

RESOLUTION NO. 12-R106

COUNCIL ITEM 11D
DATE 10/22/12

A RESOLUTION GRANTING A SPECIAL EXCEPTION USE PROVIDED FOR IN SECTION 158.124(C)(15) TO ALLOW A PAIN MANAGEMENT CLINIC IN THE CG (GENERAL COMMERCIAL) ZONING DISTRICT FOR RAMACO, LLC, LEGALLY DESCRIBED AS LOT B, FIRST REPLAT IN THE MARKETPLACE, P12-093; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Port St. Lucie, Florida, has been requested by Greenspoon Marder, PA, acting as agent for RAMACO, LLC. owner, to grant a special exception use for a pain management clinic on property presently zoned CG (General Commercial); and legally described as Lot B, First Replat in the Marketplace; 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)(15), 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 October 2, 2012, recommended approval (P12-093); and

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RESOLUTION NO. 12-R106

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

Section 1. That the City of Port St. Lucie hereby grants a special exception use to RAMACO, LLC. P12-093, to allow a pain management clinic, pursuant to Section 158.255, et seq., and Section 158.124(C)(15) 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 10244 South US Highway One and legally described as Lot B, First Replat of the Marketplace.

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 22nd day of October, 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

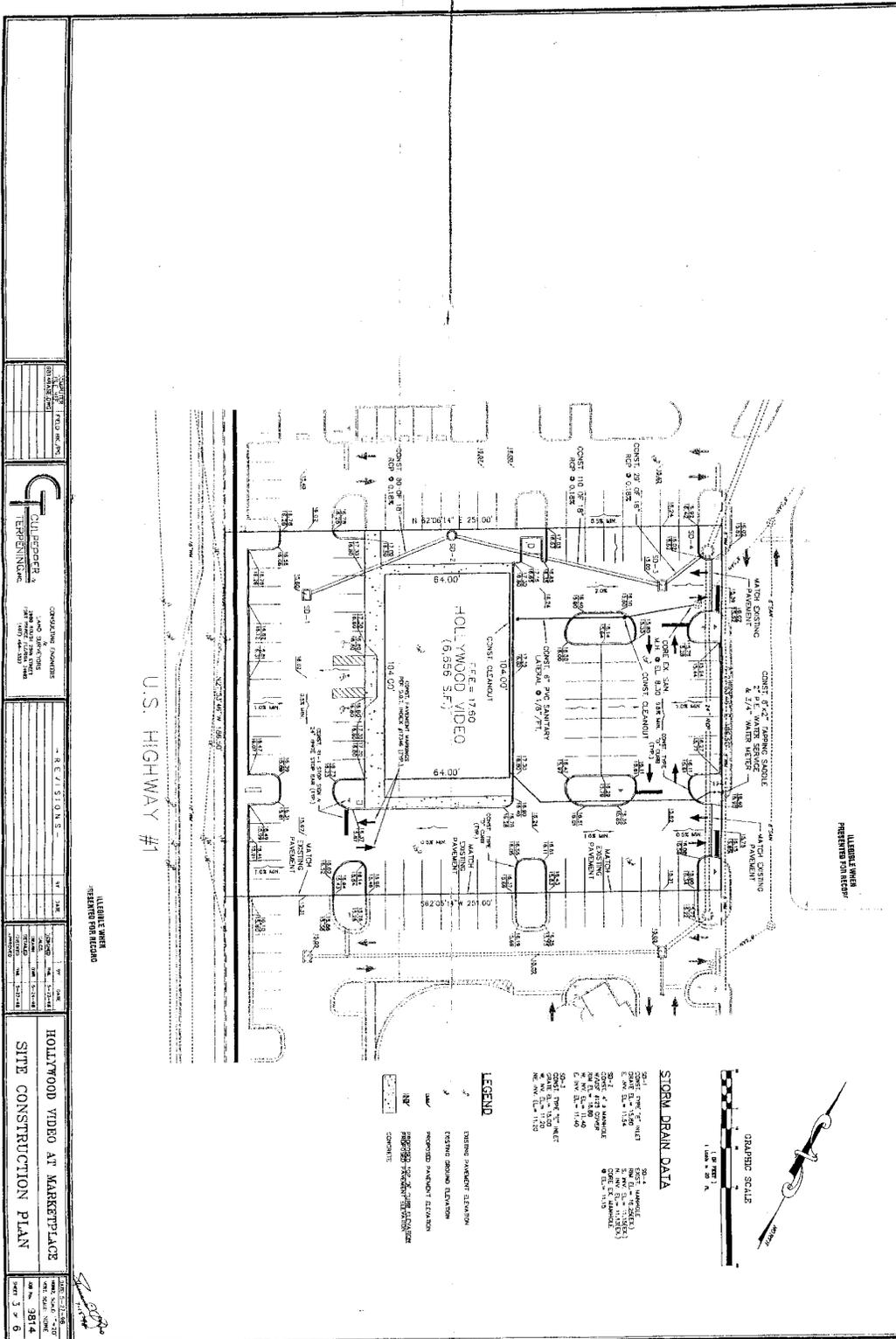


EXHIBIT "A"
 P12-093 RAMACO, LLC. SPECIAL EXCEPTION USE
 (PAIN MANAGEMENT CLINIC)

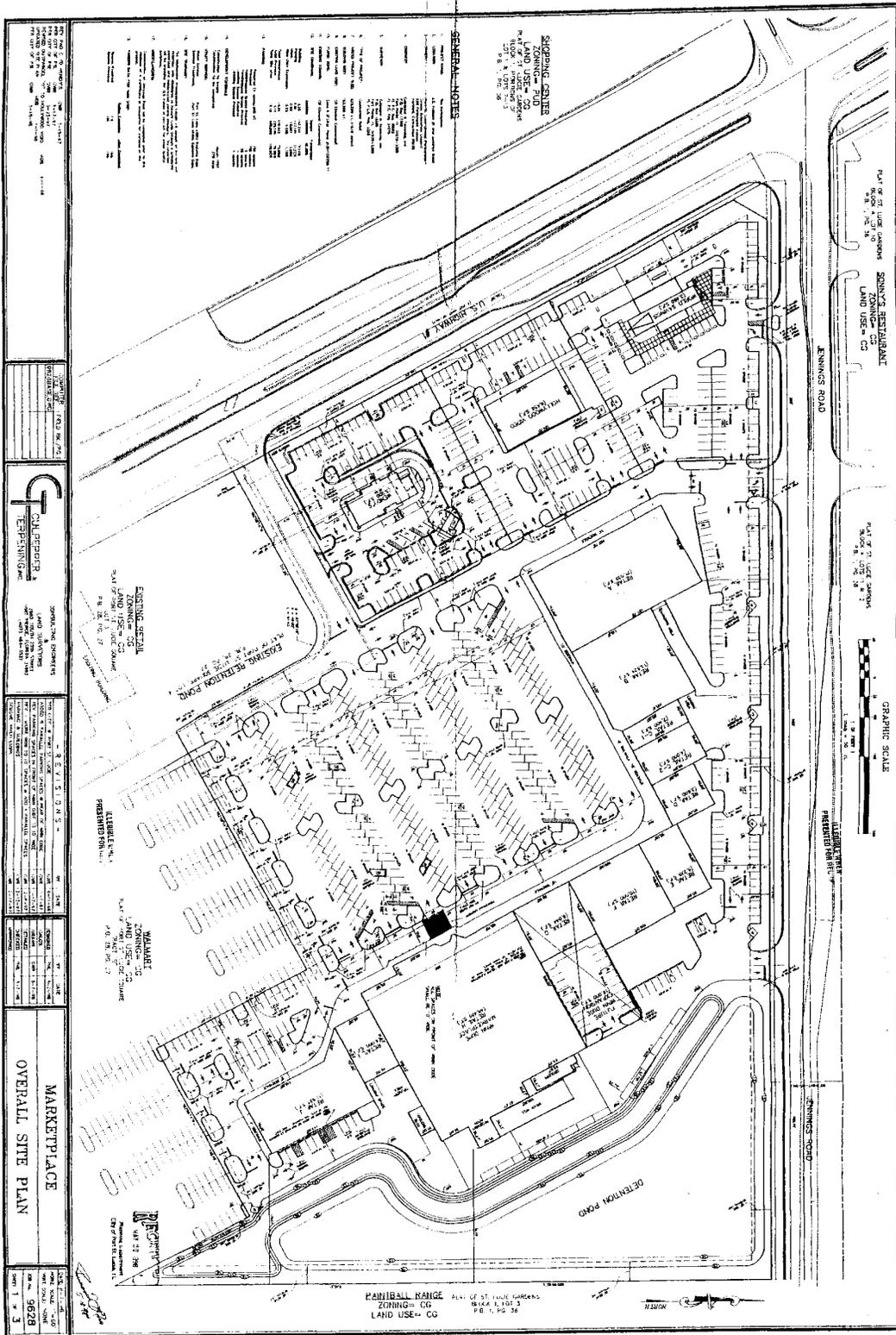


EXHIBIT "A"
 P12-093 RAMACO, LLC. SPECIAL EXCEPTION USE
 (PAIN MANAGEMENT CLINIC)

CITY OF PORT ST. LUCIE, FL - CITY COUNCIL

AGENDA ITEM REQUEST

MEETING: REGULAR X SPECIAL

DATE: October 22, 2012

ORDINANCE RESOLUTION X MOTION

PUBLIC HEARING October 22, 2012 LEGAL AD PUBLISH DATE October 12, 2012

NAME OF NEWSPAPER St. Lucie News Tribune

ITEM: PROJECT NO. P12-093
 RAMACO,LLC.
 PAIN MANAGEMENT CLINIC
 SPECIAL EXCEPTION USE APPLICATION

RECOMMENDED ACTION: The Planning and Zoning Board reviewed the request on October 2, 2012 and unanimously recommended approval.

EXHIBITS:

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

SUMMARY EXPLANATION/BACKGROUND INFORMATION: The requested special exception is to allow a pain management clinic in the CG (General Commercial) Zoning District per Chapter 158.124(C)(15) of the Zoning Code, which allows a pain management clinic as a Special Exception Use.

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

The applicant will need approximately 10 minutes.

SUBMITTING DEPARTMENT: *Planning and Zoning*

DATE: 10/9/12



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

TO: CITY COUNCIL - MEETING OF OCTOBER 22, 2012

FROM: KATHERINE H. HUNTRESS, PLANNER 

RE: SPECIAL EXCEPTION USE APPLICATION (PROJECT NO. P12-093)
RAMACO, LLC
PAIN MANAGEMENT CLINIC

DATE: OCTOBER 9, 2012

APPLICANT: Noreen S. Dreyer, Esq. of Greenspoon Marder, PA.

OWNER: RAMACO, LLC.

LOCATION: The subject property is located at 10244 South US Highway 1 in the Marketplace Shopping Center, south of Jennings Road, and north of Port St. Lucie Boulevard.

LEGAL DESCRIPTION: The property is legally described as Lot B, First Replat in the Marketplace.

SIZE: The site size is 1.07 acres.

EXISTING ZONING: CG (General Commercial).

EXISTING USE: The existing building is currently vacant and was previously occupied by Hollywood Video.

PROPOSED USE: The proposed use is for a 6,656 square foot pain management clinic.

REQUESTED SPECIAL EXCEPTION: The requested special exception is to allow a pain management clinic in the CG (General Commercial) Zoning District per Chapter 158.124(C)(15) of the Zoning Code, which allows a pain management clinic as a Special Exception Use.

SURROUNDING USES: North and south = CG (General Commercial) zoning, existing commercial buildings. West = US Highway 1 and the Towne Centre PUD (Planned Unit Development), existing Town Centre Shopping Center. East = CG/SEU (General Commercial/Special Exception Use) zoning, existing Marketplace Shopping Center.

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 response: "The subject Property is an existing developed outparcel within the Marketplace commercial center. Vehicular access is provided to the Marketplace commercial center via one entrance from US 1 and three entrances from Jennings Road. No changes are proposed to the existing approved traffic flow, control or access, or to the sidewalks that are adjacent to the existing building on the Property. Vehicular access to the Property is through the existing driveways within the Marketplace commercial center."

Staff evaluation: Hollywood Video Site Plan was approved by the City Council on June 6, 1998. 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.

(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 response: "The clinic will use the existing approved parking areas on the Property as shown on the Hollywood Video site plan."

Staff evaluation: The existing site, approved site plan, provides for 1 parking space for every 200 square feet of gross floor area which is the same as what is required for the proposed use. Additionally, the applicant shall provide a bike rack in the front of the building.

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

Applicant response: "The Marketplace commercial center and the subject Property are fully developed and all needed utilities currently exist for the site."

Staff evaluation: The property is connected to the City of Port St. Lucie Utilities Department water and sewer and no additional capacity will be required for the proposed special exception use.

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

Applicant response: "The proposed special exception use will utilize an existing building on a developed parcel within the existing Marketplace commercial center. The clinic use is compatible with the surrounding commercial uses within the center and will not generate additional impacts to the adjoining properties either within or adjacent to the Marketplace commercial center. The impacts generated by the requested special exception are not greater than those which would be allowed by other permitted uses in the general commercial zoning district."

Staff evaluation: This property is located in an established commercial area of the city, and the surrounding sites contain structures similar in construction and design.

The site has an approved landscape plan. The proposed use is not next to or in close proximity to residential uses. Due to the nature of the surrounding businesses, and the presence of the required landscaping, it is determined that this site has adequate buffering and screening, and therefore no additional screening would be required.

- (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 response: "The exterior lighting was approved in conjunction with the existing site plan for the Property and currently exists. Any new or replacement signage is expected to conform to applicable city codes."

Staff evaluation: The site is developed and no additional lighting or signage is being proposed. If additional signage is proposed, it will need to be processed according to the current City's Sign Code, and the placement of any additional light poles will require a site plan amendment.

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

Applicant response: "The requested special exception use will occupy an existing building within the existing Marketplace commercial center. All yards and open spaces have previously been established by way of the approved site plan. The requested special exception use is not different in kind from other permitted uses which could locate on the Property without further approval, and will not generate a need for yard or open spaces different from that which already exists."

Staff evaluation: The applicant's response adequately addresses this criterion. The proposed use will not require any additional yard or open space. The proposed use will not require the applicant to make any changes or additions to the existing yard and open space designated on this site. The building meets all the setback requirements of the City's Code.

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

Applicant response: "The proposed use is to be located within an existing building in an existing approved commercial center which has already demonstrated conformance with the City's Land Development Regulations. Since the site is already developed, the proposed special exception use will not trigger any new requirements of the Land Development Regulations. The requested use is a medical office which will be operated like other professional offices which could occupy the Property without further approval from the City."

Staff evaluation: The applicant has adequately addressed the criteria. The proposed Special Exception Use (pain management clinic) is in conformance with Chapter 158.124(C)(15) and Section 158.260 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 response: "The pain management clinic will be located within an existing building and will operate similarly to other medical offices which could locate within the building without further approval. The clinic treats patients who are primarily referred by other

medical providers and who are carefully screened prior to providing treatment. If the special exception is approved, an existing clinic at 1880 Port St. Lucie Boulevard will be relocated to the subject site. The clinic has received no complaints from surrounding neighbors or businesses at its current location. The new location is consistent with the specific standards established for the requested use, unlike the existing grandfathered site. The proposed use in the new location will not impair the health, safety, welfare or convenience of residents and workers in the City, but will in fact provide a needed medical service to residents and workers in the City in a commercial center that is near other medical providers.”

Staff evaluation: The applicant has adequately addressed the criteria. The proposed use is for the operation of a pain management clinic which is a special exception use in the CG (General Commercial) zoning district. This should not impair the health, safety, welfare, or convenience of residents and workers in the City.

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

Applicant response: “The majority of the existing building (approximately 70%) will be used for offices for billing and other administrative work associated with the medical practices and clinics operated by Mid-Florida Anesthesia Associates, Inc. at other locations on the Treasure Coast. The special exception use will occupy the remaining approximately 30% of the building. The operation of the requested pain management clinic will be substantially the same as any other professional medical office which could locate within the existing building as a permitted use. The hours of operation and number of patients treated are similar to other general commercial uses which are permitted by right. The medical office and clinic will not generate fumes or noise, or types of physical activity or vehicular movements different from other commercial uses or professional offices which could locate within the building and which are located within the surrounding buildings of the Marketplace commercial center.”

Staff evaluation: The applicant has adequately addressed the criterion.

(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 response: “There will be no new development associated with this requested use. The Marketplace commercial center is fully developed, including the one-story building in which the requested use is to be located. No exterior changes are planned that would negatively impact any of the special exception criteria. The requested use itself will not generate impacts to adjacent properties that are more extensive than impacts generated by other general commercial uses that are permitted by right and which currently exist within the Marketplace commercial center.”

Staff evaluation: This site is already developed and the proposal will be changing 6,656 square feet of the interior of the existing vacant commercial building to create a pain

management clinic. This site is located in a commercial area within the city and is surrounded by other properties zoned General Commercial and should be compatible with the site itself as well as with the adjacent properties.

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

Applicant response: The applicant has noted this.

Staff evaluation: The applicant has acknowledged this. The applicant is required to apply for a change of occupancy through the Building Department.

(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.

Applicant response: The applicant has noted this.

Staff evaluation: 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.

Notice to Property Owners: Notice was sent to all neighbors within a 300 foot radius.

Additionally, correspondence from both the City's Police Department and the St. Lucie County Sheriff's office is included in this report. Also, the applicant met with city staff to discuss the proposed special exception use prior to making application.

Compatibility with Pain Management Clinic Standards (Section 158.231):

Definition: Pain Management Clinic is defined as specified in Section 458.3265(1)(a), Florida Statutes (2010), as may be amended from time to time, and includes a privately owned pain-management clinic, facility, or office, which advertises in any medium for any type of pain management services, or employs a physician who is primarily engaged in the treatment of pain by prescribing or dispensing controlled substance medications; a physician is primarily engaged in the treatment of pain by prescribing or dispensing controlled substance medications for the treatment of chronic nonmalignant pain. Chronic nonmalignant pain is pain unrelated to cancer which persists beyond the usual course of the disease or the injury that is the cause of the pain for more than ninety (90) days after surgery.

The definition shall not include any of the following:

1. A clinic licensed as a facility pursuant to Chapter 395;
2. The majority of the physicians who provide services in the clinic primarily provide surgical services;
3. The clinic is owned by a publicly held corporation whose shares are traded on a national exchange or on the over-the-counter market and whose total assets at the end of the corporation's most recent fiscal quarter exceeded \$50 million;

4. The clinic is affiliated with an accredited medical school at which training is provided for medical students, residents, or fellows;
5. The clinic does not prescribe or dispense controlled substances for the treatment of pain; or
6. The clinic is owned by a corporate entity exempt from federal taxation under 26 U.S.C. s. 510(c)(3).

Said section requires that a proposed pain management clinic be located a minimum of 500 feet from another pain management clinic; pharmacy; real property comprising a residence; child care facility; public or private elementary, middle, or secondary school; park; community center or public recreation facility; church or religious facility.

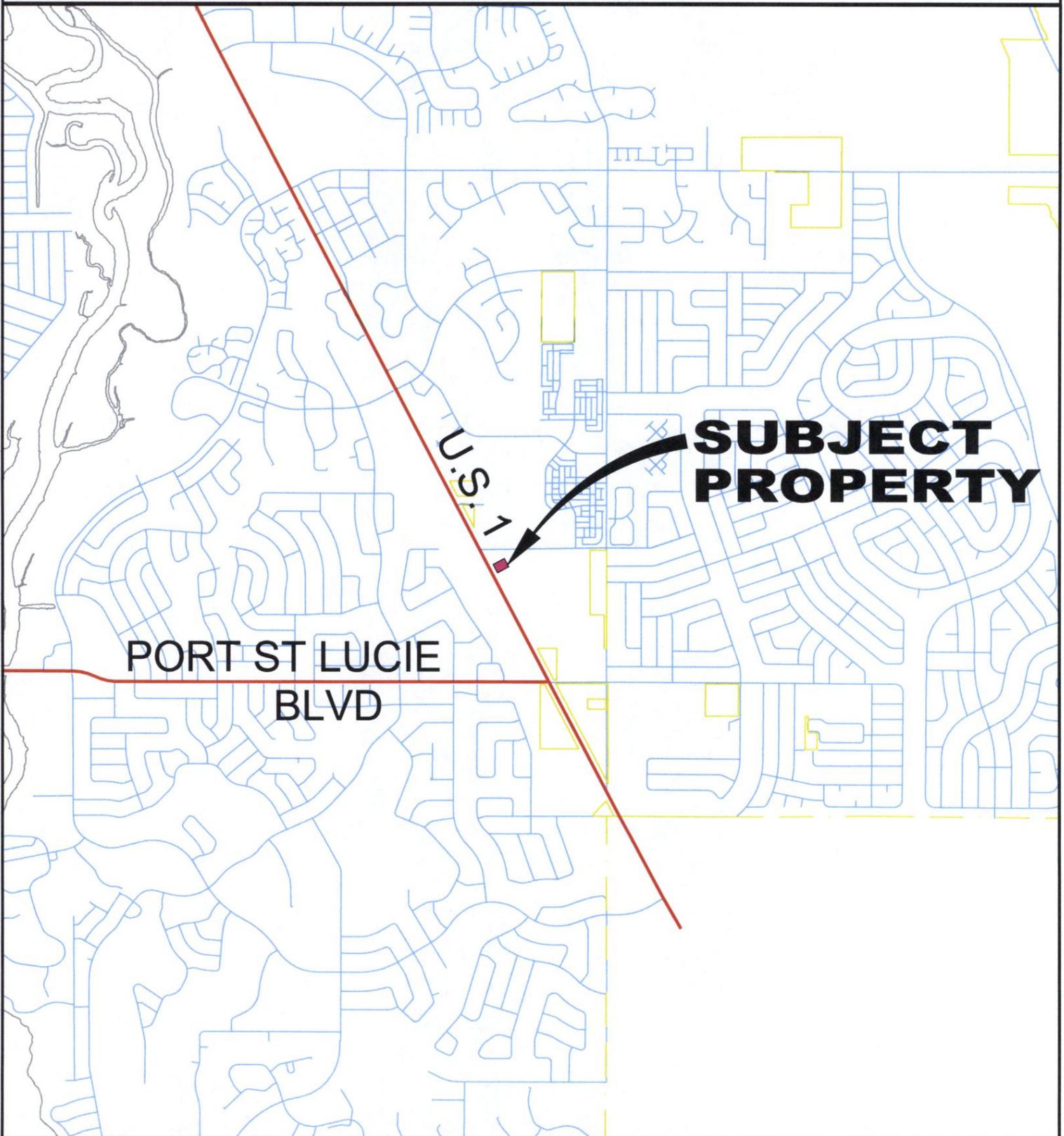
Applicant response: In addition to meeting the standard special exception criteria, Section 158.231 of the Code requires that a proposed pain management clinic be located a minimum of five hundred feet from another pain management clinic; pharmacy; residence; child care facility; elementary, middle or secondary school; park; community center or public recreation facility; church or religious facility or that a variance from these distance requirements be obtained. Included with the application is a survey showing that the proposed pain management clinic is located more than 500 feet from a preschool located further to the east in the Marketplace commercial center. The preschool is the only one of the enumerated uses which is located within the vicinity of the proposed clinic. The proposed site is actually superior to the existing Port St. Lucie Boulevard site, in terms of meeting the standards of Section 158.231, which were adopted well after the existing clinic was opened in 2004. There is a residential neighborhood immediately north of the existing Port St. Lucie Boulevard clinic and a pharmacy has opened almost next door to the clinic within the same office plaza. Although these uses are nearby, Coastal Pain Solutions has received no complaints from surrounding businesses or neighbors regarding the operation of its pain management clinic on Port St. Lucie Boulevard, or at any of its other existing locations.

Staff evaluation: The applicant has adequately addressed this criterion.

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. The Planning and Zoning Board reviewed the request on October 2, 2012 and unanimously recommended approval.

SITE LOCATION



CITY OF PORT ST. LUCIE
PLANNING & ZONING DEPT.

Prepared by:
M.I.S. DEPARTMENT

PZ 2012.DWG

SPECIAL EXCEPTION USE
LOT B
MARKET PLACE FIRST REPLAT

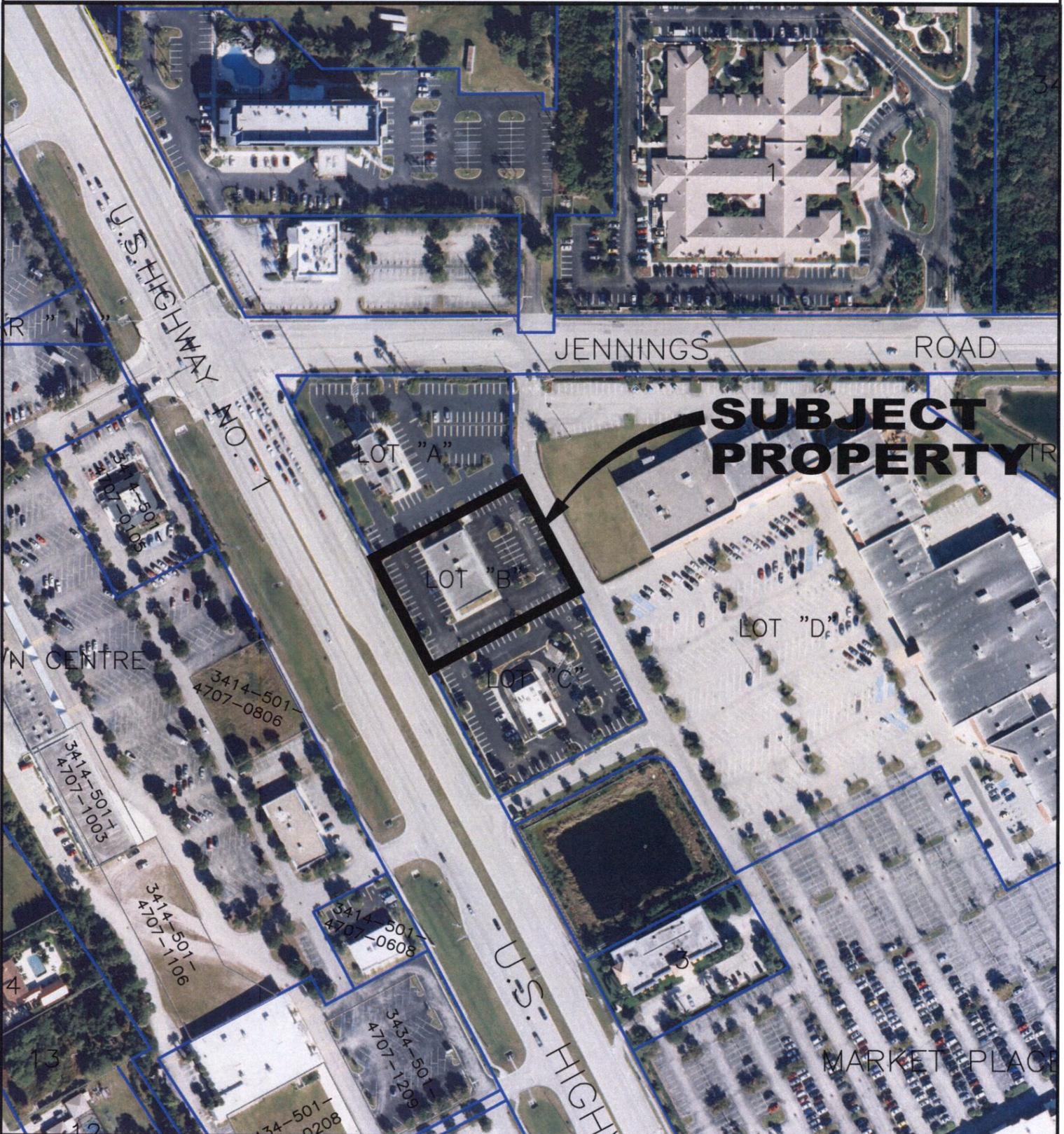
DATE: 8/3/2012

APPLICATION NUMBER:
P12-093

CADD FILE NAME:
P12-093L

SCALE: 1" = .5 MI

SITE LOCATION



CITY OF PORT ST. LUCIE
PLANNING & ZONING DEPT.

Prepared by:
M.I.S. DEPARTMENT

PZ 2012.DWG

SPECIAL EXCEPTION USE
LOT B
MARKET PLACE FIRST REPLAT
AERIAL DEC 2010

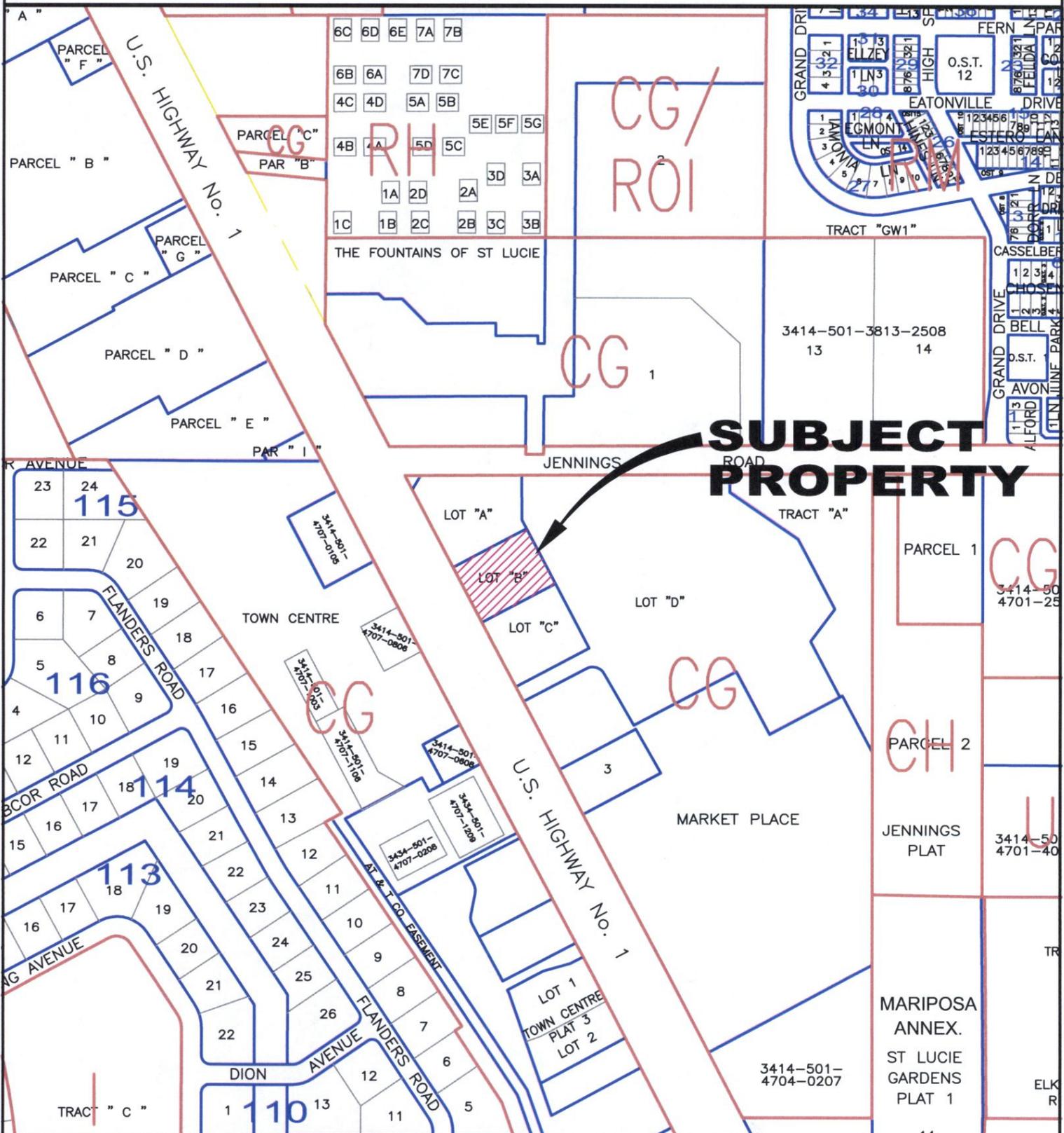
DATE: 8/3/2012

APPLICATION NUMBER:
P12-093

CADD FILE NAME:
P12-093A

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
LOT B
MARKET PLACE FIRST REPLAT

DATE: 8/3/2012

APPLICATION NUMBER:
P12-093

CADD FILE NAME:
P12-093M

SCALE: 1" = 400'

Foreign Account Number : 11515278

Ad # : 2446456

Ad Net Cost : \$135.59

Name (Primary) : CITY OF PORT ST. LUCIE

Company (Primary) : CITY OF PORT ST. LUCIE

Street 1 (Primary) : 121 SW PORT ST. LUCIE BLVD

City (Primary) : PORT ST LUCIE

State (Primary) : FL

ZIP (Primary) : 34984

Phone (Primary) : (772) 344-4390

Class Code : 9402SC - Notice

Start Date : 10/12/2012

Stop Date : 10/12/2012

Prepayment Amount : \$0.00

Ad Sales Rep. : 150 - Gertruida Zacharopoulos

Width : 2

Depth : 94

NOTICE

A PUBLIC HEARING will be conducted before the CITY COUNCIL of the CITY OF PORT ST. LUCIE at a meeting beginning at 7:00 p.m., or as closely thereafter as business permits on October 22, 2012 in the City Council Chambers, Building A, located at 121 S.W. Port St. Lucie Blvd., in Port St. Lucie, Florida on the following:

A RESOLUTION (12-R105) TO GRANT A SPECIAL EXCEPTION USE TO ALLOW A TELECOMMUNICATIONS TOWER IN THE OSR (OPEN SPACE RECREATIONAL) ZONING DISTRICT PER SECTION 158.100(C)(2) OF THE ZONING CODE.

LEGAL DESCRIPTION: Tracts B and C, Port St. Lucie Unit 15

LOCATION: 1301 SE Lyngate Drive, Lyngate Park. The property is located west of Veterans Memorial Parkway and is surrounded by Lyngate Drive on the north, west, and south sides

APPLICANT: PJ Development, LLC
FILE NUMBER: P12-078

A RESOLUTION (12-R106) TO GRANT A SPECIAL EXCEPTION USE TO ALLOW A PAIN MANAGEMENT CLINIC IN THE CG (GENERAL COMMERCIAL) ZONING DISTRICT PER CHAPTER 158.124(C)(15) OF THE ZONING CODE.

LEGAL DESCRIPTION: Lot B, First Replat in the Market Place

LOCATION: 10244 South U.S. Highway 1 in the Marketplace Shopping Center, south of Jennings Road and north of Port St. Lucie Boulevard.

APPLICANT: Noreen S. Dreyer for Ramaco, LLC
FILE NUMBER: P12-093

A RESOLUTION (12-R107) TO GRANT A SPECIAL EXCEPTION TO ALLOW A RECREATIONAL AMUSEMENT FACILITY (GYMNASIUM) IN THE WI (WAREHOUSE INDUSTRIAL) ZONING DISTRICT PER SECTION 158.135(C)(3) OF THE ZONING CODE.

LEGAL DESCRIPTION: Lot 11 of St. Lucie West Plat 166, St. Lucie West Industrial Park Phase II

LOCATION: 571 NW Mercantile Place, located on the southwest side of NW Mercantile Place in St. Lucie West Industrial Park Phase II



APPLICANT: Jacob Padrick
FILE NUMBER: P12-094

Copies of the above Resolution have been placed on file in the City Clerk's Office and are available for public inspection Monday through Friday between the hours of 8:00 a.m. and 4:00 p.m. Interested parties may appear at the meeting and be heard with respect to the proposed resolution. No stenographic record by a certified court reporter will be made of the foregoing meeting. Accordingly, any person who may seek to appeal any decision involving the matters noticed herein will be responsible for making a verbatim record of the testimony and evidence at said meeting upon which any appeal is to be based.

Planning & Zoning Department
Publish: October 12, 2012
2446456

GreenspoonMarder

ATTORNEYS AT LAW

888.491.1120
www.gmlaw.com

From the desk of:
Noreen S. Dreyer, Esq.
Unity One Building, Suite 200
145 N.W. Central Park Plaza
Port St. Lucie, Florida 34986
Direct Phone: 772.873.5910
Direct Fax: 772.873.3110
Email: noreen.dreyer@gmlaw.com

July 27, 2012

Via Hand Delivery

Mr. Daniel Holbrook, Director
City of Port St. Lucie
Planning & Zoning Department
121 SW Port St. Lucie Boulevard
Port St. Lucie, Florida 34984

Re: RAMACO, LLC
Special Exception Request

Dear Mr. Holbrook:

On behalf of RAMACO, LLC, ("RAMACO") we hereby request a special exception use for a pain management clinic to be located in the Marketplace commercial center within an existing building on a parcel of land owned by RAMACO and described on attached Exhibit "A" (the "Property"). The Marketplace is an existing fully-developed commercial center pursuant to an approved Overall Site Plan. The Property is included in the approved Overall Site Plan and is identified as the Hollywood Video store, the former occupant of the Property. The Property on which the site of the clinic is to be located is also fully improved and no significant exterior improvements are anticipated in conjunction with this special exception application, other than cosmetic improvements to the building and landscaping improvements. The entire Marketplace center, including the Property owned by RAMACO, is zoned General Commercial Zoning District (CG) and pain management clinics may be approved as a special exception use within the CG Zoning District.

The proposed pain management clinic will be owned and operated by Mid-Florida Anesthesia Associates, Inc. d/b/a Coastal Pain Solutions. Coastal Pain Solutions currently operates two pain management clinics in the City of Port St. Lucie, including one located at 1880 Port St. Lucie Boulevard as well as at several other locations on the Treasure Coast. Dr. Ramon (Ray) Alvarez, M.D., and Dr. Marc Levine, M.D., are principals of RAMACO, LLC and of Mid-Florida Anesthesia Associates, Inc. and are the treating physicians for Coastal Pain Solutions. Both physicians specialize in the areas of anesthesiology and pain management. The Property was acquired because Mid-Florida Anesthesia Associates, Inc. needed more space for the administrative and clerical functions related to its various medical practices, and approximately

70% of the building is planned to be used for these administrative purposes. In addition, the physicians wish to move their medical offices and pain management clinic from its existing location on Port St. Lucie Boulevard to the larger building on the Property and consolidate both operations in one location. The medical and administrative offices are permitted uses within the General Commercial Zoning District, but since the physicians specialize in treating and managing pain, a special exception approval is required to relocate the existing pain management clinic to the new building.

Mid-Florida Anesthesia Associates, Inc. d/b/a Coastal Pain Solutions provides a needed service to residents of Port St. Lucie and the Treasure Coast for the treatment of conditions and disorders arising from illness, accidents or other physical injuries and post surgical conditions, and includes disorders such as arthritis, back pain, bursitis, cancer pain, fibromyalgia, herniated discs, neuralgia, physical injury pain, headaches, inflammation, numbness and tingling, scoliosis, sciatica and TMJ, among others. A program of treatment may include pharmacologic and non-pharmacologic therapies such as injections, blocks, patches and stimulator implants.

Both Dr. Levine and Dr. Alvarez are Board Certified in the area of anesthesiology and have completed additional programs in the sub-specialty of pain management. Dr. Levine is also Board Certified by the American Board of Pain Medicine. Copies of resumés for both physicians are included with this application, along with copies of relevant certifications and other documentation.

Mid-Florida Anesthesia Associates, Inc. d/b/a Coastal Pain Management has operated pain management clinics on the Treasure Coast since 1994, and currently has pain management clinics in Stuart, St. Lucie West, Jupiter and Okeechobee in addition to the Port St. Lucie Boulevard location. The physicians also provide anesthesiology services to a number of surgery centers in the area and to Raulerson Hospital in Okeechobee. The vast majority of Coastal Pain Management's clinic patients are referred by other local physicians and medical providers, including referrals from the various surgery centers and local hospitals. Any patient not so referred is carefully screened prior to rendering medical services. Most major medical insurances are accepted.

Included with this application is a copy of the overall site plan for Marketplace (including the Property which is shown as Hollywood Video) as well as a copy of the site construction plan for the specific Hollywood Video parcel. No exterior changes to the Property are planned which would negatively impact any of the standard special exception criteria contained in Section 158.260 of the Code of Ordinance of the City of Port St. Lucie (the "Code"). These criteria are addressed in the exhibit enclosed with this application entitled "Special Exception Uses".

In addition to meeting the standard special exception criteria, Section 158.231 of the Code requires that a proposed pain management clinic be located a minimum of five hundred feet from another pain management clinic; pharmacy; residence; child care facility; elementary, middle or secondary school; park; community center or public recreation facility; church or religious facility or that a variance from these distance requirements be obtained. Included with

Mr. Daniel Holbrook, Director
July 27, 2012
Page No. 3

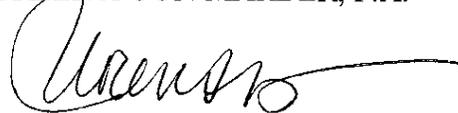
the application is a survey showing that the proposed pain management clinic is located more than 500 feet from a preschool located further to the east in the Marketplace commercial center. The preschool is the only one of the enumerated uses which is located within the vicinity of the proposed clinic. The proposed site is actually superior to the existing Port St. Lucie Boulevard site, in terms of meeting the standards of Section 158.231, which were adopted well after the existing clinic was opened in 2004. There is a residential neighborhood immediately north of the existing Port St. Lucie Boulevard clinic and a pharmacy has opened almost next door to the clinic within the same office plaza. Although these uses are nearby, Coastal Pain Solutions has received no complaints from surrounding businesses or neighbors regarding the operation of its pain management clinic on Port St. Lucie Boulevard, or at any of its other existing locations.

We respectfully request that the City approve this application for a special exception to operate a pain management clinic in the existing building owned by RAMACO, LLC at the Marketplace commercial center. Mid-Florida Anesthesia Associates, Inc. d/b/a Coastal Pain Solutions has an existing track record of operating such clinics at two locations within the City as well as several other locations on the Treasure Coast. It provides needed medical services to the residents and working people of the City and the new location is in an appropriate area for such use and meets the required criteria. Please do not hesitate to contact me if you have any questions or need further information.

Thank you for your consideration.

Very truly yours,

GREENSPOON MARDER, P.A.



Noreen S. Dreyer, Esq.
For the Firm

NSD/pw

Enclosures

cc: RAMACO, LLC
Mid-Florida Anesthesia Associates, Inc. d/b/a Coastal Pain Solutions

RAMACO, LLC
SPECIAL EXCEPTION REQUEST FOR A PAIN MANAGEMENT CLINIC IN GC ZONING DISTRICT

JUSTIFICATION FOR APPROVAL - HIGHLIGHTS

- Code allows use as a Special Exception in GC zoning, and applicant has met all the applicable code criteria for approval.
- Coastal Pain Solutions Clinic is owned/operated by local Board Certified anesthesiologists with sub-specialty training in the area of pain management (Ray Alvarez, MD and Marc Levine, MD).
- Clinic uses very strict safeguards to prevent it from being a “pill-mill”
 - No dispensing of pills.
 - Does not prescribe certain medications that are especially subject to abuse.
 - Most patients are referred by other local physicians.
 - All patients are thoroughly screened before being accepted for treatment.
 - All patients are given regular drug testing and monitored via E-FORSCE.
 - All patients must sign a Narcotics Agreement and are discharged from treatment if abuse is suspected.
 - If evidence of drug abuse, persons are reported to law enforcement and referring physician is notified.
 - Clinic personnel work closely with law enforcement; see correspondence from Port St. Lucie Police Department and St. Lucie County Sheriff.
 - Treatments include interventional therapies, such as injections, blocks, patches, implants.
 - Treat pain and disorders arising from illness, accidents, injury, surgery, cancer, bursitis, arthritis, herniated discs, headaches, TMJ, etc.
- Proven track record with two existing clinics in Port St. Lucie
 - 1880 Port St. Lucie Boulevard, to be relocated to subject site.
 - St. Lucie West, in Martin Memorial building.
 - 3 other clinics: Stuart, Jupiter and Okeechobee.
- Physicians have been practicing in the Port St. Lucie area for 20 years.
- Clinic practices and documents are used as models for compliance with state law, for example Narcotics Agreement.
- Accepts all standard insurance.
- Major investment in a vacant building in commercial area on US 1 corridor will benefit the City.

RECEIVED

OCT 08 2012

PLANNING DEPARTMENT
CITY OF PORT ST. LUCIE, FL

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. P12-093
Fee (Nonrefundable)\$ 2,115.00
Receipt # 11876

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: noreen.dreyer@gmlaw.com

PROPERTY OWNER:

Name: RAMACO, LLC
Address: 2100 SE Ocean Boulevard, Suite 100, Stuart, FL 34996; Attn: Sherry Piasecki
Telephone No.: 772-403-1496 Fax No.: _____

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

Name: Noreen S. Dreyer, Esq. for Greenspoon Marder, P.A.
Address: 145 NW Central Park Plaza, Suite 200, Port St. Lucie, FL 34986
Telephone No.: 772-873-5910 Fax No.: 772-873-3110

RECEIVED

SUBJECT PROPERTY:

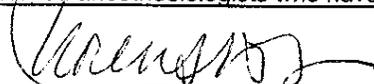
Legal Description: See attached Exhibit "A" - "Property"
Parcel I.D Number: 4412-506-0001-000-7
Address: 10244 South US Highway One, Port St. Lucie, Florida Bays: _____
Development Name: Outparcel in Marketplace (Attach Sketch and/or Survey)
Gross Leasable Area (sq. ft.): 6,656 Assembly Area (sq. ft.): _____
Current Zoning Classification: CG SEU Requested: Pain Management Clinic

JUL 27 2012

PLANNING AND ZONING DEPARTMENT
CITY OF PORT ST. LUCIE, FL

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

The special exception use is requested so that Mid-Florida Anesthesia Associates, Inc. d/b/a Coastal Pain Solutions can move its pain management clinic from its leased location at 1880 Port St. Lucie Blvd. where it has existed since 2004 to a larger building on an outparcel at the Marketplace commercial center. This will allow the pain management clinic to be consolidated in one location with billing and administrative services for Mid-Florida Anesthesia Associates, Inc.'s various medical services. The administrative operations will occupy approximately 70% of the building, leaving approximately 30% of the space available for the physicians' offices and clinic. The pain management clinic is operated by board certified anesthesiologists who have completed additional programs in the sub-specialty of pain management.


Signature of Applicant

NOREEN S. DREYER, Esq.
Hand Print Name

7/27/12
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.

EXHIBIT "A"

**LEGAL DESCRIPTION
OF REAL PROPERTY**

LOCATION: 10244 SOUTH U.S. HIGHWAY 1
PORT ST. LUCIE, FL 34952

Lot B, FIRST REPLAT IN THE MARKETPLACE, according to the map or plat thereof, as recorded in Plat Book 37, Page 9, of the Public Records of St. Lucie County, Florida.

SPECIAL EXCEPTION USES

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

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

The subject Property is an existing developed outparcel within the Marketplace commercial center. Vehicular access is provided to the Marketplace commercial center via one entrance from US 1 and three entrances from Jennings Road. No changes are proposed to the existing approved traffic flow, control or access, or to the sidewalks that are adjacent to the existing building on the Property. Vehicular access to the Property is through the existing driveways within the Marketplace commercial center.

(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.

The clinic will use the existing approved parking areas on the Property as shown on the Hollywood Video site plan.

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

The Marketplace commercial center and the subject Property are fully developed and all needed utilities currently exist for the site.

(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.

The proposed special exception use will utilize an existing building on a developed parcel within the existing Marketplace commercial center. The clinic use is compatible with the surrounding commercial uses within the center and will not generate additional impacts to the adjoining properties either within or adjacent to the Marketplace commercial center. The impacts generated by the requested special exception are no greater than those which would be allowed by other permitted uses in the general commercial zoning district.

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

The exterior lighting was approved in conjunction with the existing site plan for the Property and currently exists. Any new or replacement signage is expected to conform with applicable City codes.

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 requested special exception use will occupy an existing building within the existing Marketplace commercial center. All yards and open spaces have previously been established by way of the approved site plan. The requested special exception use is not different in kind from other permitted uses which could locate on the Property without further approval, and will not generate a need for yards or open spaces different from that which already exists.

(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 proposed use is to be located within an existing building in an existing approved commercial center which has already demonstrated conformance with the City's Land Development Regulations. Since the site is already developed, the proposed special exception use will not trigger any new requirements of the Land Development Regulations. The requested use is a medical office which will be operated like other professional offices which could occupy the Property without further approval from the City.

(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.

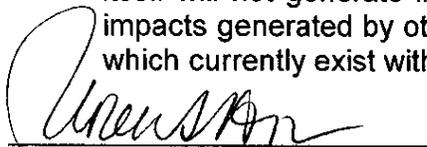
The pain management clinic will be located within an existing building and will operate similarly to other medical offices which could locate within the building without further approval. The clinic treats patients who are primarily referred by other medical providers and who are carefully screened prior to providing treatment. If the special exception is approved, an existing clinic at 1880 Port St. Lucie Boulevard will be relocated to the subject site. The clinic has received no complaints from surrounding neighbors or businesses at its current location. The new location is consistent with the specific standards established for the requested use, unlike the existing grandfathered site. The proposed use in the new location will not impair the health, safety, welfare or convenience of residents and workers in the City, but will in fact provide a needed medical service to residents and workers in the City in a commercial center that is near other medical providers.

(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.

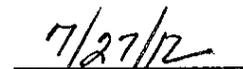
The majority of the existing building (approximately 70%) will be used for offices for billing and other administrative work associated with the medical practices and clinics operated by Mid-Florida Anesthesia Associates, Inc. at other locations on the Treasure Coast. The special exception use will occupy the remaining approximately 30% of the building. The operation of the requested pain management clinic will be substantially the same as any other professional medical office which could locate within the existing building as a permitted use. The hours of operation and number of patients treated are similar to other general commercial uses which are permitted by right. The medical office and clinic will not generate fumes or noise, or types of physical activity or vehicular movements different from other commercial uses or professional offices which could locate within the building and which are located within the surrounding buildings of the Marketplace commercial center.

(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.

There will be no new development associated with this requested use. The Marketplace commercial center is fully developed, including the one-story building in which the requested use is to be located. No exterior changes are planned that would negatively impact any of the special exception criteria. The requested use itself will not generate impacts to adjacent properties that are more extensive than impacts generated by other general commercial uses that are permitted by right and which currently exist within the Marketplace commercial center.


Signature of Applicant


Hand Print Name


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.

Recording requested by, and
After recording return to:

THOMAS A. FOGT, ATTORNEY AT
LAW
ATTN: THOMAS A. FOGT, ESQUIRE
700 Colorado Avenue
Stuart, FL 34994

GRANTEE'S ID. NO.:
TAX PARCEL ID. NO.: 4412-506-0001-000-7

JOSEPH E. SMITH, CLERK OF THE CIRCUIT COURT
SAINT LUCIE COUNTY
FILE # 3701463 05/08/2012 at 08:49 AM
OR BOOK 3387 PAGE 606 - 609 Doc Type: DEED
RECORDING: \$35.50
D DOC STAMP COLLECTION: \$7140.00

STATE OF FLORIDA

§
§
§
§

COUNTY OF ST. LUCIE

SPECIAL WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS:

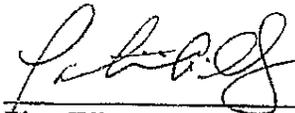
THAT, REALTY INCOME CORPORATION, a Maryland corporation, doing business in Florida as REALTY INCOME PROPERTIES, INC. ("Grantor"), for and in consideration of the sum of TEN DOLLARS (\$10) and other good and valuable consideration in hand paid to the undersigned by RAMACO, LLC, a Florida limited liability company ("Grantee"), whose mailing address is 700 Colorado Avenue, Stuart, FL 34994, the receipt and sufficiency of such consideration being hereby acknowledged, has GRANTED, SOLD and CONVEYED, and by these presents does hereby GRANT, SELL, CONVEY and CONFIRM unto Grantee that certain real property being more particularly described on Exhibit "A," attached hereto and made a part hereof for all purposes, together with all improvements and fixtures situated thereon (collectively, the "Property"); SUBJECT TO all real estate taxes not yet delinquent; covenants, conditions, restrictions, easements, rights of way and other matters of record; applicable laws, ordinances, statutes, orders, requirements and regulations to which the Property is subject, including, without limitation, all building, zoning and environmental laws and requirements; and any state of facts which a new or updated survey or physical inspection of the Property might disclose.

TO HAVE AND TO HOLD the Property, together with all and singular the rights, hereditaments, and appurtenances thereto in anywise belonging, unto Grantee, its successors and assigns, and Grantor hereby agrees to WARRANT AND FOREVER DEFEND all and singular the Property unto Grantee, its successors and assigns, against every person whomsoever lawfully claiming, or claim the same, or any part thereof, by, through, or under Grantor but not otherwise.

BY ACCEPTANCE OF THIS SPECIAL WARRANTY DEED, GRANTEE ACKNOWLEDGES THAT GRANTOR HAS NOT MADE AND DOES NOT MAKE ANY REPRESENTATIONS OR WARRANTIES AS TO THE PHYSICAL CONDITION, OR ANY OTHER MATTER AFFECTING OR RELATED TO THE PROPERTY (OTHER THAN WARRANTIES OF TITLE AS PROVIDED AND LIMITED HEREIN). BY ACCEPTANCE OF THIS SPECIAL WARRANTY DEED, GRANTEE EXPRESSLY AGREES THAT TO THE MAXIMUM EXTENT PERMITTED BY LAW, THE PROPERTY IS CONVEYED "AS IS, WHERE IS, WITH ALL FAULTS," AND GRANTOR EXPRESSLY DISCLAIMS, AND GRANTEE, BY ACCEPTANCE OF THIS SPECIAL WARRANTY DEED, ACKNOWLEDGES AND ACCEPTS THAT GRANTOR HAS DISCLAIMED ANY AND ALL REPRESENTATIONS, WARRANTIES OR GUARANTIES, OF ANY KIND, ORAL OR WRITTEN, EXPRESS OR IMPLIED (EXCEPT AS TO TITLE AS HEREIN PROVIDED AND LIMITED), CONCERNING THE PROPERTY, INCLUDING, WITHOUT LIMITATION, (i) THE VALUE, CONDITION, MERCHANTABILITY, HABITABILITY, MARKETABILITY, PROFITABILITY, SUITABILITY OR FITNESS FOR A PARTICULAR USE OR PURPOSE OF THE PROPERTY, (ii) THE SUITABILITY OF THE PROPERTY FOR ANY AND ALL ACTIVITIES AND USES WHICH GRANTEE OR ANYONE ELSE MAY CONDUCT THEREON, (iii) THE ENVIRONMENTAL CONDITION OF THE PROPERTY AND (iv) THE COMPLIANCE OF THE PROPERTY WITH APPLICABLE LAWS AND REGULATIONS.

EXECUTED this 1st day of May, 2012.

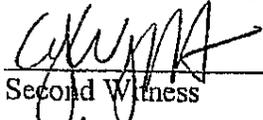
Witnesses:



First Witness

PATRICIA A. RILEY

Printed Name of First Witness



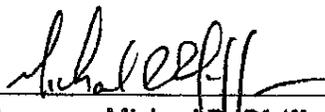
Second Witness

Anthony Wright

Printed Name of Second Witness

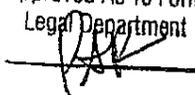
GRANTOR:

REALTY INCOME CORPORATION,
a Maryland corporation, doing business in
Florida as Realty Income Properties, Inc.

By: 

Name: **Michael R. Pfeiffer**
Title: **Executive Vice President
General Counsel**

Address: 600 La Terraza Boulevard
Escondido, California 92025
Attn: Legal Department

Approved As To Form
Legal Department


ACKNOWLEDGMENT

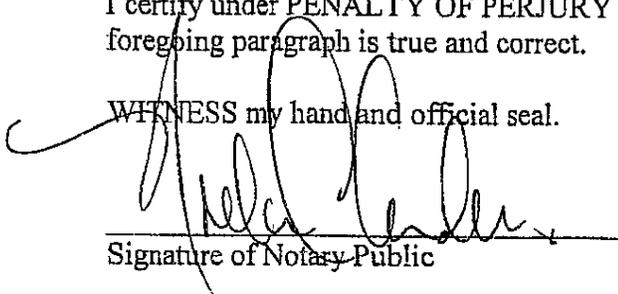
STATE OF CALIFORNIA

COUNTY OF SAN DIEGO

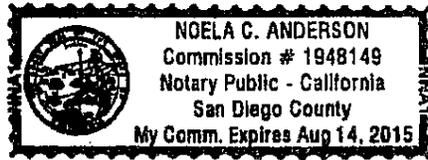
On May 1, 2012 before me, NOELA C. ANDERSON, Notary Public, personally appeared Michael R. Kopper, who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Signature of Notary Public



(Notary Seal)

DESCRIPTION OF THE ATTACHED DOCUMENT	
<u>SPECIAL WARRANTY DEED</u> (Title or description of attached document)	
Number of Pages <u>3</u>	Document Date <u>5/1/12</u>
_____ (Additional information)	

EXHIBIT "A"

**LEGAL DESCRIPTION
OF REAL PROPERTY**

LOCATION: 10244 SOUTH U.S. HIGHWAY 1
PORT ST. LUCIE, FL 34952

Lot B, FIRST REPLAT IN THE MARKETPLACE, according to the map or plat thereof, as recorded in Plat Book 37, Page 9, of the Public Records of St. Lucie County, Florida.

RAMACO, LLC
2100 SE Ocean Boulevard
Suite 100
Stuart, FL 34996

City of Port St. Lucie, Florida
Attention: Daniel Holbrook, Director
Planning and Zoning Department
121 SW Port St. Lucie Boulevard
Port St. Lucie, Florida 34984

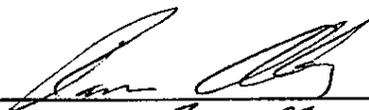
Re: 10244 S US HWY 1, Port St. Lucie
Lot B, FIRST REPLAT IN THE MARKETPLACE, according to the plat thereof,
as recorded in Plat Book 37, Page 9, of the Public Records of St. Lucie County, Florida

Dear Mr. Holbrook:

Please be advised that Noreen S. Dreyer, Esquire and Greenspoon Marder, P.A. are authorized to act as our agent and on our behalf with regard to an application for approval of a special exception and other related development applications concerning the above-referenced property owned by RAMACO, LLC in Port St. Lucie, Florida.

Sincerely,

RAMACO, LLC, a Florida limited liability company

By: 
Printed Name: Ray Munn
Title: Managing Director

Katherine Huntress

From: Noreen Dreyer [noreen.dreyer@gmlaw.com]
Sent: Friday, August 17, 2012 10:58 AM
To: Katherine Huntress; Daniel Holbrook
Cc: Sherry Piasecki, Patricia Warren
Subject: RAMACO, LLC - Request for Special Exception
Attachments: DOC081512.pdf

Katie and Daniel,

Please find attached a self-explanatory letter from Detective Martinez of the St. Lucie County Sheriff who is with the Drug Diversion section of the Special Investigation Unit, in support of the request by RAMACO, LLC for a special exception for a pain management clinic. As indicated in the application, Mid-Florida Anesthesia Associates, Inc., d/b/a Coastal Pain Solutions, currently operates a pain management clinic on Port St. Lucie Boulevard, and would like to relocate to the subject site.

I would appreciate it if you would include the letter from Detective Martinez in the public hearing packets provided to the LPA and the City Council for the meetings in October.

Please let me know if you have any questions or need any additional information. I will be out of the office for several weeks beginning on August 21, but should be able to respond to e-mails by September 1 and after.

Thanks,
Noreen

Please note my new e-mail address

GreenspoonMarder
ATTORNEYS AT LAW

Noreen S. Dreyer
Shareholder
Board Certified: City, County and Local Government Law
Unity One Building, Suite 200
145 NW Central Park Plaza
Port St. Lucie, FL 34986
Direct Phone: 772-873-5910
Direct Fax: 772-873-3110
noreen.dreyer@gmlaw.com

The information contained in this transmission may be attorney/client privilege received this communication in error, please notify us immediately by reply e-

Pursuant to Internal Revenue Service guidance, be advised that any federal tax cannot be used by any person or entity for the purpose of (i) avoiding any tax

A portion of our practice involves the collection of debt and any information

Daniel Holbrook

From: Brian Reuther [Brian.Reuther@pslpsd.us]
Sent: Thursday, May 17, 2012 3:33 PM
To: Daniel Holbrook
Cc: John Bolduc; William Vega; Janet Palmer; Charles Lumpkin
Subject: RE: Coastal Pain Solutions

Daniel,

I have been advise that there are no issues with Coastal.

Brian E. Reuther
Chief of Police



141st Session

From: Daniel Holbrook [mailto:DHolbrook@cityofpsl.com]
Sent: Wednesday, May 16, 2012 3:44 PM
To: Brian Reuther
Cc: John Bolduc
Subject: RE: Coastal Pain Solutions

They are looking to locate at the former Blockbuster site on the east side of US-1 just south of Jennings.



-----Original Message-----

From: Brian Reuther [mailto:Brian.Reuther@pslpsd.us]
Sent: Wednesday, May 16, 2012 3:32 PM
To: Daniel Holbrook
Cc: John Bolduc
Subject: Re: Coastal Pain Solutions

Daniel,
Do you have the location they are looking at re-locating to?

Brian E. Reuther
Chief of Police

Sent from my iPhone

On May 16, 2012, at 11:51 AM, "Daniel Holbrook" <DHolbrook@cityofpsl.com> wrote:

> Does the PD have any reason or issue with the Coastal Pain Solution's desire to relocate? This type of business is a pain management clinic. If you have any questions, please feel free to call me. Thank you

>
> -----Original Message-----
> From: Jennifer Nolen+ [mailto:jennifer@tomfogt.com]
> Sent: Thursday, May 10, 2012 10:41 AM
> To: Daniel Holbrook
> Subject: FW: Coastal Pain Solutions
>
> Mr. Holbrook,
>
> Please find attached Mr. Fogt's letter.
>

THOMAS A. FOGT, ESQ.

Attorney at Law
700 Colorado Avenue
Stuart, Florida 34994-3086

Thomas A. Focht, Esq.
Board Certified Real Estate Lawyer

Telephone: (772) 288-3303
Facsimile: (772) 286-3303
E-mail: tom@tomfoet.com

May 10, 2012

VIA E-MAIL ONLY: Dhollbrook@cityofpsl.com

Mr. Daniel Holbrook
Director of Planning and Zoning
City of Port St. Lucie
121 SW Port St. Lucie Blvd.
Port St. Lucie, FL 34984

RE: Coastal Pain Solutions

Dear Daniel:

Thank you for speaking with me this afternoon in respect to our client's use of their property located at 10244 S. US Highway One, The Marketplace Lot B.

As discussed our client's have a website that you can view at www.coastalpainsolutions.com which clearly shows that Dr. Ray Alvarez, M.D. and Dr. Marc Levine, MD are both two highly qualified medical doctors specializing in Anesthesia.

The use of the building, which was the old Hollywood Video, will be 70% for clerical/billing and the rest of the office would be for used for medical offices. The doctors will perform their practice of medicine in the day to day dealing with their patients and the treatment of pain through various modalities and injections, as you can see by their website. Their affiliation with the various hospitals and surgery centers in the St. Lucie and other counties nearby show their connection and ties to the community.

As stated, we do not believe that we should fall under the catch all as a "Pain Management Clinic" as defined in section 158.231 of the code as our clients do not dispense pills or other medications which are generally associated with a "pill mill", which the ordinance was to target.

Mr. Daniel Holbrook
May 10, 2012
Page 2

Our clients would like to start the rehabilitation of this building as soon as possible under what we believe to be the correct usage of these premises as a combined office for clerical billing and medical offices that do not include the dispensing of drugs or pills associated with "pain clinics".

Also enclosed is a copy of a letter of August 9, 2011 written to Rose M. Kenney of AMC Construction Corp. by John Finizio, Planner, stating that prior to our purchase the General Commercial Classification allowed for Medical offices/professional offices which is exactly what our clients intend to use this for.

As discussed, if you could give us some quick guidance that we do not have to go through the proof process that we are 500' from a prohibited use it would be of great help in getting this vacant property rehabilitated, and moving the main office from Stuart to PSL.

If you have any questions upon receipt, please do not hesitate to call.

Very truly yours,

s/ Thomas A. Fogt

Thomas A. Fogt

TAF/adr
Enc.

Sheriff
KEN J. MASCARA

4700 West Midway Road, Fort Pierce, Florida 34981



Member National Sheriffs' Association
Member Florida Sheriffs' Association

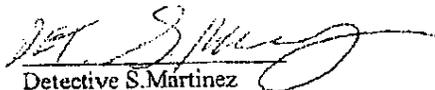
Telephone: (772) 461-7300 • Fax: (772) 489-5861

To Whom It May Concern:

The purpose of this letter is to confirm that I have had a good working relationship with Mid Florida Anesthesia Associates. At any time I know I can call upon the staff with questions and this repo is reciprocated. I understand the desire for MFAA to relocate their office.

I look forward to continue the working relationship we have and the support from the staff at MFAA.

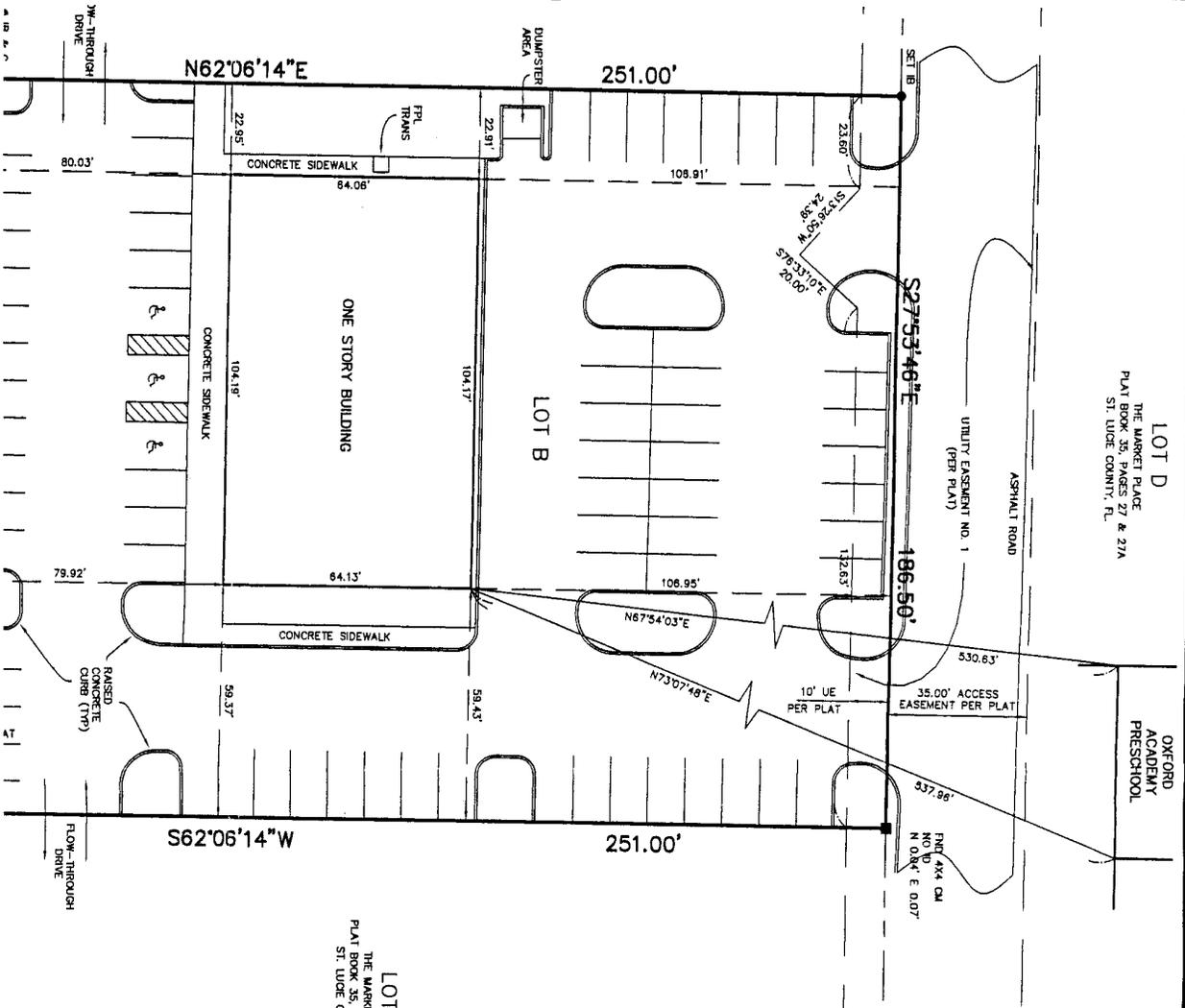
Sincerely,


Detective S. Martinez
Special Investigation Unit
Drug Diversion

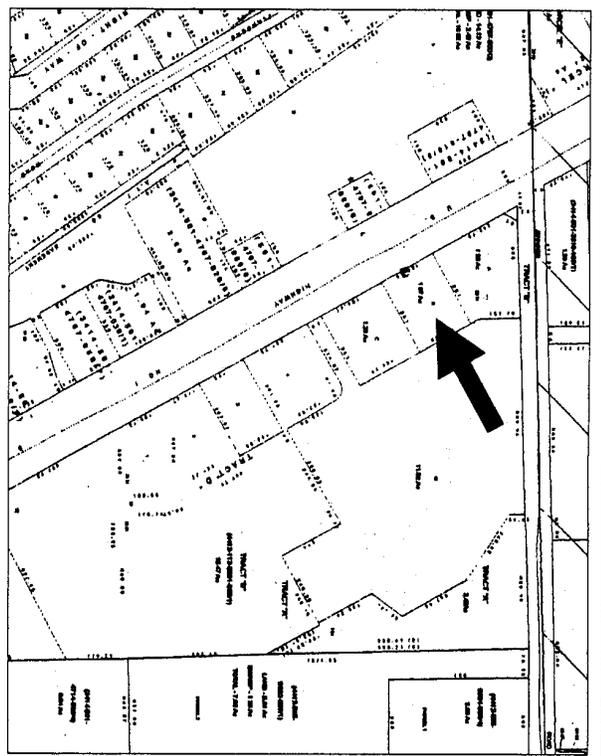


LOT D
 THE MARKET PLACE
 PLAT BOOK 35, PAGES 27 & 27A
 ST. LUCIE COUNTY, FL.

OXFORD
 ACADEMY
 PRESCHOOL



LOT C
 THE MARKET PLACE
 PLAT BOOK 35, PAGES 27 & 27A
 ST. LUCIE COUNTY, FL.



LOCATION MAP

LEGAL DESCRIPTION

LOT B, FIRST REPLAT IN THE MARKETPLACE,
 AS RECORDED IN PLAT BOOK 37, PAGE 9,
 PUBLIC RECORDS OF ST. LUCIE COUNTY,
 FLORIDA.



GRAPHIC SCALE

(IN FEET)
 1 inch = 30 ft.

REVISIONS
 BUILDING SEPE
 07/18/201

PREPARED FOR: RAMACO, LLC

RVEY