

City of Port St. Lucie

121 SW Port St. Lucie Blvd.
Port St. Lucie, Florida 34984



"A City for All Ages"

Meeting Agenda

Wednesday, July 5, 2023

6:00 PM

Council Chambers, City Hall

Planning and Zoning Board

Deborah Beutel, Chair, Term 2 Expires 6/21/25
Alfreda Wooten, Vice Chair, Term 2 Expires 5/28/27
Carol Taylor-Moore, Secretary, Term 1 Expires 9/27/25
Peter Previte, At-Large, Term 1 Expires 7/12/25
Joseph Piechocki, At-Large, Term 1 Expires 7/12/25
Roberta Briney, At-Large, Term 1 Expires 7/12/25
Eric Reikenis, At-Large, Term 1 Expires 11/1/26
Melody Creese, Alternate, Term 1 Expires 11/1/26
Peter Louis Spatara, Alternate, Term 1 Expires 5/8/2027

Please visit www.cityofpsl.com/tv for new public comment options.

1. Meeting Called to Order**2. Roll Call****3. Determination of a Quorum****4. Pledge of Allegiance****5. Approval of Minutes****6. Consent Agenda****7. Public Hearings - Non Quasi-Judicial****7.a P22-336 Lulfs Grove - Comprehensive Plan Amendment - Large Scale**[2023-232](#)

Location: The property is generally located on the west side of Glades Cut Off Road, east of the C-24 Canal and south of Midway Road.

Legal Description: A portion of Sections 20 & 21, Township 36 South, Range 39 East.

This is a request to change the Future Land Use of 90 acres of Commercial Service/Light Industrial/Heavy Industrial (CS/LI/HI), 311.50 acres of Commercial Service/Light Industrial/Residential, Office and Institutional (CS/LI/ROI) and 63 acres of Commercial General/Residential, Office and Institutional (CG/ROI) to 389.24 acres of Low Density Residential (RL), 29.70 of Medium Density Residential (RM), and 11.56 acres of Recreation Open Space (OSR) for the Lulfs Groves property.

8. Public Hearing - Quasi-Judicial**8.a P23-088 Imperium Construction Company, LLC - Variance**[2023-573](#)

Location: 1429 SW South Macedo Boulevard

Legal description: Port St. Lucie Section 28, Block 240, Lot 3

This is a request for a variance to Section III of the Land Use Conversion Manual to allow for a lot with less than 20,000 square feet and less than 160 feet of frontage.

- 8.b** P23-094 St. Lucie Battery & Tire @ Gatlin Boulevard - [2023-574](#)
Landscape Modification
Location: North of SW Gatlin Boulevard and east of SW Edgarce Street
Legal Description: Parcel B, Fotios Subdivision.
This is a request to waive the requirement for an architectural buffer wall and substitute landscaping in lieu of a wall on the northwest side of the property as per Section 154.12 of the Landscape and Land Clearing Code.
- 8.c** P23-097 Monna Homes, LLC - Variance [2023-568](#)
Location: 520 SE Cliff Road
Legal Description: Port St. Lucie Section 39, Block 2655, Lot 18
This is a request for a variance of 12.42 feet to allow a 12.58-foot setback from the rear property line for a proposed single-family residence.

9. New Business

10. Old Business

11. Public to be Heard

12. Adjourn

Notice: No stenographic record by a certified court reporter will be made of the foregoing meeting. Accordingly, any person who may seek to appeal a 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.

Notice: In accordance with the Americans with Disabilities Act of 1990, persons needing special accommodation to participate in this proceeding should contact the City Clerk's office at (772) 871-5157 for assistance.

As a courtesy to the people recording the meeting, please put your cell phone on silent.



Agenda Summary
2023-232

Agenda Date: 7/5/2023

Agenda Item No.: 7.a

Placement: Public Hearing - Non Quasi Judicial

Action Requested: Motion / Vote

P22-336 Lulfs Grove - Comprehensive Plan Amendment - Large Scale

Location: The property is generally located on the west side of Glades Cut Off Road, east of the C-24 Canal and south of Midway Road.

Legal Description: A portion of Sections 20 & 21, Township 36 South, Range 39 East.

This is a request to change the Future Land Use of 90 acres of Commercial Service/Light Industrial/Heavy Industrial (CS/LI/HI), 311.50 acres of Commercial Service/Light Industrial/Residential, Office and Institutional (CS/LI/ROI) and 63 acres of Commercial General/Residential, Office and Institutional (CG/ROI) to 389.24 acres of Low Density Residential (RL), 29.70 of Medium Density Residential (RM), and 11.56 acres of Recreation Open Space (OSR) for the Lulfs Groves property.

Submitted By: Bridget Kean, AICP, Senior Planner

Executive Summary: The City has received an application for a large-scale comprehensive plan amendment to amend the future land use map for Lulfs Groves and to amend Policies 1.1.4.18 and 1.1.4.19 of the Future Land Use Element. Lulfs Groves is approximately 464.5 acres in size. The Lulfs Groves property was annexed into the City in 2008 and is subject to an executed and recorded annexation agreement. A large scale comprehensive plan amendment was approved in 2009 that changed the land use from St. Lucie County Agriculture to the following City of Port St. Lucie future land uses: 90 acres of Commercial Service/Light Industrial/Heavy Industrial (CS/LI/HI), 311.50 acres of Commercial Service/Light Industrial/Residential, Office and Institutional (CS/LI/ROI) and 63 acres of Commercial General/Residential, Office and Institutional (CG/ROI). The amendment included the adoption of sub-area policies that identified Lulfs Groves as a mixed use business park with industrial, commercial, office, institutional, and limited residential entitlements. The purpose of this request is to convert the Lulfs Grove Business Park Area to property designated for residential development only.

The application was originally scheduled for the April 4, 2023 Planning and Zoning Board meeting. On March 27, 2023, the Planning and Zoning Department received an email from the applicant requesting the item be tabled to the June 6, 2023 Planning and Zoning Board meeting. The applicant is now we requesting the item be tabled to the July 5, 2023 Planning and Zoning Board meeting. The applicant's email is attached.

The applicant has notified staff that they are proposing changes to the application. Based on this information, staff is recommending the project be tabled to the September 5, 2023 Planning and Zoning Board meeting.

Presentation Information: N/A

Staff Recommendation: Move that the Board table the item to the July 5, 2023 Planning and Zoning Board

meeting as requested by the applicant.

Background: The item was tabled at the March 7, 2023 Planning and Zoning Board meeting. The applicant is requesting the item be tabled to the June 6, 2023 Planning and Zoning Board meeting.

Issues/Analysis: N/A

Special Consideration: N/A

Location of Project: The property is generally located on the west side of Glades Cut Off Road, east of the C-24 Canal and south of Midway Road

Attachments:

1. Applicant's request to table P22-336 CPA

From: [Anne Cox](#)
To: [Bridget Kean](#)
Subject: FW: Table Request P22-336 CPA
Date: Monday, March 27, 2023 11:36:48 AM
Attachments: [image001.png](#)

fyi

Anne Cox, AICP
Assistant Director of Planning and Zoning
City of Port St. Lucie
(772)871-5218
annec@cityofpsl.com

From: Derrick Phillips <dphillips@lucidodesign.com>
Sent: Monday, March 27, 2023 11:28 AM
To: Anne Cox <AnneC@cityofpsl.com>
Cc: Mary Savage-Dunham <mdunham@cityofpsl.com>; Alexis Holmes Ferrigno <AFerrigno@drhorton.com>; Johnny Lynch <JTLynch@drhorton.com>; Lee Dobbins <LDobbins@deanmead.com>; Logan Wellmeier <lwellmeier@deanmead.com>; Steve Garrett <sgarrett@lucidodesign.com>; Matt Yates <myates@lucidodesign.com>
Subject: Table Request P22-336 CPA

Anne,

I am sending this email to formally request project number, 22-336 Lulfs Groves (Astoria) Comprehensive Plan Amendment, to be **tabled** until the **June 6th** Planning and Zoning meeting. If there is any additional information needed or required, please let me know!

Derrick E Phillips Jr
Project Manager
Lucido & Associates



701 S.E. Ocean Blvd. Stuart, FL 34994
tel: 772.220.2100 x 115
fax: 772.223.0220
web: www.lucidodesign.com
email: dphillips@lucidodesign.com

From: [Derrick Phillips](#)
To: [Bridget Kean](#)
Cc: [Anne Cox](#)
Subject: Re: P22-336 Lulfs Groves Comp Plan Amendment
Date: Wednesday, May 3, 2023 11:00:28 AM

Bridget,

Thanks for the follow up. As of right now the project team is still working on a few issues that need to be corrected. I would like to add an additional month and be tabled until the July 5th meeting if possible.

From: Bridget Kean <BKean@cityofpsl.com>
Sent: Tuesday, May 2, 2023 5:18 PM
To: Derrick Phillips <dphillips@lucidodesign.com>
Subject: P22-336 Lulfs Groves Comp Plan Amendment

Hi Derrick,

I'm following up on this. You requested the project be tabled to the June 6 P&Z Board meeting. Any update?

Bridget Kean, AICP
Senior Planner
City of Port St. Lucie Planning and Zoning
121 SW Port St Lucie Blvd
Port St. Lucie, FL 34984
772-873-6489
772-418-3987 (cell)



Agenda Summary

2023-573

Agenda Date: 7/5/2023

Agenda Item No.: 8.a

Placement: Public Hearing - Quasi Judicial

Action Requested: Motion / Vote

P23-088 Imperium Construction Company, LLC - Variance

Location: 1429 SW South Macedo Boulevard

Legal description: Port St. Lucie Section 28, Block 240, Lot 3

This is a request for a variance to Section III of the Land Use Conversion Manual to allow for a lot with less than 20,000 square feet and less than 160 feet of frontage.

Submitted By: Francis Forman, Planner II

Executive Summary: The owner, Imperium Construction Company, LLC, is requesting a variance to Area 26 of the Land Use Conversion Manual for 10,000 square feet of lot size and frontage requirements for the purposes of requesting a rezoning to the Service Commercial (CS) Zoning District. Section III of the Land Use Conversion Manual requires a minimum of 20,000 square feet of land area and 160 feet of frontage for any site within the conversion area.

Presentation Information: Staff will provide a presentation.

Staff Recommendation: Move that the Board review the variance application and vote to recommend approval, approval with conditions, or denial of the variance request.

Background: See attached staff report.

Issues/Analysis: See attached staff report.

Special Consideration: N/A

Location of Project: 1429 SW South Macedo Boulevard

Attachments: 1) Staff Report, 2) Response to Variance Criteria, 3) Letter from the City Manager, 4) Warranty Deed, 5) Staff Presentation.



Imperium Construction Co., LLC
Variance (Conversion Area Requirements)
P23-088

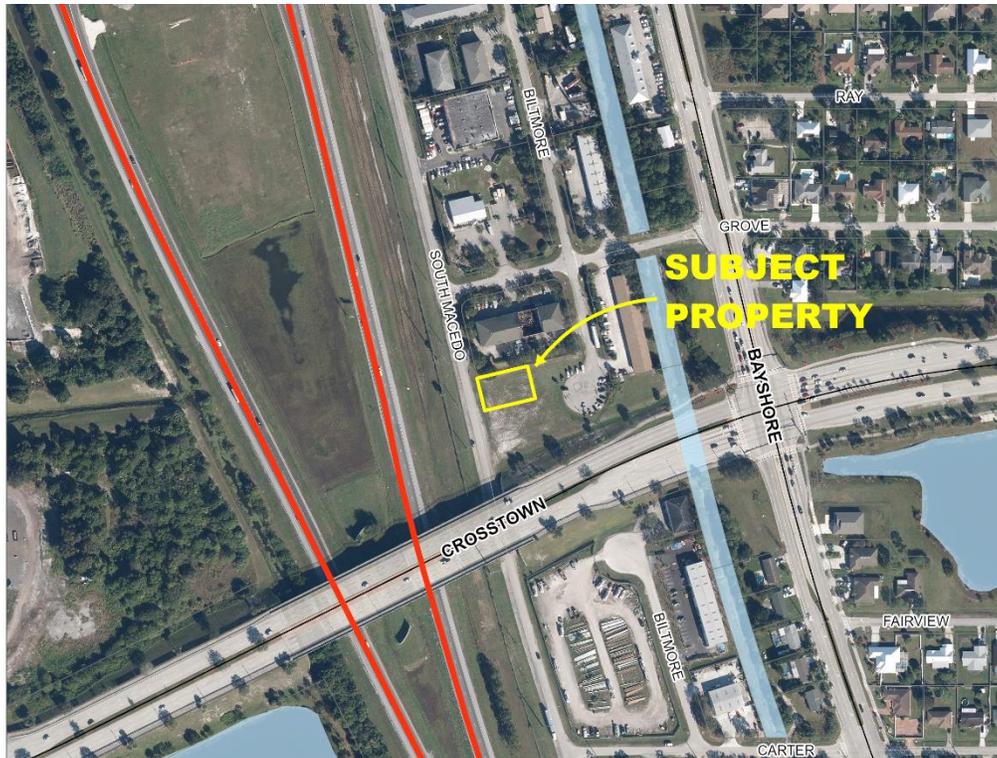


Figure 1. Aerial Map

SUMMARY

Applicant’s Request:	To grant a variance to Area 26 of the Land Use Conversion Manual for lot size and frontage requirements for the purposes of requesting a rezoning to the Service Commercial (CS) Zoning District.
Application Type:	Variance, Quasi-Judicial
Applicant:	George Ruiz Ortiz, Imperium Construction Company
Property Owner:	Imperium Construction Company LLC
Address:	1429 SW South Macedo Blvd
Location:	East side of SW South Macedo Blvd, north of Crosstown Parkway
Project Planner:	Francis Forman, Planner II

Project Description

The owner, Imperium Construction Company, LLC, is requesting a variance to the requirements of Conversion Area Number 26 of the Land Use Conversion Manual to allow a 10,000 square foot lot with 80 feet of frontage to be rezoned to the Service Commercial (CS) Zoning District. Section III of the Land Use Conversion Manual requires a minimum frontage of 180 feet and a minimum of 20,000 square feet of land area for any site within the conversion area.

Planning and Zoning Board Review

Per Section VI, Variance Procedures, of the City of Port St. Lucie Land Use Conversion Manual, the Planning and Zoning Board shall review variance requests for exceptions to the performance standards established by the manual and forward a recommendation to the City Council for final approval or denial authority regarding such requests. The Planning and Zoning Board shall hold a public hearing per section 158.298 of the City’s Zoning Code.

Public Notice Requirements

Public notice was mailed to owners within 750 feet and the file was included in the ad for the Planning & Zoning Board’s agenda.

Location and Site Information

Parcel Number:	3420-635-0632-000-8
Property Size:	+/- 0.23 acres
Legal Description:	Lot 3 - Block 240 - Port St. Lucie Section 28
Future Land Use:	LI/CS (Light Industrial/Service Commercial)
Existing Zoning:	RS-2 (Single-Family Residential)
Existing Use:	Vacant

Surrounding Uses

Direction	Future Land Use	Zoning	Existing Use
North	LI/CS	CS	Warehouse
South	LI/CS	RS-2	Vacant
East	LI/CS	RS-2	Vacant
West	HWY	I	Florida Turnpike

LI/CS, Light Industrial/Service Commercial – CS, Service Commercial – HWY, Highway – RS-2, Single Family Residential – I, Industrial

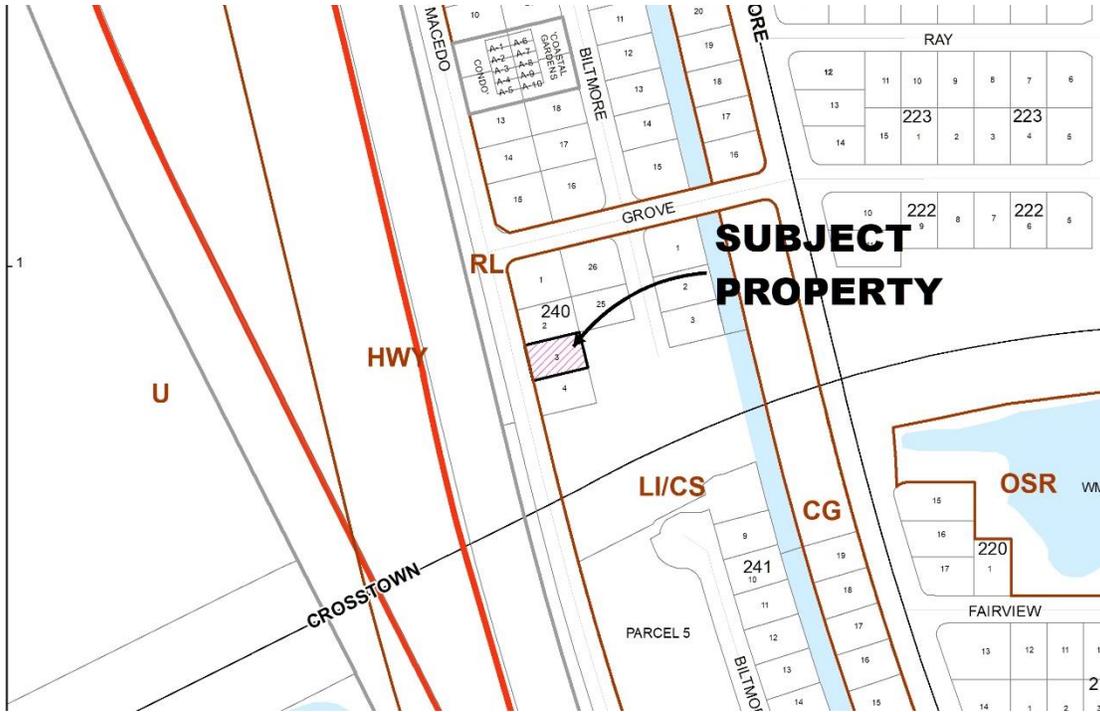


Figure 2. Land Use Map

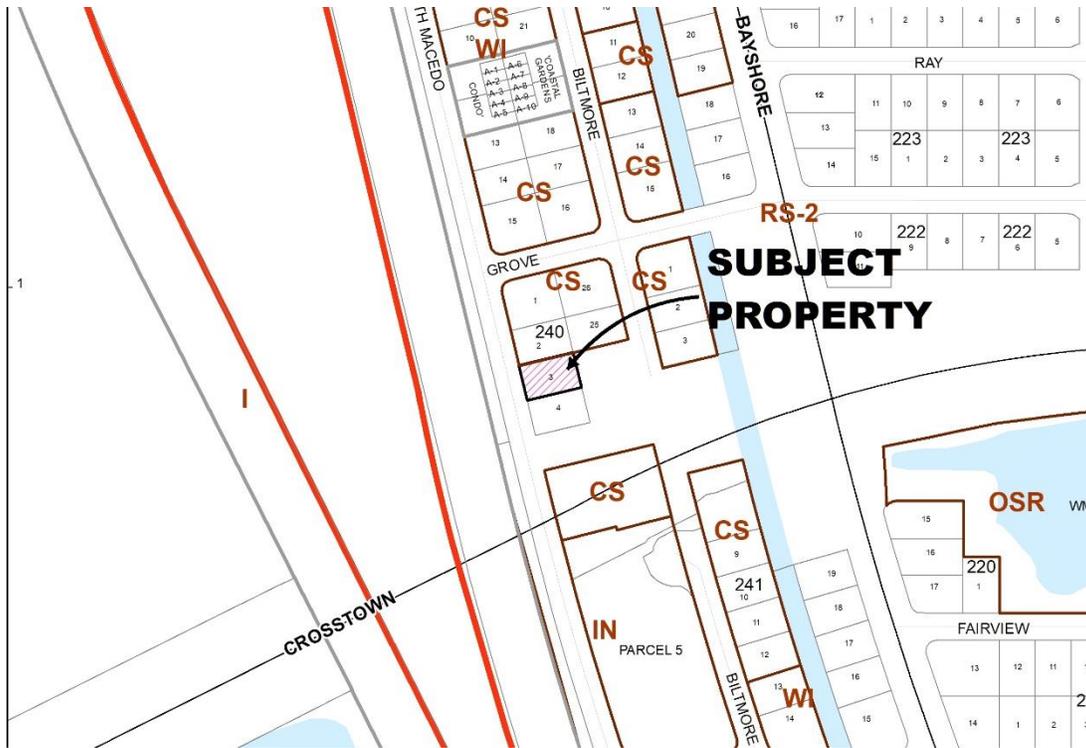


Figure 3. Zoning Map

IMPACTS AND FINDINGS

Section 158.295 (B) of the Zoning Code establishes the duties of the Planning and Zoning Board in authorizing a variance. The Planning and Zoning Board may authorize the variance from the provisions of the Zoning Code as will not be contrary to the public interest when, owing to special conditions, a literal enforcement of the provisions will result in unnecessary and undue hardship. Pursuant to Section 158.296, a variance is authorized only for height, area, and size of the structure, yard size, building setback, lot size requirements, and other applicable development regulations, excluding use. To authorize a variance, the Planning and Zoning Board should consider the criteria listed under Section 158.295 (B) (1) through (7). The applicant's response to this criterion is attached to the application. Staff's review and the applicant's responses are provided below.

Compatibility with variance criteria Section 158:295 (B).

- 1) That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same zoning district.
 - *Applicant's Response: Land is located in an Industrial/Commercial area.*
 - *Staff Findings: The subject site is zoned Single-Family Residential and located within the Light Industrial/Service Commercial future land use area of the Land Use Conversion Area. The site could be developed with a single-family residence, which would not be a compatible use to the adjacent industrial uses. The property could be rezoned to Service Commercial to allow for the development of industrial as the Conversion Manual if the applicant was able to acquire an adjacent parcel. The subject property does not meet the requirements of the Conversion Manual standards regarding size and width. The City owns the adjacent Lot 4 and has determined that it is not in the best interest of the City to sell the lot for private development (see attached correspondence). Since the applicant is unable to acquire the adjacent lot to meet the requirements of the Conversion Manual, a variance is needed in order to rezone the property to the Service Commercial (CS) zoning district to allow for industrial development. It is not a good location for a single-family residence and the subject lot is constrained by the cul-de-sac and the city owned land making any industrial development impossible with securing the variance to the Conversion Manual.*
- 2) That the special conditions and circumstances do not result from any action of the applicant.
 - *Applicant's Response: We don't want to build a house next to warehouses. As a result, we think it is best to build a warehouse.*
 - *Staff Findings: The property could be developed under its current zoning designation with one single-family residence; however, the adjacent development properties and the Future Land Uses are industrial which is the reasoning for the applicant's interest in rezoning to allow for a like use.*
- 3) That granting the variance requested will not confer on the applicant any special privilege that is denied by this chapter to other lands, buildings, or structures, in the same zoning district.
 - *Applicant's Response: This request stands on the fact there are mainly commercial buildings around our residential lot.*
 - *Staff Findings: Other lands in the same zoning district are required to adhere to the*

minimum lot size and frontage requirements but may not be surrounded by City Right-of-Way and land holdings.

- 4) That literal interpretation of the provisions of the chapter would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of the chapter and would work unnecessary and undue hardship on the applicant.
 - *Applicant's Response: All other properties in the area are commercial locations.*
 - *Staff Findings: See staff findings #1. The literal interpretation of the provisions deprives the applicant of the ability to develop and utilize the property for a non-residential use.*
- 5) That the variance granted is the minimum variance that will make possible the reasonable use of the land, building, or structure.
 - *Applicant's Response: We are attaching a copy of our building plans.*
 - *Staff Findings: The applicant did not attach any building plans. Granting the variance would allow the property owner to rezone the lot to Service Commercial and use the land for an industrial use as desired.*
- 6) That the granting of the variance will be in harmony with the general intent and purpose of the chapter and that the variance will not be injurious to the area involved or otherwise detrimental to the public welfare.
 - *Staff Findings: The variance appears to be in harmony with the general intent and purpose of the chapter and that the variance will not be injurious to the area involved or otherwise detrimental to the public welfare.*
- 7) That there will be full compliance with any additional conditions and safeguards which the Planning and Zoning Board or Zoning Administrator may prescribe, including but not limited to reasonable time limits within which the action for which variance is required shall be begun or completed, or both.
 - *Staff Findings: Acknowledged.*

Compatibility with performance standards of Section VI of Conversion Manual

- 1) Any application which would result in adjacent lots becoming non-conforming to the conversion standards may be required to submit a conceptual site plan.
 - *Staff Findings: A conceptual site plan has not been submitted.*
- 2) The plan shall designate adequate buffers surrounding the site and remaining properties.
 - *Staff Findings: Adequate buffers will be required per City's Zoning and Landscaping Codes.*
- 3) Where appropriate, the plan shall be designed as one project and must provide for shared access and parking of any remaining or adjacent lots or parcel which would not conform to the conversion standards as a result of the variance. It shall not result in isolation or landlocked lots without providing access.

- *Staff Findings: The property to the north is developed. The City property has access to SW South Macedo Blvd.*
- 4) The plan shall not allow the access onto residential street or non-conversion area streets.
- *Staff Findings: The property does not have access onto a residential or non-conversion area street.*
- 5) The plan shall require the recording of Unity of Title for the project to prohibit further division and sale of separate lots which are part of the overall approved site plan. Also recording of access easements for future use of the remaining adjacent lots is required. Verification of this is required prior to issuance of building permits for the project.
- *Staff Findings: Not applicable.*

PLANNING AND ZONING BOARD ACTION OPTIONS

The Board may choose to recommend approval, denial or to table the proposed variance. If the Board finds that the variance application is consistent with the criteria as listed in Section 158.295 (B) (1) through (7) of the City code (listed above) and Section VI of the Conversion Manual, then the Board may:

- Motion to recommend approval to City Council

If the Board finds that the variance application is inconsistent with the criteria as listed in Section 158.295 (B) (1) through (7) of the City code, then the Board may:

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

Should the Board need further clarification or information from either the applicant and/or staff, the Board may:

- Motion to table or continue the hearing or review to a future meeting

(NOTE TO APPLICANTS: Any request for a variance that is denied by the Planning and Zoning Board may be appealed to the Board of Zoning Appeals. Appeal applications are made through the City Clerk's office and must be submitted within 15 days after the Planning and Zoning Board hearing).

VARIANCE APPLICATION

CITY OF PORT ST. LUCIE
Planning & Zoning Department
121 SW Port ST. Lucie Blvd.
Port St. Lucie, Florida 34984
(772)871-5213

FOR OFFICE USE ONLY

Planning Dept _____
Fee (Nonrefundable) \$ _____
Receipt # _____

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 advertising for the Planning and Zoning Board meeting. **Attach two copies of proof of ownership (e.g.: warranty deed, affidavit), a copy of recent survey and a statement addressing each of the attached criteria.**

PRIMARY CONTACT EMAIL ADDRESS: alcagest987@gmail.com

PROPERTY OWNER:

Name: Imperium Construction Company LLC
Address: 265 SE Venada Ave, Port St Lucie, FL
Telephone No. 813-516-4660

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

Name: _____
Address: _____
Telephone No. _____ Email _____

SUBJECT PROPERTY:

Legal Description: Port ST Lucie - Section 28 - BLK 240 LOT 3
Parcel I.D. Number: 3420-635-0632-000-8
Address: 1429 SW Macedo Blvd
Current Zoning Classification RS-2 PSL

Description of requested variance and applicable conditions/circumstances justifying request (continue on separate sheet, if necessary): Provide documentation that the attached variance criteria have been met.

Warehouse Construction


Signature of Applicant

George Ruiz Ortiz
Hand Print Name

5-2-2023
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. 03/02/20

VARIANCES

The Planning and Zoning Board and Zoning Administrator may authorize the variance from the provisions of this chapter as will not be contrary to the public interest when, owing to special conditions, a literal enforcement of the provisions will result in unnecessary and undue hardship. In order to authorize any variance from the terms of this chapter, the Planning and Zoning Board or Zoning Administrator will consider the variance criteria in § 158.295 (C) 1-7 and consider your responses to the following when making a determination.

(1) Please explain special conditions and circumstances that exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same zoning district;

Land is located in a Industrial/Commercial area.

(2) Please explain if these conditions and circumstances result from actions by the applicant;

We don't want to build a house next to warehouses. As a result, we think it is best to build a warehouse

(3) Please explain how granting the variance requested will not confer on the applicant special privilege that is denied by this chapter to other lands, buildings, or structures, in the same zoning district;

This request stands on the fact there are mainly commercial buildings around our residential lot

(4) Please explain how a literal interpretation of the provisions of the chapter would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of the chapter and would work unnecessary and undue hardship on the applicant;

All other properties in the area are commercial locations

(5) Please illustrate and explain if the variance requested is the minimum variance that will make possible the reasonable use of the land, building, or structure;

We are attaching a copy of our building plans



"A City for All Ages"

JESUS MEREJO
CITY MANAGER

CITY OF PORT ST. LUCIE

Office of the City Manager

May 17, 2023

Via email: alcagest987@gmail.com

RE: 1443 SW South Macedo
Parcel ID: 3420-635-0633-000-5
1PSL Request 64153

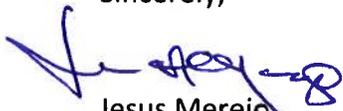
Dear Mr. Ruiz:

This letter acknowledges your request to the City regarding the property located at 1443 SW South Macedo Blvd. The parcel in question, was assigned to the City's Public Works Department on May 4, 2021, by the City's High Performance Public Spaces (HPPS) Team. This Team, whose formation was authorized by the City Manager, is tasked with providing recommendations to both the City Council and City Manager's Office regarding the use of existing City-owned properties and those being considered for acquisition or surplus.

The HPPS Team recommended retention of this parcel with assignment to the City's Public Works Department for use as a staging area for mowing and landscaping adjacent to Crosstown Parkway. After receiving your request, we again reached out to management from the Public Works Department who confirmed their position has not changed.

On May 2, 2023, staff brought your request to my attention, and I concur with their position to retain this parcel due to its current use and value to the Port St. Lucie Public Works Department.

Sincerely,



Jesus Merejo
City Manager

CC: Public Works Director Heath Stocton, P.E.
Deputy City Attorney, Margaret Carland

Prepared by:
Michelle Kinch
Home Partners Title Services, LLC
150 S. Pine Island Road Suite 430
Plantation, FL 33324

Return to:
Home Partners Title Services, LLC
Michelle Kinch
150 S. Pine Island Road Suite 430
Plantation, FL 33324

Incident to the issuance of a title insurance commitment.

Tax ID: 3420-635-0632-000-8

File Number: 180-26431V

Consideration: \$50,000.00

(Space Above This Line For Recording Data)

Warranty Deed

This Warranty Deed made this 14th day of November, 2022, between Lina J. Chiovitti-Lewis, Individually and as Trustee Of The Lina J. Chiovitti-Lewis Living Trust, U/A/D 7/19/2001, a married woman, whose post office address is 8050 Camden Way, Canfield, OH 44406, grantor,

and

Imperium Construction Company, LLC, a Florida Limited Liability Company, whose post office address is 265 SE Verada Avenue, Port Saint Lucie, FL 34983, grantee:

(Whenever used herein the terms "grantor" and "grantee" include all the parties to this instrument and the heirs, legal representatives, and assigns of individuals, and the successors and assigns of corporations, trusts and trustees)

Witnesseth, that said grantor, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable considerations to said grantor in hand paid by said grantee, the receipt whereof is hereby acknowledged, has granted, bargained, and sold to the said grantee, and grantee's heirs and assigns forever, the following described land, situate, lying and being in the St. Lucie County, Florida, to-wit:

Lot 3, Block 240, PORT ST. LUCIE SECTION TWENTY EIGHT, according to the plat thereof, recorded in Plat Book 14, Pages 7, 7A through 7C, inclusive, of the Public Records of St. Lucie County, Florida.

Parcel Identification Number: 3420-635-0632-000-8

Neither the Grantor nor any member of Grantor's family resides on or adjacent to the property being conveyed. Grantor presently resides at 8050 Camden Way, Canfield OH 44406

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 for the year of closing and subsequent years, restrictions, reservations, covenants and easements of record, if any.

Imperium Construction Company, LLC

1429 SW South Macedo Blvd

VARIANCE

Project: P23-088

Planning and Zoning Board Meeting

Francis Forman, Planner II

July 5, 2023



PROJECT SUMMARY & VARIANCE REQUEST

- A variance to Area 26 of the Land Use Conversion Manual for lot size and frontage requirements for the purposes of requesting a rezoning to the Service Commercial (CS) Zoning District.

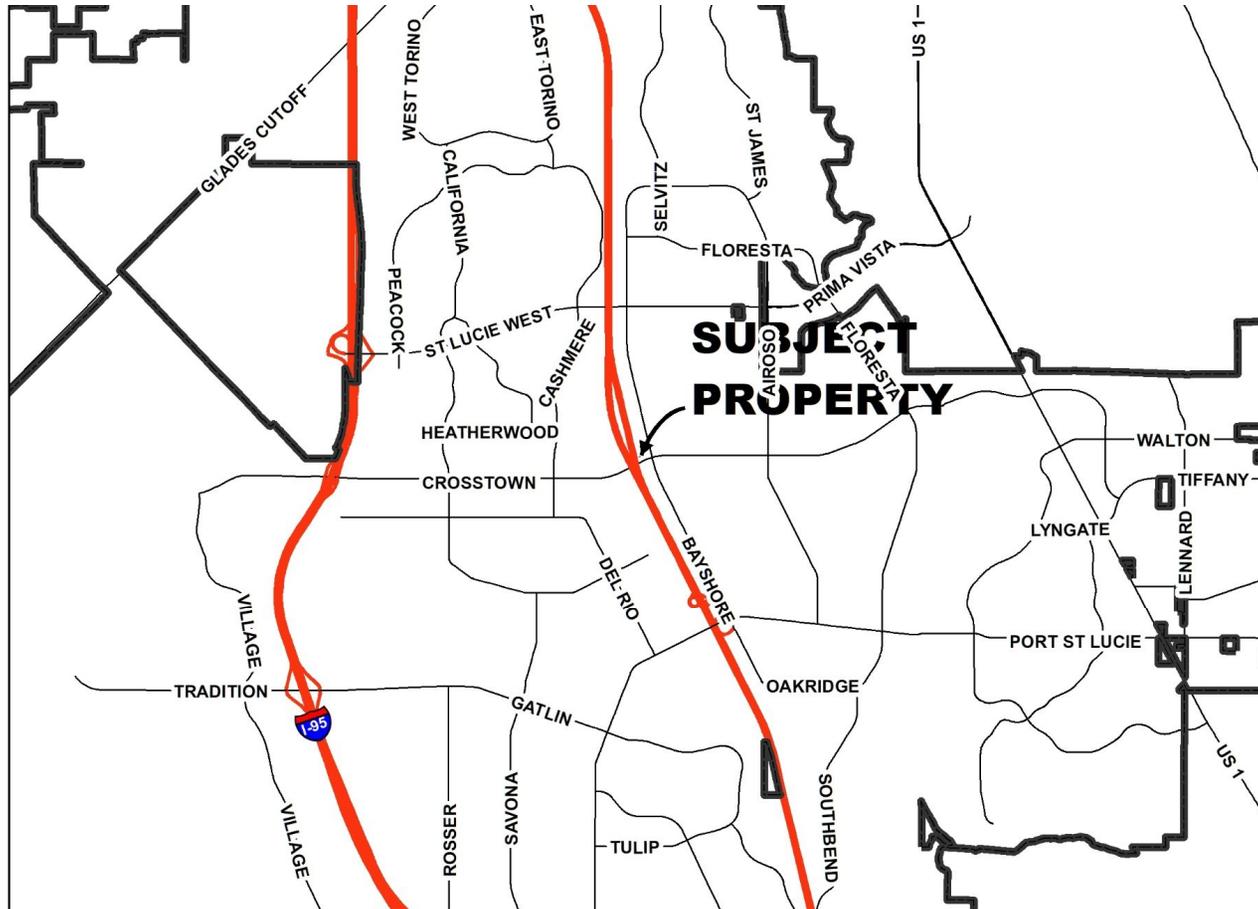


APPLICANT AND OWNER

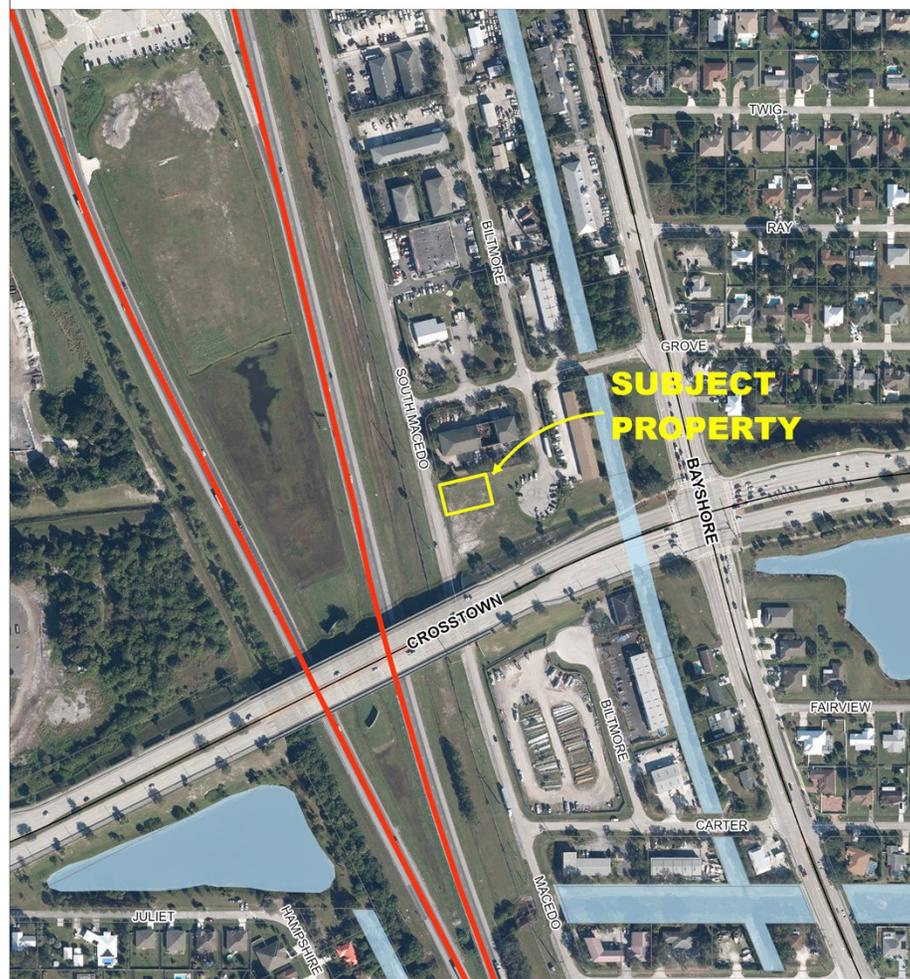
- Owner/Applicant – George Ruiz Ortiz, Imperium Construction Company, LLC
- Location – East side of SW South Macedo Blvd and north of Crosstown Parkway
- Existing Use – Vacant



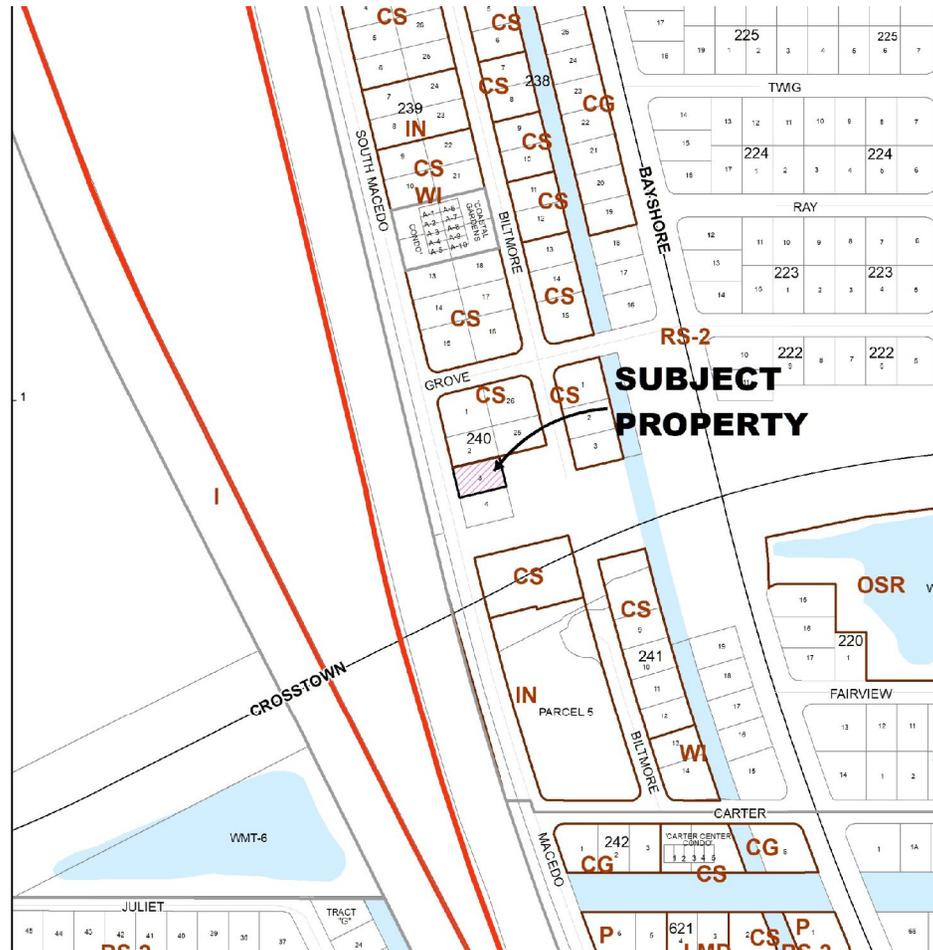
LOCATION



AERIAL MAP



Zoning Map



Staff Findings

- The applicant has applied for the variance since they are not able to acquire the adjacent City-owned lot and apply for a rezoning to an industrial or service commercial zoning district in order to use their property for a non-residential use.
- Section III of the Land Use Conversion Manual states that the property must be at least 20,000 square feet in size and have 160 feet of frontage.
- The variance granted is the minimum for the property owner to be able to use the lot for a non-residential use.



QUESTIONS OR COMMENTS?

PLANNING AND ZONING BOARD ACTION OPTIONS:

- Make a recommendation to approve to City Council
- Make a recommendation to approve with conditions
- Make a recommendation to deny
- Make a motion to table





Agenda Summary
2023-574

Agenda Date: 7/5/2023

Agenda Item No.: 8.b

Placement: Public Hearing - Quasi Judicial

Action Requested: Motion / Vote

P23-094 St. Lucie Battery & Tire @ Gatlin Boulevard - Landscape Modification

Location: North of SW Gatlin Boulevard and east of SW Edgarce Street

Legal Description: Parcel B, Fotios Subdivision.

This is a request to waive the requirement for an architectural buffer wall and substitute landscaping in lieu of a wall on the northwest side of the property as per Section 154.12 of the Landscape and Land Clearing Code.

Submitted By: Bianca Lee, Planner II, Planning & Zoning

Executive Summary: The applicant is proposing a landscape modification to forego a 6-foot-high masonry wall within the 10-foot-wide landscape buffer required along the northwest corner of the site. The applicant proposes the use of landscaping in lieu of the wall requirement.

Presentation Information: A presentation will be provided.

Staff Recommendation: Move that the Board review the landscape modification application and vote to approve, approve with conditions, or deny the request. If the Board chooses to approve the request, staff recommends the following condition: the hedges shall be planted at three (3) feet in height and maintained at six (6) feet high and irrigated.

Background: See attached staff report.

Issues/Analysis: See attached staff report.

Special Consideration: N/A

Location of Project: 2155 SW Gatlin Blvd.

Attachments: 1. Staff report, 2. Landscape Plan, 3. Landscape Plan Details, 4. Applicant's Justification, 5. Applicant response to criteria, 6. Site Plan, 7. Deed, 8. Staff presentation



**St. Lucie Battery & Tire @ Gatlin Blvd.
Landscape Modification
Project Number: P23-094**



Project Aerial Map

SUMMARY

Applicant's Request:	To waive the requirement for an architectural buffer wall on the northwest corner of the site along SW Medlock Ave.
Applicant:	Darren Guettler
Property Owner:	SLBT Land Holdings, LLC.
Location:	North of SW Gatlin Blvd. & east of SW Edgarce St.
Application Type: (Identify if quasi-judicial)	Landscape Modification, Quasi-Judicial
Project Planner:	Bianca Lee

Project Description

The applicant is requesting a waiver to the architectural buffer wall requirement as per Section 154.12 of the Landscape and Land Clearing Code. The proposed development abuts residential property along the north side of the property, on SW Medlock Avenue. A wall is required in a landscape buffer strip where residential uses abut the property to the side or rear per Section 154.03(C)5 of the Landscape and Land Clearing Code. The subject property, approximately 1.22 acres in size, has an approved site plan (P07-366-A1) to add a tire and battery store to the existing oil change business. The property is located north of SW Gatlin Blvd. & east of SW Edgarce St. The applicant is proposing a landscape modification to substitute landscaping for a 6-foot-high masonry wall within the 10-foot-wide landscape buffer area along the northwest corner of the site.

Background

A minor site plan amendment (P07-366-A1) to add the 4,896 square foot tire and battery store to the site plan with the existing oil change business was approved by the Site Plan Review Committee on February 23, 2022. The buffer wall is existing along the majority of the northern property line, with the exception of the 12-foot-wide drainage easement that is located along the western property line. The site plan amendment and landscape plan show the architectural buffer wall extending to the western property line over the existing drainage pipe located within the 12-foot-wide drainage easement.

Review Criteria

An application for a landscape modification is reviewed for consistency with Article I of the Landscape and Land Clearing Code, Section 154.12. Pursuant to Section 154.12(F)1, the exemption or modification to landscape buffer wall requirement is exempted from City Council review.

Review by Planning and Zoning Board: Requests to substitute landscaping for an architectural wall that is a required feature of a landscape buffer strip shall be considered by the Planning and Zoning Board at a public hearing. The procedures outlined in section 154.12(B)-(E) shall be utilized for such hearings. Final action on the application (approval or denial) is in the form of an Order of the Planning and Zoning Board following a quasi-judicial public hearing.

Public Notice Requirements (Section 158.298 (B))

Public notice was mailed to owners within 750 feet and the file was included in the ad for the Planning & Zoning Board's agenda.

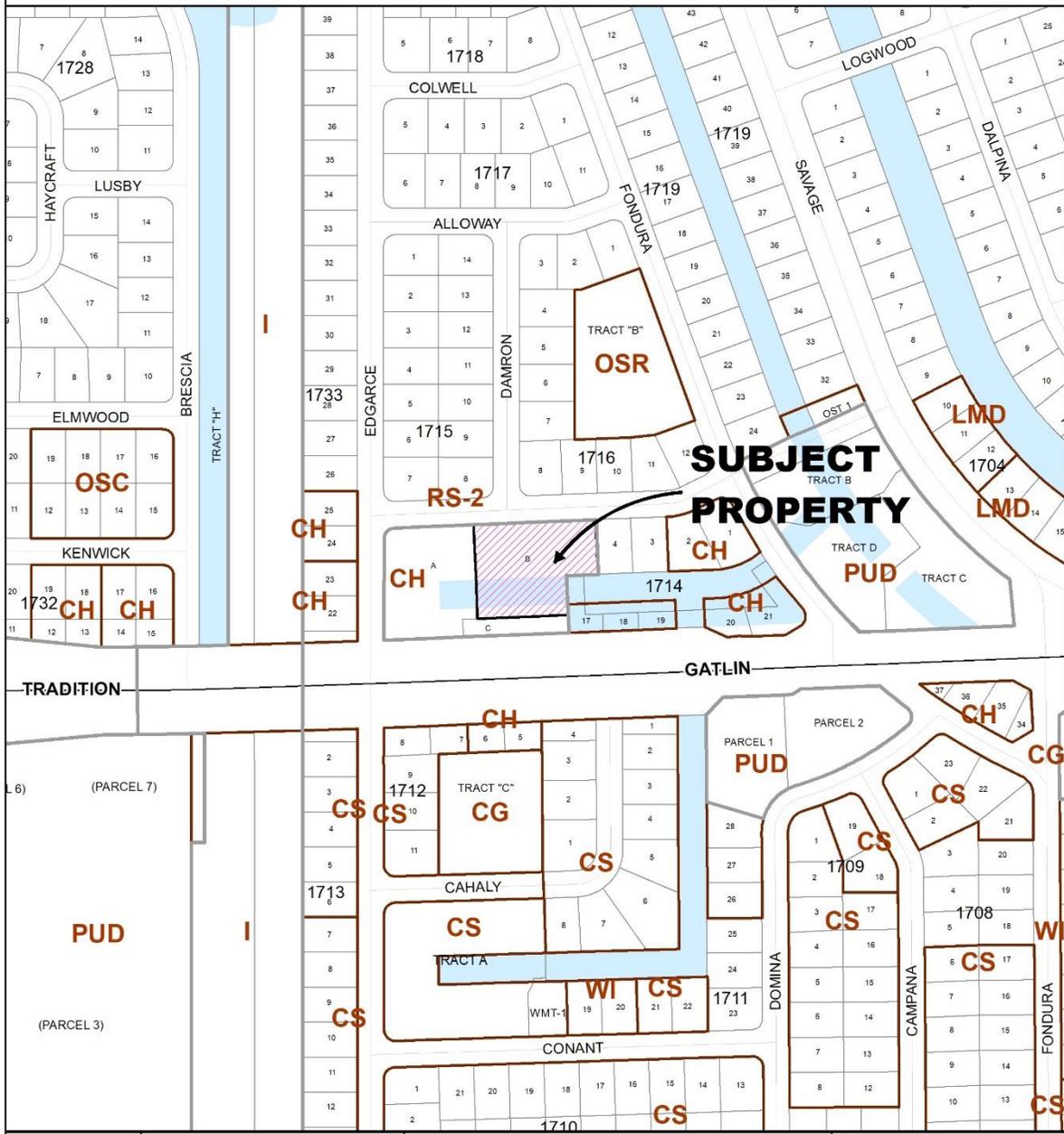
Location and Site Information

Parcel Number:	4311-701-0002-000-3
Property Size:	1.22 AC/ 53,143 SF
Legal Description:	Parcel B, Fotios Subdivision.
Address:	2155-2165 SW Gatlin Blvd
Future Land Use:	Highway Commercial (CH)
Existing Zoning:	Highway Commercial (CH)
Existing Use:	Tire & Battery Store

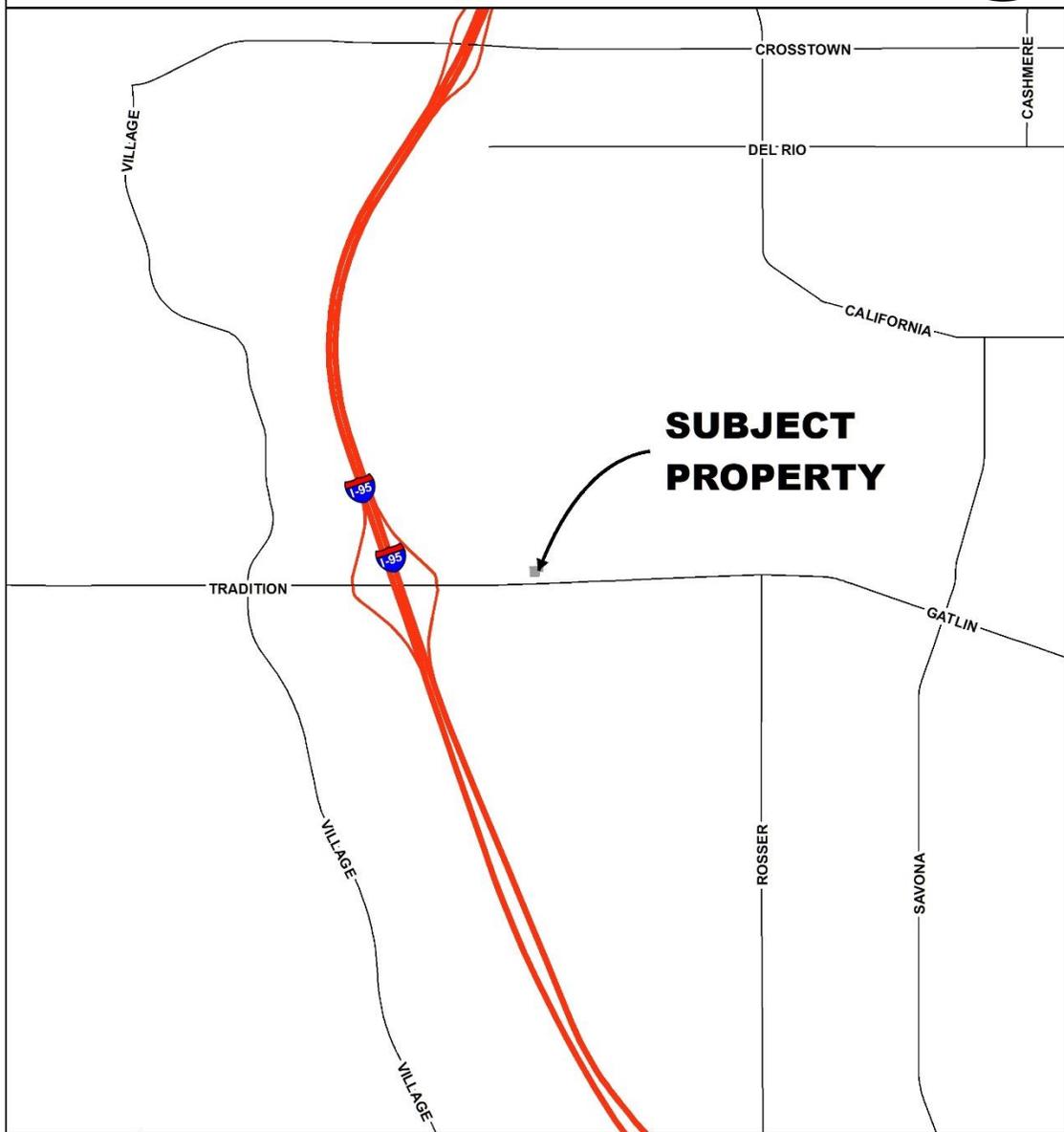
Surrounding Uses

Direction	Future Land Use	Zoning	Existing Use
North	RL	RS-2	Residential
South	CH	CH	Drainage R/W
East	CH	RS-2	Vacant
West	CH	CH	Retail/Service

RL-Low Density Residential, RS-2- Single-Family Residential, and CH- Highway Commercial



Zoning Map



Location Map

IMPACTS AND FINDINGS

Section 154.12 (B) of the Landscape and Land Clearing Code establishes the duties of the Planning and Zoning Board in authorizing a landscape modification. The Planning and Zoning Board may authorize a landscape modification from the provisions of the Landscape and Land Clearing Code. Requests for landscape exemption or modification to landscape buffer wall requirements will be based on review of detailed plans identifying the size, quantity, and location of the vegetation to be preserved and installed along the proposed site's boundaries, the use(s) proposed for the property seeking the modification or exemption, and the proposed and existing uses surrounding uses. The Planning and Zoning Board should consider the criteria listed under Section 154.12 (B) of the Landscape and Clearing Code. The applicant's response to this criterion is attached to the application. Staff's review is provided below:

Compatibility with exemption or modification to landscape buffer wall criteria Section 154.12 (B).

- 1) The total area dedicated to a buffer will be greater than what the code would impose without the modification.
 - *Applicant Response: The dedicated area to the landscape buffer wall is greater than what the code would impose without the modification. An application for Landscape Buffer Wall Modification was submitted through Fusion.*
 - *Staff Findings: The total area dedicated to a buffer will be equal to what the code requires.*
- 2) Outside activities and hours of operation for the proposed use(s).
 - *Applicant Response: The landscape buffer wall's intent is to provide a separation between commercial and residential zones, without compromising the health of the large existing oak tree and the existing mitered end section by building an architectural wall. Outside activities consist of mechanical work on vehicles and the hours of operation are Monday-Friday 8-5 P.M. and Saturday 8-12 P.M. with no hours of operation on Sunday.*
 - *Staff Findings: All auto repair and maintenance activities are required by the City Code to be conducted inside the building. The applicant specified the hours of operation in the response above.*
- 3) Natural and man-made features or uses that provide distance and separation from those existing uses to be buffered.
 - *Applicant Response: There is an existing 10' high CBS wall, a large oak tree and an existing mitered end section in the NW corner of the property where initially the continuation of an architectural wall was proposed. However, due to natural and man-made existing conditions, we are proposing a landscape buffer wall with the intent to provide privacy and separation between commercial and residential zones.*
 - *Staff Findings: Natural and manmade features that provide separation from the neighboring uses are the right-of way and the existing buffer wall and landscaping along the northern property line of the site, as per the approved site plan. The applicant is proposing landscaping between the end of the existing wall and the western property line for a distance of approximately 12 feet to accommodate the existing drainage structures. The proposed landscaping will consist of nine (9) Wax Myrtles and nine (9) Mysine hedges planted at three (3) feet high in a double row.*

4) Other factors that may be important to a decision.

- *Applicant Response: The Landscape plan has been revised to comply with the specifications of City of Port St. Lucie Planning & Zoning Department, by adding a double hedge row of Wax Myrtle and Mysine together with Silver Buttonwood trees to provide a sufficient buffer and meet the intent of the landscape used in lieu of an architectural wall.*
- *Staff Findings: Staff emphasizes the importance of maintaining the appropriate site landscaping in the buffer area to screen the project from neighboring uses. The hedges should be planted at three (3) feet high and maintained at six (6) feet in height and irrigated.*

PLANNING AND ZONING BOARD ACTION OPTIONS

The Board may choose to approve, deny or table the proposed landscape modification. If the Board finds that the application is consistent with the criteria as listed in Section 154.12 (B) of the City code (listed above), then the Board may:

- Motion to approve with the condition that the hedges are planted at three (3) feet high and shall be maintained at a height of six (6) feet and irrigated.
- Motion to approve

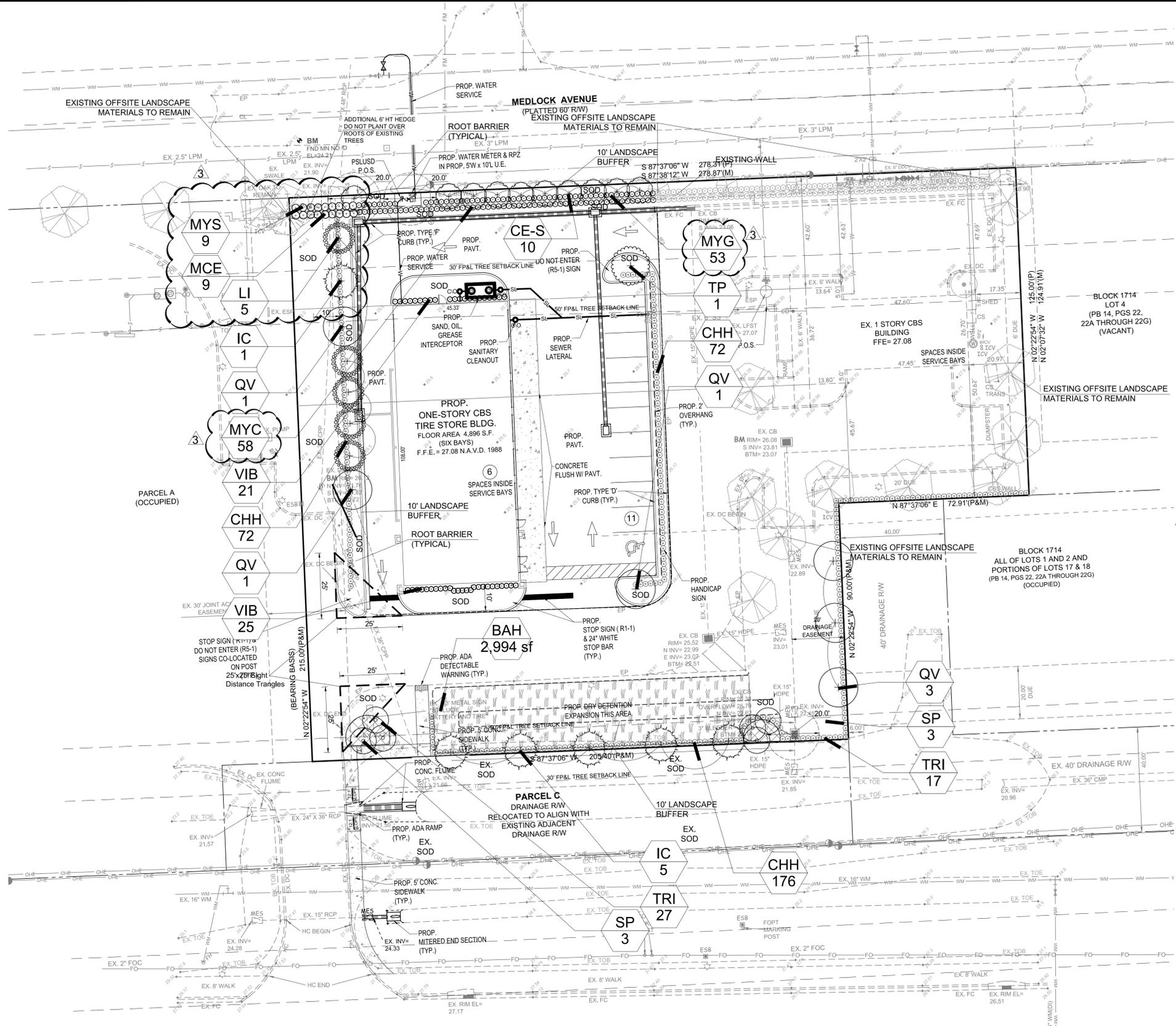
If the Board finds that the landscape modification application is inconsistent with the criteria as listed in Section 154.12 (B) of the City code, then the Board may:

- Motion to deny

Should the Board need further clarification or information from either the applicant and/or staff, the Board may:

- Motion to table or continue the hearing or review to a future meeting

(NOTE TO APPLICANTS: Any request that is denied by the Planning and Zoning Board may be appealed to the Board of Zoning Appeals. Appeal applications are made through the City Clerk's office and must be submitted within 15 days after the Planning and Zoning Board hearing).



PLANT SCHEDULE

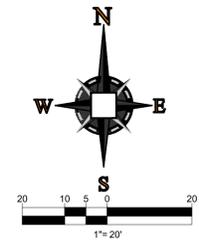
TREES	CODE	QTY	COMMON NAME	BOTANICAL NAME
+	CE-S	10	Silver Button Wood	Conocarpus erectus sericeus
+	IC	6	Dahoon Holly	Ilex cassine
+	LI	5	Crape Myrtle	Lagerstroemia indica 'Muskogee'
+	QV	6	Southern Live Oak	Quercus virginiana
+	TP	1	Pink Tabebuia	Tabebuia pallida
PALM TREES	CODE	QTY	COMMON NAME	BOTANICAL NAME
+	SP	6	Cabbage Palmetto	Sabal palmetto
SHRUBS	CODE	QTY	COMMON NAME	BOTANICAL NAME
o	CHH	320	Red Tip Cocoplum	Chrysobalanus icaco 'Red Tip'
o	MCE	9	Wax Myrtle	Myrica cerifera
o	MYC	58	Wax Myrtle	Myrica cerifera
o	MYG	53	Myrsine	Myrsine guianensis
o	MYS	9	Myrsine	Myrsine guianensis
o	VIB	46	Sandankwa Viburnum	Viburnum suspensum
SHRUB AREAS	CODE	QTY	COMMON NAME	BOTANICAL NAME
▨	TRI	44	Fakahatchee Grass	Tripsacum dactyloides
SOD/SEED	CODE	QTY	COMMON NAME	BOTANICAL NAME
▨	BAH	2,994 sf	Bahia Grass	Paspalum notatum 'Argentine'

ALL SPECIES DESIGNATED AS CATEGORY I AND II INVASIVE EXOTICS BY THE FEPPC SHALL BE ERADICATED.

IRRIGATION WATER SOURCE SHALL BE FROM A PUMP AND WELL SYSTEM LOCATED TO THE NORTH OF THE DUMPSTER. IRRIGATION PLANS SHALL BE SUBMITTED PRIOR TO ISSUANCE OF BUILDING PERMIT.

PSLUSD GENERAL NOTES

- ALL LANDSCAPING WITHIN PSLUSD UTILITY EASEMENTS AND WITHIN (10) FEET OF PSLUSD INFRASTRUCTURE SHALL COMPLY WITH CHAPTER 153 OF THE CITY'S CODE OF ORDINANCES AND PSLUSD UTILITY STANDARDS.
- NO LANDSCAPE MATERIALS OTHER THAN SOD GRASSES MAY BE PLANTED WITHIN A 5' RADIUS MAINTENANCE AREA OF ANY PSLUSD APPURTENANCE SUCH AS WATER METERS, BACKFLOW DEVICES, FIRE HYDRANTS, SANITARY SEWER CLEANOUTS, AND MANHOLES, AIR RELEASE VALVES, ETC. TREES SHALL NOT BE PLANTED WITHIN (1) FEET OF ANY PSLUSD INFRASTRUCTURE. ALL MEASUREMENTS ARE FROM OUTSIDE TO OUTSIDE, NOT CENTERLINE TO CENTERLINE. EXAMPLE: OUTSIDE OF PIPE TO NEAREST POINT ON TREE TRUNK.
- NO LANDSCAPING SHALL BE PLANTED IN SUCH A MANNER AS TO ADVERSELY AFFECT UTILITY INSTALLATION, OPERATION AND MAINTENANCE.
- ALL LANDSCAPING WITH PORT ST. LUCIE UTILITY SYSTEMS DEPARTMENT (PSLUSD) UTILITY EASEMENTS SHALL COMPLY WITH PSLUSD TECHNICAL SPECIFICATIONS, POLICIES, AND CODES.
- TREES SHALL NOT BE PLANTED WITHIN TEN (10) FEET OF ANY PSLUSD MAIN OR APPURTENANCE.



ANY DEAD LANDSCAPE MATERIALS AT THE EXISTING BUILDING SHALL BE REPLACED PRIOR TO FINAL INSPECTION.

PLEASE REFER TO SHEET LP-2 FOR FULL PLANTING SCHEDULE AND PLANTING DETAILS; AND SHEET LP-3 FOR GENERAL LANDSCAPE NOTES.

PSLUSD #11-963-00
PROJECT #P07-366-A1

MDGLA
LANDSCAPE ARCHITECT AND ISA CERTIFIED ARBORIST (LA 666871/FL-087A)
561-588-7609
MDG096@BELLSOUTH.NET
1644 THE 12TH FAIRWAY
WELLINGTON, FL 33414

REV.	DATE	COMMENT	BY
1	03/01/22	PER SPRC COMMENTS	MDG
2	03/31/22	PER SPRC COMMENTS	MDG
3	05/30/23	REMOVE WALL EXTENSION	MDG

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PROJECT No.:	L-2202
DRAWN BY:	MDG
CHECKED BY:	MDG
DATE:	2022-01-21
CAD I.D.:	LANDSCAPE PLAN

PROJECT:
ST LUCIE BATTERY & TIRE
FOR
TWELVE 28, LLC
CITY OF PORT ST LUCIE
FLORIDA

MICHAEL D. GROSSWIRTH
LANDSCAPE ARCHITECT & ASSOC., PA.
FL. L.C. LA 666671
1644 THE 12TH FAIRWAY
WELLINGTON, FL 33414
CELL: (661) 568-7609
mdg1964@bellsouth.net

MICHAEL D. GROSSWIRTH
REGISTERED LANDSCAPE ARCHITECT
FLORIDA #11-963-00

SHEET TITLE:
LANDSCAPE PLAN
SHEET NUMBER:
LP-1

PLANT SCHEDULE

TREES	CODE	QTY	COMMON NAME	BOTANICAL NAME	SPECIFICATIONS	CAL/DBH	HEIGHT	SPREAD	NATIVE	XERIC	REMARKS	
	CE-S	10	Silver Button Wood	Conocarpus erectus sericeus	45 gal	2.5"Cal	12' Ht	5'	Yes	High	4' CT	
	IC	6	Dahoon Holly	Ilex cassine	B & B	2.5"Cal	12' Ht	5'	Yes	High		
	LI	5	Crape Myrtle	Lagerstroemia indica 'Muskogee'	45 gal	2.5"Cal	12' Ht	5'	No	High	4' CT	
	QV	6	Southern Live Oak	Quercus virginiana	45 gal	2.5"Cal	12' Ht	5'	Yes	High	4' CT	
	TP	1	Pink Tabebuia	Tabebuia pallida	45 gal	2.5"Cal	12' Ht	5'	No	High	5' CT	
PALM TREES	CODE	QTY	COMMON NAME	BOTANICAL NAME	SPECIFICATIONS	CAL/DBH	HEIGHT	SPREAD	NATIVE	XERIC	REMARKS	
	SP	6	Cabbage Palmetto	Sabal palmetto	B & B				Yes	High	16-18' c.t., stagger	
SHRUBS	CODE	QTY	COMMON NAME	BOTANICAL NAME	SPECIFICATIONS	SPACING	HEIGHT	SPREAD	NATIVE	XERIC	REMARKS	
	CHH	320	Red Tip Cocoplum	Chrysobalanus icaco 'Red Tip'	-	24"	24"	24"	Yes	High	Full to base	
	MCE	9	Wax Myrtle	Myrica cerifera	-	36"	72"	30-36"	No	High	Full to base	
	MYC	58	Wax Myrtle	Myrica cerifera	-	24"	24"	18"	Yes	High	full to base	
	MYG	53	Myrsine	Myrsine guianensis	-	24"	24"	18-24"	Yes	High	full to base	
	MYS	9	Myrsine	Myrsine guianensis	-	36"	72"	30-36"	Yes	High	full to base	
	VIB	46	Sandankwa Viburnum	Viburnum suspensum	-	24"	24"	24"	No	High	Full to base	
SHRUB AREAS	CODE	QTY	COMMON NAME	BOTANICAL NAME	SPECIFICATIONS	SPACING	HEIGHT	SPREAD	NATIVE	XERIC	SPACING	REMARKS
	TRI	44	Fakahatchee Grass	Tripsacum dactyloides	-	30"	30-36"	24-30"	Yes	High	30" o.c.	
SOD/SEED	CODE	QTY	COMMON NAME	BOTANICAL NAME	SPECIFICATIONS	SPACING	HEIGHT	SPREAD	NATIVE	XERIC	SPACING	REMARKS
	BAH	2,994 sf	Bahia Grass	Paspalum notatum 'Argentine'	sod				Yes	High		

LANDSCAPE CODE COMPLIANCE CHART

CITY OF PORT ST LUCIE LAND DEVELOPMENT CODE

St. Lucie Battery & Tire

TOTAL SITE AREA: 53,275 sq.ft (1.223 AC)
 TOTAL VUA: 10,439 sq.ft.
 TOTAL OPEN AREA: 19,351 sq.ft.
 PROPOSED ZONING: CH - Commercial Highway

CHAPTER 154 - LANDSCAPING AND LAND CLEARING

Sec 154-03 LANDSCAPE DESIGN STANDARDS

C.1.a) Perimeter Landscaping Relating to Abutting Properties: (326.00') 1 Tree/30'
 C.3.a) Required Landscaping Adjacent to Public Street or Road Rights-of-Way:
 1 Tree/30 If

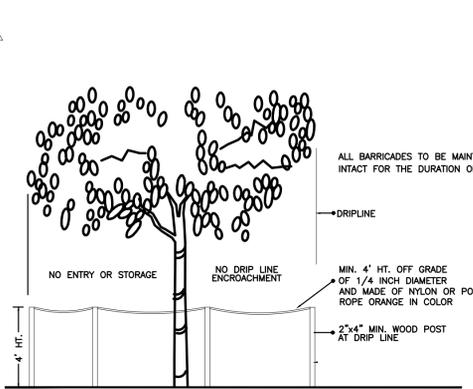
Medlock Ave: 278.31'
 Gatlin Blvd: 205.4'

C.3.d) Parking Termianl Islands: 1 Tree/Island (2 Islands)

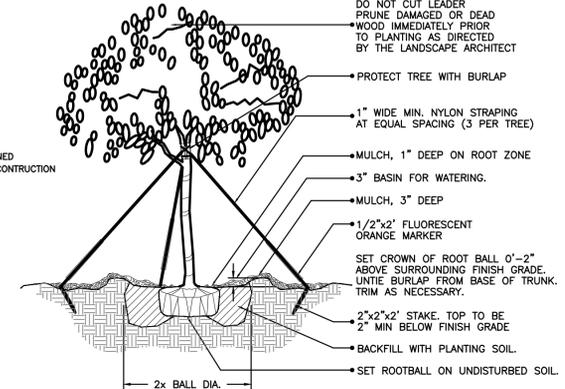
	REQUIRED	PROVIDED
11 TREES	11 TREES	11 TREES
10 TREES	10 TREES*	7 TREES*
7 TREES	7 TREES*	7 TREES*
50 SHRUBS	50 SHRUBS	162 SHRUBS
2 TREES	2 TREES	2 TREES
TOTAL	30 TREES	30 TREES
50% NATIVE	15 TREES	22 TREES (73%)

25% Max Palms:	6 Palms	6 Palms
50% Min Native Tree Species:	3/5 SPECIES	60.00%
25% Min Native Shrub Species:	4/5 SPECIES	80.00%
20% Min of Required Trees Flowering:	9 TREES	30.00%
75% in landscape islands - evergreen shade trees:		100%*

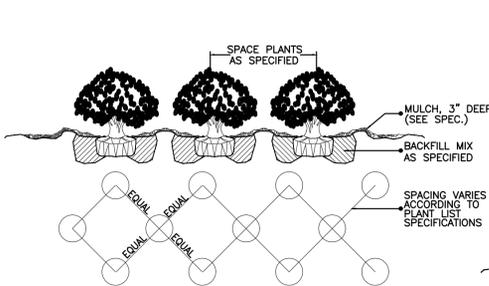
* O/H Electrical Lines Present Across Street Frontages. FP&L Right Tree Right Place Guidelines .



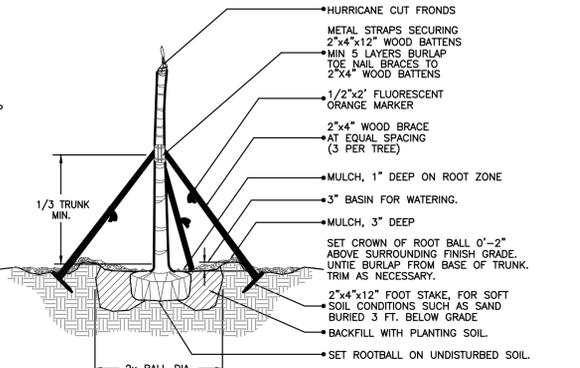
TREE PRESERVATION BARRICADE FENCING DETAIL
 N.T.S.



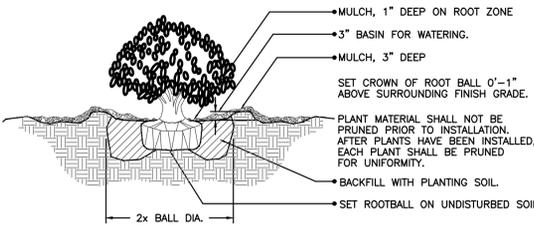
(2" cal. and over) LARGE TREE PLANTING DETAIL
 N.T.S.



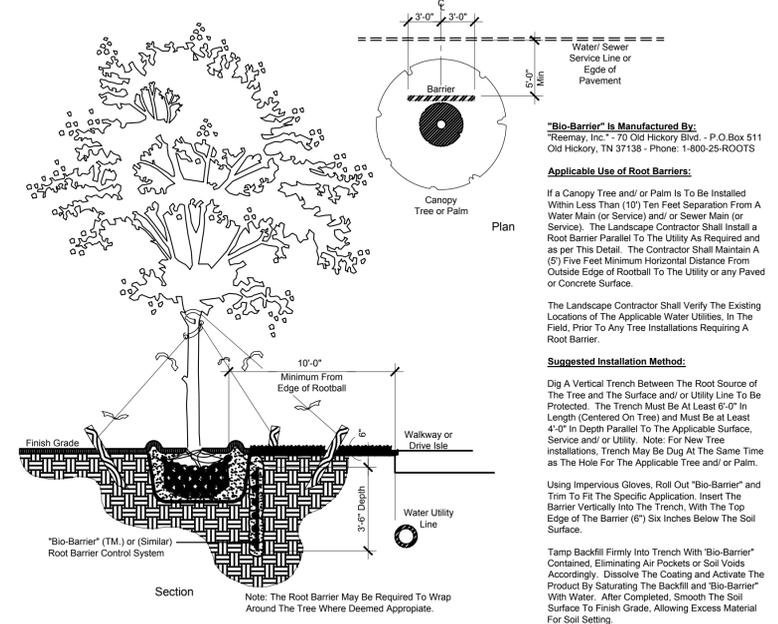
SHRUB / GROUNDCOVER SPACING / PLANTING DETAIL
 N.T.S.



CIGARED SABAL PALM PLANTING DETAIL
 N.T.S.



SHRUB PLANTING DETAIL
 N.T.S.



Typical Root Barrier Application Detail
 Section / Plan
 Not To Scale

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 MDG@mdgla.com
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REV#	DATE	COMMENT	BY
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PROJECT:
ST LUCIE BATTERY & TIRE
 FOR
TWELVE 28, LLC

CITY OF PORT ST LUCIE FLORIDA
MICHAEL D. GROSSWIRTH
 LANDSCAPE ARCHITECT & ASSOC. PA
 FL. L.C. LA 6666071
 1644 THE 12TH FAIRWAY
 WELLINGTON, FL 33414
 CELL: (661) 568-7609
 mdg1964@bellsouth.net

MICHAEL D. GROSSWIRTH
 LANDSCAPE ARCHITECT
 REGISTERED LANDSCAPE ARCHITECT
 FLORIDA #227922-0000066871

SHEET TITLE:
LANDSCAPE PLANTING DETAILS
 SHEET NUMBER:
LP-2

PSLUSD #11-963-00
 PROJECT #P07-366-A1



May 31, 2023

Bianca Lee - Planner
City of Port St Lucie Planning & Zoning Department
121 SW Port St Lucie Blvd.
Port St Lucie, FL 34984

RE: St. Lucie Battery & Tire Gatlin Blvd. (P07-366-A1)
2155 SW Gatlin Blvd., Port St Lucie, FL 34953
S11, T37S, R39E
Landscape Buffer Wall Modification

Dear Ms. Lee,

The following items are being submitted in support of the subject project Landscape Modification Application to be heard by the City of Port Saint Lucie Planning and Zoning Board at the July 5th meeting:

1. Landscape Plan
2. Authorization Letter

Justification Statement:

The purpose of the referenced modification is to propose a landscape hedge as an acceptable solution to the issue of the proposed wall being impeded by the existing mitered end section and large oak tree. We want to find a low impact, cost effective and convenient solution while also preserving the life of the existing oak tree.

We have submitted the plans and documents electronically through Fusion. Please schedule the project for review at the next available City of Port Saint Lucie Planning and Zoning Board Meeting. Should you have any questions, please do not hesitate to contact me at 772/879-0477.

Sincerely,

A handwritten signature in blue ink, appearing to read 'D. Guettler', with a horizontal line extending to the right.

Darren C. Guettler, P.E.

Attachments

Cc: File 21-1032 ENG (w/o att)



June 19, 2023

Bianca Lee – Planner II
City of Port St Lucie Planning & Zoning Department
121 SW Port St Lucie Blvd
Port St Lucie, FL 34984

RE: St. Lucie Battery (P07-366-A1 – PSLUSD Project No. 11-963-00)
2155 SW Gatlin Blvd., Port St. Lucie, FL 34953
S11, T37S, R39E
Landscape Modification

Dear Ms. Lee,

We received your review comments on June 13, 2023, for the Landscape Buffer Wall modification. The following responses correspond to the comments provided:

1. The total area dedicated to a buffer will be greater than what the code would impose without the modification.

The dedicated area to the landscape buffer wall is greater than what the code would impose without the modification. An application for Landscape Buffer Wall Modification was submitted through Fusion.
2. Outside activities and hours of operation for the proposed use(s).

The landscape buffer wall's intent is to provide a separation between commercial and residential zones, without compromising the health of the large existing oak tree and the existing mitered end section by building an architectural wall. Outside activities consist of mechanical work on vehicles and the hours of operation are Monday-Friday 8-5 P.M and Saturday 8-12 P.M. with no hours of operation on Sunday.
3. Natural and man-made features of uses that provide distance and separation from those existing uses to be buffered.

There is an existing 10' high CBS wall, a large oak tree and an existing mitered end section in the NW corner of the property where initially the continuation of an architectural wall was proposed. However, due to natural and man-made existing conditions, we are proposing a landscape buffer wall with the intent to provide privacy and separation between commercial and residential zones.
4. Other factors that may be important to a decision.

The Landscape plan has been revised to comply with the specifications of City of Port St. Lucie Planning & Zoning Department, by adding a double hedge row of Wax Myrtle and Myrsine together with Silver Buttonwood trees to provide a sufficient buffer and meet the intent of the landscape used in lieu of an architectural wall.

Velcon Engineering & Surveying, LLC
1449 NW Commerce Centre Dr., Port St. Lucie, FL, 34986
Ph: 772 / 879-0477



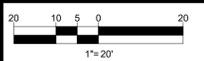
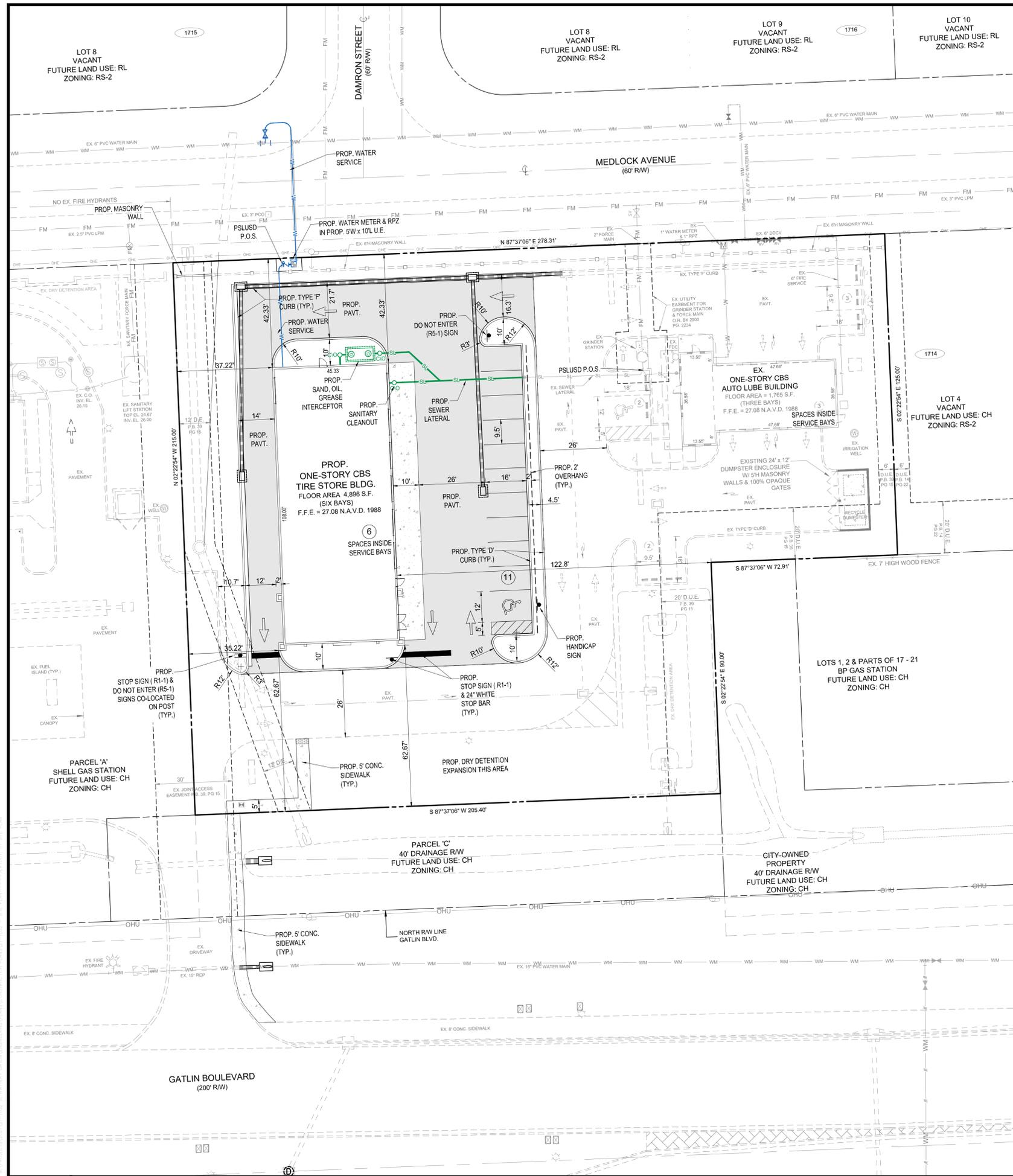
Considering the above responses, we respectfully request that you consider our landscape buffer modification request for approval. Should you have any questions, please do not hesitate to contact me at 772-879-0477.

Sincerely,

A handwritten signature in blue ink, appearing to read 'D. Guettler', with a horizontal line extending to the right.

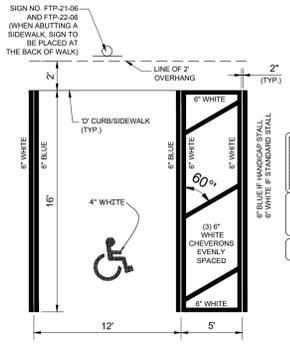
Darren C. Guettler, P.E.

Cc: File 21-1032 (w/ att)



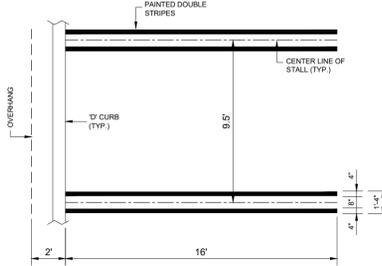
LEGEND

- HANDICAP STALL
- TRAFFIC FLOW DIRECTION
- NUMBER OF PARKING SPACES
- EXISTING GAS MAIN
- EXISTING BURIED ELECTRIC
- EXISTING WATER MAIN
- EXISTING FORCE MAIN
- EXISTING SITE LIGHT
- EXISTING EDGE OF PAVEMENT
- EXISTING FIBER OPTIC CABLE
- EXISTING IRRIGATION MAIN
- PROPOSED ASPHALT PAVEMENT
- PROPOSED CLEAN OUT
- PROPOSED LIGHTING WALL PACE



- NOTES:**
- HANDICAP STALL IS BASED FROM FOOT STANDARD INDEX #1736; SHEET 12 OF 14
 - DIMENSIONS ARE TO THE CENTERLINE OF MARKINGS.
 - BLUE PAVEMENT MARKINGS SHALL BE TINTED TO MATCH SHADE 15100 OF FEDERAL STANDARD SPEC.
 - FTP-22-08 PANEL SHALL BE MOUNTED BELOW THE FTP-21-06 SIGN.
 - FOR DESIGN OF THE UNIVERSAL SYMBOL OF ACCESSIBILITY, REFERENCE FOOT STANDARD INDEX #1736; SHEET 12 OF 14.
 - FOR DESIGN OF THE ASSOCIATED SIGNS, REFERENCE FOOT STANDARD INDEX #1735; SHEET 4 OF 11.

HANDICAP SPACE DETAIL
N.T.S.

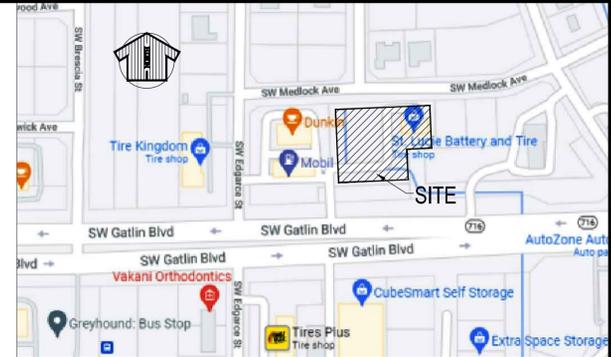


TYPICAL 18' PARKING STALL
1" = 5'

**APPROVED BY CITY OF PORT ST. LUCIE
SITE PLAN REVIEW COMMITTEE**
CONDITIONS: YES NO
DATE: 4/26/22

NOTE:
ALL ELEVATIONS SHOWN OR REFERENCED WITHIN THESE PLANS ARE BASED UPON NORTH AMERICAN VERTICAL DATUM OF 1988 (N.A.V.D.), TO CONVERT FROM N.A.V.D. '88 TO N.G.V.D. '29, ADD 1.48' TO THE N.A.V.D. ELEVATIONS TO GET N.G.V.D. ELEVATIONS.

NOTE:
THE PROPERTY OWNER, CONTRACTOR, AND AUTHORIZED REPRESENTATIVES SHALL PROVIDE PICKUP, REMOVAL, AND DISPOSAL OF LITTER WITHIN THE PROJECT LIMITS AND SHALL BE RESPONSIBLE FOR MAINTENANCE OF THE AREA FROM THE EDGE OF PAVEMENT TO THE PROPERTY LINE WITHIN THE CITY'S RIGHT-OF-WAY IN ACCORDANCE WITH CITY CODE, SECTION 41.08(g).



LOCATION MAP
N.T.S.

LEGAL DESCRIPTION:
PARCEL 'B', FOTIS SUBDIVISION, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 38, PAGE 15 & 16A, OF THE PUBLIC RECORDS OF ST. LUCIE COUNTY, FL

DEVELOPER:
TWELVE 28, LLC
P.O. BOX 14049
FT. PIERCE, FL 34945

PARCEL IDENTIFICATION NUMBERS:
4311-701-0002-0003

PROPERTY CLASSIFICATIONS:
ZONING: CH - COMMERCIAL HIGHWAY
FUTURE LAND USE: CH - COMMERCIAL HIGHWAY

MIN. BUILDING SETBACKS:
FRONT: 25 FEET
REAR: 25 FEET
SIDE: 10 FEET

BUILDING DATA:
PROPOSED BUILDING: 4,896 S.F.
PROPOSED BUILDING HEIGHT (1-STORY): 23 FEET

EXISTING BUILDING: 1,765 S.F.
PROPOSED BUILDING HEIGHT (1-STORY): 20 FEET

PARKING CALCULATIONS:
PROPOSED TIRE STORE BUILDING:
3 SPACES PER SERVICE BAY
6 BAYS x 3 SPACES = 18

EXISTING AUTO LUBE BUILDING:
3 SPACES PER SERVICE BAY
3 BAYS x 3 SPACES = 9

TOTAL SPACES REQUIRED = 27 SPACES (2 HANDICAP)
TOTAL SPACES PROVIDED = 27 SPACES (2 H.C., 25 REGULAR)
(INCLUDES 9 SPACES IN SERVICE BAYS)

DRAINAGE STATEMENT:
THE PROJECT WILL BE SERVED BY SITE GRADING, INLETS AND CULVERTS THAT WILL DIRECT STORMWATER TO THE DRY DETENTION AREA LOCATED AT THE SOUTHEAST AREA OF THE PROJECT WITH A CONTROLLED DISCHARGE TO THE 40' DRAINAGE RIGHT-OF-WAY LOCATED ALONG THE NORTH SIDE OF GATLIN BOULEVARD. SFWM CRITERIA FOR WATER QUALITY AND QUANTITY TREATMENT WILL BE PROVIDED.

UTILITY PROVIDERS:
POTABLE WATER = PLSUSD
WASTEWATER = PLSUSD (EXISTING GRINDER STATION)
IRRIGATION = EXISTING WELL

TRAFFIC STATEMENT:
THE INSTITUTE OF TRANSPORTATION ENGINEERS TRIP GENERATION, 11th EDITION CATEGORY: TIRE STORE (848) - PROPOSED BUILDING

(AVERAGE RATES UTILIZED)	AVERAGE RATE	PROJECT S.F.	TRIPS
WEEKDAY DAILY TRIPS:	28.52 / 1,000 S.F.	4,896 S.F.	140
P.M. PEAK HOUR TRIPS:	3.98 / 1,000 S.F.	4,896 S.F.	20
A.M. PEAK HOUR TRIPS:	2.72 / 1,000 S.F.	4,896 S.F.	14

THE INSTITUTE OF TRANSPORTATION ENGINEERS TRIP GENERATION, 11th EDITION CATEGORY: QUICK LUBRICATION VEHICLE SHOP (841) - EXISTING BUILDING

(AVERAGE RATES UTILIZED)	AVERAGE RATE	PROJECT S.F.	TRIPS
WEEKDAY DAILY TRIPS:	69.57 / 1,000 S.F.	1,765 S.F.	123
P.M. PEAK HOUR TRIPS:	8.70 / 1,000 S.F.	1,765 S.F.	16
A.M. PEAK HOUR TRIPS:	5.80 / 1,000 S.F.	1,765 S.F.	11

HAZARDOUS WASTE STATEMENT:
ANY AND ALL HAZARDOUS OR TOXIC MATERIALS GENERATED OR USED ON SITE SHALL BE DISPOSED OF IN ACCORDANCE WITH ALL LOCAL, STATE, AND FEDERAL REGULATIONS.

WELLFIELD PROTECTION ORDINANCE:
THIS PROJECT IS NOT LOCATED IN A PUBLIC WATER SUPPLY WELLFIELD PROTECTION ZONE.

UPLAND PRESERVE REQUIREMENTS:

PROJECT AREA:	53,275 S.F. (1.223 AC)
EXISTING UPLANDS:	0 S.F. (0.000 AC)
MITIGATION REQUIRED:	NO MITIGATION REQUIRED - NO UPLANDS ON SITE

PROJECT NOTES:

- ALL EXOTIC VEGETATION SHALL BE REMOVED FROM THE PROJECT SITE
- ALL ALCOHOLIC BEVERAGE LICENSES SHALL MEET ALL CITY CODE REQUIREMENTS
- ALL MECHANICAL EQUIPMENT ON THE GROUND OR ON THE BUILDING SHALL BE SCREENED
- ALL SIGNS SHALL BE APPROVED SEPARATELY

SITE DATA:

TOTAL PROJECT AREA	53,275 S.F.	1.223 AC	100.00%
IMPERVIOUS AREA			
EX. BUILDING	1,765 S.F.	0.041 AC	3.31%
PROP. BUILDING	4,896 S.F.	0.112 AC	9.19%
EX. PAVEMENT/WALKS	16,824 S.F.	0.386 AC	31.58%
PROP. PAVEMENT/WALKS	10,439 S.F.	0.240 AC	19.59%
TOTAL IMPERVIOUS	33,924 S.F.	0.779 AC	63.68%
TOTAL PERVIOUS	19,351 S.F.	0.444 AC	36.32%

ENVIRONMENTAL STATEMENT:
THIS SITE IS CLEARED AND CONSISTS OF GRASS COVERAGE IN THE UNDEVELOPED AREAS. THERE IS NO NATIVE HABITAT OR TREES LOCATED ON THE SITE. THERE ARE NO ENVIRONMENTALLY SENSITIVE LANDS OR WETLANDS ON SITE. NO WILDLIFE OR EVIDENCE OF WILDLIFE, INCLUDING THAT FROM THE LIST OF STATE AND FEDERALLY PROTECTED SPECIES, RARE, THREATENED, ENDANGERED, OR SPECIES OF SPECIAL CONCERN HAS BEEN OBSERVED ON THE SITE.



CITY OF PSL PROJECT NO. P07-366-A1
PLSUSD FILE NO. 11-963-00

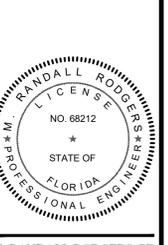


REVISIONS:

BY:	DATE:	COMMENT:
RR	03/01/22	PER SPRC COMMENTS
RR	03/31/22	PER SPRC COMMENTS

PROJECT:
SAINT LUCIE BATTERY & TIRE
GATLIN BOULEVARD
(FKA ECO-LUBE P07-366)
CITY OF PORT ST. LUCIE, FLORIDA

CLIENT:
TWELVE 28, LLC



M. RANDALL RODGERS, PE
FLORIDA LICENSE No. 68212
4/18/22

PROJECT No.: 21-1032
DRAWN BY: RP
CHECKED BY: RR
DATE: 01/05/2022
CAD ID.: 21-1032 - SITE PLAN

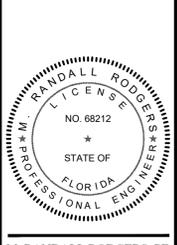
SHEET TITLE:
SITE PLAN
SHEET NUMBER:
01

REVISIONS:	
BY:	DATE:

PROJECT:

**SAINT LUCIE BATTERY & TIRE
GATLIN BOULEVARD
(FKA ECO-LUBE P07-366)**
CITY OF PORT ST. LUCIE, FLORIDA

CLIENT:
TWELVE 28, LLC

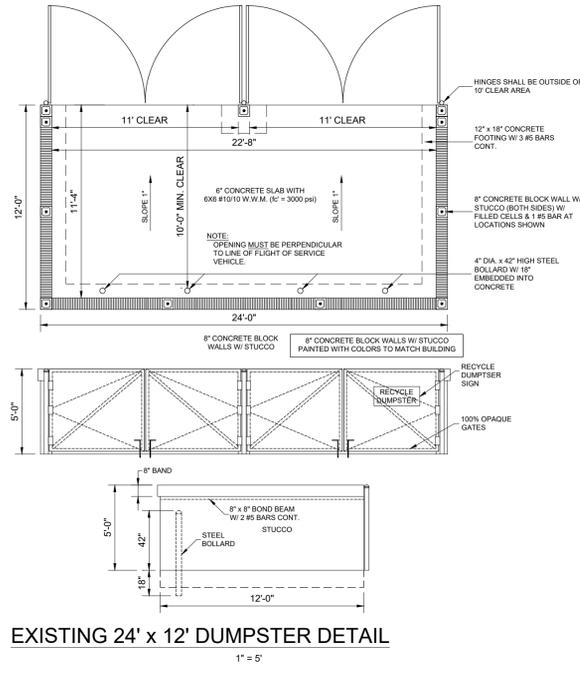
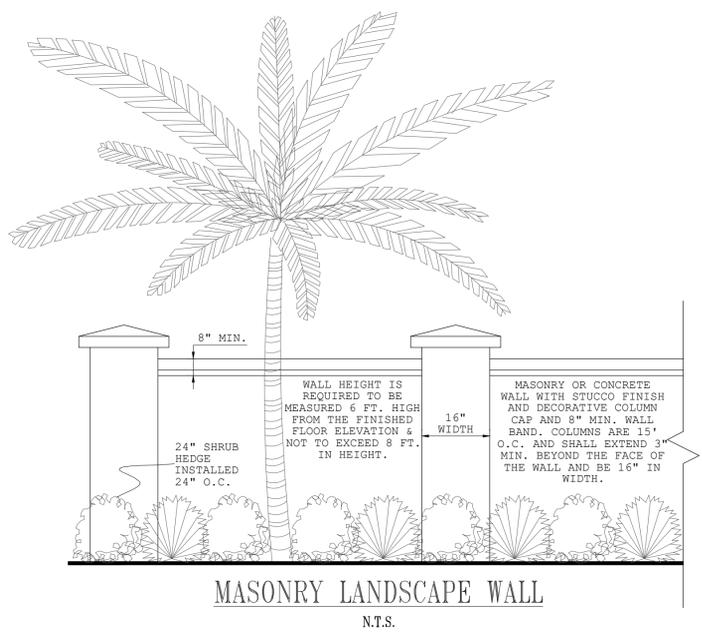


M. RANDALL RODGERS, PE
FLORIDA LICENSE No. 68212
4/18/22

PROJECT No.: 21-1032
DRAWN BY: RP
CHECKED BY: RR
DATE: 01/05/2022
CAD ID.: 21-1032 - SITE PLAN

SHEET TITLE:
**SITE PLAN
DETAILS**

SHEET NUMBER:
02



This Instrument Prepared by/Return To:
FRANK H. FEE, III, ESQUIRE
FEE, YATES & FEE, PLLC
426 Avenue A
Fort Pierce, Florida 34950

DOCUMENTARY STAMPS - \$0.70

WARRANTY DEED

THIS WARRANTY DEED, executed this 29th day of April, 2022 by
GEORGE D. MILLER

whose address is: 5500 Orange Avenue, Ft Pierce, Florida 34947

hereinafter called the Grantor, to

SLBT LAND HOLDINGS, LLC, a Florida limited liability company

whose address is: 5500 Orange Avenue, Ft Pierce, Florida 34947

hereinafter called the Grantee:

(Wherever used herein, the terms "Grantor" and "Grantee" shall include singular and plural, heirs, legal representatives, and assigns of individuals, and the successors and assigns of corporations, wherever the context so admits or requires.)

WITNESSETH, That the Grantor, for and in consideration of the sum of \$10.00 in hand paid by the Grantee, the receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the Grantee forever, all that certain land situate, lying and being in the County of St. Lucie, State of Florida, to-wit:

Parcel B, FOTIOS SUBDIVISION, according to the map or plat thereof as recorded in Plat Book 39, Page 15, Public Records of Saint Lucie County, Florida.
Parcel ID #4311-701-0002-000-3

SUBJECT TO restrictions, reservations, limitations, and easements of record, if any; this reference to said restrictions shall not operate to reimpose the same, and taxes for the current and subsequent years.

Grantor herein covenants that the above described land is not now nor has it ever been the homestead of Grantor.

GRANTOR IS THE SOLE MEMBER OF GRANTEE, AND CONVEYANCE OF THE HEREIN DESCRIBED, UNENCUMBERED REAL PROPERTY IS MADE FOR NOMINAL CONSIDERATION AS A BOOKKEEPING

TRANSACTION ONLY, AND DOES NOT CONSTITUTE A SALE AS CONTEMPLATED BY F.S. §201.02(1).

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 the Grantee that the Grantor is lawfully seized of said land in fee simple; that the Grantor has good right and lawful authority to sell and convey said land; that the Grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances, except taxes accruing subsequent to December 31, 2021.

IN WITNESS WHEREOF, the said Grantor has signed and sealed these presents the day and year first above written.

Signed, Sealed and Delivered
in the Presence of:


Print Name: GEORGE D. MILLER

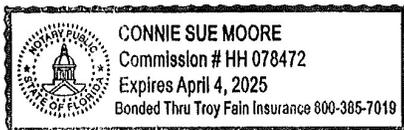
 (SEAL)
GEORGE D. MILLER


Print Name: CONNIE SUE MOORE

STATE OF FLORIDA
COUNTY OF ST. LUCIE

The foregoing instrument was acknowledged before me by means of physical presence or online notarization, this 29th day of April, 2022, by **GEORGE D. MILLER**, who is personally known to me or who provided a driver's license as identification.


CONNIE SUE MOORE, NOTARY PUBLIC
My Commission Expires:
My Commission No.:



St. Lucie Battery & Tire @ Gatlin Blvd.
2155 SW Gatlin Blvd.
Landscape Modification
Project: P23-094

Planning and Zoning Board Meeting
Bianca Lee, Planner II
July 5, 2023, Meeting



PROJECT SUMMARY

- The site is approximately 1.22 acres in size, a related project for a minor site plan revision (P07-366-A1) was approved for the addition of a 4,896 S.F. tire store building on February 23, 2022.
- The proposed development abuts residential property along the north side, on SW Medlock Ave.
- A wall is required in a landscape buffer strip where residential uses abut the property to the side or rear per Section 154.03(C)5 of the Landscape and Land Clearing Code.



APPLICANT AND OWNER

Darren Guettler of Velcon Engineering and Surveying LLC. is acting as agent for the property owner, SLBT Land Holdings LLC.



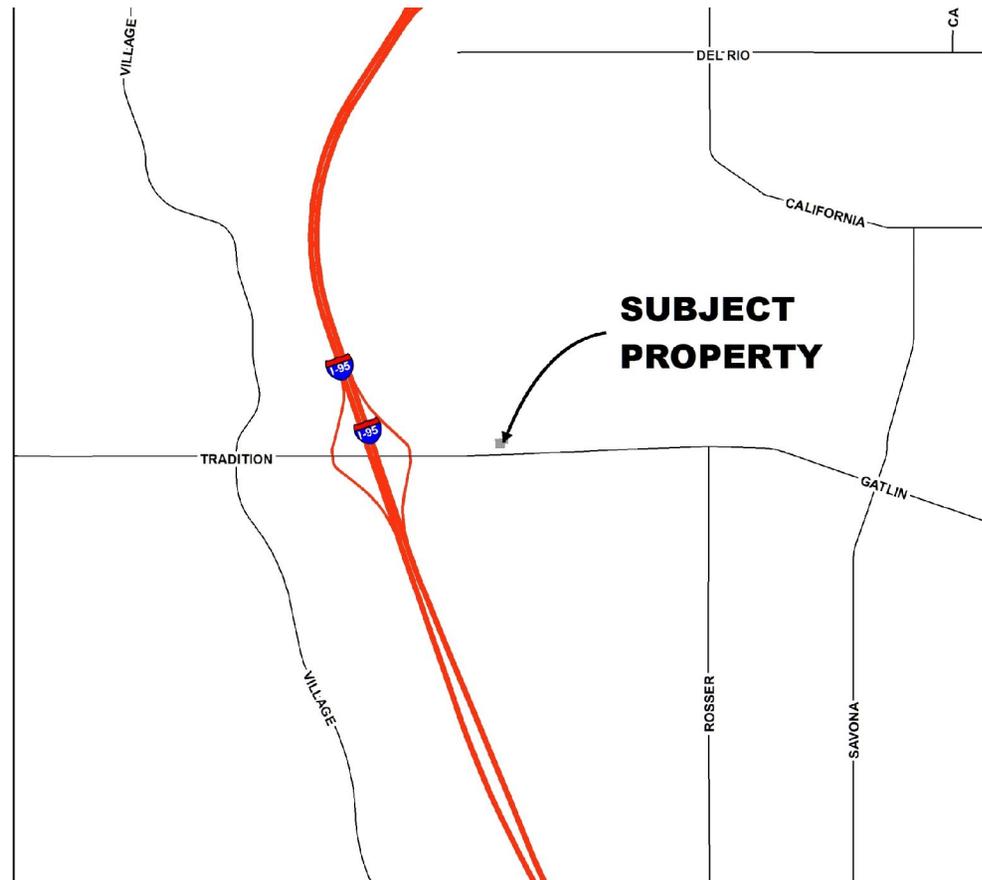
MODIFICATION REQUEST

- A waiver to the architectural buffer wall requirement to substitute landscaping for an architectural wall that is a required feature of a landscape buffer strip per Section 154.12(F) of the Landscape and Land Clearing Code.
- The applicant is proposing a landscape modification to forego a 6-foot-high masonry wall within the 10-foot-wide landscape buffer required along the northwest corner of the site. The applicant proposes the use of landscaping in lieu of the architectural wall.



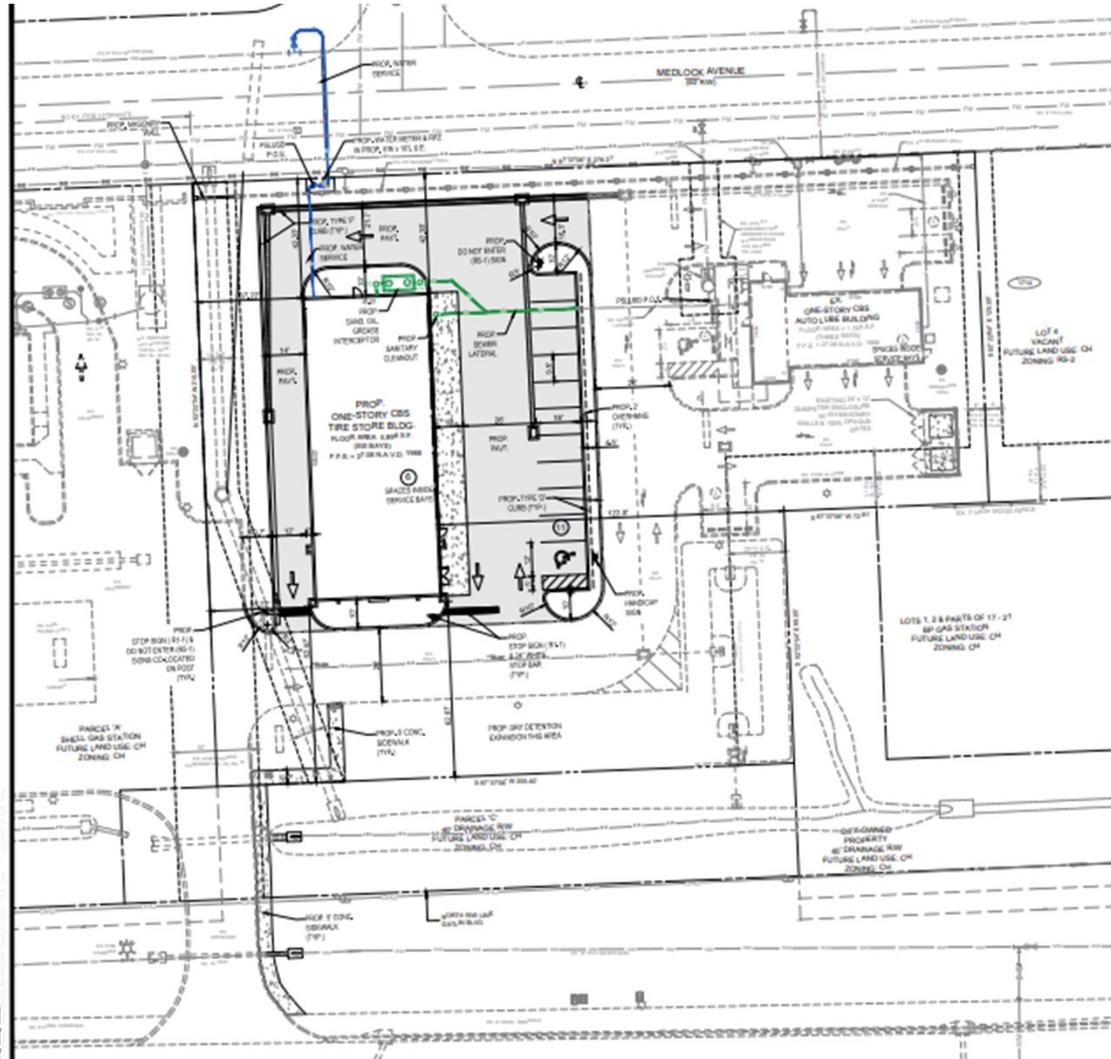
LOCATION

- The property is located north of SW Gatlin Blvd. & east of SW Edgarce St.

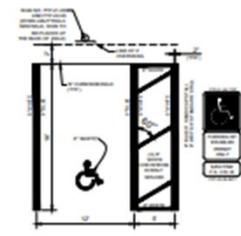


AERIAL MAP





	NUMBER OF PARKING SPACES
	EXISTING GAS MAIN
	EXISTING ALLOWED ELECTRIC
	EXISTING WATER MAIN
	EXISTING FORCE MAIN
	EXISTING FIRE LINE
	EXISTING FIRE HYDRANT
	EXISTING CURB CUT
	EXISTING FIRE HYDRANT CABINET
	EXISTING IRRIGATION MAIN
	PROPOSED ASPHALT PAVEMENT
	PROPOSED CURB CUT
	PROP. LIGHTING WALL PATCH



HANDICAP SPACE DETAIL

5'-0" CLEAR WHEELCHAIR ACCESS

5'-0" CLEAR WHEELCHAIR ACCESS

5'-0" CLEAR WHEELCHAIR ACCESS

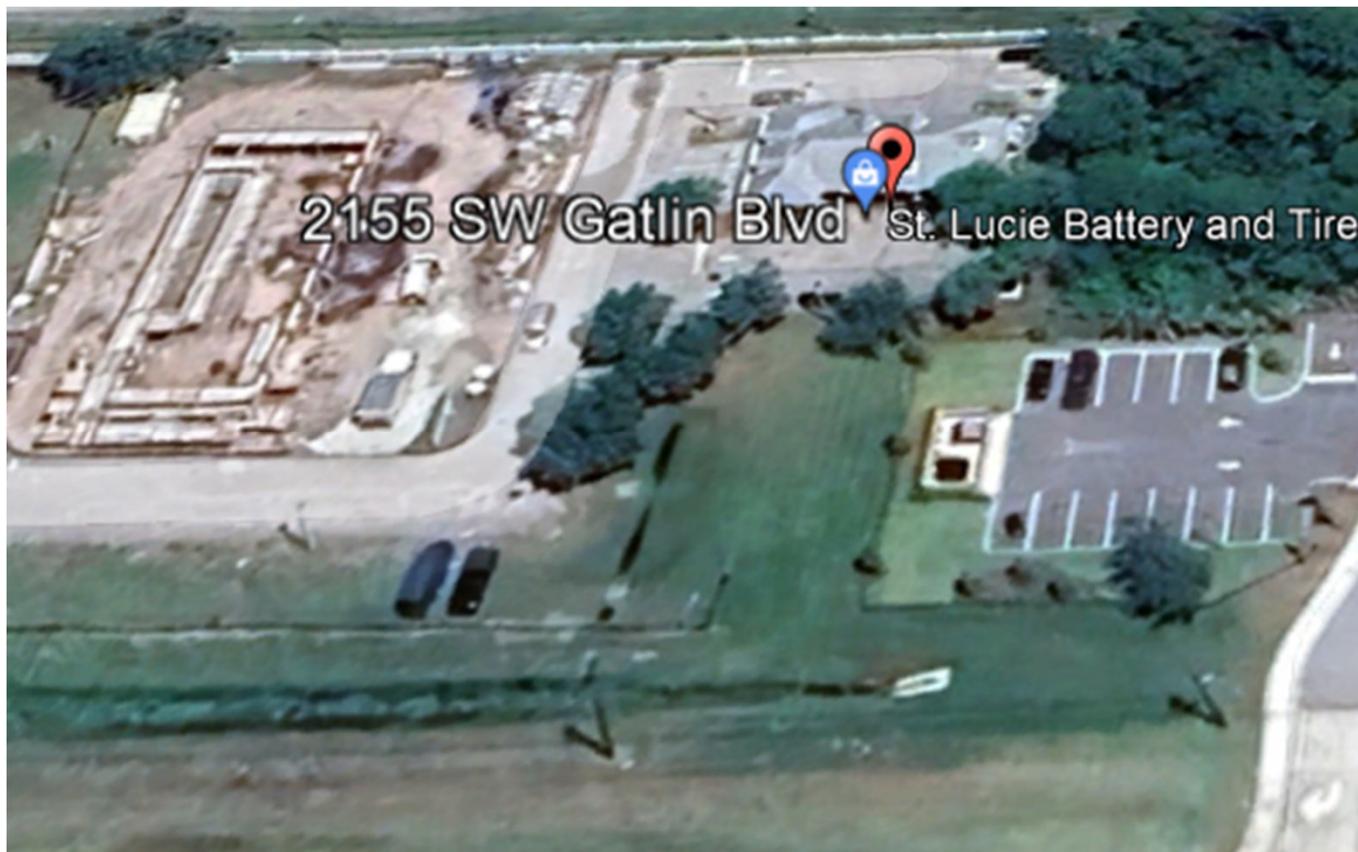


TYPICAL 18' PARKING STALL

APPROVED BY CITY OF PORT ST. LUCIE
 SITE PLAN REVIEW COMMITTEE
 CONDITIONS: YES NO
 DATE: 4/26/22

Site Plan

AERIAL SITE VIEW

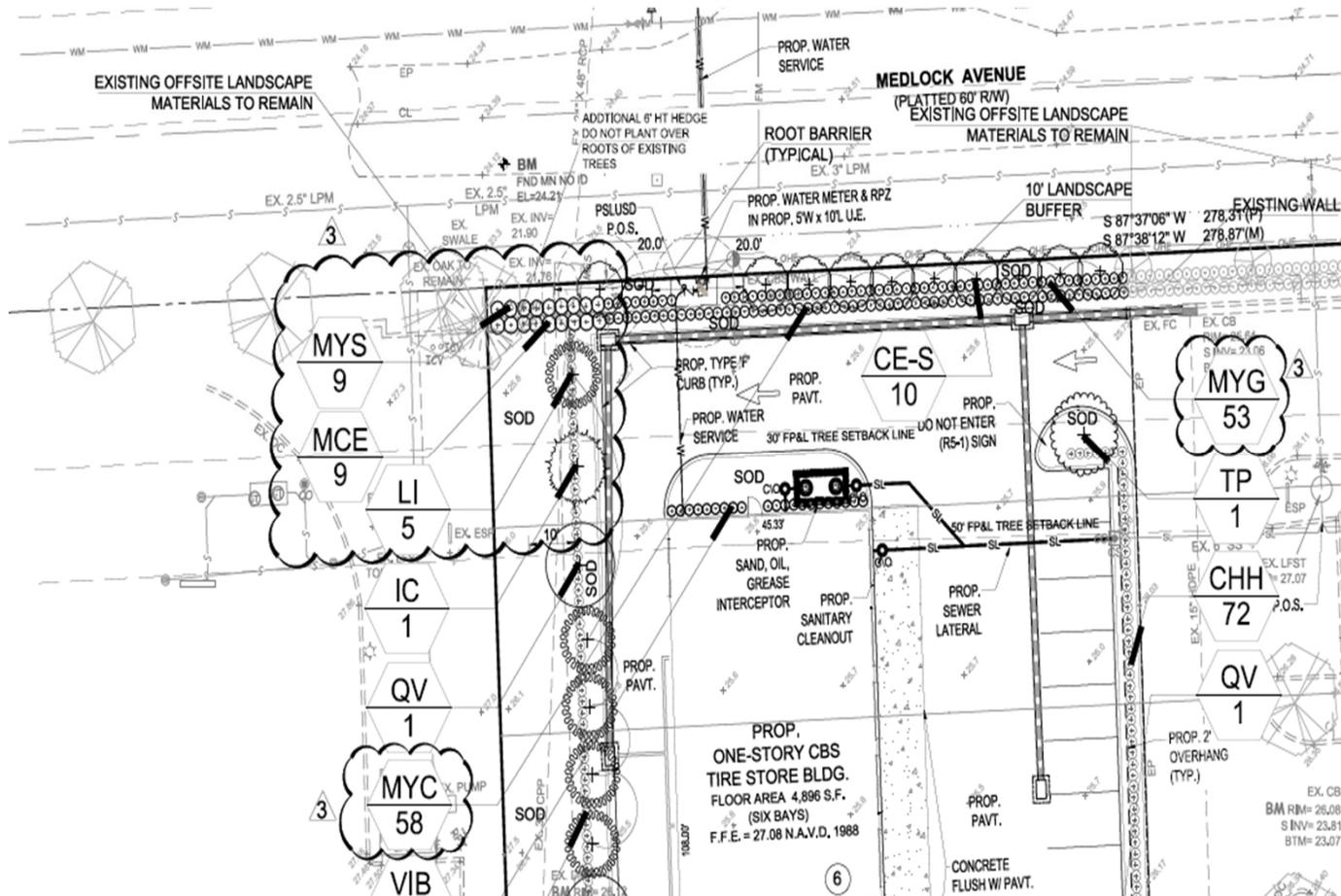


STREET VIEW



CityofPSL.com

LANDSCAPE BUFFER



The applicant is proposing a double row of hedges planted at 3 ft. high.

The city requests that the hedges are planted at 3 ft. in height and are maintained at 6 ft. high and irrigated, to provide an appropriate buffer area to screen the project from neighboring uses.

SITE MODIFICATION LOCATION



QUESTIONS OR COMMENTS?

PLANNING AND ZONING BOARD ACTION OPTIONS:

- Make a motion to approve
- Make a motion to approve with the condition that the hedges are planted at three (3) feet high and shall be maintained at a height of six (6) feet and irrigated.
- Make a motion to deny
- Make a motion to table





Agenda Summary

2023-568

Agenda Date: 7/5/2023

Agenda Item No.: 8.c

Placement: Public Hearing - Quasi Judicial

Action Requested: Motion / Vote

P23-097 Monna Homes, LLC - Variance

Location: 520 SE Cliff Road

Legal Description: Port St. Lucie Section 39, Block 2655, Lot 18

This is a request for a variance of 12.42 feet to allow a 12.58-foot setback from the rear property line for a proposed single-family residence.

Submitted By: Bianca Lee, Planner II

Executive Summary: The applicant is requesting a variance of 12.42 feet to allow a 12.58-foot setback from the rear property line for a proposed single-family residence. As per Section 158.073(H)(3) Yard Requirements and Landscaping, a minimum building setback line of twenty-five (25) feet is required in the rear yard for Single-Family Residential Districts. The proposed single-family residence will meet the side setback requirement within RS-2 (Single-Family Residential).

Presentation Information: A presentation will be provided.

Staff Recommendation: Move that the Board review the variance application and vote to approve, approve with conditions, or deny the variance request.

Background: See attached staff report.

Issues/Analysis: See attached staff report.

Special Consideration: N/A

Location of Project: 520 SE Cliff Rd.

Attachments: 1. Staff report, 2. Formboard survey, 3. Proposed plot plan survey, 4. Applicant response to variance criteria, 5. Deed, 6. Staff presentation



Monna Homes, LLC
Variance: Rear Yard Setback
Project Number: P23-097



Project Aerial Map

SUMMARY

Applicant's Request:	To grant a variance of 12.42 feet to allow a 12.58-foot setback from the rear property line for a proposed single-family residence.
Applicant:	Zamel Abou
Property Owner:	Monna Homes LLC.
Location:	520 SE Cliff Rd.
Application Type: (Identify if quasi-judicial)	Variance, Quasi-Judicial
Project Planner:	Bianca Lee

Project Description

The applicant is requesting a variance of 12.42 feet to allow a 12.58-foot setback from the rear property line for a proposed single-family residence. Section 158.073(H)(3) Yard Requirements and Landscaping, requires a minimum building setback line of twenty-five (25) feet in the rear yard for Single-Family Residential Districts. The proposed addition will meet the side setback requirement within RS-2 (Single-Family Residential).

Review Criteria

An application for a variance is reviewed for consistency with Article XV of the Zoning Code, Sections 158.295 through 158.299. Final action on the application (approval or denial) is in the form of an Order of the Planning and Zoning Board following a quasi-judicial public hearing. A vote of approval by five (5) members of the Planning and Zoning Board is required to grant a variance.

Public Notice Requirements (Section 158.298 (B))

Public notice was mailed to owners within 750 feet and the file was included in the ad for the Planning & Zoning Board's agenda.

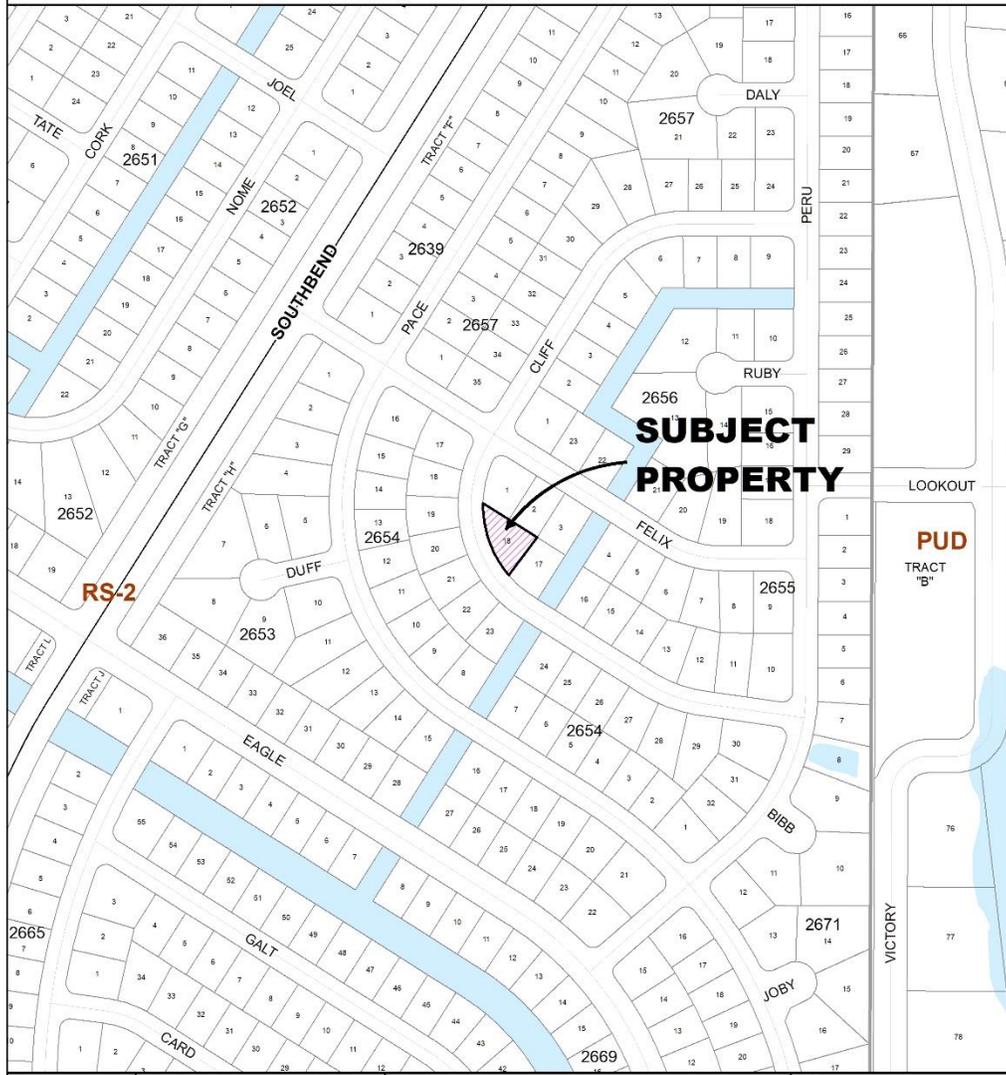
Location and Site Information

Parcel Number:	3420-690-0576-000-8
Property Size:	0.34 AC/ 14,995 SF
Legal Description:	Port St. Lucie Section 39, Block 2655, Lot 18
Address:	520 SE Cliff Rd.
Future Land Use:	Low Density Residential (RL)
Existing Zoning:	Single-Family Residential (RS-2)
Existing Use:	Single-Family Residential

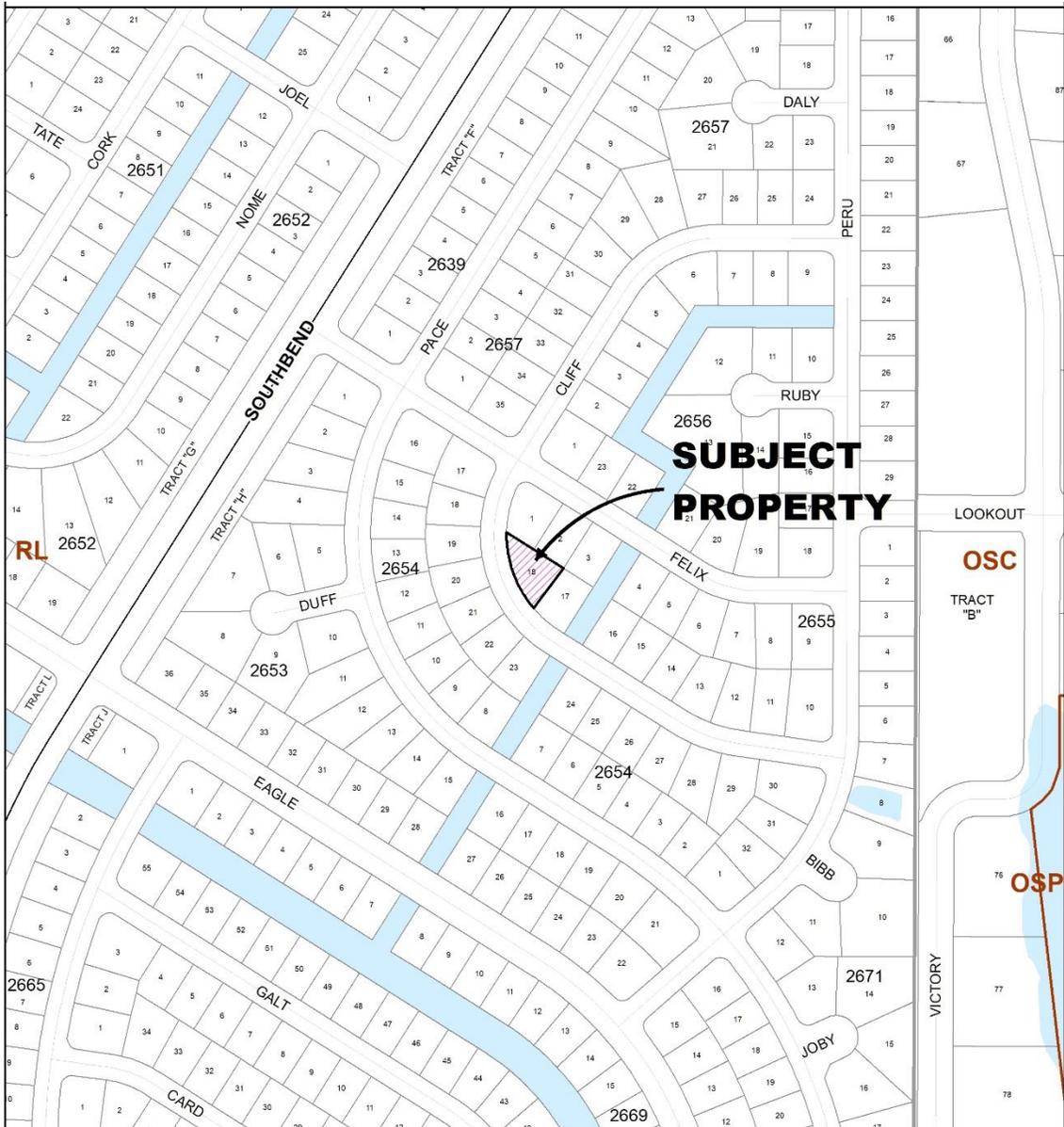
Surrounding Uses

Direction	Future Land Use	Zoning	Existing Use
North	RL	RS-2	RS-2
South	RL	RS-2	RS-2
East	RL	RS-2	RS-2
West	RL	RS-2	RS-2

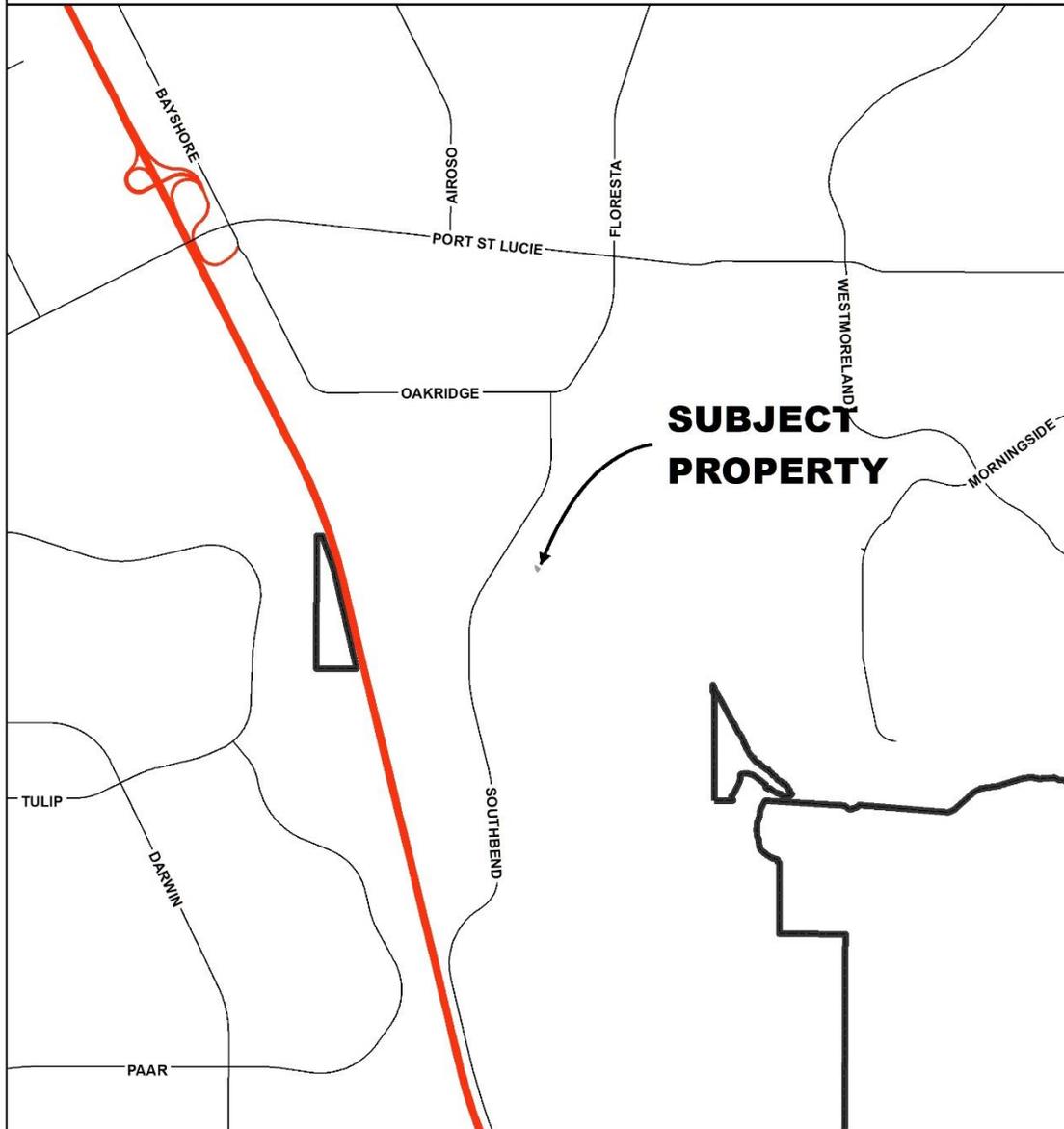
RL-Low Density Residential, and RS-2- Single-Family Residential



Zoning Map



Project Land Use Map



Location Map

IMPACTS AND FINDINGS

Section 158.295 (B) of the Zoning Code establishes the duties of the Planning and Zoning Board in authorizing a variance. The Planning and Zoning Board may authorize a variance from the provisions of the Zoning Code as will not be contrary to the public interest when, owing to special conditions, a literal enforcement of the provisions will result in unnecessary and undue hardship. Pursuant to Section 158.296, a variance is authorized only for height, area, and size of structure, yard size, building setback, lot size requirements, and other applicable development regulations, excluding use. To authorize a variance, the Planning and Zoning Board should consider the criteria listed under Section 158.295 (B) (1) through (7) of the Zoning Code. The applicant's response to this criterion is attached to the application and joined with staff's review provided below:

Compatibility with variance criteria Section 158:295 (B).

- 1) That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same zoning district.
 - *Applicant Response: This is an odd, triangular-shaped lot.*
 - *Staff Findings: Special conditions and circumstances exist, which are peculiar to the land, structure, or building involved. The 2,352 sq. ft. home is proposed to be built on a 14,995 sq. ft. lot with an irregular shape. The applicant has secured Public Works and Building permits but has failed to receive a passing inspection on the formboard survey due to the rear-setback on said survey showing a building setback of 12.58 ft. The attached proposed plot plan was approved by City staff in error, the setbacks do not meet the code requirement. The Building Department recognized the error when the formboard survey was submitted and the site inspection was entered as a failed status on 5/15/23.*
- 2) That the special conditions and circumstances do not result from any action of the applicant.
 - *Applicant Response: The lot was platted with this odd shape from the beginning.*
 - *Staff Findings: Staff agrees. Also, see No. 1 above.*
- 3) That granting the variance requested will not confer on the applicant any special privilege that is denied by this chapter to other lands, buildings, or structures, in the same zoning district.
 - *Applicant Response: We would still pass all inspections and pull all permits as would be required to build a single-family house on any lot in this district. We would not be receiving any special privilege.*
 - *Staff Findings: The dimensions of the proposed house would fit on a standard 80' by 125' lot. The proposed home would appear to fit on the lot if it was rotated and constructed adjacent to lot 17 with a 10' side yard setback.*
- 4) That literal interpretation of the provisions of the chapter would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of the chapter and would work unnecessary and undue hardship on the applicant.
 - *Applicant Response: We would lose all money invested in this property and would not be able to build a single family home.*

- *Staff Findings: Literal interpretation of the provisions of the chapter may deprive the applicant of rights commonly enjoyed by other properties in the same zoning district or introduce unnecessary and undue hardships on the applicant. The plans would need to be revised to show the home in a different orientation on the plot plan and formboard survey.*
- 5) That the variance granted is the minimum variance that will make possible the reasonable use of the land, building, or structure.
- *Applicant Response: This variance is the minimal possible variance that would allow us to build a small home on this lot.*
 - *Staff Findings: The variance granted is the minimum variance that will allow the home to be built in accordance with the existing formboard survey. The proposed home is 1,844 sq. ft. under air, & 2,352 sq. ft. to include the garage, porch, & patio. The minimum living area within RS-2 Zoning is 1,200 sq. ft. for a one-story house as per RS-2 zoning Section 158.073(G). Each single-family residence shall have either a garage or a carport containing a minimum of two hundred (200) square feet and an enclosed storage area with a minimum of eighty (80) square feet which shall be accessible from the outside, garage, or carport as per Section 158.206- Special Design Requirements for Single-Family Residences.*
- 6) That the granting of the variance will be in harmony with the general intent and purpose of the chapter and that the variance will not be injurious to the area involved or otherwise detrimental to the public welfare.
- *Applicant Response: Granting the variance would allow us to build a single-family home on this lot, within the property lines, as intended.*
 - *Staff Findings: See No. 5 above.*
- 7) That there will be full compliance with any additional conditions and safeguards which the Planning and Zoning Board or Zoning Administrator may prescribe, including but not limited to reasonable time limits within which the action for which variance is required shall be begun or completed, or both.
- *Applicant Response: We will be in full compliance with any additional conditions and safeguards.*
 - *Staff Findings: The applicant has acknowledged this.*

PLANNING AND ZONING BOARD ACTION OPTIONS

The Board may choose to approve, deny, or table the proposed variance. If the Board finds that the variance application is consistent with the criteria as listed in Section 158.295 (B) (1) through (7) of the City code (listed above), then the Board may:

- Motion to approve
- Motion to approve with conditions

If the Board finds that the variance application is inconsistent with the criteria as listed in Section 158.295 (B) (1) through (7) of the City code, then the Board may:

- Motion to deny

Should the Board need further clarification or information from either the applicant and/or staff, the Board may:

- Motion to table or continue the hearing or review to a future meeting

(NOTE TO APPLICANTS: Any request for a variance that is denied by the Planning and Zoning Board may be appealed to the Board of Zoning Appeals. Appeal applications are made through the City Clerk's office and must be submitted within 15 days after the Planning and Zoning Board hearing).

BOUNDARY SURVEY

LEGAL DESCRIPTION:
(Supplied by Client)

LOT 18 IN BLOCK 2655 OF PORT ST. LUCIE SECTION THIRTY NINE, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 15, PAGE 30, PAGES 30A THROUGH 30NN, OF THE PUBLIC RECORDS OF ST. LUCIE COUNTY, FLORIDA.

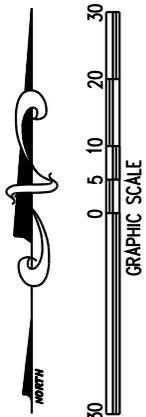
ABBREVIATIONS:

SET = SET 5/8" IRON REBAR WITH YELLOW CAP MARKED "PSM5543"
 FD = FOUND 5/8 IRON REBAR
 R/W = RIGHT OF WAY
 (M) = MEASURED
 (P) = PLATTED
 (C) = CALCULATED
 R = RADIUS OF CURVE
 L = LENGTH OF CURVE
 D= DELTA OF CURVE
 FFE = FINISHED FLOOR ELEVATION
 OH-OH-OH- = OVERHEAD WIRES
 X-X-X- = CHAINLINK FENCE
 □-□-□- = PLASTIC FENCE
 O-O-O- = WOOD FENCE
 CONC. = CONCRETE
 C.P. = CONCRETE PAD
 Cov. = COVERED

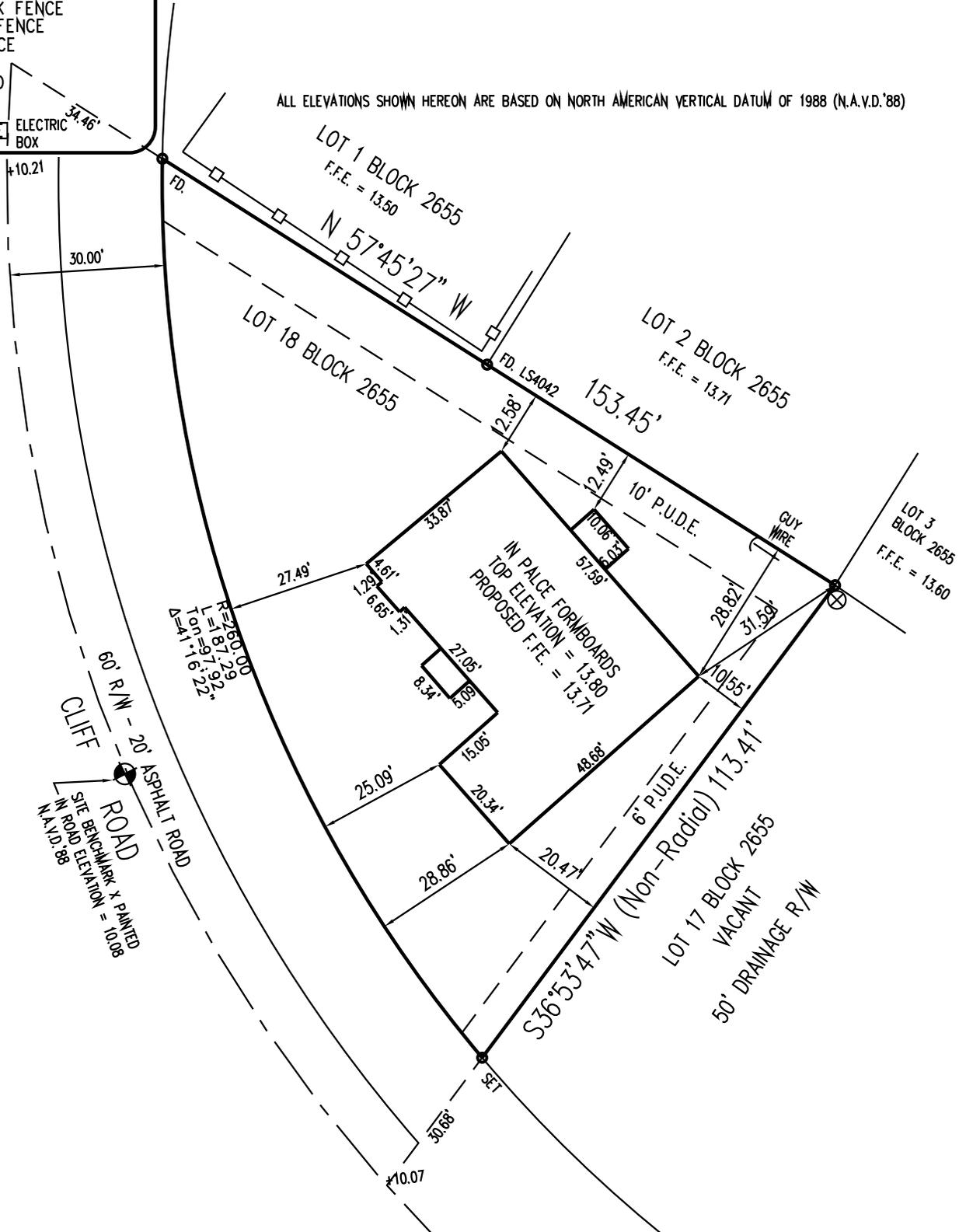
 WATER METER
  POWER POLE
  ELECTRIC BOX

SURVEYORS NOTES:

1. UNLESS OTHERWISE NOTED ONLY PLATTED EASEMENTS ARE SHOWN HEREON.
2. ALL LOT DIMENSIONS SHOWN ARE PER PLAT UNLESS OTHERWISE SHOWN.
3. NO UNDERGROUND UTILITIES OR IMPROVEMENTS WERE LOCATED UNLESS OTHERWISE SHOWN.
4. THIS SITE LIES WITHIN FLOOD INSURANCE RATE MAP ZONE X MAP# 12111C0289 K DATED: 2-19-20.
5. FLOOD ZONE SHOWN HEREON IS AN INTERPRETATION BY THE SURVEYOR AND IS PROVIDED AS A COURTESY. THE FLOOD ZONE SHOULD BE VERIFIED BY A DETERMINATION AGENCY.+
6. BEARINGS SHOWN HEREON ARE BASED ON THE SOUTH LINE OF LOT 6 AS BEING N14°24'02"E ACCORDING TO THE PLAT DESCRIBED HEREON.
7. P.U.D.E. DENOTES PUBLIC UTILITIES AND DRAINAGE EASEMENT, U.E. DENOTES UTILITY EASEMENT.
8. THE ACCURACY OF THIS SURVEY IS PREMISED ON THE EXPECTED USE OF THE SURVEY. THE EXPECTED USE/PURPOSE OF THIS SURVEY IS HOME CONSTRUCTION. ACCURACY=1 FOOT IN 7.500 FEET OR BETTER.
9. ADDITIONS OR DELETIONS TO THIS SURVEY MAP BY ANYONE OTHER THAN THE SIGNING SURVEYOR IS PROHIBITED WITHOUT WRITTEN CONSENT.



ALL ELEVATIONS SHOWN HEREON ARE BASED ON NORTH AMERICAN VERTICAL DATUM OF 1988 (N.A.V.D.'88)



520 SE CLIFF ROAD	
SCALE: 1"=30'	Atlantic Land Designs of the Treasure Coast, LB7468 754 NE Jensen Beach Blvd. Jensen Beach, FL 34957 Mailing Address: P.O. Box 1421 Jensen Beach, FL 34958 ALD5543@gmail.com (772) 398-4290
DATE: 4/20/23	
DRAWN: JC	
2023-0268	
DATE: 5/12/23	REVISIONS
	FORMBOARD SURVEY
LAST FIELD DATE: 5/12/23	

Certified to: Bela Vista Contractors, Inc.
(954) 815-2700
BP# 23-18675

I hereby certify that the survey shown hereon is true and correct and is based on actual measurements taken in the field.

DocuSigned by:
James Cesiro
A1338D8A59FD4C1...



NOT VALID WITHOUT AN AUTHENTICATED ELECTRONIC SIGNATURE AND AUTHENTICATED ELECTRONIC SEAL

BOUNDARY SURVEY

LEGAL DESCRIPTION:
(Supplied by Client)

LOT 18 IN BLOCK 2655 OF PORT ST. LUCIE SECTION THIRTY NINE, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 15, PAGE 30, PAGES 30A THROUGH 30NN, OF THE PUBLIC RECORDS OF ST. LUCIE COUNTY, FLORIDA.

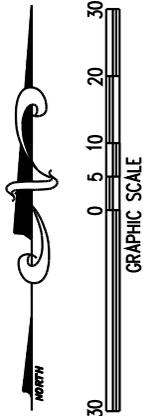
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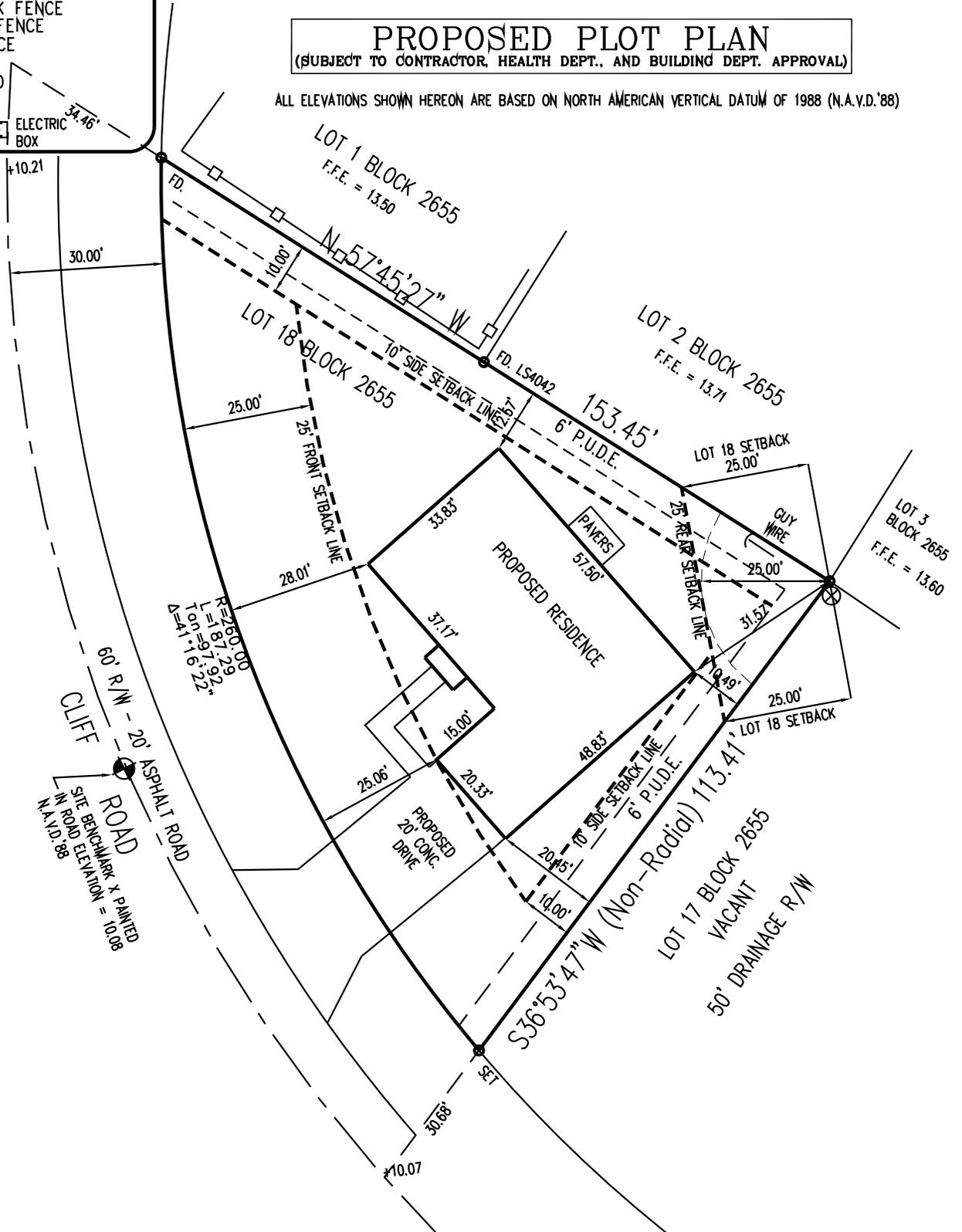
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1. UNLESS OTHERWISE NOTED ONLY PLATTED EASEMENTS ARE SHOWN HEREON.
2. ALL LOT DIMENSIONS SHOWN ARE PER PLAT UNLESS OTHERWISE SHOWN.
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9. ADDITIONS OR DELETIONS TO THIS SURVEY MAP BY ANYONE OTHER THAN THE SIGNING SURVEYOR IS PROHIBITED WITHOUT WRITTEN CONSENT.



PROPOSED PLOT PLAN
(SUBJECT TO CONTRACTOR, HEALTH DEPT., AND BUILDING DEPT. APPROVAL)

ALL ELEVATIONS SHOWN HEREON ARE BASED ON NORTH AMERICAN VERTICAL DATUM OF 1988 (N.A.V.D.'88)



520 SE CLIFF ROAD

SCALE: 1"=30'

DATE: 4/20/23

DRAWN: JC

2023-0268

DATE:

Atlantic Land Designs

of the Treasure Coast, LB7468
754 NE Jensen Beach Blvd. Jensen Beach, FL 34957

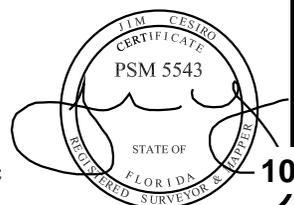
Mailing Address:
P.O. Box 1421 Jensen Beach, FL 34958
ALD5543@gmail.com (772) 398-4290

REVISIONS

LAST FIELD DATE: 4/13/23

Certified to: Bela Vista Contractors, Inc.
(954) 815-2700

I hereby certify that the survey shown hereon is true and correct and is based on actual measurements taken in the field.



NOT VALID WITHOUT AN AUTHENTICATED ELECTRONIC SIGNATURE AND AUTHENTICATED ELECTRONIC SEAL

VARIANCE APPLICATION

CITY OF PORT ST. LUCIE
Planning & Zoning Department
121 SW Port St. Lucie Blvd.
Port St. Lucie, Florida 34984
(772)871-5213

FOR OFFICE USE ONLY

Planning Dept _____
Fee (Nonrefundable) \$ _____
Receipt # _____

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 advertising for the Planning and Zoning Board meeting. **Attach two copies of proof of ownership (e.g.: warranty deed, affidavit), a copy of recent survey and a statement addressing each of the attached criteria.**

PRIMARY CONTACT EMAIL ADDRESS: _____ permits@monnahomes.com _____

PROPERTY OWNER:

Name: _____ Monna Homes LLC _____
Address: _____ 569 Sanderling Cir, Deerfield Beach, FL 33442 _____
Telephone No. _____ (954) 815-2700 _____

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

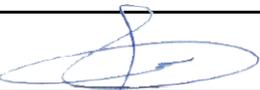
Name: _____
Address: _____
Telephone No. _____ Email _____

SUBJECT PROPERTY:

Legal Description: _____ Lot 18, Block 2655, of Port St. Lucie Section 39 _____
Parcel I.D. Number: _____ 3420-690-0576-000-8 _____
Address: _____ 520 SE Cliff Rd, Port St Lucie, FL 34984 _____
Current Zoning Classification _____ RS-2 _____

Description of requested variance and applicable conditions/circumstances justifying request (continue on separate sheet, if necessary): Provide documentation that the attached variance criteria have been met.

We are requesting a variance to allow us to finish building a house on this odd-shaped lot. We had already pulled engineering and building permits (permit # 23-18675), passed the underground plumbing inspection, and placed form boards, when we were surprised to learn that there may be an issue with the rear setback.



Signature of Applicant

Zamel Abou, Managing Member

Hand Print Name

06/02/2023

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. 03/02/20

VARIANCES

§ 158.295 PLANNING AND ZONING BOARD OR ZONING ADMINISTRATOR (DIRECTOR OF PLANNING AND ZONING) TO HEAR VARIANCES; POWERS AND DUTIES OF BOARD AND ZONING ADMINISTRATOR

(C) Duties of the Zoning Administrator and Planning and Zoning Board in authorizing a variance. The Planning and Zoning Board and Zoning Administrator may authorize the variance from the provisions of this chapter as will not be contrary to the public interest when, owing to special conditions, a literal enforcement of the provisions will result in unnecessary and undue hardship. In order to authorize any variance from the terms of this chapter, the Planning and Zoning Board or Zoning Administrator should consider:

- (1) That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same zoning district;
- (2) That the special conditions and circumstances do not result from any action of the applicant;
- (3) That granting the variance requested will not confer on the applicant any special privilege that is denied by this chapter to other lands, buildings, or structures, in the same zoning district;
- (4) That literal interpretation of the provisions of the chapter would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of the chapter and would work unnecessary and undue hardship on the applicant;
- (5) That the variance granted is the minimum variance that will make possible the reasonable use of the land, building, or structure;
- (6) That the granting of the variance will be in harmony with the general intent and purpose of the chapter and that the variance will not be injurious to the area involved or otherwise detrimental to the public welfare;
- (7) That there will be full compliance with any additional conditions and safeguards which the Planning and Zoning Board or Zoning Administrator may prescribe, including but not limited to reasonable time limits within which the action for which variance is required shall be begun or completed, or both.

VARIANCES

The Planning and Zoning Board and Zoning Administrator may authorize the variance from the provisions of this chapter as will not be contrary to the public interest when, owing to special conditions, a literal enforcement of the provisions will result in unnecessary and undue hardship. In order to authorize any variance from the terms of this chapter, the Planning and Zoning Board or Zoning Administrator will consider the variance criteria in § 158.295 (C) 1-7 and consider your responses to the following when making a determination.

(1) Please explain special conditions and circumstances that exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same zoning district;

This is an odd, triangular-shaped lot.

(2) Please explain if these conditions and circumstances result from actions by the applicant;

The lot was platted this odd shape from the beginning.

(3) Please explain how granting the variance requested will not confer on the applicant special privilege that is denied by this chapter to other lands, buildings, or structures, in the same zoning district;

We would still pass all inspections and pull all permits as would be required to build a single family house on any lot in this district. We would not be receiving any special privilege.

(4) Please explain how a literal interpretation of the provisions of the chapter would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of the chapter and would work unnecessary and undue hardship on the applicant;

We would lose all money invested in this property, and would not be able to build a single family home.

(5) Please illustrate and explain if the variance requested is the minimum variance that will make possible the reasonable use of the land, building, or structure;

This variance is the minimal possible variance that would allow us to build a small home on this lot.

(6) Please indicate how granting variance will be in harmony with the general intent and purpose of the chapter and that granting the variance will not be injurious to the area involved or otherwise detrimental to the public welfare;

Granting the variance would allow us to build a single family home on this lot, within the property lines,
as intended.

(7) Please indicate that there will be full compliance with any additional conditions and safeguards which the Planning and Zoning Board or Zoning Administrator may prescribe, including but not limited to reasonable time limits within which the action for which variance is required shall be begun or completed, or both.

We will be in full compliance with any additional conditions and safeguards.



Signature of Applicant

Zamel Abou, Authorized Member

Hand Print Name

06/02/2023

Date

Prepared by:
Brittany Clyatt
Cove Harbour Title Services, LLC
311 S. 2nd Street, Suite 102-A
Ft. Pierce, Florida 34950
File Number: 23-0037

General Warranty Deed

Made this April 7, 2023 A.D. By **Brad Gadow, a married man**, whose post office address is: 2881 SE South Lookout Blvd., Port St. Lucie, Florida 34984, hereinafter called the grantor, to **Mogna Homes, LLC, Florida Limited Liability Company**, whose post office address is: 569 Sanderling Circle, Deerfield Beach, Florida 33442, hereinafter called the grantee:

(Whenever used herein the term "grantor" and "grantee" include all the parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations)

Witnesseth, that the grantor, for and in consideration of the sum of Ten Dollars, (\$10.00) and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the grantee, all that certain land situate in St. Lucie County, Florida, viz:

Lot 18, Block 2655, PORT ST. LUCIE SECTION THIRTY NINE, according to the Plat thereof, as recorded in Plat Book 15, at Pages 30, 30A through 30NN, of the Public Records of St. Lucie County, Florida.

Said property is not the homestead of the Grantor(s) under the laws and constitution of the State of Florida in that neither Grantor(s) or any members of the household of Grantor(s) reside thereon.

Parcel ID Number: 3420-690-0576-000-8

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 December 31, 2022.

In Witness Whereof, the said grantor has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered in our presence:

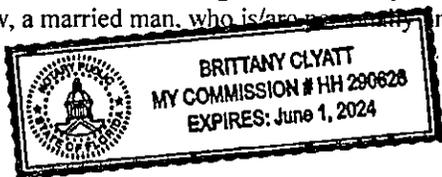
Brooke Riddle
Witness Printed Name Brooke Riddle

Brad Gadow (Seal)
Brad Gadow
Address: 2881 SE South Lookout Blvd., Port St. Lucie, Florida
34984

Brittany Clyatt
Witness Printed Name Brittany Clyatt

State of Florida
County of St. Lucie

The foregoing instrument was acknowledged before me by means of physical presence or online notarization, this 7th day of April, 2023, by Brad Gadow, a married man, who is/are personally known to me or who has produced FLDL as identification.



Brittany Clyatt
Notary Public
Print Name: _____
My Commission Expires: _____

DEED Individual Warranty Deed With Non-Homestead-Legal on Face

Monna Homes LLC

520 SE Cliff Road

VARIANCE

Project: P23-097

Planning and Zoning Board Meeting

Bianca Lee, Planner II

July 5, 2023, Meeting



PROJECT SUMMARY

- A variance to the setback requirements of RS-2 Zoning.
- The proposed home is not expected to interfere with drainage or utilities.



APPLICANT AND OWNER

- Zamel Abou, agent, for Monna Homes LLC., owner



VARIANCE REQUEST

- A variance of 12.42 feet to allow a 12.58-foot setback from the rear property line for a proposed single-family residence.
- Section 158.073(H)(3) Yard Requirements and Landscaping, requires a minimum building setback line of twenty-five (25) feet in the rear yard for Single-Family Residential Districts.
- The minimum setback from side property lines shall be those set forth in the applicable zoning district. The property is zoned RS-2 (Single-Family Residential), Section 158.073(H)(2) requires two (2) side yards, each of which providing a building setback line of ten (10) feet. The proposed addition will meet the side setback requirement within RS-2 (Single-Family Residential).



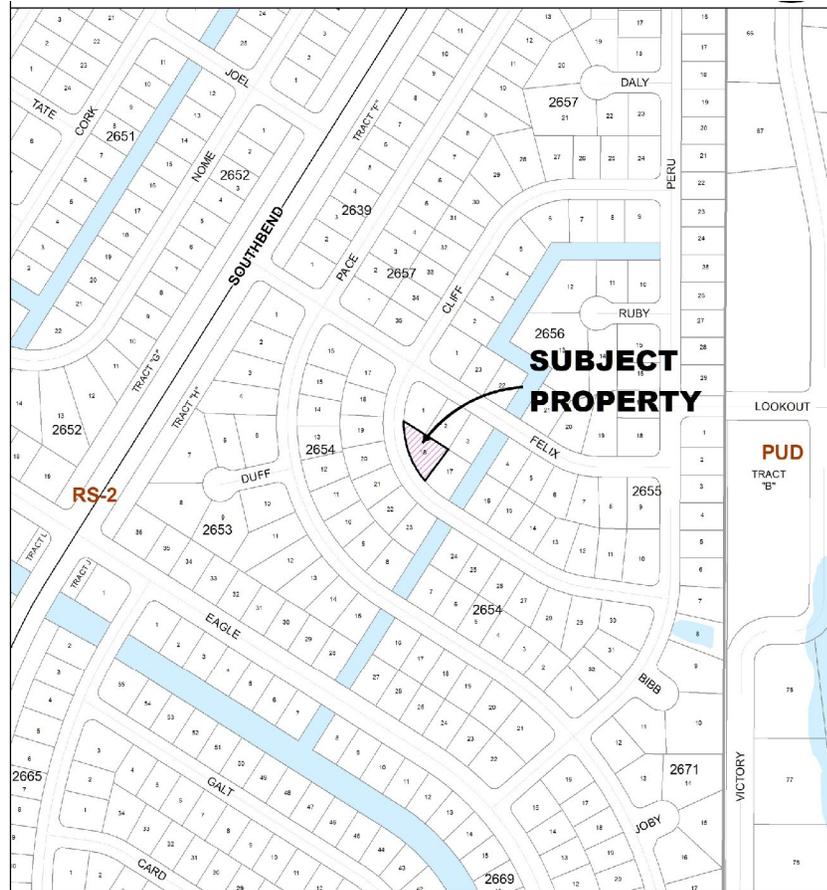
LOCATION

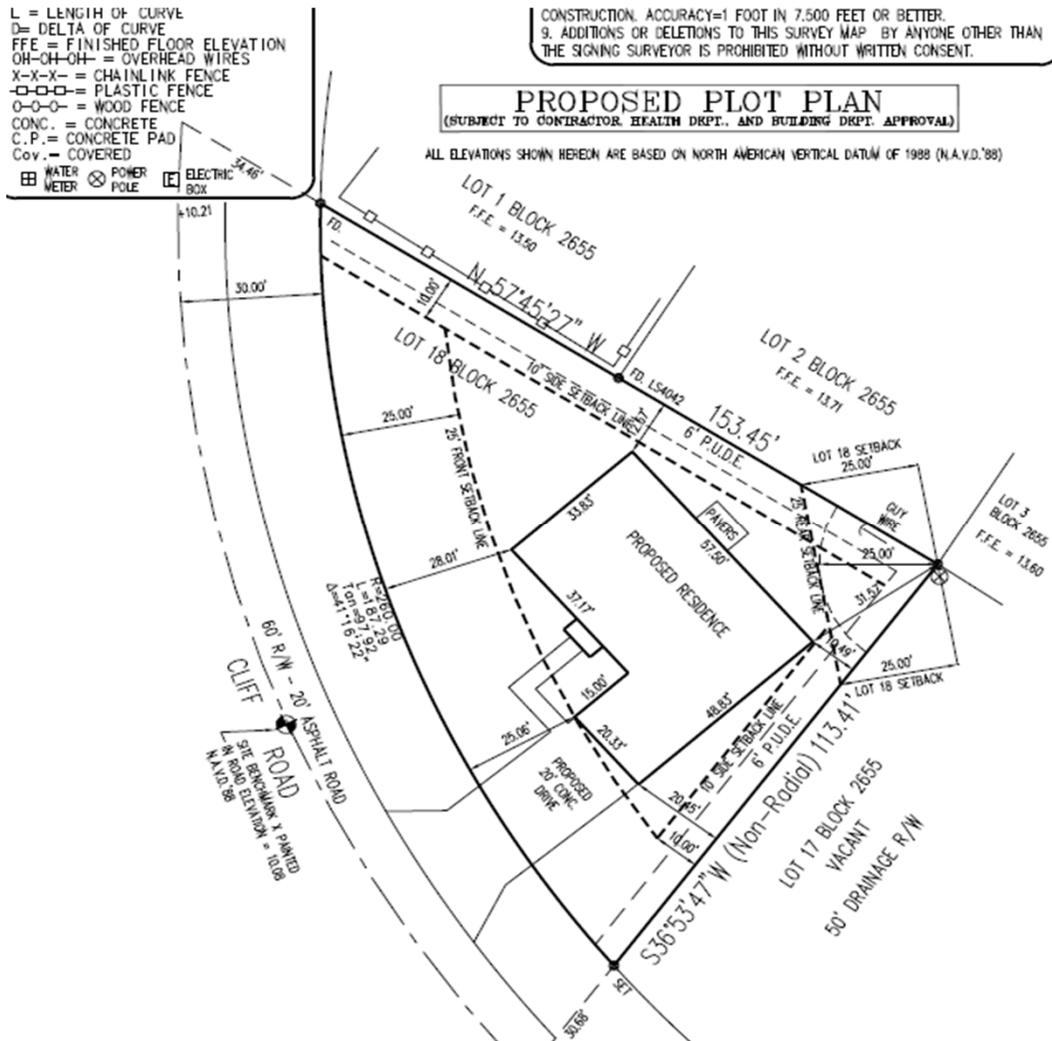


AERIAL MAP



Zoning Map





Boundary Survey



QUESTIONS OR COMMENTS?

PLANNING AND ZONING BOARD ACTION OPTIONS:

- Make a motion to approve
- Make a motion to approve with conditions
- Make a motion to deny
- Make a motion to table



From: [Bianca Lee](#)
To: [Jessica Heinz](#)
Cc: [Anne Cox](#)
Subject: FW: Variance Memorandum 7-3-23 2:49pm
Date: Monday, July 3, 2023 3:59:33 PM
Attachments: [Variance Memo 7-3-23.pdf](#)
[image001.png](#)
[PS23-097 - Variance response from Lot 2.msg](#)

Good afternoon,

A resident (Laura Carreno) would like to enter the attached memo into the public record.

Kind Regards,

Bianca C. Lee, Planner II

City of Port St. Lucie

Department of Planning & Zoning

121 S.W. Port St. Lucie Blvd.

Port St. Lucie, FL 34984-5099

(772) 871-5149 (Office) | (772) 871-5124 (Fax)

blee@cityofpsl.com



"A City for All Ages"

For immediate assistance, please call the Planner of the Day at 772-871-5213 or email the department at planning@cityofpsl.com with any questions or inquiries.

From: Laura Carreño <carrenofln@icloud.com>
Sent: Monday, July 3, 2023 3:51 PM
To: Bianca Lee <blee@cityofpsl.com>
Subject: Fwd: Variance Memorandum 7-3-23 2:49pm

[[CAUTION: This email originated outside of the City of PSL. Please use caution when opening attachments, clicking links, or responding to this email.]]

Sent from my iPhone

Begin forwarded message:

From: Dave Beyer <davebeyer44@gmail.com>
Date: July 3, 2023 at 2:50:20 PM EDT

To: Laura Carreño <carrenofln@icloud.com>

Subject: Variance Memorandum 7-3-23 2:49pm

Please find attached signed and sealed memorandum with the needed material indicating that approval of requested variance is NOT recommended.

Please don't hesitate to contact me if the City requires additional material or clarifications.

Thank you.

David B Beyer, P.E.

407-405-8610

MEMORANDUM

INFORMATION:

P23-097 Monna Homes, LLC – Variance
Agenda Item No. 8.c

Submitted on Behalf of:

Lucinia Ferreira
508 SE Felix Ave., Port Saint Lucie, FL 34984

Executive Summary/Findings:

The following information has been provided to assist the existing adjacent property owner for the pending Public Hearing / Agenda Item scheduled for July 5, 2023.

On June 26, 2023, Ms. Ferreira, who resides at the above address, raised several concerns regarding the proposed variance. These findings are presented here within as a technical and professional evaluation of those concerns.

The information used in this evaluation is of public record in nature and is attached as reference material in support of these findings. In addition, other publicly recorded data from the County's property appraiser's office, as well as site photos have been utilized for this purpose.

After review of the City's standard forms and applications submitted by Bela Vista Contractors, Inc., on behalf of Zamel Abou (authorized member of Monna Homes, LLC), the permitting process and the sequence of procedures appears to be irregular and exasperates the approval of this applied for variance.

An approved permit was issued April 24, 2023 at 8:57 AM, however the application submitted was dated three (3) days later on April 27, 2023. This was brought to your attention, because both documents listed rear setbacks of 25 feet or greater. Thereby indicating that the applicant/owner were aware of a greater dimension yet commenced construction with an approved site plan demonstrating otherwise. Deviations from the local development code require approved variances/waivers prior to permit issuance. Approved site plans/permits dated prior to permit application dates and without approved deviations to the code are suspect in general and as mentioned, exasperate the situation.

If the proper steps had been followed, a more practical and less impactful placement of and/or a decreased size of the proposed structure could have been accomplished, thereby alleviating Ms. Ferreira from the undue stress this whole process has brought upon her.

Included with the reference material, please find a less impactful solution to the placement of the proposed structure on the vacant lot in question. Whereas the site plan included in the permit has a much greater encroachment into the building setback area. Best management practices and sound engineering efforts should not be replaced with code deviations.

In addition to setback impacts, stormwater runoff from the proposed development is another concern. After reviewing the surrounding area, the existing subdivision appears to drain runoff

MEMORANDUM

from the rear of the property to the front, where it is collected into a roadside swale, which in turn conveys runoff to collection canals. With the proposed variance, the applicant needs to demonstrate that no adverse runoff shall be directed on to Ms. Ferriera's property. As a resident of 22 years and the increase of storm activity in recent years, additional runoff is a great concern of hers. Proper collection of rainwater via gutters and downspouts, along with proper grading directing to the front, is more challenging with less rear yard, which approval of this variance causes.

Approval of this variance is not recommended. Given valid stormwater concerns and the ease of a design that produces minimum encroachment of existing setbacks, a more appropriate step would be a permit alteration. The review of the special conditions provided does not justify approval of P23-097. A structure of less overall square footage (more consistent with the existing surrounding homes) and sound engineering as to the placement, can significantly reduce and/or eliminate the need for a variance in its entirety. The fact that the applicant/owner decided to commence construction without approval to deviate from code, when the application indicating foreknown knowledge of such setbacks, does not constitute financial hardship or justify negative impacts to adjacent property owners. Furthermore, as an experienced home builder/developer in the area, special exemption cannot replace proper due diligence.

A rebuttal to the explanations provided by the application, along with all other reference material is provided below.

David B. Beyer, P.E.
License # 77386
13903 Arbor Glen Ct., Orlando, FL 32832
407-405-8610
Davebeyer44@gmail.com

REFERENCE MATERIAL

Special Conditions Rebuttal:

P23-097 Monna Homes, LLC – Variance

- 1) *Please explain special conditions and circumstances that exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same zoning district. This is not a standard shape lot and has some limitations, but are not surpassable.*
- 2) *Please explain if these conditions and circumstances result from actions by the applicant; As stated by the applicant, the lot was platted this way and the applicant had foreknowledge of such prior to purchasing and obtaining a permit.*
- 3) *Please explain how granting the variance requested will not confer on the applicant special privilege that is denied by this chapter to other lands, buildings, or structures, in the same zoning district. A special privilege would be provided by allowing a building footprint larger than the surrounding homes and allowing construction to commence prior to a needed variance to do so.*
- 4) *Please explain how a literal interpretation of the provisions of the chapter would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of the chapter and would work unnecessary and undue hardship on the applicant; There is no issue with the applicant constructing a single-family home. Any financial loss would be from actions taken as a result of undue process and risky business decisions to process at their own risk knowing there was a setback deviation.*
- 5) *Please illustrate and explain if the variance requested is the minimum variance that will make possible the reasonable use of the land, building, or structure; The variance is clearly NOT the minimum variance needed. A less impactful solution is provided below.*
- 6) *Please indicate how granting variance will be in harmony with the general intent and purpose of the chapter and that granting the variance will not be injurious to the area involved or otherwise determined to the public welfare; It has already been demonstrated that a less impactful solution is achievable. Just the idea of allowing a deviation of the rear setback has already caused harm to the physical welfare to the adjacent property owner's existing medical condition in the terms of undue worry and stress of excessive runoff and expectation of anticipated eyesore of having a home in close proximity unlike what exist with the surrounding neighbors.*
- 7) *Please indicate that there will be full compliance with any additional conditions and safeguards which the Planning and Zoning Board or Zoning Administrator may prescribe, including but not limited to reasonable time limits within which the action for which variance is required shall be begun or completed, or both. The applicant has already set the precedence for not complying or following due process, as well as risky decisions.*

MINIMAL IMPACT SOLUTION



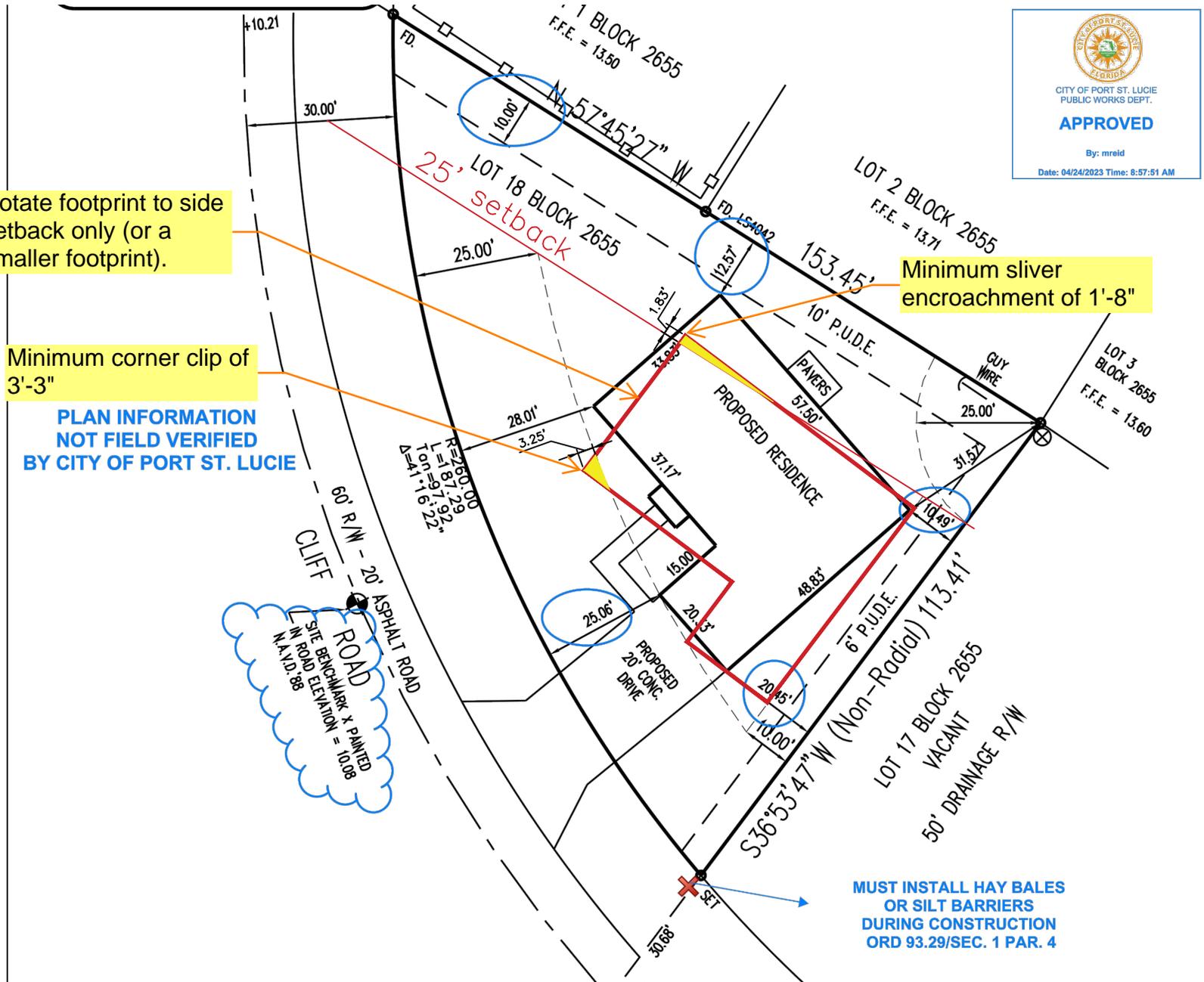
Rotate footprint to side setback only (or a smaller footprint).

Minimum corner clip of 3'-3"

PLAN INFORMATION
NOT FIELD VERIFIED
BY CITY OF PORT ST. LUCIE

Minimum sliver encroachment of 1'-8"

MUST INSTALL HAY BALES OR SILT BARRIERS DURING CONSTRUCTION ORD 93.29/SEC. 1 PAR. 4





City of Port St. Lucie Building Department

121 SW Port St. Lucie Blvd

Port St. Lucie, FL 34984

772-871-5132 - Web Site: <http://www.cityofpsl.com>

To Schedule Inspections

<http://pandapublicweb.cityofpsl.com>

Permit #: 2318675

Single Family Residence

CONSTRUCTION UNDER THIS PERMIT WILL BE DONE IN ACCORDANCE WITH THE FBC 7th Edition (2020)

PROPERTY ADDRESS: 520 SE CLIFF RD			Parcel ID 342069005760008		
LEGAL DESCR	SECTION 39	BLOCK 2655	LOT 18		
OWNER		MAIL ADDRESS 569 Sanderling Circle	ZIP 33442	PHONE (954) 815-2700	
				CELL (954) 815-2700	
CONTRACTOR BELA VISTA CONTRACTORS INC		MAIL ADDRESS 750 E SAMPLE ROAD, 3-2	ZIP 33064	STATE LIC. # CGC1508411	
				PSL COMP # 15148	
CONTRACTOR E-mail Address BELAVISTACONTRACTORS@GMAIL.COM			PHONE 9546443121	FAX #	CELL
Applied Date 4/27/2023	Received By Web	After the Fact NO			

SPECS

Description of work	SFR - 4/2/2 - 1 STORY
Square feet living	1844
Square feet non-living	508
Total square feet of SFR	2352
Valuation per square foot	62.50
Total valuation	147000
# of stories	1
# of Bedrooms	4
Roof Type	SHINGLE
City water	YES
City sewer	YES
Septic tank permit #	NA
Use zone	SFR
Special conditions	CBS _ R-19, 11, 4.1 _ SHINGLE ROOF _ FFE 13.71 NAVD
FFE	13.71 NAVD
Right Side setback	12.57
Left Side setback	10.49
Rear setback	31.57
Front setback	25.06
Flood hazard	X
Ceiling R-Value	19
SEER	16
EPI	PASS
Heating Type	ELECTRIC HEAT PUMP
Wind Speed	165
Type of Construction	VB
Property Use	SFR
Construction Material	CBS
Affordable Housing?	No

Application date after Approval date.

THIS PERMIT BECOMES NULL AND VOID IF CONSTRUCTION OR WORK AUTHORIZED IS NOT COMMENCED WITHIN 6 MONTHS, OR IF CONSTRUCTION OR WORK IS SUSPENDED OR ABANDONED FOR A PERIOD OF 6 MONTHS AT ANY TIME AFTER WORK IS COMMENCED.

Application is hereby made to obtain a permit to do the work and installations as indicated. I certify that no work or installation has commenced prior to the issuance of a permit and that all work will be performed to meet the standards of all laws regulating construction in this jurisdiction. I understand that a separate permit must be secured for ELECTRICAL WORK, PLUMBING, SIGNS, WELLS, POOLS, FURNACES, BOILERS, HEATERS, TANKS AND AIR CONDITIONERS, etc.

OWNER'S AFFIDAVIT: I certify that all the forgoing information is accurate and that all work will be done in compliance with all applicable laws regulating to construction and zoning.

WARNING TO OWNER: YOUR FAILURE TO RECORD A NOTICE OF COMMENCEMENT MAY RESULT IN YOUR PAYING TWICE FOR IMPROVEMENTS TO YOUR PROPERTY. A NOTICE OF COMMENCEMENT MUST BE RECORDED AND POSTED ON THE JOB SITE BEFORE THE FIRST INSPECTION.

IF YOU INTEND TO OBTAIN FINANCING, CONSULT WITH YOUR LENDER OR AN ATTORNEY BEFORE COMMENCING WORK OR RECORDING YOUR NOTICE OF COMMENCEMENT.

MARCIO SILVA
Contractor Signature

Form Created 08/29/2011 updated 10/13/15



CITY OF PORT ST. LUCIE

PUBLIC WORKS DEPARTMENT

Residential (Single-Family) & Pool Permit Application

June 2022

Per City Ordinance 57.01 "Commercial and Residential Permits will be valid for a period of one year after date of issuance/approval. If no site work has occurred within this time, the permit is null and void and no fees will be refunded."

RP# 63933
PERMIT#

Check One: <input checked="" type="checkbox"/> Inside Lot		<input type="checkbox"/> Corner Lot	<input type="checkbox"/> Pools (No Spas)	<input type="checkbox"/> Additional Driveway	<input type="checkbox"/> Curb/Gutter (Developments)
Home Owner Builder: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		Contractor Key # (From Bldg. Dept.): 34810			
Licensed Name: BELA VISTA CONTRACTORS INC			Builder/Home Owner Bldr. Name:		
Phone: 954-448-0022			Affordable Housing (involving federal, state, or local funds): <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
Contact Name: Marcio Silva			Email: belavistacontractors@gmail.com		
Driveway Material: <input checked="" type="checkbox"/> Concrete		<input type="checkbox"/> Pavers	<input type="checkbox"/> Asphalt	<input type="checkbox"/> Other:	
Pool Deck Material: <input type="checkbox"/> Concrete		<input type="checkbox"/> Pavers	<input type="checkbox"/> N/A		
Property Information: Lot: 18		Block: 2655	Section/Unit or Subdivision/Plat: 39		
Address: 520 SE CLIFF RD					
I, <u>Marcio Silva</u> , intending to be legally bound, hereby certify that the work authorized by the issuance of this permit will be installed in accordance with all applicable Port St. Lucie City Codes of Ordinances and other appropriate permits.					

Stakeouts typically take 4-6 weeks after request.

Please do not write below

Approval date prior to Application date.



Minimum required setback: Front 25 Left side 10 Right side 10 Rear 25

Minimum required FFE (Finished Floor Elevation): 13.71 NAVD

(NOTE: For Building in special Flood Hazard areas, the finished floor elevation must be at least 1 foot above the base flood elevation.)

Rejection #1 Fee: _____ Rejection #2 Fee: _____ Rejection #3 Fee: _____

For questions regarding PLOT PLAN rejections please call the Public Works Reviewer at (772) 871-5177

If the proposed residence will be built across 2 lots, the following utility companies must be notified in order to vacate the two 6-foot side easements.

Comcast:	Anthony Springsteel	Anthony_Springsteel@cable.comcast.com	772-321-3425
AT&T	Mr. Ivan Arill	Ia7286@att.com	321-388-9719
FPL:	April Parker (Everything west of Turnpike, Crosstown south Bayshore up to Foresta, Southbend, and Becker Rd.)	April.Parker@fpl.com	
FPL:	Laura Goez (Crosstown north, St. Lucie West, Torino, Bayshore up to St. James to Midway Rd.)	Laura.Goez@fpl.com	
Florida City Gas:	Generic Mailbox	FCG-Engineering.SharedMailbox@nexteraenergy.com	

PIPE TO BE
SIZED AT
STAKEOUT

Other: MINIMUM 12" TEMPORARY PIPE REQUIRED IN CITY RIGHT OF WAY
PER CODE 51.04(4)(E) - 80% IS THE MAXIMUM PERMISSIBLE
IMPERVIOUS AREA ALLOWED

* For Pool Permit Only * Final Inspection Approval Date: _____ Inspector: _____

General Permit Requirements

1. The work performed shall not adversely affect the public's health, safety, or general welfare, and shall be conducted and maintained in a safe and sanitary condition at the sole cost, risk, and responsibility of the permittee. The City may issue a stop work order for any work that is creating a threat to the public's health, safety, or general welfare, or if the work is not in accordance with the approved permit.
2. The City reserves the right to require additional requirements or reject the request if the permittee has failed to comply with the requirements of a permit.
3. The work shall be completed in accordance with the approved permit.
4. The permittee shall notify the city for the following inspections: culvert, stakeout, driveway, and final.
5. The work shall not alter the material, slope, or finish of a sidewalk that is adjacent to or bisects the driveway.
6. Contractors will be responsible for the repair of any roadway damaged during construction. When damage to roadway is noted, a police report as well as damage claim will be filed. The City will then contract with an appropriate vendor to conduct repair. The contractor will be responsible for all costs associated with the repair and will be contacted by the City's Risk Management Department for subrogation.
7. Any time a sidewalk is being removed; a sidewalk closure request form is required. (See requirements on the link below). <https://www.cityofpsl.com/government/departments/public-works/commercial-residential-review-permitting>
8. Must install silt fence along all ditches, canals, or waterways.
9. Must protect all City culvert pipes from debris. Contractor may be required to clean all City pipes if not protected during construction.

I, Marcio Silva intending to be legally bound, hereby certify that the work authorized by the issuance of this permit will be installed in accordance with all applicable Port St. Lucie City Codes of Ordinances and other appropriate permits and that I have read and acknowledge the General Permit Requirements as provided above.

BOUNDARY SURVEY

LEGAL DESCRIPTION:
(Supplied by Client)

LOT 18 IN BLOCK 2655 OF PORT ST. LUCIE SECTION THIRTY NINE, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 15, PAGE 30, PAGES 30A THROUGH 30NN, OF THE PUBLIC RECORDS OF ST. LUCIE COUNTY, FLORIDA.

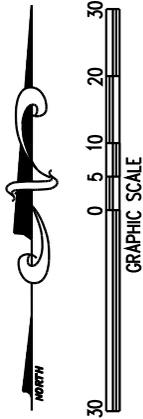
ABBREVIATIONS:

SET = SET 5/8" IRON REBAR WITH YELLOW CAP MARKED "PSM5543"
 FD = FOUND 5/8 IRON REBAR
 R/W = RIGHT OF WAY
 (M) = MEASURED
 (P) = PLATTED
 (C) = CALCULATED
 R = RADIUS OF CURVE
 L = LENGTH OF CURVE
 D= DELTA OF CURVE
 FFE = FINISHED FLOOR ELEVATION
 OH-OH-OH- = OVERHEAD WIRES
 X-X-X- = CHAINLINK FENCE
 □-□-□- = PLASTIC FENCE
 O-O-O- = WOOD FENCE
 CONC. = CONCRETE
 C.P. = CONCRETE PAD
 Cov. = COVERED

WATER METER
 POWER POLE
 ELECTRIC BOX

SURVEYORS NOTES:

1. UNLESS OTHERWISE NOTED ONLY PLATTED EASEMENTS ARE SHOWN HEREON.
2. ALL LOT DIMENSIONS SHOWN ARE PER PLAT UNLESS OTHERWISE SHOWN.
3. NO UNDERGROUND UTILITIES OR IMPROVEMENTS WERE LOCATED UNLESS OTHERWISE SHOWN.
4. THIS SITE LIES WITHIN FLOOD INSURANCE RATE MAP ZONE X MAP# 12111C0289 K DATED: 2-19-20.
5. FLOOD ZONE SHOWN HEREON IS AN INTERPRETATION BY THE SURVEYOR AND IS PROVIDED AS A COURTESY. THE FLOOD ZONE SHOULD BE VERIFIED BY A DETERMINATION AGENCY.+
6. BEARINGS SHOWN HEREON ARE BASED ON THE SOUTH LINE OF LOT 6 AS BEING N14°24'02"E ACCORDING TO THE PLAT DESCRIBED HEREON.
7. P.U.D.E. DENOTES PUBLIC UTILITIES AND DRAINAGE EASEMENT, U.E. DENOTES UTILITY EASEMENT.
8. THE ACCURACY OF THIS SURVEY IS PREMISED ON THE EXPECTED USE OF THE SURVEY. THE EXPECTED USE/PURPOSE OF THIS SURVEY IS HOME CONSTRUCTION. ACCURACY=1 FOOT IN 7.500 FEET OR BETTER.
9. ADDITIONS OR DELETIONS TO THIS SURVEY MAP BY ANYONE OTHER THAN THE SIGNING SURVEYOR IS PROHIBITED WITHOUT WRITTEN CONSENT.

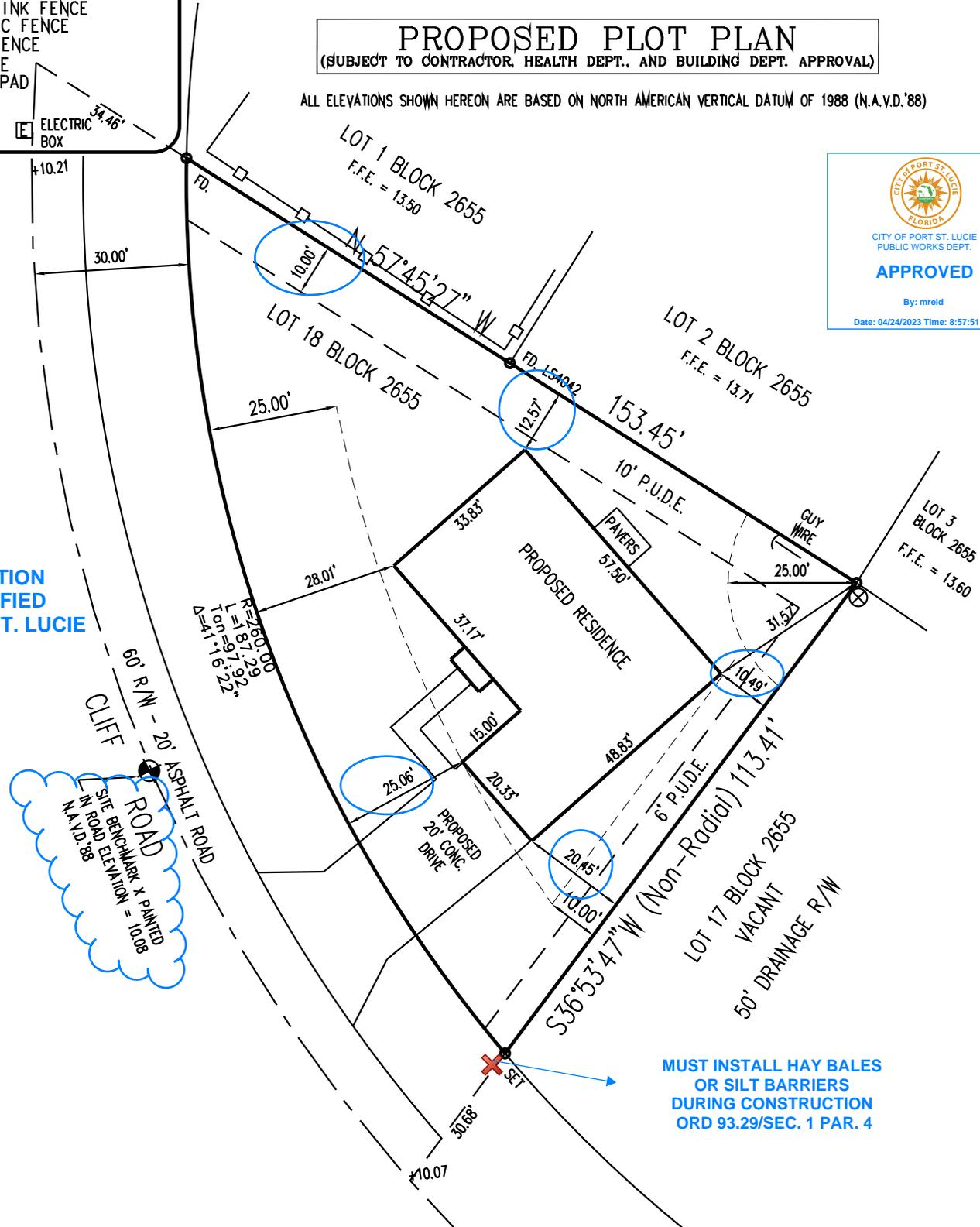


PROPOSED PLOT PLAN
(SUBJECT TO CONTRACTOR, HEALTH DEPT., AND BUILDING DEPT. APPROVAL)

ALL ELEVATIONS SHOWN HEREON ARE BASED ON NORTH AMERICAN VERTICAL DATUM OF 1988 (N.A.V.D.'88)



PLAN INFORMATION NOT FIELD VERIFIED BY CITY OF PORT ST. LUCIE



MUST INSTALL HAY BALES OR SILT BARRIERS DURING CONSTRUCTION ORD 93.29/SEC. 1 PAR. 4

520 SE CLIFF ROAD	
SCALE: 1"=30'	Atlantic Land Designs
DATE: 4/20/23	of the Treasure Coast, LB7468 754 NE Jensen Beach Blvd. Jensen Beach, FL 34957
DRAWN: JC	Mailing Address: P.O. Box 1421 Jensen Beach, FL 34958 ALD5543@gmail.com (772) 398-4290
2023-0268	
DATE:	REVISIONS
LAST FIELD DATE: 4/13/23	

Certified to: Bela Vista Contractors, Inc.
(954) 815-2700

I hereby certify that the survey shown hereon is true and correct and is based on actual measurements taken in the field.

DocuSigned by:
James Cesiro
A1338D8A59FD4C1...

NOT VALID WITHOUT AN AUTHENTICATED ELECTRONIC SIGNATURE AND AUTHENTICATED ELECTRONIC SEAL

From: [Bianca Lee](#)
To: [Jessica Heinz](#)
Subject: FW: P23-097 - Variance response
Date: Monday, July 3, 2023 4:28:57 PM
Attachments: [PS-23-097 - pictures - 05-04-23.msg](#)

Good afternoon,

Please enter additional public comment into the record.

Regards,

Bianca C. Lee, Planner II
City of Port St. Lucie
Department of Planning & Zoning
121 S.W. Port St. Lucie Blvd.
Port St. Lucie, FL 34984-5099
(772) 871-5149 (Office) | (772) 871-5124 (Fax)
blee@cityofpsl.com

“A City for All Ages”

For immediate assistance, please call the Planner of the Day at 772-871-5213 or email the department at planning@cityofpsl.com with any questions or inquiries.

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

From: Laura Carreño <carrenofln@icloud.com>
Sent: Monday, July 3, 2023 4:15 PM
To: Bianca Lee <blee@cityofpsl.com>
Subject: PS-23-097 - Variance response

[[CAUTION: This email originated outside of the City of PSL. Please use caution when opening attachments, clicking links, or responding to this email.]]

Dear Ms. Lee,

Our concern with the storm water runoff to the adjacent property of 508 SE Felix Avenue and the setback violation was evident since the end of April 2023 and we made numerous phone calls voicing our concerns to the building, permitting, drainage and public works department.

The pictures attached shows the encroaching proximity to the rear yard of 508 SE Felix Avenue.

Thank you for attaching this to the variance response for the hearing on PS-23-097.

Sincerely,

Laura Carreno
Lucinia Ferreira

Sent from my iPhone









July 3, 2023

Dear City of Port St. Lucie Planning and Zoning Board:

RE: Variance Application - Monna Homes LLC., P23-097
Subject Property: 520 SE Cliff Road, Port St. Lucie, FL 34984, legally described as
Port St. Lucie-Sec. 39, Block 2655, Lot 18
Motion to Deny

I am Laura Carreno, a much concerned resident that resides within the 750 feet radius of the subject property, daughter and caretaker of the adjacent property owner (of the subject property), Lucinia Ferreira, and, also, speaking on her behalf.

Since the end of April 2023 and the beginning of May 2023, we (my family, concerned neighbors and myself) have called the City of Port St. Lucie permitting, building, and public works department and met with Lawrence DeNieunkerk, City of Port St. Lucie stormwater/drainage inspector and Paul Lewis, City of Port St. Lucie stormwater/drainage inspector and stated our concerns: (1) adverse effects of stormwater runoff to the rear property of 508 SE Felix Avenue, Port St. Lucie, FL 34984; (2) no drainage plans provided showing erosion control, flooding and standing water prevention to adjacent properties; (3) extreme encroachment and close proximity of the Monna Homes LLC. proposed house to the adjacent property of 508 SE Felix Avenue, Port St. Lucie, FL 34984; (4) a three-way call was made between Mr. DeNieunkerk, Omar Abuzamel (Monna Homes LLC.) and myself stating the stormwater runoff concerns and extreme proximity of the proposed home of the subject property to the rear adjacent property - Mr. Abuzamel's response was that there was enough space in the rear subject property to place a swimming pool and that he abides by the City's rules; (5) proposed home dimensions are too large for the lot and looks forced onto the property - even model home designs should be adjusted as to not cause adverse impacts on adjacent properties and the public welfare; (6) no silt fence in place, although required by Florida ordinance 93.29/Sec 1, Par. 4 and, also shown on signed and sealed boundary survey dated April 20, 2023 provided by Atlantic Land Designs.

There are still outstanding questions in place: (1) how can Monna Homes LLC. (Zamel Abou, managing member) be "... surprised to learn that there may be an issue with the rear setback" as he stated on the signed variance application (June 2, 2023) for the subject property when this concern was brought to Monna Homes LLC and to the City of Port St. Lucie's attention in April and May 2023; (2) why was the setback encroachment allowed without a variance?; (3) why was no drainage plan filed for the subject property site?; (4) according to the Code of Ordinances - Title IV - Chapter 41 - Property Maintenance Code - Sec. 41.00 c (3) "to avoid, prevent, and eliminate conditions which, if permitted to exist or continue, **will depreciate the value of adjacent or surrounding properties.**" and said depreciation of the adjacent property would be caused by stormwater runoff of the proposed home of the subject property and encroachment of minimum 25 feet rear setback; (5) why was an express permit granted for the subject property?; (6) is an express permit given as a special privilege?; (7) this variance public hearing sign posted for this meeting of Wednesday, July 5, 2023 is posted to take place at 1:30

pm instead of 6 pm. (photo attached); and (8) the subject property proposed home does not comply with the legal minimum 25 feet rear setback as per Section 158.073(H)(3) Yard Requirements and Landscaping.

This afore-mentioned situation has caused much unnecessary emotional and mental stress which has further exasperating present illnesses in our family.

We trust that the City of Port St. Lucie and Monna Homes LLC. will rectify the location, lower the ground elevation, and reduce the size of the proposed home on the subject property to meet all legal setbacks and not cause any runoff drainage problems to the rear and any other surrounding adjacent lots.

Sincerely,

Laura Carreno
Lucinia Ferreira

From: [Clyde Cuffy](#)
To: [Bianca Lee](#); [Jessica Heinz](#)
Cc: [Colt Schwerdt](#)
Subject: RE: Variance motion to deny - P23-097 Monna Homes
Date: Wednesday, July 5, 2023 11:38:33 AM
Attachments: [image001.png](#)

thanks

From: Bianca Lee <blee@cityofpsl.com>
Sent: Wednesday, July 5, 2023 11:25 AM
To: Jessica Heinz <JHeinz@cityofpsl.com>
Cc: Clyde Cuffy <CCuffy@cityofpsl.com>; Colt Schwerdt <CSchwerdt@cityofpsl.com>
Subject: FW: Variance motion to deny - P23-097 Monna Homes

Good morning,

Please see additional public comment attached.

Regards,

Bianca C. Lee, Planner II

City of Port St. Lucie

Department of Planning & Zoning

121 S.W. Port St. Lucie Blvd.

Port St. Lucie, FL 34984-5099

(772) 871-5149 (Office) | (772) 871-5124 (Fax)

[Blee@cityofpsl.com](mailto:blee@cityofpsl.com)



"A City for All Ages"

For immediate assistance, please call the Planner of the Day at 772-871-5213 or email the department at planning@cityofpsl.com with any questions or inquiries.

From: Laura Carreño <carrenofln@icloud.com>
Sent: Wednesday, July 5, 2023 11:05 AM
To: Bianca Lee <blee@cityofpsl.com>
Subject: Variance motion to deny - P23-097

[[CAUTION: This email originated outside of the City of PSL. Please use caution when opening attachments, clicking links, or responding to this email.]]

Dear Ms. Lee,

Please find attached our variance response to deny variance to be reviewed by the City of Port St. Lucie Planning and Zoning board.

Please send me a copy of the proposed relocation of proposed home.

Sincerely,

Laura Carreno

Sent from my iPhone

BOUNDARY SURVEY

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(Supplied by Client)

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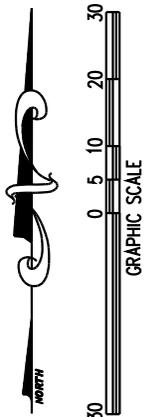
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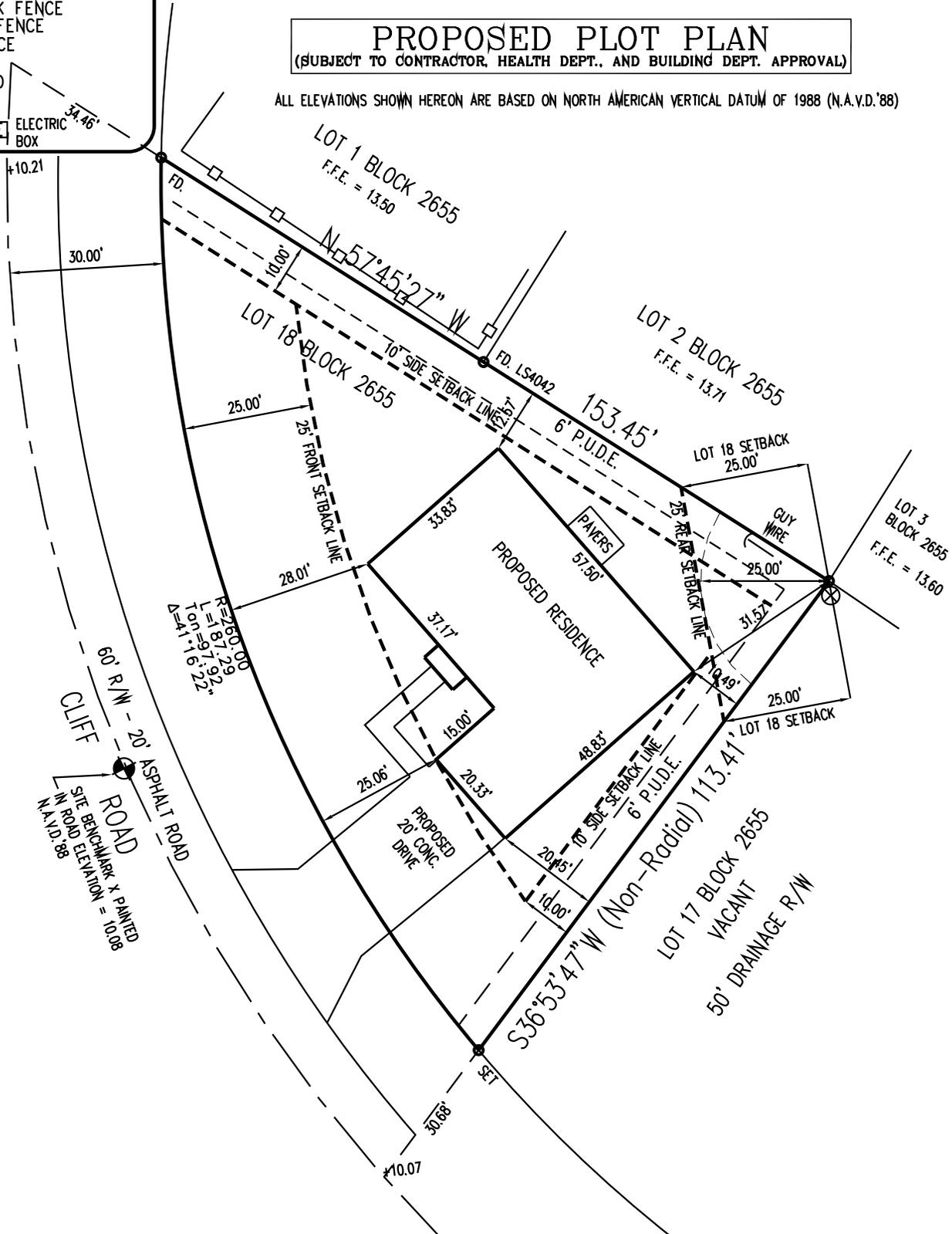
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PROPOSED PLOT PLAN
(SUBJECT TO CONTRACTOR, HEALTH DEPT., AND BUILDING DEPT. APPROVAL)

ALL ELEVATIONS SHOWN HEREON ARE BASED ON NORTH AMERICAN VERTICAL DATUM OF 1988 (N.A.V.D.'88)



520 SE CLIFF ROAD

SCALE: 1"=30'

DATE: 4/20/23

DRAWN: JC

2023-0268

DATE:

Atlantic Land Designs

of the Treasure Coast, LB7468
754 NE Jensen Beach Blvd. Jensen Beach, FL 34957

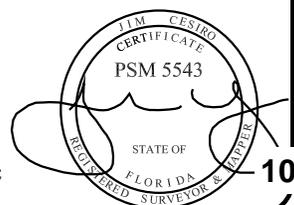
Mailing Address:
P.O. Box 1421 Jensen Beach, FL 34958
ALD5543@gmail.com (772) 398-4290

REVISIONS

LAST FIELD DATE: 4/13/23

Certified to: Bela Vista Contractors, Inc.
(954) 815-2700

I hereby certify that the survey shown hereon is true and correct and is based on actual measurements taken in the field.



NOT VALID WITHOUT AN AUTHENTICATED ELECTRONIC SIGNATURE AND AUTHENTICATED ELECTRONIC SEAL