

# City of Port St. Lucie

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



## Meeting Agenda

Tuesday, June 4, 2024

6:00 PM

Council Chambers, City Hall

### Planning and Zoning Board

*Eric Reikenis, Chair, Term 1, Expires 1/1/2027*

*Peter Previte, Vice Chair, Term 1, Expires 1/1/2027*

*Melody Creese, Chair Pro-Tem, Term 1, Expires 1/1/2027*

*Jim Norton, At-Large, Term 1, Expires 1/1/2027*

*John "Jack" Doughney, At-Large, Term 1, Expires 1/1/2027*

*Greg Pettibon, At-Large, Term 1, Expires 1/1/2027*

*Peter Louis Spataro, At-Large, Term 1, Expires 1/1/2027*

*Rose Futch, Alternate, Term 1, Expires 1/1/2027*

*Regenia Herring, Alternate, Term 1, Expires 3/25/2027*

*Please visit [www.cityofpsl.com/tv](http://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**
  - 5.a Approval of Minutes - May 7, 2024 [2024-523](#)
6. **Consent Agenda**
7. **Public Hearings - Non Quasi-Judicial**
8. **Public Hearing - Quasi-Judicial**
  - 8.a P23-116 The Port District - Master Sign Program [2024-520](#)

Location: The project is located abutting the North Fork of the St. Lucie River on the west side of Westmoreland Boulevard, south of the intersection of Port St. Lucie Boulevard and Westmoreland Boulevard, and adjacent to the Port St. Lucie Botanical Gardens.

Legal Description: The South 452.00 feet of the North one-half (N ½) of Government Lot 8 of Section 10, Township 37 South, Range 40 East, lying East of the North fork of the St. Lucie River and West of the West right-of-way line of Westmoreland Boulevard, St. Lucie County, Florida. This is a request to create a master sign program for the Port District Planned Unit Development (PUD).
  - 8.b P23-196 Bush, Kevin D. & Nicole M. - Variance [2023-1150](#)

Location: South of SW Gatlin Boulevard, on the west side of SW Casella Street.

Legal Description: Port St Lucie Section 31, Block 1706, Lot 15

This is a request for a variance of 10.27 feet to allow a 14.73-foot setback from the rear property line for an existing multi-story building.
  - 8.c P24-053 Cottin, Gergory and Patricia - Rezoning [2024-526](#)

Location: 2722 and 2732 SW Fondura Road

Legal Description: Lots 18 and 19, Block 1708, Port St. Lucie Section 31

This request is for the rezoning of the 0.46-acre property from Single-Family Residential (RS-2) to Service Commercial (CS).

**8.d** P24-056 Florida Coast Medical & Surgical Center at Veranda -  
Variance

[2024-521](#)

Location: The south side of the intersection of SE Becker Road and SE Veranda Place, in the SE quadrant of the Florida Turnpike-Becker Road interchange.

Legal Description: Veranda Plat No. 8, Tract 1

This is a request for a variance from the St. Lucie Land PUD Conditions, outlined in Section 5 of the regulation book, to waive the requirement that the St. Lucie Lands Master Property Owners Association (POA) will be responsible for the architectural design control of the Hospital and the Medical Office Building.

**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  
2024-523

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**Agenda Date:** 6/4/2024

**Agenda Item No.:** 5.a

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Placement: Minutes

Action Requested: Motion / Vote

Approval of Minutes - May 7, 2024

Submitted By: Pat Shutt, Administrative Assistant, Planning & Zoning Department

Executive Summary: May 7, 2024 minutes attached.

Presentation Information: N/A

Staff Recommendation: Move that the Board approve the minutes.

Alternate Recommendations:

1. Move that the Board amend the recommendation and approve the minutes with changes.
2. Move that the Board not approve the minutes and provide staff direction.

Background: N/A

Issues/Analysis: N/A

Special Consideration: N/A

Location of Project: N/A

Attachments: May 7, 2024 minutes

**City of Port St. Lucie**  
**Planning and Zoning Board**  
**Meeting Minutes - Draft**

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

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Peter Louis Spatara, At-Large, Term 1, Expires 1/1/2027  
Rose Futch, Alternate, Term 1, Expires 1/1/2027  
Regenia Herring, Alternate, Term 1, Expires 3/25/2027

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**Tuesday, May 7, 2024**

**6:00 PM**

**Council Chambers, City Hall**

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**\*Addition of Item 8F\***

1. Meeting Called to Order

A Regular Meeting of the Planning and Zoning Board of the City of Port St. Lucie was called to order by Chair Reikenis at 6:00 PM on May 7, 2024, at Port St. Lucie City Hall, 121 SW Port St. Lucie Boulevard, Florida.

2. Roll Call

Members Present:

Eric Reikenis, Chair

Peter Previte, Vice Chair

Melody Creese, Chair Pro-Tem

John "Jack" Doughney

Jim Norton

Greg Pettibon

Peter Louis Spatara

3. Determination of a Quorum

Chair Reikenis determined there was a quorum.

4. Pledge of Allegiance

Chair Reikenis led the assembly in the Pledge of Allegiance.

5. Approval of Minutes

**5.a** Approval of Minutes - April 2, 2024 & Special Meeting April

[2024-429](#)

16, 2024

Board Member Norton moved to approve the Planning and Zoning Board minutes from April 2, 2024 and the Special Meeting April 16, 2024. Board Member Creese seconded the motion, which passed unanimously by voice vote.

6. Consent Agenda

There were no items on the Consent Agenda to approve.

7. Public Hearings - Non Quasi-Judicial

**7.a** P24-033 Rivella (fka Ravello) Development, LLC -  
Comprehensive Plan Amendment/Small -Scale

[2024-394](#)

Location: The property is located north of SE Morningside Boulevard and west of SE Westmoreland Boulevard.

Legal Description: Tract A of Tesoro Preserve Plat No. 4.

This is a request to amend the Future Land Use Designations for the parcel from General Commercial (CG), Limited Commercial (CL) and Low Density Residential (RL) to Medium Density Residential/Institutional (RM/I).

Noel Comeaux, Planning and Zoning, provided an overview of the Applicant's request to amend the Future Land Use of 7.11 acres from CG (General Commercial), CL (Limited Commercial), and Low Density Residential (RL) to RM/I (Medium Density Residential/Institutional. (Clerk's Note: A PowerPoint Presentation was shown at this time.) He explained the Comprehensive Plan Policy Findings and Trip Generation. Planner Comeaux added that Planning and Zoning Department staff found the petition to be consistent with the intent and direction of the City's Comprehensive Plan and recommended approval of the proposed Future Land Use Amendment for 7.11 acres from CG, CL, and RL to RM/I.

Vice Chair Previte asked about the approximate size of the conservation tract, to which Planner Comeaux stated it totaled approximately 200 acres. He inquired if the current Land Use allowed Assisted Living, to which Planner Comeaux responded in the affirmative and noted that it currently allowed 150 Units of Assisted Living. Vice Chair Previte asked if changing the Land Use would allow Independent Living. Planner Comeaux indicated that there was not any density change for the Land Use.

Board Member Creese inquired about the proposed units regarding the amendment before the Board, to which Planner Comeaux confirmed that the number of units would remain at 150 units.

Board Member Norton asked if a Drug Rehabilitative Facility could exist at

the facility, to which Mary Savage-Dunham, Planning and Zoning Department Director advised that was a prohibited use under the PUD (Planned Unit Development). Board Member Norton inquired if the only permitted uses were Assisted Living or Independent Living Facility, if approved by the Board, to which Director Savage-Dunham explained that the current PUD allowed for Assisted Living and Child Day Care facilities. She clarified that what the Board was being asked at tonight's meeting was to modify the Future Land Use only and the Applicant would later have to modify the PUD. Board Member Norton asked if there were any flooding issues known to the area, to which Director Savage-Dunham indicated that they do not analyze flooding concerns during the Future Land Use Application Process. She indicated that drainage would be reviewed during the Site Plan Review Process of the project. Board Member Norton inquired if there were currently any known flooding issues, to which Director Savage-Dunham responded in the negative. He asked if any of the land within the Application was protected by any State or Federal agency, to which Director Savage-Dunham responded in the negative. Board Member Norton inquired about the large reduction in trip generation with the change, to which Diana Spriggs, Assistant Public Works Director, explained that the large reduction in trips was in comparison to a Commercial site.

Chair Reikenis asked why there would be a reduction in trip generation with this change of Future Land Use from Commercial, to which Assistant Director Spriggs indicated that the trip generation numbers were from the ITE (Institute of Transportation Engineers) Manual based on the proposed Land Use.

Attorney Mike Ryan was present on behalf of the Applicant. He discussed the history of Parcel I of the PUD.

Board Member Norton inquired about the Notices sent to the Residents by the City and Attorney Ryan's Office, to which Director Savage-Dunham responded in the affirmative. She advised that the legal notice was sent by the City of Port St. Lucie to 112 residents. (Clerk's Note: At this time, there were various outbursts made from the audience members.)

Vice Chair Previte inquired where the 750-foot radius started to get to the 112 homes, to which Director Savage-Dunham indicated that the 750-foot radius started from all the sides of the property line. She explained that the service was provided through the City's GIS (Geographic Information System).

Chair Reikenis opened the Public Hearing.

Kevin Kestenbaum, 112 SE Via Visconti, spoke in opposition to the proposed amendment.

Jack Randall, 3245 Morningside Boulevard, spoke in opposition to the proposed amendment.

Sue Lawton, 1129 SE Oriental Avenue, spoke in opposition to the proposed amendment.

Charlie D'Agata, 2552 SE Morningside Boulevard, spoke in opposition to the proposed amendment.

David Lipps, 2777 SE Bluem Way, spoke in opposition to the proposed amendment. He stated he lived 725-feet from the property and noted that he did not receive a Notice from the City.

Tracy Rutzle, 2850 SE San Jeronimo Road, spoke in opposition to the proposed amendment and stated she did not receive the letters from the City. She added that she also owns 2861 SE San Jeronimo Road. Ms. Rutzle advised that she nor her tenants did not receive the letters from the City but did receive the letter from Attorney Ryan.

Vice Chair Previte inquired if the same list was used to generate the City letters and the Applicant's letter, to which Director Savage-Dunham responded in the affirmative and confirmed that the letter was sent to Ms. Rutzle.

Cecile Renna, 3205 SE Morningside Boulevard, spoke in opposition to the proposed amendment.

Giovanni Di Vaio, 1619 SE Shelburnie Way, spoke in opposition to the proposed amendment.

Roseann Mazjanis, 2861 SE Morningside Boulevard, spoke in opposition to the proposed amendment.

Cristiana Di Vaio, 1619 SE Shelburnie Avenue, spoke in opposition to the proposed amendment.

Elizabeth Suter, 2777 SE Bluem Way, spoke in opposition to the proposed amendment.

Karen Jawitz, 1432 SE San Sovina Terrace, pointed out the mistake made

on the date in the letter mailed out by Attorney Ryan and spoke in opposition to the proposed amendment.

Donna Rymer, 262 SE Via Visconti, spoke in opposition to the proposed amendment.

Mildred Ferrara, 2804 SE Treasure Island Road, spoke in opposition to the proposed amendment.

Abigail Levy, 3425 SE Sandpiper Circle, spoke in opposition to the proposed amendment.

Jayme (Clerk's Note: Resident wished to not disclose her last name), 2815 SE Treasure Island Road, spoke in opposition to the proposed amendment.

Patrick Hanlon, 117 SE Via Visconti, spoke in opposition to the proposed amendment.

Richard Robilotto, 256 SE Via Visconti, spoke in opposition to the proposed amendment.

Joyce Del Toro, 2880 SE San Jeronimo Road, spoke in opposition to the proposed amendment.

Thomas Ritter, 2793 SE Morningside Boulevard, spoke in opposition to the proposed amendment.

Thomas Tumminello, 177 SE Via Visconti, spoke in opposition to the proposed amendment.

Tim O'Shea, 2675 SE Morningside Boulevard, spoke in opposition to the proposed amendment.

Chair Reikenis closed the Public Hearing.

Board Member Norton asked for additional explanation on the density change, to which Director Savage-Dunham stated that medium density allowed up to 11 units per acre. She clarified that there was no increase in density in the proposed use. Director Savage-Dunham advised that Independent Living coincides with the RM.

Chair Reikenis asked the members of the public to refrain from interrupting.

Director Savage-Dunham explained that this property had a PUD which controls what kind of building could be placed on this property. She explained that the Applicant would still be required to request a change in the PUD. Director Savage-Dunham advised that during the PUD change process was when the Applicant would have to supply the City with a new traffic analysis. She explained that at tonight's meeting the Applicant was just requesting a change of the previous entitlement of 150 units of Assisted Living to 75 units of Assisted Living and 75 units of Senior Independent Living. Board Member Norton inquired if there would be additional units, to which Director Savage-Dunham responded in the negative.

Chair Reikenis advised that the Board would not be making the final decision on the matter and the City Council would make the final decision. Director Savage-Dunham indicated that the Board served as an Advisory Board to the City Council as they make the recommendation to them.

Board Member Creese inquired if a rezoning application would allow a drug rehabilitative facility without further approval, to which Director Savage-Dunham responded in the negative. She indicated that she had a copy of the PUD before her and she indicated that the current uses allowed for the area were Assisted Living Facilities and Child Daycare. She indicated the prohibited uses on Parcel I were nursing homes, convalescent homes, substance abuse rehab facilities, community residential homes, and group care homes. Director Savage-Dunham explained that when the PUD document comes to the Board and the City Council, it would be at that time that the uses would be amended.

Board Member Norton asked Director Savage-Dunham to repeat the prohibited uses of Parcel I, to which she reiterated the following were not allowed: nursing homes, convalescent homes, substance abuse rehab facilities, community residential homes, and group care homes.

Attorney Ryan advised that he made a mistake with the letter mailed to Resident's stating it was on Wednesday instead of Tuesday, May 7th, 2024. He added that he asked both Property Owner Associations to send out an email blast to the residents to correct his mistake. He explained that the element they were trying to change was to include Independent Living facilities and did not increase the number of units. Attorney Ryan noted that at most the building would be three stories high based on the City's code. He added that there would not be individual homes built in the area.

Vice Chair Previte encouraged folks to register on the City's website to

attain the agenda emailed to them directly.

Chair Reikenis inquired about the City's allowable height of the building, to which Director Savage-Dunham responded that the allowable height was 35-feet and stated that the PUD on the parcel governs the height.

Board Member Spatara stated there were conditions that could be set in the future. Board Member Spatara moved to recommend approve P24-033, Rivella (fka Ravello) Development, LLC, Comprehensive Plan Amendment/Small Scale, to the City Council. Vice Chair Previte seconded the motion, which passed (6-1) by roll call vote with Board Member Pettibon dissenting.

(Clerk's Note: At this time, there were various outbursts made from the audience members.)

Board Member Doughney asked Chair Reikenis to take a quick break.

A recess was called at 7:40 p.m., and the meeting resumed at 7:47 p.m.

## 8. Public Hearing - Quasi-Judicial

Deputy City Attorney Carly Fabien explained the Quasi-Judicial rules and procedures for Items 8.a through Item 8.f of the Agenda. The Deputy City Clerk swore in those individuals who intended to speak on the Quasi-Judicial items.

### 8.a P16-042-A2 Tradition Master Sign Program Amendment No.

[2024-428](#)

7

Location: The property is located west of I-95, east of Range Line Road, and south of Crosstown Parkway.

This is a request to amend the Tradition Master Sign Program to provide a comprehensive update of all signs within the Tradition, Southern Grove, and Western Grove Communities. The amendment also provides a content neutral master sign program and is better aligned with the current signage needs of the communities.

Chair Reikenis inquired if there was any ex-parte communication, to which the Board Members responded in the negative.

Daniel Robinson, Planning and Zoning, previously sworn, provided the Board with an overview of P16-042-A2, Tradition Master Sign Program Amendment No.7. (Clerk's Note: A PowerPoint Presentation was shown at this time.)

Steve Garrett, Lucido & Associates, previously sworn, represented the Applicant.

Chair Reikenis opened the Public Hearing. There being no comment, he closed the Public Hearing.

There being no discussion, Board Member Pettibon moved to recommend approval of P16-042-A2, Tradition Master Sign Program Amendment No.7, to the City Council. Board Member Doughney seconded the motion, which passed unanimously by voice vote.

**8.b** P00-221-A1 St. Lucie West Master Sign Program 5th Amendment [2024-404](#)

Location: The project is located north of Crosstown Parkway west the Florida Turnpike and east of I-95.

Legal Description: SLW Plat No. 178

This is a request to amend The St Lucie West Master Sign Program.

This 5th amendment is to bring the program in line with modern signage standards and desires. The proposed program will govern both existing and future residential and commercial signs, including those for the St. Lucie West Community.

Daniel Robinson, Planning and Zoning, previously sworn, provided the Board with an overview of P00-221-A1, St. Lucie West Master Sign Program 5th Amendment. (Clerk’s Note: A PowerPoint Presentation was shown at this time.)

Chair Reikenis inquired if there was any ex-parte communication, to which the Board Members responded in the negative.

Board Member Doughney disclosed that he was the Chairman of the St. Lucie West Services District. He advised that their Board maintains all monument signs within the DRI (Development of Regional Impact) but added that they were not associated with the Commercial District. Planner Robinson added that the Applicant was available via Zoom. There was no presentation presented to the Board by the Applicant, who appeared virtually.

Chair Reikenis opened the Public Hearing. There being no comment, he closed the Public Hearing.

There being no discussion, Board Member Norton moved to recommend approval to P00-221-A1, St. Lucie West Master Sign Program 5th Amendment, the City Council. Board Member Pettibon seconded the motion, which passed unanimously by voice vote.

**8.c** P23-194 Southern Grove - Baron Shoppes Tradition-Cell Tower (PCW Holdings LLC) - Special Exception Use [2024-442](#)

Location: The property is located at 10870 SW Tradition Parkway,

south of SW Tradition Parkway, west of SW Village Commons, and east of SW Community Boulevard.

Legal Description: Southern Grove Plat No. 28, Parcel 3

This is a request for a special exception to allow a 150-foot-tall monopole tower in the Master Planned Unit Development (MPUD) Zoning District, with a Mixed Use Area designation, per Section 2.C.1. of the Southern Grove MPUD Regulation Book and Section 158.213 of the Zoning Code.

Chair Reikenis inquired if there was any ex-parte communication, to which the Board Members responded in the negative.

Deputy City Attorney Carly Fabien reminded the Board of Section 704 of the Telecommunication Act of 1996, preempts Local Government Authority on “personal wireless service facilities” and governs Federal/State and Local review of siting of “personal wireless service” facilities, which include mobile services. She added that nothing limits the Local Government over decisions regarding the placement, construction modification of personal wireless service facilities; however, there was limitations such as a Local Government regulating the placement, construction, or modification of a personal wireless service based on direct or indirect environmental effects of radiofrequency emissions. Attorney Fabien explained that the Board may not decide with respect to the proposed SEU (Special Exception Use) based on any evidence relating to direct or indirect environmental or health concerns posed by radiofrequency emissions and should disregard any evidence proposed by any party to this proceeding relating to such matters when evaluating SEU criteria.

Bethany Grubbs, Planning and Zoning, previously sworn, provided an overview of P23-194, Southern Grove, Baron Shoppes Tradition, Cell Tower (PCW Holdings LLC), Special Exception Use Application. (Clerk’s Note: A PowerPoint Presentation was shown at this time.)

Board Member Norton inquired about the terminology used to define “interference” and asked about the requirement for the \$15,000 bond, to which Ms. Grubbs stated she would get back to the Board regarding the definition of “interference” and confirmed the bond amount was based on the tower height.

Board Member Spatara expressed concern about the maintenance of the property, he questioned whether quarterly maintenance would be enough. Tim Mowry, RedTail, previously sworn, represented the Applicant and provided the Board with a brief overview of the SEU application. (Clerk’s Note: A PowerPoint Presentation was shown at this time.)

Planner Grubbs gave the Board the explanation for the definition of “interference”.

Chair Reikenis opened the Public Hearing. There being no comment, he closed the Public Hearing.

There being no further comments, Board Member Spatara moved to recommend approval of P23-194, Southern Grove, Baron Shoppes Tradition, Cell Tower (PCW Holdings LLC), Special Exception Use Application, to the City Council. Board Member Norton seconded the motion, which passed unanimously by voice vote.

Attorney Fabien noted that it was public law 104.104 but was more so commonly cited as the Telecommunication Act of 1996, Section 704.

**8.d** P24-026 Freese, James - Rezoning

[2024-327](#)

Location: South of SW Gatlin Boulevard, on the west side of SW Casella Street.

Legal Description: Port St. Lucie Section 31, Block 1706, Lot 12

This is a request to rezone from Single Family Residential (RS-2) to Service Commercial (CS) zoning district.

Chair Reikenis inquired if there was any ex-parte communication, to which the Board Members responded in the negative.

Bianca Lee, Planning and Zoning, previously sworn, provided the Board with an overview of P24-026, James Freese, Rezoning Application.

Board Member Norton asked if this was a part of the conversion area the City was working on, to which Planner Lee responded in the affirmative. He asked if there was need for cross access, to which Planner Lee stated there would be a Site Plan forthcoming.

The Applicant James Freese was present and provided a brief description of his request.

Chair Reikenis opened the Public Hearing. There being no comment, Chair Reikenis closed the Public Hearing.

There being no discussion, Board Member Norton moved to recommend approval of P24-026, James Freese, Rezoning, to the City Council. Board Member Pettibon seconded the motion, which passed unanimously by voice vote.

**8.e** P24-040 The Marketplace - Crunch Fitness - Special Exception Use

[2024-432](#)

Location: Southeast of the intersection of U.S. Highway 1 and SE Jennings Road.

Legal Description: The Marketplace Lot D - Less First Replat in The Marketplace

The request is for approval of a Special Exception Use (SEU) to allow an enclosed assembly area over 3,000 square feet in the General Commercial (CG) zoning district per Section 158.124(C)(1) of the Code of Ordinances.

Chair Reikenis inquired if there was any ex-parte communication, to which the Board Members responded in the negative.

Planner Grubbs, previously sworn, provided the Board with an overview of P24-040, The Marketplace, Crunch Fitness, Special Exception Use Application.

Tim Mowry, RedTail, previously sworn, represented the Applicant and provided the Board with a brief overview of the SEU Application.

Justin Pannucci, Vice President of Operations for Crunch Fitness, previously sworn, discussed their SEU Application.

Board Member Norton inquired about the hours of operation, to which Mr. Pannucci responded that they were normally Monday through Friday 5 a.m. to 11 p.m. and Saturday and Sunday 7 a.m. to 7 p.m. depending on the requirements or request of the community.

Board Member Norton asked if there was a difference between retention and detention ponds, to which Planner Grubbs indicated there was a difference. Board Member Norton added he would research the matter on his own.

Chair Reikenis opened the Public Hearing. There being no comment, Chair Reikenis closed the Public Hearing.

There being no further comment, Board Member Spatara moved to recommend approval of P24-040, The Marketplace, Crunch Fitness, Special Exception Use, to the City Council. Board Member Creese seconded the motion, which passed unanimously by voice vote.

**8.f** P22-311 Riverland/Kennedy DRI Parcel E - Master Planned  
Unit Development (MPUD) Application

[2024-305](#)

Location: The property is located north of Marshall Parkway, south of Discovery Way, east of Range Line Road, and west of N/S A.

Legal Description: The property is legally described as a parcel of land lying within Sections 18 and 19, Township 37 South, Range 39 East, St.

Lucie County, Florida.

This is a request for a rezoning of 658.21 acres from St. Lucie County AG-5 to an MPUD to allow 2,061 age restricted dwelling units.

Chair Reikenis inquired if there was any ex-parte communication, to which the Board Members responded in the negative.

Planner Robinson, previously sworn, provided the Board with an overview of P22-311, Riverland/Kennedy DRI Parcel E, Master Planned Unit Development (MPUD) Application. (Clerk's Note: A PowerPoint Presentation was shown at this time.)

Vice Chair Previte asked about the Project Description and noted there were various changes that did not coincide with City Code, to which Planner Robinson stated that would be up to the Board to approve tonight to allow these changes. Vice Chair Previte pointed out there were many requests different than what was allowed under the City's Code, to which Director Savage-Dunham indicated that MPUD and PUD main functions were for the Developers to explain the parameters that they would want to develop under. She added it was not uncommon for them to typically have a long list of deviations from the City's Code.

Board Member Norton asked if the parcel was a part of GL Homes Valencia area, to which Planner Robinson confirmed it was a part of Riverland. He inquired if it was consistent with what was being done at Valencia, to which Planner Robinson responded in the affirmative.

Board Member Norton and Board Member Creese discussed the number of units regarding the construction phases at Valencia.

Board Member Norton disclosed he lived in Valencia.

Azlina Goldstein, GL Homes, previously sworn and represented the Applicant. She discussed their request for P22-311, Riverland/Kennedy DRI Parcel E, Master Planned Unit Development (MPUD), Rezoning Application. (Clerk's Note: A PowerPoint Presentation was shown at this time.) She discussed the various roadway networks that their development would be obligated to build.

Board Member Norton inquired how the residents would enter the development without building Discovery Way until there was 33% build-out, to which Ms. Goldstein advised there would be a main entry through NSA road. She clarified that the main access into the project would be constructed. He asked if there would be construction access through Discovery Way, to which Ms. Goldstein advised there would be

emergency and temporary access points to facilitate construction prior to the first building permit being issued. Board Member Norton questioned if the homes would be apartments or homes for sale, to which Ms. Goldstein responded that there would be 261 combination homes of single family detached homes, paired villas and townhomes. He inquired if these homes would be sold or rented, to which she responded they would be up for sale. Board Member Norton asked about the paseo, to which Ms. Goldstein advised that the paseo ends at NSA road.

Kevin Ratterree, Vice President of GL Homes, advised that there would be an overpass that connects Parcel E to the paseo and confirmed that the paseo would not continue into Parcel E. He explained there would be a connection, an overpass, but there would not be a continuation of the paseo.

Board Member Creese asked if NSA was currently developed between Valencia Grove and Parcel E, to which Ms. Goldstein confirmed it was currently being constructed for Parcel D, Valencia Parc. She inquired if there was access from Discovery Way to NSA currently, to which Ms. Goldstein advised that was currently under construction.

Vice Chair Previte inquired what was the expected construction timeline for the continuation of Discovery to Rangeline, to which Ms. Goldstein advised that would be included in the Parcel E MPUD. He discussed the timeline for the build-out to Rangeline and expressed concern regarding the timeline of the construction of Community to Paar Road and connecting to Becker Road.

Chair Reikenis opened the Public Hearing. There being no comment, Chair Reikenis closed the Public Hearing.

Board Member Norton moved to recommend approval of P22-311, Riverland/Kennedy DRI Parcel E, Master Planned Unit Development (MPUD) Application, to the City Council. Board Member Pettibon seconded the motion. Under discussion, Board Member Norton inquired what trip triggered the widening of the roadway, to which Assistant Director Spriggs indicated that it would occur at 6,305 trips. She stated currently they were a bit over the 2,000-trip count. Board Member Norton asked if Police and Fire Rescue can provide coverage for this development, to which Planner Robinson added that was reviewed under the Site Plan Review Committee. Board Member Norton inquired what were the triggers to add signalization of Roadways, to which Assistant Director Spriggs added that they would look at the amount of trips within the intersections and then a signal warranted analysis would be conducted. She added that it was the

responsibility of the developers. He expressed concern for the future need of signalization at those intersections as the development continues to grow. There being no further discussion, the motion passed unanimously by voice vote.

9. New Business

There was nothing scheduled under this portion of the Agenda.

10. Old Business

Chair Reikenis discussed the change in voting structure at tonight's meeting based on the Board's feedback.

11. Public to be Heard

There were no comments from the public.

12. Adjourn

There being no further business, the meeting adjourned at 9:17 PM.

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Eric Reikenis, Chair

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Daisy Ruiz, Deputy City Clerk



Agenda Summary  
2024-520

**Agenda Date:** 6/4/2024

**Agenda Item No.:** 8.a

Placement: Public Hearing - Quasi Judicial

Action Requested: Motion / Vote

**P23-116 The Port District - Master Sign Program**

Location: The project is located abutting the North Fork of the St. Lucie River on the west side of Westmoreland Boulevard, south of the intersection of Port St. Lucie Boulevard and Westmoreland Boulevard, and adjacent to the Port St. Lucie Botanical Gardens.

Legal Description: The South 452.00 feet of the North one-half (N ½) of Government Lot 8 of Section 10, Township 37 South, Range 40 East, lying East of the North fork of the St. Lucie River and West of the West right-of-way line of Westmoreland Boulevard, St. Lucie County, Florida.

This is a request to create a master sign program for the Port District Planned Unit Development (PUD).

Submitted By: Bethany Grubbs, Planner III

Executive Summary: This is a city-initiated request to create a master sign program for the Port District Planned Unit Development (PUD). This Master Sign Program establishes comprehensive signage regulations for the Port District Planned Unit Development (PUD), formerly known as Riverwalk South PUD.

Presentation Information: Staff will provide a presentation.

Staff Recommendation: Move that the Board recommend approval of the master sign program.

Alternate Recommendations:

1. Move that the Board amend the recommendation and recommend approval of the master sign program.
2. Move that the Board recommend denial of the master sign program and provide staff direction.

Background: The Site Plan Review Committee (SPRC) recommended approval of the master sign program at their September 13, 2023 meeting. The Port District is a mixed-use development designed to provide restaurants, recreation, historic preservation, civic, cultural, and entertainment uses. The project site is 9.75 acres abutting the North Fork of the St. Lucie River and located on the west side of Westmoreland Boulevard, south of the intersection of Port St. Lucie Boulevard and Westmoreland Boulevard, and adjacent to the Port St. Lucie Botanical Gardens.

Issues/Analysis: The Port District’s mixed-use nature and multiple destinations necessitate a deviation from the standard signage regulations, which limit ground signs to one per street frontage. Given that the development has a single property frontage on Westmoreland Boulevard, the existing regulation allowing only one ground sign is insufficient. The development comprises several distinct subdistricts, including the Historic

Home and Lodge, Pioneer Park, the River Food Garden, the Board Walk, the Event Lawn, and the Overwater Stage. Each of these subdistricts requires distinct signage to ensure proper identification. To address this, the proposed signage plan includes the installation of secondary monument signs at the entrances of each subdistrict. These subdistricts include the Historic Home and Lodge, Pioneer Park, the River Food Garden, the Board Walk, the Event Lawn, and the Overwater Stage. Additionally, the Port District functions as an important gateway, with key access points including Pioneer Park, the Botanical Gardens, Veterans Memorial Parkway, and Lyngate Drive. Gateway signs at these access points will facilitate navigation for visitors entering the park.

See the attached staff report for the full analysis.

**Special Consideration:** All signs addressed within this program, prior to permit application submittal to the City of Port St. Lucie, must be approved in writing by the City of Port St. Lucie Community Redevelopment Agency (CRA). A letter of approval from the City of Port St. Lucie CRA must be submitted with the permit application to the City of Port St. Lucie. The CRA will review signs based on the criteria that follow. The sign guidelines in this manual supersede the City of Port St. Lucie Land Development Regulations and the Port District PUD. Existing city codes shall be used for sign criteria not addressed in this program.

**Location of Project:** The project is located abutting the North Fork of the St. Lucie River and located on the west side of Westmoreland Boulevard, south of the intersection of Port St. Lucie Boulevard and Westmoreland Boulevard, and adjacent to the Port St. Lucie Botanical Gardens.

**Attachments:**

1. Staff Report
2. Exhibit "A" - Master Sign Program
3. Exhibit "B" - Comparison Chart
4. Warranty Deed
5. Staff Presentation



**The Port District  
 Master Sign Program Application  
 P23-116**



**Project Location Map**

**SUMMARY**

Applicant's Request:	This is a request to create a master sign program for the Port District PUD.
Applicant:	City of Port St. Lucie, Community Redevelopment Agency (CRA)
Property Owner:	City of Port St. Lucie
Location:	The project is located abutting the North Fork of the St. Lucie River and on the west side of Westmoreland Boulevard, south of the intersection of Port St. Lucie Boulevard and Westmoreland Boulevard, and adjacent to the Port St. Lucie Botanical Gardens.
Project Planner:	Bethany Grubbs, Planner III

**Project Description**

This is a city-initiated request to create a master sign program for the Port District Planned Unit Development (PUD). This Master Sign Program establishes comprehensive signage regulations for the Port District Planned Unit Development (PUD), formerly known as Riverwalk South PUD. The Port District Master Sign Program provides for high-quality, aesthetically pleasing, and functional signs, that support the overall vision for the Port District as a vibrant and harmonious community hub. The proposed Master Sign Program is attached as Exhibit "A".

**Location and Site Information**

Parcel ID	4410-413-0001-000-6
Property Size:	9.75 acres
Legal Description:	See Warranty Deed
Future Land Use:	OSC (Open Space Conservation), OSP (Open Space Preservation), CG (Commercial General), CH (Commercial Highway), ROI (Residential, Office, Institutional)
Existing Zoning:	PUD (Planned Unit Development), OSC (Open Space Conservation)
Existing Use:	Preserve, historic lodge and house, under construction playground, future restaurant site.

**Surrounding Uses**

Direction	Land Use	Zoning	Existing Use
North	OSR/OSP	OSR/OSC	City of Port St. Lucie Botanical Gardens
South	RM	PUD	The Anchorage condominiums
East	RL	RS-2	Single-family residences
West	OSP	OSC	North Fork of the St. Lucie River

OSC (Open Space Conservation), OSP (Open Space Preservation), OSR (Open Space Recreation), RM (Residential Medium Density), FL (Residential Low Density), PUD (Planned Unit Development), RS-2 (Residential, Single-Family)

**Background**

The Port District is a mixed-use development designed to provide restaurants, recreation, historic preservation, civic, cultural, and entertainment uses. The project site is 9.75 acres abutting the North Fork of the St. Lucie River and located on the west side of Westmoreland Boulevard, south of the intersection of Port St. Lucie Boulevard and Westmoreland Boulevard, and adjacent to the Port St. Lucie Botanical Gardens.

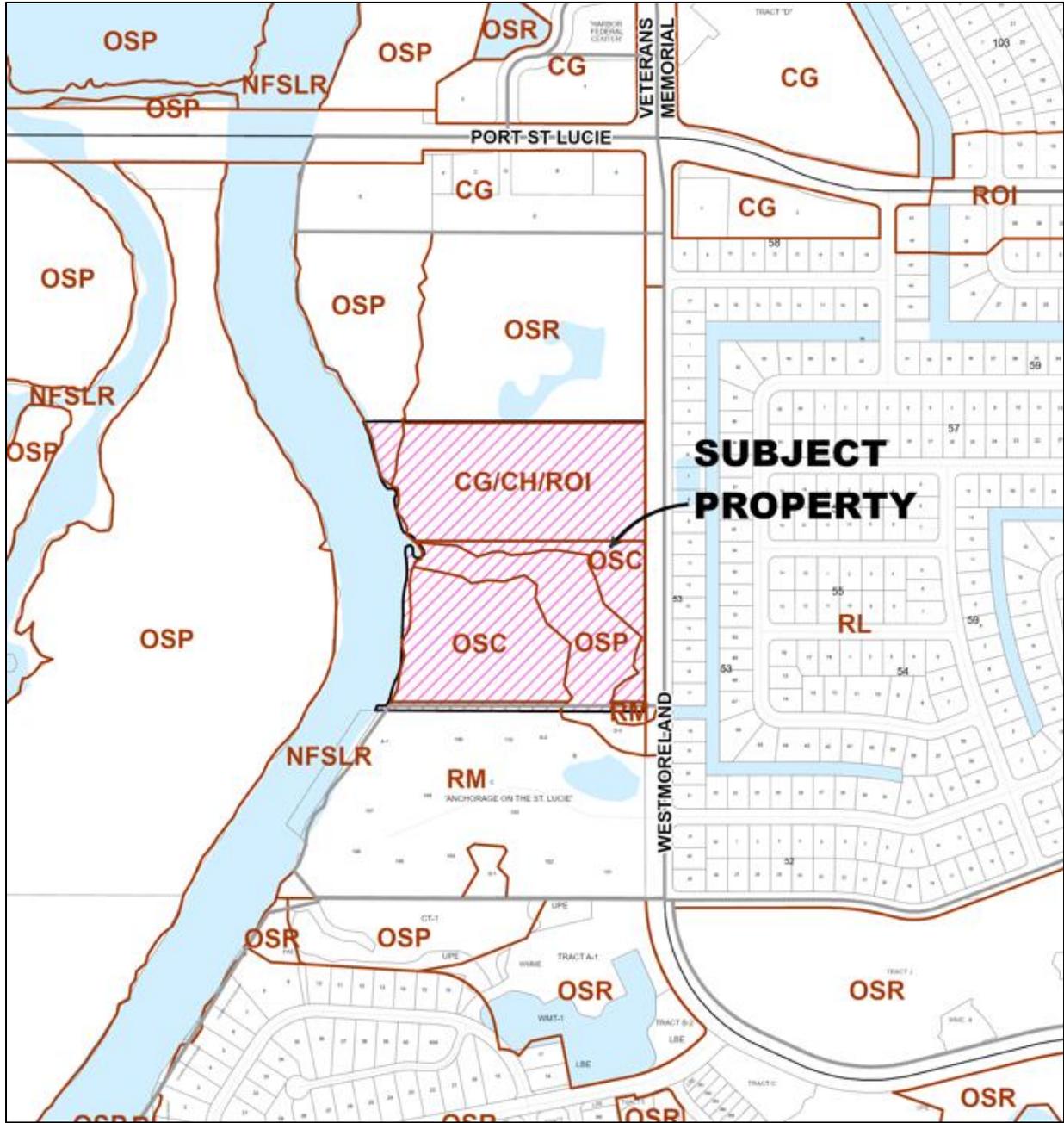
**Project Analysis**

A detailed comparison to the City Code (attached as Exhibit "B") highlights the ways in which the master sign program differs from the City’s Sign Code requirements. Key areas of enhancement include higher quality materials, more stringent design criteria, greater flexibility in sign placement, and the incorporation of advanced technologies. These enhancements are intended to provide a superior signage experience that benefits the visitors to the Port District.

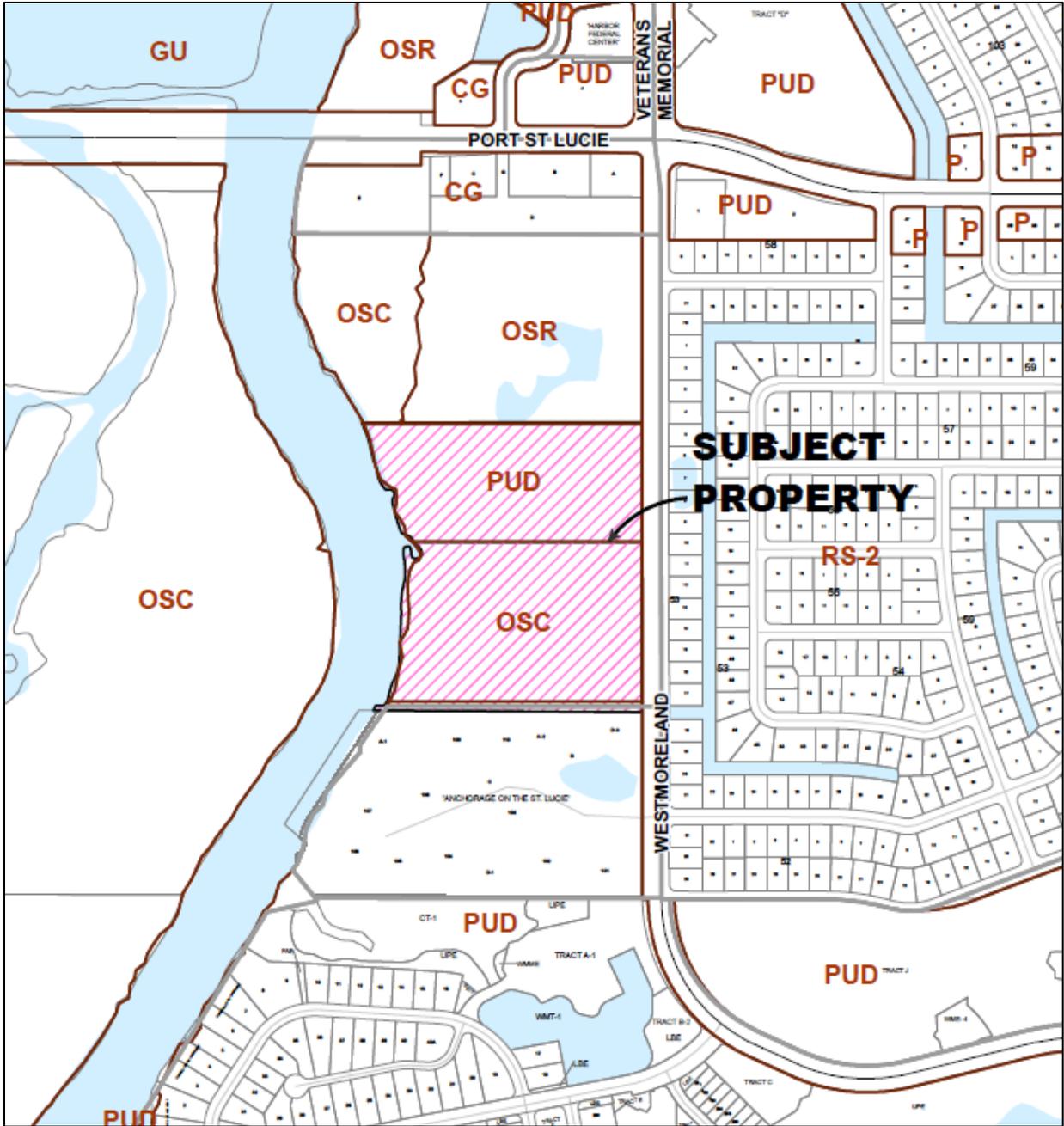
Section 155.03(H) of the Code of Ordinances allows a developer of a project or development containing at least two (2) acres to have the option of submitting a master sign program for the total project, or for specified phases within the total project. As described in subsection (H)(5), the master sign program may include modifications to standard sign regulations:

- a. The proposed modifications are consistent with the purpose and intent of this chapter;
- b. The master sign program incorporates designs which are consistent with accepted principles of street graphics, including consideration of sign placement, size, shape, proportion, lettering, color, and overall relation to the overall project and adjacent properties;
- c. The design concepts employed reflect unified design concepts harmonious with the overall project and adjacent properties; and
- d. The proposed variations are not detrimental to public property or the health, safety and welfare of the general public.

The Port District's mixed-use nature and multiple destinations necessitate a deviation from the standard signage regulations, which limit ground signs to one per street frontage. Given that the development has a single property frontage on Westmoreland Boulevard, the existing regulation allowing only one ground sign is insufficient. The development comprises several distinct subdistricts, including the Historic Home and Lodge, Pioneer Park, the River Food Garden, the Board Walk, the Event Lawn, and the Overwater Stage. Each of these subdistricts requires distinct signage to ensure proper identification. To address this, the proposed signage plan includes the installation of secondary monument signs at the entrances of each subdistrict. These subdistricts include the Historic Home and Lodge, Pioneer Park, the River Food Garden, the Board Walk, the Event Lawn, and the Overwater Stage. Additionally, the Port District functions as an important gateway, with key access points including Pioneer Park, the Botanical Gardens, Veterans Memorial Parkway, and Lyngate Drive. Gateway signs at these access points will facilitate navigation for visitors entering the park.



Future Land Use



Zoning Map

## **STAFF RECOMMENDATION**

Staff does find the proposed Master Sign Program to be consistent with the City's Land Development Regulations outlined in Section 155.03(H) of the Code of Ordinances.

## **PLANNING AND ZONING BOARD ACTION OPTIONS**

- o Motion to recommend approval
- o Motion to recommend approval with conditions
- o Motion to recommend denial

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

# Exhibit "A"

## The Port District MASTER SIGN PROGRAM

City of Port St. Lucie



XXX xx, 2024, P23-116 (Ord. 24-XX)

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## **Introduction**

This Master Sign Program provides comprehensive signage regulation within the Port District Planned Unit Development (PUD), formerly known as Riverwalk South PUD. The purpose of the Port District Master Sign Program is to establish a structural framework for the provision of a coherent system of signs in conjunction with the development of the Port District. The Master Signage Plan has two major goals: providing high-quality signs for all developments within the Port District and providing signs that are complimentary to the natural riverfront setting.

The Port District is a mixed-use development designed to provide restaurants, recreation, historic preservation, civic, cultural, and entertainment uses. The project site is 9.75 acres abutting the North Fork of the St. Lucie River and located on the west side of Westmoreland Boulevard, south of the intersection of Port St. Lucie Boulevard and Westmoreland Boulevard, and adjacent to the Port St. Lucie Botanical Gardens.

## **Procedure**

All signs addressed within this program, prior to permit application submittal to the City of Port St. Lucie, must be approved in writing by the City of Port St. Lucie Community Redevelopment Agency (CRA). A letter of approval from the City of Port St. Lucie CRA must be submitted with the permit application to the City of Port St. Lucie. The CRA will review signs based on the criteria that follow.

The sign guidelines in this manual supersede the City of Port St. Lucie Land Development Regulations and the Port District PUD. Existing city codes shall be used for sign criteria not addressed in this program.

## **General Requirements**

### Utility Setbacks:

All structures, including signs, shall be installed at a minimum of 10 feet horizontally from all utility main lines (water, gravity, sewer, force, and City-owned reclaimed water). The 10-foot horizontal setback shall be measured from the outside edge of the pipe to the nearest point of the structure, including underground (footers for example) or above-ground (roof overhangs for example) features. Single or double post community directional and/or informative signs occurring within the private right-of-way may encroach within these setbacks with Utility Department approval. Utility mains installed between structures shall have a 15-foot setback on each side. Where deep main lines are installed (those greater than 9 feet deep) between structures, the Utility Department may require an additional horizontal setback at their discretion.

### Sign Location and Setbacks:

Signs will be setback a minimum of 10 ft from all rights-of-ways and property lines with the exception of those signs specifically designed to occur within road rights-of-way. Signs located within the road rights-of-way will require approval from the Public Works Department.

## Definitions

### Sign Area Calculations:

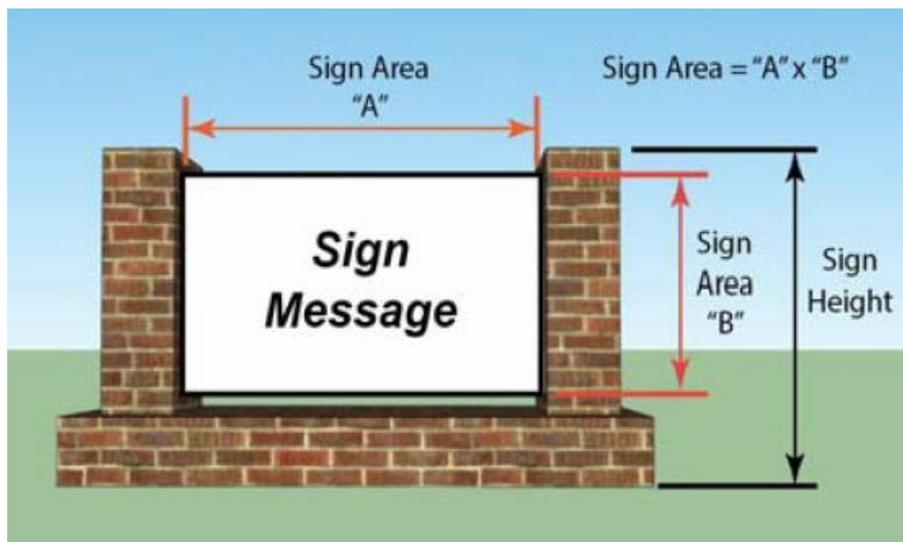
The “allowable sign area” shall include the area within a continuous perimeter enclosing the limits of writing, representation, emblem, or any figure or similar character, together with any frame or other material or color forming an integral part of the display or used to differentiate this sign from the background against which it is placed, excluding the necessary supports or uprights on which this sign is placed.

### Size:

The dimensions indicated within the following sign-type charts are intended to convey a general size range for the sign including all posts, supports, etc. necessary for the sign element. Signs may not exceed these dimensions or allowable sign areas.

### Height:

All signs are limited to both placement height (façade signs) and overall height per each sign design criteria listed within this document. The dimensions used under the “height” category are measured from the grade immediately in front of the structure to which the sign letters are attached and shall include the structural architectural features up to the top of the sign. The maximum height described within each section shall not be exceeded.



(In the above example, the sign face area is calculated as the total square feet within the white box framing the letters and does not include the colored area outside the white box”.

## Prohibited Sign Materials

- Exposed plywood
- Unpainted galvanized sheet metal
- Fluorescent lit signs
- Vacuum formed plastic

## Signs for Development

Throughout the Port District, development is encouraged to provide signs that identify the project while echoing the character and materials of the district. The following pages detail the sign types.

### Primary Monument Sign

One (1) primary monument sign shall be located at the southwest quadrant of the intersection of Westmoreland Boulevard and the internal driveway entrance to the development. The sign may consist of a single electric message sign featuring text messages and high-powered graphic images in either monochrome or full color. The electric message sign portion of the sign may be a maximum of 100 square feet and is for city use and informational purposes. Off-premises digital signs may be internally or externally illuminated. Off-premises, digital signs shall not be illuminated in such a manner to cause glare or impair the vision of motorists, or otherwise distract motorists so as to interfere with the motorists' ability to safely operate their vehicles. Otherwise, all off-premises digital billboard signs shall comply with the lighting requirements of the State of Florida, including Ch. 479, Florida Statutes, and Rule 14.10, Florida Administrative Code. The monument sign may also include a maximum of 100 square foot area of non-electric message sign. This non-electric section shall be for the Port District tenant use. The Port District tenants are defined as businesses and city amenities located within the Port District PUD. The sign may be a maximum of 30 feet in height.

### Secondary Monument Signs

As per the approved master plan, monument signs shall be permitted at each subdistrict within the development. These subdistricts are comprised of Pioneer Park, the Boardwalk, the Historic Homes, the River Food Garden, the overwater stage, and the event lawn. The lettering style shall be the same as exhibited on the primary monument sign. The signage shall be non-LED and no more than 50 square feet on each side.

### Gateway Signs

A freestanding archway structure will be located adjacent to Pioneer Park, the Botanical Gardens, Veterans Memorial Parkway, and Lyngate Drive site entryways for the purpose of placemaking to welcome people to the district. The archways will be approximately 21 feet wide by 16 feet high. A 30-square-foot sign will be centered at the top of each archway.

### Wayfinding Signs

A network of tools such as identification signs, directional signs, maps, graphics, and directories. It also considers existing visual cues such as entrances, pathways, and landmarks. These signs shall not exceed 10 square feet in area.

### Directional Signs

A sign whose message is exclusively limited to guiding the circulation of motorists or pedestrians on the site, such as enter, exit, and one-way. These signs shall not exceed 10 square feet in area.

### Banner signs

There are banners attached to streetlights throughout the district. The banners may be attached to light poles, but no more than 50% of the streetlights can have them. The allowable sign area shall be 6 SF per face/side and does not represent the element the banner is attached to.

### Projected Blade Signs and/or Blade Signs Hanging from a Structure

Blade signs located in the Port District buildings shall follow the following regulations. Each sign may be a maximum of 25 square feet. Blade signs shall provide at least 8' vertical clearance from the sidewalk grade. Signs shall not project more than 5' from the building face. Each tenant may have one blade sign per business bay for pedestrian visibility. A 96-square-foot double-face sign is permitted to be suspended below the eave of the overwater stage.

### Temporary Signs

A temporary banner sign advertising the business may be permitted while a permanent sign permit is being sought. Feather flags to be allowed.

### Façade Signs

Wall signs shall not protrude more than 12 inches from the building's face. The area of the wall sign shall be a maximum of 500 square feet. Wall signs shall not project above the top of a wall or parapet. Wall signs may be hung, affixed, or painted onto a building. Wall signs shall not obscure the building's architectural features and rather should complement them and be appropriate for the building or business character. Lighting for wall signs shall be designed and installed according to the lighting requirements of these regulations.

### Awareness Signs

Signs should be placed in prominent locations that are easily viewable to individuals. Signs may be placed in kiosks near public entrances to facilities or waterways. Sign material and size shall be in accordance with the requirements of the Florida Fish and Wildlife Commission. To the greatest extent possible, the signage shall be aesthetically aligned with the natural theme of the Port District.

### Educational Signs

Signs such as those that highlight specific trees, paths, flowers, or other elements of the natural environment. These signs shall not exceed 15 square feet in area. These signs shall not exceed 10 square feet in area.

**The Port District  
Master Sign Program**

<b>Sign Type:</b>	<b>Location:</b>	<b>Number Allowed:</b>	<b>Max. Height</b>	<b>Allowable Sign Area:</b>	<b>Lighting:</b>
<b>Primary Monument sign</b>	Westmorland Boulevard	One (1)	30'	Electric message portion: 100 SF  Monument base: 100 SF  May have two faces.	Internal and/or External
<b>Secondary Monument Signs</b>	At entrances to each sub-district.	As per the master plan one per sub-district entrance. <ul style="list-style-type: none"> <li>• Historic Homes</li> <li>• Pioneer Park</li> <li>• River Food Garden</li> <li>• Boardwalk</li> <li>• Overwater stage</li> <li>• Event lawn</li> </ul>	13'	50 SF (per face)  May have two faces.	Internal and/or External
<b>Gateway Signs</b>	At the entry of the Port District access points. <ul style="list-style-type: none"> <li>• Pioneer Park</li> <li>• Botanical Gardens</li> <li>• Veterans Memorial Parkway</li> <li>• Lyngate Drive</li> </ul>	Four (4)	20'	30 SF sign area at the top of the archway	Internal and/or External
<b>Wayfinding Sign</b>	Within the Port District.	At the discretion of the CRA.	15'	10 SF	Internal and/or External
<b>Directional Sign</b>	Within the Port District.	At the discretion of the CRA.	15'	10 SF	Internal and/or External
<b>Blade Signs</b>	Above entry doors or adjacent to the front entrance.	One (1) per business	Minimum height clearance to sidewalk grade: 8'  May not project more than 5' from the building face.	25 SF	Internal and/or External
<b>Banner Sign</b>	Within the Port District and may be used for community events, holidays, and social messages.	At the discretion of the CRA.	3'	6 SF (per face)	External
<b>Temporary Signs</b>	Generally in front of the specific business being advertised.	One (1) per business  A temporary banner sign	Not to extend the roofline or 20', whichever is greater.	60 SF	Non-illuminated

		advertising the business may be permitted while a permanent sign permit is being sought.			
<b>Building Mounted Façade Sign (building size less than 1,600 SF)</b>	River Food Garden Located on the front, rear and/or side building façades depending upon store location.	One (1) per business façade/section of a façade.	Not extend above the roofline.  Single story: 18" letter height  Not extend more than 12 inches from the wall.	200 SF	Internal and/or External
<b>Building Mounted Façade Sign (building 1,601 SF to 5,000 SF)</b>	Historic Homes Located on the front, rear and/or side building façades depending upon store location.	N/A	N/A	N/A	N/A
<b>Building Mounted Façade Sign (building 5,001 SF or greater)</b>	Main Restaurant Located on the front, rear and/or side building façades depending upon store location.	Two (2) per business façade/section of a façade.	Not extend above the roofline.  Single story: 18" letter height  Two story: 30" Three story: 36"  Not extend more than 12 inches from the wall.	500 SF	Internal and/or External
<b>Awareness Signs</b>	Waterways and wildlife areas.	At the discretion of the CRA.	N/A	N/A	Non-illuminated
<b>Educational Signs</b>	Within the Port District.	At the discretion of the CRA.	10'	10 SF	Internal and/or External

# LAND DEVELOPMENT CODE COMPARISON CHART

Sign Type as per MSP	Proposed MSP			City Sign Code				
	Location	Requirements	Number of signs	City sign type if applicable	Location	Requirements	Number of signs	Location of requirements
Primary Monument Sign	Westmorland Boulevard	Electric message portion: 100 SF  Monument base: 100 SF  May have two faces	One (1)	Freestanding Signs	Adjacent to roadway(s) on each individual property.	Not to exceed 100 Sq. Ft.	One per street frontage.	Sec 155.08.(a-x)
Secondary Monument Sign	At entrances to each sub-district.	50 SF (per face)  May have two faces.	As per the master plan one per sub-district entrance. <ul style="list-style-type: none"> <li>• Historic Home &amp; Lodge</li> <li>• Pioneer Park</li> <li>• River Food Garden</li> <li>• Boardwalk</li> <li>• Overwater stage</li> <li>• Event lawn</li> </ul>	N/A	N/A	N/A	N/A	N/A
Gateway Sign	At the entry of the Port District access points. <ul style="list-style-type: none"> <li>• Pioneer Park</li> <li>• Botanical Gardens</li> <li>• Veterans Memorial Parkway</li> <li>• Lyngate Drive</li> </ul>	30 SF sign area at the top of the archway	Four (4)	N/A	N/A	N/A	N/A	N/A

AFTER RECORDING PLEASE RETURN TO  
Timothy A. Burleigh  
2905 Corinthian Avenue, Suite 6  
Jacksonville, Florida 32210

This Instrument Prepared By:  
Peter Fodor  
The Trust for Public Land  
306 North Monroe Street  
Tallahassee, Florida 32301

Property Appraiser's Parcel  
Identification Number: 4410-413-0001-000/6

**WARRANTY DEED  
(STATUTORY FORM - SECTION 689.02, F.S.)**

**THIS INDENTURE**, made as of the 15th day of March A.D. 2004, between **THE TRUST FOR PUBLIC LAND, a non-profit California corporation**, whose address is 306 N. Monroe St., Tallahassee, FL 32301 Grantor, and **CITY OF PORT ST. LUCIE, a municipality within St. Lucie County, State of Florida**, whose address is 121 S.W. Port St. Lucie Boulevard, Port St. Lucie, Florida 34984, Grantee.

**(Wherever used herein the terms "grantor" and "grantee" include all the parties to this instrument and their heirs, legal representatives, successors and assigns. "Grantor" and "grantee" are used for singular and plural, as the context requires and the use of any gender shall include all genders.)**

**WITNESSETH:** That the said grantor, for and in consideration of the sum of Ten Dollars 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 successors and assigns forever, the following described land situate, lying and being in St. Lucie County, Florida, to-wit:

SEE EXHIBIT "A" ATTACHED HERETO AND BY THIS  
REFERENCE MADE A PART HEREOF

This conveyance is subject to easements, restrictions, limitations and conditions of record if any now exist, but any such interests that may have been terminated are not hereby re-imposed, and to taxes for the current and subsequent years.

**AND** the said grantor does hereby fully warrant the title to said land, and will defend the same against the lawful claims of all persons whomsoever.

**IN WITNESS WHEREOF** the grantor has hereunto set grantor's hand and seal, the day and year first above written.

**THIS INSTRUMENT IS EXEMPT FROM DOCUMENTARY STAMP TAXES PURSUANT TO  
CHAPTER 201.02(6), FLORIDA STATUTES.**

Ret. Landamerica Service  
10550 Deerwood Pkwy. Blvd.  
Jacksonville, Fla. 32256-0596

Signed, sealed and delivered in the presence of:

THE TRUST FOR PUBLIC LAND, a non-profit California corporation

*Carol Penrose*

(Signature of first witness)

CAROL PENROSE

(Printed name of first witness)

*Stacy Savoie*

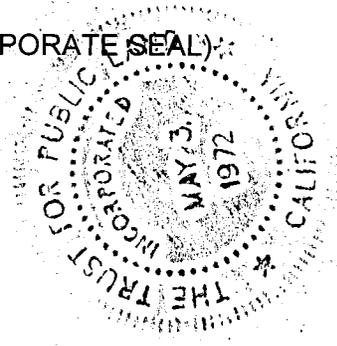
(Signature of second witness)

STACY SAVOIE

(Printed name of second witness)

By: *W. Dale Allen*  
W. Dale Allen, Senior Vice President

(CORPORATE SEAL)

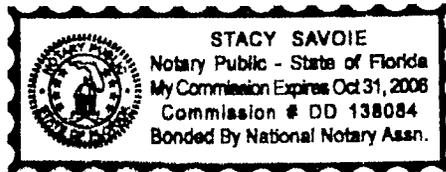


STATE OF FLORIDA  
COUNTY OF LEON

The foregoing instrument was acknowledged before me this 9<sup>th</sup> day of March, 2004, by W. Dale Allen, Senior Vice President of **The Trust for Public Land, a non-profit California corporation**, on behalf of said corporation. Such person is personally known to me.

*Stacy Savoie*  
NOTARY PUBLIC

(NOTARY PUBLIC SEAL)



## EXHIBIT A

The South 452.00 feet of the North one-half (N 1/2) of Government Lot 8 of Section 10, Township 37 South, Range 40 East, lying East of the North fork of the St. Lucie River and West of the West right-of-way line of Westmoreland Boulevard, St. Lucie County, Florida.

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# The Port District Master Sign Program (P23-116)

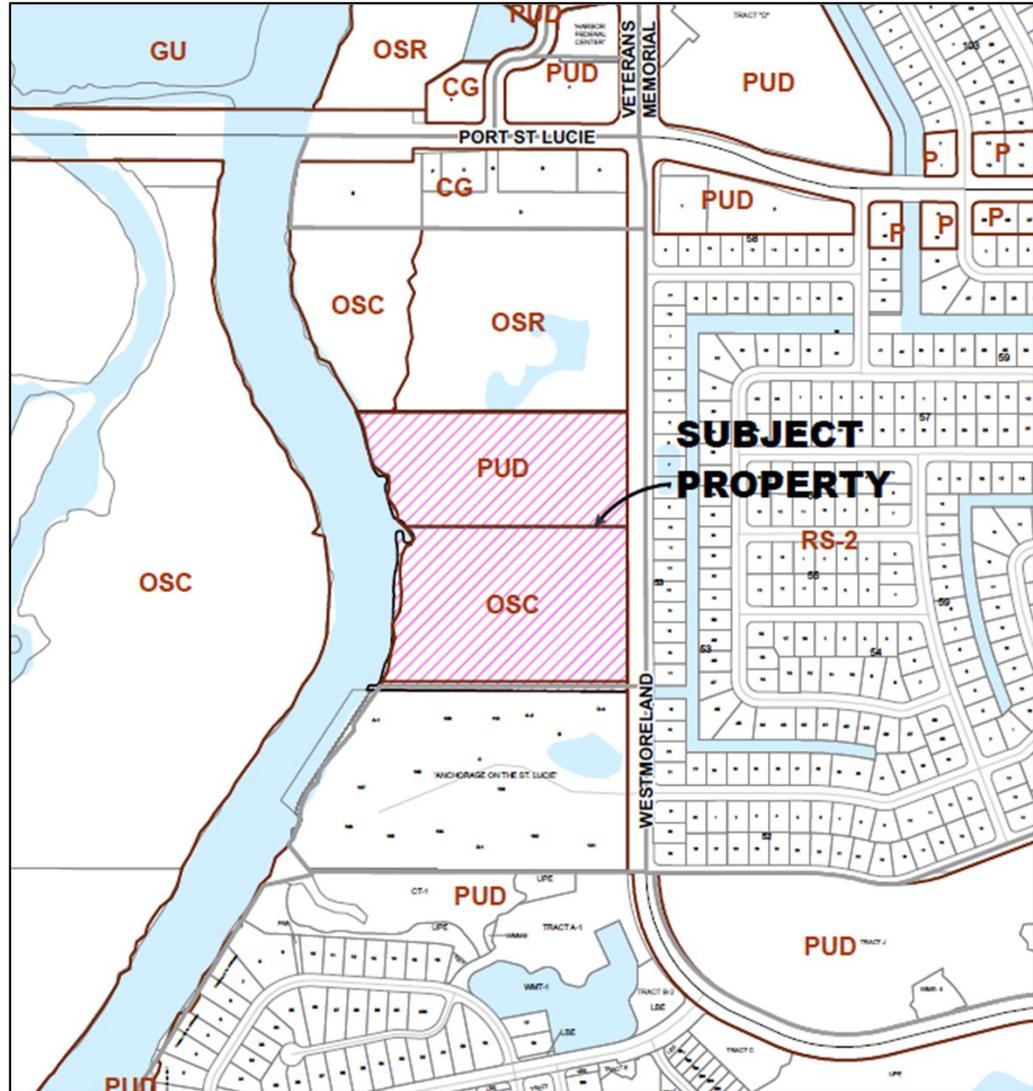
Planning and Zoning Board Meeting of June 4, 2024  
Bethany Grubbs, Planner III

## Summary

This is a request to create a Master Sign Program for the Port District Planned Unit Development (PUD). This program provides a mechanism for the mixed-use development to establish a structural framework for the provision of a coherent system of signs for all developments within the Port District and provides for signs that are complimentary to the natural riverfront setting that would supersede the City's sign regulations.

# Location Map

Direction	Land Use	Zoning	Existing Use
North	OSR/OSP	OSR/OSC	City of Port St. Lucie Botanical Gardens
South	RM	PUD	The Anchorage condominiums
East	RL	RS-2	Single-family residences
West	OSP	OSC	North Fork of the St. Lucie River



## Justification statement

The Port District's mixed-use nature and multiple destinations necessitate a deviation from the standard signage regulations, which limit ground signs to one per street frontage. Given that the development has a single property frontage on Westmoreland Boulevard, the existing regulation allowing only one ground sign is insufficient. The development comprises several distinct subdistricts, including the Historic Home and Lodge, Pioneer Park, the River Food Garden, the Board Walk, the Event Lawn, and the Overwater Stage.

## Justification statement

Each of these subdistricts requires distinct signage to ensure proper identification. To address this, the proposed signage plan includes the installation of secondary monument signs at the entrances of each subdistrict. These subdistricts include the Historic Home and Lodge, Pioneer Park, the River Food Garden, the Board Walk, the Event Lawn, and the Overwater Stage.

## Justification statement

In addition, the Port District functions as an important gateway, with key access points including Pioneer Park, the Botanical Gardens, Veterans Memorial Parkway, and Lyngate Drive. Gateway signs at these access points will facilitate navigation for visitors entering the park.

# City Sign Code Comparison for Permanent Signs

## LAND DEVELOPMENT CODE COMPARISON CHART

Sign Type as per MSP	Proposed MSP			City Sign Code				
	Location	Requirements	Number of signs	City sign type if applicable	Location	Requirements	Number of signs	Location of requirements
Primary Monument Sign	Westmorland Boulevard	Electric message portion: 100 SF  Monument base: 100 SF  May have two faces	One (1)	Freestanding Signs	Adjacent to roadway(s) on each individual property.	Not to exceed 100 Sq. Ft.	One per street frontage.	Sec 155.08.(a-x)
Secondary Monument Sign	At entrances to each sub-district.	50 SF (per face)  May have two faces.	As per the master plan one per sub-district entrance. <ul style="list-style-type: none"> <li>• Historic Homes</li> <li>• Pioneer Park</li> <li>• River Food Garden</li> <li>• Boardwalk</li> <li>• Overwater <u>stage</u></li> <li>• Event lawn</li> </ul>	N/A	N/A	N/A	N/A	N/A
Gateway Sign	At the entry of the Port District access points. <ul style="list-style-type: none"> <li>• Pioneer Park</li> <li>• Botanical Gardens</li> <li>• Veterans Memorial Parkway</li> <li>• <u>Lyngate Drive</u></li> </ul>	30 SF sign area at the top of the archway	Four (4)	N/A	N/A	N/A	N/A	N/A

## Staff Recommendation

Staff finds the proposed Master Sign Program to be consistent with the City's Land Development Regulations outlined in Section 155.03(H).



Agenda Summary  
2023-1150

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**Agenda Date:** 6/4/2024

**Agenda Item No.:** 8.b

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Placement: Public Hearing - Quasi Judicial

Action Requested: Motion / Vote

**P23-196 Bush, Kevin D. & Nicole M. - Variance**

Location: South of SW Gatlin Boulevard, on the west side of SW Casella Street.

Legal Description: Port St Lucie Section 31, Block 1706, Lot 15

This is a request for a variance of 10.27 feet to allow a 14.73-foot setback from the rear property line for an existing multi-story building.

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

Executive Summary: The applicant is requesting a variance of 10.27 feet to allow a 14.73-foot setback from the rear property line for an existing multi-story CBS building. The property is zoned CS (Service Commercial). Per Section 158.126(J) Setback Requirements and Landscaping, a rear setback of twenty-five (25) feet shall be required when a building abuts a residential future land use category or public right-of-way. An addition to the building was made without securing the necessary permit(s). The building encroaches 10.27 feet into the required rear building setback line of twenty-five (25) feet. A permit for a 50x60 (3,000 sq. ft. building) was issued in 1993, for the original building footprint.

Presentation Information: A presentation will be given.

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

Background: The item was tabled at the December 5, 2023, Planning & Zoning Board meeting to the February 6, 2024, meeting at the applicant's request. The item was then tabled to a date uncertain at the February 6, 2024, meeting because the application was contingent on an abandonment of easement that was in process.

Issues/Analysis: During review of a site plan amendment application for the addition of a storage silo & opaque fencing on site, Planning and Zoning staff discovered that the existing building footprint is encroaching into the rear 25-foot building setback. The existing building is not consistent with the approved site plan or building records for the site. This request is the minimum variance that will allow the existing multi-story CBS structure to maintain the current building footprint, as shown on the site survey. The existing building is 5,112.26 sq. ft.

Special Consideration: See attached staff report.

Location of Project: 2756 SW Casella St.

Attachments: 1. Staff report, 2. Survey, 3. Application & applicant response to variance criteria, 4. Deed, 5. Agent authorization, 6. Staff presentation



**Bush, Kevin D. & Nicole M.**  
**Variance: To Building Setback**  
**Project Number: P23-196**



**Project Aerial Map**

**SUMMARY**

Applicant's Request:	To grant a variance of 10.27 feet to allow a 14.73-foot setback from the rear property line for an existing multi-story CBS building.
Applicant:	Alejandro Toro
Property Owner:	Bush, Kevin D. & Nicole M.
Location:	2756 SW Casella St.
Application Type: (Identify if quasi-judicial)	Variance, Quasi-Judicial
Project Planner:	Bianca Lee

**Project Description**

The applicant is requesting a variance of 10.27 feet to allow a 14.73-foot setback from the rear property line for an existing multi-story CBS building. Section 158.126(J)(3) Setback Requirements and Landscaping, requires a minimum building setback line of twenty-five (25) feet in the rear yard for property's abutting a residential land use category or a public right-of-way. This property abuts a drainage right-of-way. The minimum setback from side property lines shall be those set forth in the applicable zoning district. The property is zoned CS (Service Commercial).7 Section 158.126(J)(2) requires two (2) side yards, each of which providing a building setback line of ten (10) feet. A building setback line of twenty-five (25) feet shall be required when it adjoins a residential future land use category or a public right-of-way. The existing building meets the side setback requirement within the (CS) Service Commercial zoning district.

An addition to the building was made without securing the necessary permit(s). The building encroaches 10.27 feet into the required rear building setback line of twenty-five (25) feet. A permit for a 50x60 (3,000 sq. ft. building) was issued in 1993, for the original building footprint.

**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.

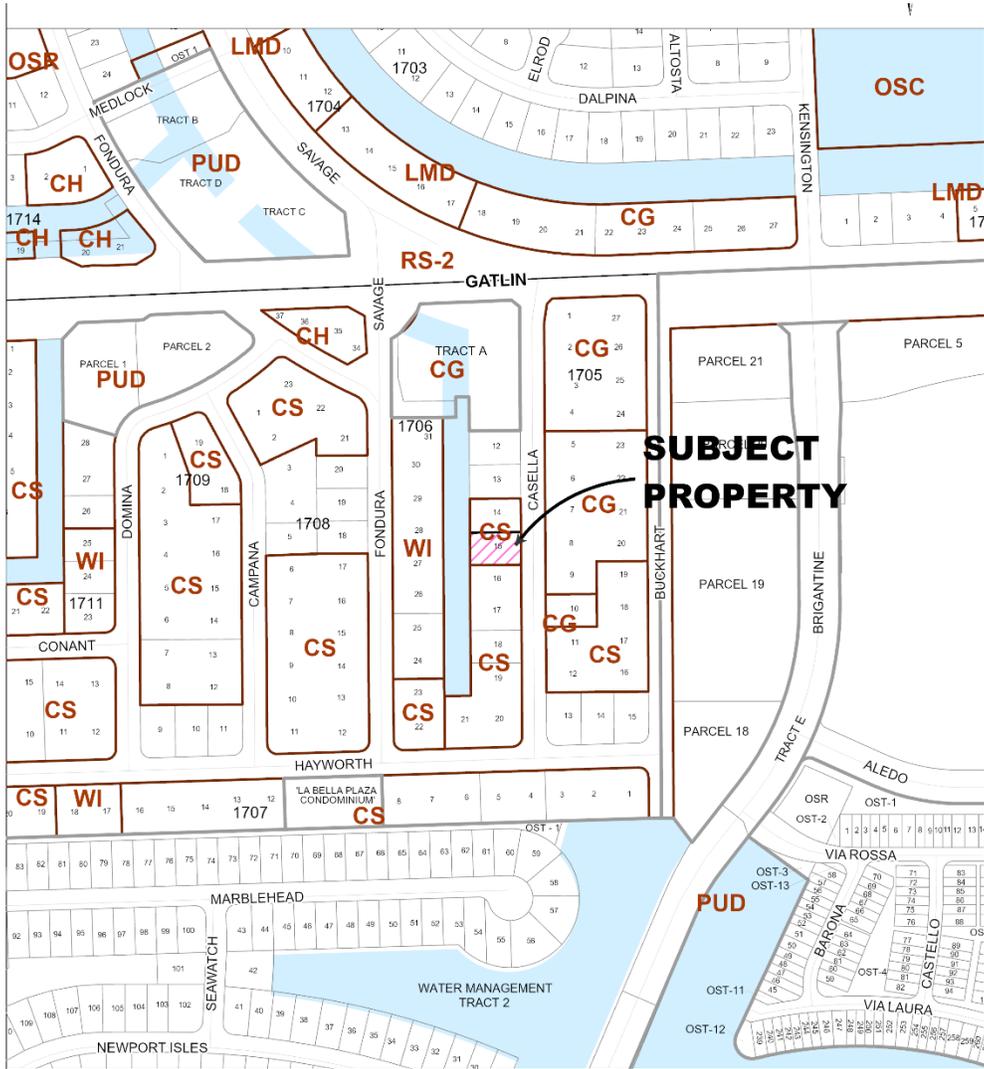
**Location and Site Information**

Parcel Number:	3420-650-1029-000-2
Property Size:	0.23 AC/ 10,000 SF
Legal Description:	Port St. Lucie Section 31, Block 1706, Lot 15
Address:	2756 SW Casella St.
Future Land Use:	Service Commercial (CS)
Existing Zoning:	Service Commercial (CS)
Existing Use:	Office & warehousing

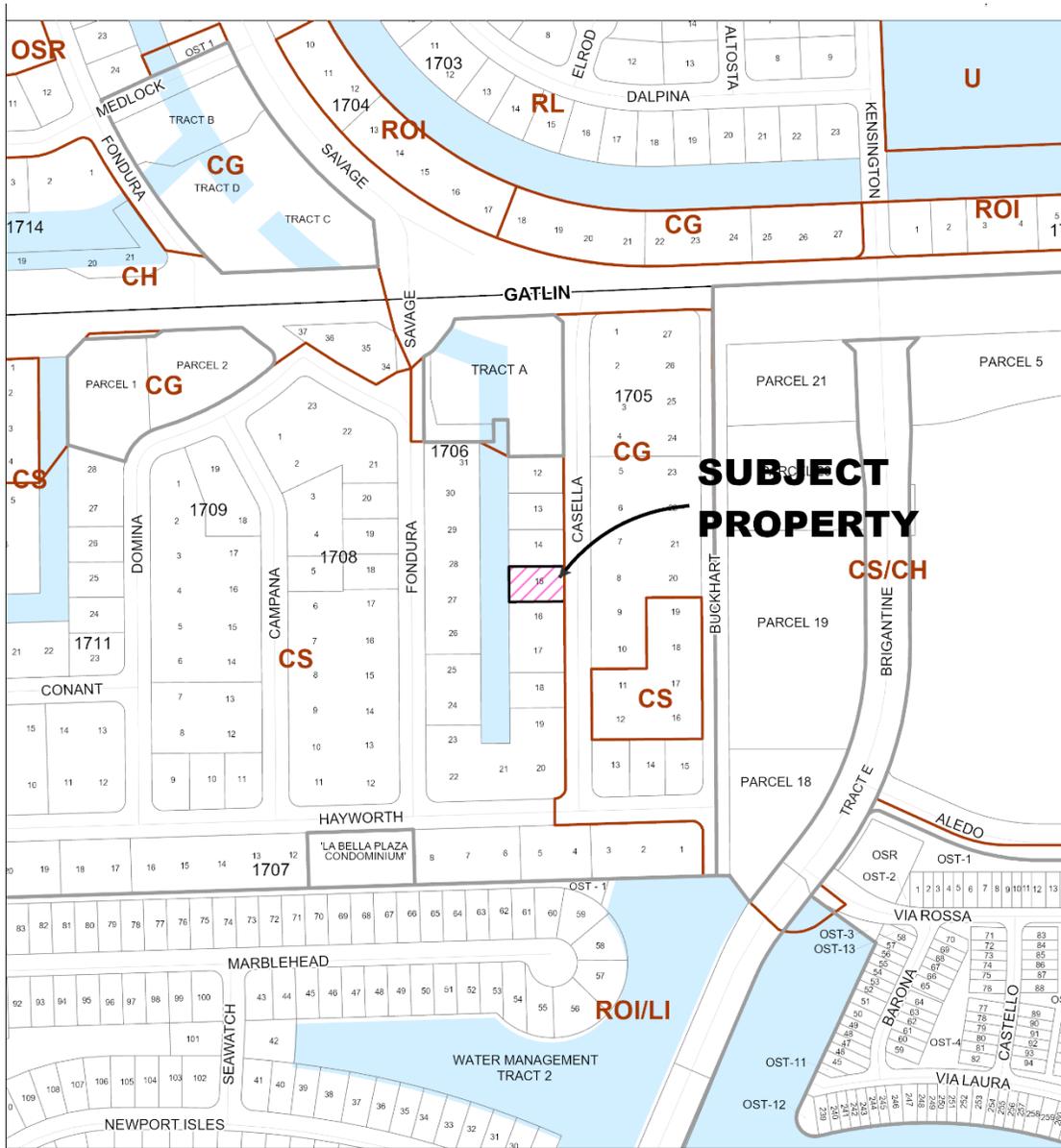
**Surrounding Uses**

<b>Direction</b>	<b>Future Land Use</b>	<b>Zoning</b>	<b>Existing Use</b>
North	CS	CS	Open storage yard/parking
South	CS	CS	Open storage yard
East	CG	CG	Self-storage
West	CS	WI	Warehouse (service)

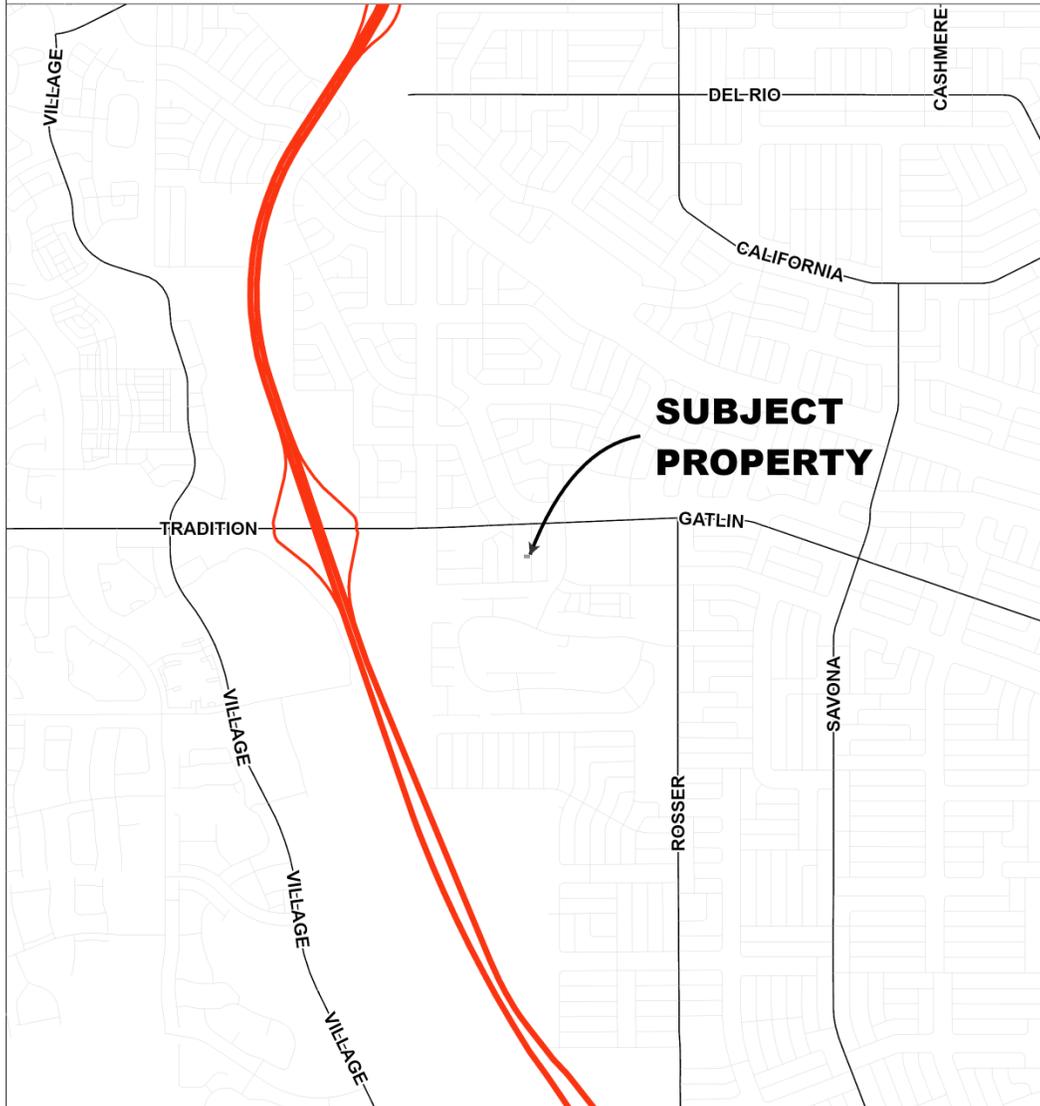
CS-Service Commercial, CG- General Commercial, and WI- Warehouse Industrial



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: The applicant purchased the subject property in November of 2022. At the time of purchase, the applicant was unaware that the building did not meet the rear ROW setback requirement and that the building encroached approximately 10 feet into the rear ROW setback. This circumstance is peculiar because the applicant did not anticipate the need for a variance upon making site improvements. The applicant is thus forced to get a variance approved prior to consideration of site plan approval.*
  - *Staff Findings: Special conditions and circumstances do not exist, which are peculiar to the land, structure, or building involved. The original 3,000 sq. ft. building footprint was expanded on without permits. The existing building as shown on the applicants site plan amendment application is 5,112.26 sq. ft. During review of the site plan amendment application for the addition of a storage silo & opaque fencing, Planning and Zoning staff discovered that the existing building footprint is encroaching into the rear 25-foot building setback. The existing building is not consistent with the approved site plan or building records for the site.*
- 2) That the special conditions and circumstances do not result from any action of the applicant.
  - *Applicant Response: The conditions and circumstances do not result from actions by the applicant. Based on aerial photography, the building on site was expanded by the previous owner between 1999 and 2004. The applicant bought the property in November of 2022 and seeks to resolve the hardship of not being able to meet the setback requirements per Sec 158.126(J)(3).*
  - *Staff Findings: 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: Granting the variance requested will not confer to the applicant's special privilege that is denied by this chapter to other lands, buildings, or structures, in the same zoning district in that:*
    1. *The applicant did not cause a self-induced circumstance that requires this variance*

2. *The applicant seeks to resolve the setback issues and go through the variance approval process with the City of PSL*

- *Staff Findings: Special privileges would be conferred upon the applicant, a 25 ft. rear building setback line is a regulatory standard applied to other lands, buildings, and structures in the CS Zoning District when it adjoins a public right-of-way, which includes drainage canals & other drainage infrastructure.*

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: The literal interpretation of the provisions of the chapter are as follows: "Rear Setback. Each lot shall have a rear yard with a building setback line of ten (10) feet. A building rear setback line of twenty-five (25) feet shall be required when it abuts a residential future land use category or public right-of-way."*

*The rights commonly enjoyed by other properties in the same zoning district under the terms of this chapter are being able to operate business and have the right to make improvements to their properties via site plan approval process without the need for a variance application. The applicant must resolve the setback issue via this variance application prior to getting a site plan amendment approval from the City of Port St. Lucie.*

- *Staff Findings: Literal interpretation of the provisions of the chapter would not 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 applicant may seek a remedy with the Public Works Department to mitigate any drainage related issues pertaining to the drainage right-of-way, the building does not interfere with site utilities.*

5) That the variance granted is the minimum variance that will make possible the reasonable use of the land, building, or structure.

- *Applicant Response: The variance requested will allow the building to maintain its square footage and location. The building has been unchanged since the early 2000's. It is reasonable to allow the building to maintain its current size rather than demolishing a portion of it.*
- *Staff Findings: The variance granted is the minimum variance that will allow the existing multi-story CBS structure to maintain the current building footprint, as shown on the site survey. The existing building is 5,112.26 sq. ft. Since the building also encroaches 5.27 feet into the 20-foot drainage and utility easement along the rear of the property, an abandonment of easement was filed by the applicant and reviewed by the Public Works Department. The abandonment was approved at the first reading of Ordinance 24-23 on May 13, 2024, by the City Council to abandon 6.0 feet of the easement.*

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 variance will be in harmony with the general intent and*

*purpose of the chapter in that it will allow the applicant to continue to operate their business and not halt any workflow or employment. The granting of the variance will not be injurious to the area involved because no demolition would be required. All site conditions would remain as they currently exist.*

- *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: The Planning and Zoning department made the request for this variance during the June 14, 2023, SPRC meeting. As a result, the applicant is currently seeking to be in full compliance with the conditions and safeguards and respectfully requests review and approval of the attached variance. The applicant will be in full compliance with any additional conditions the Planning and Zoning Board may request.*
  - *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:

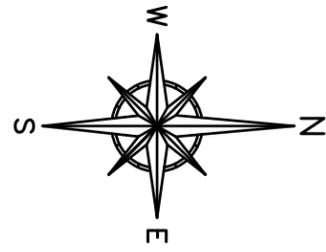
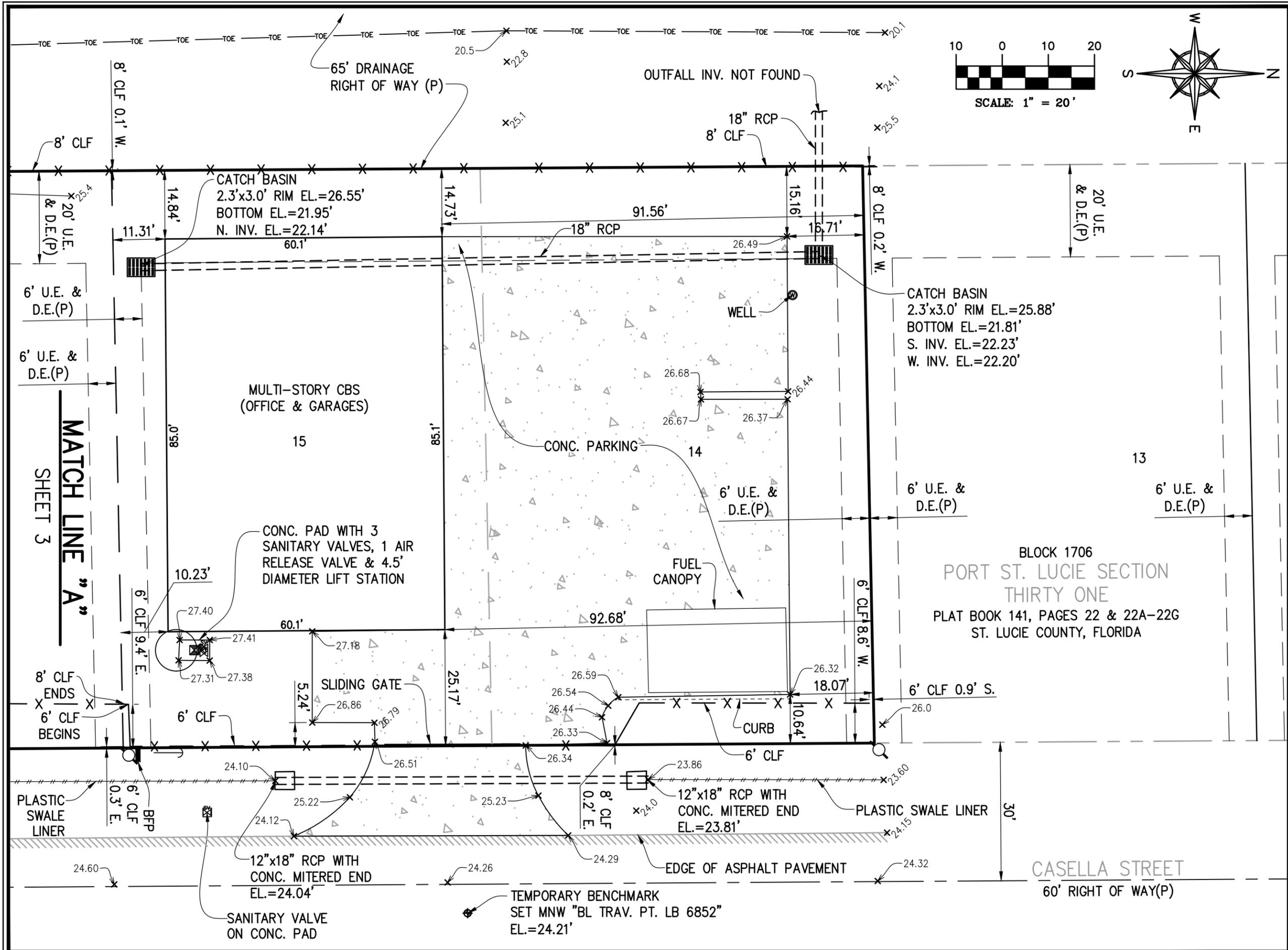
- Motion to deny

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).***

Z:\EDC-2022\22-434 - Southern Underground - Casella CSP\ENGINEERING\Consultants\Survey\BND LOTS 14-18\_V2019.dwg, Layout4, 5/17/2023 10:38:53 AM, victo, EDC, Inc., EDC, Inc.



**B** **BETSY LINDSAY, INC.**  
 SURVEYING AND MAPPING  
 7997 S.W. JACK JAMES DRIVE STUART, FLORIDA 34997  
 (772)286-5753 (772)286-5933 FAX  
 LICENSED BUSINESS NO. 6852

DATE	REVISIONS

DATE 07/26/2022  
 SCALE 1"=20'  
 FIELD BK. PSL 39  
 DRAWN BY DB  
 CHECKED BY ELG

LOTS 14-18, BLOCK 1706, PLAT OF PORT ST. LUCIE SECTION 31, ST. LUCIE COUNTY, FLORIDA

**BOUNDARY SURVEY**  
 SOUTHERN UNDERGROUND, INC.

SHEET NO. 4  
 OF 4 SHEETS  
 PROJECT NO. 22-97

**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:** alejandrotoro@edc-inc.com

**PROPERTY OWNER:**

Name: Nicole Bush  
Address: 2748 SW Casella Street, Port St. Lucie, FL 34953  
Telephone No. 772-528-4044

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

Name: Alejandro Toro - EDC(Authorized Agent)  
Address: 10250 SW Village Parkway Suite 201, Port St. Lucie, FL 34987  
Telephone No. 772-462-2455 x121 Email alejandrotoro@edc-inc.com

**SUBJECT PROPERTY:**

Legal Description: PORT ST LUCIE-SECTION 31- BLK 1706 LOT 15 (MAP 43/14N)  
Parcel I.D. Number: 3420-650-1029-000-2  
Address: 2756 Casella St, Port St. Lucie, FL 34953  
Current Zoning Classification Service Commercial (CS)

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.

The applicant seeks to request a variance from the City of Port St. Lucie to allow for an existing building to encroach approximately 5 feet into the 25-foot rear setback abutting a public Right of Way (City of PSL Drainage Canal)

  
Signature of Applicant

Alejandro Toro (Agent)  
Hand Print Name

10/26/2023  
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;

Please see Justification Statement included with this application

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

Please see Justification Statement included with this application

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(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;

Please see Justification Statement included with this application

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(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;

Please see Justification Statement included with this application

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(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;

Please see Justification Statement included with this application

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(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;

Please see Justification Statement included with this application

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(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.

Please see Justification Statement included with this application

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Signature of Applicant

Alejandro Toro

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Hand Print Name

10/26/2023

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Date

**COVER LETTER**

**Southern Underground – 2756 Casella St. Port St. Lucie, FL 34953**

**Variance**

*October 27, 2023*

**REQUEST**

***On behalf of the Petitioner, Engineering Design & Construction, Inc, would like to request a Variance approval with the City of Port St. Lucie to allow for an existing building to encroach approximately 10 feet into the 25-foot rear setback abutting a public Right of Way (City of PSL Drainage Canal). The subject site is located at 2756 SW Casella Street in Port St. Lucie, Florida. The subject parcel information is identified below.***

<b>Parcel ID</b>	<b>Address</b>	<b>Acreage</b>	<b>FLU</b>	<b>Zoning</b>
3420-650-1029-000-2	2756 SW Casella St	0.23	CS	CS

**SITE CHARACTERISTICS & PROJECT HISTORY**

The subject property has a Future Land Use designation of Service Commercial (CS) and is located in the Service Commercial (CS) Zoning district.

The subject property consists of one (1) warehouse building and a concrete parking area. A stamped approved site plan dated December 14, 1993 has been provided by the city depicting a 3,000-sf building. This building at the time did not encroach into any of the property setbacks.

Based on aerial imagery, it was determined that the building was expanded between 1999 and 2004 and has been in use ever since. The applicant purchased the property on November of 2022 and did not anticipate that the building was encroaching into the rear ROW setbacks. The applicant is currently looking to resolve any issues caused by the unforeseen expansion.

The applicant submitted a site plan amendment application on May 17, 2023 and attended the June 14, 2023 Site Plan Review Committee (SPRC). During review, it was determined that the existing building on the site did not meet the setback requirements set forth by Section 158.126(J)(3) of the City Code of Ordinances. The existing building encroaches approximately 10 feet into the rear 25-foot setback that abuts a City of Port St. Lucie R.O.W Drainage Canal. The purpose of this application is to get relief from section 158.126(J)(3) to allow the building to continue to stand and operate as it has been for the past 20 years.

To the north of the subject parcel lies an existing outdoor storage yard. This parcel has a Future Land Use designation of Service Commercial (CS) and lies in the Single Family Residential (RS-2) Zoning district.

East of the subject property is 60-foot right-of-way (ROW) of SW Casella Street followed by 3.67 ac storage facility. This parcel has a Future Land Use designation of Service Commercial (CS) and is located in the General Commercial (CG) and Single Family Residential (RS-2) Zoning Districts.

South of the subject property lies 1.28-acre storage facility. This parcel has a Future Land Use designation of Service Commercial (CS) and is located in the Service Commercial (CS) Zoning district.

West of the subject parcel lies a 60-foot drainage Right of Way followed by 1.38-acre auto services plaza. This parcel has a Future Land Use designation of Service Commercial (CS) and is located in the Warehouse Industrial (WI) Zoning district.

### **RESPONSES TO VARIANCE CRITERIA**

Please find the responses below in ***Bold Italics*** for this variance as outlined in section 158.295 (C) 1-7:

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.

***RESPONSE: The applicant purchased the subject property in November of 2022. At the time of purchase, the applicant was unaware that the building did not meet the rear ROW setback requirement and that the building encroached approximately 10 feet into the rear ROW setback. This circumstance is peculiar because the applicant did not anticipate the need for a variance upon making site improvements. The applicant is thus forced to get a variance approved prior to consideration of site plan approval.***

2. Please explain if these conditions and circumstances result from actions by the applicant  
***RESPONSE: The conditions and circumstances do not result from actions by the applicant. Based on aerial photography, the building on site was expanded by the previous owner between 1999 and 2004. The applicant bought the property in November of 2022 and seeks to resolve the hardship of not being able to meet the setback requirements per Sec 158.126(J)(3).***

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

***RESPONSE: Granting the variance requested will not confer to the applicant's special privilege that is denied by this chapter to other lands, buildings, or structures, in the same zoning district in that:***

1. ***The applicant did not cause a self-induced circumstance that requires this variance***
2. ***The applicant seeks to resolve the setback issues and go through the variance approval process with the City of PSL***

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

***RESPONSE: The literal interpretation of the provisions of the chapter are as follows: "Rear Setback. Each lot shall have a rear yard with a building setback line of ten (10) feet. A building rear setback line of twenty-five (25) feet shall be required when it abuts a residential future land use category or public right-of-way"***

***The rights commonly enjoyed by other properties in the same zoning district under the terms of this chapter are being able to operate business and have the right to make improvements to their properties via site plan approval process without the need for a variance application. The applicant must resolve the setback issue via***

***this variance application prior to getting a site plan amendment approval from the City of Port St. Lucie.***

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.

***RESPONSE: The variance requested will allow the building to maintain its square footage and location. The building has been unchanged since the early 2000's. It is reasonable to allow the building to maintain its current size rather than demolishing a portion of it.***

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

***RESPONSE: Granting variance will be in harmony with the general intent and purpose of the chapter in that it will allow the applicant to continue to operate their business and not halt any workflow or employment. The granting of the variance will not be injurious to the area involved because no demolition would be required. All site conditions would remain as they currently exist.***

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.

***RESPONSE: The Planning and Zoning department made the request for this variance during the June 14, 2023 SPRC meeting. As a result, the applicant is currently seeking to be in full compliance with the conditions and safeguards and respectfully requests review and approval of the attached variance. The applicant will be in full compliance with any additional conditions the Planning and Zoning Board may request.***

***Based on the above and attached information, the applicant respectfully requests approval of the proposed variance***

Z:\EDC-2022\22-434 - Southern Underground - Casella CS\ENGINEERING\Documents\Submittal Documents\Justification Statement\2023-10-26-Southern\_Underground\_Variance\_Justification\_Statement.docx

THIS DOCUMENT PREPARED BY:  
Caroline York  
Caroline's Advanced Paralegal Service, LLC  
(without examination of title)  
1204 White Oak Lane  
Fort Pierce, FL 34982

**WARRANTY DEED**

*THIS DEED* Made this 16<sup>th</sup> day of November, 2022 by **MELVIN BUSH**, a married man, whose post office address is: 1131 SE Cambridge Dr., Port St. Lucie, FL 34952, herein called the Grantor, to **KEVIN D. BUSH and NICOLE M. BUSH**, husband and wife, hereinafter called the Grantee, whose post office address is: 10475 SW Toren Way, Port St. Lucie, FL 34987.

(Whenever 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 Grantor, for and in consideration of the sum of \$10.00, and other good and valuable consideration to Grantor in hand paid by Grantee, the receipt of which is acknowledged, conveys to Grantee and Grantee's heirs, executors, administrators, and assigns forever the following described land situated in **Saint Lucie County, Florida**, to-wit:

**LOTS 14 AND 15, BLOCK 1706, PORT ST. LUCIE SECTION THIRTY-ONE, A SUBDIVISION ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 14, PAGES 22 AND 22A THROUGH 22G OF THE PUBLIC RECORDS OF ST. LUCIE COUNTY, FLORIDA.**

**TAX PARCEL ID# 3420-650-1028-000-5 & 3420-650-1029-000-2  
Address: 2748 SW Casella St., Port St. Lucie, FL  
The above-described property is not homestead property.**

**SUBJECT TO** the following: all covenants, conditions, restrictions, reservations, limitations, easements, zoning regulations, prohibitions imposed by governmental authorities, and taxes and assessments for the current year and subsequent years.

**TOGETHER** with all the tenements, hereditaments, and appurtenances thereto belonging or in any wise 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<sup>st</sup>, 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:

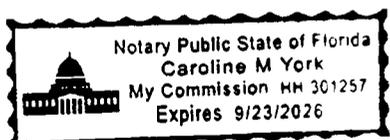
Robert Cote  
Witness: ROBERT COTE

Melvin Bush  
MELVIN BUSH, Grantor

Caroline York  
Witness: CAROLINE YORK

STATE OF FLORIDA  
COUNTY OF ST. LUCIE

I hereby certify that on this 16<sup>th</sup> day of November, 2022, the foregoing instrument was acknowledged before me by **MELVIN BUSH**, by means of  physical presence or  online notarization, who is  personally known to me or has produced FLDL as identification, who executed the foregoing instrument and acknowledged that he/she executed the same, and who did not take an oath.



Caroline M York  
Notary Public: CAROLINE M. YORK

Southern Underground, Inc  
2748 SW Casella Street  
Port St Lucie, FL 34953

**AGENT CONSENT FORM**

Project Name: Southern Underground

Parcel ID: 3420-650-1027-000-8  
3420-650-1028-000-5  
3420-650-1029-000-2  
3420-650-1030-000-2  
3420-650-1032-000-6

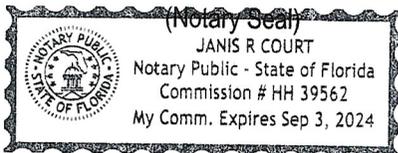
BEFORE ME THIS DAY PERSONALLY APPEARED Kevin Bush, WHO BEING DULY SWORN, DEPOSES AND SAYS THE FOLLOWING:

I hereby give CONSENT to Engineering Design & Construction, Inc. to act on my behalf, to submit or have submitted applications and all required material and documents, and to attend and represent me at all meetings and public hearings pertaining all City, County and State permits for completion of the project indicated above. Furthermore, I hereby give consent to the party designated above to agree to all terms and conditions which may arise as part of the approval of this application for the proposed use of a commercial development.

FURTHER AFFIANT SAYETH NOT.

The foregoing instrument was acknowledged before me this 14 day of December 2022, by Kevin Bush (Name of Person Acknowledging) who is personally known to me or who has produced St. of FL DL (type of identification) as identification and who did (did not) take an oath.

Janis R Court  
Notary Signature  
Janis R Court  
Printed Name of Notary



Nicole Bush  
Owner's Signature  
Kevin Bush  
Owner's Name  
2748 SW Casella Street  
Street Address  
Port St Lucie, FL 34953  
City, State, Zip  
772.528.4044 / nicolebush01@gmail.com  
Telephone / Email

My commission expires

Bush, Kevin D. & Nicole M.

2756 SW Casella Street

VARIANCE

Project: P23-196

Planning and Zoning Board Meeting

Bianca Lee, Planner II

June 4, 2024, Meeting

# VARIANCE REQUEST

- A variance of 10.27 feet to allow a 14.73-foot setback from the rear property line for an existing multi-story CBS building.
- Section 158.126(J)(3) Setback Requirements and Landscaping, requires a minimum building setback line of twenty-five (25) feet in the rear yard for property's abutting a residential land use category or a public right-of-way. This property abuts a drainage right-of-way.
- The minimum setback from side property lines shall be those set forth in the applicable zoning district. The property is zoned CS (Service Commercial), Section 158.126(J)(2) requires two (2) side yards, each of which providing a building setback line of ten (10) feet. A building setback line of twenty-five (25) feet shall be required when it adjoins a residential future land use category or a public right-of-way. The existing building meets the side setback requirement within the (CS) Service Commercial zoning district.

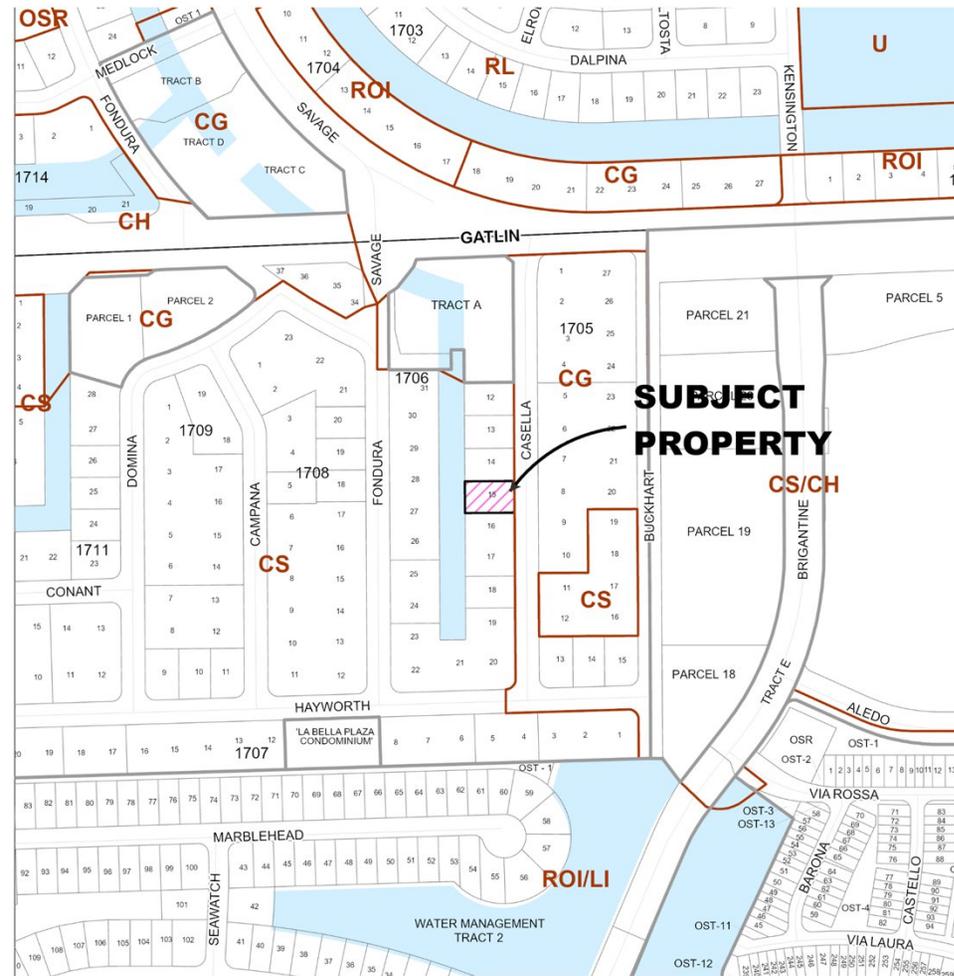
# APPLICANT AND OWNER

- Alejandro Toro, agent, for Kevin D. & Nicole M. Bush, owner

# PROJECT SUMMARY

- A variance to the setback requirements of CS Zoning.
- A 2,112.26 sq. ft. addition to the building was made without securing the necessary permits. The building encroaches 10.27 feet into the rear building setback.
- The building also encroaches 5.27 feet into the 20- foot drainage and utility easement along the rear of the property, an abandonment of easement was filed by the applicant and reviewed by the Public Works Department.
- The abandonment of 6.0 feet of the easement was approved by the City Council.
- The existing multi-story 5,112.26 sq. ft. CBS building is not expected to interfere with drainage or utilities.

# Future Land Use





# 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



Agenda Summary  
2024-526

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**Agenda Date:** 6/4/2024

**Agenda Item No.:** 8.c

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Placement: Public Hearing - Quasi Judicial

Action Requested: Motion / Vote

**P24-053 Cottin, Gergory and Patricia - Rezoning**

Location: 2722 and 2732 SW Fondura Road

Legal Description: Lots 18 and 19, Block 1708, Port St. Lucie Section 31

This request is for the rezoning of the 0.46-acre property from Single-Family Residential (RS-2) to Service Commercial (CS).

Submitted By: Cody Sisk, Planner II, Planning & Zoning Department

Executive Summary: The Applicant, EDC, Inc., is requesting to rezone 0.46 acres from Single-Family Residential (RS-2) to Service Commercial (CS) based on the FLU-zoning compatibility in the Comprehensive Plan. The respective property addresses for the two parcels are 2722 and 2732 SW Fondura Road and the property has a future land use classification of Service Commercial (CS). The proposed use is the repair and maintenance of vehicles.

Presentation Information: Staff will provide a presentation.

Staff Recommendation: Move that the Board review the rezoning request and vote to recommend approval or recommend denial to the City Council.

Background: The City Council approved a variance by Resolution 24-R21 on March 25, 2024 (P23-239).The variance was to the City of Port St. Lucie Land Use Conversion Manual requirements for Conversion Area 24, to allow the rezoning of these two lots, which results in the isolation of the lot to the north (Lot 20), and this lot not meeting the 20,000 square foot size requirement for rezoning from RS-2 to CS.

Issues/Analysis: The rezoning complies with the direction and intent of the City’s Comprehensive Plan. The CS (Service Commercial) Zoning District is compatible with the CG (General Commercial) future land use classification per Policy 1.1.4.13 of the Future Land Use Element of the Comprehensive Plan.

Special Consideration: N/A

Location of Project: 2722 and 2732 SW Fondura Road

Attachments:

1. Staff Report
2. Application

3. Warranty Deed
4. Agent Authorization
5. Staff Representation

**Cottin, Gregory and Patricia**  
**Rezoning**  
**P24-053**



**Aerial Map**

**SUMMARY**

<b>Applicant's Request:</b>	Rezone 0.46 acres from Single-Family Residential (RS-2) to Services Commercial (CS).
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<b>Applicant:</b>	EDC, Inc.
<b>Property Owners:</b>	Gregory & Patricia Cottin
<b>Location:</b>	SW Fondura Road between SW Gatlin Boulevard and SW Hayworth Avenue
<b>Address:</b>	2722 and 2732 SW Fondura Road
<b>Project Planner:</b>	Cody Sisk, Planner II

**Project Description**

The Applicant, EDC, Inc., is requesting to rezone 0.46 acres from Single-Family Residential (RS-2) to Service Commercial (CS) based on the FLU-zoning compatibility in the Comprehensive Plan. The respective property addresses for the two parcels are 2722 and 2732 SW Fondura Road and the property has a future land use classification of Service Commercial (CS).

**Previous Actions and Prior Reviews**

The City Council approved a variance by Resolution 24-R21 on March 25, 2024 (P23-239).

The variance was to the City of Port St. Lucie Land Use Conversion Manual requirements for Conversion Area 24, to allow the rezoning of these two lots, which results in the isolation of the lot to the north (Lot 20), and this lot not meeting the 20,000 square foot size requirement for rezoning from RS-2 to CS.

**Public Notice Requirements**

Public notices were mailed to landowners within 750 feet of the parcel, and the item was included in the advertisement for the June 4, 2024, Planning and Zoning Board Meeting.

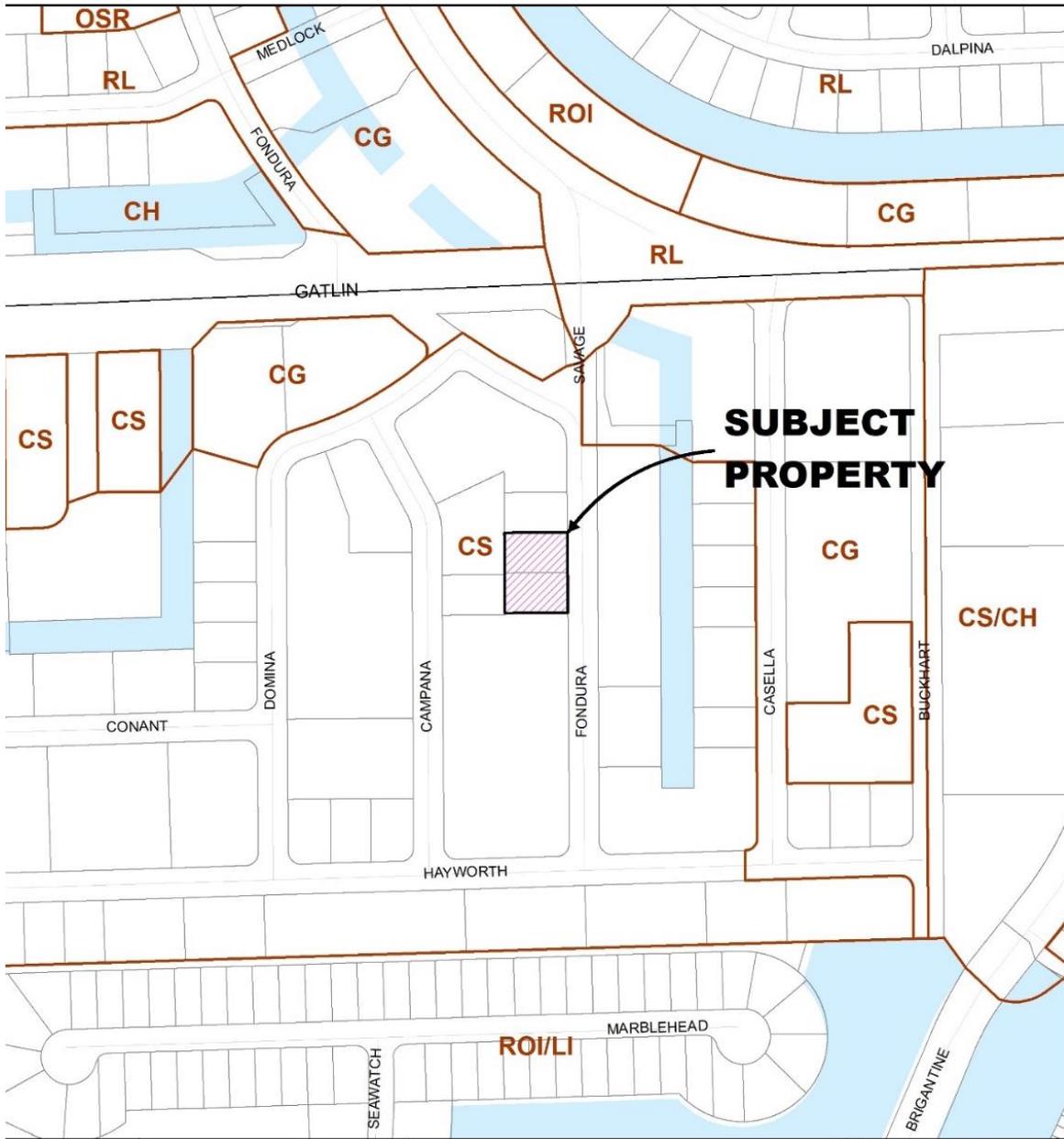
**Location and Site Information**

<b>Parcel Number(s):</b>	3420-650-1096-000-2; 3420-650-1097-000-9
<b>Property Size:</b>	0.46 acres (20,038 square feet)
<b>Legal Description:</b>	Lots 18 and 19, Block 1708, Port St. Lucie Section 31
<b>Future Land Use:</b>	Service Commercial (CS)
<b>Existing Zoning:</b>	Single Family Residential (RS-2)
<b>Existing Use:</b>	Vacant
<b>Requested Zoning:</b>	Service Commercial (CS)
<b>Proposed Use:</b>	Repair and maintenance of vehicles

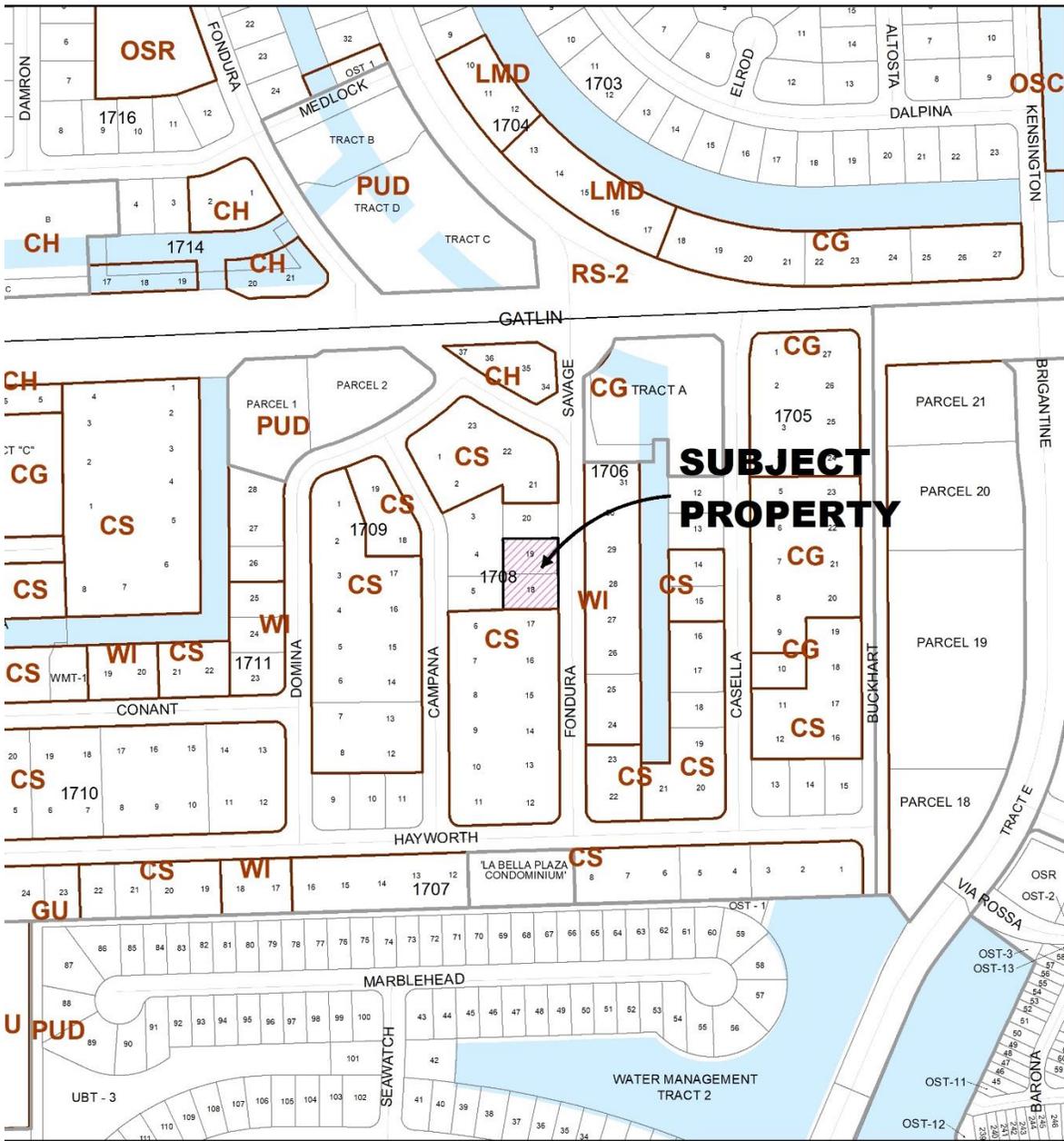
**Surrounding Uses**

<b>Direction</b>	<b>Future Land Use</b>	<b>Zoning</b>	<b>Existing Use</b>
North	CS	RS-2	Vacant
South	CS	CS	Self-Storage
East	CS	WI	Self-Storage
West	CS	RS-2	Vacant

WI – Warehouse Industrial, CS – Service Commercial, RS-2 – Single Family Residential



Land Use Map



Zoning Map

**IMPACTS AND FINDINGS**

**COMPREHENSIVE PLAN REVIEW**

**Land Use Consistency (Policies 1.1.4.2 and 1.1.4.13):** The proposed rezoning is consistent with Policy 1.1.4.13 of the Future Land Use Element. Policy 1.1.4.13 establishes the compatible future land use and zoning categories. The CS (Service Commercial) zoning district is listed as a compatible with the Future Land Use under CS as shown in the following table:

<b>FUTURE LAND USE CLASSIFICATION</b>	<b>COMPATIBLE ZONING DISTRICT(S)</b>
CS (Service Commercial)	CS, GU (General Use), & WI (Warehouse Industrial)

**ZONING REVIEW**

***Applicant’s Justification Statement:*** The applicant requests to rezone the parcels from RS-2 to CS to support development of a vehicle repair and maintenance facility. CS’s permissible uses include such facilities as a special exception but also Commercial General that includes such facilities by-right. The current RS-2 does not permit such facilities.

***Staff Analysis:*** The rezoning complies with the direction and intent of the City’s Comprehensive Plan. The CS (Service Commercial) Zoning District is compatible with the CG (General Commercial) future land use classification per Policy 1.1.4.13 of the Future Land Use Element of the Comprehensive Plan.

**Compliance with Conversion Area Requirements**

<b>Planning Area location per Conversion Manual</b>	Conversion Area #24	
<b>Is all property within planning area?</b>	Yes	
<b>Type of Conversion Area</b>	CS	
<b>Proposed rezoning</b>	Service Commercial Zoning District	
<b>Will rezoning result in isolation of lots?</b>	Yes, a variance for lots 18 and 19 was approved, P23-239, to allow the isolation of lot 20.	
<b>Has Unity of Title been submitted?</b>	Not required	
	<b>Required</b>	<b>Proposed</b>
<b>Minimum Frontage</b>	160’	160’ (SW Fondura St.) a variance was approved to reduce the minimum conversion area requirements (P23-239).
<b>Minimum Depth</b>	240’ (Single lot depth, 125’ may be used if the entire rear lot line is bounded by a major drainage right-of way)	125’ (abutting a major drainage R/W) single lot depth.
<b>Landscape Buffer Wall</b>	Not required	

**RELATED PROJECTS**

P23-239. Conversion Area Variance for Lots 18 and 19

**STAFF RECOMMENDATION**

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

Planning and Zoning Board Action Options:

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

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

TYPE	STATUS	BUILDING TYPE	
R	SUBMITTED		
<b>ASSIGNED TO</b>			
Cody Sisk; Noel Comeaux			
<b>ADDRESS</b>			
2722 & 2732 SW Fondura Rd			
SECTION	BLOCK	LOT	
31	1708	18-19	
<b>LEGAL DESCRIPTION</b>			
PORT ST LUCIE-SECTION 31- BLK 1708 LOT 19 (MAP 43/14N) (OR 3866-2209; 4033-2245) AND PORT ST LUCIE-SECTION 31- BLK 1708 LOT 18 (MAP 43/14N) (OR 3866-2194; 4033-2245)			
<b>SITE LOCATION</b>			
Located on the western side of SW Fondura Rd			
<b>PARCEL #</b>			
3420-650-1097-000-9	3420-650-1096-000-2		
CURRENT LANDUSE	PROPOSED LANDUSE	CURRENT ZONING	PROPOSED ZONING
CS		RS-2	CS
ACREAGE	NON-RESIDENTIAL SQ. FOOTAGE	NO. OF RESIDENTIAL UNITS	
0.46			
NO. OF LOTS OR TRACTS	NO. OF SHEETS IN PLAT		
0	0		
<b>UTILITY PROVIDER</b>			
CITY OF PORT ST. LUCIE			
<b>DESCRIBE REQUEST</b>			
Applicant is seeking to rezone properties located at 2722 SW Fondura Rd and 2732 SW Fondura Rd from Single-Family Residential to the Service Commercial Zoning District.			
<b>Primary Contact Email</b>			
connorkennedy@edc-inc.com			
<b>AGENT/APPLICANT</b>			
FIRST NAME			LAST NAME
Connor			Kennedy
<b>Business Name</b>			
Engineering Design & Construction			
<b>ADDRESS</b>			
10250 SW Village Parkway, Suite 201			
CITY	STATE	ZIP	
Port St. Lucie	FL	34987	
EMAIL			PHONE
connorkennedy@edc-inc.com			7724622455
<b>AUTHORIZED SIGNATORY OF CORPORATION</b>			
FIRST NAME			LAST NAME
Gregory			Cottin

**ADDRESS**

498 SW Jeanne Ave

<b>CITY</b>	<b>STATE</b>	<b>ZIP</b>
-------------	--------------	------------

Port St. Lucie	FL	34953
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<b>EMAIL</b>	<b>PHONE</b>
--------------	--------------

gregorycottin@comcast.net	5616030499
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**PROJECT ARCHITECT/ENGINEER**

<b>FIRST NAME</b>	<b>LAST NAME</b>
-------------------	------------------

**Business Name****ADDRESS**

<b>CITY</b>	<b>STATE</b>	<b>ZIP</b>
-------------	--------------	------------

<b>EMAIL</b>	<b>PHONE</b>
--------------	--------------

**PROPERTY OWNER****Business Name**

Gregory D Cottin (TR)

**ADDRESS**

498 SW Jeanne Ave

<b>CITY</b>	<b>STATE</b>	<b>ZIP</b>
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Port St. Lucie	FL	34953
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<b>EMAIL</b>	<b>PHONE</b>
--------------	--------------

gregorycottin@comcast.net	(561) 603-0499
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**FINAL PERMIT INSPECTION REQUIRED BY:**

This instrument prepared by:  
M. Lanning Fox  
Fox, Wackeen, Dungey, Beard, Bush, Goldman,  
Waters, Robison, van Vonno & McCluskey, LLP  
3473 SE Willoughby Boulevard  
Stuart, Florida 34995  
File # CO256S01

**\*THIS DEED PREPARED WITHOUT THE BENEFIT OF TITLE EXAMINATION\***

**WARRANTY DEED TO TRUSTEE**  
**(STATUTORY REFERENCE - §689.073 & Chapter 736, F.S.)**

**Ad Valorem Tax Identification # 3420-650-1096-000/2 and 3420-650-1097-000/9**

THIS INDENTURE WITNESSETH, that the Grantor, Gregory D. Cottin and Patricia H. Cottin, husband and wife, of the County of Martin and State of Florida, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable consideration in hand paid, receipt of which is acknowledged, grants, conveys and warrants unto Gregory D. Cottin and Patricia H. Cottin, as Co-Trustees under the provisions of the Cottin Family Trust dated August 16, 2017, and any amendments thereto, (the "Trust"), of 7768 SE Fork Drive, Stuart, FL, and who is herein referred to as "Grantee" or the "Trustee", the following-described property (the "Property") situated in St. Lucie, County, Florida:

**Parcel 1:**

**Lot 18, Block 1708, Port St. Lucie Section Thirty One, according to the map or plat thereof, as recorded in Plat Book 14, Page(s) 22, of the Public Records of St. Lucie County, Florida.**

**Parcel 2:**

**Lot 19, Block 1708, Port St. Lucie Section Thirty One, according to the map or plat thereof, as recorded in Plat Book 14, Page(s) 22, of the Public Records of St. Lucie County, Florida.**

Together with all appurtenances, privileges, rights, interests, dower, reversions, remainders and easements thereunto appertaining.

TO HAVE AND TO HOLD the Property in fee simple upon the Trust and for the uses and purposes herein and those set forth in the Trust, with full power and authority to protect, conserve and to sell, or to lease or to encumber, or to otherwise manage and dispose the Property.

This conveyance is granted pursuant to and shall be governed by the provisions of Section 689.073, Florida Statutes, and the Trust governed by Chapter 736, Florida Statutes.

Full power and authority is hereby granted to the Trustee to improve, subdivide, protect, conserve, sell, lease, encumber and otherwise manage and dispose of the Property or any part thereof, to dedicate parks, streets, highways or alleys and to vacate any subdivision or part thereof, to resubdivide the Property as often as desired, to contract to sell, to grant options to purchase, to sell on any terms, to convey either with or without consideration, to convey the Property or any part thereof to a successor or successors in trust and to grant the successor or successors in trust of all the title, estate, powers and authorities vested in the Trustee, to donate, to dedicate, to mortgage, pledge or otherwise encumber the Property, or any part thereof, to lease the Property or any part thereof, from time to time, in possession or reversion, by leases to

commence in present or in future, and upon any terms and for any period or periods of time, not exceeding in the case of any single demise the term of 99 years, and to renew or extend leases upon any terms and for any period or periods of time and to amend, change or modify leases and the terms and provisions thereof at any time or times hereafter, to contract to make leases and to grant options to lease and options to renew leases and options to purchase the whole or in any part of the reversion and to contract respecting the manner of fixing the amount of present or future rentals, to partition or to exchange the Property, or any part thereof, for other real or personal property, to submit the Property to condominium or to a declaration of covenants and restriction for a homeowner's association, to grant easements or charges of any kind, to release, convey or assign any right, title or interest in or about or easement appurtenant to the Property or any part thereof, and to deal with the Property and every part thereof in all other ways and for any other considerations as it would be lawful for any person owning the same to deal with the same, whether similar to or different from the ways above specified, at any time or times hereafter.

The written acceptance by the successor trustee, recorded among the public records in the county where the Property is located, together with evidence of the Trustee's death, disability, or resignation, shall be deemed conclusive proof that the successor trustee provisions of the Trust have been complied with. Evidence of the Trustee's death shall consist of a certified copy of the Trustee's death certificate. Evidence of the Trustee's disability shall consist of a licensed physician's affidavit establishing that the Trustee is incapable of performing the Trustee's duties as Trustee of the Trust. Evidence of the Trustee's resignation shall consist of a resignation, duly executed and acknowledged by the Trustee. The successor trustee shall have the same powers granted to the original Trustee as set forth herein.

Any contract, obligation or indebtedness incurred or entered into by the Trustee in connection with the Property shall be as Trustee of an express trust and not individually, and the Trustee shall have no obligation whatsoever with respect to any contract, obligation or indebtedness except only so far as the Property in the actual possession of the Trustee shall be applicable for the payment and discharge thereof; it is expressly understood that any representations, warranties, covenants, undertakings and agreements hereinafter made on part of the Trustee, whole in form purporting to be the representations, warranties, covenants, undertakings and agreements of the Trustee, are nevertheless made and intended not as personal representations, warranties, covenants, undertakings and agreements by the Trustee or for the purpose or with the intention of binding the Trustee personally, but are made and intended for the purpose of binding only the Property specifically described herein; and that no personal liability or personal responsibility is assumed by nor shall at any time be asserted or enforceable against the Trustee individually on account of any instrument executed by or on account of any representation, warranty, covenant, undertaking or agreement of the Trustee, either expressed or implied, all personal liability, if any, being expressly waived and released and all persons and corporations whomsoever and whatsoever shall be charged with notice of this condition from the date of the filing for record of this deed.

In no case shall any party dealing with the Trustee in relation to the Property, or to whom the Property or any part thereof shall be conveyed, contracted to be sold, leased or mortgaged by the Trustee, be obliged to see to the application of any purchase money, rent, or money borrowed or advanced on the Property, or be obliged to see that the terms of the Trust have been complied with, or be obliged to inquire into the necessity or expediency of any act of the Trustee, or be obliged or privileged to inquire into any of the terms of the Trust; and every deed, trust deed, mortgage, lease or other instrument executed by the Trustee in relation to the Property shall be conclusive evidence in favor of every person relying upon or claiming under any conveyance, lease or other instrument, (a) that at the time of delivery thereof the trust created by this Indenture and by the Trust was in full force and effect, (b) that the conveyance or other instrument was executed in accordance with the trusts, conditions and limitations contained in this Indenture and in the Trust or in some amendment thereof and binding upon all

beneficiaries thereunder, (c) that the Trustee was duly authorized and empowered to execute and deliver every such deed, trust deed, lease, mortgage or other instrument, and (d) if the conveyance is made to a successor or successors in trust, that such successor or successors in trust have been properly appointed and are fully vested with all the title, estate, rights, powers, authorities, duties and obligations of the Trustee's predecessor in trust.

AND the Grantor hereby covenants with the Grantee that Grantor is lawfully seized of the Property in fee simple; that the Grantor has good right and lawful authority to sell and convey the Property; that the Grantor hereby fully warrants the title to the Property and will defend the same against the lawful claims of all persons whomsoever; and that the Property is free of all encumbrances.

IN WITNESS WHEREOF, the Grantor aforesaid has hereunto set their hands and seals this 16<sup>th</sup> day of August, 2017.

Signed, sealed and delivered in our presence:

*[Handwritten Signature]*

Witness Name: Danielle Beggs  
Please Print, Type or Stamp  
As to Grantor

*[Handwritten Signature]* (SEAL)  
Gregory Cottin

*[Handwritten Signature]*

Witness Name: Monica Swords  
Please Print, Type or Stamp  
As to Grantor

*[Handwritten Signature]* (SEAL)  
Patricia H. Cottin

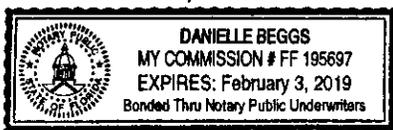
State of Florida  
County of Martin

The foregoing instrument was acknowledged before me this 16<sup>th</sup> day of August, 2017, by Gregory Cottin and Patricia H. Cottin, his wife, who is personally known to me, or has provided a driver's license as identification and who has not taken an oath.

*[Handwritten Signature]*

Name: Danielle Beggs  
Typed, printed or stamped

(NOTARY SEAL)



I am a Notary Public of the State of Florida having a commission number of \_\_\_\_\_ and my commission expires: \_\_\_\_\_

THIS DEED IS A CONVEYANCE TO A TRUSTEE FROM A GRANTOR WHO HAS THE POWER TO REVOKE THE TRUST INSTRUMENT, WHICH IS NOT PURSUANT TO A SALE AND IS NOT SUBJECT TO FLORIDA DOCUMENTARY STAMP TAX, AS PROVIDED IN SECTION 12B-4.013(29)(i), FLORIDA ADMINISTRATIVE CODE.

Gregory D. Cottin (TR)  
498 SW Jeanne Ave  
Port St. Lucie, FL 34953

**AGENT CONSENT FORM**

Project Name: Cottin – Fondura Rd

Parcel ID(s): 3420-650-1096-000-2 & 3420-650-1097-000-9

GREGORY D. COTTIN, TR

BEFORE ME THIS DAY PERSONALLY APPEARED \_\_\_\_\_, WHO BEING DULY SWORN, DEPOSES AND SAYS THE FOLLOWING:

I hereby give CONSENT to Engineering Design & Construction, Inc. to act on my behalf, to submit or have submitted applications and all required material and documents, and to attend and represent me at all meetings and public hearings pertaining all City, County and State permits for completion of the project indicated above. Furthermore, I hereby give consent to the party designated above to agree to all terms and conditions which may arise as part of the approval of this application for the proposed use of a commercial development.

FURTHER AFFIANT SAYETH NOT.

The foregoing instrument was acknowledged before me this 22 day of Jan, 2023, by Gregory D. Cottin (Name of Person Acknowledging) who is personally known to me or who has produced Fla. Drivers License (type of identification) as identification and who did (did not) take an oath.

Nancy L. Stamm  
Notary Signature

Greg D Cottin  
Owner's Signature

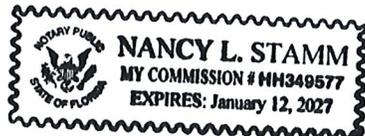
Nancy L. Stamm  
Printed Name of Notary

GREGORY D. COTTIN  
Owner's Name

498 SW JEANNE AVE  
Street Address

(Notary Seal)

PORT ST. LUCIE, FL 34953  
City, State, Zip



561-603-0499 gregorycottin@comcast.net  
Telephone / Email

My commission expires \_\_\_\_\_



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Cottin, Gregory and Patricia  
Rezoning  
Project No. P24-053

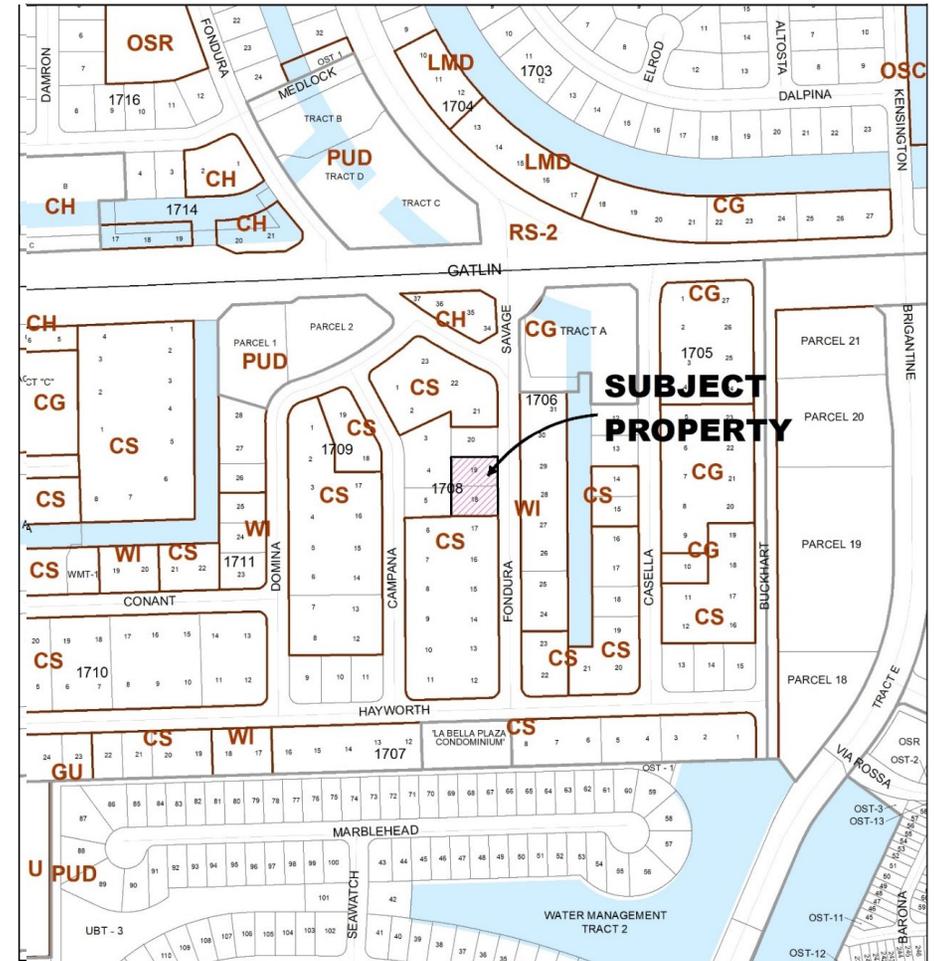
Planning and Zoning Board Meeting  
Cody Sisk, Planner II  
June 4, 2024

# Request Summary

Applicant's Request:	The applicant requests to rezone 0.46 acres from Single Family Residential (RS-2) to Service Commercial (CS) to be consistent with the City's Comprehensive Plan and current Future Land Use. The proposed use is a facility for the repair and maintenance of vehicles.
Agent:	EDC, Inc.
Applicant/Property Owner:	Gregory & Patricia Cottin
Location:	The parcels are located at 2722 and 2732 SW Fondura Road between SW Gatlin Boulevard and SW Hayworth Avenue.

## Surrounding Areas

Direction	Existing Use	Future Land Use	Zoning
North	Vacant	CS	RS-2
South	Self-Storage	CS	CS
East	Self-Storage	CS	WI
West	Vacant	CS	RS-2



# Land Use Conversion Manual

FACTOR	ISSUE	
Planning Area Location	Conversion Area #24	
Is all property within planning area?	Yes	
Type of Conversion Area	CS	
Proposed rezoning	Service Commercial Zoning District	
Will rezoning result in isolation of lots?	Yes, a variance for lots 18 and 19 was approved, P23-239, to allow the isolation of lot 20.	
Has Unity of Title been submitted?	Not required	
Minimum Frontage	Required	Proposed
	160'	160' (SW Fondura St.) a variance was approved to reduce the minimum conversion area requirements (P23-239).
Minimum Depth	240' (Single lot depth, 125' may be used if the entire rear lot line is bounded by a major drainage right-of way)	125' (abutting a major drainage R/W) single lot depth.
Landscape Buffer Wall	Not required	

## Justification

- The proposed rezoning is consistent with Policy 1.1.4.13 of the Future Land Use Element of the Comprehensive Plan which establishes the compatible future land use and zoning categories.
- The Service Commercial (CS) Zoning District is listed as a compatible zoning district under the Service Commercial (CS) future land use classification.

POLICY 1.1.4.13 FUTURE LAND USE ELEMENT	
<u>FUTURE LAND USE CLASSIFICATION</u>	<u>COMPATIBLE ZONING DISTRICT</u>
Service Commercial (CS)	CS (Service Commercial), GU (General Use), and WI (Warehouse Industrial)

# Staff Recommendation

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



Agenda Summary  
2024-521

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**Agenda Date:** 6/4/2024

**Agenda Item No.:** 8.d

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Placement: Public Hearing - Quasi Judicial

Action Requested: Motion / Vote

**P24-056 Florida Coast Medical & Surgical Center at Veranda - Variance**

Location: The south side of the intersection of SE Becker Road and SE Veranda Place, in the SE quadrant of the Florida Turnpike-Becker Road interchange.

Legal Description: Veranda Plat No. 8, Tract 1

This is a request for a variance from the St. Lucie Land PUD Conditions, outlined in Section 5 of the regulation book, to waive the requirement that the St. Lucie Lands Master Property Owners Association (POA) will be responsible for the architectural design control of the Hospital and the Medical Office Building.

Submitted By: Bethany Grubbs, Planner III

Executive Summary: A variance from Section 5 of the St. Lucie Lands PUD (Planned Unit Development) regulation book, to waive the requirement that the St. Lucie Lands Master Property Owners Association (POA) will be responsible for the architectural design control of the Hospital and the Medical Office Building.

Presentation Information: Staff will provide a presentation.

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

Background: the property is mandated to adhere to the architectural design approval specified in the St. Lucie Lands PUD document, which states that the POA will maintain architectural and landscape design control over the residential and non-residential use areas in the PUD. However, unlike other properties within the PUD, this particular property is not included in the Declaration of Covenants and Restrictions for Veranda (which includes St. Lucie Lands PUD) and is therefore not subject to architectural review by the POA.

Issues/Analysis: See the attached staff report.

Special Consideration: N/A

Location of Project: The south side of the intersection of SE Becker Road and SE Veranda Place, in the SE quadrant of the Florida Turnpike-Becker Road interchange.

**Attachments:**

1. Staff Report
2. Variance Responses
3. Deed

4. Agent Authorization Letter
5. Staff Presentation



Veranda - Florida Coast Medical and Surgical Center, Inc.  
 Variance  
 Project No. P24-056



**SUMMARY**

Applicant's Request:	A variance from Section 5 of the St. Lucie Lands PUD (Planned Unit Development) regulation book, to waive the requirement that the St. Lucie Lands Master Property Owners Association (POA) will be responsible for the architectural design control of the Hospital and the Medical Office Building.
Application Type:	Variance, Quasi-Judicial
Applicant:	Rebecca Miller, MPLD Consulting
Property Owner:	Florida Coast Medical and Surgical Center, Inc.
Location:	The south side of the intersection of SE Becker Road and SE Veranda Place, in the SE quadrant of the Florida Turnpike-Becker Road interchange.
Project Planner:	Bethany Grubbs, Planner III

**Project Description**

The City of Port St. Lucie has received a request from MPLD Consulting, agent for the property owner, Florida Coast Medical and Surgical Center, Inc., to grant a variance from Section 5 of the St. Lucie Lands Planned Unit Development (PUD) regulation book, to waive the requirement that the St. Lucie Lands Master Property Owners Association (POA) will be responsible for the architectural design control of the Hospital and the Medical Office Building. The properties are legally described as Veranda Plat No. 8 Tracts 1, 4 & 5, as recorded in Plat Book 100, Page 11, of the Public Records of St. Lucie County, Florida.

**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 on May 23, 2024, and the file was included in the ad for the Planning & Zoning Board’s agenda.

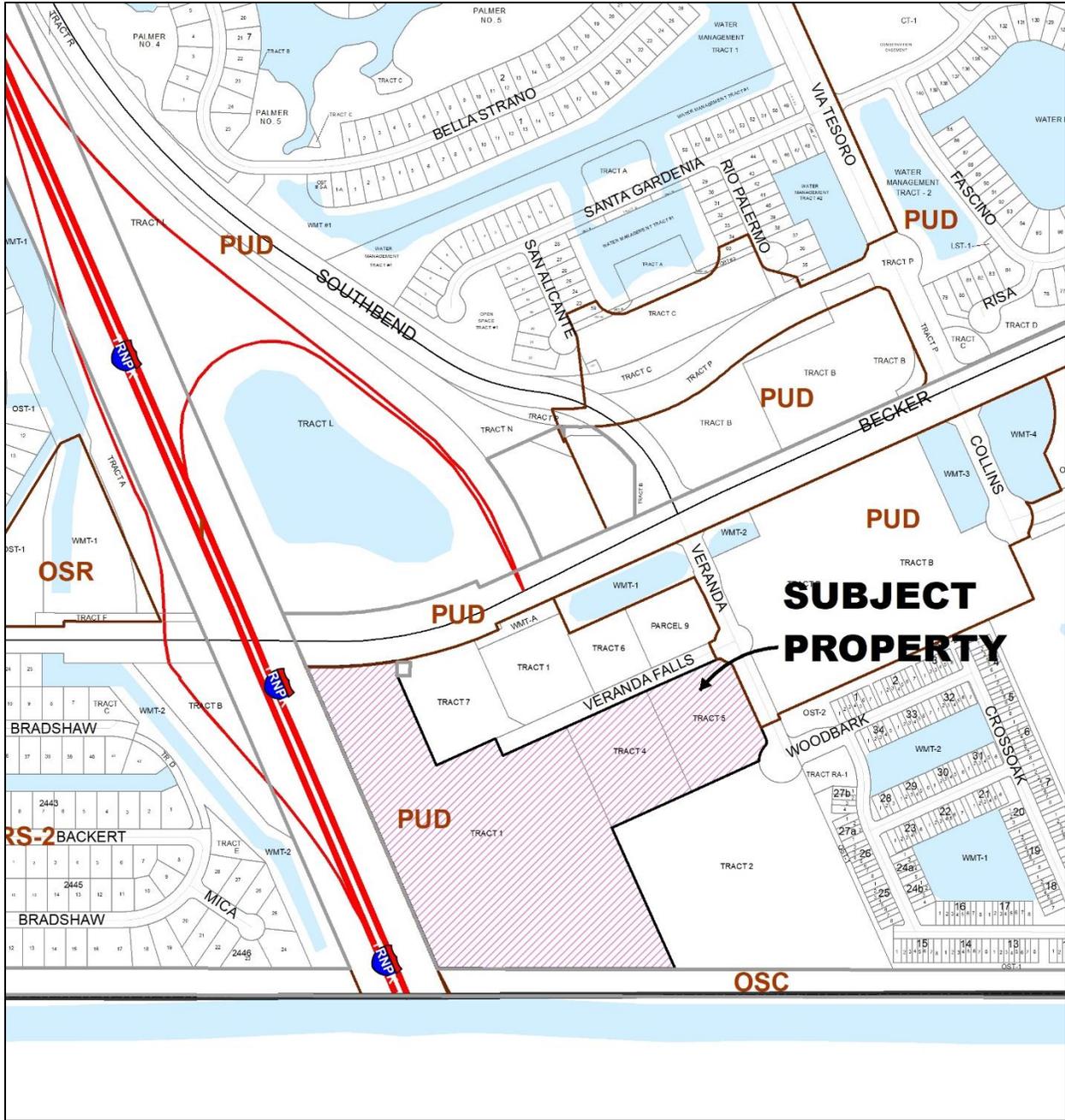
**Location and Site Information**

Parcel Number:	4434-704-0001-000-3
Property Size:	19.032 acres
Legal Description:	Veranda Plat No. 8 Tract 1
Address:	300 SE Veranda Falls Way
Future Land Use:	CS/ROI/, CH/CG/ROI, CG/CS/ROI
Existing Zoning:	Planned Unit Development (PUD)
Existing Use:	Vacant (under construction)

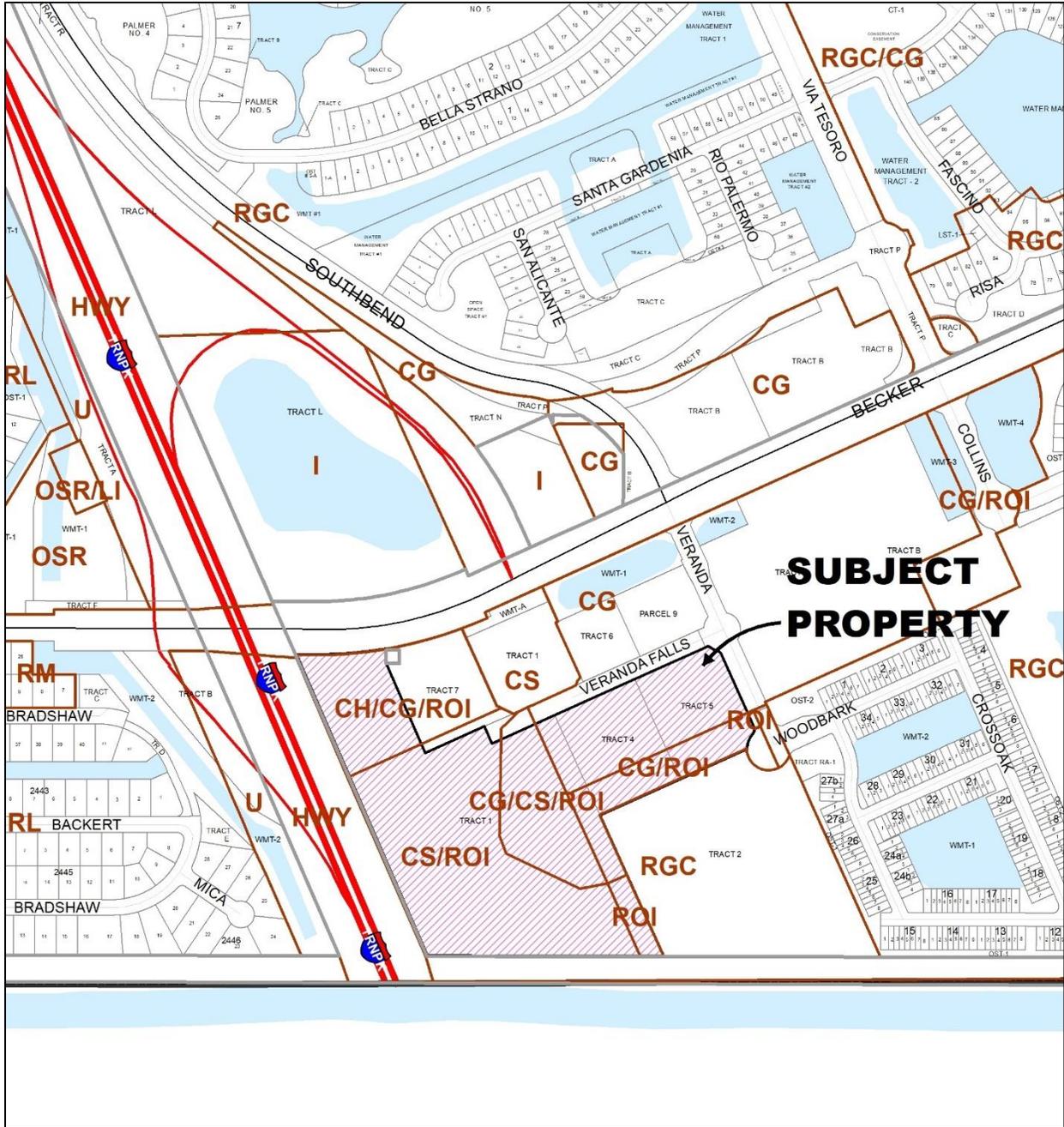
**Surrounding Uses**

Direction	Future Land Use	Zoning	Existing Use
North	RGC	PUD	Tesoro Community
South	RGC	OSC	SFWMD C-23 Canal
East	RGC, PUD	PUD	Veranda Volaris Multifamily
West	N/A	N/A	Florida Turnpike

RGC-Residential Golf Course, PUD-Planned Unit Development, OSC-Open Space Conservation



Zoning Map



Future Land Use 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. Staff's review is 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: A Variance is being sought to waive the requirement of adhering to St. Lucie Land PUD Conditions. The purchased property has separate maintenance agreements in place outside of the POA and the POA was not part of the purchase disclosure nor Warranty Deed.*
  - *Staff Findings: Special conditions do exist which are peculiar to this structure that are not applicable to other structures in this zoning district because the property is mandated to adhere to the architectural design approval specified in the St. Lucie Lands PUD document, which states that the POA will maintain architectural and landscape design control over the residential and non-residential use areas in the PUD. However, unlike other properties within the PUD, this particular property is not included in the Declaration of Covenants and Restrictions for Veranda (which includes St. Lucie Lands PUD) and is therefore not subject to architectural review by the POA. This creates a unique situation that necessitates a variance.*
- 2) That the special conditions and circumstances do not result from any action of the applicant.
  - *Applicant's Response: These conditions are findings evidenced during the Entitlement process on the PUD documents of the site and are not resulting from the actions of the applicant.*
  - *Staff Findings: It is unclear if the special conditions and circumstances result from any action of the applicant. The PUD regulation document was amended to clarify that architectural certification by the POA be required. The requirement for the property to follow the architectural design approval process outlined in the PUD document is an inherent condition tied to the land. But the land is not included in the Declaration of Covenants and Restrictions for Veranda. The conditions necessitating this variance were identified during the site plan review process. .*
- 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: Granting the variance requested will not confer on the applicant special privilege as the variance would absolve the property from St Lucie Land PUD*

*Conditions as the purchase of the property indicated in its legal disclosures.*

- *Staff Findings: The variance request aims to absolve the property from specific PUD conditions due to its unique status. The property is not governed by the POA; therefore, cannot obtain POA architectural review approval. The variance does not confer any special privilege but rather addresses the regulatory anomaly that places the property at a disadvantage compared to others within the zoning district and PUD.*
- 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: A literal interpretation of the provisions in this chapter would deprive the applicant from accepting the responsibility of architectural design control despite being outside of the St. Lucie Land PUD Conditions.*
  - *Staff Findings: The literal interpretation of the provisions would require the applicant to require POA approval of the architecture, but they cannot because the property is not governed by the POA, making it impossible to obtain the necessary POA architectural review approval. This unique governance situation is not faced by other properties in the same zoning district or PUD. This is the only property that is to be developed in the St. Lucie Lands PUD that is not included in the POA. Due to its non-included status in the POA, the property is placed in regulatory limbo where it must comply with certain PUD conditions without the structural framework to do so. This Other properties in the zoning district and PUD, do not face such conflicting requirements.*
- 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: The requested variance is the minimum variance that will make possible the reasonable use of the proposed hospital project by adhering to the Architectural Design needs of the building.*
  - *Staff Findings: The request for this variance is the minimum variance needed to make possible the reasonable use of the land and to develop the property in any manner. The variance seeks only to absolve the property from specific PUD conditions that it cannot meet due to its unique status as being required to obtain POA approval per the PUD, but not being included in the POA. This requested relief will resolve the unique regulatory conflict faced by this property and allow for development of the property. Any development on this property would face the same challenge.*
- 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's Response: Granting the requested variance will be in harmony with the general intent and purpose of the chapter via accepting responsibility for the architectural design control.*
  - *Staff Findings: Granting the variance will not be injurious to the area involved or be otherwise detrimental to 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.

- *Applicant's Response: The applicant acknowledges 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.*

## 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).***



## **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;

A Variance is being sought to waive the requirement of adhering to St. Lucie Land PUD Conditions. The purchased property has separate maintenance agreements in place outside of the POA and the POA was not part of the purchase disclosure nor Warranty Deed.

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

These conditions are findings evidenced during the Entitlement process on the PUD documents of the site and are not resulting from the actions of the applicant.

(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;

Granting the variance requested will not confer on the applicant special privilege as the variance would absolve the property from St Lucie Land PUD Conditions as the purchase of the property indicated in it's legal disclosures..

(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;

A literal interpretation of the provisions in this chapter would deprive the applicant from accepting the responsibility of architectural design control despite being outside of the St. Lucie Land PUD Conditions.

(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 requested variance is the minimum variance that will make possible the reasonable use of the proposed hospital project by adhering the Architectural Design needs of the building.

(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 requested variance will be in harmony with the general intent and purpose of the chapter via accepting responsibility for the architectural design control.

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(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 acknowledges 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.

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\_\_\_\_\_  
Signature of Applicant

Rebecca Miller

\_\_\_\_\_  
Hand Print Name

5/3/2024

\_\_\_\_\_  
Date

**THIS INSTRUMENT PREPARED BY**

Joel P. Koepfel, Esq.  
Koepfel Law Group, P.A.  
1515 N Flagler Drive, Suite 220  
West Palm Beach, FL 33401

**AFTER RECORDING RETURN TO:**

Fidelity National Title Insurance Company  
2400 Maitland Center Parkway, Suite 200  
Maitland, Florida 32751

**Parcel Identification Numbers:**

Tract 1: 4434-704-0001-000-3  
Tract 4: 4434-704-0005-000-1  
Tract 5: 4434-704-0006-000-8

**SPECIAL WARRANTY DEED**

This **SPECIAL WARRANTY DEED** (this "**Deed**") is made as of the 15<sup>th</sup> day of June, 2022, by **VF II, LLC**, a Florida limited liability company, whose address is 515 North Flagler Drive, Suite 1500, West Palm Beach, Florida 33401 ("**Grantor**"), to **FLORIDA COAST MEDICAL AND SURGICAL CENTER, INC.**, a Florida corporation, whose address is 14201 Dallas Parkway, Dallas, Texas 75254, ("**Grantee**").

*(Wherever used herein, the terms "Grantor" and "Grantee" shall be deemed to include the parties to this Special Warranty Deed and the successors and assigns of each. The singular shall be deemed to include the plural, and vice versa, where the context so permits.)*

**WITNESSETH:**

**THAT**, for and in consideration of the sum of TEN AND 00/100 Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which are acknowledged by Grantor, Grantor hereby grants, bargains, sells, aliens, remises, releases, conveys, and confirms unto Grantee, its successors and/or assigns forever, all that certain real property situate in St. Lucie County, State of Florida, and legally described in **Exhibit "A"** attached hereto and made a part hereof (the "**Property**").

**TOGETHER WITH** all the tenements, hereditaments, and appurtenances thereto belonging or in any way appertaining.

**TO HAVE AND TO HOLD** the same unto Grantee in fee simple forever.

**AND** Grantor hereby covenants with Grantee that (i) the Property is free and clear of all liens and encumbrances except for taxes for the year 2022, and subsequent years, which are not yet due and payable, and those certain matters described in **Exhibit "B"** attached hereto and made

a part hereof, provided, that this reference shall not serve to reimpose the same; (ii) Grantor is lawfully seized of the Property in fee simple; (iii) Grantor has good right and lawful authority to sell and convey the Property; and (iv) Grantor fully warrants the title to the Property and will defend the same against the lawful claims of all persons claiming by, through, or under Grantor, but against none other.

[SIGNATURE PAGE TO FOLLOW]

IN WITNESS WHEREOF, Grantor has executed this Deed as of the day and year first above written.

Signed, sealed and delivered in the presence of:

VF II, LLC, a Florida limited liability company

By: Huizenga Holdings, Inc., a Florida corporation, its Manager

By: [Signature]  
Print Name: CARMEN KRAMER

By: [Signature]  
Name: Alex Muxo  
Title: Vice President

By: [Signature]  
Print Name: Joel P. Koepfel

STATE OF FLORIDA

COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me by means of  physical presence or  online notarization this 14 day of June, 2022, by Alex Muxo, as Vice President of Huizenga Holdings, Inc., a Florida corporation, Manager of VF II, LLC, a Florida limited liability company, on behalf of the company, who personally appeared before me and is  personally known to me or  has produced \_\_\_\_\_ as identification.

[NOTARY SEAL]

[Signature]  
Notary Public Signature  
Joel P. Koepfel

Typed or Printed Notary Name  
Notary Public-State of Florida  
Commission No.: \_\_\_\_\_  
My Commission Expires: 12-20-22



JOEL P. KOEPPLE  
Commission # GG 281423  
Expires December 20, 2022  
Bonded Thru Budget Notary Services

**EXHIBIT "A" TO SPECIAL WARRANTY DEED**

**LEGAL DESCRIPTION OF THE PROPERTY**

Being all of Tracts 1, 4 and 5, VERANDA PLAT NO. 8, according to the Plat thereof, as recorded in Plat Book 100, Page 11 and 12, of the Public Records of St. Lucie County, Florida.

**EXHIBIT "B" TO SPECIAL WARRANTY DEED****PERMITTED EXCEPTIONS**

1. Taxes for the year 2022 and subsequent years, not yet due and payable.
2. Restrictions, covenants, conditions, easements and other matters as contained on the Plat of Veranda Plat No. 8, recorded in Plat Book 100, Pages 11, of the Public Records of St. Lucie County, Florida.
3. Terms, covenants, conditions and restrictions set forth in Paragraphs 2.1 and 2.2 of the Declaration of Covenants and Restrictions by Stuart Property Holdings, Ltd., a Florida limited partnership, St. Lucie Land, Ltd., a Florida limited partnership, and Atlantic Gulf Communities Corporation, a Delaware corporation, recorded May 1, 1996, in Official Records Book 1012, Page 886; as affected by Assignment and Assumption recorded in Official Records Book 1118, Page 1450.
4. Slope Easement granted to St. Lucie County recorded July 23, 1996, in Official Records Book 1026, Page 1575.
5. Terms, covenants, conditions and other matters contained in the Development Agreement among St. Lucie Land, Ltd., Stuart Property Holdings, Ltd. and the City of Port St. Lucie, recorded August 31, 2004, in Official Records Book 2056, Page 810; as affected by the First Amendment To Development Agreement recorded August 18, 2005, in Official Records Book 2337, Page 630; Second Amendment To Development Agreement recorded March 14, 2008, in Official Records Book 2949, Page 1492; Third Amendment to Development Agreement recorded November 25, 2013, in Official Records Book 3581, Page 2791; Assignment of Development Rights, Permits, Contracts and other Intangible Rights, recorded March 18, 2014, in Official Records Book 3613, Page 804; Assignment of Potable Water and Wastewater Line Charge ERC's recorded April 11, 2018, in Official Records Book 4118, Page 1308; and Fourth Amendment to Development Agreement recorded in Official Records Book 4416, Page 2316 and as may be subsequently amended.
6. Terms, covenants, conditions, easements and lien rights contained in the City of Port St. Lucie Utility Systems Department Master Utility Service Agreement recorded January 17, 2007, in Official Records Book 2741, Page 1089; as modified by Amendment No. 1 to Utility Service Agreement recorded December 15, 2009, in Official Records Book 3153, Page 2348; and Amended and Restated Utility Service Agreement recorded July 6, 2012, in Official Records Book 3408, Page 447.
7. Terms, covenants, conditions and other matters contained in the Impact Fee Pre-Payment Agreement by and among St. Lucie Land, Ltd., Stuart Property Holdings, Ltd., VF I, LLC, and the City of Port St. Lucie recorded March 6, 2007, in Official Records Book 2773, Page 657, as affected by Assignment and Assumption of Impact Fee, Prepayment Agreement (Public Buildings), executed by and among Stuart Property Holdings, Ltd., S. Lucie Land, Ltd., VF I, LLC, and Veranda St. Lucie Land Holdings, LLC, recorded March 18, 2014, in Official Records Book 3613, Page 795.

8. Terms, covenants, conditions and other matters contained in the Road Impact Fee Credit Agreement among St. Lucie County, Florida, Stuart Property Holdings, Ltd., VF I, LLC, and St. Lucie Land, Ltd for the Construction of a Portion of Becker Road Lying in the City Port St. Lucie, recorded August 9, 2007, in Official Records Book 2864, Page 66; as affected by Assignment and Assumption of Road Impact Fee Credit Agreements and Assignment of Road Impact Fee Credits, executed by and among Stuart Property Holdings, Ltd., St. Lucie Land, Ltd., and Veranda St. Lucie Land Holdings, LLC, recorded March 18, 2014, in Official Records Book 3613, Page 791.
9. Terms, covenants, conditions and easements contained in the City of Port St. Lucie Utility Systems Department Reuse Irrigation Quality Water Service Agreement/Permit recorded July 8, 2008, in Official Record Book 2992, Page 2129; as affected by Amendment No. 1 recorded November 17, 2009, in Official Record Book 3145, Page 2212; Amendment No. 2 recorded June 17, 2011, in Official Records Book 3301, Page 2201; and Bill of Sale dated October 7, 2009, attached to the Affidavit recorded in Official Records Book 3613, Page 655.
10. Terms, covenants, conditions and other matters, contained in the Corrective Educational Facilities Impact Fee Credit Agreement, among St. Lucie Land, Ltd., Stuart Property Holdings, Ltd., and the School Board of St. Lucie County, Florida, recorded October 23, 2013, in Official Records Book 3572, Page 1370; as affected by Assignment and Assumption of Corrective Educational Facilities Impact Fee Credit Agreement, executed by and among Stuart Property Holdings, Ltd., St. Lucie Land, Ltd., and Veranda St. Lucie Land Holdings, LLC, recorded March 18, 2014, in Official Records Book 3613, Page 800.
11. Agreement Among Developer Entities, by and among St. Lucie Land, Ltd., Stuart Property Holdings, Ltd., Floridian National Golf Club, LLC, VF 1, LLC, Veranda St. Lucie Land Holdings, LLC, and Divosta Homes, L.P., recorded March 18, 2104, in Official Records Book 3613, Page 747.
12. Assignment and Assumption of Intangible Property Rights, executed by and among Stuart Property Holdings, Ltd., St. Lucie Land, Ltd. and Veranda St. Lucie Land Holdings, LLC, recorded March 18, 2014, in Official Records Book 3613, Page 786.
13. Declaration of Restrictive Covenants recorded January 20, 2021 in Official Records Book 4540, Page 1514.
14. Utility Service Agreement recorded February 15, 2021 in Official Records Book 4556, Page 383.
15. Easement granted to Florida Power & Light Company recorded in Official Records Book 462, Page 1815.
16. Non-exclusive Easement granted to BellSouth Telecommunications, Inc. recorded in Official Records Book 2804, Page 2853.

17. Restrictions, covenants, conditions, easements and other matters as contained on the Plat of Veranda Plat No. 8, recorded in Plat Book 100, Pages 11 and 12, of the Public Records of St. Lucie County, Florida.
18. Temporary Construction and Access Easement Agreement recorded February 17, 2022 in Official Records Book 4774, Page 2188.

**AUTHORIZATION TO ACT AS AGENT**

Date: May 6, 2024

RE: Florida Coast Surgical Hospital and Medical Office Building – Variance Application

\_\_\_\_\_  
\_\_\_\_\_

I, Sharilee Smith, as owner/agent, do hereby authorize Rebecca Miller to act as its agent relative to the above referenced project.

Sharilee Smith  
Signature

Director  
Title

5/6/2024  
Date

Sharilee Smith  
Print Name

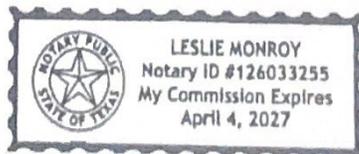
TEXAS  
STATE OF FLORIDA  
COUNTY OF ST. LUCIE DALLAS

The foregoing instrument was acknowledged before me **by means of**  **physical presence** or  **online notarization**, this 6 day of May, 2024 (year), by Sharilee Smith (name of person acknowledging), who is personally known to me or has produced \_\_\_\_\_ (type of identification) as identification.

Additionally, the notarial certificate for an affidavit to be recorded should read substantially as follows:

The foregoing instrument was sworn to (or affirmed), subscribed, and acknowledged before me **by means of**  **physical presence** or  **online notarization**, this 6 day of May, 2024 (year), by Sharilee Smith (name of person making statement), who is personally known to me or has produced \_\_\_\_\_ (type of identification) as identification.

Seal:



Leslie Monroy  
Signature

Revised 08/17/20



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Veranda - Florida Coast Medical and  
Surgical Center, Inc.  
Variance  
(P24-056)

Planning and Zoning Board – June 4, 2024  
Bethany Grubbs, Planner III

## Variance Request

A variance from Section 5 of the St. Lucie Lands PUD (Planned Unit Development) regulation book, to waive the requirement that the St. Lucie Lands Master Property Owners Association (POA) will be responsible for the architectural design control of the Hospital and the Medical Office Building.

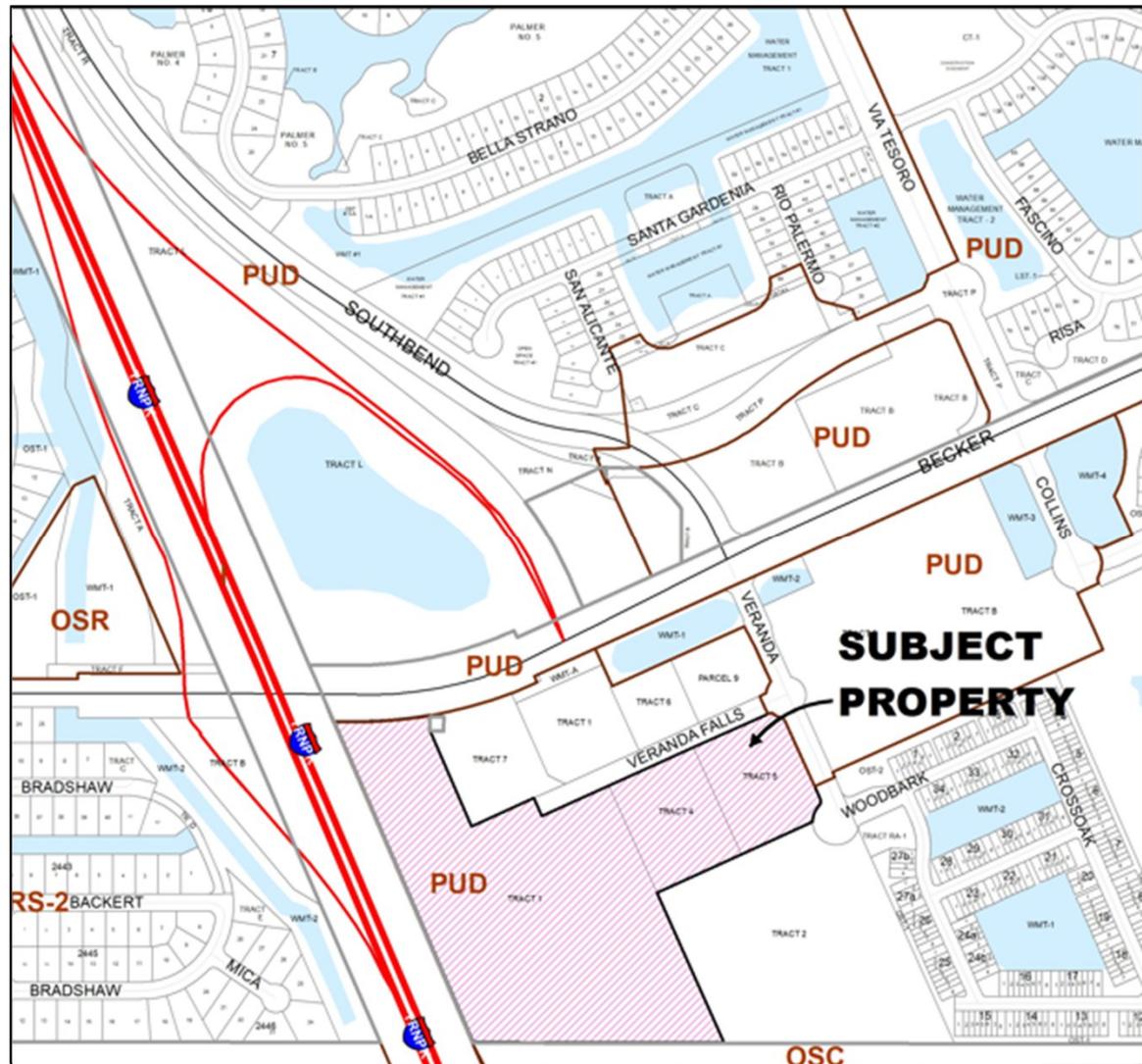
The variance request aims to absolve the property from specific PUD conditions.

## Applicant and Property Owner

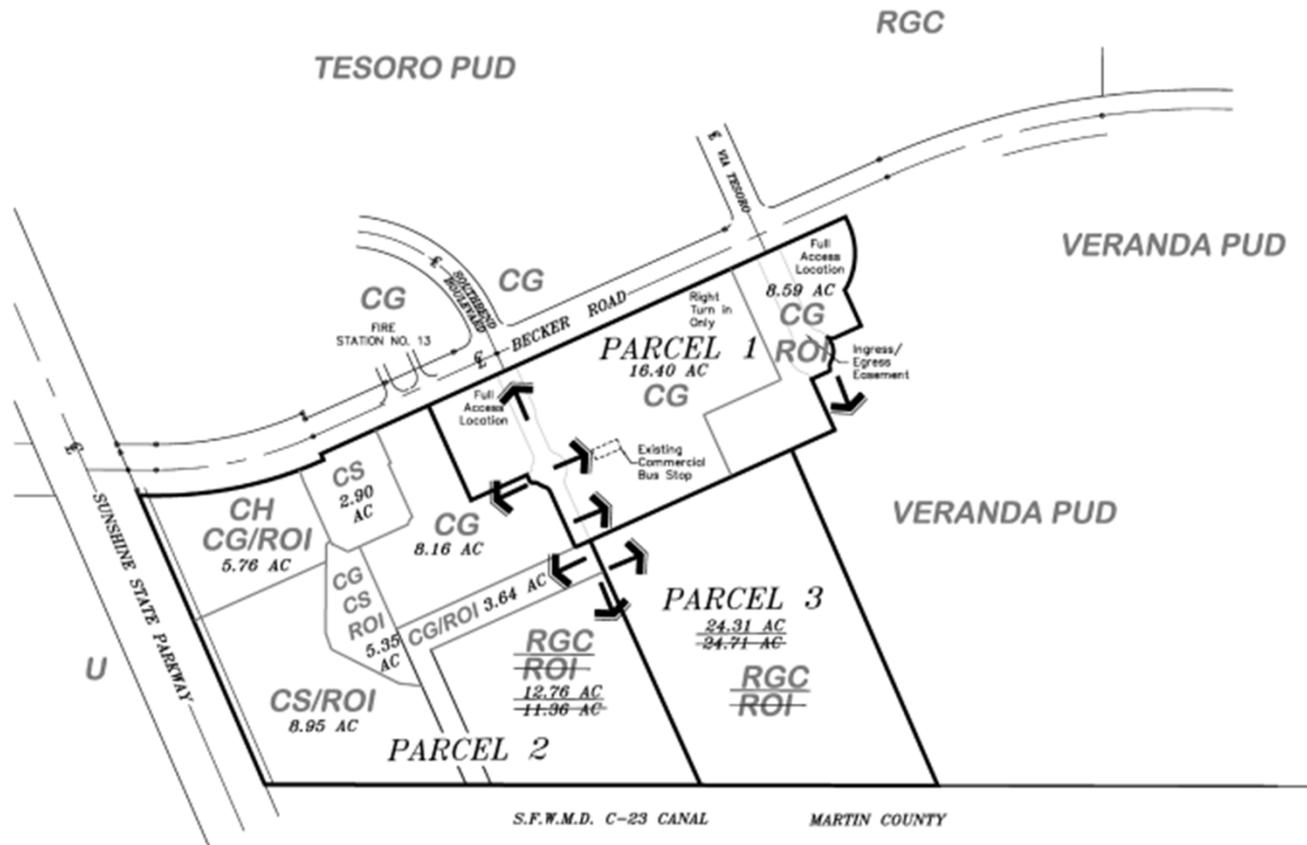
Applicant/Property Owner:	Florida Coast Medical and Surgical Center, Inc.
Agent:	Rebecca Miller, MPLD Consulting
Proposed Use:	Hospital Facility
Location:	The south side of the intersection of SE Becker Road and SE Veranda Place, in the SE quadrant of the Florida Turnpike-Becker Road interchange.

# Location Map

Direction	Future Land Use	Zoning	Existing Use
North	RGC	PUD	Tesoro Community
South	RGC	OSC	SFWMD C-23 Canal
East	RGC, PUD	PUD	Veranda Volaris Multifamily
West	N/A	N/A	Florida Turnpike



# Overall PUD Boundary



## Planning & Zoning Board Action Options

- Make a motion to approve the variance.
- Make a motion to approve the variance with conditions.
- Make a motion to deny.
- Make a motion to table.