

RESOLUTION NO. 12-R74

COUNCIL ITEM 11B
DATE 7/23/12

A RESOLUTION GRANTING A SPECIAL EXCEPTION USE PROVIDED FOR IN SECTION 158.124 (C) 12 TO ALLOW A RETAIL CONVENIENCE STORE IN THE CG (GENERAL COMMERCIAL) ZONING DISTRICT FOR THE PROPOSED SHAMROCK PLAZA, LEGALLY DESCRIBED AS LOTS 1, 2, 25 AND 26, BLOCK 2283, PORT ST. LUCIE SECTION 33 (P12-056); PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Port St. Lucie, Florida, has been requested by Azzi Plus, LLC., the owner to grant a special exception use for a retail convenience store in the CG (General Commercial) zoning district, per 158.124 (C) 12 of the zoning code; and legally described as lots 1, 2, 25 and 26, Block 2283, Port St. Lucie Section 33;

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

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

WHEREAS, the Planning and Zoning Board, on July 3, 2012, with a vote of 5-1 recommended approval of the special exception use for a retail convenience store in the CG (General Commercial) zoning district, (P12-056) as recommended by staff (one board member abstained from voting):

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

RESOLUTION NO. 12-R74

Section 1. That the City of Port St. Lucie hereby grants a Special Exception Use for a retail convenience store for the proposed Shamrock Plaza (P12-056), pursuant to Section 158.255, et seq., and Section 158.124 (C) 12 Code of Ordinances, City of Port St. Lucie, said special exception use is depicted on the conceptual plan which is hereby formally adopted and attached as Exhibit "A", to be located west of SW Port St. Lucie Boulevard, north and east of SW Yamada Drive., and legally described as lots 1, 2, 25 and 26, Block 2283, Port St. Lucie Section.

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 23rd day of July, 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: JULY 23, 2012

ORDINANCE _____ RESOLUTION X MOTION _____ PUBLIC HEARING X

ITEM: SPECIAL EXCEPTION USE APPLICATION
 SHAMROCK PLAZA - CONVENIENCE STORE (P12-056)

RECOMMENDED ACTION:

The Planning and Zoning Board, on July 3, 2012, with a vote of 5-1 recommended approval of the special exception use for a retail convenience store in the CG (General Commercial) zoning district (one board member abstained from voting).

EXHIBITS:

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

SUMMARY EXPLANATION/BACKGROUND INFORMATION:

The requested special exception is to have a retail convenience store in the CG (Commercial General) Zoning District, per Section 158.124 (C) 12 of the Zoning Code.

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

None.

SUBMITTING DEPARTMENT: PLANNING and ZONING

DATE: 7/11/2012



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

TO: PLANNING AND ZONING BOARD MEETING-MEETING OF JULY 3, 2012
FROM: THRESIAMMA KURUVILLA, PLANNER *TK*
RE: SPECIAL EXCEPTION APPLICATION (PROJECT NO. P12-056)
SHAMROCK PLAZA - CONVENIENCE STORE
DATE: JUNE 22, 2012

APPLICANT: David L. Phillips, P.E. of Sustainable Engineering & Design, LLC. Authorization letter is attached.

OWNER: Azzi Plus, LLC

LOCATION: The property is located west of SW Port St. Lucie Boulevard, north and east of SW Yamada Drive.

LEGAL DESCRIPTION: Lots 1, 2, 25, and 26, Block 2283, Port St. Lucie Section 33

SIZE: 1.06 acres (46,174 square feet).

EXISTING ZONING: CG (General Commercial)

EXISTING USE: Vacant.

PROPOSED USE: The proposed use is to have a retail convenience store on the north side of the building in the proposed Shamrock Plaza.

REQUESTED SPECIAL EXCEPTION: The requested special exception is to have a retail convenience store in the CG (Commercial General) Zoning District, per Section 158.124 (C) 12 of the Zoning Code. Section 158.006 of the Zoning Code defines convenience store as "An establishment limited to the sale of convenience goods and not exceeding a gross floor area of 5,000 square feet."

SURROUNDING USES: North = RS-2 (Single Family Residential) zoning, houses, and vacant lots; South = RS-2 (Single Family Residential) zoning, Becker Road Commercial PUD, and NAU Ranch Becker Square PUD, vacant; East = Port St. Lucie Boulevard and beyond that RS-2 (Single Family Residential) zoning, vacant; West = RS-2 (Single Family Residential) zoning,

houses, and vacant lots. The surrounding properties are in conversion areas 11-11A.

IMPACTS AND FINDINGS:

Evaluation of Special Exception Criteria (Section 158.260)

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

Applicant: The access will be provided off of Port St. Lucie Blvd. and Yamada Dr.

Staff: The site is vacant now. The applicant has applied for a site plan (P12-038) and a conceptual site plan for a convenience store (P12-056) for approval. On 6/13/2012, the Site Plan Review Committee recommended these projects for approval. The main access is from Port St. Lucie Blvd., with a right in, right out only. The second access is from Yamada Dr., with full access. The existing site has adequate ingress and egress 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. Therefore, the site will have a total of two (2) access points; these can be used for both ingress and egress.

(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: A site plan application has been submitted concurrently with this application depicting the required parking and buffering. Landscaping will also be provided for buffering of facilities.

Staff: The conceptual site plan shows adequate parking for this proposed development at the ratio of one (1) space for every 200 sq. ft. of retail area, without creating undue noise, glare, odor, or other detrimental effects upon adjoining properties. Bicycle parking is provided at the site. A cross access easement is shown on the conceptual site plan to the adjacent vacant lot which is in the conversion area. The proposed convenience store is 2,190 sq. ft. area and is shown on the north side of the building as shown in the Conceptual Site Plan (Exhibit A).

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

Applicant: Water, sewer, electric, cable and phone services are adjacent to the project site.

Staff: The existing site has adequate and properly located utilities to serve the 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.

Applicant: Additional landscaping can be required and will be coordinated with city staff during the landscape plan review process.

Staff: The applicant's response adequately addresses this criterion. Further, the applicant has provided a 6' high opaque fence on the north side of the property and a 6' high wall on the west of the property to meet the City's code.

ITEM # 7(H)

(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: *Lighting will comply with city code by using lighting poles and building mounted fixtures. Lights will be shielded to avoid light pollution.*

Staff: *The conceptual site plan shows the location of 6' high light poles to be used along north and west property lines and 20' high light poles to be used for interior of project site. All exterior lights have to use concealed source fixtures in which the lenses do not project below the opaque section of the fixture. Final lighting pole design has to be reviewed and approved with final construction plan review. The applicant will have to apply for a sign permit for all proposed signage. The location of the drive-through signage for this building should be directed away from residents and located to the south.*

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

Applicant: *The required setbacks and open space will be provided and is referenced on the site plan attached with this application.*

Staff: *The existing site has adequate yards and open space to properly serve the existing development and ensure compatibility with adjoining properties. The conceptual site plan shows usable open spaces with public use benches and paved areas in front of the building on the east side. The conceptual site plan also shows a 5 foot sidewalk along Port St. Lucie Blvd. and Yamada Dr.*

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

Applicant: *The use has been designed per attached plan, to conform to the City Conversion Area and LDR standards.*

Staff: *The proposed retail convenience store is a special exception use in the CG (General Commercial) Zoning District per Section 158.124 (C) 12 of the Zoning Code.*

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

Applicant: *The project will be designed as not to impair the health, safety, welfare, or convenience of residents and workers in the City.*

Staff: *The site plan complies with the Zoning Code and Citywide Design Standards.*

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

Applicant: *The hours of operation will be consistent with similar commercial retail establishments, and the orientation of the site plan was designed to minimize noise, fume generation, or the type of unwanted use.*

ITEM # 7(H)

Staff: The proposed convenience store may well serve the neighborhood and the close proximity to Becker Road and I-95 further justifies the benefit to the public. The second access (in and out) to this plaza is from Yamada Dr., which is a local road. The applicant has stated in his email that the proposed hours of operation will be from 6 a.m. to 11 p.m. The proposed use should not constitute a nuisance or hazard based on the information provided in the application. The location of the drive-through signage for this building should be directed away from residents and located to the south.

(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 size and configuration of this facility is consistent with conversion area plan, a cross access easement can be provided for adjacent uses.

Staff: The site plan complies with the Conversion Manual, Citywide Design Standards, and Zoning Code.

(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 the neighborhood.

Staff: The applicant has acknowledged this.

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

Staff: The applicant has acknowledged this.

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

Notice to Property Owners: Notice was sent to all neighbors within a 300 foot radius (see attached map).

Related Projects:

P12-026 - Azzi Plus Rezoning application to rezone this property to CG (General Commercial) zoning from RS-2 (Single Family Residential) zoning was approved by the City Council on May 14, 2012 per Ordinance #12-21.

P12-037- Conceptual Site Plan for Shamrock Plaza Special Exception Use for a drive through facility on the south side of the building was recommended for approval by the Site Plan Review Committee on 6/13/2012.

RECOMMENDATION:

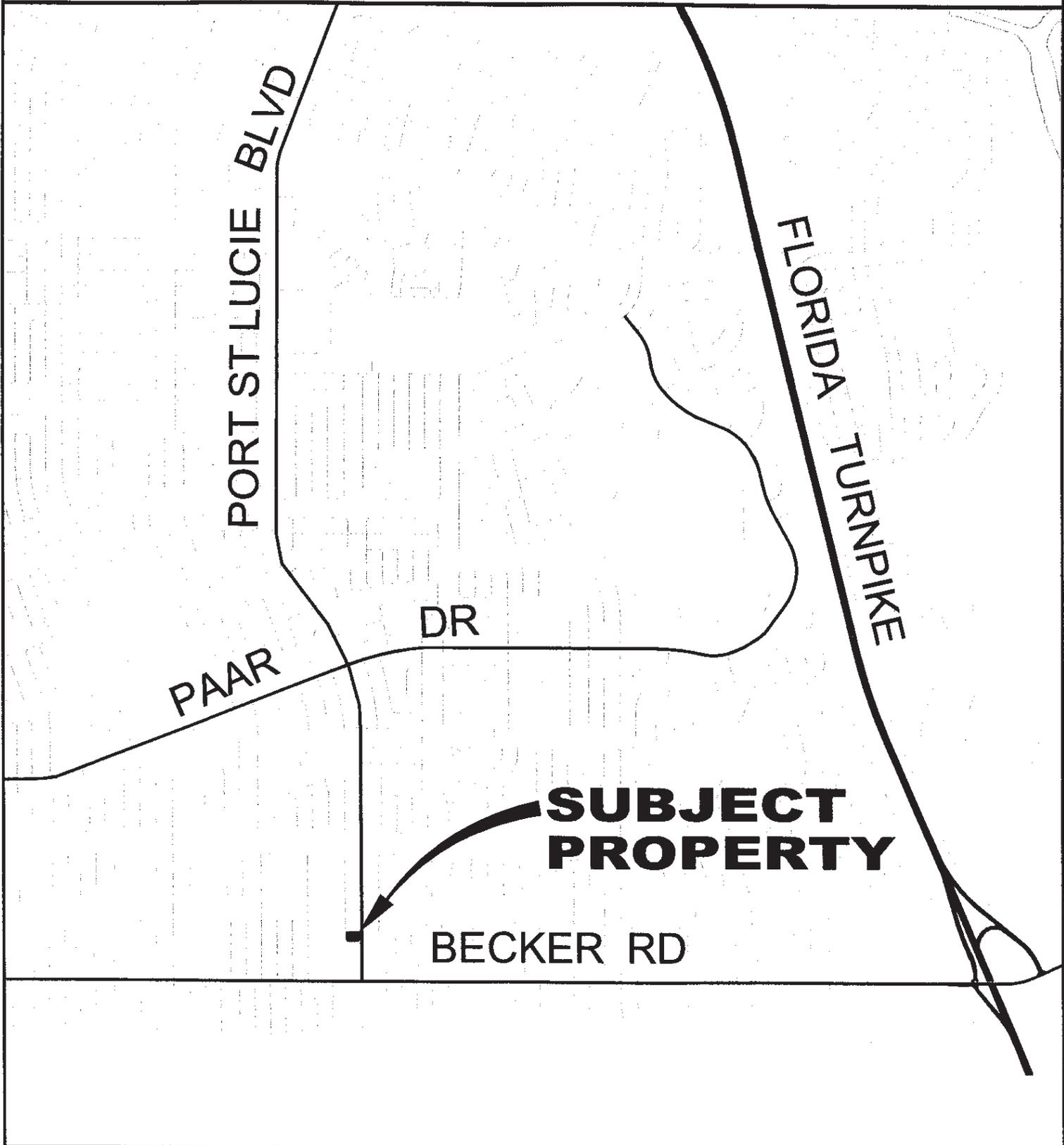
The Planning and Zoning Department staff finds the request to be consistent with special exception criteria as stipulated in Section 158.260 of the Zoning Code, and recommends approval of the retail convenience store.

Planning and Zoning Board Action Options:

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

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.

SITE LOCATION



CITY OF PORT ST. LUCIE
PLANNING & ZONING DEPT.

Prepared by:
M.I.S. DEPARTMENT

PZ 2012.DWG

SPECIAL EXCEPTION USE
LOTS 1, 2, 25 & 26 BLOCK 2283
PORT ST LUCIE SECTION 33

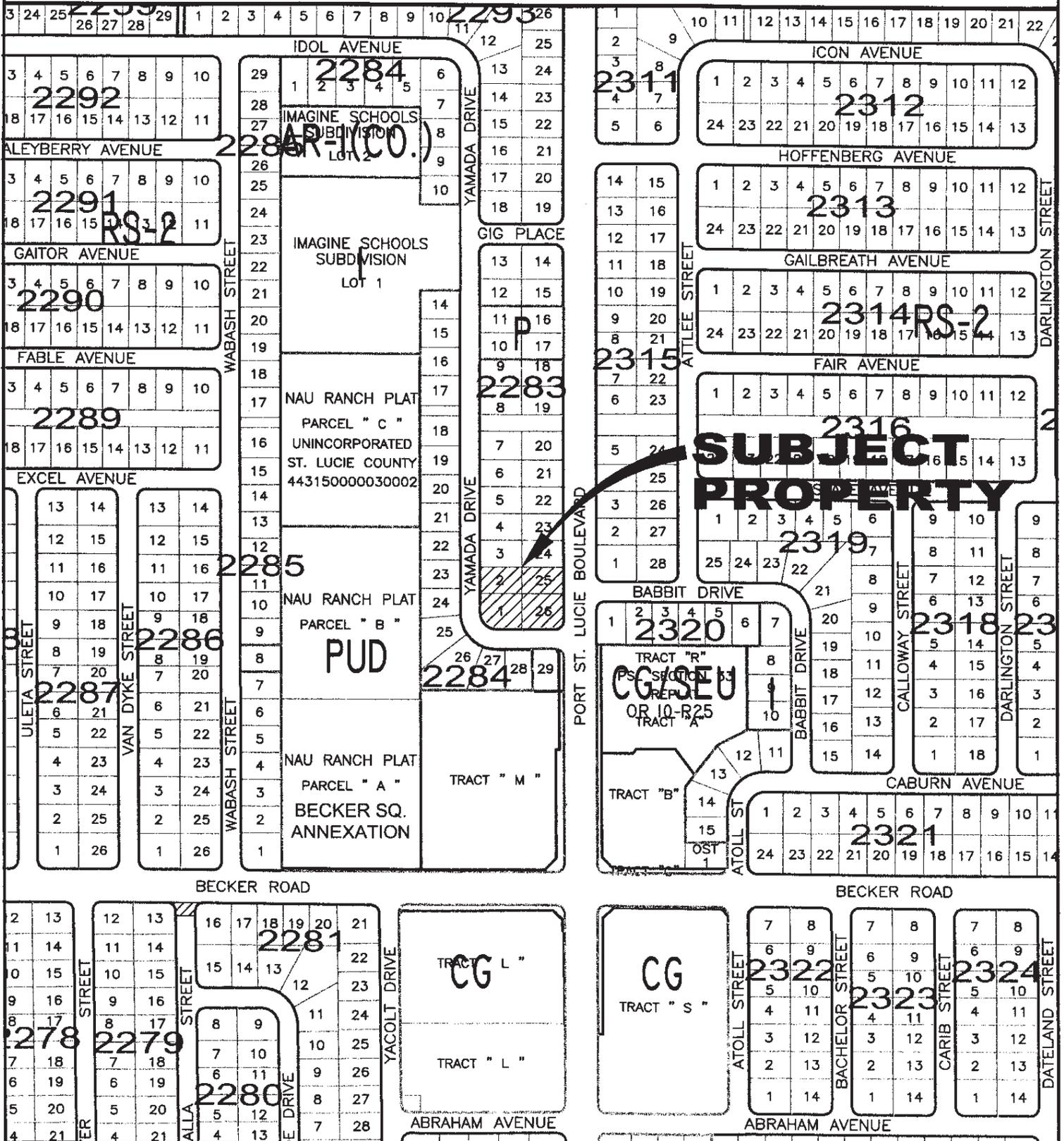
DATE: 5/21/2012

APPLICATION NUMBER:
P12-056

CADD FILE NAME:
P12-056L

SCALE: 1" = .5 MI

EXISTING ZONING



SUBJECT PROPERTY

SPECIAL EXCEPTION USE
 LOTS 1, 2, 25 & 26 BLOCK 2283
 PORT ST LUCIE SECTION 33

DATE: 5/21/2012

APPLICATION NUMBER:
 P12-056

CADD FILE NAME:
 P12-056M

SCALE: 1"=400'

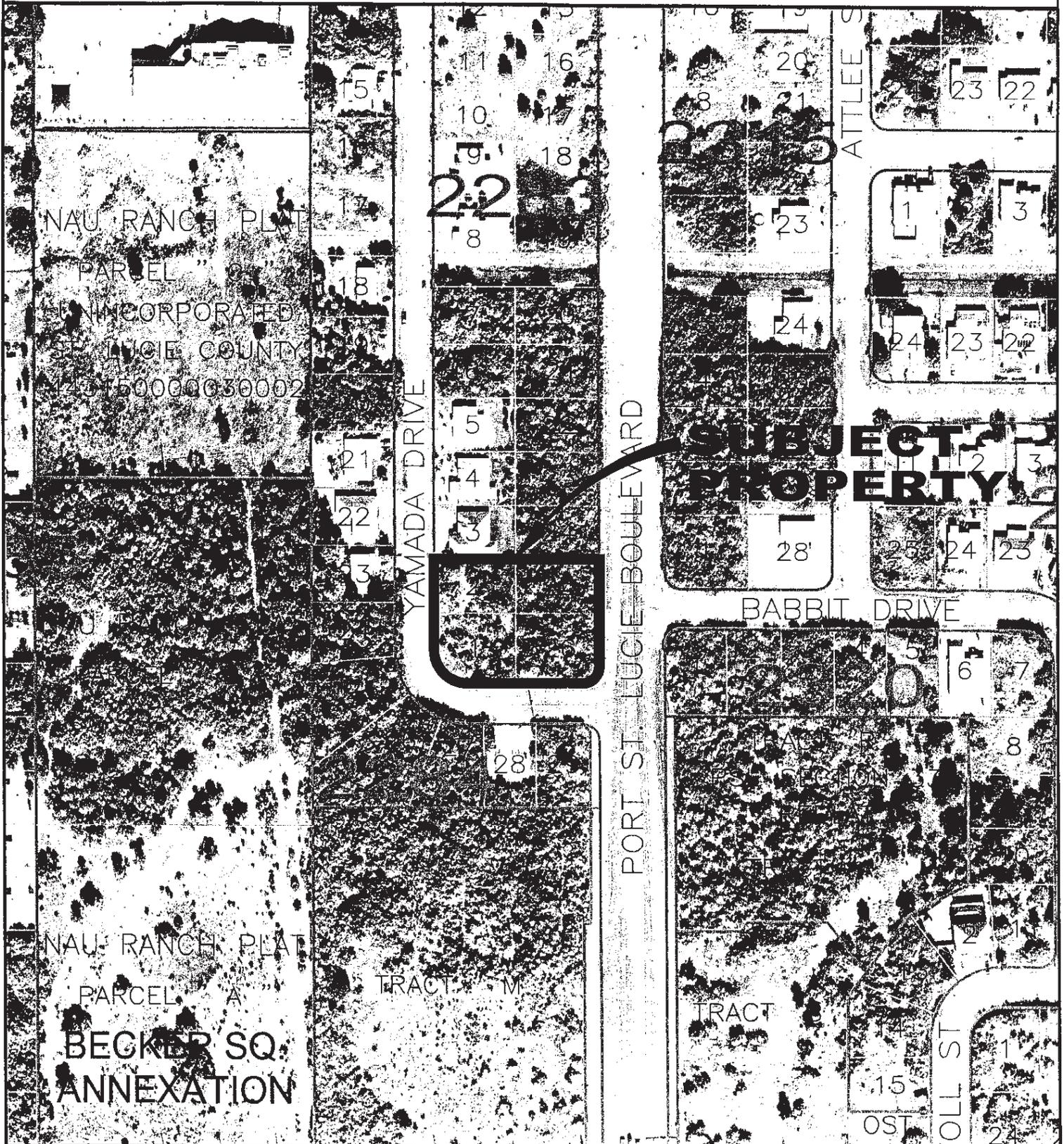


CITY OF PORT ST. LUCIE
 PLANNING & ZONING DEPT.

Prepared by:
 M.I.S. DEPARTMENT

PZ 2012.DWG

SITE LOCATION



CITY OF PORT ST. LUCIE
PLANNING & ZONING DEPT.

Prepared by:
M.I.S. DEPARTMENT

PZ 2012.DWG

SPECIAL EXCEPTION USE

LOTS 1, 2, 25 & 26 BLOCK 2283

PORT ST LUCIE SECTION 33

AERIAL DEC 2010

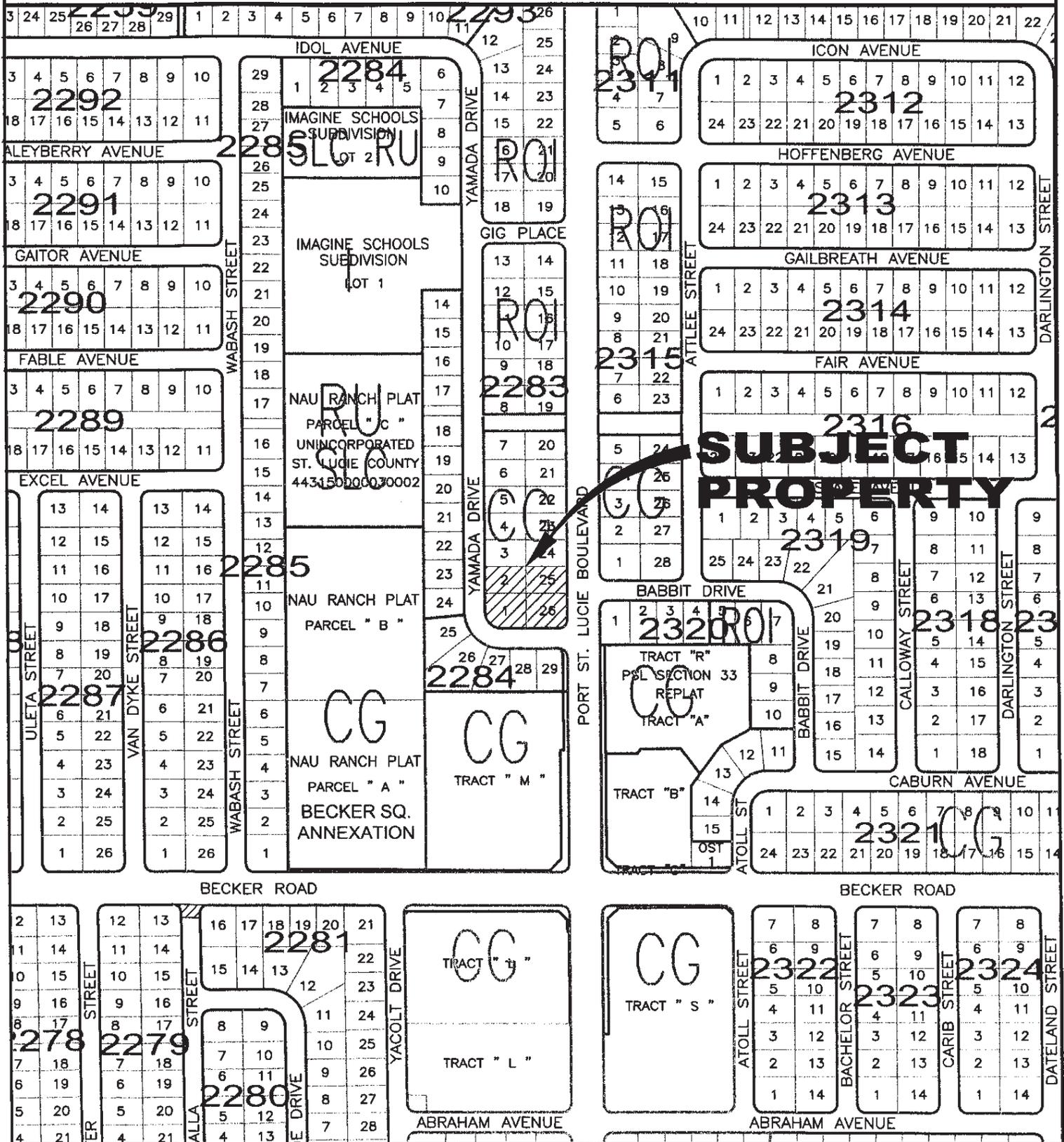
DATE: 5/21/2012

APPLICATION NUMBER:
P12-056

CADD FILE NAME:
P12-056A

SCALE: 1"=200'

FUTURE LAND USE



SUBJECT PROPERTY



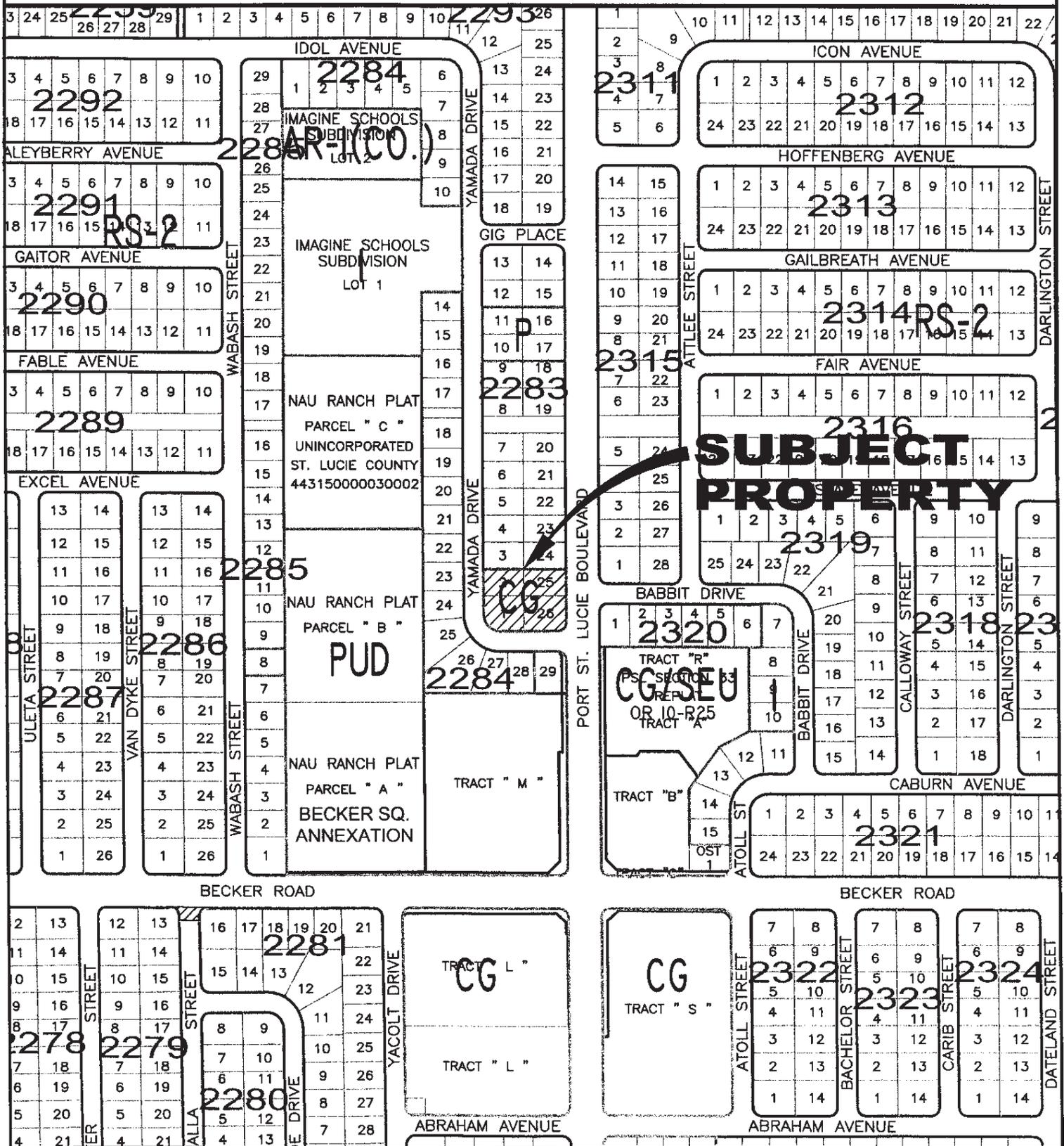
CITY OF PORT ST. LUCIE
PLANNING & ZONING DEPT.

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

SPECIAL EXCEPTION USE
LOTS 1, 2, 25 & 26 BLOCK 2283
PORT ST LUCIE SECTION 33

DATE: 5/21/2012
APPLICATION NUMBER:
P12-056
CADD FILE NAME:
P12-056M
SCALE: 1" = 400'

EXISTING ZONING



CITY OF PORT ST. LUCIE
PLANNING & ZONING DEPT.

Prepared by:
M.I.S. DEPARTMENT

PZ 2012.DWG

SPECIAL EXCEPTION USE

LOTS 1, 2, 25 & 26 BLOCK 2283
PORT ST LUCIE SECTION 33

DATE: 6/15/2012

APPLICATION NUMBER:
P12-056

CADD FILE NAME:
P12-056M

SCALE: 1" = 400'

APPLICATION FOR SPECIAL EXCEPTION USE

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

FOR OFFICE USE ONLY

Planning Dept. P12-056
Fee (Nonrefundable) \$ 2115.00
Receipt # 11687

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:

PROPERTY OWNER:

Name: Pierre Azzi; Azzi Plus, LLC
Address: 171 SW Andover Court, PSL, FL 34953
Telephone No.: 772 812 1505 Fax No.: _____

RECEIVED
APR 12 2012
PLANNING DEPARTMENT

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

Name: David L. Phillips, P.E.; Sustainable Engineering & Design, LLC
Address: P.O. Box 2247, Vero Beach, FL 32961
Telephone No.: 772 257 3032 Fax No.: 772 257 3033

SUBJECT PROPERTY:

Legal Description: See Attached
Parcel I.D Number: lots 1, 9, 25 & 26
Address: 4573, 4555 SW Yamada Dr Bays: _____
Development Name: Shamrock Plaza (Attach Sketch and/or Survey)
Gross Leasable Area (sq. ft.): _____ Assembly Area (sq. ft.): _____
Current Zoning Classification: CO1 SEU Requested: Convenience Store

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

The purpose of this SEU is to have a convenience store in the Shamrock Plaza.



Signature of Applicant

Pierre Azzi

Hand Print Name

4-13-12

Date

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

ACCESS WILL BE PROVIDED OFF PSU BLVD. AND
YAMADA DRIVE.

(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.

A SITE PLAN APPLICATION HAS BEEN SUBMITTED
CONCURRENTLY WITH THIS APPLICATION PICTURING THE
REQUIRED PARKING & BUFFERING. LANDSCAPING WILL
ALSO PROVIDE BUFFERING OF FACILITIES.

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

WATER, SEWER, ELECTRIC, CABLE, AND PHONE
SERVICES ARE ADJACENT TO THE PROJECT.

(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.

ADDITIONAL LANDSCAPING CAN BE REQUIRED
AND WILL BE COORDINATED WITH CITY STAFF
DURING THE LANDSCAPE PLAN REVIEW PROCESS

(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.

LIGHTING WILL COMPLY WITH CITY CODE BY
USING LIGHT POLES AND BUILDING MOUNTED FIXTURES.
LIGHTS WILL BE SHIELDED TO AVOID LIGHT POLLUTION.

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

THE REQUIRED SETBACKS AND OPEN SPACE
WILL BE PROVIDED AND IS REFERENCED ON
THE SITE PLAN ATTACHED WITH THIS APPLICATION.

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

THE USE HAS BEEN DESIGNED, PER ATTACH PLAN, TO CONFORM TO THE CITY CONVERSION AREA AND LDR STANDARDS.

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

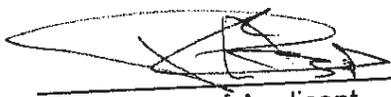
THE PROJECT WILL BE DESIGNED AS NOT TO IMPAIR THE HEALTH, SAFETY, WELFARE, OR CONVENIENCE OF RESIDENTS AND WORKERS IN THE CITY.

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

THE HOURS OF OPERATION WILL BE CONSISTENT SIMILAR COMMERCIAL RETAIL ESTABLISHMENTS, AND THE ORIENTATION OF THE SITE PLAN WAS DESIGNED TO MINIMIZE NOISE, FUME GENERATION, OR TYPE OF UNWANTED USE.

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

THE SIZE AND CONFIGURATION OF FACILITY IS CONSISTED WITH CONVERSION AREA PLAN; A CROSS ACCESS EASEMENT CAN BE PROVIDED FOR ADJACENT USES.



Signature of Applicant



Hand Print Name

3-20-12
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.

AZZI PLUS, LLC.

Ph (772) 812-1505

171 SW Andover court
Port St. Lucie, Florida 34953

e-mail: budman39fi@hotmail.com

City of Port St. Lucie
121 SW Port St. Lucie Blvd.
Port St. Lucie, Florida 34984-5099

Attn: Permitting Department
Ref: 000112

Subject: **LETTER OF AUTHORIZATION – PERMITTING AGENT**

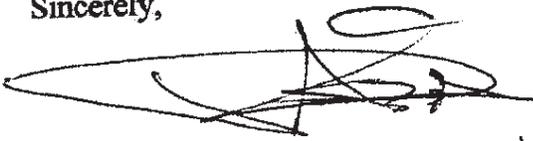
To Whom It May Concern:

This letter serves as authorization for Mr. David L. Phillips, P.E., to serve as the permitting agent for Azzi Plus, LLC. for the Azzi's Plaza site plan; for the time period beginning 01-01-12 through 01-01-13.

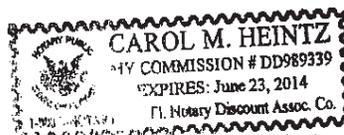
Any questions or concerns regarding work associated with our Plaza site plan should be addressed with Mr. Phillips.

Your time and assistance with this matter are greatly appreciated.

Sincerely,


Mr. Pierre Azzi
President

Cc: file



Carol M. Heintz

Return to: Cindy Silverstein
Name: Stewart Title Company
Address: 333 17th Street, Suite F
Vero Beach, Florida 32960

This Instrument Prepared by:
Cindy Silverstein
Stewart Title Company
333 17th Street, Suite F
Vero Beach, Florida 32960
as a necessary incident to the fulfillment of conditions
contained in a title insurance commitment issued by it.

Property Appraisers Parcel ID. (Folio) Number(s) 3420-660-2586-000/2

File No: 1112922 - 2902

Rec 10.00
D.S. 341.60

WARRANTY DEED

This Warranty Deed Made the 27th day of January, 2012, by Milton W. Koster, individually and as Trustee of the Milton W. Koster Revocable Trust Agreement dated 02/13/1997, hereinafter called the grantor, whose post office address is: 201 SE RIVER VISTA DR, PORT ST LUCIE FL 34953 5928

to Azzl Plus, LLC, a Florida Limited Liability Company, whose post office address is: 171 SW ANDOVER COURT, PORT ST. LUCIE, Florida 34953, hereinafter called the grantee,

WITNESSETH: That said grantor, for and in consideration of the sum of \$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, Florida, to wit:

Lots 1, Block 2283, PORT ST. LUCIE SECTION THIRTY-THREE, according to the Map or Plat thereof as recorded in Plat Book 15, Pages 1, 1A-1V, inclusive, of the Public Records of St. Lucie County, Florida.

The property is not the homestead of the Grantor(s). Property is vacant land.
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 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 2011, reservations, restrictions and easements of record, if any.

(The terms "grantor" and "grantee" herein shall be construed to include all genders and singular or plural as the context indicates.)
In Witness Whereof, Grantor has hereunto set grantor's hand and seal the day and year first above written.

SIGNED IN THE PRESENCE OF THE FOLLOWING WITNESSES
(TWO SEPARATE DISINTERESTED WITNESSES REQUIRED)

1 Witness Signature: [Signature]
Printed Name: Evelyn L. West Milton W. Koster, individually and as Trustee

2 Witness Signature: [Signature]
Printed Name: [Signature]

Witness Signature: [Signature]
Printed Name: Evelyn L. West

Witness Signature: _____
Printed Name: _____

STATE OF FLORIDA
COUNTY OF ST. LUCIE

The foregoing instrument was acknowledged before me this 27th day of Jan 2012 by Milton W. Koster, individually and as Trustee of the Milton W. Koster Revocable Trust Agreement date 2/13/97 who is/are personally known to me or who has/have produced driver license(s) as identification.

My Commission expires: _____

[Signature]
Notary Public Signature
Printed Name: Evelyn L. West
Notary Number

(SEAL)



Returns to: Clady Silverstein
Name: Stewart Title Company
Address: 333 17th Street, Suite F
Vero Beach, Florida 32966

This instrument Prepared by:
Clady Silverstein
Stewart Title Company
333 17th Street, Suite F
Vero Beach, Florida 32966
as a necessary incident to the fulfillment of conditions
contained in a title insurance commitment issued by it.

Property Appraiser's Parcel ID. (Folio) Number(s): 3420-660-2587-000/9

File No: 1112922 - 1902

Rec: 10.00
D.S.: 541.60

WARRANTY DEED

This Warranty Deed Made the 27th day of January, 2012, by Milton W. Koster and Estelle Powers, hereinafter called the grantor, whose post office address is: 5126 MAGNOLIA PLACE, SEBINGO, FL 33872

to Azzi Plus, LLC, a Florida Limited Liability Company, whose post office address is: 171 SW ANDOVER COURT, PORT ST. LUCIE, Florida 34953, hereinafter called the grantee,

WITNESSETH: That said grantor, for and in consideration of the sum of \$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, Florida, to wit:

Lot 2, Block 2283, PORT ST. LUCIE SECTION THIRTY-THREE, according to the Map or Plat thereof as recorded in Plat Book 15, Pages 1, 1A-IV, inclusive, of the Public Records of St. Lucie County, Florida.

The property is not the homestead of the Grantor(s). Property is vacant land.
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 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 2011, reservations, restrictions and easements of record, if any.
(The terms "grantor" and "grantee" herein shall be construed to include all genders and singular or plural as the context indicates.)
In Witness Whereof, Grantor has hereunto set grantor's hand and seal the day and year first above written.

SIGNED IN THE PRESENCE OF THE FOLLOWING WITNESSES
(TWO SEPARATE DISINTERESTED WITNESSES REQUIRED)

1) Witness Signature: [Signature]
Printed Name: Milton W. Koster
Milton W. Koster

2) Witness Signature: [Signature]
Printed Name: Estelle Powers
Estelle Powers

Witness Signature: [Signature]
Printed Name: Evelyn L. West

Witness Signature: [Signature]
Printed Name: Janis Toney

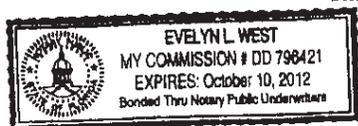
STATE OF FLORIDA
COUNTY OF ST. LUCIE

The foregoing instrument was acknowledged before me this 26 day of JANUARY 2012 by Milton W. Koster and Estelle Powers who is/are personally known to me or who has/have produced driver license(s) as identification.

My Commission expires:

[Signature]
Notary Public Signature
Printed Name: Evelyn L. West
Serial Number

(SEAL)



Return to: Cindy Silverstein
Name: Stewart Title Company
Address: 333 17th Street, Suite F
Vero Beach, Florida 32960

This Instrument Prepared by:
Cindy Silverstein
Stewart Title Company
333 17th Street, Suite F
Vero Beach, Florida 32960

as a necessary incident to the fulfillment of conditions contained in a title insurance commitment issued by it.

Property Appraisers Parcel I.D. (Folio) Number(s): 3420-660-2610-000/0

Title No: 1112922 - 2902

Rec: 10.00
D.S: 341.60

WARRANTY DEED

This Warranty Deed Made the 27th day of January, 2012, by Karl Foxpool (hereinafter called the grantor, whose post office address is: 711 SW GUYTON, TEL. PSL, FL 34953-1930

to Azzi Plus, LLC, a Florida Limited Liability Company, whose post office address is: 171 SW ANDOVER COURT, PORT ST. LUCIE, Florida 34953, hereinafter called the grantee,

WITNESSETH: That said grantor, for and in consideration of the sum of \$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, Florida, to wit:

Lot 25, Block 2283, PORT ST. LUCIE SECTION THIRTY-THREE, according to the Map or Plat thereof as recorded in Plat Book 15, Pages 1, 1A-1V, inclusive, of the Public Records of St. Lucie County, Florida.

The property is not the homestead of the Grantor(s). Property is vacant land. 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 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 2011, reservations, restrictions and easements of record, if any. (The terms "grantor" and "grantee" herein shall be construed to include all genders and singular or plural as the context indicates.) In Witness Whereof, Grantor has hereunto set grantor's hand and seal the day and year first above written.

SIGNED IN THE PRESENCE OF THE FOLLOWING WITNESSES
(TWO SEPARATE DISINTERESTED WITNESSES REQUIRED)

Witness Signature: Carol McDams Karl Foxpool
Printed Name: CAROL MCDAMS

Witness Signature: Betsy Barberio
Printed Name: Betsy Barberio

Witness Signature: _____
Printed Name: _____

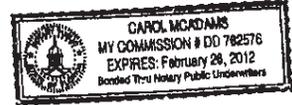
Witness Signature: _____
Printed Name: _____

STATE OF FLORIDA
COUNTY OF ST. LUCIE

The foregoing instrument was acknowledged before me this 27 day of JANUARY, 2012 by Karl Foxpool who is/are personally known to me or who has/have produced driver license(s) as identification.

My Commission expires: 2/26/12
Notary Public Signature: Carol McDams
Printed Name: CAROL MCDAMS
Serial Number

(SEAL)



Return to: Cindy Silverstein
Name: Stewart Title Company
Address: 333 17th Street, Suite F
Vero Beach, Florida 32961

This Instrument Prepared by:
Cindy Silverstein
Stewart Title Company
333 17th Street, Suite F
Vero Beach, Florida 32961

as a necessary incident to the fulfillment of conditions contained in a title insurance commitment issued by it.

Property Appraisers Parcel I.D. (Folio) Number(s): 3420-660-2611-000/7

File No: 1112922 - 2902
Rec: 10.00
25: 341.60

COPY

WARRANTY DEED

This Warranty Deed Made the 27th day of January, 2012, by Creative Realty Management, Inc., a Florida Corporation, hereinafter called the grantor, whose post office address is: P.O. Box 8135
Port St. Lucie, FL 34985

to Azzi Plus, LLC, a Florida Limited Liability Company, whose post office address is: 171 SW ANDOVER COURT, PORT ST. LUCIE, Florida 34953, hereinafter called the grantee,

WITNESSETH: That said grantor, for and in consideration of the sum of \$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, Florida, to wit:

Lot ²⁶ ~~22~~, Block 2283, PORT ST. LUCIE SECTION THIRTY-THREE, according to the Map or Plat thereof as recorded in Plat Book 15, Pages 1, 1A-1V, inclusive, of the Public Records of St. Lucie County, Florida.

COPY

The property is not the homestead of the Grantor(s). Property is vacant land.
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 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 2011, reservations, restrictions and easements of record, if any.
(The terms "grantor" and "grantee" herein shall be construed to include all genders and singular or plural as the context indicates.)
In Witness Whereof, Grantor has hereunto set grantor's hand and seal the day and year first above written.

**SIGNED IN THE PRESENCE OF THE FOLLOWING WITNESSES
(TWO SEPARATE DISINTERESTED WITNESSES REQUIRED)**

① Witness Signature: [Signature] Creative Realty Management, Inc., a Florida Corporation
Printed Name: Cindy Silverstein

② Witness Signature: [Signature] By: [Signature], Louise Pine-Flanzbaum, president
Printed Name: Betsy Barberio

Witness Signature: _____
Printed Name: _____

Witness Signature: _____
Printed Name: _____

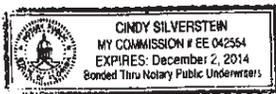
STATE OF FLORIDA
COUNTY OF Indian River

The foregoing instrument was acknowledged before me this 27 day of Jan, 2012, by Louise Pine-Flanzbaum as President of Creative Realty Management, Inc., a Florida Corporation who is/are personally known to me or who has/have produced driver license(s) as identification

My Commission expires:

[Signature]
Notary Public Signature
Printed Name: Cindy Silverstein
Serial Number

✓ (SEAL)



Item 7 G + 7H

Steven R. Rudolph
402 Indiana Avenue
Michigan City, IN 46360

via FAX to (772) 871-5124 and US Mail

6/29/2012

City of Port St Lucie
Planning & Zoning Department
121 S.W. Port St. Lucie Blvd.
Port St. Lucie, FL 34984-5099

re: FILE # P12-056 SPECIAL EXCEPTION USE

Dear Officials:

As property owner of Port St. Lucie block 2283, section 33, lot 24; (a/k/a 4486 SW Port St Lucie Blvd) parcel ID 342066026090000,

I am respectfully objecting to the granting of a special exception use for the property adjoining mine.

My property was purchased as a residential lot and with my intentions of retiring there. I feel this is an undo intrusion into the use and enjoyment of my property and I do not feel the exeption is in keeping with the character of the neighborhood.

There is little doubt of the noise, inconvienience and litter proplems that will accompany the proposed project; the detrimental effect is certainly without doubt.

As property owner, I have dutifully paid my property taxes without fail or delinquency every year that I owned the property, keeping focus on my future plan of retirement as it grows closer. I am devesated at the prospect that this proposed use-exception be granted, thereby destroying the peaceful use of my property.

Again, I respectfully beseach you to deny this application for special use exception.

Sincerely


Steven R. Rudolph

Item 7A + 7H

6/21/2012

City of Port St. Lucie
|Planning & Zoning Department
Attn: Thresiamma Kuruvilla
121 S. W. Port St. Lucie Blvd.
Port St. Lucie, FL 34984-5099
fax: 772-871-5124

RECEIVED
JUN 21 2012
PLANNING DEPARTMENT
CITY OF PORT ST. LUCIE

To Whom It May Concern;

**RE: FILE # P12-037
OBJECTION TO THE SHAMROCK PLAZA-DRIVE THROUGH**

My property: Lot 3, block 2283, and Section 33
Address: 4537 S.W. Yamada Dr.
Port St. Lucie, FL 34953
Owner: Mary L. Mullens
Mailing Address: 3123 Helsel Dr.
Silver Spring, MD 20906

I did not have any issues with the strip plaza being built next to my property but I do object to the special exception use application for the **Shamrock Plaza-Drive Through Service (P12-037)**. The drive-thru will direct a hundred cars daily from the Port St. Lucie Blvd entrance, to drive within (24 feet of my home) around all the stores, go to the drive-thru window. I plan to move into my retirement home at 4537 Yamada Dr. next year and enduring the noise from the hundreds of car motors, loud music playing on radios, and the exhaust fumes from vehicles driving to and idling while waiting for service will be horrible. My property value will be negatively impacted by the increase of traffic noises from the drive-thru.

I object to the exception for the drive-thru,

Mary Mullens
3123 Helsel Dr.
Silver Spring, MD 20906

Thresiamma Kuruvilla

From: April Stoncius
Sent: Friday, July 13, 2012 8:53 AM
To: Thresiamma Kuruvilla
Subject: RE: p&Z Board minutes

P12-037 SHAMROCK PLAZA – DRIVE-THROUGH SERVICE – SPECIAL EXCEPTION USE

Ms. Kuruvilla said, "The owner is Azzi Plus, LLC. The applicant is David L. Phillips, P.E. of Sustainable Engineering & Design, LLC. The property is located west of SW Port St. Lucie Boulevard, and north and east of SW Yamada Drive. It is legally described as Lots 1, 2, 25, and 26, Block 2283, Port St. Lucie Section 33. The size of the lot is 1.06 acres. The existing zoning is General Commercial, and it is a vacant site. The proposed use is to have a drive-through window on the south side of the building in the proposed Shamrock Plaza. The requested special exception is to have a drive-through service in the Commercial General Zoning District, per Section 158.124 (C) 14 of the Zoning Code. The applicant has applied for a Site Plan, P12-038, and a Conceptual Site Plan for a drive-through service SEU P12-037, and a conceptual Site Plan for a convenience store SEU P12-556 for approval. On June 13, 2012, the Site Plan Review Committee recommended these projects for approval. Exhibit A is the conceptual Site Plan. The main access is from Port St. Lucie Boulevard with a right in and a right out only. The second access is from Yamada Drive with the full access. The existing site has adequate ingress and egress to and from the property. The proposed Conceptual Site Plan shows adequate parking. Bicycle parking is provided at the site. A cross access easement is shown on the Conceptual Site Plan to the adjacent vacant lot, which is in the Conversion Area. The applicant has to provide Landscape Plans along with Construction Plans. The Conceptual Site Plan shows a 6-foot high opaque fence on the north side of the property and a 6-foot high wall on the west of the property to meet the City's Code. The Conceptual Site Plan also shows the location of 6-foot high light poles to be used along the north and west property lines, and 20-foot high light poles to be used for the interior of project site. A 5-foot sidewalk along Port St. Lucie Boulevard and Yamada Drive is proposed. The requested Special Exception Use for a drive-through is in conformance with the provisions and requirements of the City of Port St. Lucie Land Development Regulations. The applicant has stated in his email that the proposed hours of operation will be from 6 a.m. to 11 p.m. The proposed use should not constitute a nuisance or hazard based on the information provided by the applicant. The Planning and Zoning Department staff finds the request to be consistent with the Special Exception criteria as stipulated in Section 158.260 of the Zoning Code, and recommends approval of the drive-through service."

THOMAS FARLEY, Attorney for the applicant, said, "We have no presentation, but Dawn Hilton, the engineer and I, are here to answer any questions you may have." Ms. Parks stated, "You have come before us previously, and there was question at that time about the ingress and egress, particularly, the egress from your facility onto Port St. Lucie Boulevard. At that time there was striping or a median, so that you could not make a left turn out of your facility onto Port St. Lucie Boulevard. Has that changed?" Ms. Hilton responded, "No ma'am. It has not changed. You cannot make a left-hand turn out of the site onto Port St. Lucie Boulevard. You must make a right." Ms. Parks asked, "Is there striping or a median there?" Ms. Hilton replied, "It has striping." Mr. Battle questioned, "Do you have any prospective tenants?" Mr. Azzi answered, "We are using two bays for our own business as a convenience store. I have contacted Dunkin Doughnuts, but we haven't received an answer yet." Mr. Battle clarified, "So you are looking for a fast food restaurant." Mr. Azzi replied in the affirmative.

Chair Blazak opened the Public Hearing. There being no comments, Chair Blazak closed the Public Hearing and said, "We received a letter from a Mr. Steven Rudolph that I would like to add into the record. He is opposed to this project." Ms. MacKenzie remarked, "I will be abstaining." (Clerk's Note: A Voting Conflict Form is attached to the minutes). Chair Blazak asked, "Does the Special Exception for the drive-through change the compatibility that would normally exist with this zoning in this area?" Ms. Kuruvilla replied, "It is in a Conversion Area, and is compatible with the Zoning Code." Secretary Ojito said, "It appears from the Site Plan that the 8-foot high wall seems to terminate halfway through the curve. Should that wall extend a little further, because it appears that there are two residential blocks that are not blocked from the view?" Ms. Kuruvilla responded, "The fence is going to be up to the residential area, per the Code requirements. The rest of the area is commercial on the south side." Secretary Ojito clarified, "Lot 26 says RS-2 and Lot

27 says RS-2, so I'm concerned that they will have a view unless it is landscaped." Mr. Holbrook advised, "Perimeter landscaping is required for this development. As a part of the landscaping requirement, a wall is required when you have a residential area that abuts up to a non-residential area. For areas that are in Conversion Areas, which this area is, you will see the wall stopping there. On the Future Land use map, Lot 26 on the southwest side, from that lot moving to the east is within the Conversion Area, as are the lots which are immediately to the north of this project. It doesn't require a wall for those areas, and a fence can be provided. Since this is across the street, fences have typically not been provided. That has been a past practice of the City. The best map to look at is the Future Land Use Map, and it is actually Lot 25." Ms. Kuruvilla said, "They are Lots 25, 26, and 27, 28, and 29 that are commercial on the Future Land Use Map." Mr. Holbrook advised, "From Lot 25 through 29, on the south side on Block 2284, is all commercial future land use. To the north of the project, which are Lots 3 and 24, is future land use, and those are within the City's Conversion Areas. The Conversion Area is a set of policies and guidelines, which the City established in the mid 1980's. It allowed for the conversion of residential lots to other uses. Those are policies that we have been dealing with for a number of decades. Back in the 1980's, the City changed the Future Land Use Map, and created a manual. This is a Special Exception Use, which has the listed criteria that Ms. Kuruvilla reviewed in her presentation."

Mr. Garrett moved to recommend approval of P12-037, Shamrock Plaza, Drive-through Service, SEU. Mr. Battle seconded the motion, which passed by roll call vote with Chair Blazak, Vice Chair Martin, Mr. Garrett, Mr. Battle, and Secretary Ojito voting in favor, Ms. Parks voting against, and Ms. MacKenzie abstaining.

P12-056 SHAMROCK PLAZA – CONVENIENCE STORE – SPECIAL EXCEPTION USE

Ms. Kuruvilla said, "This is a Special Exception Use application for Shamrock Plaza Convenience Store for the same property. The requested Special Exception Use is to have a retail convenience store in the General Commercial Zoning District, per Section 158.124(C)12 of the Zoning Code. The proposed use is compatible with all of the Special Exception criteria stipulated in the Zoning Code. The Planning and Zoning Department staff finds the request to be consistent with the Special Exception criteria as stipulated in Section 158.260 of the Zoning Code, and recommends approval of the retail convenience store."

Chair Blazak opened the Public Hearing. There being no comments, Chair Blazak closed the Public Hearing and stated, "I want to note again the communication we had from Mr. Rudolph who opposed this project as well. Vice Chair Martin moved to recommend approval of P12-056, Shamrock Convenience Store, SEU. Secretary Ojito seconded the motion, which passed by roll call vote with Chair Blazak, Vice Chair Martin, Mr. Garrett, Mr. Battle, and Secretary Ojito voting in favor, Ms. Parks voting against, and Ms. MacKenzie abstaining. (Clerk's Note: A Voting Conflict Form is attached to the minutes).

