

Resolution No. 12-R22

A RESOLUTION GRANTING A SPECIAL EXCEPTION USE PROVIDED FOR IN SECTION 158.071 (C) (1) TO ALLOW A GUEST HOUSE IN AN RE (ESTATE RESIDENTIAL) ZONING DISTRICT (P11-166); PROVIDING AN EFFECTIVE DATE

WHEREAS, the City of Port St. Lucie, Florida, has been requested by Stewart J. Lang and Suzanne M. Lang, to allow a guest house on a lot exceeding one acre in area in the RE (Estate Residential) zoning district located at 2481 SE North Lookout Blvd., north of Lookout Boulevard, south of Canal C-24, generally west of Canal C-23 A, and generally east of Peru St., and legally described as Lot 5, Vikings Lookout; and

WHEREAS, the City Council determines that the granting of this special exception use is authorized by Section 158.255, et seq., Section 158.071 (C) (1), Code of Ordinances, City of Port St. Lucie, and further, that the granting of this special exception use will not adversely affect the public interest; and

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

WHEREAS, on February 7, 2012, the Planning and Zoning Board unanimously recommended approval for the special exception use of the proposed guest house (P11-166); and

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

Section 1. That the City of Port St. Lucie hereby grants a special exception use to Stewart J. Lang and Suzanne M. Lang (P11-166), to allow a guest house on a lot exceeding one acre in area in the RE (Estate Residential) zoning district, pursuant to Section 158.255, et seq., and Section 158.071 (C) (1), Code of Ordinances, City of Port St. Lucie, said special exception use is depicted on the conceptual plan which is hereby formally adopted and attached as Exhibit 'A', to be located at 2481 SE North Lookout Blvd., and legally described as Lot 5, Vikings Lookout, subject to the following conditions:

Resolution No. 12-R22

1. Development shall comply with all standards and regulations of the RE (Estate Residential) zoning district section 158.071, and all applicable policies of the Comprehensive Plan.
2. The guest house shall conform in appearance to material and design of the principal structure.
3. There shall be a 50 foot rear set back from the backwater.
4. Guest house shall be use for intermittent or temporary occupancy by a nonpaying guest. Those quarters are not to be rented or otherwise used as a separate dwelling.
5. The applicant shall plant minimum 18 trees on this property, to bring the site into compliance with the Landscape Code Section 158.04 (M).

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: SPECIAL EXCEPTION USE APPLICATION (P11-166)
 STEWART J. LANG AND SUZANNE M. LANG

RECOMMENDED ACTION:

On February 7, 2012, the Planning and Zoning Board unanimously recommended approval of the Special Exception Use as recommended by the staff.

EXHIBITS:

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

SUMMARY EXPLANATION/BACKGROUND INFORMATION:

To allow a guest house on a lot exceeding one acre in area in the RE (Estate Residential) zoning district as per section 158.071 (C) (1) of the zoning code.

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

None

SUBMITTING DEPARTMENT: PLANNING and ZONING

DATE: 2/22/12



**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: THRESIAMMA KURUVILLA, PLANNER *TK*
RE: SPECIAL EXCEPTION USE APPLICATION (PROJECT NO. P11-166)
STEWART J. LANG AND SUZANNE M. LANG
DATE: JANUARY 25, 2012

OWNERS: Stewart J. Lang and Suzanne M. Lang

APPLICANTS: Stewart J. Lang and Suzanne M. Lang (copy of the general warranty deed is attached)

LOCATION: The property is located at 2481 SE North Lookout Blvd., north of Lookout Boulevard, south of Canal C-24, generally west of Canal C-23 A, and generally east of Peru St.

LEGAL DESCRIPTION: Lot 5, Vikings Lookout

SIZE: 1.09 acres (44,859.7 square feet).

EXISTING ZONING: RE (Estate Residential) zoning

EXISTING USE: This is a vacant lot

PROPOSED USE: Guest house – The Zoning Code defines a guest house as “a dwelling unit in a building separate from and in addition to the main residential building on a lot, intended for intermittent or temporary occupancy by a nonpaying guest. However, those quarters shall not be rented or otherwise used as a separate dwelling.”

REQUESTED SPECIAL EXCEPTION: To allow a guest house on a lot exceeding one acre in area in the proposed RE (Estate Residential) zoning district as per section 158.071 (C) (1) of the zoning code. The property was rezoned from RM-5 to RE as per Ordinance # 12-02.

SURROUNDING USES: North = Canal C-24; South = Viking PUD Spruce Bluff, preserve; East = RM-5 (Multiple-Family Residential), a house; and West = RM-5 (Multiple-Family Residential) zoning, vacant lot.

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: "Applying for a mother-in-law guest house in Residential Estate district with greater than 1 acre, for use of mother and mother-in-law who are in their 80's. No impact on traffic."

Staff: This is a vacant lot. They want to build a house and a guest house on this lot, which exceeds one acre in area in the proposed RE (Estate Residential) zoning district. As per section 158.071 (C) (1) of the zoning code, a guest house is permitted as a special exception use in the RE (Estate Residential) zoning district. The access to this property is through Lookout Blvd., and is adequate to handle the traffic generated by the proposed guest house.

(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: "There is adequate parking space available with this 1.09 acre lot."

Staff: Staff agrees that there is space to accommodate parking. The survey sketch showing the proposed guest house is attached as Exhibit A. As per section 158.221 (C), (7) b, at least one guest parking space is required and is provided near the concrete driveway of the guest house as shown in the exhibit. As per the definition of the City's code, "a guest house is a dwelling unit in a building separate from and in addition to the main residential building on a lot, intended for intermittent or temporary occupancy by a nonpaying guest. However, those quarters shall not be rented or otherwise used as a separate dwelling." The front set back is approximately 129.9', rear set back is 109.41' (minimum), side set back is 15.2' on west and 15.25' on east and meets the code requirement.

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

Applicant: "The applicant states that the City of Port St. Lucie serves water to this development. Site is already served by existing utilities."

Staff: This property is connected to City water. It is understood that the individual landowner should have their own septic tank system and drainage system.

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

Applicant: "The adjacent property on west is vacant, and there is a house on the east side of this gated community. There is adequate buffering."

Staff: There are no trees on this property now. As per the City's Landscaping Code, §153.04 (M) this parcel of 1.09 acres shall contain a minimum of 18 trees selected from the approved tree list. Copy of the section is attached.

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

Applicant: "There is only residential outdoor lighting."

Staff: The applicant's response adequately addresses this criterion. This is not a commercial site.

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

Applicant: "With a 1.09 acre lot, there will be plenty of buffering and landscaping in keeping with area."

Staff: The house and the guest house has to comply the Zoning Code §158.071 RE (Estate Residential) Zoning District.

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

Applicant: "There are other guest houses and multiple dwellings in our community; which are allowed by our HOA."

Staff: The proposed guest house is a Special Exception Use as defined by §158.071 (C) (1) of the RE (Estate Residential) zoning district of the City's Land Development Regulations and shall conform to material and design of principal structure. A similar guest house was approved recently as a special exception use as per Resolution 11-R33 for Lot 1, Vikings Lookout. Also, as per Resolution 95-R59, a special exception use was approved to allow a guest house on Lot 15, Vikings Lookout.

(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: "There is no impact on community. There will be a main family house and a small mother-in-law house".

Staff: The proposed use is for the construction of a guest house on this property. The applicant intends to use this for guests/parents on intermittent basis. As per the definition of the City's code, "a guest house is a dwelling unit in a building separate from, and in addition to, the main residential building on a lot, intended for intermittent or temporary occupancy by a nonpaying guest. However, those quarters shall not be rented or otherwise used as a separate dwelling." This facility should not impair the health, safety, welfare, or convenience of residents and workers in the City.

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

Applicant: "There is no impact for private residential gated lot. There will be a main family house and a small mother-in-law house".

Staff: The guest house can be treated as an auxiliary use of the primary house. The proposed use should not constitute a nuisance or hazard.

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

Applicant: "The proposed guest house is in accordance with HOA and has HOA's approval."

Staff: The survey sketch for the house and guest house is attached as Exhibit A. The applicant has provided a consent letter from the HOA (see attached). The proposed guest house shall conform to material and design of principal structure. It should be compatible with the site itself, as well as with the adjacent properties.

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

The applicant has acknowledged this section.

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

The applicant has acknowledged this section.

Compatibility with special exception criteria: On January 23, 2012, the City Council approved the rezoning of this lot from RM-5 to RE as per Ordinance #12-02. The proposed guest house is a special exception use listed under §158.071 (C) (1) of the RE (Estate Residential) zoning district of the City's Land Development Regulations. It shall conform to material and design of principal structure and all criteria stipulated in an RE (Estate Residential) zoning district. As per the City's Landscaping Code, §153.04 (M) this parcel should have a minimum of 18 trees, selected from the approved tree list.

Other Similar Projects:

1. As per Ordinance 95-2, Lot 15 of Vikings Lookout had been rezoned from PUD zoning to RE (Estate Residential) zoning and as per Resolution 95-R59, a special exception use was approved to allow a guest house on this lot.
2. As per Ordinance 11-33, Lot 1 of Vikings Lookout had been rezoned from RM (5) zoning to RE (Estate Residential) zoning, and as per Resolution 11-R33, a special exception use was approved to allow a guest house on this lot.

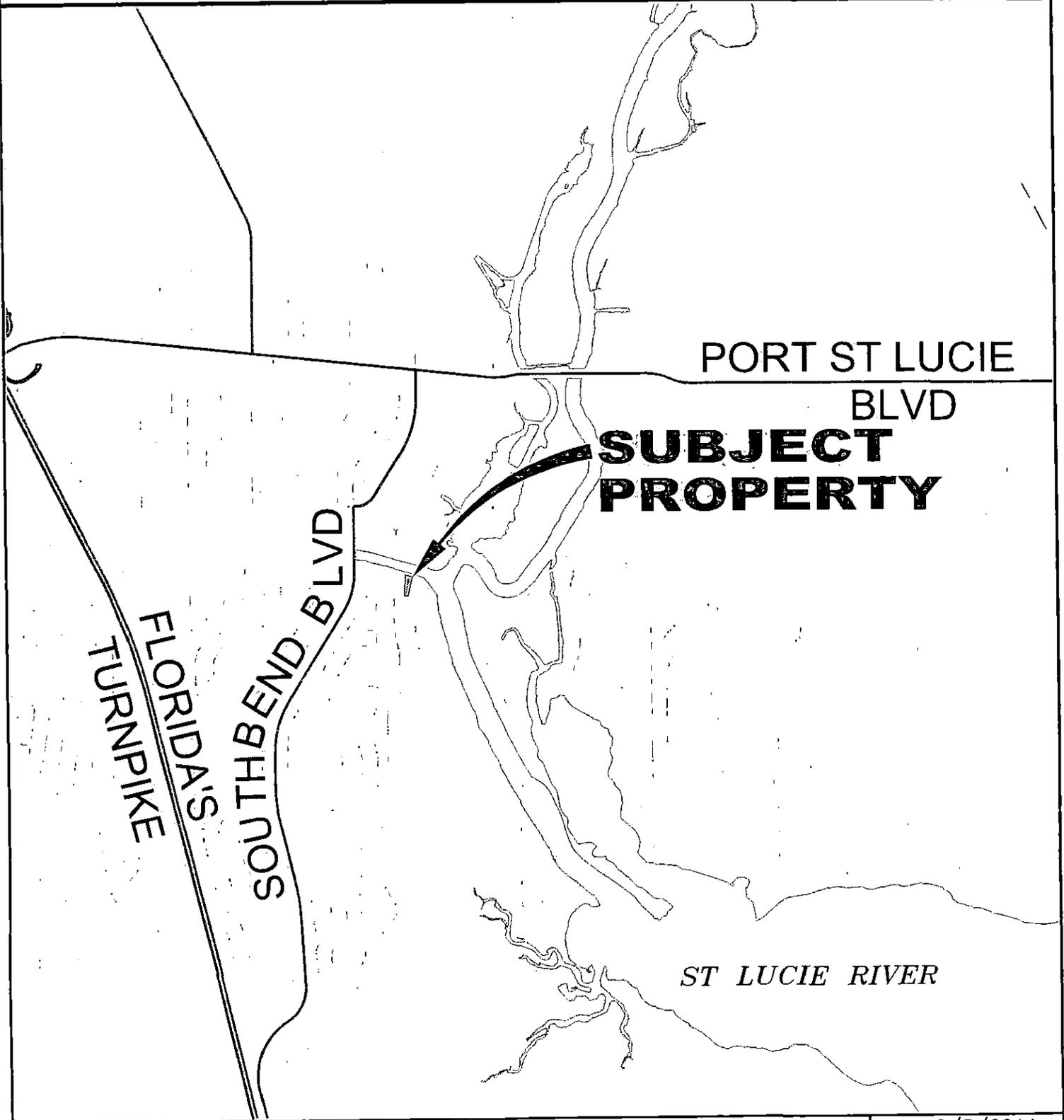
Notice to Property Owners: A notice has been sent to all property owners within a 300 foot radius.

STAFF RECOMMENDATION:

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

1. Development shall comply with all standards and regulations of the RE (Estate Residential) zoning district section 158.071, and all applicable policies of the Comprehensive Plan.
2. The guest house shall conform in appearance to material and design of principal structure.
3. There shall be a 50 foot rear set back from the backwater.
4. Guest house shall be used for intermittent or temporary occupancy by a nonpaying guest. Those quarters are not to be rented or otherwise used as a separate dwelling.
5. The applicant shall plant a minimum of 18 trees on this property, to bring the site into compliance with the Landscape Code Section 158.04 (M).

SITE LOCATION



CITY OF PORT ST. LUCIE
PLANNING & ZONING DEPT.

Prepared by:
M.I.S. DEPARTMENT

PZ2011.DWG

SPECIAL EXCEPTION USE
LOT 5
VIKINGS LOOK-OUT

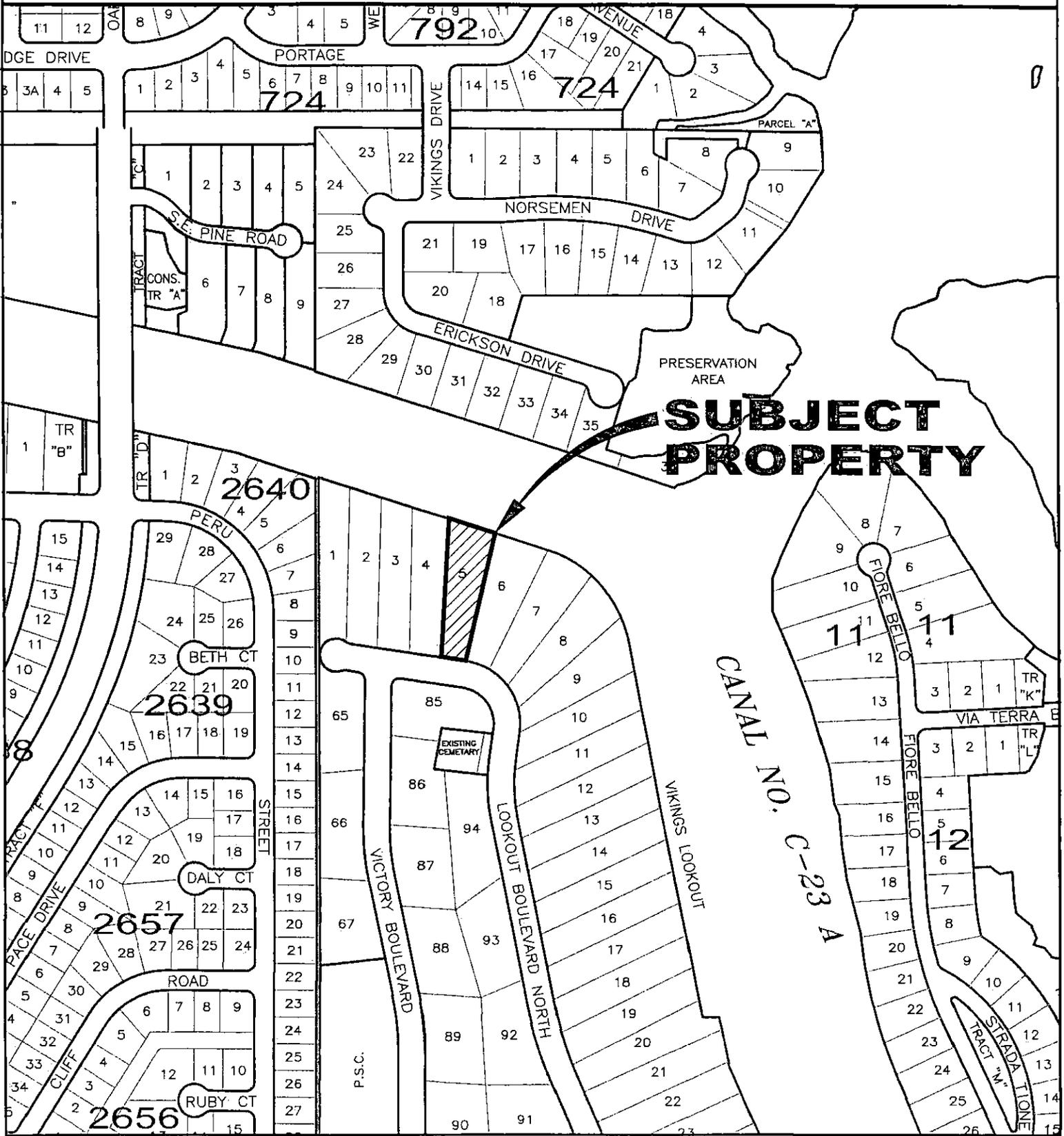
DATE: 12/5/2011

APPLICATION NUMBER:
P11-166

CADD FILE NAME:
P11-166L

SCALE: 1" = .5 MI

SITE LOCATION



**SUBJECT
PROPERTY**



CITY OF PORT ST. LUCIE
PLANNING & ZONING DEPT.

Prepared by:
M.I.S. DEPARTMENT

P22011.DWG

SPECIAL EXCEPTION USE

LOT 5

VIKINGS LOOK-OUT

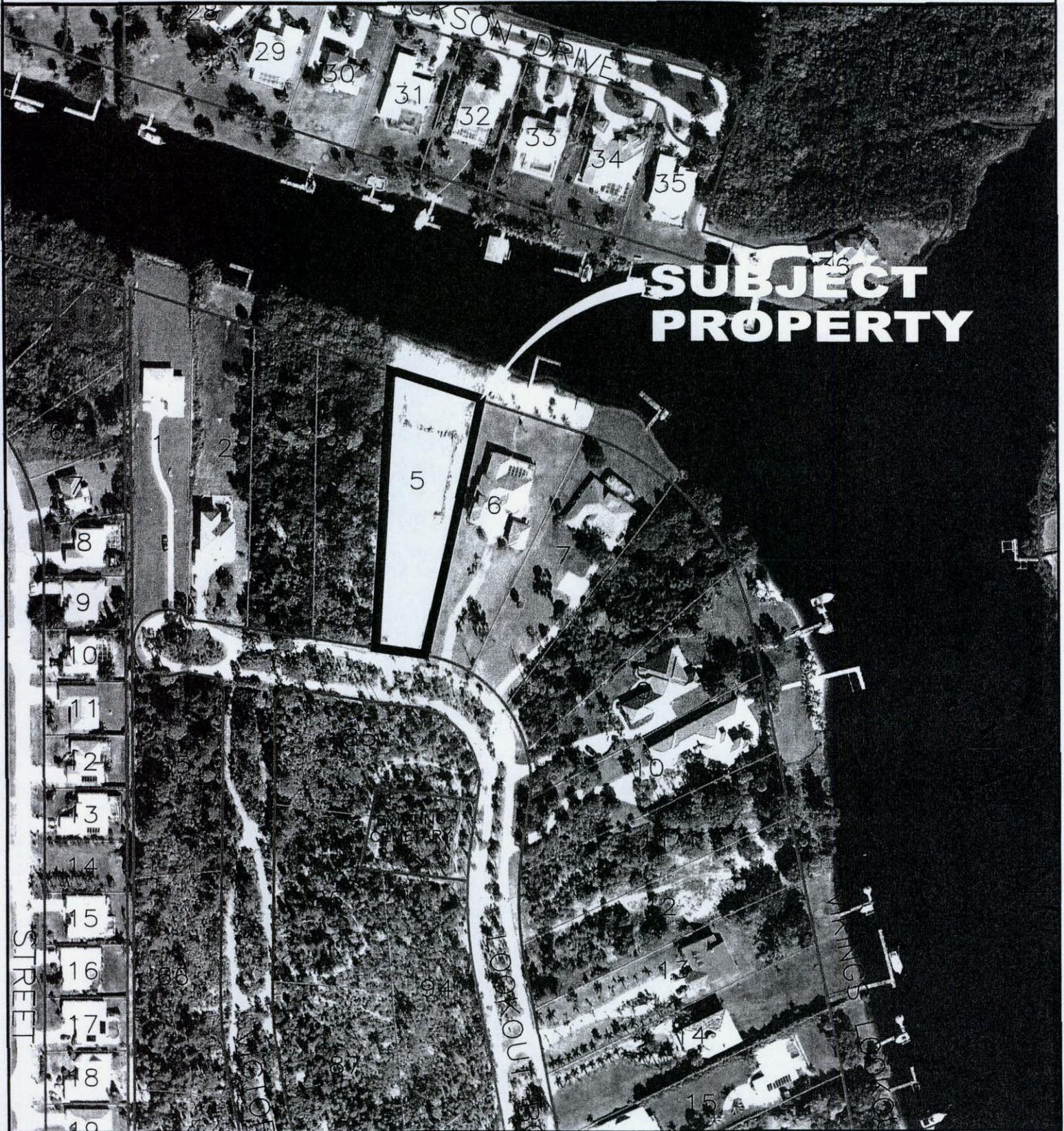
DATE: 12/5/2011

APPLICATION NUMBER:
P11-166

CADD FILE NAME:
P11-166M

SCALE: 1"=400'

SITE LOCATION



**SUBJECT
PROPERTY**



CITY OF PORT ST. LUCIE
PLANNING & ZONING DEPT.

Prepared by:
M.I.S. DEPARTMENT

PZ2011.DWG

SPECIAL EXCEPTION USE

LOT 5

VIKINGS LOOK-OUT

AERIAL DEC 2011

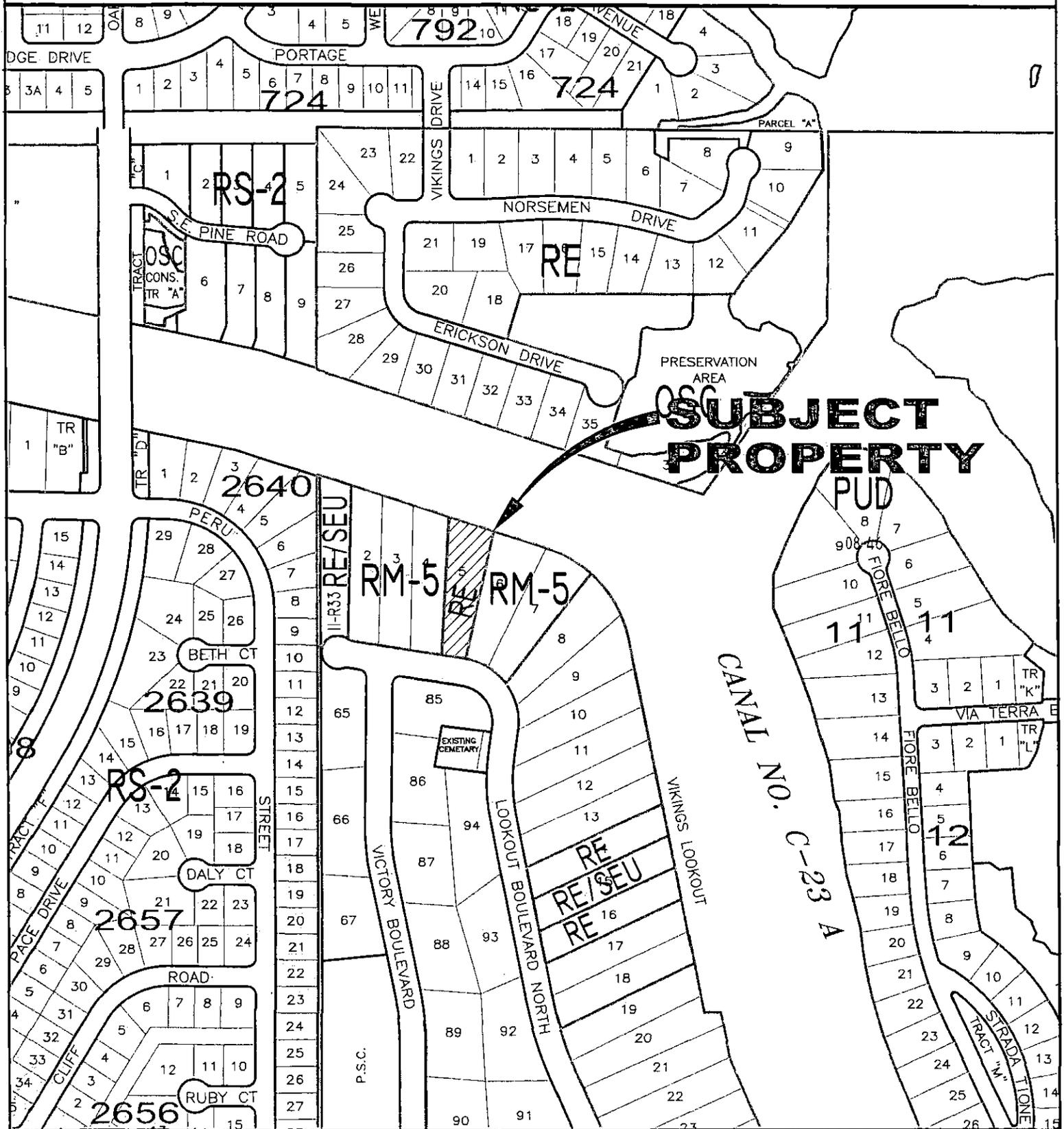
DATE: 12/5/2011

APPLICATION NUMBER:
P11-166

CADD FILE NAME:
P11-166A

SCALE: 1"=200'

EXISTING ZONING



SUBJECT PROPERTY



CITY OF PORT ST. LUCIE
PLANNING & ZONING DEPT.

Prepared by:
M.I.S. DEPARTMENT

PZ2011.DWG

SPECIAL EXCEPTION USE

LOT 5
VIKINGS LOOK-OUT

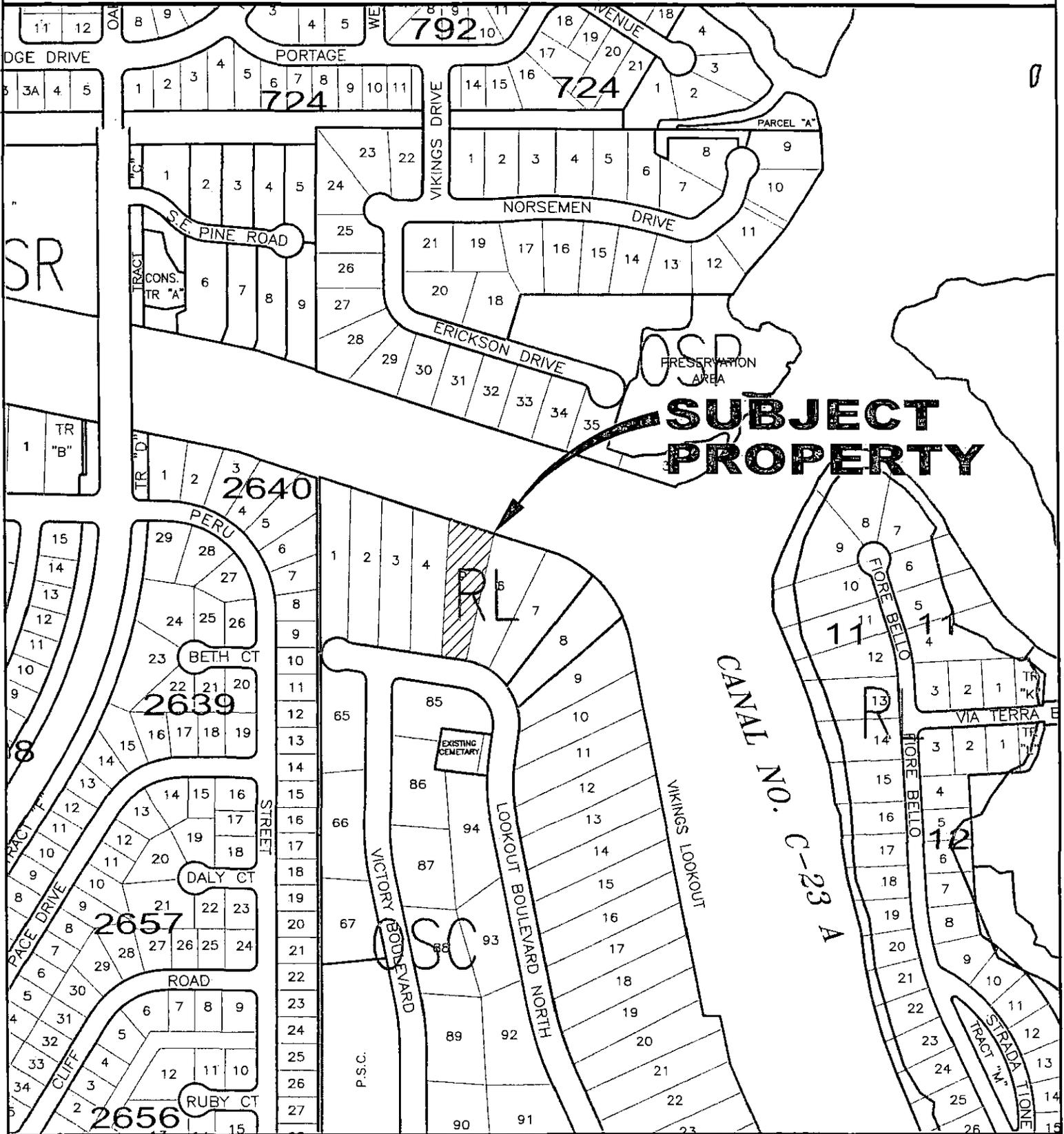
DATE: 1/23/2012

APPLICATION NUMBER:
P11-166

CADD FILE NAME:
P11-166M

SCALE: 1" = 400'

FUTURE LAND USE



CITY OF PORT ST. LUCIE
PLANNING & ZONING DEPT.

Prepared by:
M.I.S. DEPARTMENT

PZ2011.DWG

SPECIAL EXCEPTION USE
LOT 5
VIKINGS LOOK-OUT

DATE: 12/5/2011

APPLICATION NUMBER:
P11-166

CADD FILE NAME:
P11-166M

SCALE: 1" = 400'

APPLICATION FOR SPECIAL EXCEPTION IN USE

CITY OF PORT ST. LUCIE
Planning & Zoning Department
121 SW Port St. Lucie Blvd.
Port St. Lucie, Florida 34984
(772)871-5212 FAX: (772)871-5124

FOR OFFICE USE ONLY

Planning Dept. P11-166
Fee (Nonrefundable) \$2,115.00
Receipt # 11445

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.**

NOV 28 2011

PRIMARY CONTACT EMAIL ADDRESS:

PROPERTY OWNER:

PLANNING DEPARTMENT
CITY OF PORT ST. LUCIE, FL

Name: STEWART LANE & SUSANNE LANE
Address: 2709 SW ANN ARBOR ROAD
Telephone No.: 772 380 8844 Fax No.: 772 807 1957

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

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

SUBJECT PROPERTY:

Legal Description: LOT 5 VIKINGS LANDING, PHASE ONE
Parcel I.D Number: _____
Address: 2481 SE NORTH LOOKOUT BLVD Bays: _____
Development Name: _____ (Attach Sketch and/or Survey)
Gross Leasable Area (sq. ft.): _____ Assembly Area (sq. ft.): _____
Current Zoning Classification: _____ SEU Requested: _____

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

MY MOTHER AND MOTHER-IN-LAW ARE IN THEIR 80'S. I WISH TO BUILD A SMALL UNIT FOR THEM ADJACENT TO MY HOUSE SO THAT WE CAN BE CLOSE TO HELP, BUT THEY CAN ALSO HAVE SOME PRIVACY.

[Signature] STEWART LANE
[Signature] SUSANNE LANE
Signature of Applicant Hand Print Name Date 11/23/11

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\SEU\APPL (06/21/11)

SPECIAL EXCEPTION USES

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

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

APPLYING FOR MOTHER-IN-LAW GUEST HOUSE IN RESIDENTIAL DISTRICT WITH > 1 ACRE. FOR USE OF MOTHER & MOTHER IN LAW WHO ARE IN THEIR 80s. NO WAIT OR TRAFFIC

(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 PARKING SPACE AVAILABLE WITH 1.1 ACRE LOT.

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

SITE ALREADY SERVED BY CITY WATER AND ALL 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.

ADJOINING LOTS - 1 VACANT - 1 RESIDENTIAL IN A GATED COMMUNITY. WITH A 1.1 ACRE THERE IS ADEQUATE BUFFERING.

(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.

RESIDENTIAL OUTDOOR LIGHTING ONLY.

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

WITH A 1.1 ACRE LOT THERE IS PLENTY BUFFERING AND LANDSCAPING WILL BE IN KEEPING WITH AREA.

(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.

THERE ARE OTHER GUEST HOUSES AND MULTIPLE
APPLICANTS WHICH ARE ALLOWED BY OUR HOA.

(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.

NO IMPACT. PRIVATE GATED COMMUNITY
PRIVATE 1.1 ACRE LOT.

(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.

NO IMPACT ON COMMUNITY. PRIVATE GATED
COMMUNITY AND 1.1 ACRE LOT. ~~IS~~ FAMILY MAIN
HOUSE WITH MOTHER-IN-LAW SMALL ADDITION.

(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.

PROPOSED HOUSE AND MOTHER-IN-LAW GUEST HOUSE
IS IN ACCORDANCE WITH THE HOA GUIDELINES
AND HAVE HOA'S APPROVAL.


Signature of Applicant

STEWART LANG
SUSANNE LANG
Hand Print Name

11/23/11
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.

SPECIAL EXCEPTION USE

§ 158.260 REQUIREMENTS AND APPROVAL

Special Exceptions are uses that would only be allowed under certain conditions and are required to be compatible with the existing neighborhood. It is expected that any such approval be implemented in a timely manner to ensure the use is established under the physical conditions of the area in place when approved. Therefore, Special Exception Uses shall expire after one year on the date of approval unless the applicant has received final site plan approval, or if a site plan is not required, the appropriate permits to allow development of the use to continue as approved.

Approval of a special exception application shall be granted by the City Council only upon a finding that:

- (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.
- (B) Adequate off-street parking and loading areas may be provided, without creating undue noise, glare, odor or other detrimental effects upon adjoining properties.
- (C) Adequate and properly located utilities are available or may be reasonably provided to serve the proposed development.
- (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.
- (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.
- (F) Yards and open spaces will be adequate to properly serve the proposed development and to ensure compatibility with adjoining properties.
- (G) The use as proposed will be in conformance with all stated provisions and requirements of this chapter.
- (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.
- (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.
- (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:

(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.

Prepared by and Return to:
Melissa Alexis Chluski, P.A.
Law Offices of Melissa A. Chluski
1101 S. Rogers Circle #3
Boca Raton, FL 33487
561-912-0049

Page 1 of 2

WARRANTY DEED

This indenture made on **June 6TH, 2011** A.D., by **MARK LACHO**, whose address is: 1110 SW 15TH St, BOCA RATON, FL 33486, hereinafter called the "grantor", to **STEWART J. LANG & SUSANNE M. LANG**, a married couple whose address is: 2481 SE NORTH LOOKOUT, PORT ST. LUCIE, FL 34984 hereinafter called the "grantee":

(Which terms "Grantor" and "Grantee" shall include singular or plural, corporation or individual, and either sex, and shall include heirs, legal representatives, successors and assigns of the same)

Witnesseth, that the grantor, for and in consideration of the sum of Ten Dollars, (\$10.00) 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, **Florida**, to-wit:

VIKINGS LOOKOUT-PHASE ONE- LOT 5(OR 3154-2721) thereof recorded in Official Records Book 3154, Page 2721, of the Public Records of St. Lucie County, Florida.

Parcel Identification Number: 4415-602-0008-000-0

Street Address: 2481 SE NORTH LOOKOUT, PORT ST. LUCIE, FL 34984

Subject to all reservations, covenants, conditions, restrictions and easements of record and to all applicable zoning ordinances and/or restrictions imposed by governmental authorities, if any.

Together with all the tenements, hereditaments and appurtenances thereto belonging or in any way appertaining.

To Have and to Hold, the same in fee simple forever.

And the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants 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 31st of 2009.



A U.S. DEPARTMENT OF HOUSING & URBAN DEVELOPMENT SETTLEMENT STATEMENT		B. TYPE OF LOAN: 1. <input type="checkbox"/> FHA 2. <input type="checkbox"/> FmHA 3. <input type="checkbox"/> CONV. UNINS. 4. <input type="checkbox"/> VA 5. <input type="checkbox"/> CONV. INS.				
		6. FILE NUMBER:		7. LOAN NUMBER:		
		8. MORTGAGE INS CASE NUMBER:				
C. NOTE: This form is furnished to give you a statement of actual settlement costs. Amounts paid to and by the settlement agent are shown. Items marked "POC" were paid outside the closing; they are shown here for informational purposes and are not included in the totals.						
D. NAME AND ADDRESS OF BORROWER: STEWART J. LANG SUSANNE M. LANG 2481 SE NORTH LOOKOUT PORT ST. LUCIE, FL 34984		E. NAME AND ADDRESS OF SELLER: MARK LACHO 1110 SW 16TH ST BOCA RATON, FL 33486		F. NAME AND ADDRESS OF LENDER:		
G. PROPERTY LOCATION: 2481 SE NORTH LOOKOUT PORT ST. LUCIE, FL 34984 ST. LUCIE County, Florida VIKINGS LOOKOUT-PHASE ONE- LOT		H. SETTLEMENT AGENT: 20-2689147 Melissa Alexis Chluski, P.A. PLACE OF SETTLEMENT: 1101 S Rogers Circle, Ste #3 Boca Raton, FL 33487		I. SETTLEMENT DATE: June 8, 2011		
J. SUMMARY OF BORROWER'S TRANSACTION			K. SUMMARY OF SELLER'S TRANSACTION			
100. GROSS AMOUNT DUE FROM BORROWER:			400. GROSS AMOUNT DUE TO SELLER:			
101. Contract Sales Price		245,000.00	401. Contract Sales Price		245,000.00	
102. Personal Property			402. Personal Property			
103. Settlement Charges to Borrower (Line 1400)		400.00	403.			
104.			404.			
105.			405.			
<i>Adjustments For Items Paid By Seller in advance</i>			<i>Adjustments For Items Paid By Seller in advance</i>			
106. City/Town Taxes	to		406. City/Town Taxes	to		
107. County Taxes	to		407. County Taxes	to		
108. Assessments	06/09/11 to 06/30/11	28.77	408. Assessments	06/09/11 to 06/30/11	28.77	
109.			409.			
110.			410.			
111.		500.00	411.			
112. VLPOA 2011-2012 Assessment			412.			
120. GROSS AMOUNT DUE FROM BORROWER		245,928.77	420. GROSS AMOUNT DUE TO SELLER		245,028.77	
200. AMOUNTS PAID BY OR IN BEHALF OF BORROWER:			500. REDUCTIONS IN AMOUNT DUE TO SELLER:			
201. Deposit or earnest money		5,000.00	501. Excess Deposit (See Instructions)			
202. Principal Amount of New Loan(s)			502. Settlement Charges to Seller (Line 1400)		10,583.50	
203. Existing loan(s) taken subject to			503. Existing loan(s) taken subject to			
204.			504. Payoff of first Mortgage			
205.			505. Payoff of second Mortgage			
206.			506.			
207.			507. (Deposit disb. as proceeds)			
208.			508.			
209.			509.			
<i>Adjustments For Items Unpaid By Seller</i>			<i>Adjustments For Items Unpaid By Seller</i>			
210. City/Town Taxes	to		510. City/Town Taxes	to		
211. County Taxes	01/01/11 to 06/09/11	2,975.55	511. County Taxes	01/01/11 to 06/09/11	2,975.55	
212. Assessments	to		512. Assessments	to		
213.			513.			
214.			514.			
215.			515.			
216.			516.			
217.			517.			
218.			518.			
219.			519.			
220. TOTAL PAID BY/FOR BORROWER		7,975.55	520. TOTAL REDUCTION AMOUNT DUE SELLER		13,559.05	
300. CASH AT SETTLEMENT FROM TO BORROWER:			600. CASH AT SETTLEMENT TO/FROM SELLER:			
301. Gross Amount Due From Borrower (Line 120)		245,928.77	601. Gross Amount Due To Seller (Line 420)		245,028.77	
302. Less Amount Paid By/For Borrower (Line 220)		(7,975.55)	602. Less Reductions Due Seller (Line 520)		(13,559.05)	
303. CASH (X FROM) (TO) BORROWER		237,953.22	603. CASH (X TO) (FROM) SELLER		231,469.72	

The undersigned hereby acknowledge receipt of a completed copy of pages 1&2 of this statement & any attachments referred to herein.

Borrower

STEWART J. LANG
SUSANNE M. LANG

Seller

MARK LACHO

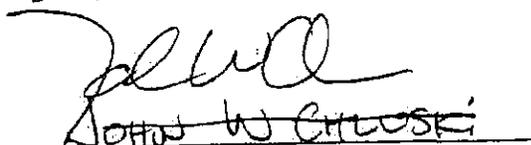
In Witness Whereof, the grantor has hereunto set their hand(s) and seal(s) the day and year first above written.

SELLER(S)



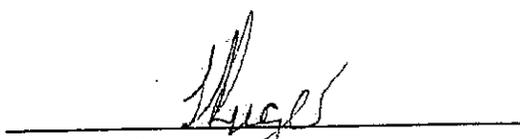
MARK LACHO

Signed, sealed and delivered in our presence:



Witness Signature

Print Name: JOHN W. CHRUSKI



Witness Signature

Print Name: LUAN KRUGER

State of **FLORIDA**

County of **PALM BEACH**

The foregoing instrument was acknowledged before me this **6TH** day of **June, 2011**, by **MARK LACHO**, who is personally known to me or who has produced _____ state drivers licenses and who did / did not take an oath.



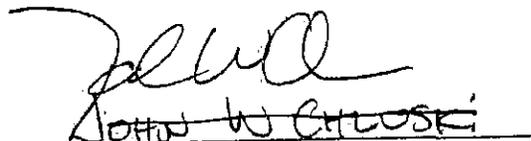
In Witness Whereof, the grantor has hereunto set their hand(s) and seal(s) the day and year first above written.

SELLER(S)



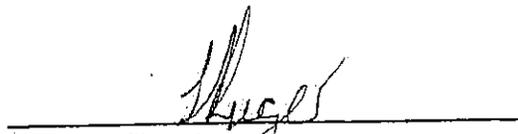
MARK LACHO

Signed, sealed and delivered in our presence:



Witness Signature

Print Name: John W. Chluski



Witness Signature

Print Name: LUAN KRUGER

State of FLORIDA

County of PALM BEACH

The foregoing instrument was acknowledged before me this 6TH day of June, 2011, by MARK LACHO, who is personally known to me or who has produced _____ state drivers licenses and who did / did not take an oath.

NOTARY PUBLIC STATE OF FLORIDA
John W. Chluski
Commission # DD991310
Expires: MAY 12, 2014
BONDED THRU ATLANTIC BONDING CO., INC.

NOTARY PUBLIC STATE OF FLORIDA
John W. Chluski
Commission # DD991310
Expires: MAY 12, 2014
BONDED THRU ATLANTIC BONDING CO., INC.



NOTARY PUBLIC

Notary Print Name
My Commission Expires: _____

Vikings Lookout Property Owners Association
P.O. Box 7686
Port St. Lucie, Florida 34984

Pt. St Lucie
Planning Zoning Dept.,

RECEIVED
JAN 23 2012
PLANNING DEPARTMENT
CITY OF PORT ST LUCIE FL

19 Jan. 2012

Ref, 2481 SE Lookout Blvd., 34984

Dear Sir,

The Board of Directors of the Vikings Lookout Property Owners Association has examined the site plan for the house and guest house on the above property, LOT 5, as proposed by Mr Lang.

The house and guest house comply with the Associations covenants and the method of draining the property is also acceptable to the Association.

All proposed construction conforms to our requirements.

Sincerely,



Ron Price
President, Board of Directors
Vikings Lookout Property Owners Association
772-349-2401