

COUNCIL ITEM 10C
DATE 11/28/16

COUNCIL ITEM
DATE 12/12/16

ORDINANCE 16-84

AN ORDINANCE TO REZONE 0.66 ACRES OF PROPERTY LOCATED ON THE NORTH SIDE OF GATLIN BOULEVARD, WEST OF BRESCIA STREET FROM RS-2 (SINGLE FAMILY RESIDENTIAL) TO CH (HIGHWAY COMMERCIAL) FOR A PROJECT KNOWN AS CITY OF PORT ST. LUCIE – BRESCIA STREET, P16-140; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, The City of Port St. Lucie seeks to rezone 0.66 acres of property located on the north side of Gatlin Boulevard, west of Brescia Street and within the City of Port St. Lucie, from the zoning designation of RS-2 (Single Family Residential) to CH (Highway Commercial); and

WHEREAS, the City of Port St. Lucie Planning and Zoning Board held a public hearing on November 1, 2016 to consider the rezoning application (P16-140), notice of said hearing to adjoining property owners for a radius of seven-hundred fifty (750) feet having been given and advertising of public hearing having been made; and

WHEREAS, the City Council held a public hearing on December 12, 2016 to consider the rezoning application (P16-140), advertising of the public hearing having been made; and

NOW, THEREFORE, THE CITY OF PORT ST. LUCIE HEREBY ORDAINS:

Section 1: That the property described as Port St. Lucie Section 35, Block 1732, Lots 12, 13, 18, & 19, Port St. Lucie be rezoned from the Zoning Classification of RS-2 (Single Family Residential) to CH (Highway Commercial).

Section 2: That this Ordinance shall become effective ten (10) days after its final adoption.

ORDINANCE 16-84

PASSED AND APPROVED by the City Council of the City of Port St. Lucie, Florida,

this _____ day of _____ 2016.

CITY OF PORT ST. LUCIE, FLORIDA

BY: _____
Gregory J. Oravec, Mayor

ATTEST:

Karen A. Phillips, City Clerk

APPROVED AS TO FORM:

BY: _____
O. Reginald Osenton, City Attorney



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

TO: PLANNING AND ZONING BOARD - MEETING OF NOVEMBER 1, 2016

FROM: JOHN FINIZO, PLANNER *JF*

RE: CITY OF PORT ST. LUCIE/KENWICK AVENUE
 REZONING APPLICATION
 PROJECT NO. P16-140

DATE: OCTOBER 20, 2016

PROPOSED PROJECT: This application will change the zoning designation on approximately 0.66 acres from RS-2 (Single Family Residential) to CH (Highway Commercial). This property is currently owned by the City, and is part of a land swap concept submitted by Equitas Management and approved by City Council on September 12, 2016 (a copy of this request is included in the staff report). The exact terms of this land swap are still to be ironed out, but the intention is to unify these 0.66 acres with the 0.77 acres directly to the east of this site, which is owned by Equitas. Incorporating this additional acreage will give the proposed commercial development enough property to have all its infrastructure on the same site.

APPLICANT/OWNER: City of Port St. Lucie.

LOCATION: This property is located on the north side of Gatlin Boulevard between Brescia Street and Interstate 95.

LEGAL DESCRIPTION: Port St. Lucie Section 35, Block 1732, Lots 12, 13, 18, & 19.

SIZE: These four (4) lots are approximately 0.66 acres in size.

EXISTING ZONING: RS-2 (Single Family Residential)

EXISTING USE: Vacant.

SURROUNDING USES:

Direction	Future Land Use	Zoning	Existing Use
N	RM	RS-2	Vacant lots
S	CH	PUD	Existing commercial center
E	CH	RS-2	Vacant lots
W	OSR	RS-2	Vacant lots

REQUESTED ZONING: CH (Highway Commercial).

FUTURE LAND USE: OSR (Open Space Recreational).

IMPACTS AND FINDINGS:

Land Use Consistency: Rezoning this property from RS-2 (Single Family Residential) to CH (Highway Commercial) is not expected to have an adverse impact on the surrounding neighborhood, and is consistent with the properties of the City Comprehensive Plan.

This rezoning application is being reviewed concurrently with a small scale comprehensive plan amendment to change the future land use of this property from OSR (Open Space Recreation) to CH (Highway Commercial) (P16-139 City of PSL/ Kenwick Avenue Small Scale Comprehensive Plan Amendment).

Compliance With Conversion Area Requirements: This property is not included in the City's Conversion Area. The intention is to unify it with 0.77 acres of property on the corner of Gatlin Boulevard and Brescia Street, which is in the conversion area.

Sewer/Water Service: The City of Port St. Lucie Utilities Service Department will provide water and sewer service to this development.

Environmental: An environmental study and tree survey will be required as part of the site plan process. All environment information will be reviewed during site plan review process and any and all environmental issues will be addressed at that time. Since this site is under two (2) acres it will not be required to adhere to the upland mitigation requirements, but the project will be required to adhere to the City's Tree Preservation requirements as outlined in the Landscape Code (Chapter 154), and any and all exotic vegetation will be required to be removed.

School Concurrency: Since there is no residential component to this project, school concurrency will not apply.

Other: As required by §158.126 (L), an approved site plan is required before any on-site and off-site improvements can be made to ensure compliance with all City rules and regulations.

In addition, adequate buffering will be required to ensure that any commercial activity does not adversely affect the existing residential development to the north of this property.

All properties are to be combined by Unity of Title under one ownership, and a unity of title has been submitted to the legal department for processing.

STAFF RECOMMENDATION:

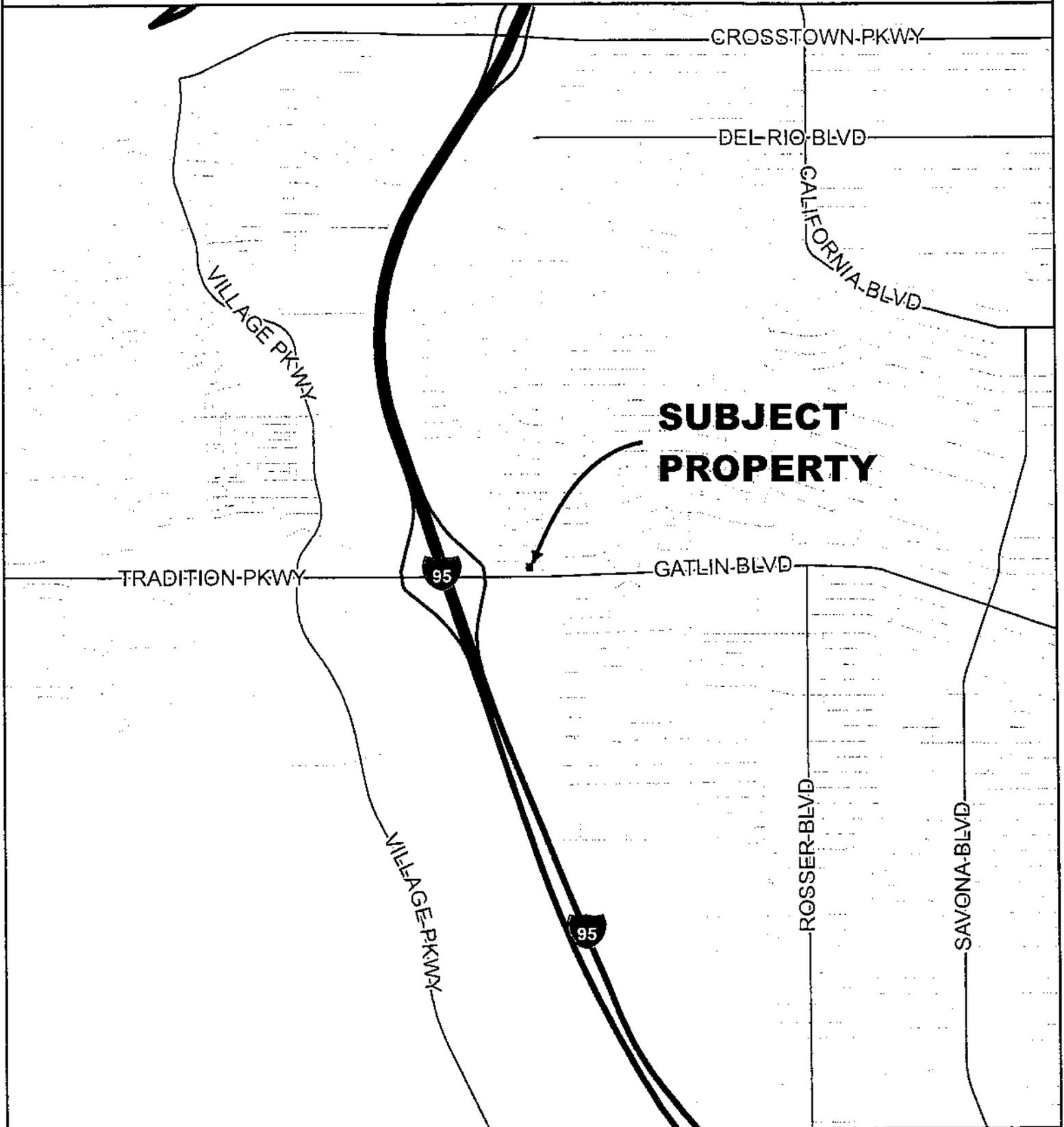
The Planning and Zoning Department staff finds the request to be consistent with the direction and intent of the future land use map and policies of the City's Comprehensive Plan and recommends approval.

Planning and Zoning Board Action Options:

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

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

GENERAL LOCATION

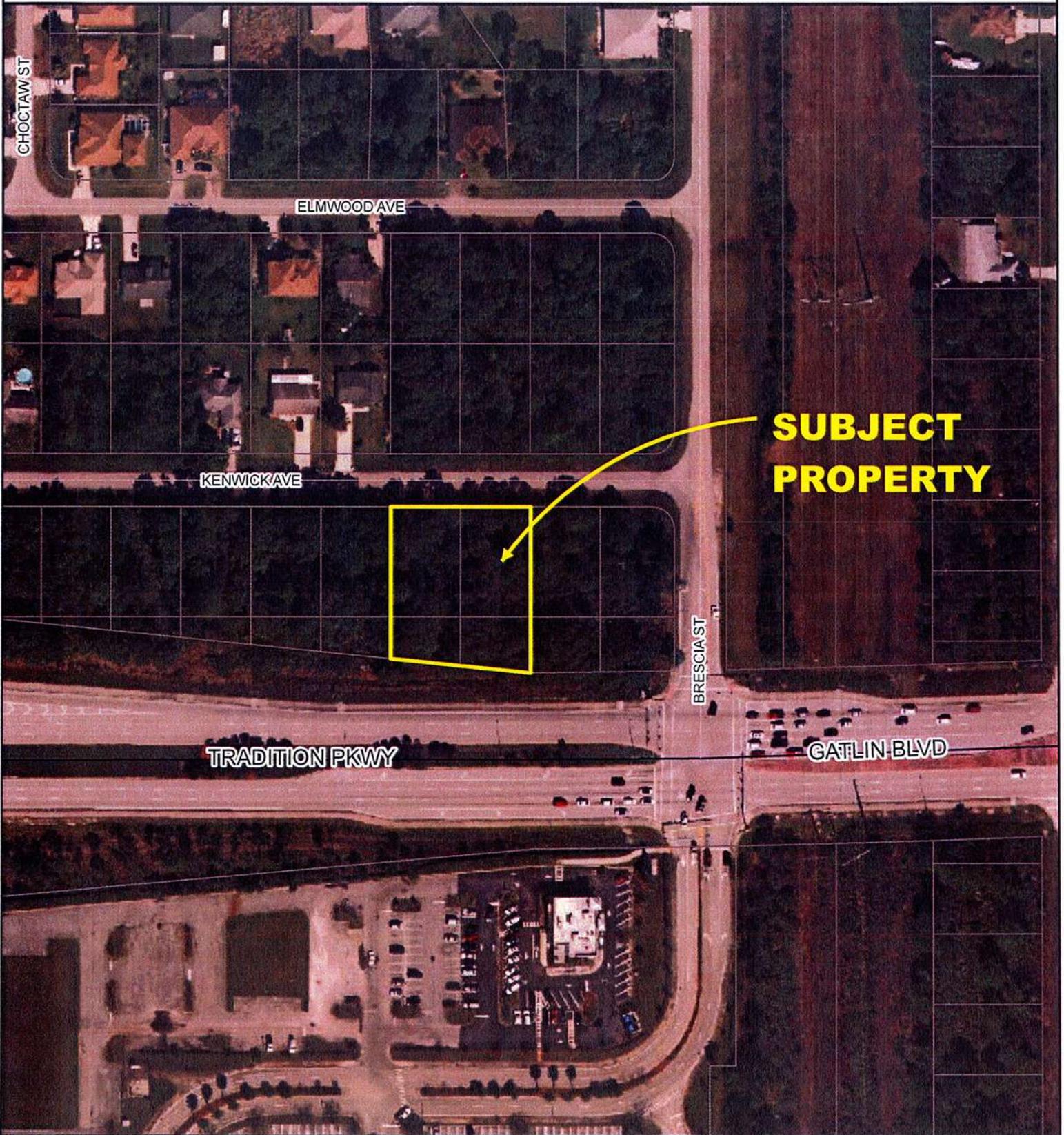


CITY OF PORT ST. LUCIE
PLANNING & ZONING DEPT.

REZONE
CITY OF PORT ST. LUCIE - BRESCIA STREET
SECTION 35, BLOCK 1732, LOTS 12, 13, 18 & 19

DATE:	10/13/2016
APPLICATION NUMBER:	P16-140
USER:	patricias
SCALE:	1 in = 0.5 miles

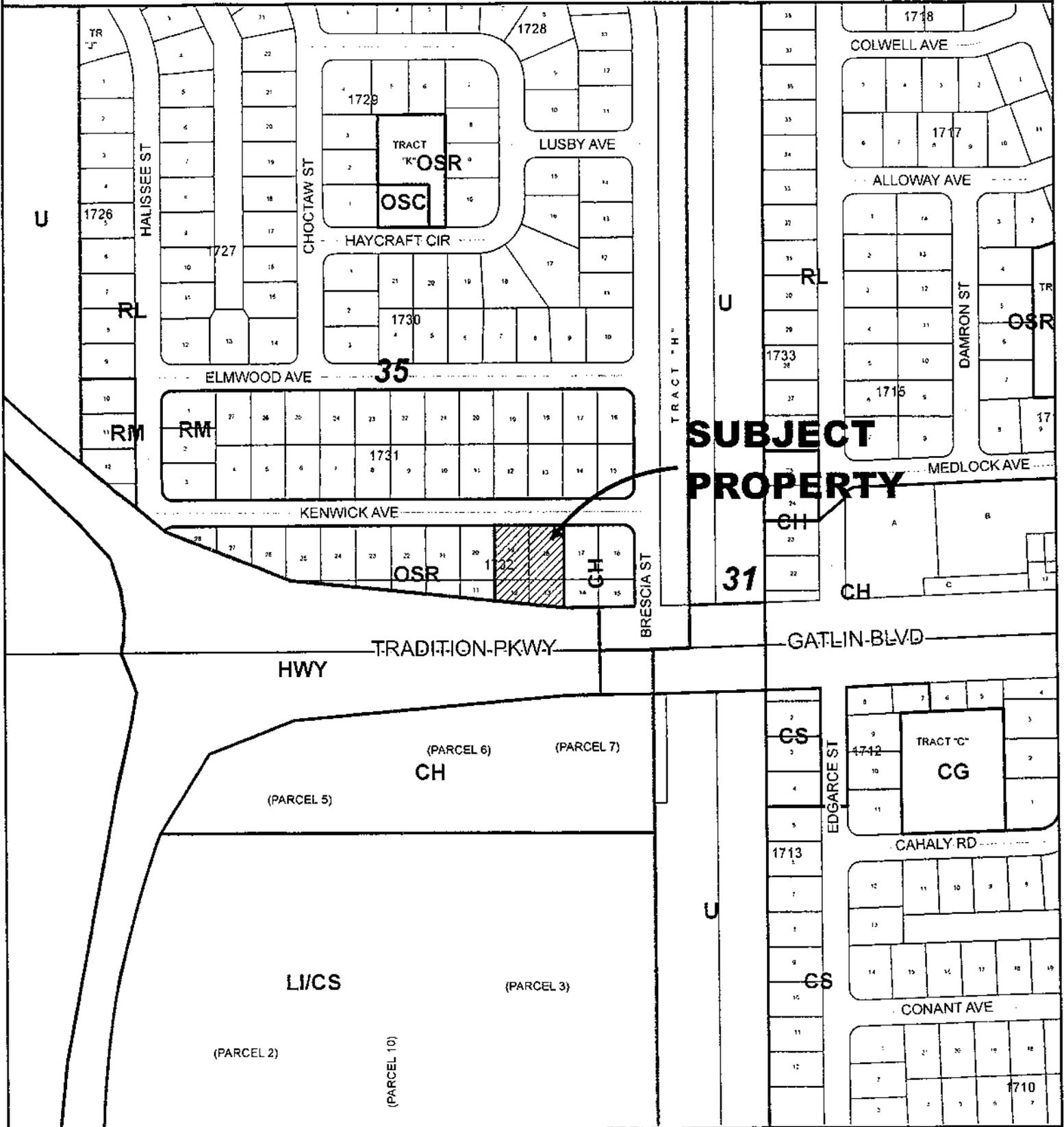
AERIAL



**SUBJECT
PROPERTY**

	CITY OF PORT ST. LUCIE PLANNING & ZONING DEPT.	REZONE CITY OF PORT ST. LUCIE - BRESCIA STREET SECTION 35, BLOCK 1732, LOTS 12, 13, 18 & 19 AERIAL DATE 2014	DATE: 10/13/2016
			APPLICATION NUMBER: P16-140
			USER: patricias
			SCALE: 1 in = 150 ft

FUTURE LAND USE



CITY OF PORT ST. LUCIE
PLANNING & ZONING DEPT.

REZONE
CITY OF PORT ST. LUCIE - BRESCIA STREET
SECTION 35, BLOCK 1732, LOTS 12, 13, 18 & 19

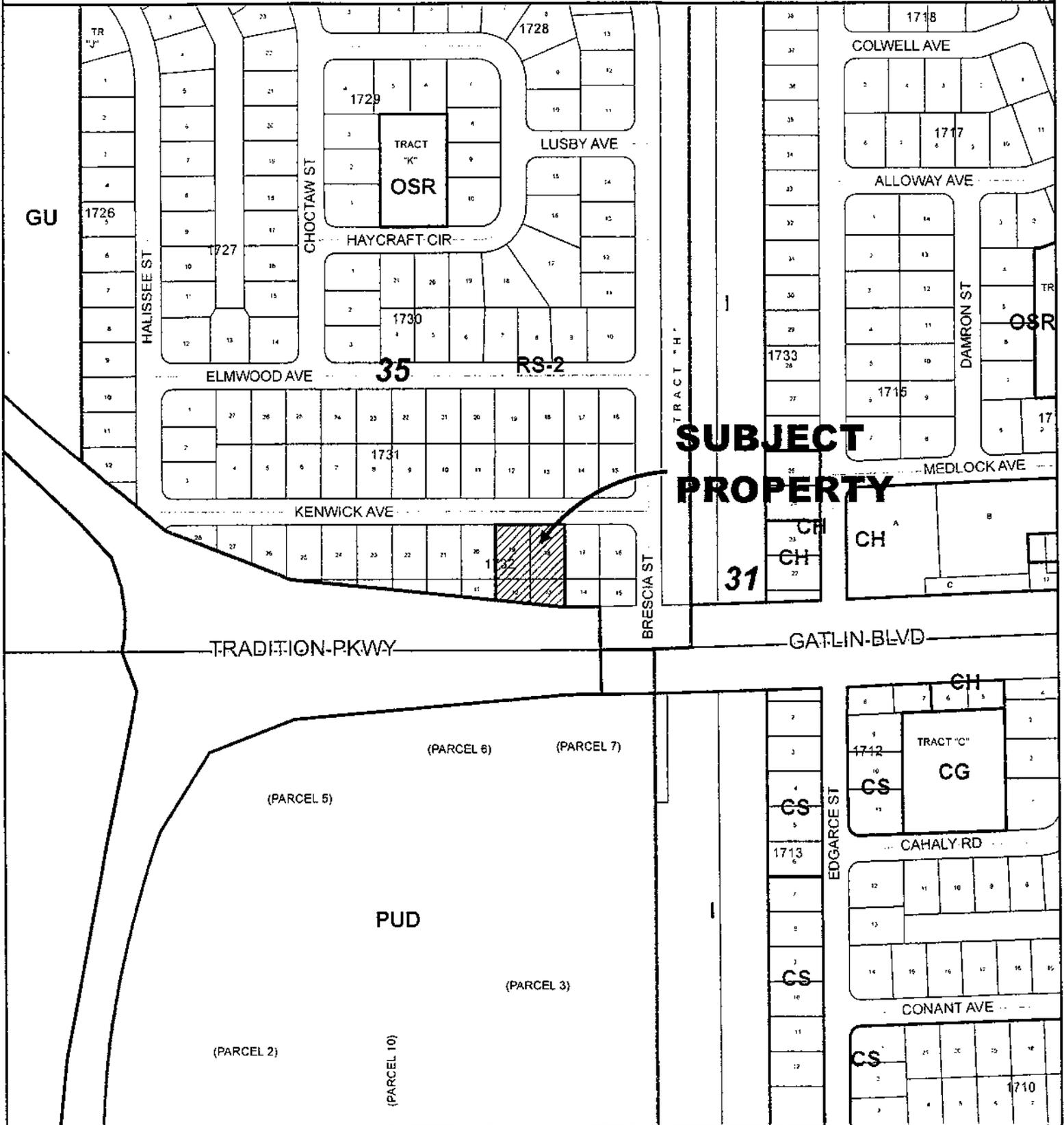
DATE: 10/13/2016

APPLICATION NUMBER:
P16-140

USER:
patricias

SCALE: 1 in = 300 ft

EXISTING ZONING



CITY OF PORT ST. LUCIE
PLANNING & ZONING DEPT.

REZONE
CITY OF PORT ST. LUCIE - BRESCIA STREET
SECTION 35, BLOCK 1732, LOTS 12, 13, 18 & 19

DATE: 10/13/2016

APPLICATION NUMBER:
P16-140

USER:
patricias

SCALE: 1 in = 300 ft

REZONING APPLICATION

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

FOR OFFICE USE ONLY

Planning Dept. PIK-140
Fee (Nonrefundable)\$
Receipt #

Refer to "Fee Schedule" for application fee. Make checks payable to the "City of Port St. Lucie". Fee is nonrefundable unless application is withdrawn prior to the Planning and Zoning Board Meeting. All items on this application should be addressed, otherwise it cannot be processed. Attach proof of ownership: two copies of recorded deed. If the application includes more than one (1) lot, our Legal Department will contact you regarding execution of the required Unity of Title. Please type or print clearly in **BLACK** ink.

PRIMARY CONTACT EMAIL ADDRESS: _____

PROPERTY OWNER:

Name: City of Port St. Lucie
Address: 121 SW Port St. Lucie Blvd.
Telephone No.: _____ FAX No.: _____

AGENT OF OWNER (if any)

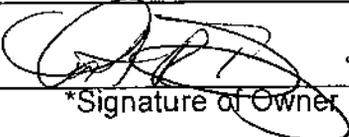
Name: City of PSL P&Z Department
Address: 121 SW Port St. Lucie Blvd.
Telephone No.: (772) 871-5212 FAX No.: _____

PROPERTY INFORMATION

Legal Description: PSL Section 35, Block 1732, Lots 12,13, 18 &19
(Include Plat Book and Page)
Parcel I.D. Number: 342067002370008, 342067002440000, 342067002450007
Current Zoning: RS-2
Proposed Zoning: Highway Commercial
Future Land Use Designation: CH Acreage of Property: 0.66

Reason for Rezoning Request: _____

So these four (4) lots will that the same zoning designation as the four (4) lots on the corner of Gatlin Blvd. and Brescia St. The intension is to add these four (4) lots to the four (4) lots that already have a Highway Commercial (CH) Zoning Designation, for a commercial development.



*Signature of Owner

PATRICIA ROESLING

Hand Print Name

9/23/16

Date

***If signature is not that of the owner, a letter of authorization from the owner is needed.**

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.



Dean, Mead, Minton & Zwerner
1903 South 25th Street, Suite 200
P.O. Box 2757 (ZIP 34954)
Fort Pierce, FL 34947

(772) 464-7700
(772) 464-7877 Fax
www.deanmead.com

Attorneys and Counselors at Law
Orlando
Fort Pierce
Gainesville
Tallahassee
Tampa
Viera/Melbourne

W. LEE DOBBINS
LDobbins@deanmead.com

Received

AUG 29 2016

City of Port St. Lucie
City Council

August 24, 2016

VIA EMAIL AND U.S. MAIL

Mayor Gregory J. Oravec
City of Port St. Lucie
121 SW Port St. Lucie Boulevard
Port St. Lucie, FL 34952

Re: Proposed Starbucks at the Northwest corner of Brescia Street and Gatlin Blvd

Dear Mayor:

I am sending you this letter on behalf of Equitas Management Group, LLC ("Equitas"). Equitas has a contract to purchase the vacant lot on the northwest corner of Brescia Street and Gatlin Blvd (shown as Parcel 1 on the attached sketch), and has been working through the City approval process for the construction of a Starbucks on that corner. Their plan includes the development of 8 lots on the North side of Kenwick Avenue, which Equitas also has under contract (shown on the attached sketch as Parcel 2), as a drainage/retention parcel for the project.

After consulting with the residents living near Parcel 2 and with City Staff, Equitas would like to propose a "land swap" with the City, whereby Equitas would have Parcel 2 conveyed to the City and in return the City would convey to Equitas land on Gatlin Blvd (shown as Parcel 3 on the attached sketch). Equitas could then use Parcel 3 for drainage/retention and the City could keep Parcel 2 as a conservation or recreation tract for the benefit of the adjoining neighborhood. Equitas proposes that the land swap could be accomplished through the following steps:

- City Council approval of the land swap as set forth in this letter in concept at a public meeting.
- Equitas will draft a Contract setting forth the terms of the land swap for review and approval by the City Attorney. The Contract would provide that the closing of the land swap would be contingent upon (a) Equitas providing the City with real estate broker opinions of value for Parcel 2 and Parcel 3 (at no cost to the City) that are satisfactory to the City. (b) Equitas providing the City with a survey

Mayor Gregory J. Oravec

August 24, 2016

Page 2

(at no cost to the City) describing the exact boundaries for Parcel 3 (approximately .66 acres). and (c) the City amending the future land use and zoning of Parcel 3 to CH land use and CH zoning (at no cost to Equitas).

- Upon approval of the proposed Contract by the City Council, the City and Equitas will sign the Contract.
- After all contingencies under the Contract have been met, a closing will be held. At closing, simultaneously (a) Equitas will assign its contract to purchase Parcel 2 to the City, (b) Equitas will pay the purchase price for Parcel 2, (c) Parcel 2 will be conveyed to the City, and (d) the City will convey Parcel 3 to Equitas. Equitas will provide the City with a title insurance policy for Parcel 2, at Equitas' cost. Equitas will pay all closing costs, including the recording fees and documentary stamp taxes.
- After the closing, the City will rezone Parcel 2 for conservation or recreation and Equitas will seek site plan approval for Parcel 1 and Parcel 3.

We hereby request that the City Council approve in concept the proposed land swap, as set forth above. If possible, we would like this item to be placed on the September 12 City Council agenda. Thank you for your assistance in trying to reach an agreement that is beneficial to all of the parties.

Best regards,

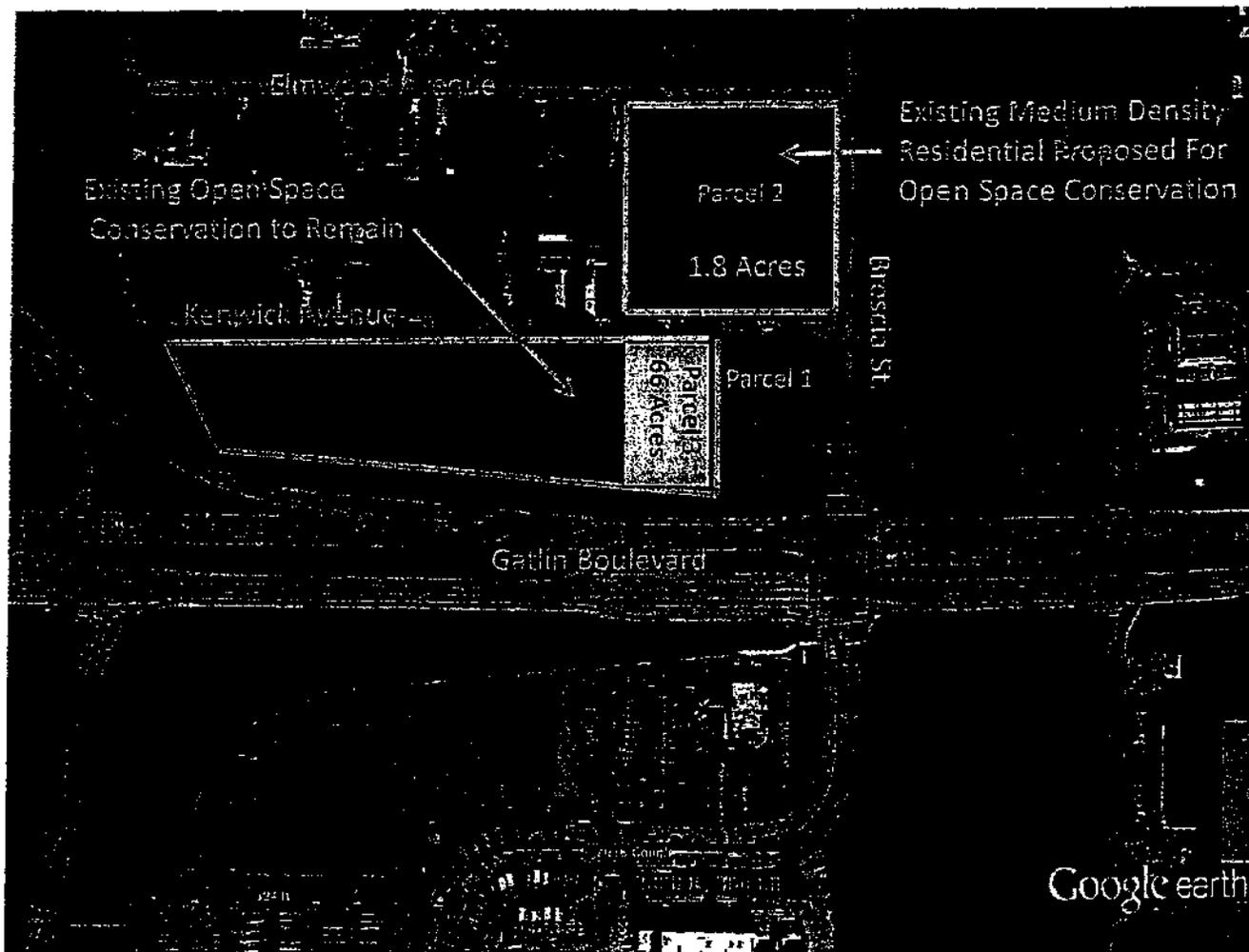


W. Lee Dobbins

WLD:sh

cc: Hal Dodt (via email / with enclosures)
Patty Tobin (via email / with enclosures)
Daniel Holbrook (via email / with enclosures)
Vice Mayor Linda Bartz (via email / with enclosures)
Councilwoman Michelle Berger (via email / with enclosures)
Councilwoman Shannon Martin (via email / with enclosures)
Councilman Ron Bowen (via email / with enclosures)

EXHIBIT "A"



John Finizio

From: Thomas Mullin <TMullin@nasonyeager.com>
Sent: Tuesday, November 08, 2016 2:45 PM
To: John Finizio
Subject: RE: Ordinances for CC
Attachments: 1745_001.pdf

Hey John –
One change/correction. See attached.
Rest are approved.
Thanks,
Tom

Thomas Mullin

Attorney at Law

Email: tmullin@nasonyeager.com

Tel: 561-982-7114 | Fax: 561-982-7116

[Profile](#) [vCard](#)



750 Park of Commerce Blvd., Suite 210 | Boca Raton | FL | 33487
www.nasonyeager.com

The information contained in this transmission is attorney privileged and confidential. It is intended only for the use of the individual or entity named above. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you receive this communication in error, please notify us immediately by telephone (collect) and return the original message to us at the above address via the U.S. Postal Service. We will reimburse you for postage and/or telephone expenses.

Think Green! Please do not print this e-mail unless absolutely necessary.

From: John Finizio [mailto:JFinizio@cityofpsl.com]
Sent: Wednesday, November 02, 2016 2:51 PM
To: Thomas Mullin <TMullin@nasonyeager.com>
Subject: Ordinances for CC

Good Afternoon Tom,

It was good to see you yesterday, hopefully everything is going well. I have some ordinances that I need you to review for the upcoming CC meeting of the November 28th. Yes, it is those CPA and rezoning applications that I presented yesterday. Let me know if you have any questions or concerns. Thanks Tom.

1. P16-139 Kenwick Ave Small Scale CPA
2. P16-140 Kenwick Ave Rezoning Application
3. P16-154 Gatlin Blvd Small Scale CPA
4. P16-155 Gatlin Blvd Rezoning Application
5. P16-170 Callas Holdings CPA

John



CITY OF PORT ST LUCIE

COUNCIL AGENDA MEMORANDUM

Agenda Item #: _____ 10C
Meeting Date: **November 28, 2016**
and Quasi-Judicial Hearing on:
December 12, 2016

TO: Mayor and City Council

THRU: Patricia Roebing, P.E., Interim City Manager 

FROM: Patricia A. Tobin, AICP, Director Planning and Zoning 

Agenda Item: Ordinance: **16-84** City of PSL/Kenwick Avenue – Rezoning Application (P16-140)

Submittal Date: 11/14/2016

STRATEGIC PLAN LINK: This item is consistent with Goal 3: Balanced, Responsible and Sustainable Growth.

BACKGROUND: This application will change the zoning designation on approximately 0.66 acres from RS-2 (Single Family Residential) to CH (Highway Commercial). This property is currently owned by the City, and is part of a land swap concept submitted by Equitas Management and approved by City Council on September 12, 2016 (a copy of this request is included in the staff report). The exact terms of this land swap are still to be ironed out, but the intention is to unify these 0.66 acres with the 0.77 acres directly to the east of this site, which is owned by Equitas. Incorporating this additional acreage will give the proposed commercial development enough property to have all its infrastructure on the same site.

ANALYSIS: See attached staff report.

FINANCIAL INFORMATION: N/A

LEGAL INFORMATION: This ordinance was approved as to form by attorney Thomas Mullin for City Attorney O. Reginald Osenton on November 8, 2016.

NOTICE/ADVERTISING: Legal notice shall be provided by the City Clerk's office in accordance with FSS 166.041 (3) (a), "...shall, at least 10 days prior to adoption, be noticed once in a newspaper of general circulation in the municipality..."

PLANNING AND ZONING BOARD: The Planning and Zoning Board unanimously recommended approval of this small scale comprehensive plan amendment on November 1, 2016.

SPECIAL CONSIDERATION: N/A

PRESENTATION INFORMATION: Staff may provide a short presentation on this application.

REQUESTED MEETING DATE: 11/28/2016

LOCATION OF PROJECT: This property is located on the north side of Gatlin Boulevard between Brescia Street and Interstate 95.

ATTACHMENTS: Ordinance, staff report, and recommendation.

PT/JF

EXHIBIT 101-1103 (REVISED)
CITY OF PORT ST. LUCIE

NOV 15 2016

CITY OF PORT ST. LUCIE, FLORIDA
CITY CLERK