

CITY OF PORT ST. LUCIE

PLANNING AND ZONING BOARD AGENDA

TUESDAY, AUGUST 2, 2016

1:30 P.M. – PORT ST. LUCIE CITY HALL

121 S.W. PORT ST. LUCIE BOULEVARD, PORT ST. LUCIE, FLORIDA

1. MEETING CALLED TO ORDER Revised 07/27/16
2. ROLL CALL
3. DETERMINATION OF A QUORUM
4. PLEDGE OF ALLEGIANCE
5. APPROVAL OF MINUTES – **JULY 5, 2016**
6. **CONSENT AGENDA**
- A. P16-091 VERANO PUD PLAT NO. 11 REPLAT 2 – PRELIMINARY & FINAL PLAT
7. **PUBLIC HEARINGS**

[The applicant or agent for the applicant must be present. If no representative is present for the application, it will be tabled to the following month's meeting.]

Anyone wishing to speak on any item may approach the podium after the issue has been opened for the public to comment. Each person wishing to speak may do so for not more than 3 (three) minutes. Your comments and concerns are very welcome, however, we must maintain order and provide time for everyone.

- A. P16-103 PORT ST. LUCIE PROPERTIES, LLC - PARKING – VARIANCE
Location: The property is located at the northeast corner of Port St. Lucie Boulevard and Yale Street, north of Darwin Boulevard.
Legal Description: Darwin Plaza, Lot 5.
This is a request to grant a variance to Section 158.221(C), Amount of Off-Street Parking Required, of the Zoning Code, by allowing a reduction in the required parking. The applicant is requesting a variance to the code that would allow for a reduction in required parking spaces by 11 for the proposed restaurant.
- B. P16-105 PORT ST. LUCIE PROPERTIES, LLC - LANDSCAPE – VARIANCE
Location: The property is located at the northeast corner of Port St. Lucie Boulevard and Yale Street, north of Darwin Boulevard.
Legal Description: Darwin Plaza, Lot 5.
This is a request to reduce the width of the required landscape strips between the out parcels and vehicular area of the Neighborhood Walmart. Section 154.03(C) of the Landscape Code requires 10 foot landscape strips for vehicular areas and site perimeters.

- C. P16-106 WCI COMMUNITIES/TRADITION PARKWAY – VARIANCE
 Location: The property is located within the north side of the right-of-way of Tradition Parkway extending from just north of the Fern Lake Drive right-of-way to the east of the N/S Road A right-of-way.
 Legal Description: A portion of Sections 7 and 8, Township 37 South, Range 39 East.
 This is a request to grant a variance to allow the construction of 2,947 linear feet of sidewalk to be deferred. WCI Communities will be constructing the first two lanes of Tradition Parkway and is requesting that construction of the sidewalk be deferred until Tradition Parkway is 4-laned, if the adjacent property owner on the north side has not constructed the sidewalk by that time. Section 158.222(F)(3) of the City Code requires sidewalks to be located on both sides of all collector and arterial roads. Tradition Parkway is classified as an arterial road.

- D. P16-085 COFFEE PORT ST. LUCIE, LLC – REZONING
 Location: The property is located on the north side of Port St. Lucie Boulevard, east of Wayne Street, south of Chapman Avenue and west of Kail Street.
 Legal Description: Lots 3, 4, 20 and 21, Block 703, Section 18.
 This is a request to rezone property from RS-2 (Single-Family Residential) to CG (General Commercial).

- E. P16-115 CITY OF PORT ST. LUCIE – CHAPTER 158 ZONING CODE – ZONING TEXT AMENDMENT
 A City initiated text amendment to amend Section 158.133 Reasonable Accommodation Procedures of the Code of Ordinances.

8. **NEW BUSINESS**

- A. PLANNING BOARD ALTERNATE INTERVIEWS
- B. DETERMINATION OF EXCUSED ABSENCE – JAYSON HARRISON

9. **OLD BUSINESS**

10. **PUBLIC TO BE HEARD**

11. **ADJOURN**

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. No stenographic record by a certified court reporter will be made of the foregoing meeting. Accordingly, any person who may seek to appeal any decision involving the matters noticed herein will be responsible for making a verbatim record of the testimony and evidence at said meeting upon which any appeal is to be based.

7/27/2016 10:27 AM



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

TO: PLANNING AND ZONING BOARD - MEETING OF AUGUST 2, 2016

FROM: JOHN FINIZIO, PLANNER *J.F.*

RE: VERANO PUD 1 PLAT NO. 11 REPLAT 2
 PRELIMINARY AND FINAL SUBDIVISION PLAT APPLICATION
 PROJECT NO. P16-091

DATE: JULY 11, 2016

PROPOSED PROJECT: Through this subdivision application, Verano is removing a small portion of Tract B to add to the existing Lot 174 of Verano PUD 1 Plat No. 11. Lot 174 will then be divided in half to accommodate new Villa B product type on the model row site plan.

APPLICANT: Daniel Sorrow, Cotleur & Hearing, Inc. The authorization letter is attached to the staff report.

OWNER: Verano Development, LLC, c/o Robert Fromm

LOCATION: The property is located north of the C-24 Canal, west of Interstate 95, east of Glades Cut-Off Road, and south of the Reserve DRI in unincorporated St. Lucie County.

LEGAL DESCRIPTION: Verano Plat No. 11, Lot 174, and Verano Plat No. 8, a portion of Tract B. The complete legal description is included in the staff report.

SIZE: Approximately 8.11 acres.

EXISTING ZONING: Verano PUD 1, PUD (Planned Unit Development).

EXISTING USE: Tract B is the recreation tract for the Verano PUD development and it concurrently includes a clubhouse, and a fitness center with a pool and other recreational amenities. Lot 174 is a residential lot that is currently vacant.

FUTURE LAND USE DESIGNATION:

Direction	Future Land Use	Zoning	Existing Use
N	RGC	PUD	Residential Lots
S	RGC	PUD	Model Center
E	RGC	PUD	WMT
W	RGC	PUD	WMT

IMPACTS AND FINDINGS:

The project has been reviewed for compliance with Chapter 160.01, City Code, regarding provision of adequate public facilities and documented as follows:

Sewer/Water Service: Sewer/water will be provided by the City of Port St. Lucie Utilities. A developer's agreement with the City Utilities Department, that is consistent with the adopted level of service, is required prior to issuance of building permits.

Transportation: Vehicle trips for the clubhouse and recreation center have already been accounted for with the site plan application for this parcel, and these trips are not changing. Therefore, the only trips being added with this application are for the development of Lot 174. With that in mind, staff review indicates that this project will generate approximately 10 daily vehicle trips, 1 a.m. peak hour trips, and 1 p.m. peak hour trips (ITE, Land Use Code 210, Single Family Detached Housing) on the roads adjacent to the project (Ambrose Way and Visconti Way). Trip projections were calculated using the Institute of Transportation Engineers (ITE) "Trip Generation Manual, 8th Edition".

Roadway level-of-service and traffic conditions within the Verano development are monitored through the Verano Development of Regional Impact (DRI) biennial reports. This project should not have an adverse effect on transportation level of service for the adjacent roadways.

Parks/Open Space: The Development Order for the Verano DRI required: "No later than two years from the effective date of this resolution, the Developer shall submit a subdivision plat that includes dedication of a minimum 50 contiguous acres of property to the City of Port St. Lucie to be used as an active park site. This property shall contain no more than 2.5 acres of wetlands and be 95% usable land. The Developer may consider off-site donation or mitigation."

A preliminary subdivision plat for the 50 acre park site was submitted by the developer on July 16, 2008. The subdivision plat was reviewed at SPRC on August 13, 2008, where it was approved with the condition that dedication issues be resolved prior to proceeding to City Council. These conditions were never resolved and consequently,

the application has expired. To meet the intent of the condition of the Development Order, this park site still needs to be subdivided and dedicated to the City.

Storm Water: The project includes a paving and drainage plan that is in compliance with the adopted level of service standard.

Solid Waste: Solid waste impacts are measured and planned based on population projections on an annual basis. There is adequate capacity available.

Fire District: The access location (external and internal) has been approved by the Fire District for safety purposes.

Environmental: Upland preservation/mitigation requirements for the Verano DRI are addressed in the Development Order.

The area that encompasses Verano PUD 1 is devoid of any upland habitat.

Public School Concurrency Analysis: Per Policy 2.4.2 (8): Exemptions of the City of Port St. Lucie Comprehensive Plan, developments of regional impact, as defined in Section 380.06, Florida Statutes, that received development orders prior to July 1, 2005 or had filed application for development approval prior to May 1, 2005, are exempt from school concurrency. As this DRI received development orders prior to July 1, 2005, it is exempt from school concurrency.

Other: Approval of this project is conditioned upon payment of all applicable City and County impact fees. This includes impact fees for City and County Roads, Parks and Recreation, Public Buildings, and Law Enforcement, in addition to County Schools, Libraries, and Fire/EMS Impact Fees.

Since this subdivision plat identifies lot widths that are not permitted in the existing Verano PUD document (Amendment 8), this plat will not be able to be reviewed by City Council until the PUD is amended to permit the lot widths identified on the plat.

The removal of a portion of Tract 'B' will render the site plan for the recreation center (Talavera) inaccurate, because it will not have the correct property lines. Therefore, the applicant will be required to submit a site plan amendment for Talavera Clubhouse to ensure that the site plan will have accurate property lines and that the site will be meeting landscape and buffer requirements with the adjacent parcels.

Related Projects:

P16-075 Verano PUD 1 Plat No. 18 Preliminary and Final Plat Application. This application is re-platting a portion of Verano PUD 1 Plat No. 16 to create a total of 48 villa lots, and several open space tracts. This application is still under review.

P15-183 – Verano PUD 1 Plat No. 17 Preliminary Plat Application. This application created 73 single family lots, a storm water tract, and numerous open space tracts, and road rights-of-way for access to these lots. This application was approved by City Council on January 25, 2016.

P15-172 – Verano PUD 1 Plat No. 15 Final Subdivision Plat Application. This subdivision application created 72 single family lots, numerous common area tracts, several storm water management tracts, and road rights-of-way for access to these lots. This application was approved by City Council on February 8, 2016.

P15-123 – Verano PUD 1 Plat No. 16 Preliminary and Final Subdivision Plat Application. This application created 51 single family lots, four (4) common area tracts, three (3) storm water management tracts, and two road rights-of-way for access. This application was approved by City Council on October 12, 2015.

P14-174 – Verano PUD 1 Plat No. 15 Preliminary Subdivision Plat Application. Through this subdivision application, Verano created 72 single family lots, numerous common area (CA) tracts, and several storm water management tracts. This plat will also be extending Visconti Way and creating Caserta Way for access. This application was approved by City Council on February 23, 2015.

P14-126 – Verano PUD 1 Plat No. 14 Preliminary and Final Subdivision Plat Application. This application created 34 single family lots, three (3) common area (CA) tracts, and one road tract. This application was approved by the City Council on October 27, 2014.

P14-045 – Verano PUD 1 Plat No. 13 Preliminary and Final Subdivision Plat Application. This application created 42 single family lots, three (3) open space tracts, and one road tract (identified as Positano Way) to access these lots. This application was approved by City Council on July 28, 2014.

P14-033 – Verano Plat No. 12 Final Subdivision Plat Application. This application created a total of 48 residential lots, while extending Visconti Way for access. This application was approved by City Council on June 9, 2014.

P14-032 – Verano PUD 1 Amendment No 8. This amendment permitted single family residential lots to have a minimum width requirement of 42 feet. This application was approved by City Council on June 9, 2014.

P13-146 – Verano PUD Plat No. 11 Final Subdivision Plat Application. This application created 48 residential lots, and extended Ambrose Way to provide access for these lots. This application was approved by City Council on April 14, 2014.

P13-119 – Verano PUD 1 Plat No. 12 Preliminary Subdivision Plat Application. This application will be creating a total of 48 residential lots, while extending Visconti Way for access. This application was approved by City Council on November 25, 2013.

P13-058 – Verano PUD Plat No. 11 Preliminary Subdivision Plat Application. This application created 48 residential lots, and extend Ambrose Way to provide access for these lots. This application was approved by City Council on July 22, 2013.

P13-009 – Verano PUD Plat No. 10 Preliminary and Final Subdivision Plat Application. This application created a total of 47 residential lots, and changed the access point to Capraia Island. This application was approved by City Council on May 13, 2013.

P11-090 – Verano PUD 1 Plat No. 9 Final Subdivision Plat Application. This application created a total of 94 residential lots, while extending Visconti Way west to provide access to these lots. This application was approved by City Council on March 12, 2012.

P11-019 – Verano PUD 1 Plat No. 9 Preliminary Subdivision Plat Application. This application created a total of 94 residential lots, while extending Visconti Way west to provide access to these lots. This application was approved by City Council on June 27, 2011.

P10-071 – Verano PUD 1 PUD Amendment No. 6. This amendment amended Exhibits 6B to match the list of Permitted, Accessory and Special Exception uses that may be located within the commercially classified area, and 6C to clarify restrictions of use in the Light Industrial land use areas. This amendment was approved by City Council on October 11, 2010.

P10-029 – Verano PUD Master Sign Program Amendment. This project made some minor amendments to the already established master sign program for the residential areas.

P10-07 – Verano Development/PSL Commercial Holdings DRI NOPC. This NOPC was the fourth amendment to the existing Development Order and proposed amendments to the project phasing plan, build out dates, and expiration dates. It also provided for a recalculation of the trigger date for the six laning of the St. Lucie West/Reserve Blvd. and I 95 interchange area. This project was approved on June 14, 2010.

P08-162 – Verano PUD Master Sign Program/Residential. This project established the master sign program throughout the Verano DRI area. This project was approved by City Council on March 9, 2009.

P06-426 – Verano PUD 1, Phase 2, Plat No. 2. This project created roadways, the parcel for the community center, and residential lots. This project was approved by City Council on May 29, 2007.

STAFF RECOMMENDATION:

The Planning and Zoning Department staff finds the request to be consistent with the direction and intent of the approved zoning, policies of the City's Comprehensive Plan, and City Subdivision Code and recommends approval with the following condition:

- The site plan for Talavera Clubhouse be amended to accurately reflect the changes to the property lines caused by the present subdivision application.

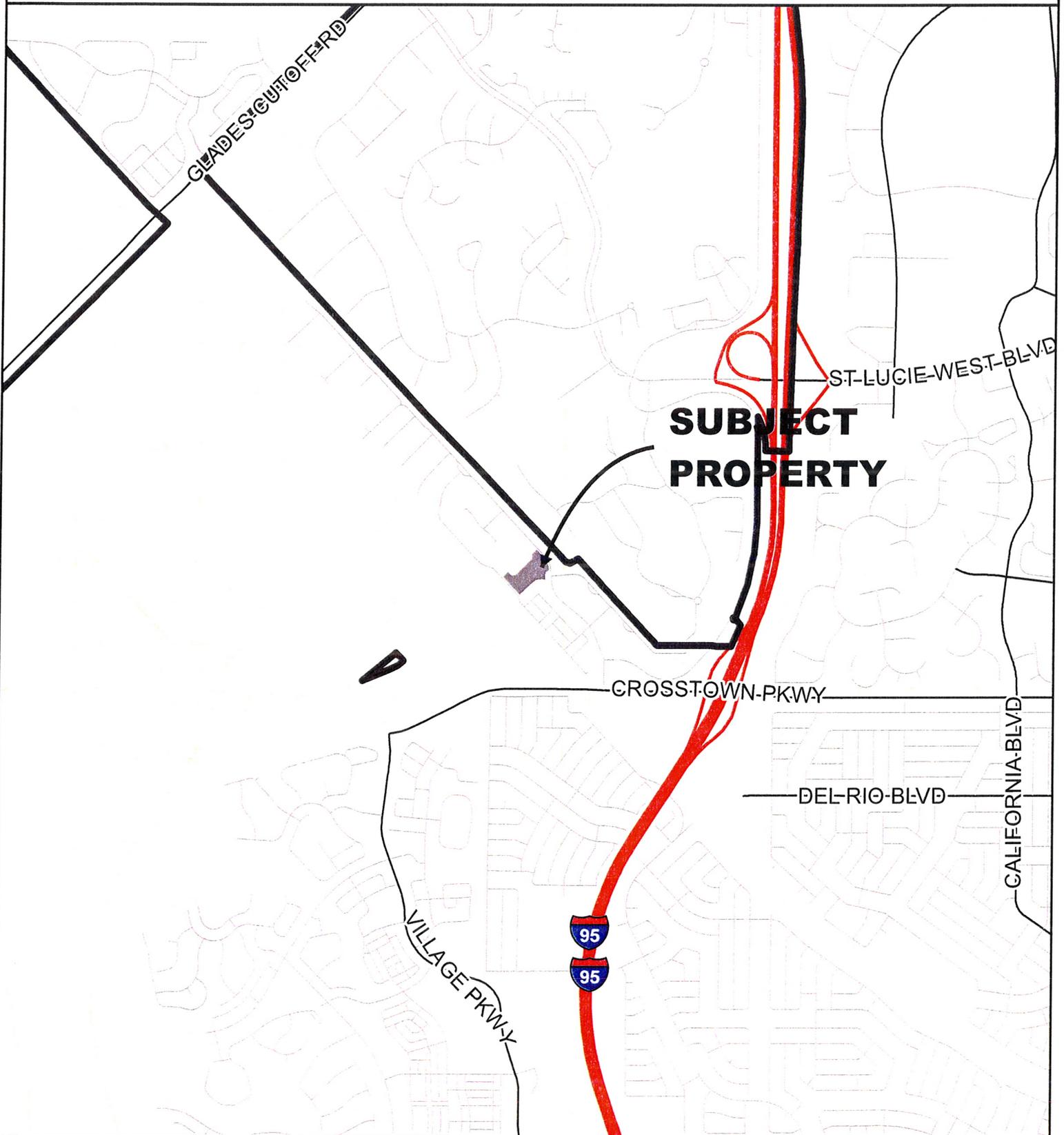
The Site Plan Review Committee reviewed the request on June 22, 2016 and recommended approval.

Planning and Zoning Board Action Options:

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

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

GENERAL LOCATION

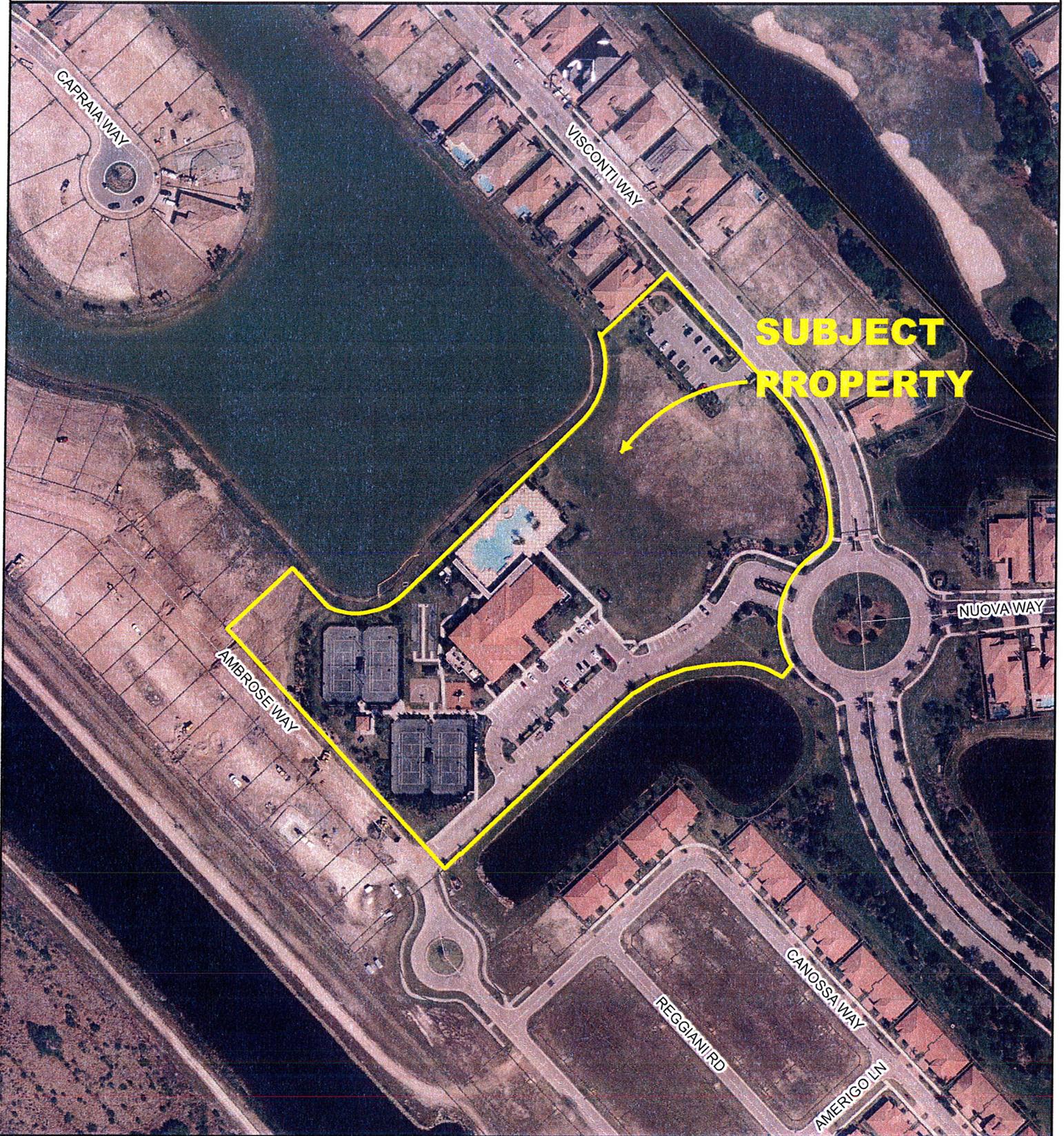


CITY OF PORT ST. LUCIE
PLANNING & ZONING DEPT.

SUBDIVISION PLAT
VERANO PUD - MODEL ROW
VERANO PUD PLAT NO. 11, REPLAT 2

DATE:	7/11/2016
APPLICATION NUMBER:	P16-091
USER:	patricias
SCALE:	1 in = 0.5 miles

AERIAL



CITY OF PORT ST. LUCIE
PLANNING & ZONING DEPT.

SUBDIVISION PLAT
VERANO PUD - MODEL ROW
VERANO PUD PLAT NO. 11, REPLAT 2
AERIAL DATE 2014

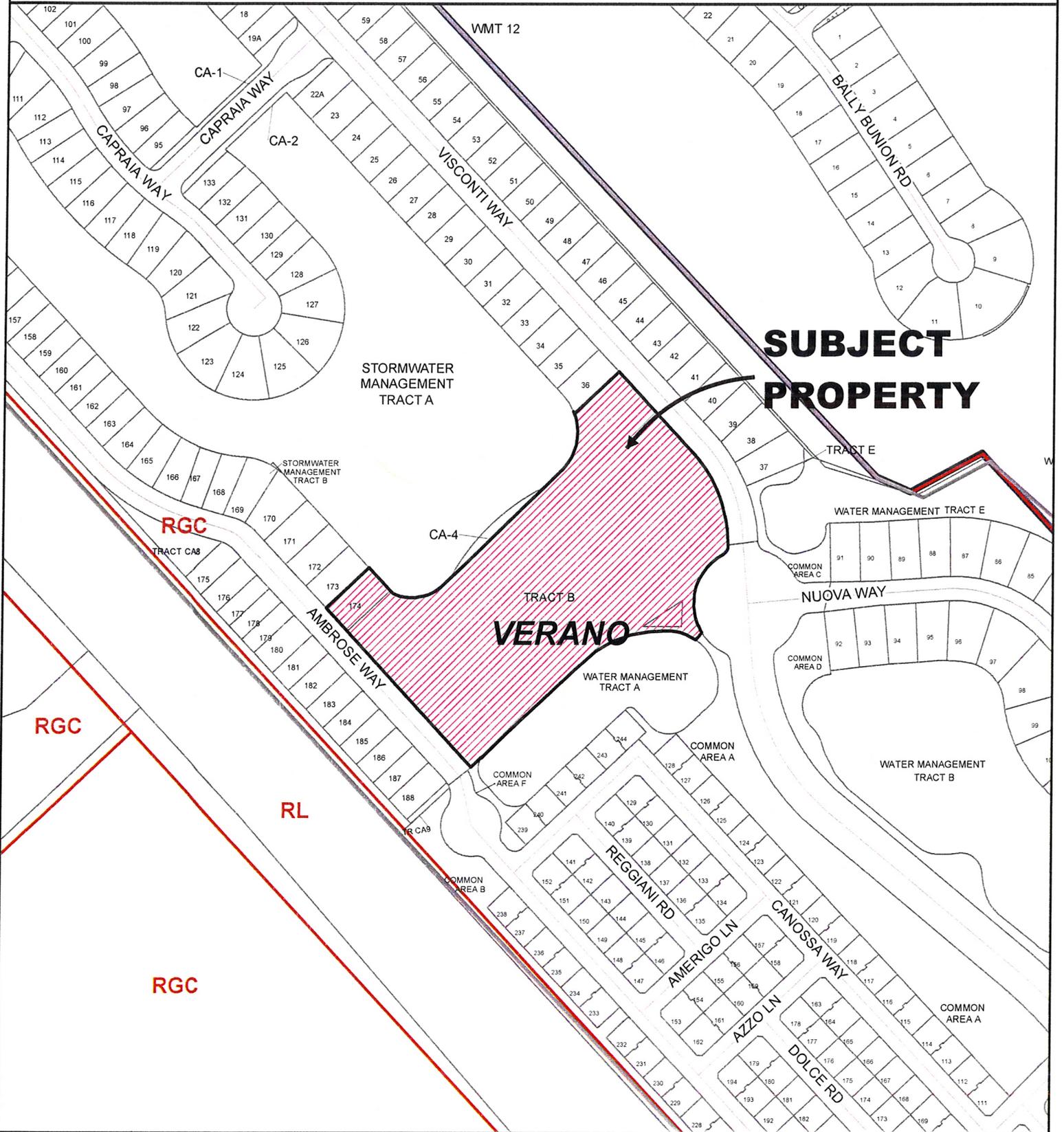
DATE: 7/11/2016

APPLICATION NUMBER:
P16-091

USER:
patricias

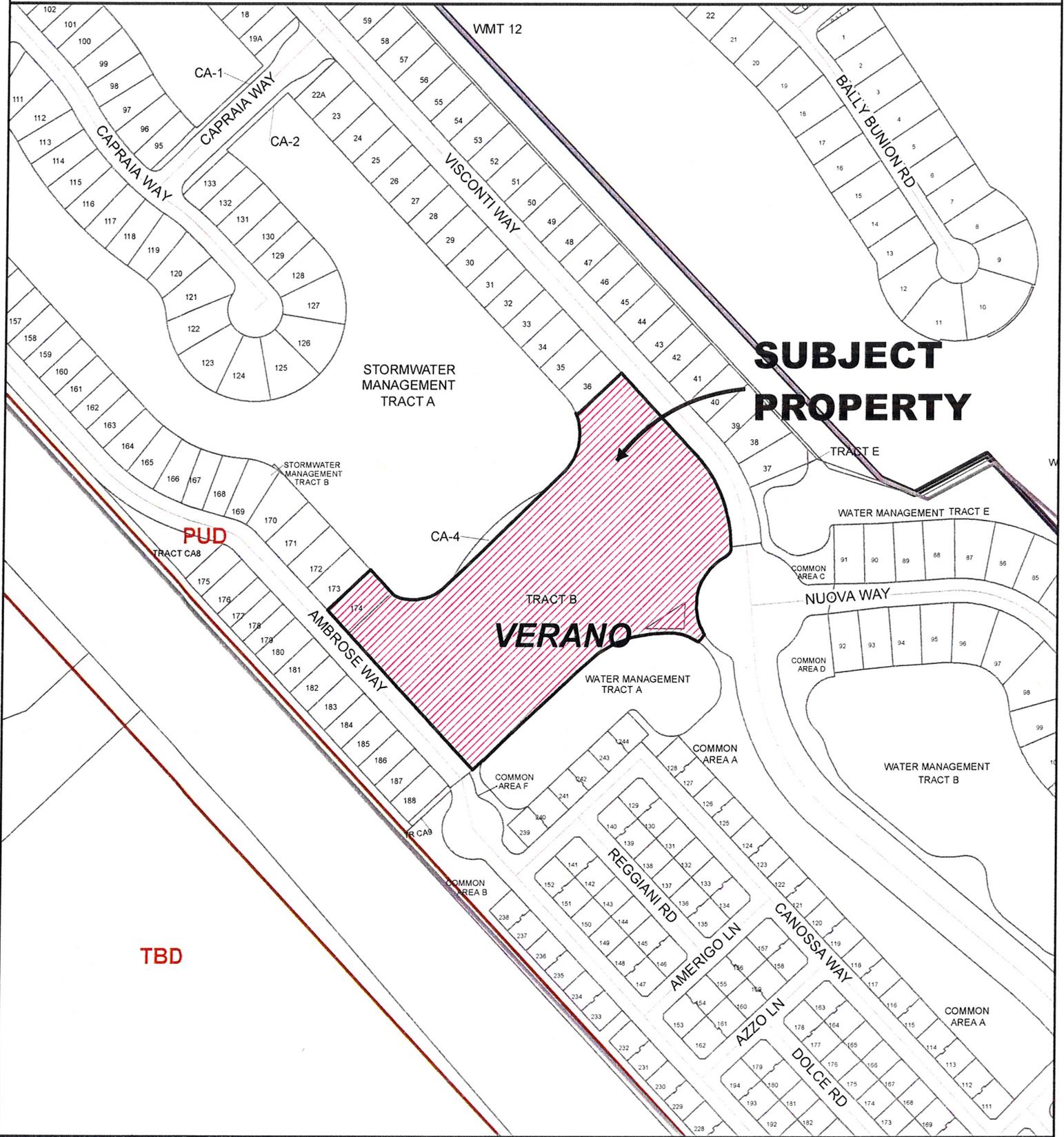
SCALE:
1 in = 200 ft

FUTURE LAND USE



	CITY OF PORT ST. LUCIE PLANNING & ZONING DEPT.	SUBDIVISION PLAT VERANO PUD - MODEL ROW VERANO PUD PLAT NO. 11, REPLAT 2		DATE: 7/11/2016
				APPLICATION NUMBER: P16-091
				USER: patricias
				SCALE: 1 in = 300 ft

EXISTING ZONING



**SUBJECT
PROPERTY**

VERANO

TBD

 <p>CITY OF PORT ST. LUCIE PLANNING & ZONING DEPT.</p>	<p>SUBDIVISION PLAT VERANO PUD - MODEL ROW VERANO PUD PLAT NO. 11, REPLAT 2</p>	<p>DATE: 7/11/2016</p>
		<p>APPLICATION NUMBER: P16-091</p>
		<p>USER: patricias</p>
		<p>SCALE: 1 in = 300 ft</p>

SUBDIVISION PLAT APPLICATION

ONLY COMPLETE SUBMISSIONS WILL BE PROCESSED

CITY OF PORT ST. LUCIE
PLANNING & ZONING DEPARTMENT
(772)871-5212 FAX: (772)871-5124

P&Z File No. P16-091
Fee (Nonrefundable)\$ 1,543.00
Receipt # 96843

PRIMARY CONTACT EMAIL ADDRESS: dsorrow@cotleur-hearing.com

PROJECT NAME: Verano PUD - Plat 11 Replat 2

LEGAL DESCRIPTION: (See attached)

LOCATION OF PROJECT SITE: Within Verano PUD, along Ambrose Way, southwest of the Talavera Clubhouse

PROPERTY TAX I.D. NUMBER: 3334-223-0001-000-7

CIRCLE ONE: **PRELIMINARY** **FINAL** **PRELIMINARY & FINAL**

PROPOSED USE: Model Row

GROSS SQ. FT. OF STRUCTURE(S): 2,429 SF

NUMBER OF DWELLING UNITS & DENSITY FOR MULTI-FAMILY PROJECTS: _____

UTILITIES & SUPPLIER: Water & Sewer: City of PSL, Power: FPL, Phone and CATV: Hometown Cable

GROSS ACREAGE & SQ. FT. OF SITE: 8.112 AC / 353,359 SF

FUTURE LAND USE DESIGNATION: RGC **ZONING DISTRICT:** PUD

OWNER(S) OF PROPERTY: Verano Development, LLC c/o Robert Fromm
NAME, ADDRESS, TELEPHONE & FAX NO. 701 S. Olive Avenue, West Palm Beach, Fl 33401
PH: 772-429-3505 FAX: 772-429-3525

APPLICANT OR AGENT OF OWNER: Daniel Sorrow, Cotleur & Hearing, Inc.
NAME, ADDRESS, TELEPHONE & FAX NO. 1934 Commerce Lane suite 1, Jupiter, Fla. 33458
PH: 561-747-6336 FAX: 561-747-1377

PROJECT ARCHITECT/ENGINEER: Bob Lawson, Arcadis-US, Inc.
(FIRM, ENGINEER OF RECORD) 2081 Vista Parkway, West Palm Beach, Fl. 33411

FLORIDA REGISTRATION NO., CONTACT PERSON, ADDRESS, PHONE & FAX No.) Engineering: Robert W. Lawson, P.E. No. 26640; Plat: Wilbur F. Divine, P.S.M., No. 4190 PH: 561-697-7000, Fax:561-697-7751

- I HEREBY AUTHORIZE THE ABOVE LISTED AGENT TO REPRESENT ME. I GRANT THE PLANNING DEPARTMENT PERMISSION TO ACCESS THE PROPERTY FOR INSPECTION.

- I FULLY UNDERSTAND THAT PRIOR TO THE ISSUANCE OF A BUILDING PERMIT AND THE COMMENCEMENT OF ANY DEVELOPMENT ALL PLANS AND DETAIL PLANS MUST BE REVIEWED AND APPROVED BY THE CITY PURSUANT TO SUBDIVISION REGULATIONS CHAPTER 156.

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.

Robert L Fromm **ROBERT L FROMM** **DIRECTOR** 6/24/16
OWNER'S SIGNATURE **HAND PRINT NAME** **TITLE** **DATE**



VERANO®

June 14, 2016

City of Port St. Lucie
121 SW Port St. Lucie Blvd
Port St. Lucie, FL 34984

Re: Verano Development

Please accept this letter as authorization for Robert Fromm, Director of Development, Verano Development, LLC to represent Verano Development, LLC in all matters related to the execution and delivery of any documents and instruments related to the Verano DRI.

Please contact me directly should you have any questions regarding this correspondence.

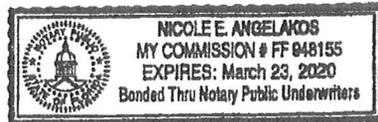
Sincerely,

Kevin Voller
Manager
Verano Development, LLC

The foregoing instrument was acknowledged before me this 14 day of JUNE 2016 by Kevin Voller [X] who is personally known to me or [] who has produced _____ as identification and who did take an oath.

Nicole E. Angelakos
Notary Public

Nicole E. Angelakos
(Print Notary Name)



Notary Public, State of: Florida

My Commission Expires: 3/23/20

Prepared by and return to:
Paul K. Hines, Esq.
Gunster, Yoakley & Stewart, P.A.
777 South Flagler Drive
Suite 500E
West Palm Beach, FL 33401

COPY

SPECIAL WARRANTY DEED

THIS SPECIAL WARRANTY DEED, made this 18th day of FEBRUARY, 2006, by and between **Reserve Homes, Ltd., L.P.**, a Delaware limited partnership, whose address is 1601 Forum Place, Suite 805, West Palm Beach, Florida 33401 ("Grantor") and **Verano Development LLC**, a Delaware limited liability company, whose address is 1601 Forum Place, Suite 805, West Palm Beach, Florida 33401 ("Grantee").

COPY

WITNESSETH:

THAT Grantor, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable consideration, to it in hand paid by Grantee, the receipt whereof is hereby acknowledged, hereby grants, bargains and sells to Grantee, its successors and assigns forever, the following described real property (the "Property"), situated in St. Lucie County, Florida, to-wit:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF.

SUBJECT TO:

1. Real estate taxes and assessments for the year 2006 and subsequent years.
2. Restrictions, reservations, limitations, easements of record, which reference shall not operate to reimpose the same, and zoning ordinances and other land use regulations affecting said property, if any.

TO HAVE AND TO HOLD the said Property in fee simple forever, together with all the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining.

Grantor hereby covenants with Grantee that Grantor is lawfully seized of the Property in fee simple; that Grantor has good right and lawful authority to sell and convey the Property; and that Grantor warrants the title to said Property and will defend the same against the lawful claims of any persons whomsoever claiming by, through or under Grantor.

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

Signed, sealed and delivered in the presence of:

Allison Bara
Print Name: Allison Bara

RESERVE HOMES LTD., L.P., a Delaware limited partnership

By: Kolter Property Development, L.L.C., a Delaware limited liability company, its General Partner

By: Michael Clarke
Michael Clarke, Manager

Vera Russell
Print Name: Vera Russell

STATE OF FLORIDA)
COUNTY OF PALM BEACH) s.s.

The foregoing instrument was acknowledged before me, the undersigned Notary Public, this 28 day of February, 2006, by Michael Clarke, as Manager of Kolter Property Development, L.L.C., a Delaware limited liability company, the General Partner of RESERVE HOMES LTD., L.P., a Delaware limited partnership, on behalf of said limited liability company and limited partnership, who is: [x] personally known to me, or [] has produced _____ as identification.

(NOTARIAL SEAL)

 Janet Kind
My Commission DD289533
Expires February 10, 2008

Janet Kind
Print or Stamp Name: Janet Kind
Notary Public - State of Florida
My Commission Expires: 2-10-08
Commission Number: DD289533

EXHIBIT "A"

WESTERN GROVE

TRACT ONE

PARCEL 1

A parcel of land lying in Sections 31 and 32, Township 36 South, Range 39 East; and Section 5 and 6, Township 37 South, Range 39 East, St. Lucie County, Florida, being more particularly described as follows:

COMMENCE at the intersection of the Southeasterly right-of-way line of the Florida East Coast Railway Co. "Fort Pierce Cut-Off" Track as shown on Pages V. 3d/6 and V. 3d/7, dated February 1, 1950 with Tract Correct revision dated 4/28/67 and the Southwesterly right-of-way line of South Florida Water Management District Canal C-24; thence run South 44°46'01" West along said Southeasterly right-of-way line of the Florida East Coast Railway Co., a distance of 5069.40 feet to the West line of said Section 29; thence South 04°13'20" East, along said West line, a distance of 258.80 feet to the Northeast corner of said Section 31; thence South 89°40'25" West, along the North line of said Section 31, a distance of 312.03 feet to the aforesaid Southeasterly right-of-way line of the Florida East Coast Railway Co.; thence South 44°46'01" West, along said right-of-way line, a distance of 728.74 feet to the POINT OF BEGINNING; Thence, departing said right-of-way line, South 45°07'48" East, a distance of 3688.39 feet; thence South 34°54'59" East, a distance of 4767.41 feet to the northerly top of bank of the O. L. Peacock Canal; Thence along the northerly top of bank of said O.L. Peacock Canal South 74°05'51" West, a distance of 4714.77 feet; thence North 89°58'45" West, a distance of 5308.96 feet East right-of-way line of State Road S-609 as shown on the Florida Department of Transportation right-of-way map dated 11/5/64 and revised January 1965; Thence along said right-of-way line North 00°01'15" East, a distance of 2906.07 feet to the intersection with the South line of said Section 31; thence continue along said easterly right-of-way, North 00°08'55" West, a distance of 156.88 feet to the intersection with the aforesaid Southeasterly right-of-way line of the Florida East Coast Railway Co.; thence North 44°46'01" East, along said Southeasterly right-of-way line of the Florida East Coast Railway Co. a distance of 6673.84 feet to the POINT OF BEGINNING.

LESS AND EXCEPT Being a parcel of land lying in Sections 31 and 32, Township 36 South, Range 39 East and Sections 5 and 6, Township 37 South, Range 39 East, St. Lucie County, Florida and being more particularly described as follows: COMMENCE at the Northeasterly corner of Grove 3, said lands described in Official Record Book 383, Page 1059, Public Records, St. Lucie County, Florida; thence South 74°03'19" West, along the Northerly line of said Grove 3, a distance of 4636.82 feet; thence North 16°48'28" West, departing said Northerly line, a distance of 52.70 feet; thence North 16°48'28" West, a distance of 63.64 feet; thence North 74°03'44" East, a distance of 67.81 feet; thence North 57°16'41" East, a distance of 51.67 feet; thence North 38°31'24" East, a distance of 73.78 feet; thence North 22°50'39" East, a distance of 50.98 feet to the POINT OF BEGINNING; Thence North 61°20'02" West, a distance of 1685.86 feet; Thence North 58°57'12" West, a distance of 127.57 feet; Thence North 49°19'49" West, a distance of 93.34 feet; Thence North 32°18'49" West, a distance of 178.91 feet; Thence North 25°32'27" West, a distance of 184.36 feet; Thence North 06°00'43" West, a distance of 118.58 feet; Thence North 22°50'28" East, a distance of 467.15 feet; Thence North 31°22'11" East, a distance of 93.05 feet; Thence North 40°40'44" East, a distance of 1124.23 feet; Thence North 44°11'03" East, a distance of 181.77 feet; Thence North 52°20'18" East, a distance of 81.27 feet; Thence South 48°56'38" East, a distance of 3272.46 feet; Thence South 09°19'30" West, a distance of 329.60 feet; Thence South 74°14'21" West, a distance of 1658.09 feet; Thence North 84°42'27" West, a distance of 125.75 feet to the POINT OF BEGINNING.

EXHIBIT "A"

PARCEL 1 (continued)

TRACT TWO

Being a parcel of land lying in Sections 31 and 32, Township 36 South, Range 39 East and Sections 5 and 6, Township 37 South, Range 39 East, St. Lucie County, Florida and being more particularly described as follows:

COMMENCE at the Northeasterly corner of Grove 3, said lands described in Official Record Book 383, Page 1059, Public Records, St. Lucie County, Florida; thence South 74°03'19" West, along the Northerly line of said Grove 3, a distance of 4636.82 feet; thence North 16°48'28" West, along the Northerly line, a distance of 52.70 feet; thence North 16°48'28" West, departing said Northerly line, a distance of 67.81 feet; thence North 57°16'41" East, a distance of 51.67 feet; thence North 38°31'24" East, a distance of 73.78 feet; thence North 22°50'39" East, a distance of 50.98 feet to the POINT OF BEGINNING;

thence North 61°20'02" West, a distance of 1685.86 feet;
thence North 58°57'12" West, a distance of 127.57 feet;
thence North 49°19'49" West, a distance of 93.34 feet;
thence North 32°18'49" West, a distance of 178.91 feet;
thence North 25°32'27" West, a distance of 184.36 feet;
thence North 06°00'43" West, a distance of 118.58 feet;
thence North 22°50'28" East, a distance of 467.15 feet;
thence North 31°22'11" East, a distance of 93.05 feet;
thence North 40°40'44" East, a distance of 1124.23 feet;
thence North 44°11'03" East, a distance of 181.77 feet;
thence North 52°20'18" East, a distance of 81.27 feet;
thence South 48°56'38" East, a distance of 3272.46 feet;
thence South 09°19'30" West, a distance of 329.60 feet;
thence South 74°14'21" West, a distance of 1658.09 feet;
thence North 84°42'27" West, a distance of 125.75 feet to the POINT OF BEGINNING.

LESS AND EXCEPT A PARCEL OF LAND LYING IN SECTION 5 AND 6, TOWNSHIP 37 SOUTH, RANGE 39 EAST, ST. LUCIE COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE INTERSECTION OF THE EAST LINE OF THAT CERTAIN FLORIDA POWER AND LIGHT COMPANY EASEMENT AGREEMENT AS RECORDED IN OFFICIAL RECORDS BOOK 767, PAGE 2676, PUBLIC RECORDS OF ST. LUCIE COUNTY, FLORIDA AND THE NORTH LINE OF THAT CERTAIN PARCEL OF LAND DESCRIBED IN OFFICIAL RECORDS BOOK 2186, PAGE 548, PUBLIC RECORDS OF ST. LUCIE COUNTY, FLORIDA; THENCE NORTH 14°45'25" WEST, ALONG SAID EAST LINE OF FLORIDA POWER AND LIGHT COMPANY EASEMENT, A DISTANCE OF 789.36 FEET; THENCE CONTINUE NORTH 01°58'48" WEST, ALONG SAID EAST LINE, A DISTANCE OF 235.96 FEET; THENCE NORTH 74°05'51" EAST, DEPARTING SAID EAST LINE, A DISTANCE OF 1124.39 FEET; THENCE SOUTH 15°54'09" EAST, A DISTANCE OF 1181.91 FEET TO SAID NORTH LINE OF THAT CERTAIN PARCEL OF LAND DESCRIBED IN OFFICIAL RECORDS BOOK 2186, PAGE 548; SAID POINT

EXHIBIT "A"

PARCEL 1 (continued)

BEING A POINT ON A CURVE CONCAVE TO THE NORTHWEST, HAVING A RADIUS OF 22,918.00 FEET, THE RADIUS POINT OF WHICH BEARS NORTH $09^{\circ}37'34''$ WEST; THENCE SOUTHWESTERLY ALONG SAID NORTH LINE AND ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF $03^{\circ}01'14''$, A DISTANCE OF 1208.23 FEET TO THE POINT OF BEGINNING. (Commercial Parcel in Western Grove)

AND LESS AND EXCEPT A PARCEL OF LAND LYING IN SECTION 4, 5 AND 6, TOWNSHIP 37 SOUTH, RANGE 39 EAST, ST. LUCIE COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE INTERSECTION OF THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF THE FLORIDA EAST COAST RAILWAY CO. "FORT PIERCE CUT-OFF" AS SHOWN ON PAGES V. 3D/6 AND V. 3D/7, DATED FEBRUARY 1, 1950 WITH TRACT CORRECT REVISION DATED 4/28/67 AND THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF SOUTH FLORIDA WATER MANAGEMENT DISTRICT CANAL C-24; THENCE RUN SOUTH $44^{\circ}46'01''$ WEST ALONG THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF THE FLORIDA EAST COAST RAILWAY CO. 5069.40 FEET TO THE WEST LINE OF SECTION 29, TOWNSHIP 36 SOUTH, RANGE 39 EAST; THENCE SOUTH $04^{\circ}13'20''$ EAST ALONG SAID WEST LINE 258.80 FEET TO THE NORTHEAST CORNER OF SECTION 31, TOWNSHIP 36 SOUTH, RANGE 39 EAST; THENCE SOUTH $89^{\circ}40'25''$ WEST, ALONG THE NORTH LINE OF SAID SECTION 31, A DISTANCE OF 312.03 FEET TO SAID SOUTHEASTERLY RIGHT-OF-WAY LINE OF THE FLORIDA EAST COAST RAILWAY CO.; THENCE SOUTH $44^{\circ}46'01''$ WEST, ALONG SAID RIGHT-OF-WAY LINE 7402.57 FEET TO THE EAST RIGHT-OF-WAY LINE OF STATE ROAD S-609 AS SHOWN ON THE FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY MAP DATED 11/5/64 AND REVISED JANUARY 1965; THENCE SOUTH $00^{\circ}08'55''$ EAST ALONG SAID RIGHT-OF-WAY LINE 156.89 FEET; THENCE SOUTH $00^{\circ}01'15''$ WEST ALONG SAID RIGHT-OF-WAY LINE 2756.07 FEET TO THE POINT OF BEGINNING;

FROM SAID POINT OF BEGINNING RUN THENCE SOUTH $89^{\circ}58'45''$ EAST 2278.50 FEET TO A POINT OF CURVE TO THE LEFT, SAID CURVE BEING CONCAVE TO THE NORTHERLY; THENCE EASTERLY AND NORTHEASTERLY ALONG SAID CURVE WITH A RADIUS OF 22918.00 FEET, THROUGH A CENTRAL ANGLE OF $16^{\circ}00'49''$, FOR AN ARC DISTANCE OF 6405.36 FEET, THE CHORD OF SAID ARC BEING NORTH $82^{\circ}00'50''$ EAST 6384.50 FEET; THENCE NORTH $74^{\circ}00'26''$ EAST 3830.74 FEET; THENCE SOUTH $38^{\circ}44'47''$ WEST 258.82 FEET; THENCE SOUTH $74^{\circ}00'26''$ WEST 1625.09 FEET; THENCE SOUTH $34^{\circ}54'59''$ WEST 16.17 FEET; THENCE SOUTH $74^{\circ}35'02''$ WEST 625.46 FEET; THENCE SOUTH $74^{\circ}05'51''$ WEST 4614.88 FEET; THENCE NORTH $89^{\circ}58'45''$ WEST 5508.95 FEET TO SAID RIGHT-OF-WAY OF STATE ROAD S-609; THENCE NORTH $00^{\circ}01'15''$ EAST, ALONG SAID RIGHT-OF-WAY, A DISTANCE OF 150.00 TO THE POINT OF BEGINNING. (West Virginia Extension)

EXHIBIT "A"

PARCEL 1 (continued)

TRACT THREE

An easement for the benefit of Parcel 1 as created by Drainage and Irrigation Easement between Tradition Development Company, LLC and Reserve Homes, Ltd., L.P. dated June 30, 2003 recorded in Official Records Book 1745, Page 1913, of the Public Records of St. Lucie County, Florida over the lands described as the "Grantor Parcel" in said Drainage and Irrigation Easement, subject to the terms, provisions and conditions set forth in said instrument.

COPY

COPY

EXHIBIT "A"

Parcel 2

EGAN PARCEL

GROVE 1:

Being a portion of Sections 28, 29 and 32, Township 36 South, Range 39 East, St. Lucie County, Florida, and being more particularly described as follows:

Begin at the point of intersection of the southeasterly right of way line of the Florida East Coast Railway Co. "Fort Pierce Cut-off" track as shown on right of way maps, Pages V.3d/6 and V.3d/7 dated February 1, 1950 with "track correct" revision dated 4/28/67 and the southwesterly right of way line of South Florida Water Management District Canal C-24 as shown on the right of way map for said Canal C-24, checked dated 11/25/58 and revised 2/23/59; thence S 43 degrees 08 minutes 38 seconds E, along said Canal C-24 right of way line a distance of 2488.08 feet, to a point hereinafter referred to as Point "A"; thence S 35 degrees 05 minutes 51 seconds W a distance of 4892.60 feet; thence N 43 degrees 25 minutes 41 seconds W a distance of 3309.86 feet to the intersection with the aforesaid southeasterly right of way line of the Florida East Coast Railway; thence N 44 degrees 46 minutes 01 seconds E, along said Florida East Coast Railway right of way a distance of 4809.53 feet to the POINT OF BEGINNING.

TOGETHER WITH an easement for drainage and irrigation over the following described property:

Commence at the aforesaid Point "A"; thence S 43 degrees 08 minutes 38 seconds E, along the aforesaid southwesterly right of way line of South Florida Water Management District Canal C-24, a distance of 347.56 feet to the POINT OF BEGINNING of the following described easement:

Thence continue S 43 degrees 08 minutes 38 seconds E, along said right of way line a distance of 50.00 feet; thence S 46 degrees 51 minutes 22 seconds W a distance of 42.14 feet; thence N 66 degrees 46 minutes 57 seconds W a distance of 64.82 feet; thence N 56 degrees 12 minutes 33 seconds W a distance of 190.72 feet; thence N 79 degrees 11 minutes 38 seconds W a distance of 69.18 feet; thence S 61 degrees 48 minutes 26 seconds W a distance of 141.21 feet, to the southeasterly boundary of the above described parcel; thence N 35 degrees 05 minutes 51 seconds E, along said southeasterly boundary a distance of 111.24 feet; thence N 61 degrees 48 minutes 26 seconds E a distance of 59.54 feet; thence S 79 degrees 11 minutes 38 seconds E a distance of 97.05 feet; thence S 56 degrees 12 minutes 33 seconds E a distance of 196.26 feet; thence Section 66 degrees 46 minutes 57 seconds E a distance of 27.50 feet; thence N 46 degrees 51 minutes 22 seconds E a distance of 9.44 feet to the said southwesterly right of way line of said Canal C-24 and the POINT OF BEGINNING.

GROVE 2:

Being a parcel of land lying in Sections 28, 33, and 34, Township 36 South, Range 39 East and Section 4, Township 37 South, Range 39 East, St. Lucie County, Florida and being more particularly described as follows:

Commence at the point of intersection of the South line of said Section 34 and the southwesterly right of way line of the South Florida Water Management District Canal C-24 as shown on the right of way map for said Canal C-24, checked dated 11/25/58 and revised 2/23/59; thence N 43 degrees 08 minutes 38 seconds W, along said southwesterly right of way line of Canal C-24, a distance of 2628.30 feet to the POINT OF BEGINNING of the following described parcel:

Thence continue N 43 degrees 08 minutes 38 seconds W, along said right of way line, a distance of 364.51 feet, to a point hereinafter referred to as Point "A"; thence continue N 43 degrees 08 minutes 38

EXHIBIT "A"

Parcel 2 (Continued)

seconds W, along said right of way a distance of 4812.17 feet; thence S 46 degrees 52 minutes 25 seconds W a distance of 2151.65 feet; thence S 43 degrees 12 minutes 50 seconds E a distance of 4647.83 feet; thence S 43 degrees 58 minutes 20 seconds W a distance of 1282.29 feet to a point hereinafter referred to as Point "B"; thence N 70 degrees 42 minutes 47 seconds E a distance of 440.52 feet; thence N 65 degrees 05 minutes 51 seconds E a distance of 762.00 feet; thence N 24 degrees 54 minutes 09 seconds W a distance of 60.06 feet; thence N 01 degrees 49 minutes 23 seconds E a distance of 1037.87 feet; thence N 17 degrees 05 minutes 14 seconds W a distance of 421.43 feet; thence N 46 degrees 51 minutes 22 seconds E a distance of 63.46 feet to the aforesaid southwesterly right of way line of Canal C-24 and the POINT OF BEGINNING.

Together with an easement for drainage and irrigation being more particularly described as follows:

Begin at aforescribed Point "B"; thence along the southeasterly boundary of the above parcel by the following courses and distances:

Thence N 70 degrees 42 minutes 47 seconds E a distance of 440.52 feet; thence N 65 degrees 05 minutes 51 seconds E a distance of 762.00 feet; thence N 60 degrees 24 minutes 31 seconds E a distance of 793.61 feet; thence S 89 degrees 08 minutes 58 seconds E a distance of 318.77 feet to the aforesaid southwesterly right of way line of Canal C-24; thence S 43 degrees 08 minutes 38 seconds E along said right of way line a distance of 139.00 feet; thence N 89 degrees 08 minutes 58 seconds W a distance of 388.11 feet; thence S 60 degrees 24 minutes 31 seconds W a distance of 770.50 feet; thence S 65 degrees 05 minutes 51 seconds W a distance of 771.00 feet; thence S 70 degrees 42 minutes 47 seconds W a distance of 399.46 feet; thence N 43 degrees 58 minutes 20 seconds W a distance of 110.06 feet to the POINT OF BEGINNING.

Subject to an easement for ingress and egress, being 15.00 feet in width, lying 7.50 feet each side of the following described centerline.

BEGIN at the aforescribed Point "A"; thence S 02 degrees 40 minutes 10 seconds E a distance of 4.30 feet to the beginning of a curve concave to the northwest having a radius of 130.00 feet; thence southwesterly along the arc of said curve a distance of 112.33 feet; through an angle of 49 degrees 30 minutes 25 seconds; thence S 46 degrees 50 minutes 15 seconds W a distance of 2041.23 feet to the southwesterly boundary of the parcel first described above and the POINT OF TERMINATION of easement, said easement being bounded on the northeast by the southwesterly right of way line of aforesaid Canal C-24 and on the southwest by the southwesterly boundary of the parcel first described above.

EGAN PARCEL

TRACT 2 GROVE 2:

Being a parcel of land lying in Sections 33 and 34, Township 36 South, Range 39 East, St. Lucie County, Florida and being more particularly described as follows:

Commence at the intersection of the south line of said section 34 and the southwesterly right of way line of the South Florida Water Management District Canal C-24 as shown on the right of way map for said Canal C-24, sheet 11 of 16, and last revised 4/21/61. Thence north 43 degrees 08 minutes 38 seconds West, along said right of way line, a distance of 1050.96 feet to the point of beginning of the following

EXHIBIT "A"

Parcel 2 (Continued)

described parcel.

Thence continue north 43 degrees 08 minutes 38 seconds West a distance of 1577.34 feet;
 thence south 46 degrees 51 minutes 22 seconds west a distance of 63.46 feet;
 thence south 17 degrees 05 minutes 14 seconds east a distance of 421.43 feet;
 thence south 01 degrees 49 minutes 23 seconds West a distance of 1037.87 feet;
 thence south 24 degrees 54 minutes 09 seconds east a distance of 60.06 feet;
 thence north 60 degrees 24 minutes 31 seconds east a distance of 793.61 feet;
 thence south 89 degrees 08 minutes 58 seconds east a distance of 318.77 feet to the point of beginning.

EASEMENT NO. 1:

An easement for ingress and egress 30.00 feet in width lying 15 feet each side of the centerline in Township 36 South, Range 39 East and Township 37 South, Range 39 East the centerline of which being described as follows:

Beginning at a point on a Westerly prolongation of the centerline of Gatlin Boulevard as shown on Florida Department of Transportation right-of-way maps for State Road 9 (I-95) Section 94001-2412, dated 6/22/77, with last revision of 9/11/79, said point being 15 feet westerly of the west toe of spoil lying west of the "Borrow Canal"; thence northerly, 15 feet westerly of, as measured at right angles, and parallel with said west toe of spoil of the "Borrow Canal"; thence easterly, northeasterly, northerly and northwesterly, 15 feet distance from, as measured at right angles and parallel with the said toe of spoil of the "Borrow Canal" to a point 15 feet southerly of, as measured at right angles, the south toe of spoil south of the Canal South of the north line of Section 10, Township 37 South, Range 39 East; thence Westerly parallel with the said south toe of spoil to the intersection with a line 15 feet westerly of, as measured at right angles, the West toe of spoil lying West of a Canal west of the east line of Section 4, Township 37 South, Range 39 East; thence Northerly parallel with the said west toe of spoil of said Canal and the Northerly prolongation thereof to the Southeasterly boundary of "Grove 2".

EASEMENT NO. 2:

An easement for ingress and egress 30.00 feet in width lying in Township 36 South, Range 39 East and Township 37 South, Range 39 East being bounded as follows:

On the northeast by the ingress and egress easement from Gatlin Boulevard to said "Grove 2"; on the Northwest by the southerly toe of slope of the spoil bank south of the "O.L. Peacock Canal"; on the southwest by the 20.00 feet wide ingress and egress easement from "Grove 1" to "Grove 3", on the southeast by a line 30.00 feet southeasterly of, as measured at right angles, and parallel with the aforescribed northwest boundary.

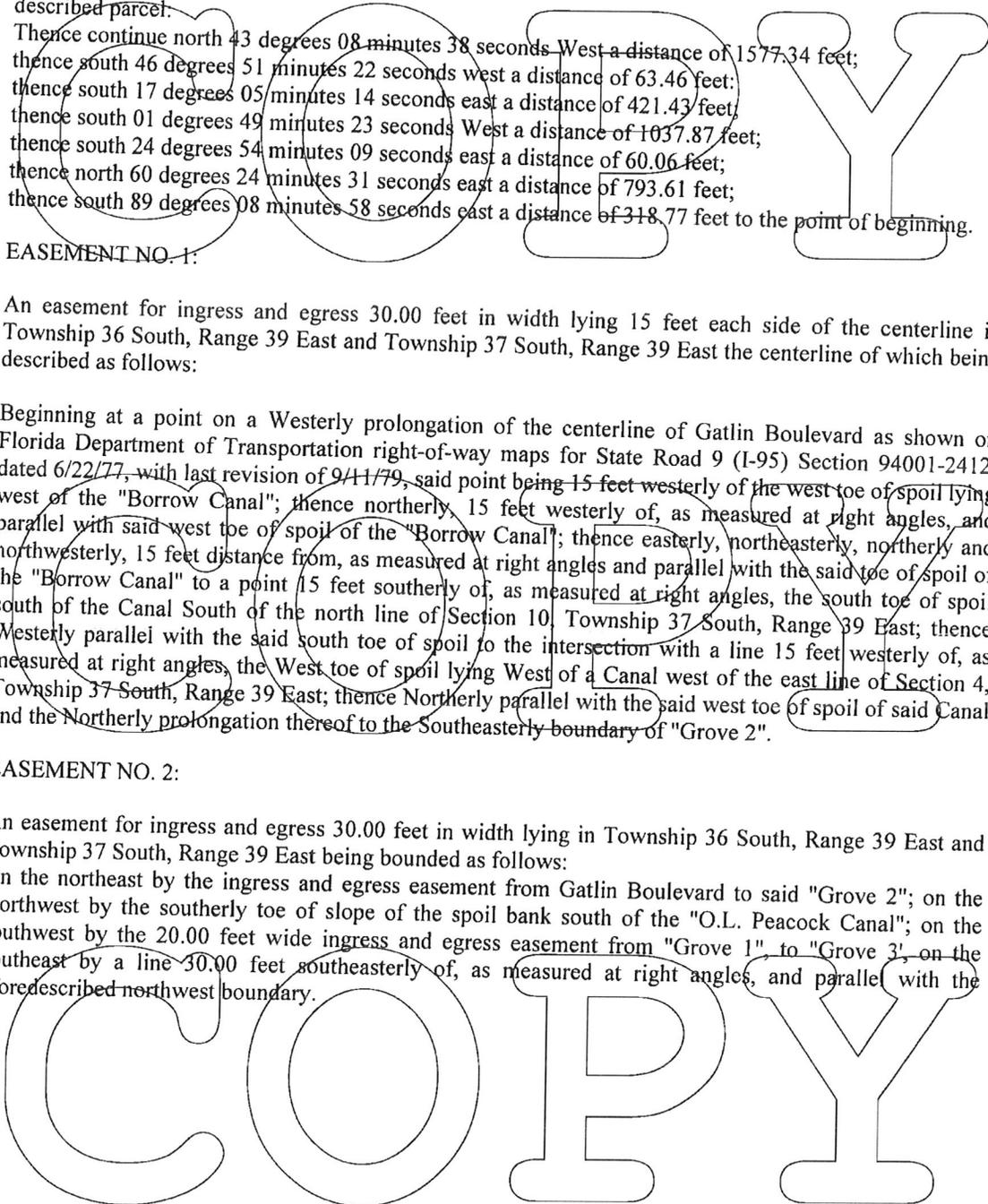


EXHIBIT "A"

DUDA PARCEL

PARCEL 3

A parcel of land lying in Sections 28, 29, 31, 32 and 33 Township 36 South, Range 39 East, and Sections 4 and 5, Township 37 South, Range 39 East, St. Lucie County, Florida, being more particularly described as follows:

COMMENCE at the intersection of the Southeastly right-of-way line of the Florida East Coast Railway Co. "Fort Pierce Cut-Off" Track as shown on Pages V. 3d/6 and V. 3d/7, dated February 1, 1950 with Tract Correct revision dated 4/28/67 and the Southwesterly right-of-way line of South Florida Water Management District Canal C-24; thence run S 44°46'02" W, a distance of 4809.54 feet to the Northwesterly corner of lands described in Official Record Book 477, Page 560, Public Records, St. Lucie County, Florida and the POINT OF BEGINNING; thence South 43°25'41" East, along the westerly line of said lands, a distance of 3309.86 feet to the Southwesterly corner of the aforesaid lands; thence North 35°05'51" East, along the Southerly line of the aforesaid lands, a distance of 4892.60 feet to the Southwesterly right-of-way line of the aforesaid South Florida Water Management Districts C-24 Canal; along the aforesaid Southwesterly Right-of-Way Line South 43°08'38" East, a distance of 2327.32 feet to the Northern most point of Grove 2 as described in Official Record Book 477, Page 560, Public Records, St. Lucie County, Florida; thence departing the aforesaid Southwesterly right-of-way line of the C-24 Canal South 46°52'25" West, along the Northwesterly line of the aforesaid Grove 2, a distance of 2151.65 feet; thence South 43°12'50" East, along the Southwesterly line of Grove 2, a distance of 4647.83 feet to the intersection with the Northerly line of those lands described in Official Record Book 658, Page 110, Public Records, St. Lucie County, Florida; thence South 51°16'22" West, along said Northerly line, a distance of 950.05 feet to the intersection with the Northerly line of the Peacock Cemetery Parcel as described in Official Records Book 369, Page 1166, Public Records, St. Lucie County, Florida; thence along said Northerly and Westerly line of said Cemetery parcel, the following courses and distances: South 45°15'13" West, a distance of 400.02 feet; thence South 38°44'44" West, a distance of 1227.76 feet; thence South 27°11'26" East, a distance of 67.85 feet to the Northerly top of bank of O.L. Peacock Canal; thence along the northerly top of bank of said O.L. Peacock Canal, the following courses and distances:

- South 75°29'17" West, a distance of 65.34 feet;
- Thence South 72°49'14" West, a distance of 56.76 feet;
- Thence South 74°47'53" West, a distance of 186.47 feet;
- Thence South 74°19'03" West, a distance of 254.27 feet;
- Thence South 73°21'27" West, a distance of 169.47 feet;
- Thence South 74°55'09" West, a distance of 277.14 feet;
- Thence South 73°51'40" West, a distance of 276.70 feet;
- Thence South 70°57'21" West, a distance of 154.19 feet;
- Thence South 74°10'23" West, a distance of 128.57 feet;
- Thence South 72°03'14" West, a distance of 107.48 feet;
- Thence South 78°34'38" West, a distance of 102.69 feet;
- Thence South 75°04'05" West, a distance of 194.77 feet;
- Thence South 72°33'58" West, a distance of 75.48 feet;
- Thence South 75°55'30" West, a distance of 157.24 feet;
- Thence South 71°39'51" West, a distance of 59.39 feet;

Thence North 34°54'59" West, departing said top of bank, a distance of 4760.96 feet; thence North 45°07'48" West, a distance of 3688.37 feet; thence North 44°46'02" East, a distance of 728.76 feet to the intersection with the South line of Section 30, Township 36 South, Range 39 East, St Lucie County, Florida; thence North 89°40'25" East, along said South line, a distance of 312.01 feet to the Southeast corner of said Section 30;

EXHIBIT "A"

PARCEL 3 (continued)

thence North 04°13'20" West, along the East line of said Section 30, a distance of 258.80 feet to the Southeastery Right-of-Way line of the aforesaid Florida East Coast Railway; thence North 44°46'02" East, along said Southeastery Right-of-Way line, a distance of 259.86 feet to the POINT OF BEGINNING.

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EXHIBIT "A"

PARCEL 4

UNRECORDED MONTAGE PLATS NORTH OF C-24 CANAL

A parcel of land being a portion of Section 28, 29, 33 and 34, Township 36 South, Range 39 East, St. Lucie County, Florida, being more particularly described as follows:

Begin at the intersection of the southeasterly right-of-way line of the Florida East Coast Railroad and the northeasterly right-of-way line of South Florida Water Management District Canal No. C-24; thence North 44°45'38" East, along said southeasterly right-of-way line, a distance of 1,221.80 feet to the easterly prolongation of the southerly line of Sabal Creek, Phase II, according to the plat thereof, as recorded in Plat Book 24, Pages 1, 1A, 1B and 1C, Public Records of St. Lucie County, Florida; thence South 43°34'29" East, departing said right-of-way line, along the said southerly prolongation and the south line of the aforementioned plat and the southerly line of Sabal Creek, Phase IV, according to the plat thereof, as recorded in Plat Book 24, Pages 17 and 17A, Public Records of St. Lucie County, Florida, a distance of 5,340.48 feet; thence continuing along the southerly line of Sabal Creek, Phase IV, according to the plat thereof, as recorded in Plat Book 24, Pages 17 and 17A, Public Records of St. Lucie County, Florida, South 43°09'01" East, a distance of 1,026.26 feet to the southeast corner of Sabal Creek, Phase IV, according to the plat thereof, as recorded in Plat Book 24, Pages 17 and 17A, Public Records of St. Lucie County, Florida; thence North 45°11'03" East, along the east line of said plat, a distance of 0.99 feet; thence South 43°08'40" East, departing said east line, a distance of 52.97 feet; thence South 43°09'00" East, a distance of 331.07 feet; thence South 43°08'32" East, a distance of 3671.33 feet; thence South 72°42'41" East, a distance of 217.77 feet to the northwesterly line of that certain parcel of land described in Special Warranty Deed, as recorded in Official Records Book 1577, Page 1222, Public Records of St. Lucie County, Florida; thence North 61°51'31" East, along said northwesterly line, a distance of 188.61 feet to the northerly corner of said certain parcel of land; thence South 43°08'30" East, along the northeasterly line and easterly prolongation of said certain parcel of land, a distance of 2361.96 feet to the north line of that certain parcel of land described in Official Records Book 1547, Page 490, Public Records of St. Lucie County, Florida; said point being parallel with and 1024.10 feet northerly of, as measured at right angles to the south line of said Section 34; thence North 89°52'17" East, along said north line and parallel line, a distance of 1211.13 feet to a point on a non-tangent curve, concave to the northwest, having a radius of 2060.00 feet, the radius point of which bears North 50°24'45" West; thence southwesterly, departing said north line and parallel line, along the arc of said curve through a central angle of 03°00'41" a distance of 108.27 feet to the point of tangency; thence South 42°35'56" West, a distance of 556.01 feet to the point of curvature of a curve concave to the northwest, having a radius of 776.00 feet; thence southwesterly along the arc of said curve through a central angle of 07°36'31" a distance of 103.05 feet to the point of compound curvature of a curve concave to the northwest, having a radius of 1639.50 feet; thence southwesterly along the arc of said curve through a central angle of 19°59'18", a distance of 571.96 feet; thence South 89°56'01" West, a distance of 1531.40 feet to said northeasterly right-of-way line of South Florida Water Management District Canal No. C-24; thence North 43°08'36" West, along said right-of-way line, a distance of 12,679.36 feet to the point of beginning.

EXHIBIT "A"

PARCEL 4 (continued)

LESS AND EXCEPT that property contained in All of the Plat of Montage PUD No. 1, according to the Plat thereof as recorded in Plat Book 49, Page 23, Public Records of St. Lucie County, Florida.

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EXHIBIT "A"

PARCEL 5

RECORDED MONTAGE PLAT

All of the Plat of Montage PUD No. 1, according to the Plat thereof as recorded in Plat Book 49, Page 23, Public Records of St. Lucie County, Florida, LESS AND EXCEPT the Commercial Tract.

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RESOLUTION NO. 16-_____

A RESOLUTION APPROVING AND ACCEPTING THE PRELIMINARY AND FINAL SUBDIVISION PLAT FOR VERANO PUD NO. 1 PLAT NO. 11 REPLAT 2 (PRELIMINARY AND FINAL PLAT), P16-091, WITHIN THE CITY OF PORT ST. LUCIE, FLORIDA, ON THE REQUEST OF VERANO DEVELOPMENT, LLC; OF FLORIDA; AUTHORIZING THE MAYOR AND CITY CLERK TO COUNTERSIGN SAID PLAT; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Port St. Lucie, Florida has been requested by Verano Development, LLC, to approve and accept the preliminary and final plat titled Verano PUD 1 Plat No. 11 Replat 2, within the City of Port St. Lucie, Florida; and

WHEREAS, there are no public/private improvements, i.e., roads, drainage, and utility facilities, to be constructed within the platted area; and

WHEREAS, the plat conforms to Section 156, Port St. Lucie City Code, and meets all State requirements for such plats; and

WHEREAS, the Site Plan Review Committee, on June 22, 2016, recommended approval of the preliminary and final plat (P16-091); and

WHEREAS, the Planning and Zoning Board, on August 2, 2016, made a recommendation on the construction drawings and the preliminary and final plat (P16-091).

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

Section 1. That the City Council hereby approves the preliminary and final plat titled Verano PUD 1 Plat No. 11 Replat 2, within the City of Port St. Lucie, Florida, said preliminary and final plat being offered by Verano Development, LLC, as the owner and

RESOLUTION NO. 16-_____

title holder of said property and as prepared by Wilbur F. Divine, P.S.M., as designated on the attached said Plat.

Section 2. That the Mayor and City Clerk of the City of Port St. Lucie, Florida, are hereby authorized to countersign the said plat so it may be properly recorded in the public records of St. Lucie County, Florida.

Section 3. This Resolution shall take effect immediately upon its adoption.

PASSED AND APPROVED by the City Council of the City of Port St. Lucie, Florida, this _____ day of _____, 2016.

CITY COUNCIL
CITY OF PORT ST. LUCIE

BY: _____
Gregory J. Oravec, Mayor

ATTEST:

Karen A. Phillips, City Clerk

APPROVED AS TO FORM:

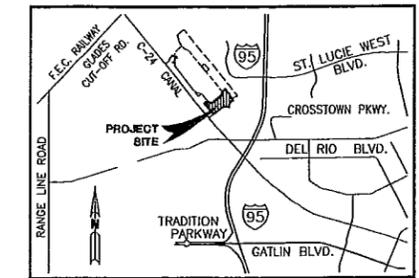
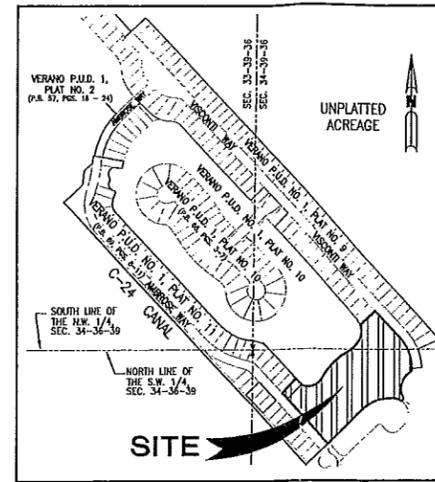
Interim City Attorney

VERANO, P.U.D. NO. 1, PLAT NO. 11 - REPLAT TWO

BEING A REPLAT OF LOT 174, VERANO P.U.D. NO. 1, PLAT NO. 11, ACCORDING THE PLAT THEREOF AS RECORDED IN PLAT BOOK 69, PAGES 8 THROUGH 11 AND A REPLAT OF A PORTION OF TRACT "B", VERANO P.U.D. NO. 1, PLAT NO. 8, ACCORDING THE PLAT THEREOF AS RECORDED IN PLAT BOOK 60, PAGES 10 THROUGH 12 ALL OF THE PUBLIC RECORDS OF ST. LUCIE COUNTY, FLORIDA, LYING WITHIN SECTION 34, TOWNSHIP 36 SOUTH, RANGE 39 EAST, IN THE CITY OF PORT ST. LUCIE, FLORIDA

JUNE, 2016 SHEET 1 OF 2

THIS INSTRUMENT PREPARED BY
 WILBUR F. DIVINE, P.S.M. 4190, STATE OF FLORIDA
 ARCADIS U.S. INC. LB 7062
 ENGINEERS PLANNERS SURVEYORS
 1500 GATEWAY BOULEVARD, SUITE 200
 BOYNTON BEACH, FLORIDA



LOCATION MAP
NOT TO SCALE

DESCRIPTION:

BEING A REPLAT OF ALL OF LOT 174, VERANO P.U.D. NO. 1, PLAT NO. 11, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 69, PAGES 8 THROUGH 11 AND A PORTION OF TRACT "B", VERANO P.U.D. NO. 1, PLAT NO. 8, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 60, PAGES 10 THROUGH 12, ALL OF THE PUBLIC RECORDS OF ST. LUCIE COUNTY, FLORIDA, LYING WITHIN SECTION 34, TOWNSHIP 36 SOUTH, RANGE 39 EAST, IN THE CITY OF PORT ST. LUCIE, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE MOST WESTERLY CORNER OF LOT 174 OF SAID VERANO P.U.D. NO. 1, PLAT NO. 11; THENCE ALONG THE SOUTHWESTERLY LINE OF SAID LOT 174, NORTH 46°51'24" EAST, A DISTANCE OF 135.00 FEET TO A POINT ON THE SOUTHWESTERLY LINE OF VERANO P.U.D. NO. 1, PLAT NO. 10 ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 68, PAGES 3 THROUGH 7 OF THE PUBLIC RECORDS OF ST. LUCIE COUNTY, FLORIDA; THENCE SOUTH 43°08'36" EAST, ALONG SAID SOUTHWESTERLY LINE, 83.56 FEET TO A POINT ON THE SOUTHEASTERLY LINE OF SAID VERANO P.U.D. NO. 1, PLAT NO. 10 AND TO THE POINT OF INTERSECTION WITH A NON-TANGENT CURVE, CONCAVE TO THE NORTH, HAVING A RADIUS OF 107.50 FEET, THE RADIUS POINT OF SAID CURVE BEARS NORTH 21°56'51" EAST; THENCE EASTERLY, ALONG SAID SOUTHEASTERLY LINE THROUGH THE FOLLOWING FOUR (4) COURSES AND ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 66°01'49", A DISTANCE OF 123.89 FEET; THENCE NORTH 45°55'02" EAST, A DISTANCE OF 372.90 FEET TO A POINT OF CURVATURE OF A CURVE CONCAVE TO THE WEST, HAVING A RADIUS OF 121.71 FEET; THENCE NORTHERLY, ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 66°37'01", A DISTANCE OF 141.51 FEET; THENCE NORTH 46°51'28" EAST, A DISTANCE OF 139.38 FEET TO POINT ON THE SOUTHWESTERLY LINE OF TRACT "R-1", VERANO P.U.D. NO. 1, PLAT NO. 9, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 67, PAGES 9 THROUGH 12 OF THE PUBLIC RECORDS OF ST. LUCIE COUNTY, FLORIDA; THENCE ALONG SAID SOUTHWESTERLY LINE THROUGH THE FOLLOWING THREE (3) COURSES, SOUTH 43°08'32" EAST, A DISTANCE OF 251.49 FEET TO A POINT OF CURVATURE OF A CURVE CONCAVE TO THE SOUTHWEST HAVING A RADIUS OF 320.00 FEET; THENCE SOUTHEASTERLY, ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 13°51'26", A DISTANCE OF 77.39 FEET TO THE POINT OF INTERSECTION WITH A NON-TANGENT CURVE, CONCAVE TO THE WEST, HAVING A RADIUS OF 354.41 FEET, THE RADIUS POINT OF SAID CURVE BEARS SOUTH 63°11'49" WEST; THENCE SOUTHERLY, ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 24°54'11", A DISTANCE OF 154.04 FEET TO A POINT ON THE SOUTHEASTERLY LINE OF SAID TRACT "B" AND TO A POINT OF COMPOUND CURVATURE WITH A CURVE, CONCAVE TO THE NORTHWEST, HAVING A RADIUS OF 25.00 FEET; THENCE SOUTHWESTERLY, ALONG SAID SOUTHEASTERLY LINE THROUGH THE FOLLOWING SEVEN (7) COURSES AND ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 63°25'19", A DISTANCE OF 27.87 FEET TO A POINT OF REVERSE CURVATURE WITH A CURVE, CONCAVE TO THE EAST, HAVING A RADIUS OF 125.00 FEET; THENCE SOUTHERLY, ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 83°33'40", A DISTANCE OF 204.12 FEET; THENCE SOUTH 37°45'41" WEST, A DISTANCE OF 22.11 FEET TO THE POINT OF INTERSECTION WITH A NON-TANGENT CURVE, CONCAVE TO THE SOUTH, HAVING A RADIUS OF 120.00 FEET, THE RADIUS POINT OF SAID CURVE BEARS SOUTH 34°13'00" WEST; THENCE WESTERLY, ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 35°04'24", A DISTANCE OF 79.74 FEET; THENCE SOUTH 86°08'35" WEST, A DISTANCE OF 32.91 FEET TO A POINT OF CURVATURE OF A CURVE CONCAVE TO THE SOUTHWEST HAVING A RADIUS OF 235.00 FEET; THENCE SOUTHWESTERLY, ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 39°16'25", A DISTANCE OF 161.08 FEET; THENCE SOUTH 46°52'10" WEST, A DISTANCE OF 359.28 FEET TO A POINT ON THE SOUTHWESTERLY LINE OF SAID TRACT "B" AND TO THE POINT OF INTERSECTION WITH A NON-TANGENT CURVE, CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 115.50 FEET, THE RADIUS POINT OF SAID CURVE BEARS SOUTH 57°02'05" WEST; THENCE NORTHWESTERLY, ALONG THE SOUTHWESTERLY LINES OF SAID TRACT "B" AND LOT 174 THROUGH THE FOLLOWING TWO (2) COURSES AND ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 10°10'41", A DISTANCE OF 20.52 FEET; THENCE NORTH 43°08'36" WEST, A DISTANCE OF 473.49 FEET TO THE POINT OF BEGINNING.

CONTAINING 8.112 ACRES, MORE OR LESS.

CERTIFICATE OF OWNERSHIP AND DEDICATION

STATE OF FLORIDA
 COUNTY OF ST. LUCIE

KNOW ALL MEN BY THESE PRESENTS THAT VERANO DEVELOPMENT, LLC., OWNER OF THE LAND DESCRIBED AND PLATTED HEREIN AS VERANO, P.U.D. NO. 1, PLAT NO. 11 - REPLAT TWO, HAS CAUSED THE SAME TO BE SURVEYED AND PLATTED AS SHOWN HEREON AND DOES HEREBY DEDICATE AS FOLLOWS:

- THE UTILITY EASEMENTS (U.E.), AS SHOWN HEREON, ARE HEREBY DEDICATED ON A NON-EXCLUSIVE BASIS TO FLORIDA POWER AND LIGHT COMPANY, ITS SUCCESSORS AND ASSIGNS AS PRIVATE UTILITY EASEMENTS FOR THE PURPOSE OF INSTALLATION AND MAINTENANCE OF UNDERGROUND ELECTRIC UTILITIES ONLY, AND NOT FOR VIDEO COMMUNICATION OR OTHER PURPOSES.
- THE UTILITY EASEMENTS (U.E.), AS SHOWN HEREON, ARE HEREBY DEDICATED ON A NON-EXCLUSIVE BASIS TO HOME TOWN CABLE TV, LLC, ITS SUCCESSORS AND ASSIGNS, FOR THE PURPOSE OF INSTALLATION AND MAINTENANCE OF UNDERGROUND TELEPHONE CABLE, INTERNET, SECURITY LINES AND OTHER TELECOMMUNICATION SERVICES.
- THE UTILITY EASEMENTS (U.E.), AS SHOWN HEREON, ARE HEREBY DEDICATED ON A NON-EXCLUSIVE BASIS TO THE VERANO PROPERTY OWNERS ASSOCIATION, INC., ITS SUCCESSORS AND ASSIGNS, FOR THE PURPOSE OF INSTALLATION AND MAINTENANCE OF UNDERGROUND TELEPHONE CABLE, INTERNET, SECURITY LINES AND OTHER TELECOMMUNICATION SERVICES.

NOTE:
 THIS PLAT HAS BEEN REVIEWED FOR CONFORMITY TO CHAPTER 177, PART 1 FLORIDA STATUTES BY A PROFESSIONAL SURVEYOR AND MAPPER EMPLOYED BY OR UNDER CONTRACT WITH THE CITY OF PORT ST. LUCIE.

4. THE UTILITY EASEMENTS (U.E.), AS SHOWN HEREON, ARE HEREBY DEDICATED ON A NON-EXCLUSIVE BASIS IN FAVOR OF THE CITY OF PORT ST. LUCIE, FLORIDA, ITS SUCCESSORS AND/OR ASSIGNS, FOR ACCESS TO, AND INSTALLATION AND MAINTENANCE OF, PUBLIC UTILITY FACILITIES, INCLUDING BUT NOT LIMITED TO, WATER AND WASTEWATER LINES AND APPURTENANT FACILITIES. THE CITY OF PORT ST. LUCIE SHALL NOT BE RESPONSIBLE FOR ANY MAINTENANCE OBLIGATIONS FOR SAID EASEMENT EXCEPT AS SHALL RELATE TO THE SERVINGS OF SUCH PUBLIC UTILITIES BY THE CITY OF PORT ST. LUCIE.

5. THE CITY UTILITY EASEMENTS (C.U.E.), AS SHOWN HEREON, ARE HEREBY DEDICATED TO THE CITY OF PORT ST. LUCIE, ITS SUCCESSORS AND/OR ASSIGNS, FOR ACCESS TO, AND THE INSTALLATION AND MAINTENANCE OF, PUBLIC UTILITIES FACILITIES, INCLUDING BUT NOT LIMITED TO, WATER AND WASTEWATER LINES AND APPURTENANT FACILITIES. THERE SHALL BE NO OTHER PUBLIC OR PRIVATE UTILITY FACILITIES INSTALLED IN, ON, OVER, UNDER, OR ACROSS THE EASEMENT AREA WITHOUT THE CITY'S WRITTEN PERMISSION. THERE SHALL BE NO IMPROVEMENTS OF ANY KIND INCLUDING, BUT NOT LIMITED TO, LANDSCAPING CONSTRUCTED WITHIN THE BOUNDARIES OF THE EASEMENT AREA WHICH WOULD RESTRICT THE OPERATION AND MAINTENANCE OF, OR WHICH MAY IN ANY MANNER RESULT IN HARM TO, THE CITY'S FACILITIES. VERANO PROPERTY OWNERS ASSOCIATION, INC., ITS SUCCESSORS AND/OR ASSIGNS, SHALL OWN, MAINTAIN, REPAIR AND REPLACE ANY PERMITTED IMPROVEMENTS OVER THE UTILITY EASEMENT, WHICH ARE NOT PRECLUDED BY THE FOREGOING, WHICH MAY BE DAMAGED OR DESTROYED BY THE CITY OF PORT ST. LUCIE, ITS SUCCESSORS AND/OR ASSIGNS, DESIGNEES OR CONTRACTORS IN THE OPERATION, MAINTENANCE OF, OR ACCESS TO, THE CITY'S FACILITIES. THE CITY OF PORT ST. LUCIE, ITS SUCCESSORS OR ASSIGNS, SHALL HAVE THE RIGHT TO REQUIRE THE REMOVAL OF ANY IMPROVEMENTS, WHICH ARE CONSTRUCTED IN VIOLATION OF THE CONDITIONS SET FORTH ABOVE. IN THE EVENT, SUCH VIOLATING IMPROVEMENTS ARE NOT REMOVED UPON REQUEST, THEY SHALL BE SUBJECT TO REMOVAL BY THE CITY OF PORT ST. LUCIE, ITS SUCCESSORS AND/OR ASSIGNS, DESIGNEES OR CONTRACTORS WITHOUT LIABILITY OR RESPONSIBILITY THEREFOR.

5. TRACT "B" AS SHOWN HEREON, IS HEREBY DEDICATED TO THE VERANO PROPERTY OWNERS ASSOCIATION, INC, FOR RECREATIONAL PURPOSES, AND SHALL BE THE PERPETUAL MAINTENANCE OBLIGATION OF SAID ASSOCIATION, ITS SUCCESSORS AND/OR ASSIGNS.

IN WITNESS WHEREOF, VERANO DEVELOPMENT, LLC., A FLORIDA LIABILITY COMPANY, HAS CAUSED THESE PRESENTS TO BE SIGNED BY ITS MANAGER THIS DAY OF _____, 2016.

WITNESS _____
 (PRINT NAME OF WITNESS)

VERANO DEVELOPMENT, LLC.
 A DELAWARE LIMITED LIABILITY COMPANY
 BY: THE KOLTER GROUP, LLC, A FLORIDA LIMITED LIABILITY COMPANY, ITS SOLE MANAGER

WITNESS _____
 (PRINT NAME OF WITNESS)

BY: _____
 HOWARD ERBSTEIN
 MANAGER

WITNESS _____
 (PRINT NAME OF WITNESS)

DEDICATION ACKNOWLEDGEMENT

STATE OF FLORIDA
 COUNTY OF PALM BEACH

BEFORE ME, THE UNDERSIGNED AUTHORITY, PERSONALLY APPEARED HOWARD ERBSTEIN, MANAGER OF THE KOLTER GROUP, LLC, A DELAWARE LIMITED LIABILITY COMPANY, SOLE MANAGER OF VERANO DEVELOPMENT, LLC., A DELAWARE LIMITED LIABILITY COMPANY, ON BEHALF OF THE COMPANY, WHO EXECUTED THE FOREGOING CERTIFICATE OF DEDICATION, AND HE DULY ACKNOWLEDGED BEFORE ME THAT HE EXECUTED SAME.

WITNESS MY HAND AND OFFICIAL SEAL AT ST. LUCIE COUNTY, FLORIDA, THIS ____ DAY OF _____, 2016.

NOTARY PUBLIC, STATE OF FLORIDA AT LARGE

PRINT NAME: _____

MY COMMISSION EXPIRES: _____

MORTGAGEE'S CONSENT

STATE OF TEXAS
 COUNTY OF HARRIS

THE UNDERSIGNED HEREBY CERTIFIES THAT IT IS THE HOLDER OF CERTAIN MORTGAGES UPON THE PROPERTY DESCRIBED HEREON AND DOES HEREBY JOIN IN AND CONSENT TO THE DEDICATION OF THE LAND DESCRIBED IN SAID DEDICATION BY THE OWNERS THEREOF AND AGREES THAT ITS MORTGAGE WHICH IS RECORDED IN OFFICIAL RECORD BOOK 3754, PAGE 1167, OF THE PUBLIC RECORDS OF ST. LUCIE COUNTY, FLORIDA, SHALL BE SUBORDINATED TO THE DEDICATION SHOWN HEREON.

IN WITNESS WHEREOF, THE SAID CORPORATION HAS CAUSED THESE PRESENTS TO BE SIGNED BY ITS VICE PRESIDENT AND ITS CORPORATE SEAL TO BE AFFIXED HEREON BY AND WITH THE AUTHORITY OF ITS BOARD OF DIRECTORS THIS _____ DAY OF _____, 2016.

TEXAS CAPITAL BANK, NATIONAL ASSOCIATION

BY: _____
 MARGARET NOLES
 VICE PRESIDENT

WITNESS _____
 (PRINT NAME OF WITNESS)

WITNESS _____
 (PRINT NAME OF WITNESS)

WITNESS _____
 (PRINT NAME OF WITNESS)

ACKNOWLEDGEMENT

STATE OF TEXAS
 COUNTY OF HARRIS

THE FOREGOING MORTGAGEE CONSENT WAS ACKNOWLEDGED BEFORE ME THIS _____ DAY OF _____, 2016, BY MARGARET NOLES AS VICE PRESIDENT, TEXAS CAPITAL BANK, NATIONAL ASSOCIATION. HE IS PERSONALLY KNOWN TO ME OR HAS PRODUCED A DRIVER'S LICENSE AS IDENTIFICATION.

MY COMMISSION EXPIRES: _____
 NOTARY PUBLIC

PRINT NAME: _____

TITLE CERTIFICATION

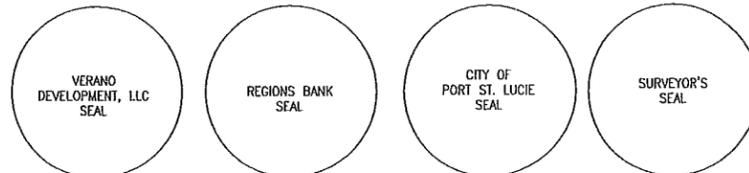
STATE OF FLORIDA
 COUNTY OF PALM BEACH

I, ROBERT M. GRAHAM, ATTORNEY, DULY LICENSED IN THE STATE OF FLORIDA, DO HEREBY CERTIFY THAT I HAVE EXAMINED THE TITLE TO THE HEREON DESCRIBED PROPERTY; THAT I FIND THE TITLE TO THE PROPERTY IS VESTED TO VERANO DEVELOPMENT, LLC. A DELAWARE LIMITED LIABILITY COMPANY THAT THE CURRENT TAXES HAVE BEEN PAID; AND THAT I FIND THAT ALL MORTGAGES ARE SHOWN AND ARE TRUE AND CORRECT:

MORTGAGE WHICH IS RECORDED IN OFFICIAL RECORD BOOK 3329, PAGE 356, OF THE PUBLIC RECORDS OF ST. LUCIE COUNTY, FLORIDA, SHALL BE SUBORDINATED TO THE DEDICATION SHOWN HEREON.

DATE: _____

ROBERT M. GRAHAM
 WEST PALM BEACH, FLORIDA 33401
 FLORIDA BAR NUMBER 273582



APPROVAL OF CITY COUNCIL

STATE OF FLORIDA
 COUNTY OF ST. LUCIE

HEREBY CERTIFY THAT THIS PLAT OF VERANO, P.U.D. NO. 1, PLAT NO. 11 - REPLAT TWO, HAS BEEN OFFICIALLY APPROVED FOR RECORDING BY THE CITY COUNCIL OF PORT ST. LUCIE, FLORIDA, THIS _____ DAY OF _____, 2016.

CITY COUNCIL _____ ATTEST:
 CITY OF PORT ST. LUCIE

GREGORY J. ORAVEC, MAYOR
 KAREN A. PHILLIPS, CITY CLERK

CERTIFICATE OF APPROVAL CLERK OF CIRCUIT COURT

STATE OF FLORIDA
 COUNTY OF ST. LUCIE

I, JOSEPH E. SMITH, CLERK OF CIRCUIT COURT OF ST. LUCIE COUNTY, FLORIDA, DO HEREBY CERTIFY THAT THIS PLAT HAS BEEN EXAMINED AND THAT IT COMPLIES IN FORM WITH ALL THE REQUIREMENTS OF THE LAWS OF FLORIDA PERTAINING TO MAPS AND PLATS, AND THAT THIS PLAT HAS BEEN FILED FOR RECORD IN PLAT BOOK _____ PAGE _____ OF THE PUBLIC RECORDS OF ST. LUCIE COUNTY, FLORIDA, THIS _____ DAY OF _____, 2016.

JOSEPH E. SMITH
 CLERK OF CIRCUIT COURT
 ST. LUCIE COUNTY, FLORIDA



SURVEYOR'S NOTES:

- BEARINGS SHOWN HEREON ARE BASED ON THE SOUTHEASTERLY LINE OF LOT 173, VERANO P.U.D. 1, PLAT NO. 11, PLAT BOOK 69, PAGES 8 THROUGH 11, PUBLIC RECORDS OF ST. LUCIE COUNTY, FLORIDA, WHICH BEARS N46°51'24"E. ALL BEARINGS ARE RELATIVE THERE TO.
- NOTICE: THIS PLAT, AS RECORDED IN ITS GRAPHIC FORM, IS THE OFFICIAL DEPICTION OF THE SUBDIVIDED LANDS DESCRIBED HEREIN AND WILL IN NO CIRCUMSTANCES BE SUPPLANTED IN AUTHORITY BY ANY OTHER GRAPHIC OR DIGITAL FORM OF THE PLAT.
- NOTICE: THERE MAY BE ADDITIONAL RESTRICTIONS THAT ARE NOT RECORDED ON THIS PLAT THAT MAY BE FOUND IN THE PUBLIC RECORDS OF ST. LUCIE COUNTY.

SURVEYOR'S CERTIFICATE:

STATE OF FLORIDA
 COUNTY OF PALM BEACH

THIS IS TO CERTIFY THAT THE PLAT AS SHOWN HEREON IS A TRUE AND CORRECT REPRESENTATION OF A SURVEY MADE UNDER MY RESPONSIBLE DIRECTION AND SUPERVISION AND THAT SAID SURVEY IS ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF AND THAT PERMANENT REFERENCE MONUMENTS HAVE BEEN SET AND FURTHER, THAT THE SURVEY DATA COMPLIES WITH ALL OF THE REQUIREMENTS OF CHAPTER 177, FLORIDA STATUTES, AS AMENDED, AND IN ACCORDANCE WITH THE SURVEYING STANDARDS CONTAINED WITHIN CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE, SET FORTH BY THE FLORIDA BOARD OF SURVEYORS AND MAPPERS PURSUANT TO SECTION 472.027, FLORIDA STATUTES, AND ORDINANCES OF THE CITY OF PORT ST. LUCIE, FLORIDA.

DATE _____
 WILBUR F. DIVINE, P.S.M.
 FLORIDA CERTIFICATE NO. 4190
 STATE OF FLORIDA

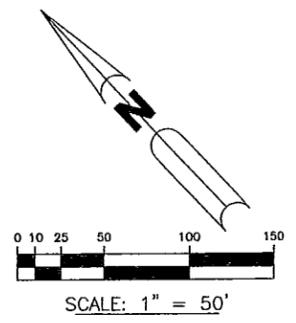
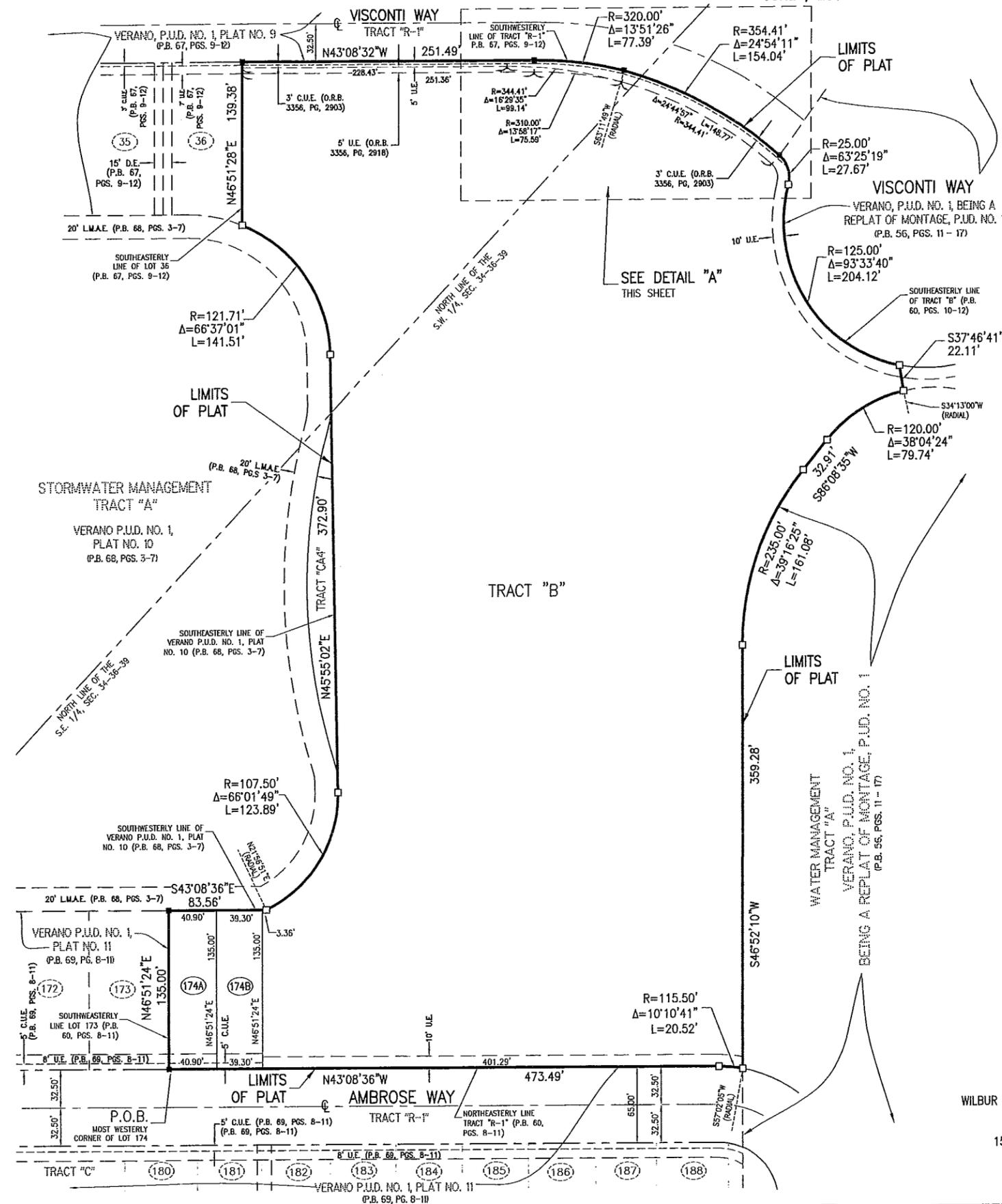
VERANO, P.U.D. NO. 1, PLAT NO. 11 - REPLAT TWO

BEING A REPLAT OF LOT 174, VERANO P.U.D. NO. 1, PLAT NO. 11, ACCORDING THE PLAT THEREOF AS RECORDED IN PLAT BOOK 69, PAGES 8 THROUGH 11 AND A REPLAT OF A PORTION OF TRACT "B", VERANO P.U.D. NO. 1, PLAT NO. 8, ACCORDING THE PLAT THEREOF AS RECORDED IN PLAT BOOK 60, PAGES 10 THROUGH 12 ALL OF THE PUBLIC RECORDS OF ST. LUCIE COUNTY, FLORIDA, LYING WITHIN SECTION 34, TOWNSHIP 36 SOUTH, RANGE 39 EAST, IN THE CITY OF PORT ST. LUCIE, FLORIDA

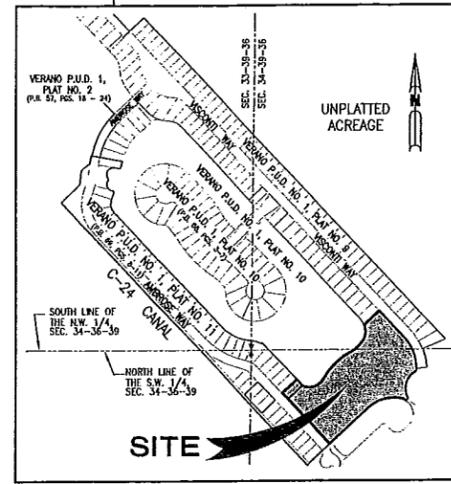
JUNE, 2016

SHEET 2 OF 2

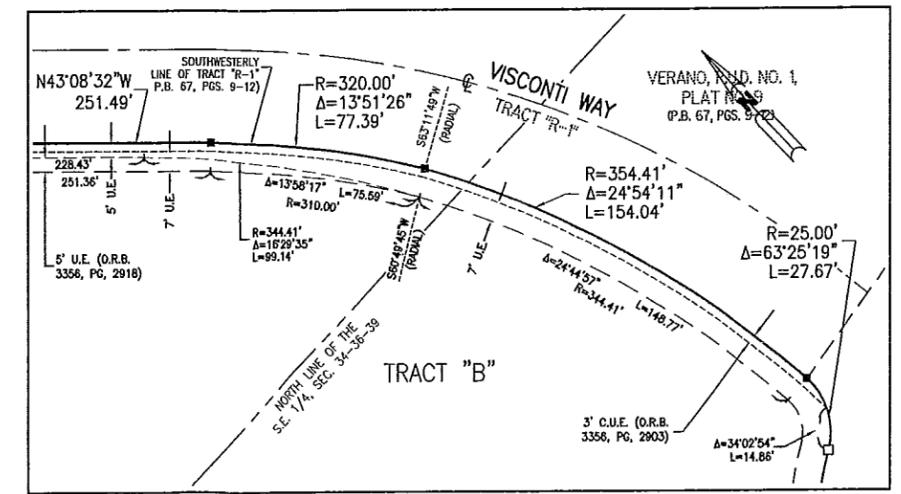
PLAT BOOK	
PAGE	
FILE NO.	
DATE	
TIME	



- LEGEND:**
- = SET PERMANENT REFERENCE MONUMENT PRM LB 7062
 - = FOUND PERMANENT REFERENCE MONUMENT PRM LB 7062
 - = CENTERLINE
 - Δ = DELTA ANGLE
 - L = ARC LENGTH
 - R = RADIUS
 - C.U.E. = CITY UTILITY EASEMENT
 - D.E. = DRAINAGE EASEMENT
 - LB = LICENSED SURVEY BUSINESS
 - L.M.A.E. = LAKE MAINTENANCE AND ACCESS EASEMENT
 - O.R.B. = OFFICIAL RECORDS BOOK
 - P.B. = PLAT BOOK
 - P.O.B. = POINT OF BEGINNING
 - PG. = PAGE
 - PRM = PERMANENT REFERENCE MONUMENT
 - R/W = RIGHT-OF-WAY
 - SEC. = SECTION
 - U.E. = UTILITY EASEMENT
 - (143) = PROPOSED LOT NUMBER
 - (11) = EXISTING LOT NUMBER



KEY MAP
NOT TO SCALE



SEE DETAIL "A"
SCALE: 1" = 30'

THIS INSTRUMENT PREPARED BY
WILBUR F. DIVINE, P.S.M. 4190, STATE OF FLORIDA
ARCADIS U.S. INC. LB 7062
ENGINEERS PLANNERS SURVEYORS
1500 GATEWAY BOULEVARD, SUITE 200
BOYNTON BEACH, FLORIDA



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

TO: PLANNING AND ZONING BOARD - MEETING OF AUGUST 2, 2016

FROM: THRESIAMMA KURUVILLA, PLANNER *[Signature]*

RE: PORT ST. LUCIE PROPERTIES
VARIANCE APPLICATION – PARKING - SECTION 158.221 (C)
P16-103

DATE: JULY 26, 2016

REQUESTED VARIANCE: The request is to grant a variance to Section 158.221(C) – Amount of Off-Street Parking Required of the Zoning Code, by allowing a reduction in the required parking. The proposed 7,200 sq. ft. restaurant requires 96 parking spaces and 85 spaces are being proposed on the out-parcel; that is a deficiency of 11 parking spaces.

APPLICANT: Sara Battle of Kimley-Horn and Associates

OWNER: Port St. Lucie Properties, LLC.

LOCATION: The property is located at the northeast corner of Port St. Lucie Boulevard and Yale Street, north of Darwin Boulevard.

LEGAL DESCRIPTION: The legal description is Darwin Plaza, Lot 5.

SIZE: 37.26 acres

FUTURE LAND USE DESIGNATION: CG (General Commercial).

EXISTING ZONING: CG (General Commercial)

EXISTING USE: Neighborhood Walmart and the retail strip center is under construction.

SURROUNDING USES: North = E-5 canal, drainage right-of-way and beyond that RS-2 (Single Family Residential) zoning, houses; South = Yale Street and beyond is CG (General Commercial) zoning, commercial buildings; East = RS-2 (Single Family

Residential) zoning, houses; West = P (Professional) zoning, vacant and RS-2 (Single Family Residential) zoning, vacant lots.

NOTICES: In accordance with Sec. 158.298 (B), notice of the public hearing was published in the newspaper, property notification letters were sent to property owners within 750 feet of the subject property, and notice of the public hearing was posted on the property.

IMPACTS AND FINDINGS: Compatibility with variance criteria:

- 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, buildings, or structures in the same zoning district.
 - a. *Applicant response: "The proposed shared parking is between two buildings with proposed tenants with different peak hour parking volumes. Historically, sit down restaurant's peak hour parking volume is in the pm hours, whereas a strip center will have an early afternoon peak hour parking volume. Also, in order for the proposed development to pencil and be developmentally feasible, three outparcels are needed. The outparcel cannot be extended due to impact on adjacent proposed outparcels, which will leave them undevelopable."*
 - b. *Staff evaluation: The conceptual site plan for the proposed restaurant (Exhibit A) shows a deficiency of 11 parking spaces. The parking for a free standing restaurant is calculated at one parking space per 75 square feet. The proposed 7,200 sq. ft. restaurant requires 96 parking spaces and 85 spaces are being proposed. Section 158.221 (D) allows shared parking if the hours of operation do not overlap. The site plan for the Neighborhood Walmart shows required parking spaces as 347 and provided 348.*
- 2) That the special conditions and circumstances do not result from any action of the applicant.
 - a. *Applicant response: "These conditions are due in part by the applicant's desire to create a well-balanced center that is developable and brings the most options with the best layout to the citizens of Port St. Lucie."*
 - b. *Staff evaluation: This is a vacant property and the design of the restaurant can be revised to fit into the lot size with less square footage.*
- 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.
 - a. *Applicant response: "Granting of the variance requested will not confer*

on the applicant special privilege due to the following:

Sec 158.221. (D) – Combined/Shared off-street parking:

Owners of two (2) or more adjoining uses, structures, or parcels of land may utilize jointly the same parking area, when approved by the zoning administrator, upon finding that the hours of operation do not overlap and provided satisfactory legal evidence is presented to the planning and zoning department in the form of shared parking agreement, deed, lease, contract or similar document, securing full access to such parking areas for all parties jointly using them.”

- b. *Staff evaluation: Granting the variance will confer on the applicant special privileges that are denied to other structures. All other free standing restaurants in the CG zoning district are required to provide parking at a ratio of 1 space for each 75 square feet of building.*
- 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.
- a. *Applicant response: “Section 158.221. (D) allows for deviations of the parking requirements in situations where the peak hour parking volumes differ between tenants of two properties. This development should not be deprived of this provision.”*
 - b. *Staff evaluation: The literal interpretation would not deprive the applicant of rights enjoyed by others nor create undue hardship.*
- 5) That the variance granted is the minimum variance that will make possible the reasonable use of the land, building, or structure.
- a. *Applicant response: “The variance requested is the minimum variance that will make it possible for the reasonable use of the land as only 11 spaces (11.5 % shared) will be needed to meet code.”*
 - b. *Staff evaluation: Staff does not agree that the variance requested is minimum.*
- 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.
- a. *Applicant response: “Granting of the variance will be in harmony with the general intent and purpose of the chapter and will not be injurious or otherwise detrimental to the public welfare by doing the following:*
 - 1. *The requested variance will allow for more pervious area to beautify the proposed development.*
 - 2. *The requested variance will allow for the development of three outparcels instead of two, giving the public more options for shopping*

and dining.”

b. Staff evaluation: Staff feels that the lot size is too small to accommodate the proposed 7,200 sq. ft. restaurant.

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.

a. Applicant response: “Acknowledged”.

b. Staff evaluation: The applicant has acknowledged this.

Other: City Engineering Department had no comments on this variance application.

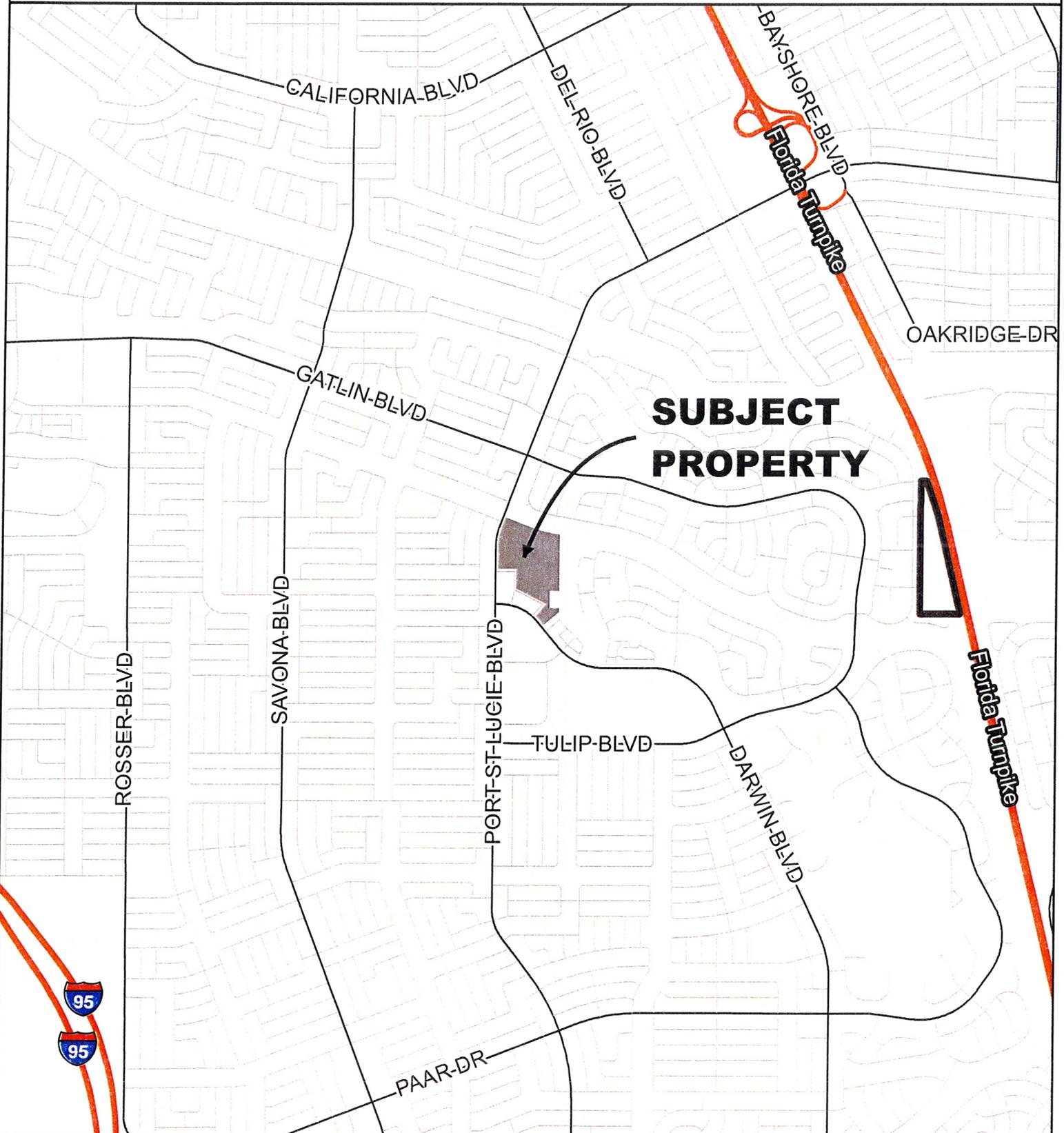
STAFF RECOMMENDATION: The Planning and Zoning Department finds the request to be inconsistent with the variance criteria as stipulated in Section 158.295(C) of the Zoning Code and recommends denial.

Planning and Zoning Board Action Options:

- Motion to approve.
- Motion to approve with conditions.
- Motion to deny.
- 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.

(NOTE TO APPLICANT: 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).

GENERAL LOCATION



CITY OF PORT ST. LUCIE
PLANNING & ZONING DEPT.

VARIANCE
PORT ST. LUCIE PROPERTIES, LLC
DARWIN PLAZA, LOT 5

DATE:	7/7/2016
APPLICATION NUMBER:	P16-103
USER:	patricias
SCALE:	1 in = 0.5 miles

AERIAL



CITY OF PORT ST. LUCIE
PLANNING & ZONING DEPT.

VARIANCE
PORT ST. LUCIE PROPERTIES, LLC

DARWIN PLAZA, LOT 5
AERIAL DATE 2014

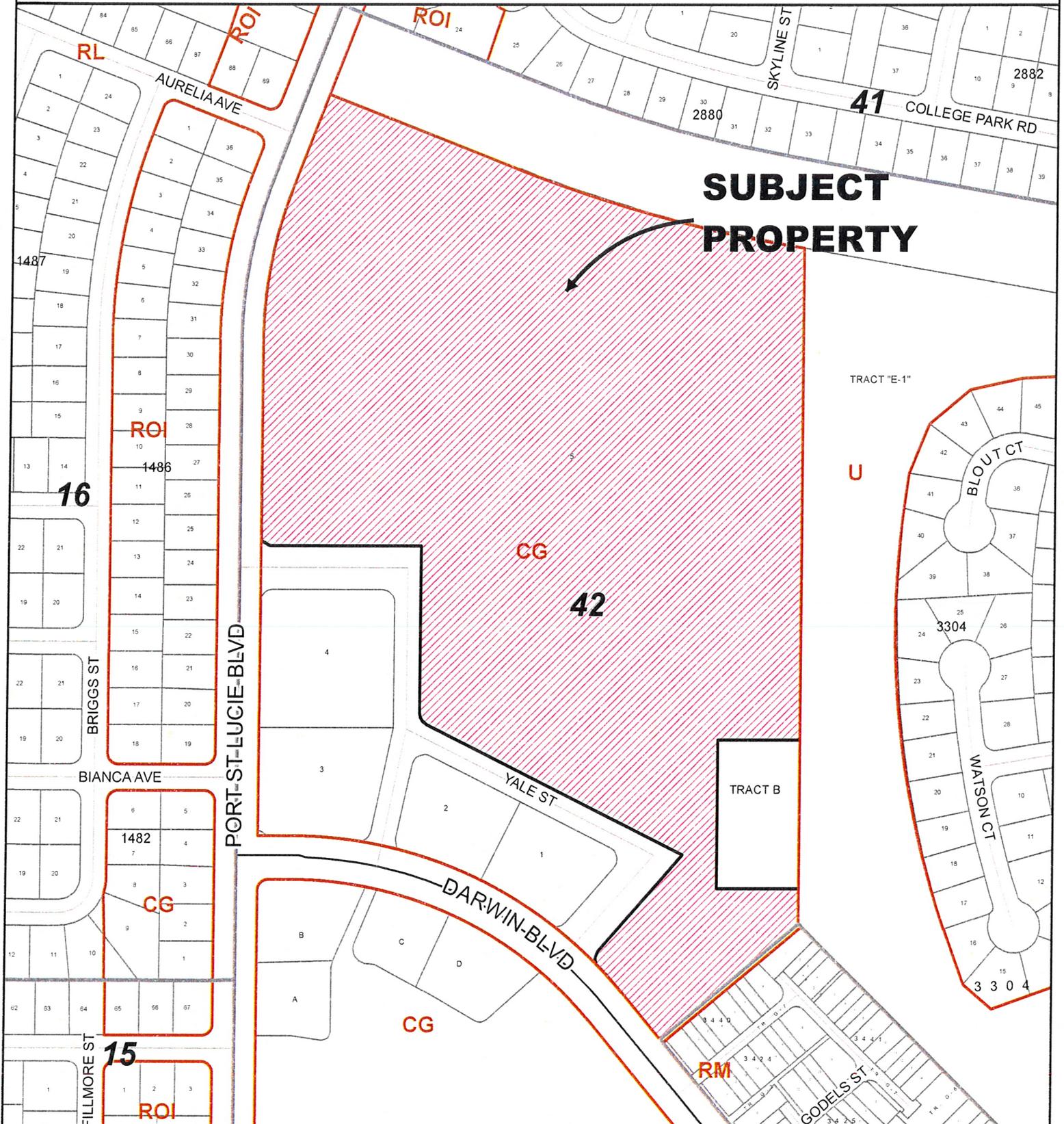
DATE: 7/7/2016

APPLICATION NUMBER:
P16-103

USER:
patricias

SCALE: 1 in = 300 ft

FUTURE LAND USE

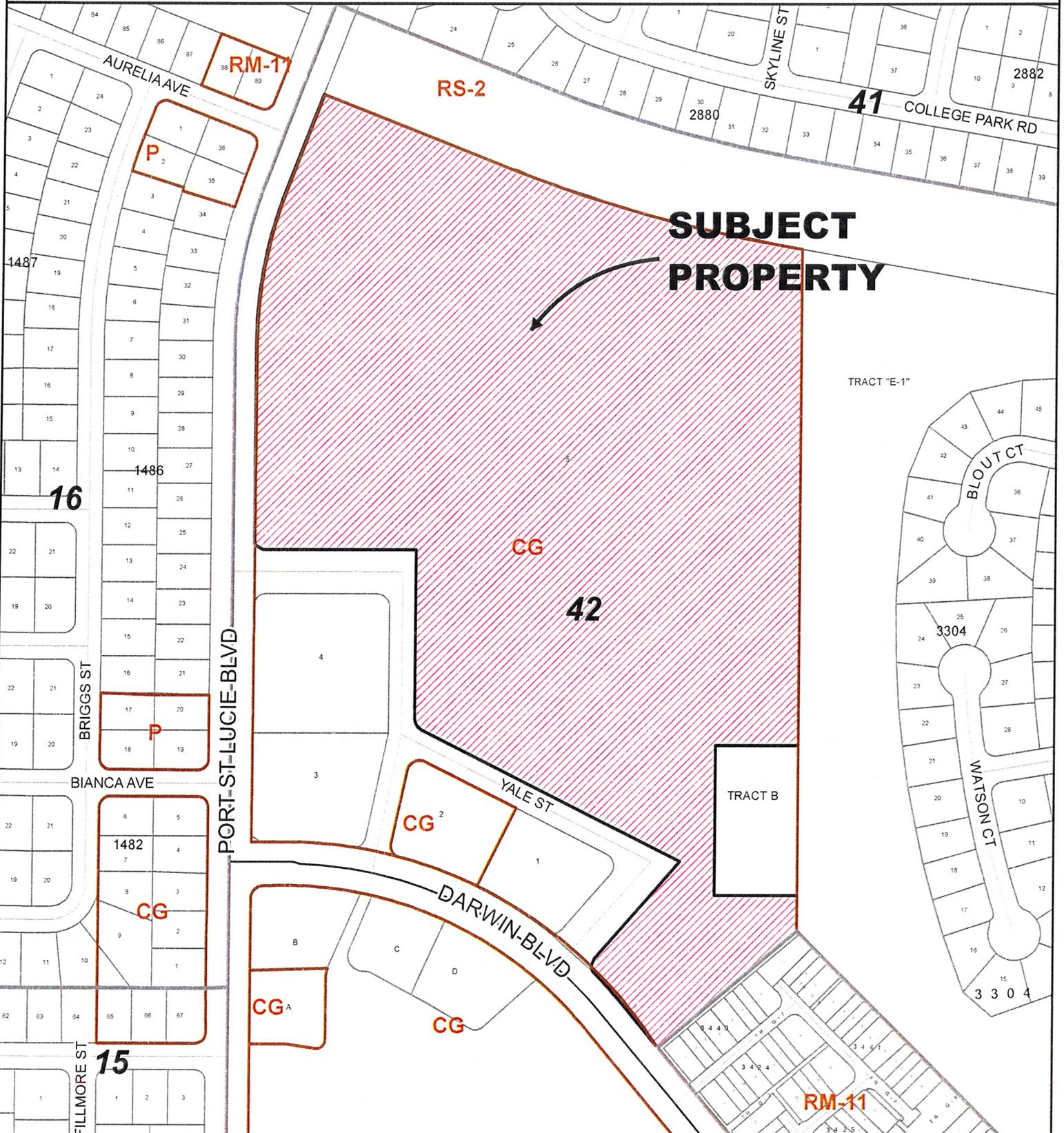


CITY OF PORT ST. LUCIE
PLANNING & ZONING DEPT.

VARIANCE
PORT ST. LUCIE PROPERTIES, LLC
DARWIN PLAZA, LOT 5

DATE: 7/7/2016
APPLICATION NUMBER: P16-103
USER: patricias
SCALE: 1 in = 300 ft

EXISTING ZONING



CITY OF PORT ST. LUCIE
PLANNING & ZONING DEPT.

VARIANCE
PORT ST. LUCIE PROPERTIES, LLC
DARWIN PLAZA, LOT 5

DATE: 7/7/2016
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P16-103
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patricias
SCALE:
1 in = 300 ft

ADMINISTRATIVE VARIANCE APPLICATION

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

FOR OFFICE USE ONLY

Planning Dept P16-103
Fee (Nonrefundable) \$ 1,635.00
Receipt # 1001651

RECEIVED

Refer to "Fee Schedule" for application fee. Make check payable to the "City of Port St. Lucie". Fee is nonrefundable. **Attach two copies of proof of ownership (e.g., warranty deed, affidavit), and a copy of recent survey.**

JUN 30 2016
PLANNING DEPARTMENT
CITY OF PORT ST. LUCIE, FL

PRIMARY CONTACT EMAIL ADDRESS: Sara.Battles@kimley-horn.com

PROPERTY OWNER:

Name: Thomas Morrison - Port St. Lucie Properties, LLC
Address: 222 Lakeview Ave, PH5, West Palm Beach, FL 33401
Telephone No. 561-832-6070 Fax No. TJM222@me.com

RECEIVED
JUN 30 2016
PLANNING DEPARTMENT
CITY OF PORT ST. LUCIE, FL

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

Name: Sara Battles, P.E. - Kimley-Horn and Associates
Address: 445 24th Street, Suite 200, Vero Beach, FL 32960
Telephone No. 772-794-4154 Fax No. N/A

SUBJECT PROPERTY:

Legal Description: Darwin Plaza Lot 5 (or 3328-441)
Parcel I.D. Number: 3420-714-0007-000-0
Address: SWC Port St. Lucie and Aurelia
Current zoning classification CG

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.

SEE ATTACHED

Sara Battles
Signature of Applicant

Sara Battles
Hand Print Name

6/30/2016
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.

July 11, 2016

Thresiamma Kuruvilla
City of Port St. Lucie
121 SW Port St. Lucie Boulevard
Port St. Lucie, FL 34984

Variance Request and Justification

DUFFY'S OUTPARCEL - TRACT 5 DARWIN PLAZA PLAT (OUTPARCEL 1 PROPOSED SYMPATICO PLAT)
VARIANCE FOR SHARED PARKING

VARIANCE SUMMARY:

Port St Lucie Properties requests a variance to the required parking for a proposed standalone Duffy's restaurant in the most northern outparcel on Tract 5 of Darwin Plaza plat. The request is to provide 11 of the required 96 parking stalls (11.45%) as shared parking spaces between the proposed restaurant and retail development to the east.

A sidewalk is proposed to provide safe pedestrian access from the shared parking spaces to the restaurant. The attached graphic shows where the shared parking spaces are located within the site.

VARIANCE JUSTIFICATION:

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;***

The proposed shared parking is between two buildings with proposed tenants with different peak hour parking volumes. Historically, sit down restaurant's peak hour parking volume is in the PM hours, whereas a strip center will have an early afternoon peak hour parking volume. Also, in order for the proposed development to pencil and be developmentally feasible, three outparcels are needed. The outparcel cannot be extended due to impact on adjacent proposed outparcels, which will leave them undevelopable.

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

These conditions are due in part by the applicants desire to create a well-balanced center that is developable and brings the most options with the best layout to the citizens of Port St Lucie. .

- (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;***

operation do not overlap and provided satisfactory legal evidence is presented to the planning and zoning department in the form of shared parking agreement, deed, lease, contract or similar document, securing full access to such parking areas for all parties jointly using them.

- (4) Please explain how 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;

Section 158.221. (D) allows for deviations of the parking requirements in situations where the peak hour parking volumes differ between tenants of two properties. This development should not be deprived of this provision.

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

The variance requested is the minimum variance that will make it possible for the reasonable use of the land as only 11 spaces (11.45% shared) will be needed to meet code.

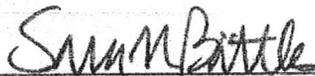
- (6) Please indicate how granting variance will be in harmony with the general intent and purpose of the chapter and that granting the variance will not be injurious to the area involved or otherwise detrimental to the public welfare;

Granting of the variance will be in harmony with the general intent and purpose of the chapter and will not be injurious or otherwise detrimental to the public welfare by doing the following:

1. The requested variance will allow for more pervious area to beautify the proposed development.
2. The requested variance will allow for the development of three outparcels instead of two, giving the public more options for shopping and dining.

- (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.

Acknowledged.



Signature of Applicant

Date 7/20/2016

SARA BATTLE

Hand Print Name

AGENT AUTHORIZATION FORM

RE: Applications for Permits and Approvals

TO: City of Port St. Lucie, South Florida Water Management District, Florida
Department of Environmental Protection

Port Saint Lucie Properties LLC (Owner) is in the process of developing a site (the "Site") located at the northeast corner of SW Port St. Lucie Blvd and SW Darwin Blvd in Port St. Lucie, Florida (Parcel ID 3420-714-0007-000-0). On behalf of the Owner, I hereby authorize Kimley-Horn and Associates, Inc. (the "Engineer") to act as agent for the purpose of obtaining permits and approvals related to the development of the Site.

In such capacity, the Engineer's authority is expressly limited to signing and delivering applications for permits and approvals that are related to the development of the Site, advancing nominal funds as are required to file such applications and to representation at meetings and hearings for the applications. The Engineer is not authorized to negotiate on Owner's behalf or to bind or obligate Owner's in any manner whatsoever, including without limitation accruing any obligations on Owner's behalf to pay for or construct improvements without additional authorization in writing.

Sincerely,



Thomas Morrison
Port Saint Lucie Properties LLC

By: _____

Name: THOMAS J. MORRISON

Title: PRESIDENT-OWNER

Prepared by/Return to:
Janis K. Cheezem, Esq.
Akerman LLP
One SE 3rd Avenue, Suite 2500
Miami, Florida 33131

PARCEL I.D. NO.:
3420-714-0007-000-0

SPECIAL WARRANTY DEED

THIS SPECIAL WARRANTY DEED made and executed the 13 day of May, 2014, by FLORIDA COMMUNITY BANK, National Association, whose street address is 2500 Weston Road, Suite 300, Weston, FL 33331, hereinafter called the Grantor, to PORT SAINT LUCIE PROPERTIES, LLC, a Florida limited liability company, whose address is 222 Lakeview Avenue, PH-5 West Palm Beach, FL 33401, hereinafter called the Grantee:

(Wherever used herein the terms "Grantor" and "Grantee" include all the parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations)

WITNESSETH: That the Grantor, for and in consideration of the sum of \$10,00 and other valuable considerations, receipt whereof are hereby acknowledged, by these presents does grant, bargain, sell, alien, remise, release, convey and confirm unto the Grantee, all that certain land situate in St. Lucie County, Florida, more particularly described in the attached Exhibit "A" (the "Property").

TOGETHER with all the easements, tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

TO HAVE AND TO HOLD, the same in fee simple forever.

AND the Grantor hereby covenants with Grantee that it is lawfully seized of the Property in fee simple; that it has good right and lawful authority to sell and convey the Property; that it hereby specially warrants the title to the Property and will defend the same against the lawful claims of all persons claiming by, through or under Grantor, subject to real estate taxes for 2014 and subsequent years and all matters of record, without the intention of reimposing same.

IN WITNESS WHEREOF, the said Grantor has caused this instrument to be executed as of the day and year first above written.

Signed, sealed and delivered in the presence of:

Sign Name: Maite Mendiola
Print Name: Maite Mendiola

FLORIDA COMMUNITY BANK, National Association

By [Signature] (SEAL)
Larry Benton, Senior Vice President

Sign Name: Mahriah Tucker
Print Name: Mahriah Tucker

STATE OF FLORIDA)
) SS:
COUNTY OF BROWARD)

The foregoing instrument was acknowledged before me this 13 day of May, 2014, by Larry Benton, Senior Vice President of FLORIDA COMMUNITY BANK, National Association, in the capacity aforesated; such person is personally known to me or has produced _____ as identification and did not do so under oath.

 MAITE MENDIOLA
NOTARY PUBLIC
STATE OF FLORIDA
Comm# EE210524
Expires 6/24/2016
My Commission Expires:

Sign Name: Maite Mendiola
Print Name: Maite Mendiola
Notary Public

Serial No. (none if blank): _____

[NOTARIAL SEAL]

Exhibit "A"
to
Special Warranty Deed
(Legal Description)

Lot 5, of DARWIN PLAZA, according to the Plat thereof, as recorded in Plat Book 38, Page 31, of the Public Records of St. Lucie County, Florida.

TITLE & FIRPTA AFFIDAVIT

STATE OF FLORIDA

COUNTY OF BROWARD

BEFORE ME, the undersigned authority, personally appeared Larry Benton, ("Affiant"), the Senior Vice President of FLORIDA COMMUNITY BANK, NATIONAL ASSOCIATION ("FCB"), who after being by me first duly sworn, deposes and states as follows:

1. FCB, is the fee simple owner of a portion of the real property (collectively referred to hereinafter as the "Property"), described in Schedule A of Stuart Title Guaranty Company Commitment No. 20140218 (the "Commitment") and is this day selling all right, title and interest in and to the Property described in Exhibit A attached hereto and made a part hereof, to PORT SAINT LUCIE PROPERTIES, LLC, a Florida limited liability company, (the "Purchaser").
2. There is no person, firm or corporation presently entitled to claim a lien against said Property for any work, labor or materials furnished by or at the direction of FCB to the Property nor any lien for any municipal charges or violations, utilities or otherwise, within the ninety (90) days immediately prior to the date hereof.
3. FCB is in exclusive possession of the Property.
4. There are no judgments against FCB in any state or federal court remaining unpaid and there are no unpaid taxes or special assessments of any nature in favor of governmental taxing authorities which are now or might become a lien or claim upon said Property except for real estate taxes and non ad valorem special assessments assessed against the Property for calendar years subsequent to 2013, and those matters of record set forth on Schedule B-II of the Commitment.
5. There is no bankruptcy or insolvency proceeding pending in any state or federal court by or against FCB.
6. Affiant specifically states that there are no lawsuits or administrative proceedings pending or to Affiant's knowledge, threatened, against FCB that could give rise to a lien that would attach to the property between April 8, 2014, at 8:00 a.m., the effective date of the Commitments, and the recording of the deed to be insured in favor Purchaser and affirms that FCB has not and will not execute any instrument that would adversely affect the interest to be insured in accordance with the Commitments during the so called "gap period" between the effective date of the Commitment and the date of transfer of the Property.

7. This Affidavit is given for the purpose of inducing Stewart Title Guaranty Company, by and through its agent Akerman LLP, to issue an owner's policy of title insurance in favor of Purchaser and for the purpose of inducing Purchaser to purchase the Property described in the Commitment.

8. Section 1445 of the Internal Revenue Code (the "Code") provides that a transferee (buyer) of a U.S. real property interest must withhold tax if the transferor (seller) is a "foreign person" (as defined in the Code. For U.S. tax purposes (including Section 1445 of the Code), the direct owner of an entity, which has legal title to a U.S. real property interest under local law, that is a disregarded entity will be the transferor (seller) of the property and not the disregarded entity, unless that direct owner is itself a disregarded entity. To inform the transferee (buyer) that withholding of tax is not required upon the disposition of a U.S. real property interest by FCB, the undersigned party or parties hereby make the following certifications:

a. FCB is not a disregarded entity as defined in Treasury Regulation §1.1445-2(b)(2)(iii);

b. FCB is not a foreign corporation, foreign partnership, foreign trust, foreign estate or nonresident alien individual for purposes of U.S. income taxation (as those terms are defined in the Code and the Treasury Regulations thereunder);

c. FCB is not a foreign persons within the meaning of the above described Treasury Regulations or Code;

d. FCB's federal employer identification number is: 27-1732978;

e. FCB's mailing address is 2500 Weston Road, Suite 300, Weston, FL 33331;

f. Affiant is making this Affidavit pursuant to the provisions of Section 1445 of the Code in connection with the conveyance of the Property, by FCB to Purchaser, which conveyance constitutes the disposition by the owners of a United States real property interest, for the purpose of establishing that Purchaser is not required to withhold tax pursuant to Section 1445 of the Code in connection with such disposition; and

g. Affiant acknowledges that this Affidavit may be disclosed to the Internal Revenue Service by Purchaser, that this Affidavit is made under penalty of perjury, and that any false statement made herein could be punished by fine, imprisonment or both.

FURTHER AFFIANT SAYETH NOT.

(remainder of page intentionally blank)

(title affidavit signature page)



Larry Benton as Senior Vice President of
FLORIDA COMMUNITY BANK, NATIONAL
ASSOCIATION

Sworn to and subscribed before me this 13 day of May, 2014, by Larry Benton, as Senior Vice President of FLORIDA COMMUNITY BANK, NATIONAL ASSOCIATION, who is personally known and who did take and oath.



MAITE MENDIOLA
NOTARY PUBLIC
STATE OF FLORIDA
Comm# EE210524
Expires 6/24/2016



Notary Public,
State of Florida

My commission expires:

Exhibit A
The Property

Lot 5, of DARWIN PLAZA, according to the Plat thereof, as recorded in Plat Book 38, Page 31, of the Public Records of St. Lucie County, Florida.



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

TO: PLANNING AND ZONING BOARD- MEETING OF AUGUST 2, 2016

FROM: THRESIAMMA KURUVILLA, PLANNER *JK*

RE: PORT ST. LUCIE PROPERTIES
VARIANCE APPLICATION - LANDSCAPING - SECTION 154.03 (C)
P16-105

DATE: JULY 26, 2016

REQUESTED VARIANCE: The request is to reduce the width of the required landscape strips in between the out parcels and vehicular area of the Neighborhood Walmart and retail strip. Section 154.03(C) of the Landscape Code requires a 10-foot landscape strip for vehicular area and out parcel perimeter. The applicant wants to combine the required two 10-foot-wide perimeter landscape areas between the shopping center parcel and the proposed out parcels into one 10-foot-wide perimeter landscape strip. The requested landscape variance is 13,038 sq. ft.

APPLICANT: Steve Garrett of Lucido & Associates.

OWNER: Port St. Lucie Properties, LLC.

LOCATION: The property is located at the northeast corner of Port St. Lucie Boulevard and Yale Street, north of Darwin Boulevard.

LEGAL DESCRIPTION: The legal description is Darwin Plaza, Lot 5.

SIZE: 37.26 acres

FUTURE LAND USE DESIGNATION: CG (General Commercial).

EXISTING ZONING: CG (General Commercial)

EXISTING USE: Neighborhood Walmart and the retail strip center is under construction.

SURROUNDING USES: North = E-5 canal, drainage right-of-way and beyond that RS-2 (Single Family Residential) zoning, houses; South = Yale Street and beyond is CG (General Commercial) zoning, commercial buildings; East = RS-2 (Single Family Residential) zoning, houses; West = P (Professional) zoning, vacant and RS-2 (Single Family Residential) zoning, vacant lots.

NOTICES: In accordance with Sec. 158.298 (B), notice of the public hearing was published in the newspaper, property notification letters were sent to property owners within 750 feet of the subject property, and notice of the public hearing was posted on the property.

IMPACTS AND FINDINGS: Compatibility with variance criteria:

- 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, buildings, or structures in the same zoning district.

- a. *Applicant response: "This is a unique situation due to the fact that this project although approved and developed under straight commercial zoning, has provided additional open space and landscape area throughout the site especially along the eastern limits to provide additional space and buffering opportunities that would not otherwise have been provided. The unique layout and spatial allocations provided through the site plan have created depth issues for those out parcels adjacent to Port St. Lucie Boulevard."*

- b. *Staff evaluation: Section 154.03 (C) of the Landscape Code requires a 10 foot landscape strip for vehicular area and site perimeter and 15 foot landscape strip on Port St. Lucie Boulevard. The hatched portions of the Exhibit 'A' shows the landscape strips for which the variance is sought. Instead of 10 foot landscape strips on both sides of the vehicular area for parcel 4, the applicant is proposing 10 feet on one side and instead of 10 foot landscape strip on both sides between interior out parcels lot lines (parcels 1, 2, and 3) applicant is proposing 5 feet on both sides of the lot lines. In other words, the variance request is to combine the required two 10 foot wide perimeter landscape areas required between the shopping center parcel and the proposed out parcels into one 10 feet wide perimeter landscape strip.*

The attached plan shows 25,760 sq. ft. in the required perimeter landscape area for parcels 1-3 and the area provided is 12,722 sq. ft. That is a deficiency of 13,038 sq. ft. landscape area. For parcel 4, the required landscape area is 106,337 sq. ft. and the provided is 176,034 sq. ft. Hence for the overall site there is an excess of 69,697 sq. ft. landscaped area than the minimum requirement thus easily accommodating the requested landscape variance area of 13,038 sq. ft. The remaining excess landscape area will be 56,659 sq. ft. if the requested variance is approved.

- 2) That the special conditions and circumstances do not result from any action of the applicant.
 - a. *Applicant response: "These conditions and circumstances are not the result of the applicant but that of providing larger than required open space/landscape areas within the overall site."*
 - b. *Staff evaluation: 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. The overall site provides an excess of 69,697 sq. ft. of landscaped area. The remaining excess landscape area will be 56,659 sq. ft. if the requested variance is approved.*
- 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.
 - a. *Applicant response: "Granting of the variance requested will not confer on the applicant special privilege. We believe that this right is provided under the current code to all properties and the issue is demonstrating that we meet the requirements on the site and are only asking for a modification to where on site the landscape area is provided."*
 - b. *Staff evaluation: Granting the variance will confer on the applicant special privileges that are denied to other structures.*
- 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.
 - a. *Applicant response: "The literal interpretation of the provisions of the chapter would work unnecessary and undue hardship on the applicant by requiring additional land area be provided to accommodate a landscape strip double the size (20' versus 10') than is normally required and commonly accepted as good planning."*
 - b. *Staff evaluation: The literal interpretation would not deprive the applicant of rights enjoyed by others nor create undue hardship.*
- 5) That the variance granted is the minimum variance that will make possible the reasonable use of the land, building, or structure.
 - a. *Applicant response: "The variance requested is the minimum variance that will make it possible for the reasonable use of the land. The applicant is providing the entire required landscape strip area (calculated at two 10' wide strips) within the overall site area. The overall site is providing 1.60 acres of additional open space/ landscape area above code requirements."*

- b. *Staff evaluation: Staff agrees that the variance requested is minimum.*
- 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.
- a. *Applicant response: "Granting of the variance will be in harmony with the general intent and purpose of the chapter and will not be injurious or otherwise detrimental to the public welfare. In fact, the requested variance is consistent with sound planning and providing sufficient space between uses while enabling efficient use of the land."*
- b. *Staff evaluation: Staff agrees that the requested variance is in harmony with the general interest and purpose of the chapter, and not 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.
- a. *Applicant response: "Acknowledged"*
- b. *Staff evaluation: The applicant has acknowledged this.*

Other: City Engineering Department had no comments on this variance application.

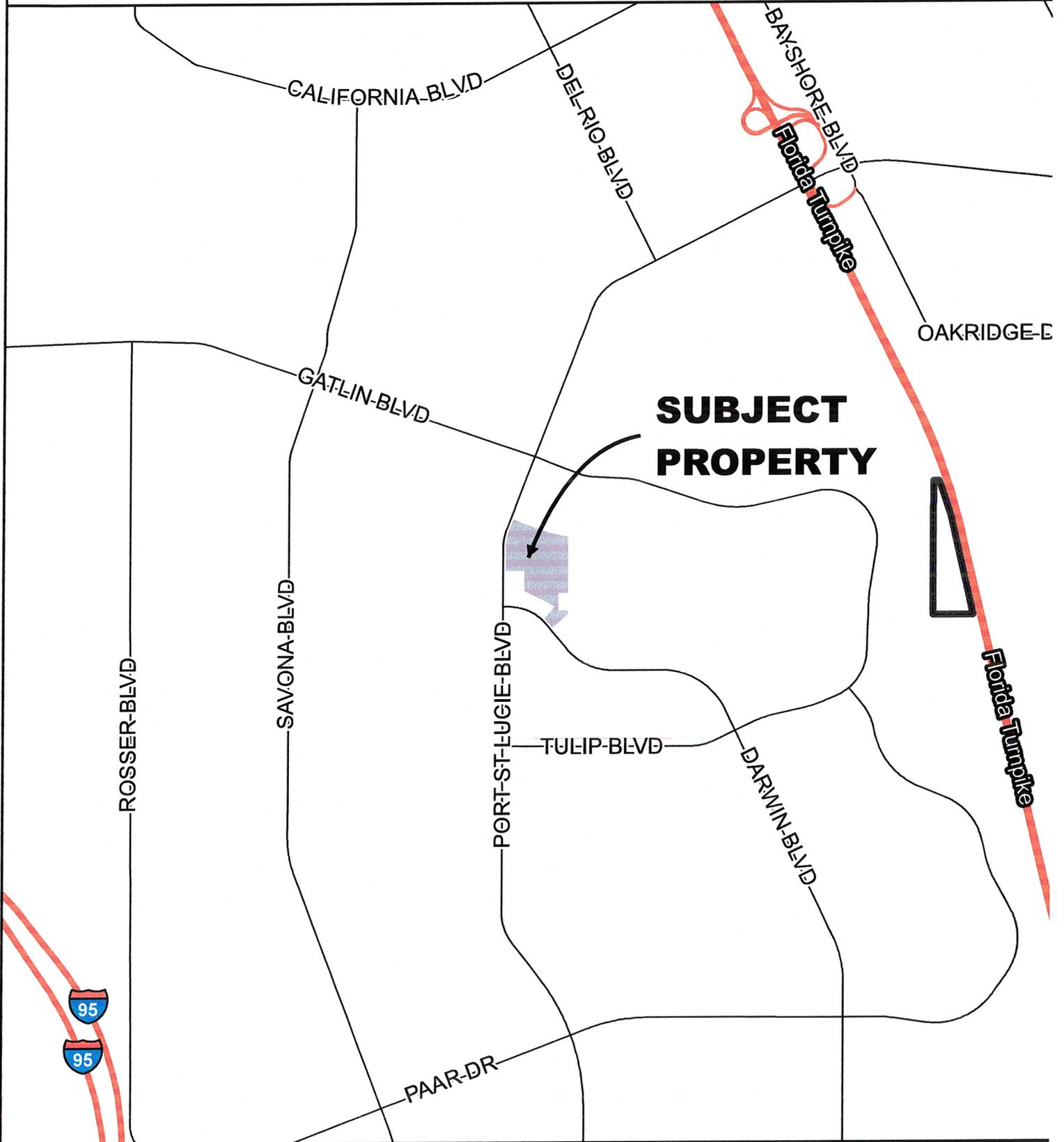
STAFF RECOMMENDATION: The Planning and Zoning Department finds the request to be consistent with the variance criteria as stipulated in Section 158.295(C) of the Zoning Code and recommends approval.

Planning and Zoning Board Action Options:

- Motion to approve.
- Motion to approve with conditions.
- Motion to deny.
- 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.

(NOTE TO APPLICANT: 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).

GENERAL LOCATION

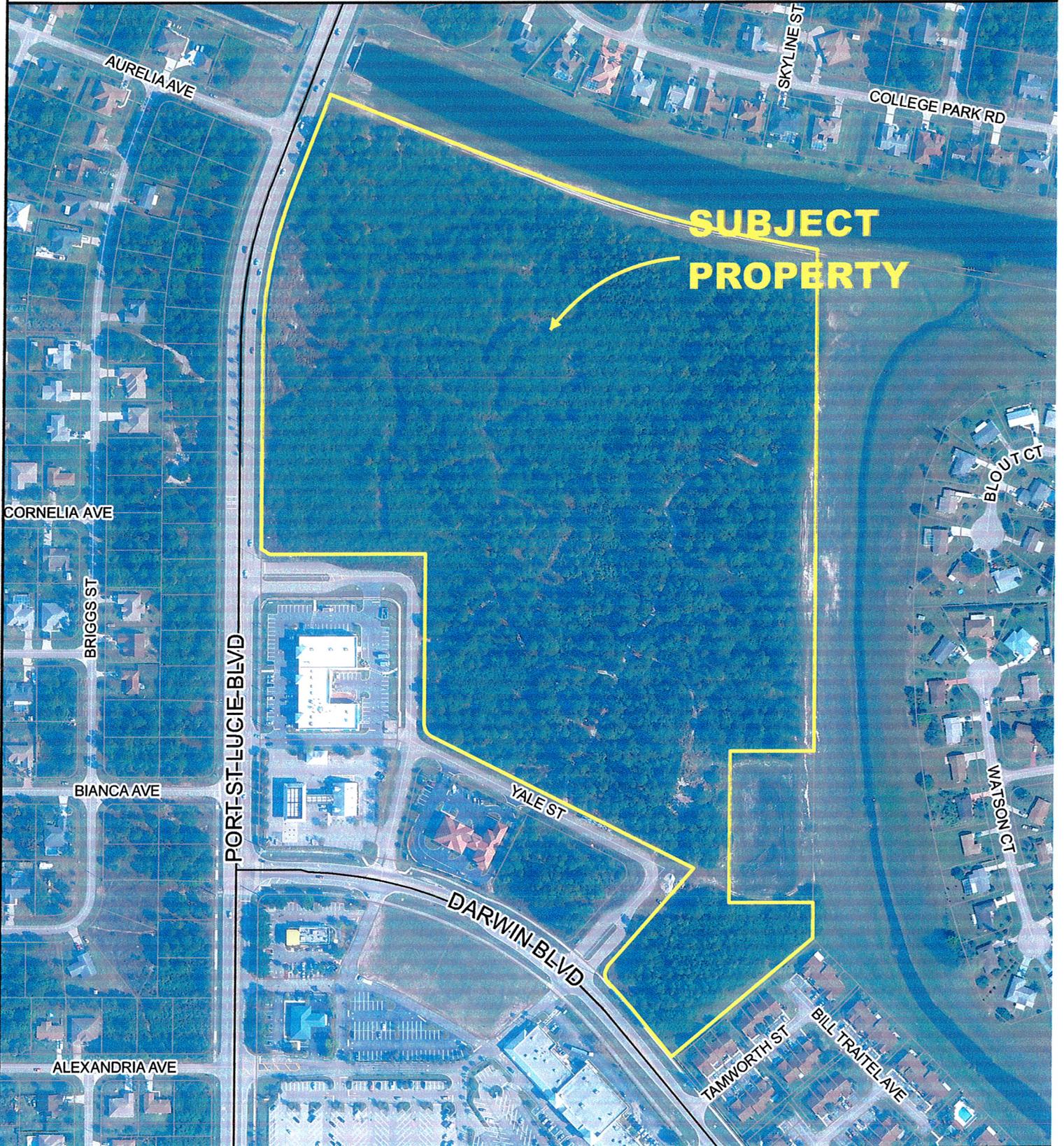


CITY OF PORT ST. LUCIE
PLANNING & ZONING DEPT.

VARIANCE
PORT ST. LUCIE PROPERTIES, LLC
DARWIN PLAZA, LOT 5

DATE:	7/7/2016
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USER:	patricias
SCALE:	1 in = 0.5 miles

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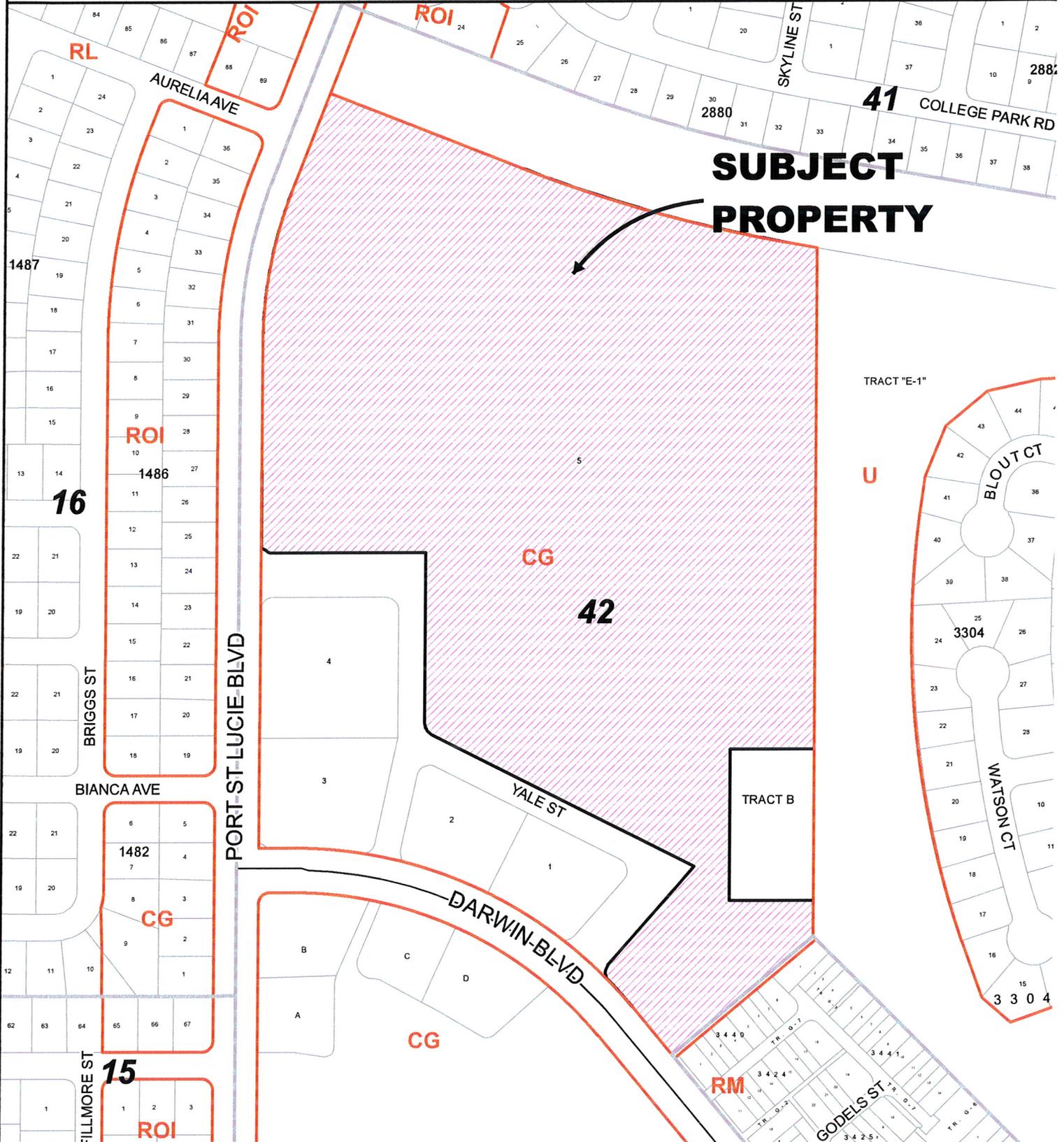


CITY OF PORT ST. LUCIE
PLANNING & ZONING DEPT.

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FUTURE LAND USE

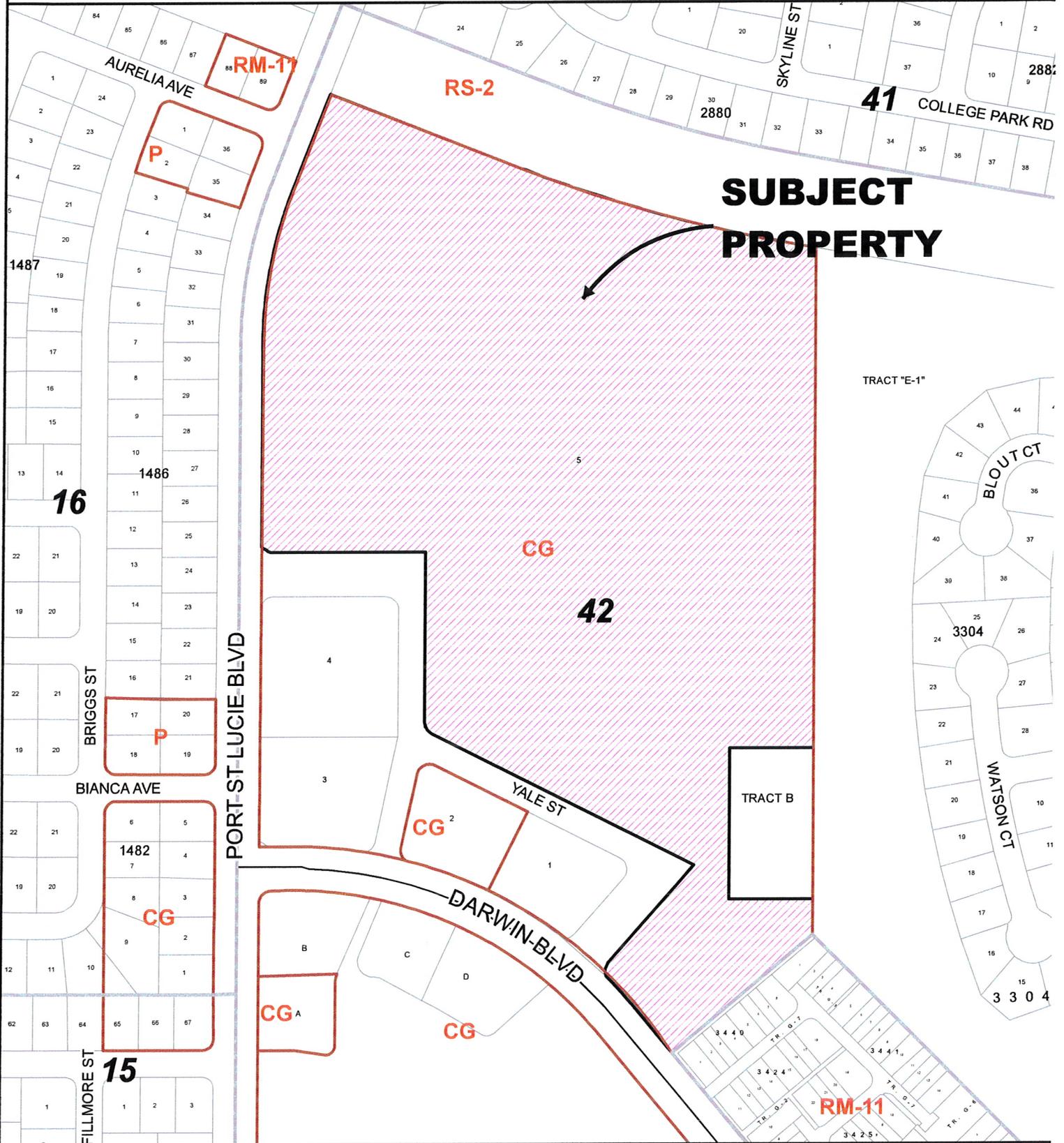


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CITY OF PORT ST. LUCIE
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VARIANCE APPLICATION

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

FOR OFFICE USE ONLY

Planning Dept P16-105
Fee (Nonrefundable) \$ 1,635.00
Receipt # 100213

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: sgarrett@lucidodesign.com

PROPERTY OWNER:

Name: Port St. Lucie Properties, LLC
Address: 222 Lakeview Avenue, PH-5, West Palm Beach, FL 33401
Telephone No.: _____ Fax No.: _____

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

Name: Steven Garrett / Lucido & Associates
Address: 701 SE Ocean Blvd., Stuart, FL 34994
Telephone No.: 772-220-2100 Fax No.: 772-223-0220

SUBJECT PROPERTY:

Legal Description: Lot 5, of Darwin Plaza, as recorded Plat Book 38, Page 31
Parcel I.D. Number: 3420-714-0007-000-0
Address: Port St. Lucie Blvd.
Current Zoning Classification: CG - General Commercial

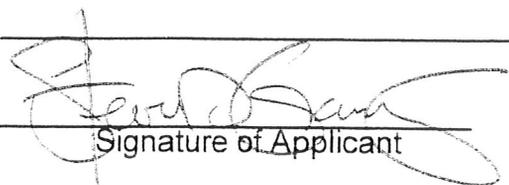
Description of requested variance and applicable conditions/circumstances justifying request (continue on separate sheet, if necessary): Provide documentation that the attached variance criteria have been met.

RECEIVED

JUN 30 2016

Please refer to submitted cover letter & justification.

PLANNING DEPARTMENT
CITY OF PORT ST. LUCIE, FL


Signature of Applicant

STEVEN GARRETT
Hand Print Name

06/30/16
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.



lucido& associates

Land Planning / Landscape Architecture

June 30, 2016

Ms. Anne Cox, Assistant Planning Director
City of Port St. Lucie
121 SW Port St. Lucie Boulevard
Port St. Lucie, FL 34984

RE: PSL Properties – Perimeter Landscape Requirement
Variance Request and Justification

On behalf of PSL Properties, LLC, we are pleased to submit this variance application and justification.

Variance Summary:

Our variance request is to combine the required two 10' wide perimeter landscape areas required between the shopping center parcel and the proposed out parcels into one 10' wide perimeter landscape strip. We are submitting this specific variance request which shows how the entire required landscape strip area (both 10' wide landscape strips) is still being provided on a site wide basis through our providing additional open space/landscape area which exceeds the minimum required by City Code.

The attached graphic shows (in red hatched) the parcel lines and perimeter area in which we are seeking the variance and also the associated data calculations. As you can see through the calculations, the linear footage of the parcel lines is multiplied by a total 20' (10' strip + 10' strip) width to calculate the "required perimeter landscape area" at 25,760 SF. We are providing 12,722 SF through the planned 10' wide landscape strip thus requiring our "requested landscape variance" area of 13,038 SF needing to be provided within the overall site area.

The next table shows the total site area consisting of pervious area (open space/ landscape area) of 176,034 SF which is 33% of the total site area and 13% over the required minimum of 20%. The current Parcel 4 (shopping center tract) has 69,697 SF in excess of the minimum requirement for open space/landscape area thus easily accommodating the requested landscape variance area of 13,038 SF. In fact, with the requested landscape variance area removed, there is 1.30 acres of remaining excess landscape area on site.

Variance Justification:

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

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

This is a unique situation due to the fact that this project although approved and developed under straight commercial zoning, has provided additional open space and landscape area throughout the site especially along the eastern limits to provide additional space and buffering opportunities that would not otherwise have been provided. The unique layout and spatial allocations provided through the site plan have created depth issues for those out parcels adjacent to Port St. Lucie Boulevard.

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

These conditions and circumstances are not the result of the applicant but that of providing larger than required open space/landscape areas within the overall site.

- (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 of the variance requested will not confer on the applicant special privilege. We believe that this right is provided under the current code to all properties and the issue is demonstrating that we meet the requirements on the site and are only asking for a modification to where on site the landscape area is provided.

- (4) *Please explain how 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;*

The literal interpretation of the provisions of the chapter would work unnecessary and undue hardship on the applicant by requiring additional land area be provided to accommodate a landscape strip double the size (20' versus 10') than is normally required and commonly accepted as good planning.

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

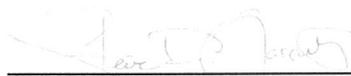
The variance requested is the minimum variance that will make it possible for the reasonable use of the land. The applicant is providing the entire required landscape strip area (calculated at two 10' wide strips) within the overall site area. The overall site is providing 1.60 acres of additional open space/ landscape area above code requirements.

(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 of the variance will be in harmony with the general intent and purpose of the chapter and will not be injurious or otherwise detrimental to the public welfare. In fact, the requested variance is consistent with sound planning and providing sufficient space between uses while enabling efficient use of the land.

(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.*

Acknowledged.



Signature of Applicant

Steven D Garrett

Hand Print Name

06/30/16

Date

Port St. Lucie Plaza

Parcel 1-4

Perimeter Landscape Variance

lucido & associates
 711 E Ocean Blvd., Stuart, Florida 34956 (772) 229-2100, Fax (772) 223-0220
 100 Avenue A Suite 20, Fort Pierce, Florida 34950 (772) 461-1301, Fax (772) 461-1303
 827 North Thurston Avenue, Ocala, Florida 32903 (407) 656-9521, Fax (407) 656-0764



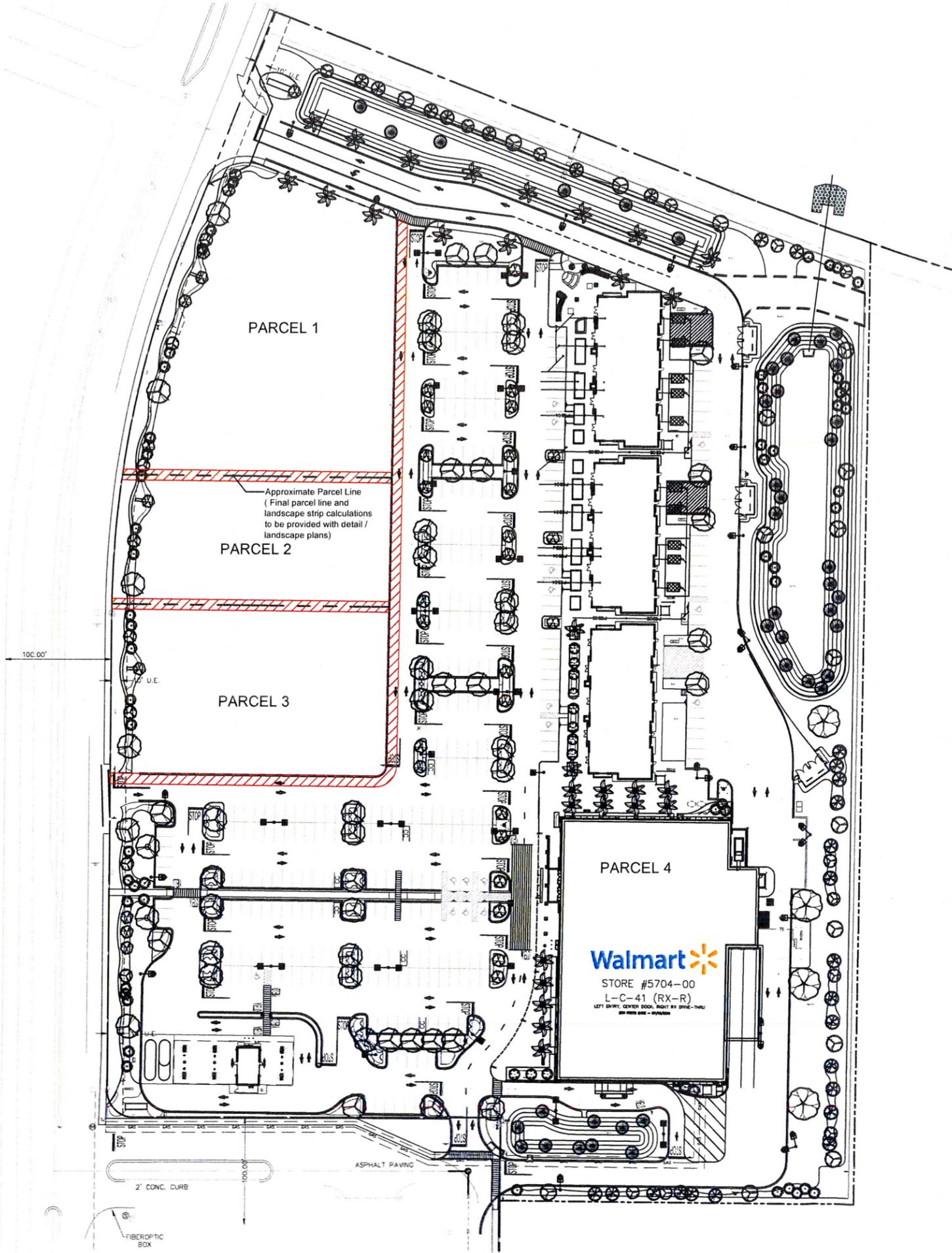
Project Team:

Owner/Applicant:
 Port Saint Lucie Properties, LLC
 222 Lakeview Avenue #915
 West Palm Beach, FL 33407

Architect:
 Rast Ocampo & Associates, LLC
 417 Southwest California Avenue
 Stuart, FL 34994
 Phone: (772) 286-9004
 Fax: (954) 424-3443

Engineer/Surveyor:
 Kinley-Horn & Associates, Inc.
 445 24th St.
 Vero Beach, FL 32900
 Phone: (772) 794-4100

Landscape Architect:
 Lucido & Associates, Inc.
 701 East Ocean Blvd.
 Stuart, FL 34994
 Phone: (772) 220-2100
 Fax: (772) 223-0220



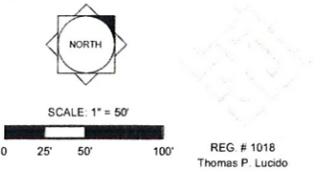
LINEAR FEET OF PARCEL 1-3 PERIMETER LANDSCAPE:	1,288 LF
REQUIRED 10'+10' PERIMETER LANDSCAPE: (10' FOR EACH PARCEL)	25,760 SF
PROVIDED 10' PERIMETER LANDSCAPE:	12,722 SF
REQUESTED LANDSCAPE VARIANCE:	13,038 SF
SITE AREA PARCEL 4:	531,685 SF
IMPERVIOUS:	355,651 SF
PERVIOUS:	176,034 SF
REQUIRED LANDSCAPE AREA:	106,337 SF (20%)
PROVIDED LANDSCAPE AREA:	176,034 SF (33%)
EXCESS LANDSCAPE AREA:	69,697 SF (13%)
REQUESTED LANDSCAPE VARIANCE:	13,038 SF (19%)
EXCESS LANDSCAPE AREA:	69,697 SF (1.60 ac.)
REMAINING EXCESS LANDSCAPE AREA:	56,659 SF (1.30 ac.)

PORT ST. LUCIE PLAZA

Variance
 (Per Perimeter Landscape)

Port St. Lucie, Florida

Date	By	Description
06/30/16	KV	SUBMITTAL
07/15/16	JL	STAFF COMMENTS



Designer KV Sheet
 Manager SG
 Project Number 15-150
 Municipal Number
 Computer File 15-150 Landscape Plan CALC.dwg

CV

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

TO: PLANNING AND ZONING BOARD - MEETING OF AUGUST 2, 2016

FROM: ANNE COX, ASSISTANT DIRECTOR OF PLANNING AND ZONING *AC*

RE: WCI COMMUNITIES/TRADITION PARKWAY
VARIANCE APPLICATION
P16-106

DATE: JULY 21, 2016

APPLICANT: Steven Garrett of Lucido & Associates is acting as agent for WCI Communities.

OWNER: City of Port St. Lucie

LOCATION: The Tradition Parkway right-of-way, extending from just north of the Fern Lake Drive right-of-way to the east of the N/S Road A right-of-way.

LEGAL DESCRIPTION: A portion of Sections 7 and 8, Township 37 South, Range 39 East.

SIZE: 2,947 linear feet

EXISTING ZONING: Tradition MPUD (Master Planned Unit Development)

EXISTING USE: Vacant land

REQUESTED VARIANCE: WCI Communities is requesting that they not be required to build a sidewalk along the north side of a portion of the right-of-way of Tradition Parkway for 2,947 linear feet when they construct the initial 2-lanes of the roadway. They are requesting that they only be required to build this segment of the sidewalk if the adjacent property owner has not constructed it when Tradition Parkway is required to be 4-laned. Section 158.222(F)(3) of the City Code requires sidewalks to be located on both sides of all collector and arterial roads. Tradition Parkway is an arterial road.

SURROUNDING USES: The property is surrounded by vacant land.

IMPACTS AND FINDINGS

Compatibility with variance criteria:

- 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.

- a. *Applicant response: This is a unique situation specific to this request given the fact that the construction of Tradition Parkway (almost a mile of median divided 2-lane roadway) is required to obtain access to the first residential community. In addition, the majority of development, either existing or planned, is or will occur along the southern frontage of Tradition Parkway. The existing development occurring along the northern Tradition Parkway RW consists of Brennity (assisted living facility). The undeveloped properties are many years in the future of being actively planned and developed.*

- b. *Staff evaluation: Construction of the first two lanes of Tradition Parkway from its current terminus (SW Stony Creek Way) to N/S Road A is a condition of approval of the Western Grove Development of Regional Impact (DRI). Goal 2.3 of the City's Comprehensive Plan is the meet the current and future mobility needs of residents, businesses, and visitors with a balanced transportation system and Policy 2.3.1.3 requires the City to continue to implement the requirements outlined in the Land Development Regulations that all new developments provide bicycle facilities and/or sidewalks along all major collectors and arterials within and adjacent to the proposed development.*

This developer's situation is not unique in that the developers of other DRIs in the City were required and will be required to construct roads and sidewalks as conditions of approval of the DRIs and as required by the City's Land Development Regulations. There are no special conditions and circumstances that exist which are peculiar to the land involved which are not applicable to other lands currently zoned or that will in the future be zoned MPUD. The adjacent property owned by BBX is located within the Tradition DRI and therefore has no responsibility for the construction of Tradition Parkway.

- 2) That the special conditions and circumstances do not result from any action of the applicant.

- a. *Applicant response: These conditions and circumstances are not the result of the applicant but that of the current City of Port St. Lucie land development regulations not being able to adequately or specifically address this unique circumstance.*

- b. *There are no special conditions or circumstances.*

- 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.

- a. Applicant response: Granting of the variance requested will not confer on the applicant special privilege. The request is not to eliminate the requirement but defer the timing of the requirement to a more appropriate time in line with planned expansion of the roadway in the future.*
 - b. Staff evaluation: Granting the variance will confer on the applicant special privilege that is denied to other lands currently or to be zoned an MPUD.*
- 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.
 - a. Applicant response: The literal interpretation of the provisions of the chapter would work unnecessary and undue hardship on the applicant by requiring an improvement prematurely of when it is needed thus adding the burden of additional costs. The applicant is expending millions of dollars to construct the extension of Tradition Parkway before they are even able to sell the first home. With one of the primary Strategic elements of the City being encouraging the continued development and growth of Tradition, all monies, whether public or private should be judiciously spent to maintain fiscal viability.*
 - b. Staff evaluation: The applicant applied for an amendment to the Western Grove DRI and agreed to the conditions of approval in the development order just as the other DRI developers have. Goal 4 of the City's Strategic Plan is improved mobility within the City. One of the objectives of the plan is to increase the mileage of sidewalks. The literal interpretation of the provisions of this chapter would not deprive the applicant of rights commonly enjoyed by other MPUD zoned properties. The applicant has not provided substantial evidence of hardship.*
- 5) That the variance granted is the minimum variance that will make possible the reasonable use of the land, building, or structure.
 - a. Applicant response: The variance requested is the minimum variance that will make it possible for the reasonable use of the land. The applicant is providing the required sidewalk along the entire southern frontage as well as a portion of the northern frontage (approximately 6,853 LF) which leaves the approximately 2,947 LF (30% of required) to be constructed in the future.*
 - b. Staff evaluation: Staff does not agree with the applicant's response.*
- 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.
 - a. Applicant response: Granting of the variance will be in harmony with the general intent and purpose of the chapter and will not be injurious or otherwise detrimental to the public welfare. In fact, the requested variance is consistent with the strategic plan and policies of the City of Port St. Lucie by encouraging judicious use of available funds and thus supporting development within the Tradition area.*

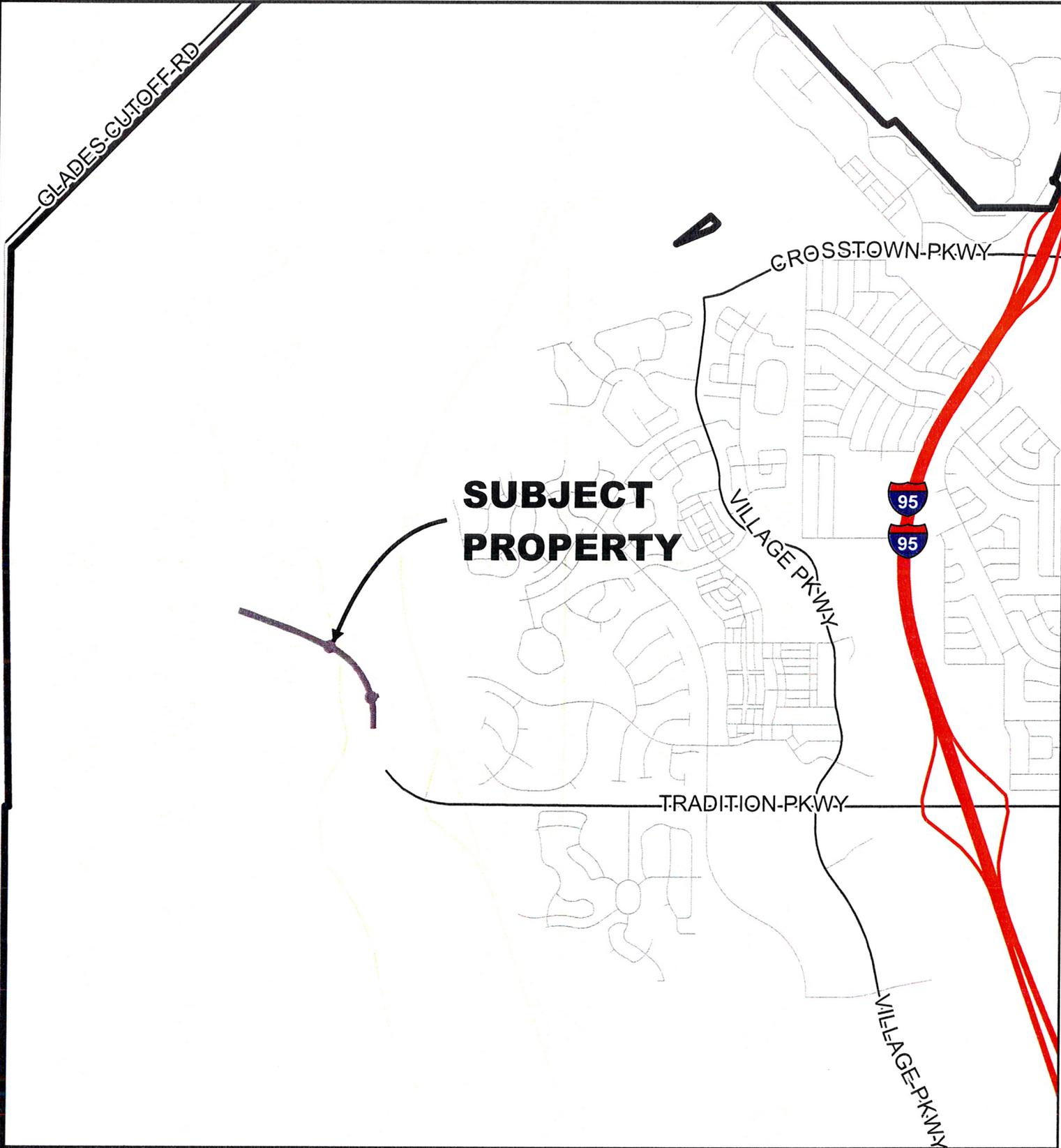
- b. *Staff evaluation: The threshold for the letting of contracts to widen Tradition Parkway to four lanes is 1,396 trips or 1,667 dwelling units, whichever comes lasts. By the time the road is widened there could be over 3,000 people living in Western Grove. All of the retail and restaurants in Tradition are located on the north side of Tradition Parkway. Policy 1.2.2.3(f) of the City's Comprehensive Plan permits gated neighborhoods such as Western Grove, provided they are integrated into the overall community via bicycle and pedestrian connections. Staff is concerned with the future safety of the residents walking or biking to Tradition if there is no sidewalk located along that segment.*
- 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.
- a. *Applicant response: Acknowledged.*
 - b. *Staff evaluation: Acknowledged.*

STAFF RECOMMENDATION:

The Planning and Zoning Department staff finds the request to be inconsistent with variance criteria as stipulated in Section 158.295(C) of the Zoning Code and recommends denial.

(NOTE TO APPLICANT: 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).

GENERAL LOCATION

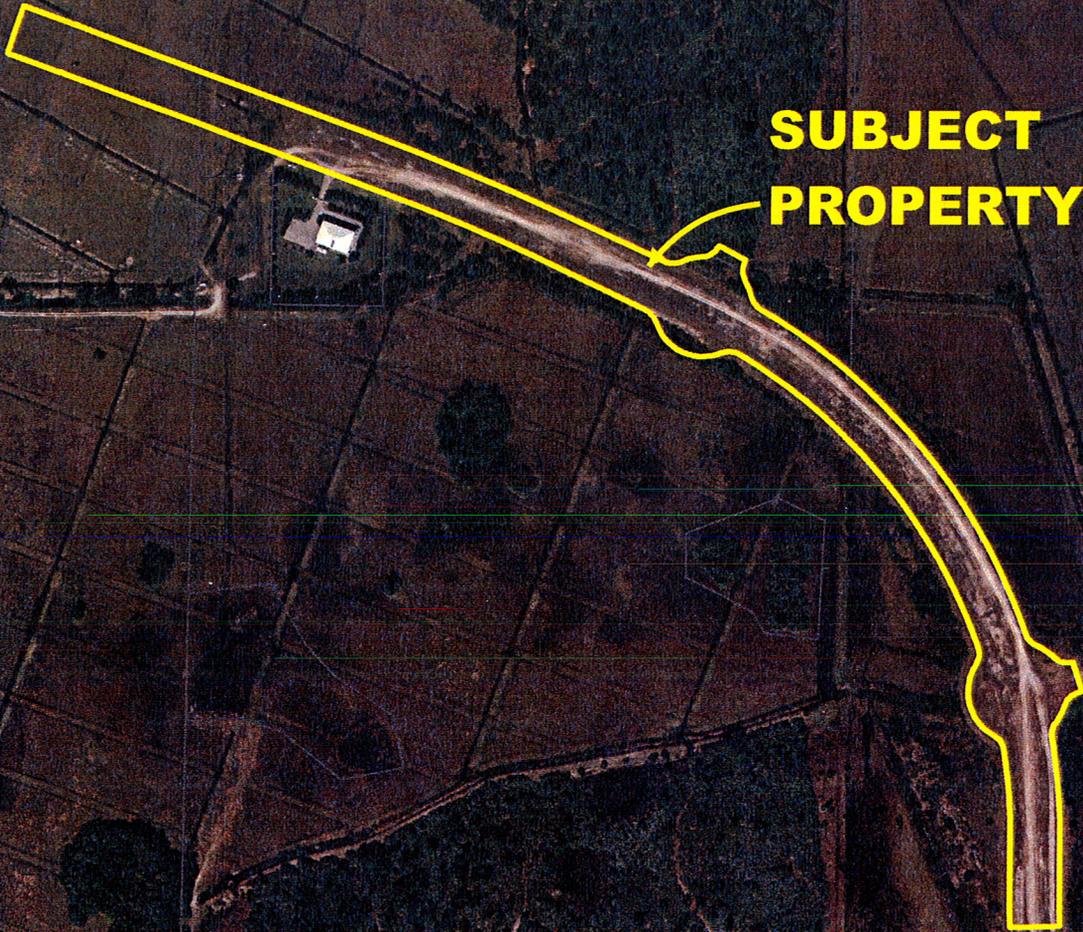


CITY OF PORT ST. LUCIE
PLANNING & ZONING DEPT.

VARIANCE
TRADITION PARKWAY
TRADITION

DATE:	7/12/2016
APPLICATION NUMBER:	P16-106
USER:	patricias
SCALE:	1 in = 0.5 miles

AERIAL



**SUBJECT
PROPERTY**



CITY OF PORT ST. LUCIE
PLANNING & ZONING DEPT.

VARIANCE
TRADITION PARKWAY

TRADITION
AERIAL DATE 2014

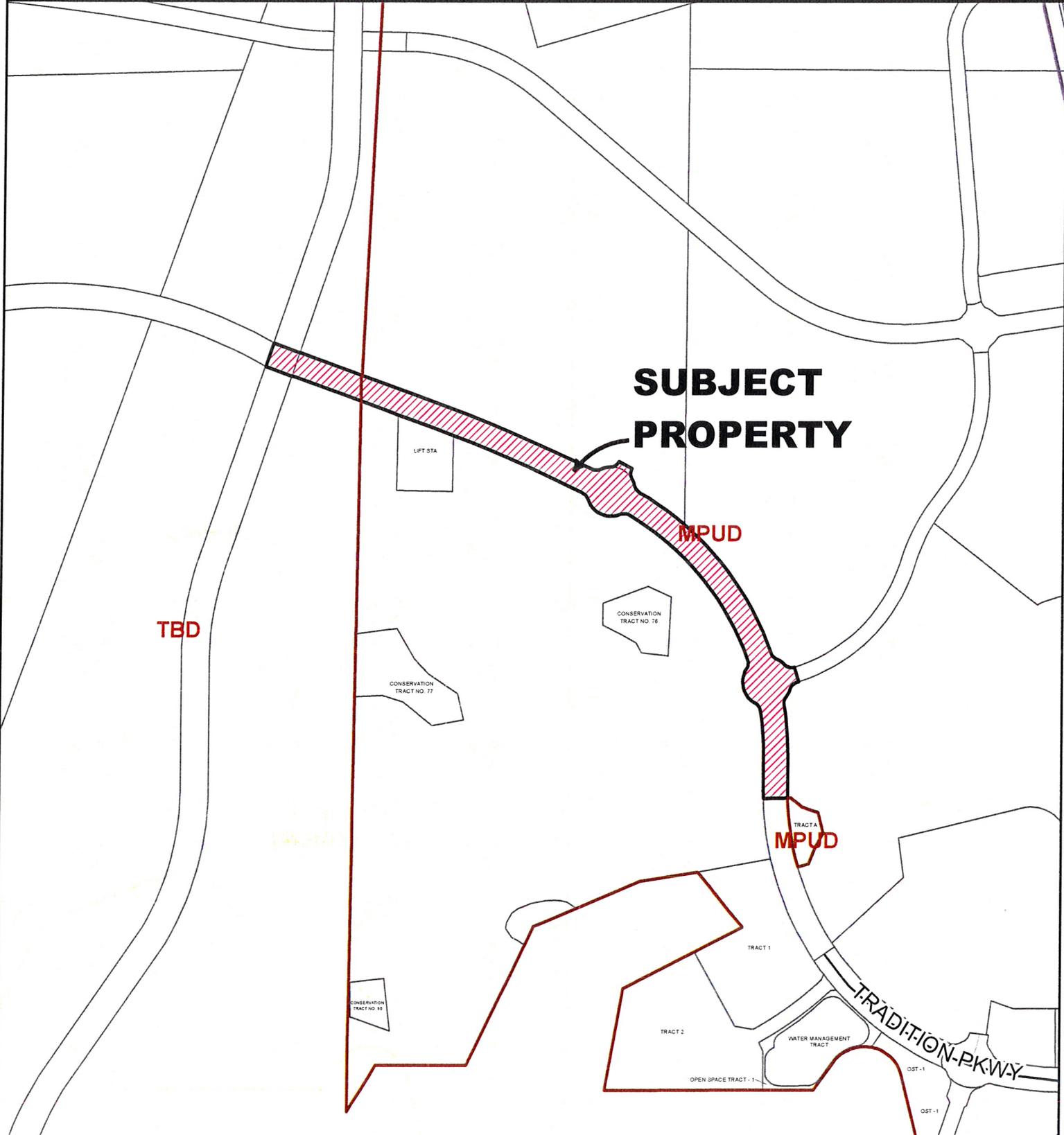
DATE: 7/12/2016

APPLICATION NUMBER:
P16-106

USER:
patricias

SCALE: 1 in = 500 ft

EXISTING ZONING



CITY OF PORT ST. LUCIE
PLANNING & ZONING DEPT.

VARIANCE
TRADITION PARKWAY
TRADITION

DATE:	7/12/2016
APPLICATION NUMBER:	P16-106
USER:	patricias
SCALE:	1 in = 700 ft

VARIANCE APPLICATION

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

FOR OFFICE USE ONLY

Planning Dept P16-106
Fee (Nonrefundable) \$ 1,635.00
Receipt # 100209

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: sgarrette.lucido@daign.com

PROPERTY OWNER:

Name: City of Port St. Lucie (Public Works) / WCI Communities
Address: 121 SW Port St. Lucie Blvd / Traditran Land Company
Telephone No.: 772-871-5212 Fax No.: _____

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

Name: Steve Garrett / Lucido & Associates
Address: 701 SE OCEAN BLVD, STUART, FL 34994
Telephone No.: 772-220-2100 Fax No.: 772-223-0220

SUBJECT PROPERTY:

Legal Description: Refer to Deed Exhibits A through H attached
Parcel I.D. Number: _____
Address: _____
Current Zoning Classification: NCD / MPUD

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.

RECEIVED

JUN 30 2016

PLANNING DEPARTMENT
CITY OF PORT ST. LUCIE, FL

Refer to cover letter & justification included with application.


Signature of Applicant

STEVEN GARRETT
Hand Print Name

06/30/16
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.



June 30, 2016

Ms. Anne Cox, Assistant Planning Director
City of Port St. Lucie
121 SW Port St. Lucie Boulevard
Port St. Lucie, FL 34984

RECEIVED

JUN 30 2016

PLANNING DEPARTMENT
CITY OF PORT ST. LUCIE, FL

RE: Tradition Parkway – Northern BBX Sidewalk
Variance Request and Justification

On behalf of WCI Communities, we are pleased to submit this variance application and justification.

Variance Summary:

Our variance request is to defer construction of approximately 2,947 linear feet of sidewalk along the northern side and fronting the BBX Property within the Tradition Parkway right-of-way. WCI Communities is currently processing the plat and construction plans through the City to be able to build the almost one mile long section of Tradition Parkway (median and first two lanes) from the current terminus to the intersection of North South Road A. With this construction, WCI would construct the entire sidewalk along the southern side and a portion of sidewalk along the northern side (along WCI property frontage) leaving approximately 2,947 L.F. of sidewalk along the BBX property frontage which would be constructed by BBX.

If the BBX property has not constructed the approximately 2,947 LF of sidewalk when the expansion of Tradition Parkway (4-laning) is warranted, WCI Communities is committed to including it within the construction plans and completing the remaining sidewalk.

The attached graphic shows the sidewalk to be constructed by WCI (initial Tradition Parkway construction) in magenta and the approximately 2,947 LF of sidewalk to be constructed by BBX in light blue.

This variance request is merely to defer the timing of the required improvement to an appropriate time, not to remove the requirement. City code requires sidewalks be provided on both sides of arterial roadways but also provides specific language regarding the construction of sidewalks leading nowhere nor having functional purpose (Section 158.222 (I)):

(I) In order to avoid installing a sidewalk that will lead nowhere nor have a functional purpose, where developed properties located along both sides of the subject property do not have sidewalks and it is unlikely that in the near future that sidewalks will be installed, the installation of a sidewalk shall not be required.

With the majority of adjacent development such as the future development and implementation of the planned Tradition Park, the existing Renaissance Charter School, the planned Veterans facility and the existing TownPark residential community all occurring along the southern frontage of Tradition Parkway, it seems logical to construct the southern portion of sidewalk first.

Variance Justification:

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

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

This is a unique situation specific to this request given the fact that the construction of Tradition Parkway (almost a mile of median divided 2-lane roadway) is required to obtain access to the first residential community. In addition, the majority of development, either existing or planned, is or will occur along the southern frontage of Tradition Parkway. The existing development occurring along the northern Tradition Parkway R/W consists of Brennity (assisted living facility) and the Lakes (with no access along Tradition Parkway). The undeveloped properties are many years in the future of being actively planned and developed.

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

These conditions and circumstances are not the result of the applicant but that of the current City of Port St. Lucie land development regulations not being able to adequately or specifically address this unique circumstance.

- (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 of the variance requested will not confer on the applicant special privilege. The request is not to eliminate the requirement but defer the timing of the requirement to a more appropriate time in line with planned expansion of the roadway in the future.

- (4) *Please explain how 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;*

The literal interpretation of the provisions of the chapter would work unnecessary and undue hardship on the applicant by requiring an improvement prematurely of when it is needed thus adding the burden of additional costs. The applicant is expending millions of dollars to construct the extension of Tradition Parkway before they are even able to sell the first home. With one of the primary Strategic elements of the City being encouraging the continued development and growth of Tradition, all monies, whether public or private should be judiciously spent to maintain fiscal viability.

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

The variance requested is the minimum variance that will make it possible for the reasonable use of the land. The applicant is providing the required sidewalk along the entire southern frontage as well as a portion of the northern frontage (approximately 6,853 LF) which leaves the approx. 2,947 LF (30% of required) to be constructed in the future.

- (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 of the variance will be in harmony with the general intent and purpose of the chapter and will not be injurious or otherwise detrimental to the public welfare. In fact, the requested variance is consistent with the strategic plan and policies of the City of Port St. Lucie by encouraging judicious use of available funds and thus supporting development within the Tradition area.

- (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.*

Acknowledged.



Signature of Applicant

Steven D Garrett

Hand Print Name

06/30/16

Date



City of Port St. Lucie

Planning and Zoning Department Memorandum

TO: PLANNING AND ZONING BOARD – MEETING OF AUGUST 2, 2016

FROM: KATHERINE H. HUNTRESS, PLANNER *KHH*

RE: COFFEE PORT ST. LUCIE, LLC
REZONING APPLICATION
P16-085

DATE: JULY 21, 2016

PROPOSED REQUEST: The proposed request seeks to rezone four lots from RS-2 (Single Family Residential) to CG (General Commercial).

APPLICANT & OWNER: Coffee Port St. Lucie, LLC

LOCATION: The property is located on the north side of Port St. Lucie Boulevard, east of Wayne Street, south of Chapman Avenue, and west of Kail Street.

LEGAL DESCRIPTION: The property is legally described as Lots 3, 4, 20, and 21; Block 703; Port St. Lucie Section 18.

SIZE: 0.92 acres

EXISTING ZONING: RS-2 (Single Family Residential)

EXISTING USE: Vacant land and a single family residence on lot 4.

SURROUNDING USES:

	Future Land Use	Zoning	Existing Use
N	RL	RS-2	Single family residence
S	CG	CG	Commercial development and vacant land
E	CG	RS-2	Vacant land
W	CG	RS-2 currently being rezoned to CG	Commercial development and single family residence

FUTURE LAND USE: CG (General Commercial)

REQUESTED ZONING: CG (General Commercial)

IMPACTS AND FINDINGS:

Land Use Consistency: The requested zoning change is justified and supported by the Comprehensive Plan and the Conversion Manual; specifically the subject application is supported and justified by Objective 1.1.4: Future growth, development and redevelopment should be directed to appropriate areas as depicted on the Future Land Use Map; and Policy 1.1.4.13: CG (General Commercial) zoning district is compatible with the CG (General Commercial) land use.

Sewer/Water Service: Port St. Lucie's Utility Systems is the provider of water and sewer.

Environmental: An environmental assessment is required with the site plan application.

Compliance With Conversion Area Requirements:

1. Conversion area: 5
 2. The property is totally within the conversion area: Yes
 3. Minimum frontage: Yes
 4. Minimum depth: Yes
 5. Does the request isolate lots: No
 6. Has a unity of title been submitted: The unity of title has been submitted to the legal department.
 7. Buffer required: A landscape buffer and wall is required on the north side of the property which is adjacent to residential land use.
-

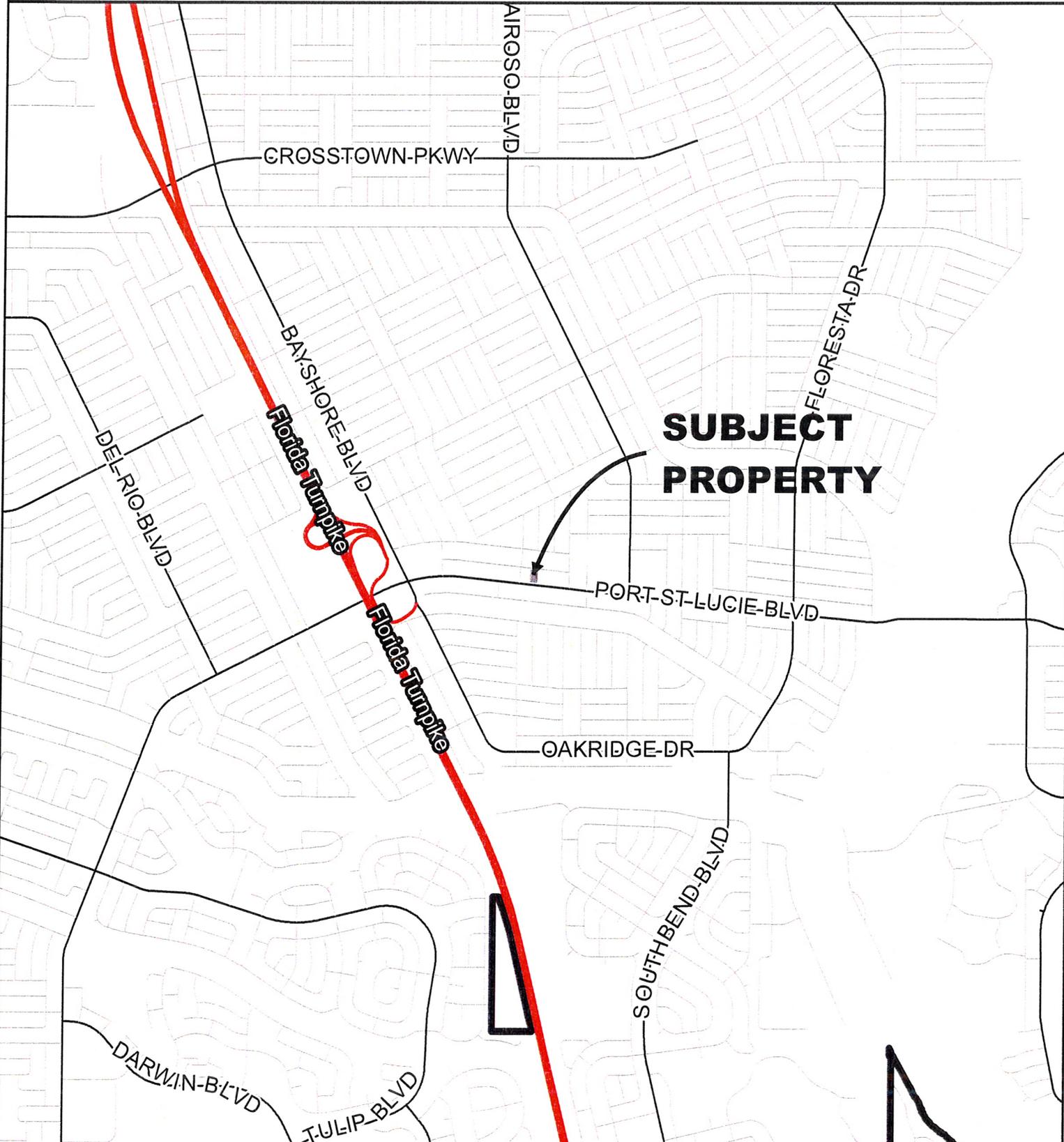
STAFF RECOMMENDATION: The Planning and Zoning Department staff finds the petition to be consistent with the intent and direction of the City's Comprehensive Plan and recommends approval based on the analysis and findings as noted in the staff report.

Planning and Zoning Board Action Options:

- Motion to recommend approval
- 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.

GENERAL LOCATION

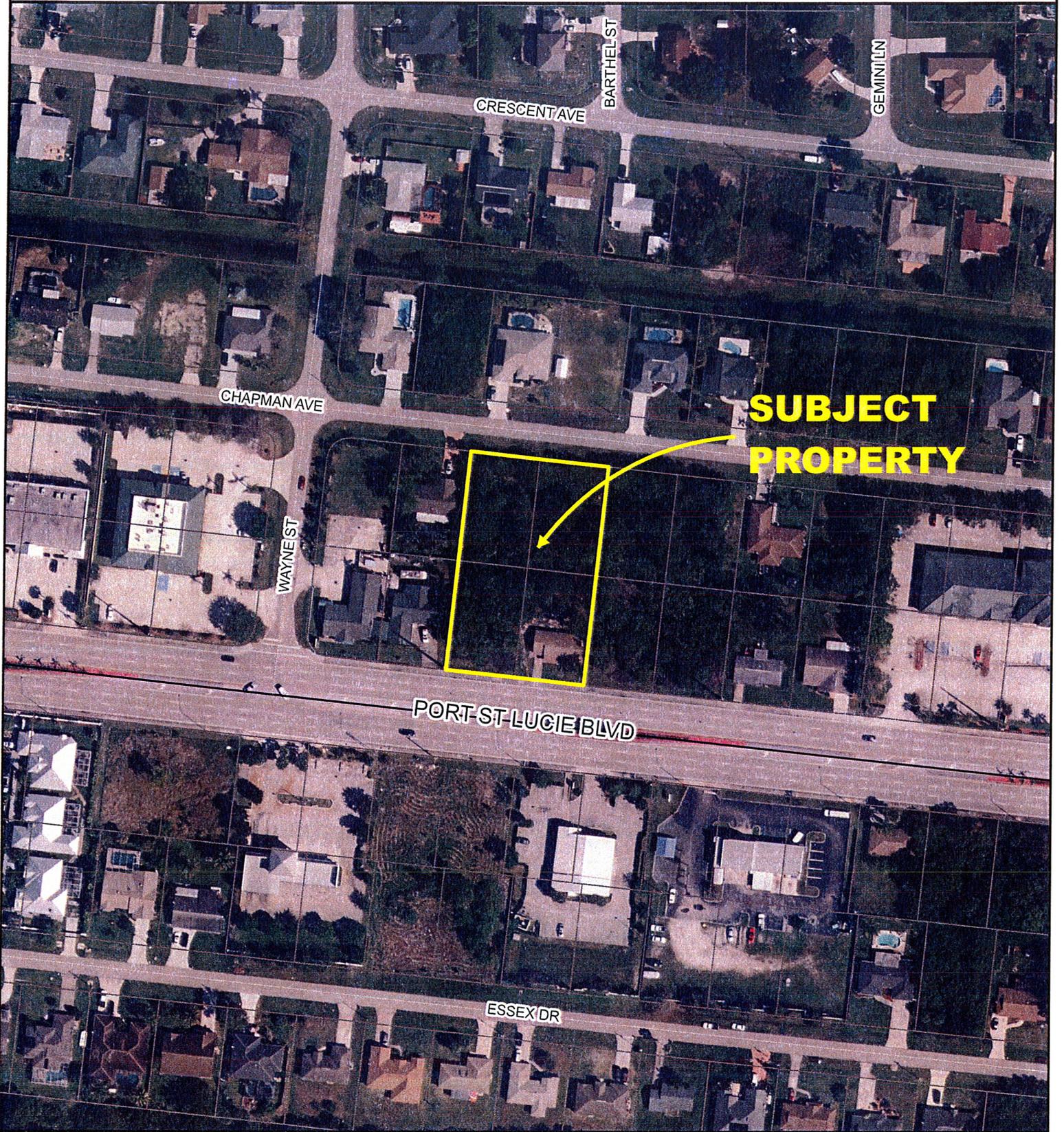


CITY OF PORT ST. LUCIE
PLANNING & ZONING DEPT.

REZONING
COFFEE PORT ST. LUCIE, LLC
SECTION 18, BLOCK 703, LOTS 3, 4, 20 & 21

DATE:	7/11/2016
APPLICATION NUMBER:	P16-085
USER:	patricias
SCALE:	1 in = 0.5 miles

AERIAL



**SUBJECT
PROPERTY**

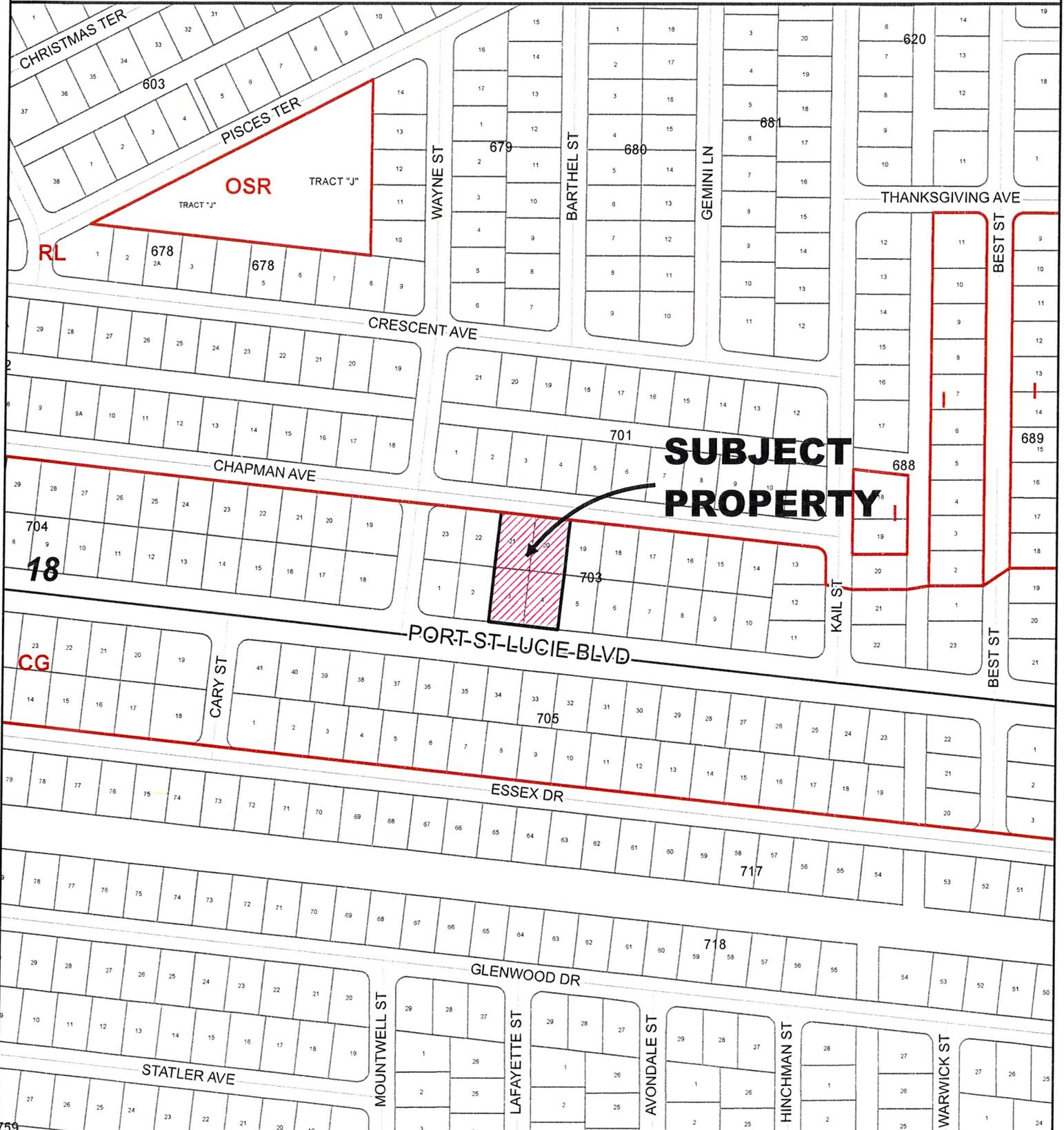


CITY OF PORT ST. LUCIE
PLANNING & ZONING DEPT.

REZONING
COFFEE PORT ST. LUCIE, LLC
SECTION 18, BLOCK 703, LOTS 3, 4, 20 & 21
AERIAL DATE 2014

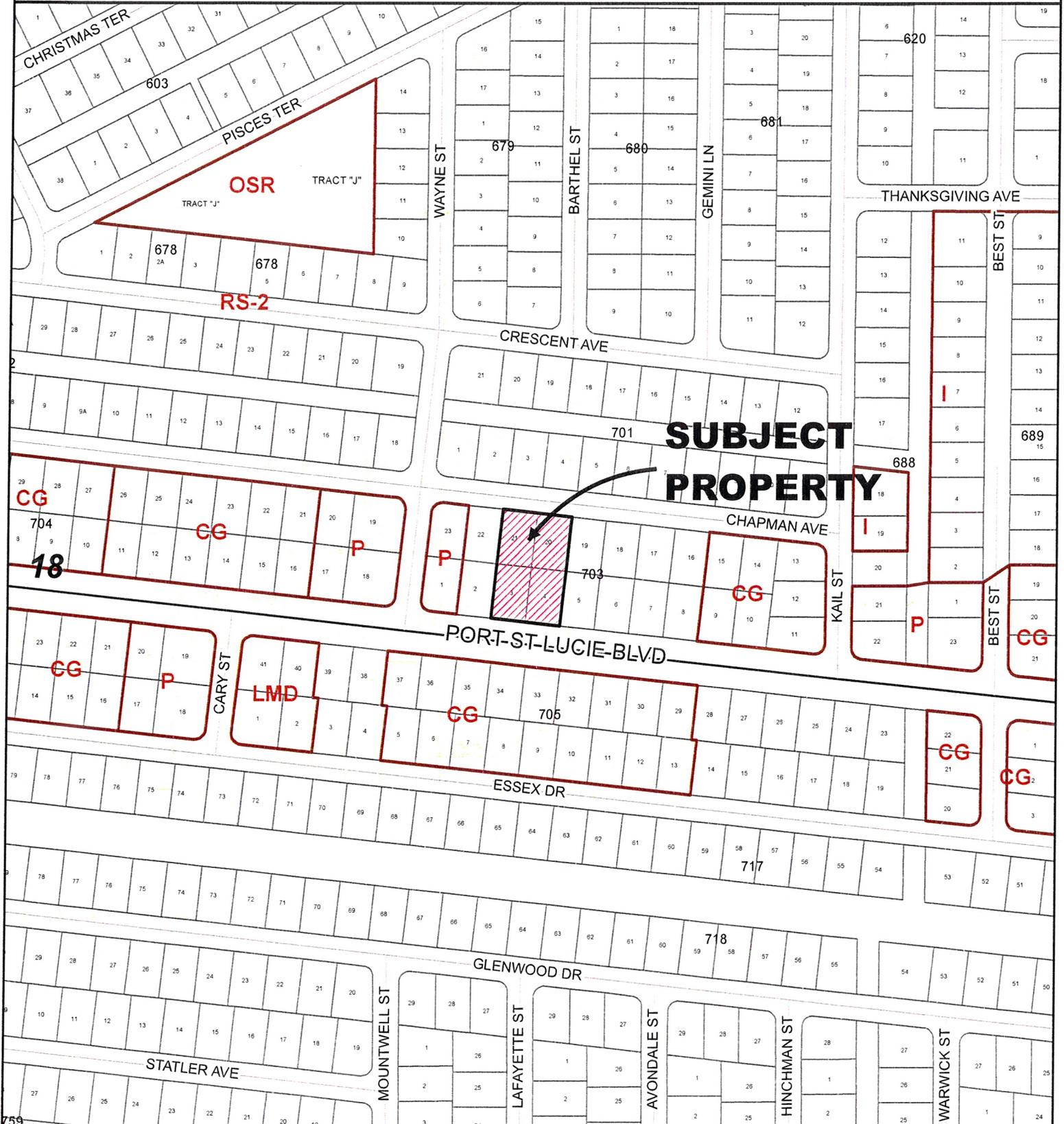
DATE: 7/11/2016
APPLICATION NUMBER:
P16-085
USER: patricias
SCALE: 1 in = 150 ft

FUTURE LAND USE



 <p>CITY OF PORT ST. LUCIE PLANNING & ZONING DEPT.</p>	<p>REZONING COFFEE PORT ST. LUCIE, LLC SECTION 18, BLOCK 703, LOTS 3, 4, 20 & 21</p>	DATE: 7/11/2016
		APPLICATION NUMBER: P16-085
		USER: patricias
		SCALE: 1 in = 300 ft

EXISTING ZONING



	CITY OF PORT ST. LUCIE PLANNING & ZONING DEPT.	REZONING COFFEE PORT ST. LUCIE, LLC SECTION 18, BLOCK 703, LOTS 3, 4, 20 & 21	DATE: 7/11/2016
			APPLICATION NUMBER: P16-085
			USER: patricias
			SCALE: 1 in = 300 ft



THOMAS ENGINEERING GROUP
125 W. INDIANTOWN RD, STE. 206
JUPITER, FL 33458
P: 561-203-7503
F: 561-203-7721

May 31, 2016

City of Port St. Lucie
Planning and Zoning Department
City Hall
121 S.W. Port St. Lucie Blvd.
Port St. Lucie, FL 34984-5099

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JUL 19 2016
PLANNING DEPARTMENT
CITY OF PORT ST. LUCIE, FL

Rezoning Approval Request - Starbucks 179-183 Port St. Lucie Boulevard

Dear City Staff:

These parcels are currently zoned RS-2 and have a Future Land Use Designation of Commercial. We are requesting in our attached rezoning application to change the zoning of these parcels to CG consistent with the Port St Lucie Boulevard corridor.

It is planned to for a 2,200 square foot Starbucks with drive-thru facility to be constructed on the premises.

We respectfully request approval of this application. Please call (561)-203-7503 with any questions.

Sincerely,

THOMAS ENGINEERING GROUP, LLC

A handwritten signature in blue ink, appearing to read 'J. Gunther', is written over the company name.

Jason M. Gunther, P.E.

REZONING APPLICATION

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

JUL 19 2016

PLANNING DEPARTMENT
CITY OF PORT ST. LUCIE, FL

FOR OFFICE USE ONLY

Planning Dept. P16-085
Fee (Nonrefundable) \$ 2,155.00
Receipt # 96448

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

PRIMARY CONTACT EMAIL ADDRESS: jgunther@thomaseg.com

PROPERTY OWNER:

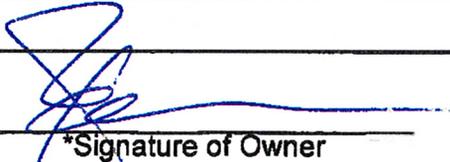
Name: Coffee Port St Lucie, LLC
Address: 6300 NE 1ST AVENUE, 300 FORT LAUDERDALE, FL 33307-3
Telephone No.: (954) 776-7900 FAX No.: 954-776-7918

AGENT OF OWNER (if any)

Name: John Doyle
Address: 1314 East Las Olas Boulevard, Fort Lauderdale, FL 33301
Telephone No.: 954-336-9933 FAX No.: 954-776-7918

PROPERTY INFORMATION

Legal Description: SEE ATTACHED EXHIBIT "A"
(Include Plat Book and Page)
Parcel I.D. Number: SEE ATTACHED EXHIBIT "A"
Current Zoning: RS2
Proposed Zoning: CG
Future Land Use Designation: CG Acreage of Property: SEE EXHIBIT "A"
Reason for Rezoning Request: _____
TO ALLOW COMMERCIAL DEVELOPMENT ON PARCELS ADJACENT TO PORT ST. LUCIE PURSUANT TO LAND
USE CONVERSION POLICIES


*Signature of Owner

ROBERT ROSCHMAN
Hand Print Name

7/19/16
Date

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

NOTE: Signature on this application acknowledges that a certificate of concurrency for adequate public facilities as needed to service this project has not yet been determined. Adequacy of public facility services is not guaranteed at this stage in the development review process. Adequacy for public facilities is determined through certification of concurrency and the issuance of final local development orders as may be necessary for this project to be determined based on the application material submitted.
H:\PZ\SHARED\IAPPLCTN\IREZAPPL\06/23/11

EXHIBIT "A"

Property Owners and Property Information

Coffee Port St Lucie, LLC
6300 NE 1st Avenue, #300
Fort Lauderdale, FL 33307

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PLANNING DEPARTMENT
CITY OF PORT ST. LUCIE, FL

Parcel ID: 3420-585-1174-000-4

Lot 3, Block 703, Port St. Lucie Section Eighteen, according to the Plat thereof as recorded in Plat Book 13, pages 17, 17A through 17K, of the Public Records of St. Lucie County, Florida (OR 518-344)

**Current Zoning: RS-2
Proposed Zoning: CG
Future Land Use Designation: CG Acreage of Property: .23 Acres**

Coffee Port St Lucie, LLC
6300 NE 1st Avenue, #300
Fort Lauderdale, FL 33307

Parcel ID: 3420-585-1175-000-1

Lot 4, Block 703, Port St Lucie Section Eighteen, according to the Plat thereof as recorded in Plat Book 13, Page(s) 17, 17A through 17K, inclusive, of the Public Records of St. Lucie County, Florida (OR 3173-2651).

**Current Zoning: RS-2
Proposed Zoning: CG
Future Land Use Designation: CG Acreage of Property: .23 Acres**

Coffee Port St Lucie, LLC
6300 NE 1st Avenue, #300
Fort Lauderdale, FL 33307

Parcel ID: 3420-585-1191-000-9

Lots 20 and 21, Block 703, Port St. Lucie Section Eighteen, according to the Plat thereof as recorded in Plat Book 13, pages 17, 17A through 17K, of the Public Records of St. Lucie County, Florida (OR 752-355; 3300-2480).

**Current Zoning: RS-2
Proposed Zoning: CG
Future Land Use Designation: CG Acreage of Property: .46 Acres**

Prepared by and return to:

Terence P. McCarthy, Esq.
McCarthy, Summers, Bobko, Wood,
Norman, Bass & Melby, P.A.

2400 SE Federal Highway, 4th Floor
Stuart, Florida 34994
772-286-1700

File Number: 12764.05

Parcel Identification No.: 3420-585-1174-000-4

Will Call No.: 50

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JUL - 8 2016

PLANNING DEPARTMENT
CITY OF PORT ST. LUCIE, FL

(space above this line for recording data)

Warranty Deed

(STATUTORY FORM - SECTION 689.02, F.S.)

THIS WARRANTY DEED, made this 7 day of July, 2016, by Nancy C. Brown, an unmarried widow and surviving tenant by the entireties with the late James L. Brown, who were continuously married from the date they took title until the date of his death, whose post office address is 157 W Queens Drive, Williamsburg, Virginia 23185 ("Grantor"), to COFFEE PORT ST LUCIE, LLC, a Florida limited liability company, whose post office address is 6300 NE 1st Avenue #300, Fort Lauderdale, Florida 33307 ("Grantee*"):

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

Lot 3, Block 703, Port St. Lucie Section Eighteen, according to the Plat thereof as recorded in Plat Book 13, pages 17, 17A through 17K, of the Public Records of St. Lucie County, Florida.

Subject to taxes for 2016, and subsequent years; covenants, conditions, restrictions, easements, reservations and limitations of record, if any.

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

* "Grantor" and "Grantee" are used for singular or plural, as context requires.

In Witness Whereof, Grantor has hereunto set Grantor's hand and seal the day and year first above written.

Signed, sealed and delivered in our presence:

Holley Willett
Witness printed name: Holley Willett

Nancy C Brown
Nancy C. Brown

Jessica M. Deach
Witness printed name: Jessica M. Deach

State of Virginia
County of James City

The foregoing instrument was acknowledged before me this 6th day of July, 2016, by Nancy C. Brown, who { } is personally known or {X} has produced a driver's license as identification.



Jessica M. Deach
Notary Public
Printed Name: Jessica M. Deach
My Commission Expires: 8/31/17

Prepared by and return to:

Terence P. McCarthy, Esq.

**McCarthy, Summers, Bobko, Wood,
Norman, Bass & Melby, P.A.**

2400 SE Federal Highway, 4th Floor

Stuart, Florida 34994

772-286-1700

File Number: 12764.07

Parcel Identification No.: 3420-585-1175-000-1

Will Call No.: 50

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PLANNING DEPARTMENT
CITY OF PORT ST. LUCIE, FL

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Warranty Deed

(STATUTORY FORM - SECTION 689.02, F.S.)

THIS WARRANTY DEED, made this 7 day of July, 2016, by **Javier Suarez**, whose post office address is 3074 SE East Blackwell Drive, Port Saint Lucie, Florida 34952 ("Grantor"), to **COFFEE PORT ST LUCIE, LLC**, a Florida **limited liability company**, whose post office address is 6300 NE 1st Avenue #300, Fort Lauderdale, Florida 33307 ("Grantee*");

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

Lot 4, Block 703, Port St Lucie-Section Eighteen, according to the Plat thereof as recorded in Plat Book 13, page(s) 17, 17A through 17K, inclusive, of the Public Records of St. Lucie County, Florida.

THIS IS NOT NOR IS IT CONTIGUOUS TO THE HOMESTEAD PROPERTY OF THE GRANTOR, NOR ANY MEMBER OF HIS IMMEDIATE FAMILY. GRANTOR'S RESIDENCE ADDRESS IS AS STATED ABOVE.

Subject to taxes for 2016, and subsequent years; covenants, conditions, restrictions, easements, reservations and limitations of record, if any.

and said Grantor does hereby fully warrant the title to said land, and will defend the same against lawful claim~~s~~ of all persons whomsoever.

* "Grantor" and "Grantee" are used for singular or plural, as context requires.

In Witness Whereof, Grantor has hereunto set Grantor's hand and seal the day and year first above written.

Signed, sealed and delivered in our presence:

Donna Dempsey
Witness printed name: DONNA DEMPSEY

Javier Suarez
Javier Suarez

Deborah D. Haas
Witness printed name: Deborah D. Haas

State of Florida
County of Martin

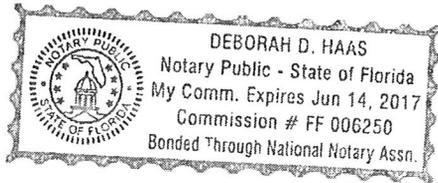
The foregoing instrument was acknowledged before me this 7 day of July, 2016, by Javier Suarez, who { } is personally known or {X} has produced a driver's license as identification.

{Notary Seal}

Deborah D. Haas
Notary Public

Printed Name: _____

My Commission Expires: _____



Prepared by and return to:
Terence P. McCarthy, Esq.
McCarthy, Summers, Bobko, Wood,
Norman, Bass & Melby, P.A.
2400 SE Federal Highway, 4th Floor
Stuart, Florida 34994
772-286-1700
File Number: 12764.06
Parcel Identification No.: 3420-585-1191-000-9
Will Call No.: 50

RECEIVED
JUL - 8 2016
PLANNING DEPARTMENT
CITY OF PORT ST. LUCIE, FL

(space above this line for recording data)

Warranty Deed

(STATUTORY FORM - SECTION 689.02, F.S.)

THIS WARRANTY DEED, made this 7 day of July, 2016, by Nicole Nolin, Billy Nolin and Kimberlee Hughes, whose post office address is 2141 NE 68th Street #103, Fort Lauderdale, FL 33308 ("Grantor"), to **COFFEE PORT ST LUCIE, LLC** a Florida limited liability company, whose post office address is 6300 NE 1st Avenue, #300, Fort Lauderdale, Florida 33307 ("Grantee*"):

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

Lots 20 and 21, Block 703, Port St. Lucie Section Eighteen, according to the Plat thereof as recorded in Plat Book 13, pages 17, 17A through 17K, of the Public Records of St. Lucie County, Florida.

THIS IS NOT NOR IS IT CONTIGUOUS TO THE HOMESTEAD RESIDENCE OF ANY OF THE GRANTORS AND IS VACANT LAND.

Subject to taxes for 2016, and subsequent years; covenants, conditions, restrictions, easements, reservations and limitations of record, if any.

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

* "Grantor" and "Grantee" are used for singular or plural, as context requires.

In Witness Whereof, Grantor has hereunto set Grantor's hand and seal the day and year first above written.

Signed, sealed and delivered in our presence:

Nancy L. Mangione

Witness printed name: NANCY L. MANGIONE

Carol Palm

Witness printed name: CAROL PALM

Nicole Nolin

Nicole Nolin

State of Florida
County of Broward

The foregoing instrument was acknowledged before me this 7 day of July, 2016, by Nicole Nolin, who {} is personally known or {X} has produced a driver's license as identification.

{Notary Seal}



Ernst Coissy

Notary Public

Witness printed name: _____

Billy Nolin

Witness printed name: _____

State of _____
County of _____

The foregoing instrument was acknowledged before me this ____ day of July, 2016, by Billy Nolin, who {} is personally known or {X} has produced a driver's license as identification.

{Notary Seal}

Notary Public

Signed, sealed and delivered in our presence:

Witness printed name: _____

Nicole Nolin

Witness printed name: _____

State of _____
County of _____

The foregoing instrument was acknowledged before me this ____ day of July, 2016, by Nicole Nolin, who {} is personally known or {X} has produced a driver's license as identification.

{Notary Seal}

Notary Public

Robert Stem
Witness printed name: Robert Stem

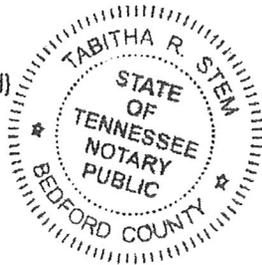
Billy Nolin
Billy Nolin

Cindie Nolin
Witness printed name: Cindie Nolin

State of Tennessee
County of Bedford

The foregoing instrument was acknowledged before me this 6 day of July, 2016, by Billy Nolin, who {} is personally known or {X} has produced a driver's license as identification.

{Notary Seal}



Tabitha R. Stem
Notary Public

[Signature]
Witness printed name: James Hughes

[Signature]
Kimberlee Hughes

[Signature]
Witness printed name: Lindsay Ann Green

State of South Carolina
County of Beaufort

The foregoing instrument was acknowledged before me this 5 day of July, 2016, by Kimberlee Hughes, who {} is personally known or {X} has produced a driver's license as identification.

{Notary Seal}



[Signature]
Notary Public

Coffee Port St Lucie, LLC

July 19, 2016

City of Port St. Lucie
Planning & Zoning
Department 121 SW
Port St Lucie Blvd Port
St Lucie, FL 34987

RE: Coffee Port St Lucie, LLC Application

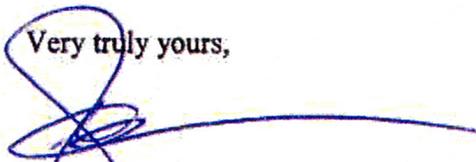
To Whom It May Concern:

Please use this letter as my authorization for Jason Gunther of Thomas Engineering Group to file all submittals for our site at 179-183 SW Port St Lucie Blvd.

If you have any questions please contact John Doyle at 954-336-9933.

Thank you.

Very truly yours,



Robert Roschman
Managing Member

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JUL 19 2016

PLANNING DEPARTMENT
CITY OF PORT ST. LUCIE, FL

ORDINANCE 16-

AN ORDINANCE TO REZONE .92 ACRES OF PROPERTY LEGALLY DESCRIBED AS LOTS 3, 4, 20, AND 21, BLOCK 703, SECTION 18, AND LOCATED ON THE NORTH SIDE OF PORT ST. LUCIE BOULEVARD, EAST OF WAYNE STREET, SOUTH OF CHAPMAN AVENUE, AND WEST OF KAIL STREET; FROM RS-2 (SINGLE FAMILY RESIDENTIAL) TO CG (GENERAL COMMERCIAL) FOR A PROJECT KNOWN AS STARBUCKS PORT ST. LUCIE BOULEVARD (P16-085); PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Coffee Port St. Lucie, LLC, hereinafter referred to as the Applicant, seeks to rezone .92 acres of property located on the north side of Port St. Lucie Boulevard, east of Wayne Street, south of Chapman Avenue, and west of Kail Street, and within the City of Port St. Lucie, from the zoning designation of RS-2 (Single Family Residential) to CG (General Commercial).

WHEREAS, the City of Port St. Lucie Planning and Zoning Board held a public hearing on August 2, 2016 to consider the rezoning application (P16-085), notice of said hearing to adjoining property owners for a radius of seven hundred and fifty (750) feet having been given and advertising of public hearing having been made; and

WHEREAS, the City Council held a public hearing on September 12, 2016 to consider the rezoning application (P16-085), advertising of the public hearing having been made; and

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

Section 1: That the property legally described as Lots 3, 4, 20, and 21, Block 703, Section 18, Port St. Lucie, be rezoned from the Zoning Classification of RS-2 (Single Family Residential) to CG (General Commercial).

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

PASSED AND APPROVED by the City Council of the City of Port St. Lucie, Florida, this _____ day of September, 2016.

CITY OF PORT ST. LUCIE, FLORIDA

BY: _____
Gregory J. Oravec, Mayor

ATTEST:

Karen A. Phillips, City Clerk

APPROVED AS TO FORM:

BY: _____
Acting City Attorney



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

TO: PLANNING AND ZONING BOARD - MEETING OF AUGUST 2, 2016

FROM: ANNE COX, ASSISTANT DIRECTOR OF PLANNING AND ZONING *AC*

RE: CITY OF PORT ST. LUCIE – CHAPTER 158 ZONING CODE
ZONING CODE TEXT AMENDMENT
PROJECT NO. P16-115

DATE: JULY 25, 2016

The City's Legal Department is preparing a text amendment to Section 158.133 of the Zoning Code regarding Reasonable Accommodation Procedures. The amendment has not been finalized to be presented to the Board at this meeting. Staff requests that the item be tabled to a date not certain.