

**FOR SPECIAL EXCEPTION USE 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 Fee is nonrefundable unless application is withdrawn prior to being scheduled for the Site Plan Review Committee meeting or advertising for the Planning and Zoning Board meeting. **Attach two copies of proof of ownership (e.g., warranty deed, affidavit), lease agreement (where applicable), approved Concept Plan or Approved Site Plan, and a statement addressing each of the attached criteria.**

**PRIMARY CONTACT EMAIL ADDRESS:** srubert@rubertlaw.com

**PROPERTY OWNER:**

Name: SECAMAR, L.L.C.  
Address: 305 NW 57TH AVE, APT. 110, MIAMI, FL 33126  
Telephone No.: 786-201-3006 Email MANAGEMAMI@ICLOUD.COM

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


Name: LOUNGE BAR 40, LLC  
Address: 120 SW SEA LION ROAD, PORT ST. LUCIE, FL 34953  
Telephone No.: 908-619-7917 Email DFRANTZ112@YAHOO.COM

**SUBJECT PROPERTY:**

Legal Description: SYMPATICO PLAZA (PB 73-3)- LOT 3  
Parcel I.D Number: 4418-702-0003-000-1  
Address: 2995 & 2999 SW PORT ST. LUCIE BLVD., PORT ST. Bays: LUCIE, FL 34953  
Development Name: LOUNGE BAR 40 (Attach Sketch and/or Survey)  
Gross Leasable Area (sq. ft.): 3360 Assembly Area (sq. ft.): 3360  
Current Zoning Classification: GENERAL COMMERCIAL SEU Requested: BAR/LOUNGE

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

City of Port St. Lucie Code Sec. 158.124 requires that a bar/lounge use be approved by Special Exception in the General Commercial (GC) Zoning District. The intended use triggers this requirement, however we strongly believe the applicant's proposed use is compatible with the surrounding uses in the shopping center and neighborhood and will not generate any negative impacts.

 attorney in fact      Samuel A. Rubert      1/16/22  
Signature of Applicant      Hand Print Name      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. 02/26/20

## **SPECIAL EXCEPTION USES**

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

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

The intended Use's impact on ingress and egress is consistent with Uses that are allowed by right in the shopping center whose ingress and egress were considered and approved when built. As such, we do not expect the proposed Use to have any effect on existing ingress and egress.

(B) Please explain how adequate off-street parking and loading areas will be provided, without creating undue noise, glare, odor or other detrimental effects upon adjoining properties.

The intended Use's impact on off-street parking and loading areas is consistent with Uses that are allowed by right in the shopping center whose off-street parking and loading areas were considered and approved when built.

As such, we do not expect the proposed Use to have any effect on existing off-street parking and loading areas.

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

The intended Use's impact on existing utilities is consistent with Uses that are allowed by right in the shopping center whose adequacy and location of utilities were considered and approved when built.

As such, we do not expect the proposed Use to have any effect on the adequacy and location of utilities.

(D) Please explain how additional buffering and screening, beyond that which is required by the code, will be required in order to protect and provide compatibility with adjoining properties.

The intended Use's impact on existing buffering and screening is consistent with Uses that are allowed by right in the shopping center whose buffering and screening were considered and approved when built.

As such, we do not expect the proposed Use to impact on existing or require additional buffering or screening.

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

See included Letter of Intent filed with the application.

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

The intended Use will not affect existing yards and open spaces. Existing yards and open spaces were considered and approved when built. As such, we do not expect the proposed Use to affect existing yards and open spaces.

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

---

---

---

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

---

---

---

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

---

---

---

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

---

---

---

 attorney in fact  
Signature of Applicant

Samuel A. Rubert  
Hand Print Name

1/16/22  
Date

PLEASE NOTE:

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

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

## SPECIAL EXCEPTION USE

### § 158.260 REQUIREMENTS AND APPROVAL

Special Exceptions are uses that would only be allowed under certain conditions and are required to be compatible with the existing neighborhood. It is expected that any such approval be implemented in a timely manner to ensure the use is established under the physical conditions of the area in place when approved. Therefore, Special Exception Uses shall expire after one year on the date of approval unless the applicant has received final site plan approval, or if a site plan is not required, the appropriate permits to allow development of the use to continue as approved.

Approval of a special exception application shall be granted by the City Council only upon a finding that:

- (A) Adequate ingress and egress may be obtained to and from the property, with particular reference to automotive and pedestrian safety and convenience, traffic flow, and control, and access in case of fire or other emergency.
- (B) Adequate off-street parking and loading areas may be provided, without creating undue noise, glare, odor or other detrimental effects upon adjoining properties.
- (C) Adequate and properly located utilities are available or may be reasonably provided to serve the proposed development.
- (D) Adequate screening or buffering. Additional buffering beyond that which is required by the code may be required in order to protect and provide compatibility with adjoining properties.
- (E) Signs, if any, and proposed exterior lighting will be so designed and arranged so as to promote traffic safety and to eliminate or minimize any undue glare, incompatibility, or disharmony with adjoining properties. Light shields or other screening devices may be required.
- (F) Yards and open spaces will be adequate to properly serve the proposed development and to ensure compatibility with adjoining properties.
- (G) The use as proposed will be in conformance with all stated provisions and requirements of this chapter.
- (H) Establishment and operation of the proposed use upon the particular property involved will not impair the health, safety, welfare, or convenience of residents and workers in the city.
- (I) The proposed use will not constitute a nuisance or hazard because of the number of persons who will attend or use the facility, or because of the hours of operation, or because of vehicular movement, noise, fume generation, or type of physical activity.
- (J) The use as proposed for development will be compatible with the existing or permitted uses of adjacent property. The proximity or separation and potential impact of the proposed use (including size and height of buildings, access, location, light and noise) on nearby property will be considered in the submittal and analysis of the request. The City may request project design changes or changes to the proposed use to mitigate the impacts upon adjacent properties and the neighborhood.
- (K) As an alternative to reducing the scale and/or magnitude of the project as stipulated in criteria (J) above, the City may deny the request for the proposed use if the use is considered incompatible, too intensive or intrusive upon the nearby area and would result in excessive disturbance or nuisance from the use altering the character of neighborhood.
- (L) Development and operation of the proposed use will be in full compliance with any additional conditions and safeguards which the City Council may prescribe, including but not limited to reasonable time limit within which the action for which special approval is requested shall be begun or completed or both.



CONCEPT PLAN SUFFICIENCY CHECKLIST

Revised September, 2013

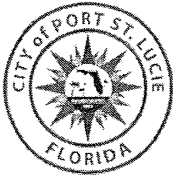
Project Name: LOUNGE BAR 40, LLC

Project Number: P \_\_\_\_\_ New Submittal X or Resubmittal \_\_\_\_\_ (Check One)

Applicant should submit the concept plan package to Planning & Zoning Department with all items listed below to initiate the review process. Other drawings or information may be required, if deemed necessary, upon review of the submittal for the Site Plan Review Committee Meeting.

The Applicant should complete the Project Information, Applicant Checklist and Applicant Certification. Use the following to complete the checklist: ✓ = Provided X = Incomplete or Missing NA = Not Applicable

Applicant Checklist	Description of Item Provided	Sufficient		
		P&Z	Eng.	Utility
	<b>Sufficiency Checklist:</b> One original completed and signed by applicant.	✓		
	<b>2 CD's with all application materials</b>			
	<b>Cover Letter:</b> Sixteen copies of a typed letter explaining the purpose and history of the application.	✓		
	<b>Written Response to Comments:</b> Sixteen copies. For resubmittals only.	NA		
	<b>Completed Application:</b> Sixteen copies. Use black ink or type to fill out completely and legibly.	✓		
	<b>Owner's Authorization:</b> Sixteen copies of authorization on Owner's letterhead.	✓		
	<b>Application Fees:</b> Refer to each department's fee schedule.	✓		
	<b>Proof of Ownership:</b>	NA		
	Three copies of the recorded deed(s) for each parcel with the exact same name for each parcel or...	✓		
	...Unity of Title	NA		
	<b>PUD/MPUD Document and Concept Plan (Sections 158.170 – 158.175 of the Zoning Code):</b>			
	Sixteen sets of 11" x 17" concept plans	NA		
	Show traffic access points	NA		
	Show drainage discharge locations			
	Show proposed water and sewer connection points			
	Evidence of unified control and binding PUD agreement	NA		
	Density statement	NA		
	Proposed zoning district regulations	NA		
	<b>LMD Rezoning and Concept Plan (Section 158.155(M) of the Zoning Code):</b>			
	Sixteen sets of 11" x 17" concept plans	NA		
	Show traffic access points	NA		
	Show drainage discharge locations			
	Show proposed water and sewer connection points			
	Evidence of unified control and development agreement	NA		
	Preliminary building elevations	NA		
	Landscape Plan	NA		
	<b>SEU Concept Plan:</b>	NA		
	Sixteen sets of 11" x 17" plans – either approved site plan or proposed concept plan	NA		



**CONCEPT PLAN SUFFICIENCY CHECKLIST**  
*Revised September, 2013*

Project Name: LOUNGE BAR 40, LLC

Project Number: P \_\_\_\_\_ New Submittal X or Resubmittal \_\_\_\_\_ (Check One)

*Applicant Certification*

I, Samuel A. Rubert, attorney in fact (Print or type name), do hereby certify that the information checked above has been provided to the City of Port St Lucie for the subject project. I understand that the checklist is used to determine if the submittal is complete so that the project can be added to the Site Plan Review Agenda. I further understand that review of the submittal contents will not be made at this time and that a sufficient submittal does not exempt a project from being tabled or denied at the Site Plan Review Committee.

[Signature] 1/16/22  
 (Signature of Applicant) (Date)

*Planning and Zoning Department Representative*

I, \_\_\_\_\_ (Print name), as a representative of the Planning and Zoning Department, find that this submittal is **Sufficient / Non-Sufficient** based upon my review on \_\_\_\_\_ (date).  
 Additional Comments:

\_\_\_\_\_  
 (Signature of Planning and Zoning Department Representative) (Date)

*Engineering Department Representative*

I, \_\_\_\_\_ (Clearly print or type name), as a representative of the Engineering Department, find that this submittal is **Sufficient / Non-Sufficient** based upon my review on \_\_\_\_\_ (date).  
 Additional Comments:

\_\_\_\_\_  
 (Signature of Engineering Department Representative) (Date)

*Utilities System Department*

I, \_\_\_\_\_ (Clearly print or type name), as a representative of the Utilities System Department, find that this submittal is **Sufficient / Non-Sufficient** based upon my review on \_\_\_\_\_ (date).  
 Additional Comments:

\_\_\_\_\_  
 (Signature of Utility System Department Representative) (Date)



January 17, 2022

Ms. Teresa Lamar-Sarno  
Deputy City Manager, Planning and Zoning  
City of Port St. Lucie  
Planning and Zoning Department  
121 SW Port St. Lucie Blvd., Bldg. B  
Port St. Lucie, FL 34984

**RE: Application for Special Exception before the Planning and Zoning Board and City Council (the “Application”): 2995 & 2999 SW Port St. Lucie Blvd., Port St. Lucie, Florida (the “Property”)**

Dear Ms. Lamar-Sarno:

I represent Lounge Bar 40, LLC (“Applicant”), tenant of the above-captioned Property, in connection with the above-referenced Application. Please accept this Letter of Intent detailing our request for a Special Exception (the “Special Exceptoin”) pursuant to Section 158.124 of the City of Port St. Lucie (the “City”) Code of Ordinances (the “Code”).

**I. The Property**

The Property has a street address of 2995 & 2999 SW Port St. Lucie Blvd., and is assessed under Parcel ID # 4418-702-0003-000-1. It is generally located on the east side of SW Port St. Lucie Blvd., between SW Aurelia Ave., to the north, and SW Yale St., to the south. An aerial photograph of the Property is enclosed with the Application for your ease of reference. The Property is approximately 3,600 square feet of one building in a shopping center that contains five buildings with a total square footage of over 68,000 square feet. The Property is located in the General Commercial Zoning District (“CG”). The current shopping center contains a mix of commercial uses, including a Wal-Mart™, several restaurants that server alcoholic beverages, a barber shop, a dentist office, a MoneyGram™, and a smoke shop. While the intended use is generally consistent with the other neighborhood uses located in the center, as described below, the Code requires a Special Exception for any bar/lounge in the CG, necessitating this Application.

**II. Variance Criteria**

As detailed below and in the City’s form application, the Special Exception satisfies all ten (10) of the criteria contained in Section 158.260 of the Code:

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

**SATISFIED: See response written into the City's form application included herewith.**

- (B) Adequate off-street parking, loading areas, and adequate stacking may be provided, without creating undue noise, glare, odor, or other detrimental effects upon adjoining properties.

**SATISFIED: See response written into the City's form application included herewith.**

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

**SATISFIED: See response written into the City's form application included herewith.**

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

**SATISFIED: See response written into the City's form application included herewith.**

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

**SATISFIED: All exterior lighting was reviewed and approved when the shopping center was built. The Applicant does not intend to modify any exterior lighting. Further, any sign the Applicant will install will be done so with a permit in accordance with Code section 155.08.**

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

**SATISFIED: See response written into the City's form application included herewith.**

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

**SATISFIED: The proposed use is generally consistent with the neighborhood, other uses in the shopping center, and allowed by Code by the Special Exception process. By completing this review, the proposed use will be in conformance with the City's Land Development Regulation.**



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

**SATISFIED: The proposed use is similar to existing uses in the shopping center that are places of assembly where alcoholic beverages and food are consumed. The proposed use will expand on the existing selections available to the residents and workers in the City improving convenience without impairing their health, safety, or welfare.**

- (I) The proposed use will not constitute a nuisance or hazard because of the number of persons who will attend or use the facility, or because of the hours of operation, or because of vehicular movement, noise, fume generation, or type of physical activity. The City may require certain uses such as car washes, gas stations, and other potential noise generating uses submit a noise impact analysis prepared by a qualified professional.

**SATISFIED: The proposed use will not generate a significantly different amount of traffic or noise than currently exists or was contemplated when the shopping center was designed and constructed. The proposed use will not become a nuisance or hazard any more so than a restaurant would, and a restaurant would be allowed by right.**

- (J) The use as proposed for development will be compatible with the existing or permitted uses of adjacent property.

**SATISFIED: As stated above, the proposed bar/lounge use is consistent with the existing uses in the shopping center, including a gas station, restaurants serving alcoholic beverages, and a smoke shop. Additionally, the shopping center where the proposed use is located is on a major thoroughfare and buffered from nearby residential uses by said thoroughfare, a canal, and several acres of forested property.**

### III. Conclusion

This Application is mandated by the specific Code requirement that a bar/lounge is only allowable in a CG by Special Exception, but as detailed herein and throughout the Application materials, the proposed Use is compatible with the existing shopping center uses, the neighborhood, and the Code requirements. We look forward to your favorable review and recommendation on our Application.

Please do not hesitate to contact me in the event you have any questions or require any further information to process the Application.

Regards,



Samuel A. Rubert

cc: Client