatible with the existing or permitted uses of adjacent property. The proximity or separation and potential impact of the proposed use (including size and height of buildings, access location, light and

noise) on nearby property will be considered in the submittal and analysis of the request. The City may request project design changes or changes to the proposed use to mitigate the impacts upon adjacent properties and the neighborhood.

Applicant: "The proposed site is surrounded by properties with similar uses."

Staff: Institutional Zoning can be found directly east and south of this site, however, there is not any other commercial zoning anywhere in the general vicinity. Residential zoning appears to be the dominant zoning designation surrounding this site. Going directly north is a residential PUD (in particular Midpoint Patio Homes), and going west you will find RS-2 (Single Family Residential) Zoning, with existing single family homes and water management tracts for collecting run-off. That being said, because of the amount of surrounding residential property, and the lack of commercially zoned property in the area, this is a good location for property with a CN (Neighborhood Convenience Commercial) Zoning Designation. Yes, if properly screened and buffered, and following all applicable zoning regulations, a convenience store will be compatible with the adjacent property. This statement can be confirmed with the fact that a convenience store has operated on this site in the past. It is true that a convenience store is a intense use for this zoning distirct, but it has worked in the past and with conforming to all applicably provisions of the City's Land Development Regulations, it should continue to work in the future.

(K) As an alternative to reducing the scale and/or magnitude of the project as stipulated in criteria (J) above, the City may deny the request for the proposed use if the use is considered incompatible, too intensive or intrusive upon the nearby area and would result in excessive disturbance or nuisance from the use altering the character of neighborhood.

Staff: Acknowledged.

(L) Development and operation of the proposed use will be in full compliance with any additional conditions and safeguards which the City Council may prescribe, including but not limited to reasonable time limit within which the action for which special approval is requested shall be begun or completed or both.

Staff: Acknowledged.

Compatibility with special exception criteria: §158.120 (C) (7): "Special Exception Uses" allows service stations in the CN (Neighborhood Convenience Commercial) Zoning District. The applicant would like to reestablish the convenience store and service station at this location.

Notice to Property Owners: On January 20, 2012 notice was sent to all property owners within a 300 foot radius.

OTHER:

There has been a convenience store operating on this site for a number of years. The original site plan was approved in 1987, it passed its final Planning and Zoning inspection on February 1989, and expect it would have opened for business shortly thereafter. The question as to when operations ceased at this location is a little more difficult to ascertain. The only thing that is certain is that by March 5, 2009 this site was vacant. This we know because there is a memo dated March 5, 2009 included in the file (P87-068) which states that this site is vacant and due to its nonconforming status, cannot reestablish either use without proper SEU approvals.

On October 10, 2011, the Planning and Zoning Department received an Occupancy Use and Zoning Review application for Yas J, Inc., which desired to open a convenience store and gas station at 2200 Walton Rd. After looking through the files to confirm that Special Exception Use Applications for the convenience store has not been submitted, this application was denied.

Retail convenience stores are not a permitted use in the Neighborhood Convenience Commercial (CN) Zoning District (§158.120). This use is allowed as a special exception use (§158.120 (C) (7)) in this zoning district, but a SEU application will need to be submitted and approved prior to this use being established. Since there is no evidence that a SEU for a convenience store was ever applied for at this location, the convenience store was classified as nonconforming use prior to closing sometime before March 5, 2009. As identified in §158.281, Discontinuous or Change of Nonconforming Use, "whenever a nonconforming use of land or a nonconforming use of a building or structure ceases for any reason (except where governmental action impedes access to the premises) for a period of six months or more, these nonconforming uses shall not thereafter be reestablished and the subsequent use shall conform to the requirements of this chapter."

Since the use, convenience store, had ceased for a period of over six (6) months, and there is no history of a SEU application submitted or approved for this location, a SEU approval is required prior to this use being reestablished.

RELATED PROJECTS:

P87-068 – Walton Place Convenience Store Site Plan Application. The site plan consisted of a convenience store with self-serve gas service. This application was approved by City Council on July 6, 1987.

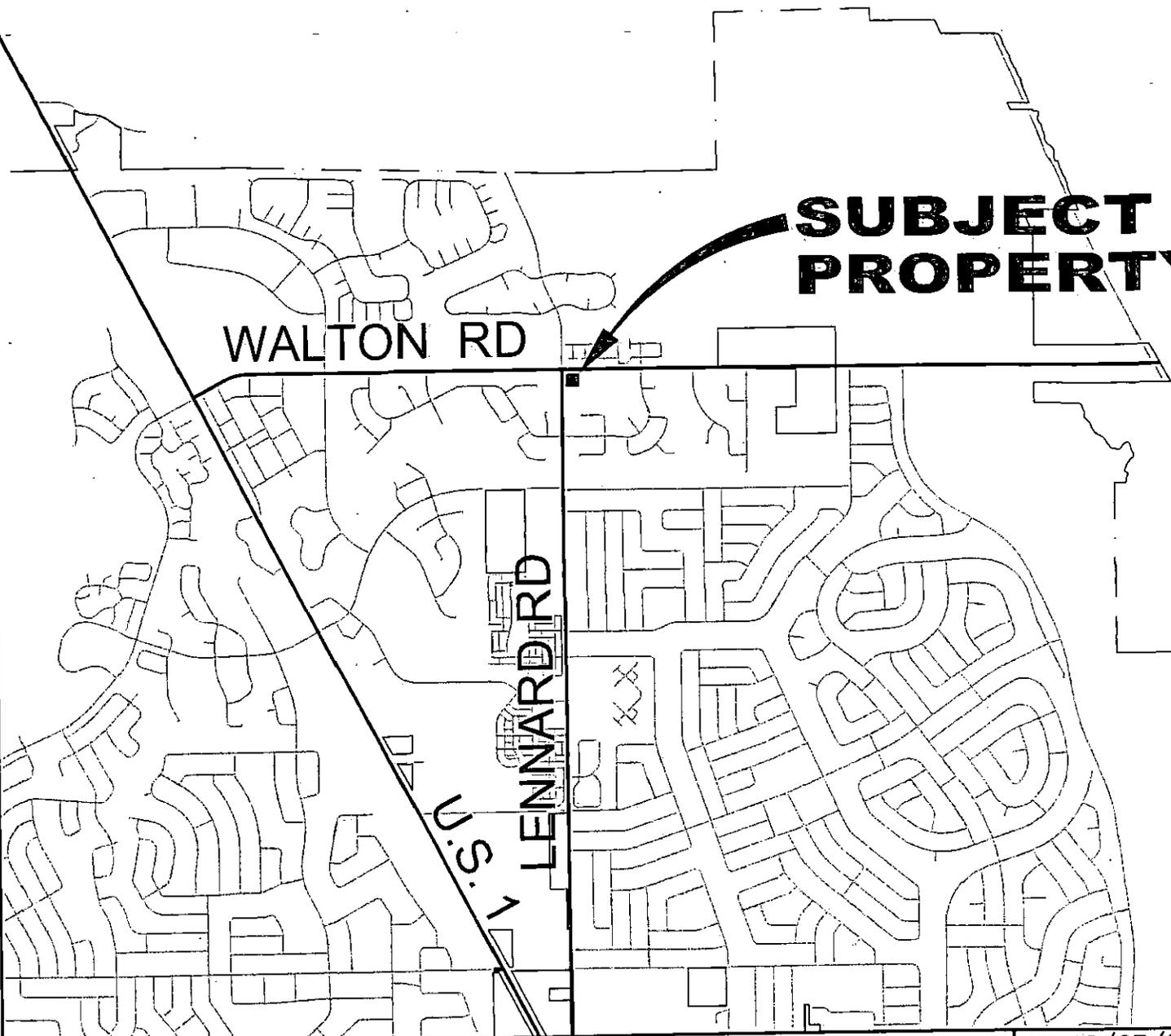
STAFF RECOMMENDATION:

The Planning and Zoning Department staff finds the request to be consistent with special exception criteria as stipulated in Section 158.260 of the Zoning Code and recommends approval with the condition as follows:

- That any missing or dead landscape material, located along the Walton Rd. and Lennard Rd. right-of-way shall be replanted as identified on the approved landscape plan (Exhibit B).

There are no changes to the site plan being proposed at this time.

SITE LOCATION



**SUBJECT
PROPERTY**

WALTON RD

U.S. 1
LENNARD RD



CITY OF PORT ST. LUCIE
PLANNING & ZONING DEPT.

Prepared by:
M.I.S. DEPARTMENT

PZ2011.DWG

SPECIAL EXCEPTION USE
LOT 1 BLOCK 3461
PORT ST LUCIE SEC 52 1ST REPLAT

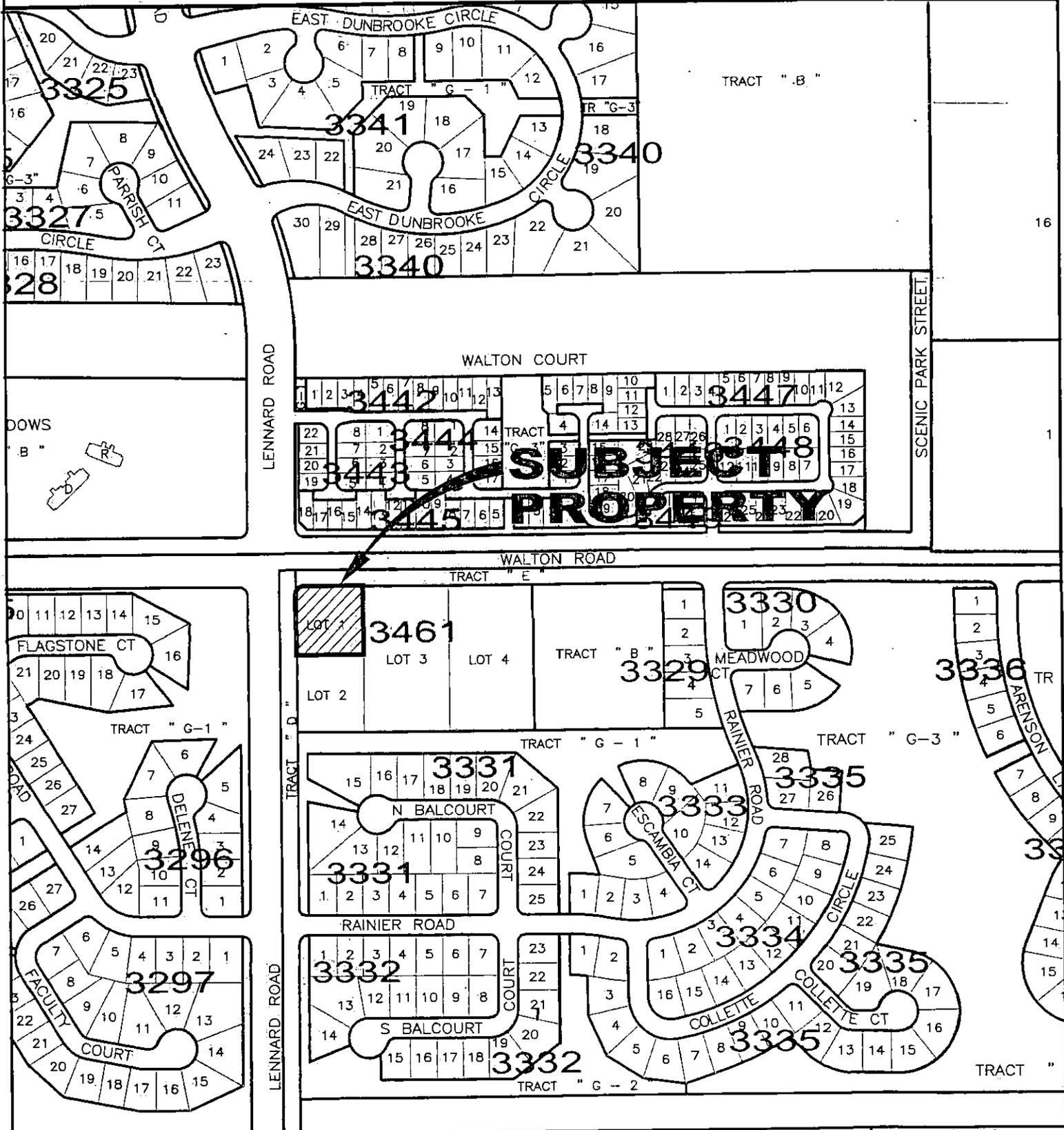
DATE: 12/27/2011

APPLICATION NUMBER:
P11-172

CADD FILE NAME:
P11-172L

SCALE: 1" = .5 MI

SITE LOCATION



CITY OF PORT ST. LUCIE
PLANNING & ZONING DEPT.

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

SPECIAL EXCEPTION USE
LOT 1 BLOCK 3461
PORT ST LUCIE SEC 52 1ST REPLAT

DATE: 12/27/2011
APPLICATION NUMBER: P11-172
CADD FILE NAME: P11-172M
SCALE: 1"=400'

SITE LOCATION



CITY OF PORT ST. LUCIE
PLANNING & ZONING DEPT.

Prepared by:
M.I.S. DEPARTMENT

PZ2011.DWG

SPECIAL EXCEPTION USE

LOT 1 BLOCK 3461

PORT ST LUCIE SEC 52 1ST REPLAT

AERIAL DEC 2010

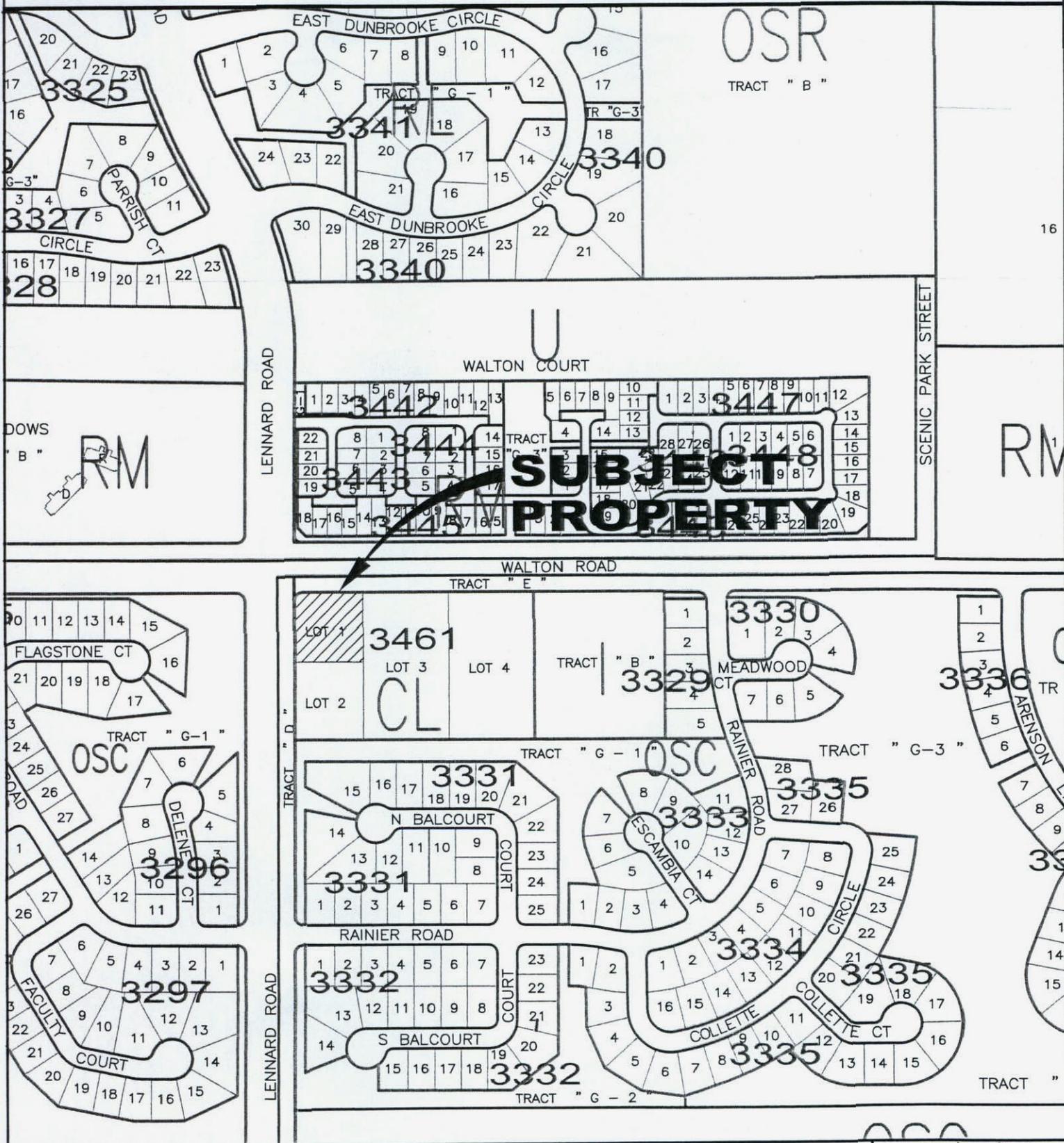
DATE: 12/27/2011

APPLICATION NUMBER:
P11-172

CADD FILE NAME:
P11-172A

SCALE: 1"=200'

FUTURE LAND USE



CITY OF PORT ST. LUCIE
PLANNING & ZONING DEPT.

Prepared by:
M.I.S. DEPARTMENT

PZ2011.DWG

SPECIAL EXCEPTION USE

LOT 1 BLOCK 3461

PORT ST LUCIE SEC 52 1ST REPLAT

DATE: 12/27/2011

APPLICATION NUMBER:

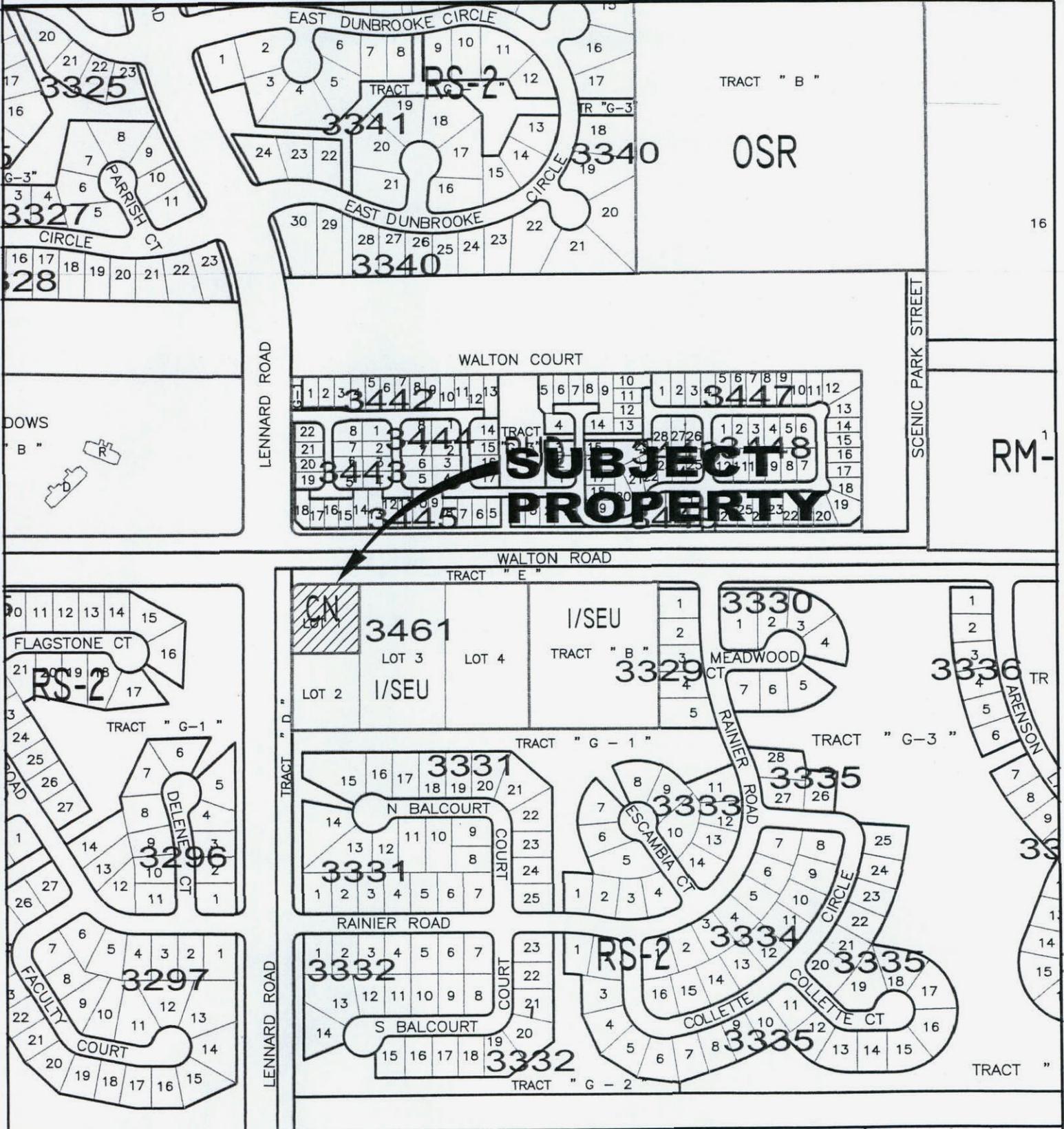
P11-172

CADD FILE NAME:

P11-172M

SCALE: 1"=400'

EXISTING ZONING



CITY OF PORT ST. LUCIE
PLANNING & ZONING DEPT.

Prepared by:
M.I.S. DEPARTMENT

PZZ2011.DWG

SPECIAL EXCEPTION USE
LOT 1 BLOCK 3461
PORT ST LUCIE SEC 52 1ST REPLAT

DATE: 12/27/2011

APPLICATION NUMBER:
P11-172

CADD FILE NAME:
P11-172M

SCALE: 1" = 400'

APPLICATION FOR SPECIAL EXCEPTION USE

FOR OFFICE USE ONLY

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

Planning Dept. P11-172
Fee (Nonrefundable) \$ 2,115.00
Receipt # 11473

Refer to "Fee Schedule" for application fee. Make check payable to the "City of Port St. Lucie". Fee is nonrefundable unless application is withdrawn prior to being scheduled for the Site Plan Review Committee meeting or advertising for the Planning and Zoning Board meeting. **Attach two copies of proof of ownership (e.g., warranty deed, affidavit), lease agreement (where applicable), approved Concept Plan or Approved Site Plan, and a statement addressing each of the attached criteria.**

PRIMARY CONTACT EMAIL ADDRESS: directfueltransport@gmail.com / gonzi15@aol.com

PROPERTY OWNER:

Name: Petro Walton, LLC
Address: 2401 NW 30th Avenue Miami, Florida 33142
Telephone No.: 305 633 6030 Fax No.: 305 633 6669

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

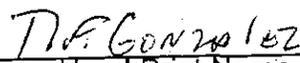
Name: _____
Address: _____
Telephone No.: _____ Fax No.: _____

SUBJECT PROPERTY:

Legal Description: See concept plan.
Parcel I.D Number: 3420 761 0001 0004
Address: 2200 Walton Rd Bays: N/A
Development Name: WALTON WESTAR (Attach Sketch and/or Survey)
Gross Leasable Area (sq. ft.): 2600 sq. ft. / 43124 sq. ft. Assembly Area (sq. ft.): N/A
Current Zoning Classification: CN SEU Requested: Convenience store

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

This application is to allow an existing convenience store to obtain SEU which is expired. This convenience store is located in the corner of Walton and Lennard Rd. in which was closed for an extended period of time. The above property owner purchased the property in July 2010, and upgraded the tanks to meet state requirements. The County issued permits to perform all work required to meet the state requirements.

 Signature of Applicant
 Hand Print Name
12-19-2011 Date

NOTE: Signature on this application acknowledges that a certificate of concurrency for adequate public facilities as needed to service this project has not yet been determined. Adequacy of public facility services is not guaranteed at this stage in the development review process. Adequacy for public facilities is determined through certification of concurrency and the issuance of final local development orders as may be necessary for this project to be determined based on the application material submitted.

SPECIAL EXCEPTION USES

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

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

The existing development has an approved concept plan with multiple access points for good automobile and pedestrian access. The existing driveways provide proper circulation for the convenience store. It has one access point on Walton Rd., and it has once access point on Lennard Rd.

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

Adequate off-street parking and loading areas are provided without creating undue noise, glare, odor or other detrimental effects upon adjoining properties. The site has twenty one parking spaces, one handicap parking, and one loading area. The current code requires 1 parking space for every 200 sq ft, our building is 2,600 sq ft, which would required 15 parking spaces. Our site meets and exceeds this number.

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

The existing utilities are located in place. Infrastructure in conjunction with the existing convenience store is in place and adequate easements are provided for utilities.

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

No additional buffering beyond that which is required is needed since the existing commercial areas of the approved concept plan are strategically located. The location of the existing convenience store is typical for the type of commercial area within the CN Zoning District.

(E) Please explain how signs, if any, and proposed exterior lighting will be so designed and arranged so as to promote traffic safety and to eliminate or minimize any undue glare, incompatibility, or disharmony with adjoining properties. Light shields or other screening devices may be required.

No modifications have been done to the existing convenience store signage and lighting which where approved at one time. The property has no direct adjoining residential and commercial properties.

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

The existing convenience store site is located within the CN Zoning District. Convenience store are allowed as a special exception in the CN Zoning District. "Acceptable" uses and all yards and open space requirements are being met or exceeded.

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

The existing use will meet all pertinent codes

(H) Please explain how establishment and operation of the proposed use upon the particular property involved will not impair the health, safety, welfare, or convenience of residents and workers in the city.

The convenience store will add to the convenience of the residences nearby. By meeting code requirements, it will have no negative impact on the health and safety of nearby residents.

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

The convenience store faces a street and therefore neighboring residents will not incur the nuisance or hazard associated with vehicular movement, noise, fume generation. Vehicular movement has been planned to be efficiently utilized within the overall project and designed to meet or exceed all applicable standards.

(J) Please explain how the use, as proposed for development, will be compatible with the existing or permitted uses of adjacent property. The proximity or separation and potential impact of the proposed use (including size and height of buildings, access, location, light and noise) on nearby property will be considered in the submittal and analysis of the request. The City may request project design changes or changes to the proposed use to mitigate the impacts upon adjacent properties and the neighborhood.

The proposed site is surrounded by properties with similar uses


Signature of Applicant

R.F. Gonzalez
Hand Print Name

12-18-2011
Date

PLEASE NOTE:

(K) As an alternative to reducing the scale and/or magnitude of the project as stipulated in criteria (J) above, the City may deny the request for the proposed use if the use is considered incompatible, too intensive or intrusive upon the nearby area and would result in excessive disturbance or nuisance from the use altering the character of neighborhood.

(L) Development and operation of the proposed use will be in full compliance with any additional conditions and safeguards which the City Council may prescribe, including but not limited to reasonable time limit within which the action for which special approval is requested shall be begun or completed or both.

THIS INSTRUMENT PREPARED BY AND RETURN TO:

LINDA ROTH, ESQ.

LINDA ROTH, P.A.

95 Merrick Way, Suite 600

Coral Gables, Florida 33134

Property Appraisers Parcel Identification (Folio) Number: 33420-761-001-000-4

**JOSEPH E. SMITH, CLERK OF THE CIRCUIT COURT
SAINT LUCIE COUNTY**

FILE # 3496855 07/22/2010 at 11:47 AM

OR BOOK 3215 PAGE 976 - 978 Doc Type: DEED

RECORDING: \$27.00

D DOC STAMP COLLECTION: \$3500.00

SPACE ABOVE THIS LINE FOR RECORDING DATA

WARRANTY DEED

THIS WARRANTY DEED, made the 9th day of July, 2010 by RAVEN PARC, INC., a Florida corporation, whose post office address is 308 Chambord Terrace, Palm Beach Gardens, FL 33410-2265, herein called the Grantor, to PETRO-WALTON, LLC, a Florida limited liability company, whose post office address is 2401 NW 30 Avenue, Miami, Florida 33142, hereinafter called the Grantee:

(Wherever used herein the terms "Grantor" and "Grantee" include all the parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations)

W I T N E S S E T H: That the Grantor, for and in consideration of the sum of TEN AND 00/100'S (\$10.00) Dollars and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the Grantee all that certain land situate in ST. LUCIE County, State of Florida, viz.:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF.

SUBJECT TO:

1. Taxes for the year 2010 and all subsequent years;
2. Zoning restrictions, prohibitions and other requirements imposed by governmental authority;
3. Restrictions and matters appearing on the plat or otherwise common to the subdivision;
4. Public utility easements of record, if any.

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

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

AND, the Grantors hereby covenant with said Grantees that the Grantors are lawfully seized of said land in fee simple; that the Grantors have good right and lawful authority to sell and convey said land, and hereby warrant the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances, except taxes accruing subsequent to December 31, 2009.

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

Signed, sealed and delivered in the presence of:

Witness #1 Signature

Witness #1 Printed Name

Witness #2 Signature

Witness #2 Printed Name

RAVEN PARC, INC., a Florida corporation

By:

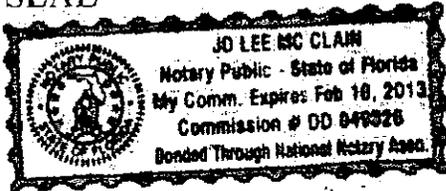
ELLEN GUTERL, President

(CORPORATE SEAL)

STATE OF FLORIDA
COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me this 9th day of July, 2010 by ELLEN GUTERL as the President of RAVEN PARC, INC., a Florida corporation, who is personally known to me or has produced _____ as identification.

SEAL



Notary Public

Printed Notary Name

My Commission Expires:

2/18/13

EXHIBIT "A"

The North 208.00 feet of the West 208.04 feet of Tract "A" of PORT ST LUCIE SECTION FIFTY TWO, according to the Plat thereof, as recorded in Plat Book 22 at Page 19A of the Public Records of St. Lucie County, Florida, being more particularly described as follows:

Commence at the Southwest corner of said Tract A; thence North 00 degrees 18 minutes 57 seconds East along the West line of said Tract A for 231.91 feet to the POINT OF BEGINNING of the parcel hereinafter described; thence continue along the last described course for 183.09 feet to a point of curvature; thence Northeasterly along the arc of said curve, being concave to the Southeast having a radius of 25 feet and a central angle of 89 degrees 47 minutes 12 seconds for an arc distance of 39.18 feet to a point of tangency with the North line of said Tract A; thence South 89 degrees 53 minutes 51 seconds East along the North line of said Tract A for 183.13 feet; thence South 00 degrees 18 minutes 57 seconds West along a line 208.04 feet East of and parallel with the West line of said Tract A for 208.00 feet; thence North 89 degrees 53 minutes 51 seconds West along a line 208.00 feet South of and parallel with the North line of said Tract A for 208.04 feet to the POINT OF BEGINNING.

ALSO KNOWN AS:

Lot 1, FIRST REPLAT OF PORT ST. LUCIE SECTION FIFTY TWO, according to the Plat thereof, as recorded in Plat Book 25 at Page 34 of the Public Records of St. Lucie County, Florida.

Being and intended to be the same property conveyed to Grantor by Deed dated June 30, 1986 and recorded at Official Records Book 505 at Page 2754 (Clerk's File No. 769084) on July 3, 1986 of the Public Records of St. Lucie County, Florida.

TOGETHER WITH two easements for access, ingress and egress/ upon and across the following described property:

The South 15.00 feet of the North 223.00 feet of the West 100 feet of Tract A, as shown on the plat of PORT ST. LUCIE SECTION FIFTY TWO, as recorded in Plat Book 22 at Page 19 of the Public Records of St. Lucie County, Florida; and the East 15.00 feet of the West 223.04 feet of the North 100.00 feet of said Tract A, as shown on the plat of PORT ST. LUCIE SECTION FIFTY TWO, as recorded in Plat Book 22 at Page 19 of the Public Records of St. Lucie County, Florida. Said lands situate, lying and being in the City of Pt. St. Lucie, St. Lucie County, Florida.

Being and intended to be that certain easement conveyed to Grantor in that Reciprocal Easement Grants dated June 20, 1986 and recorded in Official Records Book 508 at Page 559 on July 24, 1986 of the Public Records of St. Lucie County, Florida.



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Detail by Entity Name

Florida Limited Liability Company

PETRO-WALTON, LLC

Filing Information

Document Number: L10000071440
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Date Filed: 07/07/2010
State: FL
Status: ACTIVE

Principal Address

2200 S.E. WALTON ROAD
PORT ST. LUCIE FL 34952

Mailing Address

2401 N.W. 30TH AVENUE
MIAMI FL 33142

Registered Agent Name & Address

OBANDO, JOHN J J
2401 N.E. 30TH AVENUE
MIAMI FL 33142

Manager/Member Detail

Name & Address
Title MGRM
OBANDO, JOHN J
2200 S.E. WALTON ROAD
PORT ST. LUCIE FL 34952
Title MGRM
GONZALEZ, RUBEN
2200 S.E. WALTON ROAD
PORT ST. LUCIE FL 34952
Title MGRM
PEQUENO, TOMAS

2200 S.E. WALTON ROAD
PORT ST. LUCIE FL 34952

Annual Reports

No Annual Reports Filed

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Parking Lot

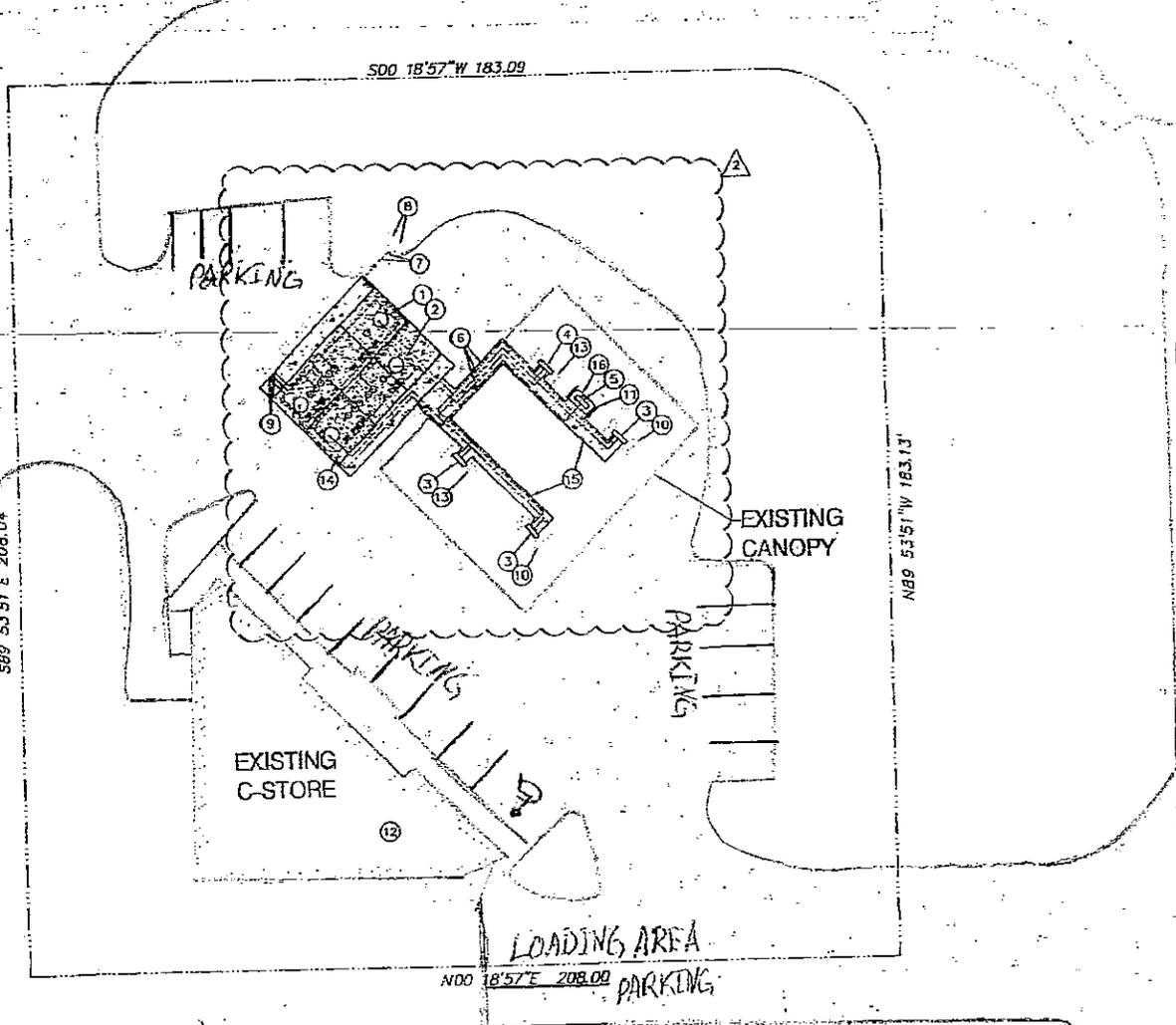
SE LENARD ROAD

S00 18°57' W 183.09

S89 53°51' E 208.04

N138°1' W 153.5 GEN

SE WALTON ROAD



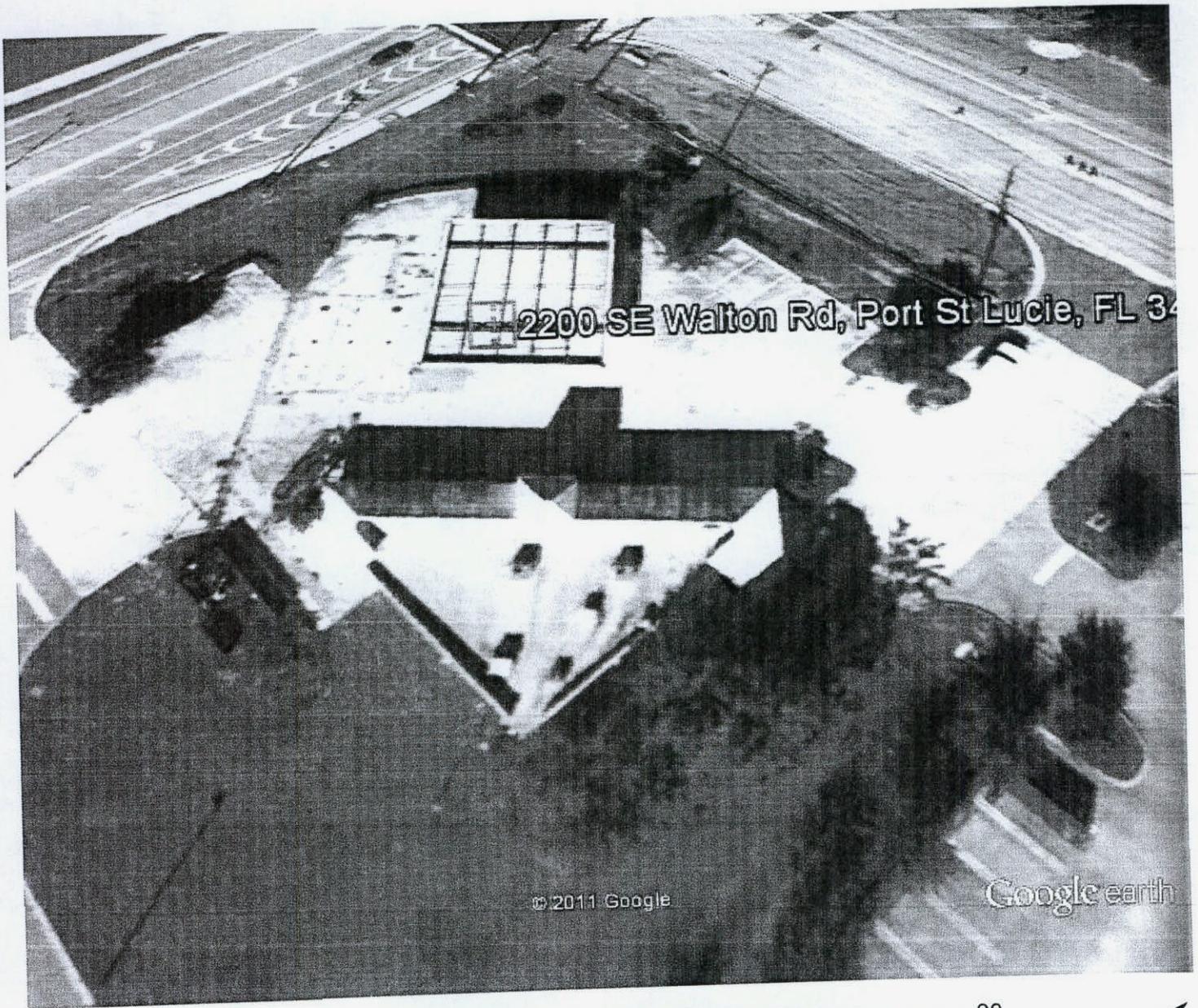
GENERAL SCOPE OF WORK:

1. MOBILIZE ON-SITE, SHUT DOWN REQUIRED EQUIPMENT AND DOCUMENT ALL TOTALIZED READINGS.
2. DISCONNECT ELECTRICAL SUPPLY TO EXISTING SUBMERSIBLE PUMPS.
3. CLOSE ALL SAFETY VALVES AT EXISTING DISPENSERS AND REMOVE CHECK VALVES AT EXISTING SUBMERSIBLE PUMPS.
4. BLOW BACK RESIDUAL PRODUCT TO UNDERGROUND STORAGE TANKS.
5. PUMP OUT RESIDUAL PRODUCT AND CONTAIN IN DOT APPROVED 55-GALLON DRUMS FOR PROPER DISPOSAL.
6. PROPERLY CLEAN UST'S (BUTTERWORTH (3) EXISTING UNDERGROUND TANKS AND DISPOSE OF RESIDUE/WASTE).
7. LAYOUT PROPOSED EXCAVATION FOR NEW DOUBLE WALLED UST'S AND NEW PRODUCT PIPING.
8. SAW CUT CONCRETE, DEMO AND DISPOSE OF PROPERLY.
9. EXCAVATE SOILS FOR NEW UST'S AND NEW DOUBLE WALLED PIPING.
10. REMOVE EXISTING UST'S (3-10,000 GALLON UST'S)
11. REMOVE ALL UST EQUIPMENT.
12. INSTALL ONE (1) NEW 12,000 GALLON (SPLIT 5K REGULAR GRADE AND 4K E-85) DOUBLE WALLED UST AND ONE (1) NEW 10,000 GALLON DOUBLE WALLED UST (SPLIT 5K PREMIUM AND 5K DIESEL).
13. INSTALL FOUR (4) NEW 42" STP CONTAINMENT SUMPS AND STEEL MANHOLES. (EXISTING STP MOTORS AND COMPONENTS TO BE USED)
14. INSTALL FUNCTIONAL ELEMENTS FOR EXISTING STP MOTORS.
15. INSTALL ONE (1) SPECIAL 1 1/2 HP STP MOTOR FOR E-85 PRODUCT.

16. INSTALL FIVE (5) NEW MPD CONTAINMENT SUMPS.
17. INSTALL NEW DOUBLE WALL PRODUCT PIPING (AMERON LEX).
18. INSTALL FOUR (4) NEW DOUBLE WALL OVERSPILL CONTAINMENT BUCKETS (FIVE GALLON CAPACITY).
19. INSTALL FOUR (4) NEW STAGE 1 VAPOR RECOVERY BUCKETS.
20. INSTALL VEEDER-ROOT JLS-350 SENSOR MODULE, TWO INTERSTITIAL FLOAT SENSORS, FOUR (4) STP SUMP FLOAT SENSORS AND ONE (1) PROBE FOR E-85 PRODUCT.
21. EXISTING VEEDER-ROOT CONSOLE AND THREE (3) EXISTING PROBE TO BE REUSED.
22. INSTALL ONE (1) NEW 3+1 PRODUCT DISPENSER OF SAME BRAND AS EXISTING.
23. INSTALL ONE (1) NEW E-85 PRODUCT DISPENSER.
24. INSTALL HOSE, NOZZLE AND WHIP KITS FOR DISPENSERS.
25. INSTALL NEW BLACK IRON INTERSTITIAL RISERS AND COAT WITH APPROVED MATERIAL TO PREVENT CORROSION.
26. ALL ELECTRICAL RECONNECTION FOR TANK TOP EQUIPMENT.
27. COMPLETE REQUIRED INSPECTIONS.
28. BACKFILL AND COMPACT EXCAVATION WITH EXISTING SOILS.
29. RESURFACE UST EXCAVATIONS WITH CONCRETE PAD.
30. RESURFACE PIPE EXCAVATION WITH CONCRETE.
31. SCHEDULE FUEL DELIVERY AND PURGE ENTIRE FUEL SYSTEM.
32. PERFORM PRECISION TANK AND TESTING.
33. PERFORM START UP, CLEAN WORK AREA AND DEMOBILIZE.

NOTES

1. ALL PRODUCT PIPING TO HAVE A MINIMUM 1/8" PER FOOT SLOPE FROM DISPENSER BACK DOWN TO UNDERGROUND STORAGE TANK
2. ALL EQUIPMENTS TO BE FDEP APPROVED
3. ALL PROPOSED PRODUCT PIPING ARE DOUBLE WALL PIPE
4. BACKFILL MATERIAL WILL BE EITHER PERAGRAVEL OR OTHER FDEP APPROVED TYPE FILL
5. ALL METAL COMPONENT WILL BE PROTECT FROM CORROSION
6. ALL REQUIRED DISPENSER SUMPS AND TANK SUMPS SHALL CONSIST OF A MODULAR, RIGID, SEALED, IMPERVIOUS HYDROCARBON ENCASING SYSTEM.



2200 SE Walton Rd, Port St Lucie, FL 34953

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feet
meters



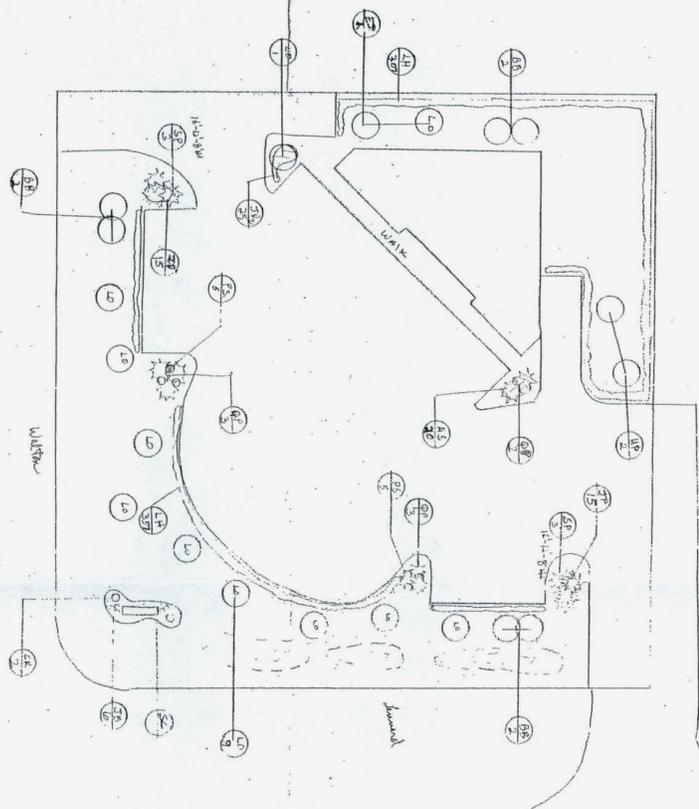


Figure one: Image of Walton Westar from Walton Rd.



Figure two: Image of Walton Westar from Lennard Rd.

Exhibit B



Key City	Material	Size
BB 6	Calisthenic Laminates	4' x 8' x 3/4"
BB 7	Quercus Laminates	4' x 8' x 3/4"
BB 8	Plank Laminates	2' x 4' x 3/4"
BB 9	Plank Laminates	2' x 4' x 3/4"
BB 10	Plank Laminates	2' x 4' x 3/4"
BB 11	Plank Laminates	2' x 4' x 3/4"
BB 12	Plank Laminates	2' x 4' x 3/4"
BB 13	Plank Laminates	2' x 4' x 3/4"
BB 14	Plank Laminates	2' x 4' x 3/4"
BB 15	Plank Laminates	2' x 4' x 3/4"
BB 16	Plank Laminates	2' x 4' x 3/4"
BB 17	Plank Laminates	2' x 4' x 3/4"
BB 18	Plank Laminates	2' x 4' x 3/4"
BB 19	Plank Laminates	2' x 4' x 3/4"
BB 20	Plank Laminates	2' x 4' x 3/4"

WATER:
 ALL PIPING MATERIAL SHALL BE PERIODICALLY INSPECTED.
 ALL PIPING SHALL BE PROTECTED AGAINST DAMAGE.
 ALL PIPING SHALL BE MAINTAINED WITH CYCLICALLY MAINTENANCE.

Handwritten notes:
 IFC
 City & County
 City of Phoenix
 Planning Department

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 JAN 23 1988
 PLANNING DEPT.

Tripartite Home
 VALLEY PLATE
 VALLEY PLATE
 VALLEY PLATE
 VALLEY PLATE

As SPEC 1/21/87 87-48