

A RESOLUTION GRANTING A SPECIAL EXCEPTION USE PROVIDED FOR IN SECTION 158.124 (C) (11) TO ALLOW AN AUTOMOBILE REPAIR FACILITY IN THE CG (GENERAL COMMERCIAL) ZONING DISTRICT FOR SANDPIPER PETROLEUM, LLC, LOCATED AT 2780 SE MORNINGSIDE BOULEVARD AND LEGALLY DESCRIBED AS A PORTION OF SECTION 14, TOWNSHIP 37 SOUTH, RANGE 40 EAST, P12-010; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Port St. Lucie, Florida, has been requested by Sandpiper Petroleum, LLC, to grant a special exception use of an automobile repair facility on property presently zoned CG (General Commercial); located at 2780 SE Morningside Blvd., and legally described as a portion of Section 14, Township 37 South, Range 40 West; and

WHEREAS, the City Council determines that the granting of this special exception use is authorized by Section 158.255, et seq., and Section 158.124 (C) (11), 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 March 6, 2012 made a recommendation on P12-010.

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

RESOLUTION NO. 12-R67

Section 1. That the City of Port St. Lucie hereby grants a special exception use to Sandpiper Petroleum, LLC, P12-010, to allow an automobile repair facility, pursuant to Section 158.255, et seq., and Section 158.124 (C) (11), 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 2780 SE Morningside Blvd., and legally described as a portion of Section 14, Range 40 East, Township 37 South subject to the following conditions:

1. The three (3) parking spaces created east of the building shall be relocated further east to create a drive aisle that is at least 26 feet.
2. All storage on this site is required to be located within the existing building. No open storage of any kind is permitted outside.
3. A parking plan shall be submitted to the city for review and then implementation.
4. A dumpster enclosure shall be constructed that meets the City's current code requirement.

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

<<<Remainder of this page intentionally left Blank>>>

RESOLUTION NO. 12-R67

PASSED AND APPROVED by the City Council of the City of Port St. Lucie,
Florida, this 25th day of June, 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: JUNE 25, 2012

ORDINANCE RESOLUTION X MOTION PUBLIC HEARING X

ITEM: *P12-010 Sandpiper Petroleum
Special Exception Use Application*

RECOMMENDED ACTION:

On June 5, 2012, the Planning and Zoning Board with a vote of 6-1 recommended that City Council approve this special exception use application with the added condition that a dumpster enclosure shall be constructed that meets the City's current code requirement. Planning and Zoning Board minutes from the March 6, 2012, and June 5, 2012 meetings have been included in the staff report.

EXHIBITS:

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

SUMMARY EXPLANATION/BACKGROUND INFORMATION:

To allow an automobile repair facility to operate in a CG (General Commercial) zoning district as permitted per §158.124 (C) (11).

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

None.

SUBMITTING DEPARTMENT: PLANNING and ZONING

DATE: 06/11/12

John Finizio

From: April Stoncius
Sent: Thursday, June 07, 2012 11:00 AM
To: John Finizio
Subject: RE: Sandpiper Petroleum

Good morning,

Here are the section of minutes that you requested.

**PLANNING AND ZONING BOARD MEETING MINUTES
 5, 2012**

JUNE

E. P12-010 SANDPIPER PETROLEUM – SPECIAL EXCEPTION USE

Mr. Finizio said, "This application was originally heard at the March 6, 2012, Planning and Zoning Board meeting where the item was tabled by the Board. The applicant and owner is Sandpiper Petroleum, LLC. The property is located at 2780 SE Morningside Boulevard. The site is approximately 0.64 acres or 28,060 square feet. The existing zoning is General Commercial. The existing use is a vacant gas station with three service bays. The requested Special Exception is to allow an automobile repair facility to operate in a General Commercial Zoning District. The major issues at the March 6, 2012, meeting were lack of landscaping and striping for the required parking spaces. There are some issues regarding a grease interceptor on the site. Since there is a septic system on the property, a grease interceptor is recommended, but not mandatory by the City's Utility Department. Striping for the parking spaces has been provided. Unfortunately, these spaces do not meet the parking requirements outlined in the Zoning Code. In particular, the drive isle created is much less than the required 26 feet. Therefore, it is recommended that the three parking spaces created in front of the service bays be relocated further east to create a drive isle that is at least 26 feet. Another issue which has come up is open storage. It is not a permitted use in the General Commercial Zoning District. At the time of the staff report, several drums were being stored outside towards the rear of the property. These drums have since been removed. However, tires are now being stored under the metal overhang at the rear of the building. This area still has open storage, which is not permitted."

Mr. Finizio continued, "Since the initial hearing, the applicant had three months to address these issues identified in the report. The issues identified are parking and open storage. Therefore, staff recommends that this item be tabled until the following conditions have been satisfactorily addressed:

1. The three (3) parking spaces created east of the building shall be relocated further east to create a drive aisle that is at least 26 feet.
-
2. All storage on this site is required to be located within the existing building. No open storage of any kind is permitted outside.
-
3. A parking plan shall be submitted to the City for review and then implementation.
-

The parking space striping that has been installed is not up to City Code, and has created an unsafe situation that should be corrected immediately. As of this past week, the landscaping has

been installed.” Vice Chair Martin inquired, “The deviation radius is for a turnaround?” Mr. Finizio responded, “Not a turnaround per se, but it is for a drive isle. According to the Code, it needs to be at least 26 feet. The parking spaces that were created in the front of the service bays and the handicapped parking space that was created in front of the building, do not meet the 26 feet requirement.” Vice Chair Martin asked, “Is it 25 feet?” Mr. Finizio replied, “I don’t know, because I didn’t measure it to be honest. It is grossly under the 26 feet.” Vice Chair Martin clarified, “You can’t tell us the deviation from what it should be to what it is today.” Mr. Finizio said, “No. I’m sorry, I cannot. When the Special Exception was first brought to your attention in March, there was no striping for parking. This is new striping, but I did not measure the distance.” Chair Blazak questioned, “Do they have the ability to meet the new Codes?” Mr. Finizio answered, “They do. If you look in the staff report, there is a big gap between the parking and the property line.” Vice Chair Martin remarked, “If he striped that portion, the drive isle will be sufficient.” Mr. Finizio replied in the affirmative. Vice Chair Martin said, “The only real concern with this SEU is the open storage.” Mr. Finizio commented, “Correct.” Vice Chair Martin stated, “He has taking care of the landscaping, but he still has outside storage.”

NORMAN ZLINKOFF, Sandpiper Petroleum, LLC, said, “I hope that we have complied with everything. I was involved with the landscaping, and it is fantastic. As far as the striping, David Thornton, a general contractor, has been taking care of it.”

DAVID THORNTON, general contractor, said, “I am representing Mr. Zlinkoff with Sandpiper Petroleum. The issues as far as the landscaping are completed. We have since moved the three spaces that didn’t allow the 26 feet between the handicapped spot and the general public parking. There was not enough space to adequately pull out into the lane. I didn’t measure it either, but it clearly wasn’t 26 feet. We put parking spaces on the east side of the property against the new landscaping, as there is plenty of room. There is still enough room for the trucks to enter to dump the Dumpster. If it becomes a problem, we can move the Dumpster on the pad in corner of the open building, if necessary. For now, I think it will work where it is. The outside storage has been addressed about five times, and every time I look there is more stuff there. We are going to address it. I understand that there is to be no outside storage. One of the things that is very important for us is to keep the gentleman that is operating as a mechanic in there. If we don’t get your approval today, we are going to have to shut it down. Mr. Zlinkoff has spent a lot of money, as the property was run down a few years ago. We have tried hard, and it is a lot better looking than it has been. We are ready to pump fuel. We have spent \$150,000 on tanks, and \$75,000 on miscellaneous stuff, but we have yet to pump any fuel, besides into our vehicles. We are ready, and this is the only hurdle that we have for the mechanic facility. The Site Plan for this property was for a big expansion. It was cheaper for us to adhere to some of the criteria and conditions on this Site Plan to try to get it approved. We want to open the three bays for the gentleman that is working on cars. Up until this point, this property has never made a dime. We are trying to have something to create a desire for a big gas supplier in the nation to buy the place.” Mr. Zlinkoff remarked, “We are very happy to have a mechanic for people in the neighborhood.” Mr. Thornton stated, “I’m surprised that the Sandpiper community is not here supporting us today. We hope that you will take everything into consideration.”

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

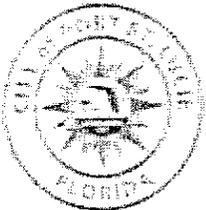
Mr. Garrett inquired, “Mr. Finizio, doesn’t our current Code require a Dumpster enclosure and screening? I believe it is shown on the Site Plan.” Mr. Finizio responded, “The Dumpster enclosures are requirements of the Code today, but this site was originally developed in the 1970’s. Even though they had a Site Plan that was amended in 2007, they never implemented that plan.” Mr. Garrett said, “I would have a concern granting the Special Exception for a use that isn’t as Code compliant as possible in today’s standards. I commend the applicant for enhancing the property and installing landscaping, that I assume is per the previously approved Landscape Plan.” Mr. Finizio advised, “That is the only one we

had on record that wasn't an approved plan." Mr. Garrett said, "I would think it would be relatively easy to bring the Dumpster up to today's standards. I'm in support of this, but I would like to request the Dumpster enclosure condition." Vice Chair Martin asked, "What about the surface area? It looks like dirt, so is that going to be sufficient for parking surface areas." Mr. Finizio explained, "No. The parking has to be paved, and most of the site is asphalt." Chair Blazak said, "Mr. Finizio, you stated that this facility is on a septic tank. Is there sewer available?" Mr. Finizio responded, "There is." Chair Blazak asked, "Can we have a condition that they connect within a year, as it is a commercial establishment?" Mr. Finizio explained, "One of the reasons why they didn't implement the new Site Plan was because hooking up to utilities is very expensive." Mr. Thornton stated, "We would have to cross the road to connect to the sewer, which would be very expensive. Eventually, they will have to connect, but currently the septic is sufficient for their use."

Mr. Garrett **moved** to recommend approval of P12-010, Sandpiper Petroleum, Special Exception Use, with the condition that it be brought up to the current Dumpster requirement. Mr. Battle **seconded** the motion, which **passed** by roll call vote with Mr. Garrett, Mr. Battle, Secretary Ojito, Vice Chair Martin, Chair Blazak, and Ms. MacKenzie voting in favor, and Ms. Parks voting against.

Thanks,

*April C. Stoncius
Deputy City Clerk
City of Port St. Lucie
121 SW Pt. St. Lucie Blvd.
Port. St. Lucie, FL 34984
(772) 344-4296
astoncius@cityofpsl.com*



"A City for All Ages"



From: John Finizio
Sent: Wednesday, June 06, 2012 11:30 AM
To: April Stoncius

Subject: Sandpiper Petroleum

Good Morning April,

Since the P&Z Board added a condition to the special exception for Sandpiper, I think it wise to include the minutes into my report for CC. Therefore, when you get the opportunity, can you get the minutes for Sandpiper Petroleum (P12-010). If you have any question, do not hesitate to contact me. Thank you.

John

linen service for Club Med and hotels, and they are a growing business. They found a bigger piece of property and asked me about the zoning. I was surprised to see that it was not okay. It wasn't specific to that use. I didn't see a problem. It seems consistent to everything in Industrial areas, so I thought it appropriate to add this to the category." Chair Parks asked why the category doesn't list laundry facilities and dry cleaning. Mr. Holbrook replied, "The applicant's request was only for laundry. Because of the City's concerns we added the definition."

Chair Parks opened the Public Hearing. There being no comments, Chair Parks closed the Public Hearing. Mr. Garrett asked, "Is there a need to clarify that this excludes dry cleaning? It doesn't state how the items are laundered." Mr. Holbrook answered, "Since the use is already called out within the Zoning Code and it is not tied specifically to this use, I feel this is sufficient. The board may add it as a condition. A dry cleaning business would have to find the appropriate zoning and then make application. One thing we look at with use is whether it is defined within the City's Zoning Code. Dry cleaning is, so we would direct people to those districts." Mr. Blazak **moved** to recommend approval of P12-008. Mr. Battle **seconded** the motion, which **passed unanimously** by voice vote.

F. P12-010 SANDPIPER PETROLEUM - SPECIAL EXCEPTION USE

Mr. Finizio said, "This is a special exception use application from Sandpiper Petroleum, LLC. The property is located at 2780 SE Morningside Boulevard, on the north side of Morningside, just west of Westmoreland. The site is approximately 0.64 acres in size. The existing zoning is General Commercial. The requested special exception is to allow an automobile repair facility to operate in the General Commercial Zoning District. This is an older site and there are concerns that need to be addressed, in particular traffic movement. The site was originally designed with two access points onto Morningside. These points act in concert to create two one-way driveways. To ensure safe traffic flow, do not enter signs, stop signs, stop bars, and right turn only signs will need to be installed. The signage will become even more important once the service station becomes operational."

Mr. Finizio continued, "Section 158.221(C)(1), Amount of Off Street Parking Required, requires three parking spaces per service bay. The current building has three service bays, which would require at least nine parking spaces. The site does appear to have the space for these parking spaces. However, there are not striped parking spaces. The striping for the required spaces

shall be completed in accordance with Section 158.221. Except for a six foot berm running along the north and west property lines, the site is devoid of any landscaping. It does not provide the required screening or buffering. There is an approved Landscape Plan associated with the last approved Site Plan. To provide the necessary buffering and screening, the required landscaping will need to be installed. I was informed this morning that I didn't include the Landscape Plan in my staff report, so I have copies for the board. That will be included in the staff report for City Council."

Mr. Finizio said, "The proposed special exception use for automobile repair is permitted as defined by Section 158.124(C)(11) and will conform to all provisions of the City's Land Development Regulations. An auto repair facility has existed on this site for a number of years. Staff believes that re-establishing this use will not have undue influence on the welfare of the neighborhood, and that by conforming to all City Codes the facility will not constitute a nuisance or hazard for anyone using the site. This project is located in a commercial area of the City, and the adjacent uses are compatible with the requested special exception use. Once all conditions are addressed the application will be compatible with the zoning requirements for a special exception use in the General Commercial Zoning District. 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 conditions as follows:

1. The striping for the required parking spaces shall be completed in accordance with Section 158.221, Off Street Parking and Lighting; Handicap Parking Spaces.
2. All landscaping as it appears on the last approved Landscape Plan shall be installed within 60 days of approval.
3. The site is inspected by the City's Utility Department to ensure that a grease interceptor has been installed on site, which the Department does require."

Mr. Finizio noted, "This property has never been properly subdivided. Therefore, prior to any changes to the existing Site Plan if any are proposed, a subdivision application will need to be completed to legally subdivide the property. There is one letter of objection to this project, and it was included in the staff report."

Chair Parks asked, "Does the Landscape Plan meet Condition 2 in the staff recommendation?" Mr. Finizio replied in the affirmative. Chair Parks asked if that cancels the condition.

Mr. Finizio explained, "That is the plan they can use. There was a Site Plan submitted in 2007, which was approved. Part of that has expired because it was never implemented. This is the original Landscape Plan that was approved." Chair Parks asked about the signs. Mr. Finizio explained, "I didn't make those a condition of approval, because the signs were on the Site Plan that has expired." Mr. Garrett said, "I assume the Landscape Plan was approved previously with the Site Plan that subsequently expired. Do you know if the Landscape Plan is compatible with today's Codes?" Mr. Finizio answered, "I did not review it for that. It should be fine." Mr. Garrett suggested, "Perhaps the condition could be amended to make sure it's compatible with today's Codes."

NORMAN ZLINKOFF, managing member of Sandpiper Petroleum, LLC, said, "There are no homes adjacent to the property. There will be a tiny bit of noise, because mostly everything is done within the bays. One thing appears to be a technicality. I'm looking for a special exception use because going back to 1972 this was an auto repair place. After the hurricane of 2004, that may have changed. But the previous owner, John Picano, who lost this through a mortgage foreclosure, was doing repairs there. Really this is just being what it always was. There is no change. There is very little grass area there, except on the road easement. I don't think you want plantings on the road easement. If you will show me the Landscape Plan, I feel confident that I can comply." Chair Parks asked Mr. Finizio to make sure Mr. Zlinkoff has all the information.

Chair Parks opened the Public Hearing.

JOSEPH VISCONTI said, "I'm the developer who took over Tesoro Preserve about two years ago and took over the development rights. I am also a homeowner within the project. We're turning the place around. We own the 7.5 acres that directly surround the gas station. We have a lot of mixed use plans on the drawing board. This site is completely unsafe. They are operating now; there are cars being worked on out of the bays on blocks in front of the station. It's very noisy. I think we're dealing with an environmental issue. There is no way to get in and out safely. There are houses within 100 feet of it. There is also a children's center on the corner within 150 feet. I urge you to vote against this." Chair Parks asked, "Do you own the property that is Tract A, Plat 4?" Mr. Visconti replied in the affirmative. Chair Parks asked if there is a wetland. Mr. Visconti replied, "There are uplands and wetlands throughout the community. There is a wetland further down Morningside."

DEBBIE HASS said, "I'm the property manager for Tesoro Preserve Development. The main selling point of our property is the natural preserved state of the development. It's possible that we may develop Tract A as residential. It does back up to our wetland preserves. We would like to keep it in the state it's in now. The change isn't consistent with the current zoning of the neighborhood. Noise, fumes, and lighting resulting from the change would affect our ability to use the property as we have envisioned it. This is a residential neighborhood, not a commercial or industrial area. We object to granting of this special exception use."

There being no further comments, Chair Parks closed the Public Hearing. Mr. Gardner said, "I completely understand where the last two people who spoke are coming from. They're trying to preserve the integrity of the neighborhood. I do want to point out that the service station has been there since 1972, far before Tesoro was. There is a happy medium. The station could be brought up to today's standards. Since it was existing, they stake their claim first." Mr. Garrett asked if the applicant has had any outreach to the adjacent property owners' association. Mr. Zlinkoff said, "I didn't hear the question, but I will say that we have kept our City licenses up. I don't know the people in Tesoro. The houses are a long way from Morningside. The people in the old neighborhood want to know when we're going to pump gas. We had the tank calibration tested and it was fine. There was too much water in the gas, so we haven't been pumping." Mr. Visconti said, "There has been no outreach from the applicant. I found out about this by the notice in the mail."

Mr. Garrett said, "If I understand correctly, the only use they're permitted for currently is the gas station use. A convenience store is also not permitted currently." Mr. Finizio said, "They received a special exception use for that, but it expired after a year." Mr. Blazak asked about the parcel. Mr. Finizio explained, "It wasn't properly subdivided. Prior to any Site Plans coming in, a subdivision plat would have to be submitted. They don't need a Site Plan to open the auto repair facility. If they want to make changes to the site, then yes." Mr. Blazak asked, "Is this a valid piece of property to approve a special exception for?" Mr. Finizio replied in the affirmative.

Mr. Holbrook said, "With that note the staff report is putting the property owner on notice that they are not in compliance with the Subdivision Code. This application can be considered by this board and the City Council." Chair Parks said, "There are open bays and things being stored outside. Is there any thought

to fencing along the east side?" Mr. Finizio said, "The idea of a fence would have to come from the owner; it's not required. Outdoor storage is not permitted. Working on cars outside wouldn't be approved. It is a Code Enforcement issue." Vice Chair Rooksberry asked if they have accepted the staff recommendations. Mr. Finizio said that he has not spoken with them since they submitted the application. (Clerk's Note: Mr. Finizio had a discussion with Mr. Zlinkoff which couldn't be heard.) Vice Chair Rooksberry continued, "The landscaping would help the appearance." Mr. Finizio said, "The answer is yes. He said he didn't receive a copy of the staff report. I gave him a copy." Vice Chair Rooksberry observed, "Accepting and doing are two different things. What happens if the landscaping isn't done?" Mr. Finizio answered, "I'm holding off on approving a zoning compliance based on his business tax application. If the work isn't done, it doesn't receive approval and cannot operate legally." Mr. Holbrook added, "If the business continues to operate without meeting the conditions of approval we will forward that to Code Enforcement, which will go to the Special Magistrate. The City does have mechanisms to address the concerns. I want to address some other items. Open storage is not permitted in this Zoning District. If there are items that qualify as open storage, those will need to be stored appropriately. They can have cars parked on site, providing there are parking spaces. Part of the nature of the businesses that have been approved is to have vehicles coming in and out of the facility. One reason we noted the landscaping is that it is not current according to the approved plans and needs to be brought up to that standard. It would provide an additional buffer, addressing issues of compatibility and visibility. Parking could be encouraged to the north or rear of the property. Concerns have been addressed by residents about having the use on site. There are things the board can consider if you want to go above and beyond. We are looking at this in the same way we have looked at other special exception uses on older facilities. We are trying to be consistent in our approach."

Mr. Garrett asked if there are any currently approved plans for the adjacent property that is not owned by this applicant. Mr. Holbrook responded, "Not to my recollection. I would call your attention to the future land use and the zoning maps, which don't include any residential component." Mr. Martin asked, "Is there another scenario? Can we decline to send this to Council with our approval, so that some of the issues can be worked out? It doesn't make sense. We have a business that is illegal. It's not supposed to be happening. They have come before us to ask for legal status. Is there any way you can stop the process, table it, have them come into compliance, and then reconsider the SEU?" Mr. Holbrook answered, "The board may do that. If you

table this item and say you want a condition addressed, I would say that the applicant has made an application for you to consider. Is this use appropriate here? Obviously, they don't have the legal right to operate, and they don't have the approvals. I would suggest that as far as the application you approve it, approve it with conditions, or denied, so that they know that they can or cannot legally operate the business. They have asked the City to consider them. I think it is appropriate for the board to consider and let it go to City Council, unless you find that there is something you need. When we have Code Enforcement cases, it is asked whether they are taking steps to address the matter. They are, and this application is a part of that." Mr. Martin asked, "Do they have a Code case against them?" Mr. Holbrook answered, "I don't know that that is the case." Mr. Finizio answered, "I don't believe so. This came about because of a business tax application being submitted to us. I never heard from Code Enforcement on this issue. I can check on that." Mr. Martin said, "I agree with Mr. Gardner. This gas station isn't going to affect the prosperity of the other project. I do have a problem. There was total disregard. There wasn't a substantial answer to any question. Every single answer was, 'Same as 1972.' There was no effort to do this in good faith. He has a right to do this through the SEU process. The City also has a right to enforce the Code. I would not agree to an SEU until this is cleaned up." Vice Chair Rooksberry noted, "This has been before us before. We've gone through numerous times with the same property." Mr. Garrett said, "I have some reservations. I believe this board has asked applicants to reach out to the surrounding neighbors in good faith and engage in a dialog to at least attempt to address their concerns. I'm not sure whether they have. Mr. Visconti says there was no effort. I agree that it has been in a similar use for many years. It can currently operate as a gas station, but I think there are some aesthetic landscape issues that may alleviate some of the neighbor's concerns. I'd like to see this again. I'd be of the mindset to table this."

Mr. Blazak said, "I agree. While this has been there since 1972, it's become a stark eyesore lately. On the City's behalf, we need to make sure it doesn't come back a fourth time. We need to see some commitment, may be with the landscaping and striping done, and an inspection of some sort. We don't even know what the pavement surfaces look like. I don't know if the tanks have been upgraded to DEP standards in effect last December. There has to be an effort before we can approve this exception, or it's just going to continue on. Members of this board have had several years of excuses as to why it isn't done. We are even agreeable to use the approved Site Plan, so the current owner doesn't have to go through the expense of a new one." Mr.



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

TO: PLANNING AND ZONING BOARD - MEETING OF MARCH 6, 2012
(TABLED), JUNE 5, 2012

FROM: JOHN FINIZIO, PLANNER *JF*

RE: SPECIAL EXCEPTION APPLICATION (PROJECT NO. P12-010)
SANDPIPER PETROLEUM

DATE: FEBRUARY 22, 2012

OWNER/APPLICANT: Sandpiper Petroleum, LLC

LOCATION: 2780 S.E. Morningside Blvd.

LEGAL DESCRIPTION: The legal description is included in the staff report.

SIZE: 0.64 acres or 28,060 square feet.

EXISTING ZONING: CG (General Commercial).

EXISTING USE: A vacant gas station with three (3) service bays.

PROPOSED USE: An automobile repair facility with fuel pumps.

REQUESTED SPECIAL EXCEPTION: To allow an automobile repair facility to operate in a CG (General Commercial) zoning district as permitted per §158.124 (C) (11).

SURROUNDING USES: North = Tesoro Preserve PUD (Planned Unit Development) zoning currently vacant land. South = CN (Neighborhood Convenience Commercial) zoning, currently an existing shopping plaza. East = Tesoro Preserve PUD (Planned Unit Development), currently vacant land. West = Tesoro Preserve PUD (Planned Unit Development) zoning, currently vacant land.

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

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

Applicant: "Same as 1972."

Staff: The site does appear to have adequate ingress and egress. This is an older site and was originally designed with two access points on Morningside Blvd. These two (2) access points act in concert to create two one-way driveways for this property, with the eastern most drive acting as the entrance, and the western most drive the exit.

Being an older site, there are some concerns that will need to be addressed to ensure safe and efficient traffic movement (some images of the current site are included in the staff report). In 2008, a special exception use application was submitted and approved to locate a convenience store with gas pumps on this site (P08-122 Sandpiper Petroleum Special Exception Use Application). During that review process, that applicant proposed making the following improvements:

Place "Do Not Enter" signs at the one-way driveways, place a "Stop" sign and stop bar at the exit, place a right-turn only sign at the driveway exit to promote a safe exit onto Morningside Blvd.

At this time, these improvements have not been implemented, so to ensure safe traffic flow to, from, and throughout the site, these improvements will need to be completed.

Please note: As outlined in §158.260, since the special exception approval for the convenience store was never implemented within one year after receiving approval, it has subsequently expired. Therefore, to reestablish a convenience store on this site, a new special exception use application (for a convenience store) will need to be submitted and approved. However, the special exception use for the gas pumps has not expired due to the fact that the site received a permit to change out the gas tanks in 2007, according to the Building Department records. Once all issues have been addressed, they will still be able to use the gas pumps on this site.

Applicant's response: "Yes. The site appears to have adequate ingress and egress. Two (2) access points act in concert to create two one-way driveways for this property."

Staff Reply: Acknowledged. Though staff would still like to see the applicant include stop signs and stop bars at the exit to create a safer, more efficient traffic flow out of the 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: "Same as 1972."

Staff: The last approved site plan (P07-393 Sandpiper Petroleum Site Plan) identifies a total of 20 parking spaces on this site; these consist of 12 striped parking spaces, and eight (8) spaces adjacent to the existing gas pumps. Of course, an automobile repair facility will not be able to utilize the parking spaces at the gas pumps, especially if these pumps are operational (these pumps are currently not being used due to water in the tanks, but there are plans to open these pumps once this issued has been remedied).

§158.221 (C) (1), Amount of Off Street Parking Required, requires three parking spaces per service area. The current building on this site has three service areas which would require nine (9) parking spaces. Therefore parking as identified on the last approved site plan would cover the required parking for this use, which is assuming that the applicant does not attempt to open the convenience store identified on the site plan. Unfortunately, any and all improvements identified on the last approved site plan were never implemented. There is plenty of asphalt on this property, but none of it is striped for parking.

Also what needs to be considered, since the site plan approved by City Council on August 25, 2008 showed a convenience store and restaurant, the parking spaces as identified on this plan may not work for an automobile repair facility, due to the fact that the bay doors will need to be accessible to drive cars into these bays to work on them. Therefore a site plan may be required to ensure that adequate parking and traffic flow is safely being addressed on this use.

Please note: As per §158.244, Site Plan Approval Termination, states, "site plan approval shall terminate three years from approval by the City Council. If a building permit is not issued before the termination date (in this case February 13, 2011), a new site plan shall be submitted consistent with §158.237." There has never been a permit request submitted for this site plan, consequently the site plan is considered to be expired.

Applicant's Response: "Yes. Nine (9) sealed and stripped parking spaces are available as identified on the last approved site plan."

Staff Reply: It is true that stripping has been provided to create a total of nine (9) parking spaces. However, the location of some of these parking spaces has created a major issue that will need to be addressed; the drive aisle has insufficient width.

Nine parking spaces were created on site, as per staff's recommendation. However, these parking spaces do not meet the parking requirements as outlined in §158.221 (B) (13); nor do they have parking islands as required per §153.04 (J) (1). More importantly, the drive aisle being created east of the building does not meet city codes. The inadequate spacing being provided for the drive aisle could create a potentially unsafe environment on the site. Except for parallel parking, all drive aisles are required to be at least 26 feet wide (§158.221 (B) (12)). The drive aisle being created between the parking spaces along the east side of the building is much less than the required 26 feet.

Therefore, it is recommended that the three (3) parking spaces created east of the building be relocated further east to create a drive aisle that is at least 26 feet.

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

Applicant: "Same as 1972."

Staff: Water and sewer mains are located in the vicinity, and adequate utilities will be available for this project. The property is not presently connected to the sanitary sewer and relies upon a septic system. They will be required to connect to the city sewer system if the existing system fails.

If the site does not already have a grease interceptor installed, the applicant is required to install one as is required by the City's Utility Department, for this type of use, automotive repair.

Applicant's Response: "Yes. The property has its own septic system."

Staff Reply: Acknowledged. The City's Utility Department still recommends that the applicant install a grease interceptor.

(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: "Same as 1972."

Staff: Tesoro Preserve, the surrounding property owner on the north, east, and west of this site, currently has a 6 foot berm installed along the northern and western property lines. With that berm in place, proper screening and buffering already exists along the northern and western property lines. However, the rest of the site is not found to provide adequate buffering or screening. There is an approved landscape plan associated with the last approved site plan, but it appears it was never executed. To provide the necessary buffering and screening for this site the required landscaping (trees, hedges, and shrubs) will need to be planted.

Applicant's Response: "Yes. A 6' berm along the northern and western property lines is in place and an approved landscaping plan associated with the last approved site plan has been implemented providing trees, hedges and shrubs for necessary buffering and screening."

Staff Reply: As noted, there is an approved landscape plan for this property, which has yet to be implemented. As noted on the approved landscape plan (Exhibit B), the primary species on this site should be oaks, a combination of both live and laurel, with a continuous hedge row of Green Buttonwood, where noted. Currently there are no shade trees, or hedgerow of any material on the property. There has been some minimum landscaping installed in the landscape strip, but it is not the species identified on the approved landscape plan, nor does

this landscaping follow the minimum requirement as outlined in the landscape code. For example, "tree species shall be a minimum of twelve (12) feet overall height when planted with a minimum five (5) foot crown spread. At planting, the trees shall have a caliper of at least 2.5 inches. Palm trees shall have a minimum clear trunk height of ten (10) feet" (§153.04 (D) (7) (b)).

To clarify, a 6' berm is in place along the northern and western property lines. However, this berm is not located on the applicant's property, it is located on the surrounding property, and even though it does provide screening along these property lines, if these berms were removed the site would be grossly unshielded.

(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: "Same as 1972"

Staff: The site is developed and no additional lighting or signage is being proposed at this time. 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).

There is no exterior lighting being proposed for this site at this time. If proposed at a later time, all outdoor lighting will need to be installed with adequate shielding provided, and will need to ensure they meet City criteria regarding pole height. It is important to note that the approved site plan does not identify any exterior light poles on this site, so a site plan amendment would be required if the applicant would like to include any exterior lights.

Applicant's Response: "The site is developed; currently no additional lighting is to be proposed at this time."

Staff Reply: Acknowledged.

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

Applicant: "Same as 1972."

Staff: The General Commercial (CG) Zoning District requires that all impervious surfaces on any site shall not exceed 80%; according to the last approved site plan (P07-393 Sandpiper Petroleum Site Plan), the impervious surface on this site is 66%. With 34% of pervious surfaces, this property's open space apparently exceeds the City of Port St. Lucie Code requirements for open space.

A service station with repair facilities has operated on this site in the past, and all yard and open space requirements have been addressed during the original site plan process.

Applicant's Response: "The site of the service station with repair facility has operated successfully in the past; requirements for all yard and open spaces was addressed during the original site plan process."

Staff Reply: Acknowledged.

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

Applicant: "Same as 1972."

Staff: The proposed Special Exception Use (automobile repair) is permitted as a special exception use as defined by § 158.124 (C) (11) General Commercial Zoning District, and will conform to all provisions of the City's Land Development Regulations.

Applicant's Response: "The special exception use is permitted as a special exception use as defined by 158.124 (C) (11) General Commercial Zoning District, and will conform to all provisions of the City's Land Development Regulations."

Staff Reply: Acknowledged.

(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: "Same as 1972."

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

In the past, an automobile repair facility has existed on this site for a number of years, and staff believes that reestablishing this use would not have any undue influence on the welfare of the neighborhood.

Applicant's Response: "When complying with city codes, the automobile repair facility at this location should not impair the health, safety, welfare, or convenience of residents and workers in the city."

Staff Reply: Acknowledged.

(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: "Same as 1972."

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

Applicant's Response: "When complying with the city codes, the automobile facility at this location will not constitute a nuisance or hazard to persons utilizing the facility."

Staff Reply: Open storage is not a permitted use in the CG (General Commercial) Zoning District. Now that a repair facility is operating on this site, it is accumulating hazardous materials storing them outdoors in drums. This is not permitted. These drums, which appear to be automobile fluids such as transmission fluid and motor oil, will need to be stored indoors while waiting to be disposed of properly. The existing building has a metal overhang on the side of the building (this can be seen on the survey included in the staff report). Except for this overhang, which acts as a roof, this area is open. This area can be used to store these materials. However, this area will need to be enclosed prior to being used for any type of storage. The applicant could find other places to store these materials, but they can not be store outdoors.

(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: "Same as 1972."

Staff: This site is already developed, and the proposal is to convert the existing one story CBS building into an automobile repair facility (which incidentally is the same building used by the previous automobile repair facility while it was operating as a non conforming use). The site is located in an identifiable commercial area within the City, is surrounded by other property with commercial land use designations, and should be compatible with the site itself, as well as with the adjacent properties once the required parking is striped and landscaping is installed.

Applicant's Response: "The site is located in a commercial identified area within the City and is currently surrounded by other properties with commercial use designation, therefore, the property should be compatible with the site itself."

Staff Reply: Acknowledged.

(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: Automobile repairs is an allowable special exception use in the CG (General Commercial) zoning district as identified in §158.124 (C) (11), Automobile fuel services or repairs, including oil lubrication businesses.

This project is located in a commercial area of the city, and the adjacent uses are compatible with the requested special exception use. Once all conditions have been addressed, this application will be compatible with all zoning requirements for Special Exception Use in CG (General Commercial) zoning district.

Notice to Property Owners: On February 13, 2012 a notice was sent to all neighbors within a 300 foot radius.

OTHER:

This site was developed a number of years ago. The earliest site plan in the Planning and Zoning Department archives is P83-054 (John Picano Service Station - Variance and Site Plan), however a survey included in this file shows that this site had a service station with gas pumps on it sometime in the early to mid seventies.

Since business owners are not required to provide documentation prior to closing, it is difficult to know when this property ceased operation. One thing we do know is that this property was not operating during the time that a site plan application (P07-393) and subsequent special exception application (P08-022) were being reviewed by the city. So prior to 2007 through October 2011, we know that there weren't any businesses operating at this location.

On October 17, 2011, the Planning and Zoning Department received an Occupancy Use and Zoning Review Application for Sandpiper Petroleum, LLC. The applicant sought to open a gas station, auto detailing facility, U-Haul rental counter, as well as selling beverages from a cooler for 2780 SE Morningside Blvd. After reviewing our files to confirm what special exceptions were approved for this location, a denial letter was sent to the applicant. Even though the property did receive a special exception for a gas station, and retail sales are a permitted use in the CG (General Commercial) Zoning District, auto detailing is not permitted without a special exception use (and no application was submitted for this use), and the site plan did not identify where the U-Haul trucks were going to be stored.

On January 27, 2012, the Planning and Zoning Department received another Occupancy and Zoning Review Application for Sandpiper Petroleum, LLC. This application was identical to the October 17, 2011 review form, with the inclusion of automobile repair. Since automobile repair is only allowed in the CG (General Commercial) Zoning District as a special exception (and no application was approved

for this use), the applicant was informed that this would not be allowed either, shortly after which a special exception use for automobile repairs was submitted by the applicant.

Automobile repair is not a permitted use in the General Commercial (CG) Zoning District (§158.124). This use is allowed as a special exception use (§158.124 (C) (11)) in this zoning district, but an SEU application will need to be submitted and approved prior to this use being established. Since there is no evidence that an SEU for automobile repair was ever applied for at this location, the service station was classified as nonconforming use prior to closing sometime before September 2007. 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 automobile repair had ceased for a period of over six (6) months on this site, and there is no history of an SEU application submitted or approved for this location, an SEU approval is required prior to this use being reestablished.

Please note: this property has never been properly subdivided, and prior to any changes to the existing site plan, a subdivision application will need to be completed to legally subdivide this property.

As outlined in §158.260, since the special exception approval for the convenience store was never implemented within one year after receiving approval, it has subsequently expired.

As outlined in §158.244, Site Plan Approval Termination; since there has never been a building permit request submitted for this site, the site plan approval officially expired on February 13, 2011.

RELATED PROJECTS:

P08-122 – Sandpiper Petroleum Special Exception Use Application – Approved by City Council on July 28, 2008. A Special Exception was approved to allow a convenience store with gas pumps at 2780 SE Morningside Blvd.

P08-054 - Sandpiper Petroleum Variance Application - Approved Planning and Zoning Board April 1, 2008. Variance allows for no landscape strip along the southern 95 feet of the eastern property line to allow for a future shared driveway.

P07-393 - Sandpiper Petroleum Site Plan Application – Approved at Site Plan Review Committee February 13, 2008. This application will proceed to City Council following the conclusion of the Special Exception Use Application.

P86-127 - Picanos Shell/Landscaping-Variance Application - No determination found.

P86-006 - Picanos Shell Station-Variance Application - Recommended for approval by the Planning and Zoning Department, tabled at the Planning and Zoning Board Meeting on May 5, 1986.

P86-043 - Picanos Service Station-Site Plan Application - No record found.

P83-054 - Picanos Service Station-Variance/Site Plan Application - Withdrawn by applicant, no further action taken.

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 conditions as follows:~~

Since the initial hearing before the March 6, 2012 Planning and Zoning Board (the minutes included in the staff report), the applicant has had three months to address the issues identified in this report. The issues identified are parking, landscaping, and open storage have not been adequately addressed. Therefore, Staff recommends that this item be tabled until the following conditions have been satisfactorily addressed:

- ~~1. The striping, for the required parking spaces, shall be completed in accordance with §158.221, Off Street Parking and Lighting; Handicapped Parking Spaces.~~
- ~~1. All landscaping, as it appears on the last approved landscape plan, shall be installed within 60 days of approval.~~
- ~~2. The site is inspected by the City's Utility Department to ensure that a grease interceptor has been installed on site.~~
1. The three (3) parking spaces created east of the building shall be relocated further east to create a drive aisle that is at least 26 feet.
2. All storage on this site is required to be located within the existing building. No open storage of any kind is permitted outside.
3. A parking plan shall be submitted to the city for review and then implementation.

The parking space striping that has been installed is not to city code and has created unsafe situations and should be corrected immediately.

Planning and Zoning Board Action Options:

- Motion to recommend approval to the City Council
- Motion to recommend approval tot the City Council with conditions
- Motion to recommend denial to the City Council

Please note: Should the Board need further clarification or information from either the applicant and/or staff, it may exercise the right to *table* or *continue* the hearing or review to a future meeting.

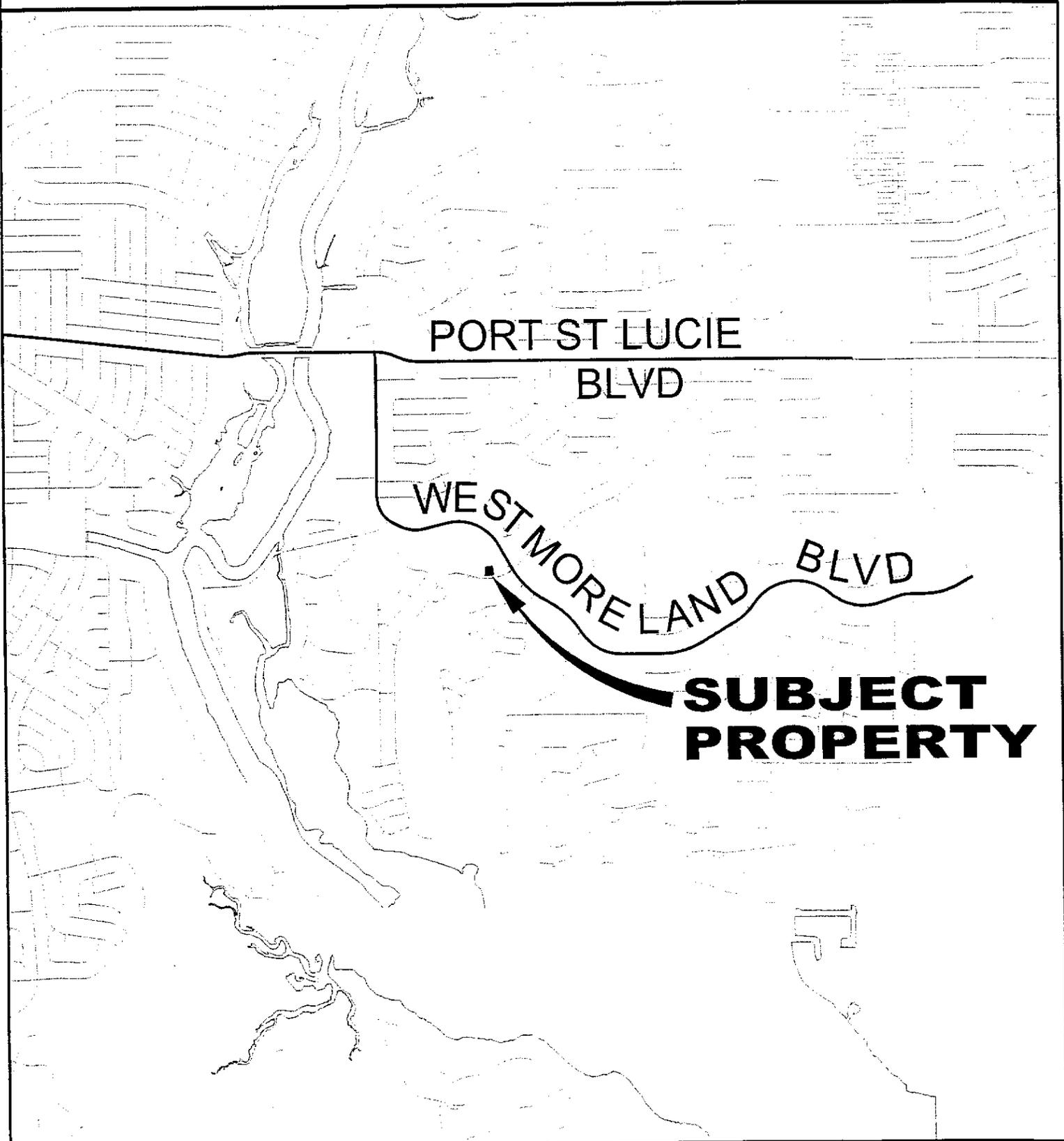
PLANNING AND ZONING BOARD ACTION:

The Planning and Zoning Board reviewed the request at their meeting on June 5, 2012, and recommended with a vote of 6-1 that the City Council approve this special exception use application with the added condition:

4. A dumpster enclosure shall be constructed that meets the City's current code requirement.

Planning and Zoning Board minutes from the June 5, 2012 meeting have been included in the staff report.

SITE LOCATION



PORT ST LUCIE
BLVD

WEST MORELAND
BLVD

**SUBJECT
PROPERTY**



CITY OF PORT ST. LUCIE
PLANNING & ZONING DEPT.

Prepared by:
M.I.S. DEPARTMENT

PZ2011.DWG

SPECIAL EXCEPTION USE
SEC 14/TWP 37S/R 40E
4414-241-0003-0005

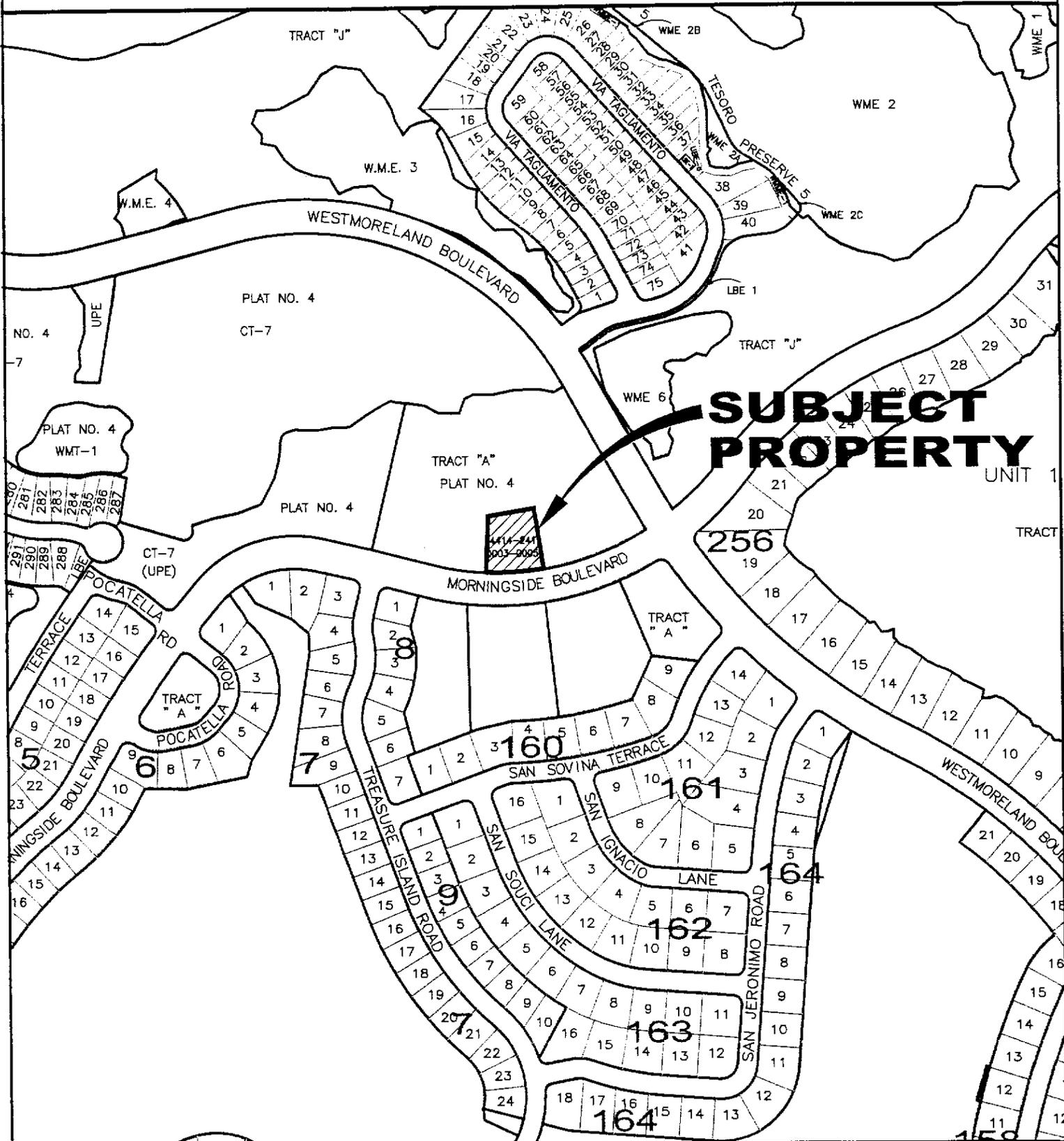
DATE: 2/3/2012

APPLICATION NUMBER:
P12-010

CADD FILE NAME:
P12-010L

SCALE: 1" = .5 MI

SITE LOCATION



SUBJECT PROPERTY



CITY OF PORT ST. LUCIE
PLANNING & ZONING DEPT.

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

SPECIAL EXCEPTION USE
SEC 14/TWP 37S/R 40E
4414-241-0003-0005

DATE:	2/3/2012
APPLICATION NUMBER:	P12-010
CADD FILE NAME:	P12-010M
SCALE:	1"=400'

SITE LOCATION



CITY OF PORT ST. LUCIE
PLANNING & ZONING DEPT.

Prepared by:
M.I.S. DEPARTMENT

PZ2011.DWG

SPECIAL EXCEPTION USE
SEC 14/TWP 37S/R 40E
4414-241-0003-0005
AERIAL DEC 2010

DATE: 2/3/2012

APPLICATION NUMBER:
P12-010

CADD FILE NAME:
P12-010A

SCALE: 1"=200'

APPLICATION FOR SPECIAL EXEMPTION 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

RECEIVED

JAN 31 2012

PLANNING DEPARTMENT
CITY OF PORT ST. LUCIE

FOR OFFICE USE ONLY

Planning Dept. P12-010
Fee (Nonrefundable) \$ 2,115.00
Receipt # 11538

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: JJKATSOUL@AOL.COM

PROPERTY OWNER:

Name: Sandpiper Petroleum LLC
Address: 2780 SE Morningside Blvd PSL, FL 34952
Telephone No.: 772-335 8686 Fax No.: 772 335 8686
Cell ~~772 335 8686~~ 772 286 1449

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

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

SUBJECT PROPERTY:

Legal Description: GAS STATION - Sandpiper Petrol LLC
Parcel I.D Number: 4414-241-0003-000/5
Address: 2780 SE Morningside Blvd Bays: 3
PSL, FL 34952 (Attach Sketch and/or Survey)
Development Name: _____
Gross Leasable Area (sq. ft.): _____ Assembly Area (sq. ft.): _____
Current Zoning Classification: CG (Variance) SEU Requested: _____
EXEMPTION USE

Please state, as detailed as possible, reasons for requesting proposed SEU (continue on separate sheet, if necessary): Restate Special Exemption use to conduct

Auto Repair

[Signature]
Signature of Applicant

John Katsoulis
Nonman Sitokoff

Hand Print Name
John Katsoulis

1/30/12
Date

NOTE: Signature on this application acknowledges that a certificate of concurrency for adequate public facilities as needed to service this project has not yet been determined. Adequacy of public facility services is not guaranteed at this stage in the development review process. Adequacy for public facilities is determined through certification of concurrency and the issuance of final local development orders as may be necessary for this project to be determined based on the application material
H:\PZ\SHARED\APPL\CTN\SEU\APPL (06/21/11)

SPECIAL EXCEPTION USE

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.

Same AS 1972 ✓

(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.

Same AS 1972 ✓

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

Same AS 1972 ✓

(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.

Same AS 1972 ✓

(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.

Same AS 1972 ✓

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

Same AS 1972 ✓

(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.

Same AS 1972 ✓

(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.

Same AS 1972 ✓

(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.

Same AS 1972 - welcome by neighborhood

(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.

Same AS 1972 ✓

John M. Katsock Mgr

John M. Katsock - MM

Signature of Applicant

John KATSOCK Mgr

Norman Z. Katsock
Vivian M. Katsock

Hand Print Name

1995-12

Date

PLEASE NOTE:

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

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

1/31/12

image.aspx (2560x3504)

EDWIN M. FRY, Jr., CLERK OF THE CIRCUIT COURT - SAINT LUCIE COUNTY
FILE # 3222165 OR BOOK 2986 PAGE 1042, Recorded 06/19/2008 at 12:05 PM

THIS INSTRUMENT PREPARED BY AND RETURN TO:
Michael K. Spotts Esq
300 Colorado Ave. suite 203
Suwanee, FL 34994

Corrective Deed for Castle Creek to Sandpiper Petrochem

THIS WARRANTY DEED, made the 11th day of June, 2008 by Castle Creek Partners LLC, a Florida limited liability company herein called the Grantor, to Sandpiper Petrochem LLC, a Florida limited liability company whose post office address is PO Box 1472, Jensen Beach, FL 34958 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 successors and assigns of corporations).

WITNESSETH: 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 ATTACHED EXHIBIT "A" MADE A PART HEREOF

THIS IS COMMERCIAL PROPERTY AND NOT THE HOMESTEAD PROPERTY OF THE GRANTOR.

Subject to easements, restrictions and reservations of record and to taxes and assessments subsequent to December 31, 2007.

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 grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantee has good right and lawful authority to sell and convey said land, and hereby 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 31, 2007.

IN WITNESS WHEREOF, the said grantor has signed and sealed these presents the day and year first above written. Signed, sealed and delivered in the presence of:

Michael K Spotts
witness # 1 signature

John J. Katsock
Castle Creek Partners LLC
John J. Katsock, President

Michael K Spotts
witness # 1 printed name

Theresa Osiecki
witness # 2 signature

Theresa Osiecki
witness # 2 printed name

STATE OF FLORIDA
COUNTY OF *Martin*

The foregoing instrument was acknowledged before me this 19 day of June 2008 by John J. Katsock who is personally known to me or has produced _____ as identification.

SEAL

Notary Public *Michael K Spotts*
Printed Notary Name *Michael K Spotts*

Deed is being corrected because the deed should have been in Sandpiper Petrochem LLC from the date of Certificate of Title.



Exhibit "A"

14.37.40 FROM SW COR OF SEC RUN N 00 DEG 14 MIN 25 SEC W ALG W LI OF SEC 3717.41 FT, TH N 89 DEG 58 MIN 12 SEC E 2141.49 FT TO PTON NLY R/W MORNINGSIDE BV AND POB, TH N 02 DEG 50 MIN 45 SEC E 168.41 FT, TH N 80 DEG 56 MIN 41 SEC E 1740 FT, TH S 09 DEG 03 MIN 19 SEC E 183 FT TO NWLY R/W MORNINGSIDE BV AND PC OF CURVE CONC NLY WITH R OF 847.29 FT AND CA OF 11 DEG 54 MIN 04 SEC, TH RUN WLY ON ARC 175.99 FT TO POB (0.64 AC) (1A) (OR 2855-885)

COPY

COPY

COPY

1/31/12

image.aspx (2528x4380)

EDWIN M. FRY, Jr., CLERK OF THE CIRCUIT COURT - SAINT LUCIE COUNTY
FILE # 2731035 OR BOOK 2395 PAGE 585, Recorded 10/20/2005 at 12:44 PM
Doc Tax: \$3108.70

CIRCUIT CLERK

IN THE CIRCUIT COURT OF THE NINETEENTH JUDICIAL CIRCUIT
IN AND FOR ST LUCIE COUNTY, FLORIDA

MORNINGSIDE HOLDINGS, LLC, a
Florida limited liability company,

CASE NO: 56 2004 CA 001602 (MF)
JUDGE: BRYAN

Plaintiff,

v.
JOHN PICANO; UNITED STATES OF
AMERICA; STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL
PROTECTION; STATE OF FLORIDA
DEPARTMENT OF REVENUE; JOHN
DOE OR ANY OTHER PERSON IN
POSSESSION; UNKNOWN
SPOUSE OF JOHN PICANO; ANY AND
ALL UNKNOWN TENANTS IN
POSSESSION OF THE PROPERTY,

Defendants.

COPY

2005 OCT 18 AM 9 15

EDWIN M. FRY, JR.
CLERK OF CIRCUIT COURT
ST. LUCIE COUNTY, FLORIDA

CERTIFICATE OF TITLE

The undersigned clerk of the court certifies that he or she executed and filed a
certificate of sale in this action on October 6, 2005, for the property described herein
and that no objections to the sale have been filed within the time allowed for filing
objections.

The following property in St. Lucie County, Florida:

COMMENCING AT THE SOUTHWEST CORNER OF SECTION 14,
TOWNSHIP 37 SOUTH, RANGE 40 EAST, THENCE NORTH 0°14'25"
WEST ALONG THE WEST LINE OF SAID SECTION 14 A DISTANCE OF
3717.41 FEET; THENCE NORTH 89°58'12" EAST A DISTANCE OF
2141.49 FEET TO THE POINT OF BEGINNING; THENCE NORTH
2°50'45" EAST A DISTANCE OF 168.41 FEET; THENCE NORTH
80°56'41" EAST, A DISTANCE OF 140.00 FEET; THENCE SOUTH
9°03'19" EAST A DISTANCE OF 183.00 FEET TO A POINT OF

COPY

OR

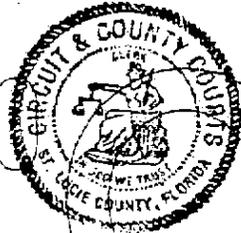
CURVATURE HAVING A RADIAL LINE BEARING OF THE LAST MENTIONED COURSE; THENCE WESTERLY ALONG THE ARC OF A CIRCULAR CURVE TO THE RIGHT, HAVING A RADIUS OF 847.29 FEET AND CENTRAL ANGLE OF 11°54'04" A DISTANCE OF 175.99 FEET TO THE POINT OF BEGINNING, ALL LYING AND BEING IN THE CITY OF PORT ST. LUCIE, ST. LUCIE COUNTY, FLORIDA

was sold to: CASTLE CREEK PARTNERS, L.L.C.
6681 S.E. HARBOR CIRCLE
STUART, FL 34996

WITNESS my hand and the seal of this court on OCTOBER 18, 2005.

EDWIN M. FRY, JR.
Clerk of Court

By: Muneeb Raut
Deputy Clerk



COPY

COPY²

FLORIDA DEPARTMENT OF STATE
DIVISION OF CORPORATIONS



[Home](#)

[Contact Us](#)

[E-Filing Services](#)

[Document Searches](#)

[Forms](#)

[Help](#)

[Previous on List](#)

[Next on List](#)

[Return To List](#)

Entity Name Search

[Events](#)

No Name History

Detail by Entity Name

Florida Limited Liability Company

SANDPIPER PETROLEUM LLC

Filing Information

Document Number L05000103561
FEI/EIN Number 050628650
Date Filed 10/20/2005
State FL
Status ACTIVE
Last Event CANCEL ADM DISS/REV
Event Date Filed 10/08/2007
Event Effective Date NONE

Principal Address

2780 SW MORNINGSIDE BLVD.
PORT ST. LUCIE FL 34952 US

Mailing Address

PO BOX 731
MORRISVILLE PA 19067 US

Changed 04/30/2009

Registered Agent Name & Address

KATSOCK, JOHN SR.
6681 SE HARBOR CIRCLE
STUART FL 34996 US

Name Changed: 04/30/2009

Manager/Member Detail

Name & Address

Title MGRM

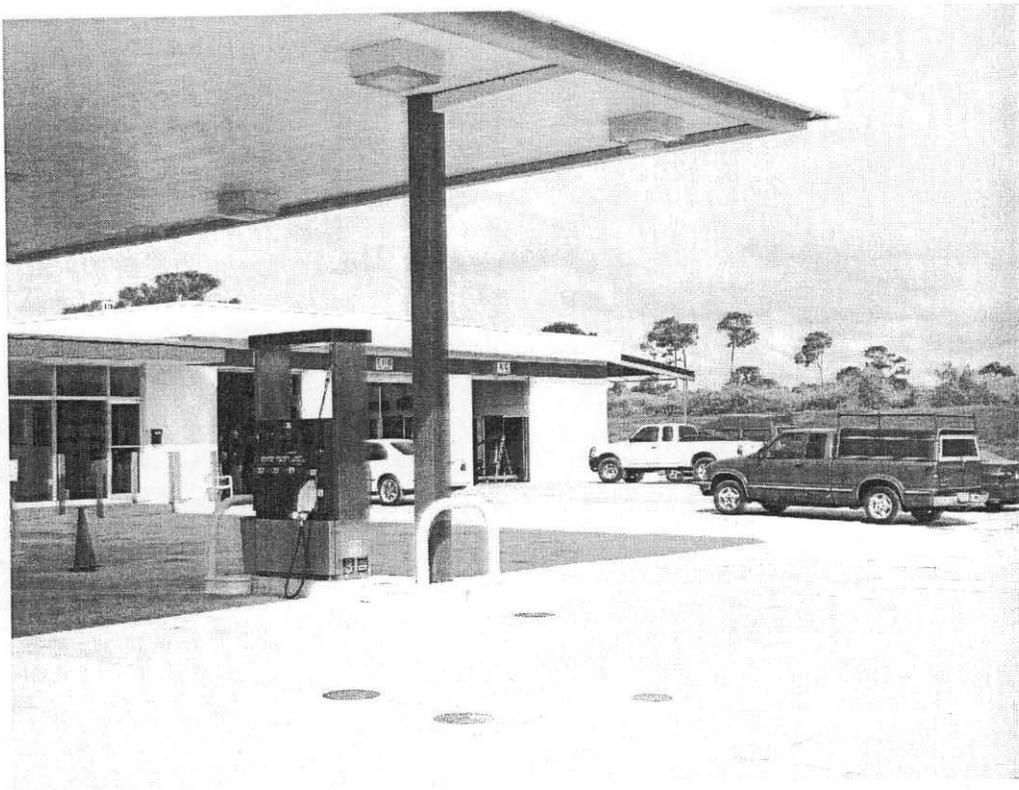
KATSOCK, JOHN SR
6681 SE HARBOR CIRCLE
STUART FL 34996 US

Title MGRM

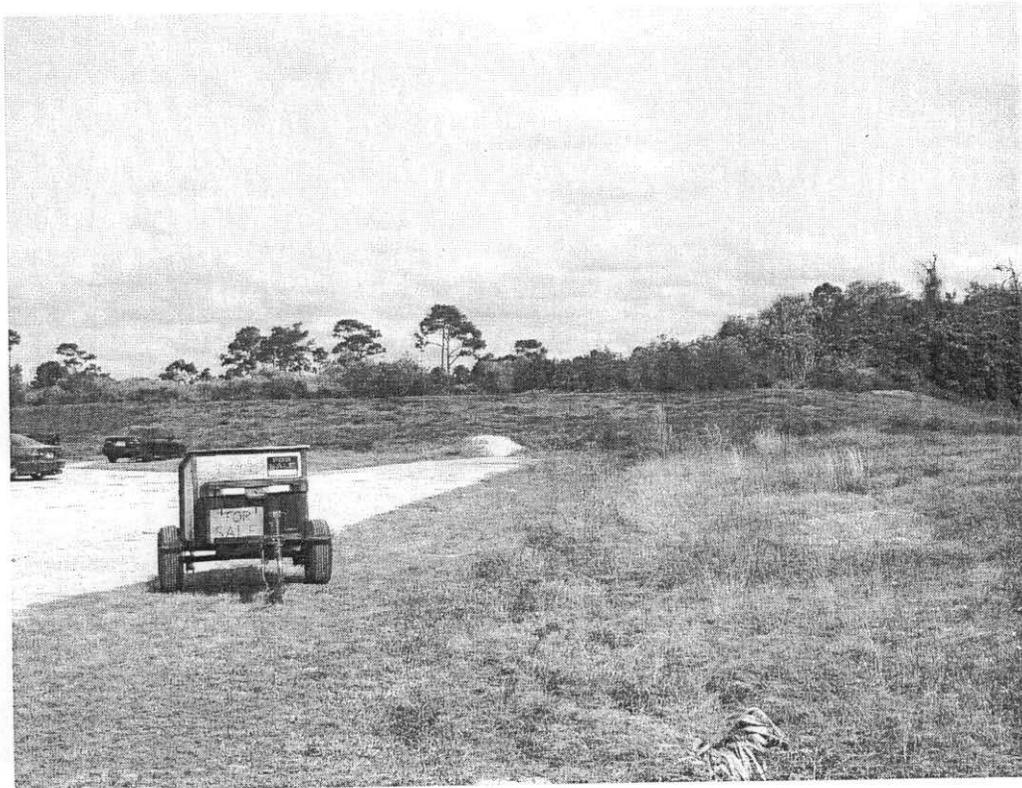
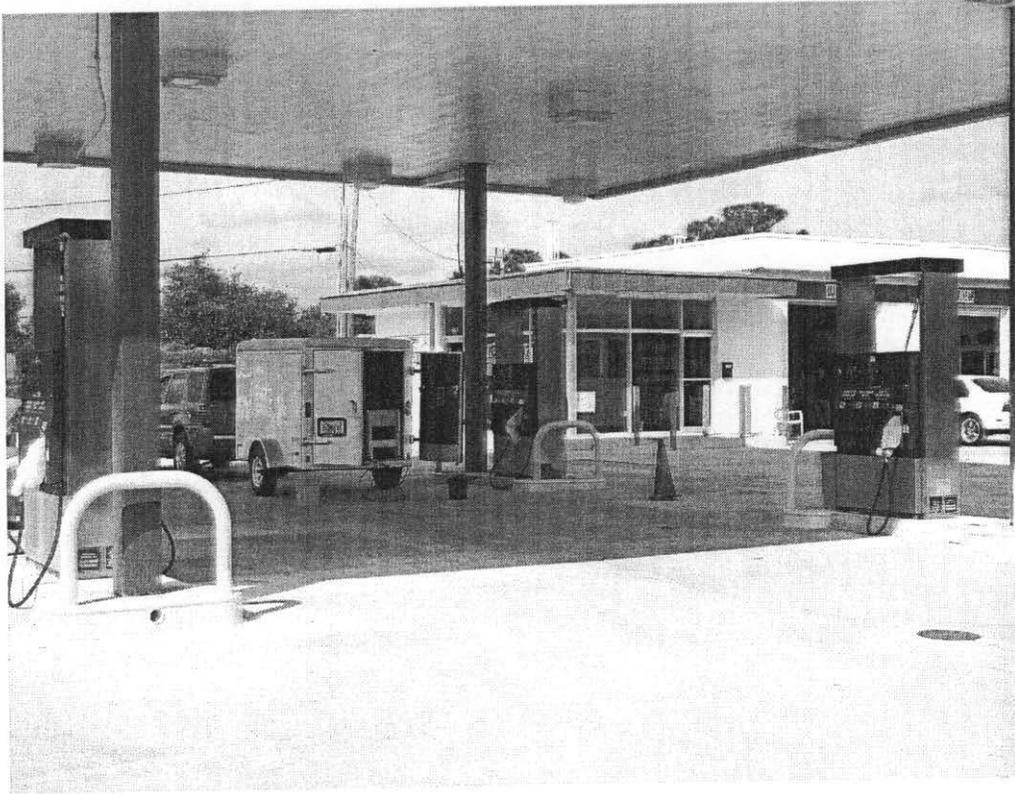
ZLINKOFF, NORMAN
6681 SE HARBOR CIRCLE
STUART FL 34996 US

Title MGRM

KATSOCK, VIVIAN



Current images of Sandpiper Petroleum (2780 SE Morningside Blvd.). Taken on February 16, 2012. All images property of the author.



Current images of Sandpiper Petroleum (2780 SE Morningside Blvd.). Taken on February 16, 2012. All images property of the author.



Existing view of the landscaping along the western property line.

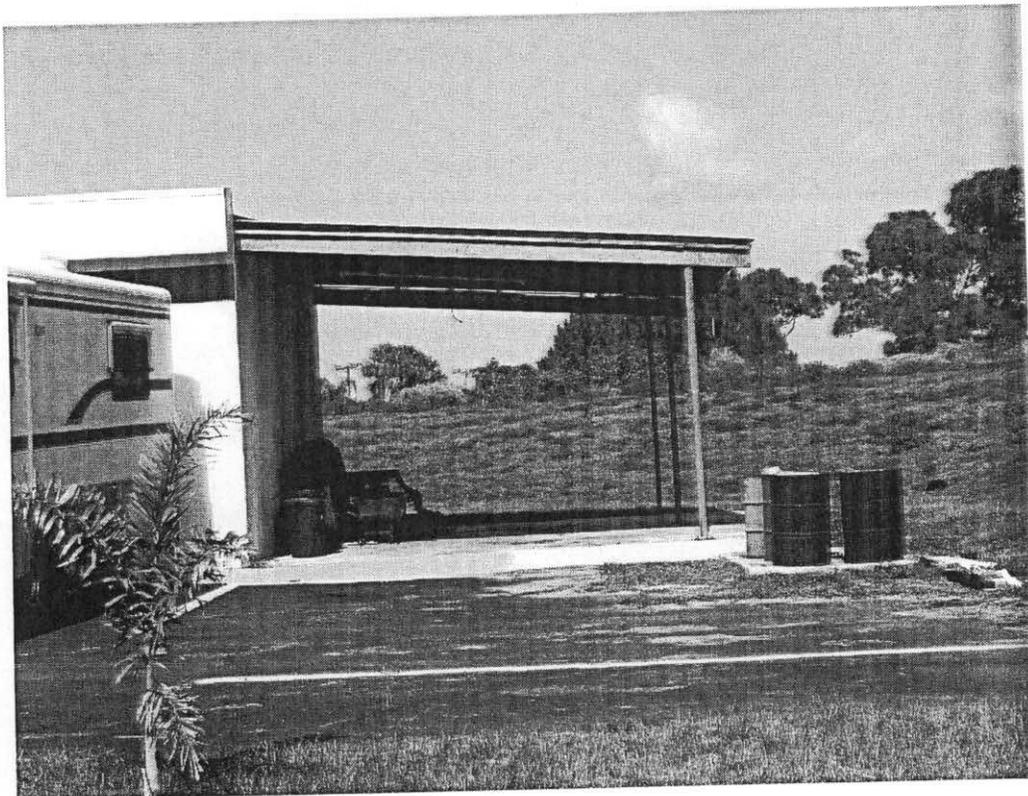


Existing view of landscaping along the eastern property line, and the location of parking spaces created by the applicant.

Images of Sandpiper Petroleum (2780 SE Morningside Blvd.) taken on May 22, 2012. All images property of the author.



View of the drive aisle on site.



View of drums stored outside on site.

Images of Sandpiper Petroleum (2780 SE Morningside Blvd.) taken on May 22, 2012. All images property of the author.

VR Circle Holdings, LLC
VR Preserve Development, LLC
Tesoro Preserve POA, Inc.

Post Office Box 9047
Port St. Lucie, Florida 34985-9047
(772) 398-1788
www.mytesoropreserve.com

February 23, 2012

Planning and Zoning Board
City of Port St. Lucie
121 SW Port St. Lucie Blvd.
Port St. Lucie, FL 34984-5099

RE: P12-010 Sandpiper Petroleum
Special Exception Use

RECEIVED

FEB 24 2012

**PLANNING DEPARTMENT
CITY OF PORT ST. LUCIE, FL.**

Dear Sir or Madam:

The purpose of this letter is to voice our strong factual and legal objections to the Special Exception Use for P12-010 Sandpiper Petroleum.

The real estate owned by the above entities in the affected area is extensive, with Tesoro Preserve consisting of 440 lots, many of which are owned by concerned residents who are voters in Port Saint Lucie. The POA also has ownership of numerous environmentally sensitive wetland parcels. VR Circle owns the nearby commercial tracts. All of these surrounding properties would be seriously negatively impacted and affected if this proposed "special exception" were granted over these strong factual and legal objections:

1. A "special exception" to allow automobile repair is not consistent with current zoning or neighborhood characteristics. It would be detrimental to the health, safety and welfare of the residents and property owners in the Tesoro Preserve project, as well as those many loyal and long term Port St. Lucie residents to the south, east and west of the Sandpiper Petroleum parcel.
2. Noise, noxious odors and fumes, and lighting issues will be a nuisance to residents. Auto repairs are very loud and unpleasant with air power tools and machinery, air compressors, gasoline motors running, engines being revved up, generators running, hammering auto metal and auto body parts, and other unavoidable industrial strength eardrum splitting noises. Auto repairs require gasoline, oils, solvents, lubricants, grease,

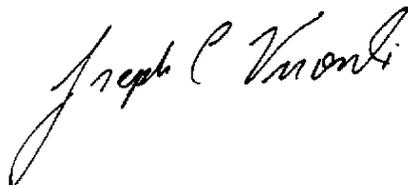
battery acid, welding torches, paint, paint thinner and other substances that will create a stench of noxious odors in the neighborhood and dangerous fumes for residents to breathe in and suffer respiratory ailments. Lighting from the parking lot will cause light pollution in the neighborhood, with glaring lights into bedrooms where children and families are trying to sleep, and destroy the neighboring residents from enjoying the normal nighttime activities in their yards, such as stargazing and backyard pup tent camping.

3. Property values will be diminished in all directions. Who would want to buy a house, in this scenic and special area, next door to an automobile repair facility that is unsightly, noisy, smells terrible, and lights up at night like a carnival? This is a quiet neighborhood in a special and beautiful natural area with high property values. This expansion would, in our opinion, constitute an "inverse taking" from all surrounding properties. Auto Repair facilities belong in industrial zoning areas. Auto Repair facilities do not meet the strict zoning requirements for the granting of a "Special Exception" in a general commercial zoning district that is surrounded by quiet neighborhoods and wetlands. Morningside Boulevard is a road that is much more "residential" in use and character than "commercial".

4. There exists the environmentally sensitive wetland preserve area within the Site Location and surrounding areas. The City should be extremely concerned about the potential hazardous environmental issues that can arise, and hazardous waste pollution that is foreseeable to occur in the wetlands from an adjacent Auto Repair facility. Tesoro Preserve Property Owner's Association, Inc, is vested with maintaining the wetlands. In the event the Auto Repair facility were to pollute the wetlands, the Auto Repair facility and property owner would most likely go bankrupt and not be financially responsible for the wetland clean up, and the POA may have to consider legal measures against the City for granting a "special exception" to a hazardous waste generating facility when it was warned of the foresee ability of pollution to the adjacent wetlands. Granting the "Special Exception" is incompatible with the surrounding residential communities. We are confident the Planning & Zoning Board will unanimously vote AGAINST this Special Exception.

Thank you for your time and consideration,

Very truly yours,

A handwritten signature in black ink that reads "Joseph C. Visconti". The signature is written in a cursive style with a large, looping initial "J".

Joseph Visconti, President

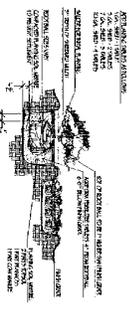
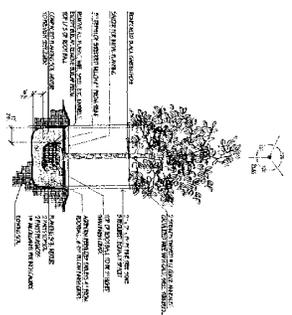
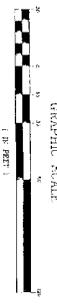
Cc: Curtis Shenkman, Esq.

Exhibit B

PLANT & MATERIAL SCHEDULE

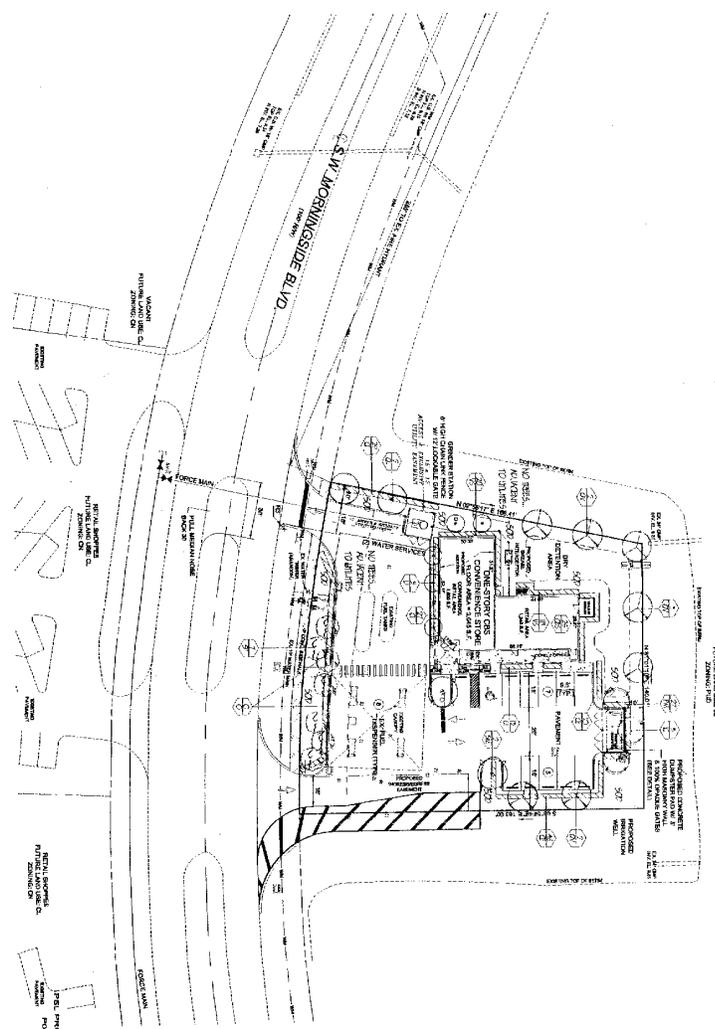
KEY QUAN.	BOTANICAL NAME	COMMON NAME	SIZE (HT. x SPREAD)
Q1	CONIFERUS BACULUS	DEKLETTENBERG	24" x 18"
Q2	QUERCUS BICOLOR	SLABERFOLIOSE	24" x 18"
Q3	QUERCUS LAEVOGLOBOSA	COCCINIFERA	24" x 18"
Q4	QUERCUS LAEVOGLOBOSA	COCCINIFERA	24" x 18"
Q5	QUERCUS LAEVOGLOBOSA	COCCINIFERA	24" x 18"
Q6	QUERCUS LAEVOGLOBOSA	COCCINIFERA	24" x 18"
Q7	QUERCUS LAEVOGLOBOSA	COCCINIFERA	24" x 18"
Q8	QUERCUS LAEVOGLOBOSA	COCCINIFERA	24" x 18"
Q9	QUERCUS LAEVOGLOBOSA	COCCINIFERA	24" x 18"
Q10	QUERCUS LAEVOGLOBOSA	COCCINIFERA	24" x 18"
Q11	QUERCUS LAEVOGLOBOSA	COCCINIFERA	24" x 18"
Q12	QUERCUS LAEVOGLOBOSA	COCCINIFERA	24" x 18"
Q13	QUERCUS LAEVOGLOBOSA	COCCINIFERA	24" x 18"
Q14	QUERCUS LAEVOGLOBOSA	COCCINIFERA	24" x 18"
Q15	QUERCUS LAEVOGLOBOSA	COCCINIFERA	24" x 18"
Q16	QUERCUS LAEVOGLOBOSA	COCCINIFERA	24" x 18"
Q17	QUERCUS LAEVOGLOBOSA	COCCINIFERA	24" x 18"
Q18	QUERCUS LAEVOGLOBOSA	COCCINIFERA	24" x 18"
Q19	QUERCUS LAEVOGLOBOSA	COCCINIFERA	24" x 18"
Q20	QUERCUS LAEVOGLOBOSA	COCCINIFERA	24" x 18"

ALL TREES TO BE PLANTED 2' O.C.
 THE LANDSCAPE PLANTER'S SORT SPECIES AND QUANTITY REQUIREMENTS



DETAIL / GEONOCOVER PLANNING DETAIL

ALL LANDSCAPE HARDWARE TO BE 1/4" x 1/4" OR BETTER
 6063 ALUMINUM AS REQUIRED
 ALL BOLT OR BOLT WASHERS IN CONTACT WITH COPPER SHALL BE STAINLESS STEEL
 ALL PLANTING SHALL BE PERFORMED IN ACCORDANCE WITH THE FOLLOWING SPECIFICATIONS:
 1. ALL TREES SHALL BE PLANTED AT A MINIMUM OF 7.5 FEET FROM THE BUILDING FACE
 2. ALL TREES SHALL BE PLANTED AT A MINIMUM OF 7.5 FEET FROM THE DRIVEWAY
 3. ALL TREES SHALL BE PLANTED AT A MINIMUM OF 7.5 FEET FROM THE SIDEWALK
 4. ALL TREES SHALL BE PLANTED AT A MINIMUM OF 7.5 FEET FROM THE DRIVEWAY
 5. ALL TREES SHALL BE PLANTED AT A MINIMUM OF 7.5 FEET FROM THE DRIVEWAY
 6. ALL TREES SHALL BE PLANTED AT A MINIMUM OF 7.5 FEET FROM THE DRIVEWAY
 7. ALL TREES SHALL BE PLANTED AT A MINIMUM OF 7.5 FEET FROM THE DRIVEWAY
 8. ALL TREES SHALL BE PLANTED AT A MINIMUM OF 7.5 FEET FROM THE DRIVEWAY
 9. ALL TREES SHALL BE PLANTED AT A MINIMUM OF 7.5 FEET FROM THE DRIVEWAY
 10. ALL TREES SHALL BE PLANTED AT A MINIMUM OF 7.5 FEET FROM THE DRIVEWAY



<p>DATE: 08/20/08 DRAWN BY: [Name] CHECKED BY: [Name] SCALE: 1" = 40'</p>	<p>RECEIVED AUG 22 2008</p>	<p>LANDSCAPE PLAN SANDPIPER PETROLEUM CONVENIENCE STORE S.W. MORNINGSIDE BLVD. PORT ST. LUCIE, FL</p>	<p>William A. Platt, III Landscape Architect Stuart, FL 772.220.0424</p>	<p>FLA. Reg # 4041 Exp. 7/22/2009</p>
--	--	--	---	--