

RESOLUTION NO. 23-R74

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORT ST. LUCIE, FLORIDA GRANTING A VARIANCE (P22-197) TO THE CITY OF PORT ST. LUCIE LAND USE CONVERSION MANUAL AREA 24 FOR LOT SIZE AND FRONTAGE REQUIREMENTS TO ALLOW THE REZONING OF ONE LOT TO THE SERVICE COMMERCIAL (CS) ZONING DISTRICT THAT WILL RESULT IN AN ISOLATED ADJACENT LOT; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

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**WHEREAS**, James Freese (the “Applicant”) submitted a variance application to obtain a variance from the City of Port St. Lucie Land Use Conversion Manual requirements for Conversion Area 24 for lot size and frontage to allow Lot 12 of Port St. Lucie Section 31 Block 1706 to be rezoned to the Service Commercial Zoning District; and

**WHEREAS**, under the rezoning procedures outlined in the City of Port St. Lucie land Use Conversion Manual, rezoning petitions for the conversion of residentially zoned lots should meet the lots size and frontage requirements and avoid the isolation of lots that are insufficient in size and frontage to meet the performance standards established for a conversion area; and

**WHEREAS**, the City of Port St. Lucie Land Use Conversion Manual Area 24 requires a lot size of 20,000 square feet and frontage of 160 feet; and

**WHEREAS**, this variance application proposes a lot size of 10,000 square feet with 80 feet of frontage; and

**WHEREAS**, if Lot 13 of Port St. Lucie Section 31, Block 1706 is not included in an application to rezone Lot 12, then Lot 13 would become an isolated lot with insufficient size and frontage as identified in Section III of the City of Port St. Lucie Conversion Manual; and

**WHEREAS**, Section VI of the Conversion Manual allows for the party who could create isolated lots by virtue of a conversion to seek a variance from the conversion criteria; and

**WHEREAS**, Policy 1.1.4.12 of the Comprehensive Plan requires variances to the Conversion Manual be reviewed by the Planning and Zoning Board and a recommendation be forwarded to the City Council for approval or denial; and

**WHEREAS**, the City of Port St. Lucie Planning and Zoning Board held a public hearing on June 6, 2023 to consider the variance application (P22-197), notice of said hearing to having been given and advertising of public hearing having been made and recommended denying the variance application (P22-197); and

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**WHEREAS**, the City Council held a public hearing on July 10, 2023, to consider the variance application (P22-197), advertising of the public hearing having been made; and

**WHEREAS**, the City Council has considered the variance application (P22-197) based on substantial and competent evidence, and the City Council has determined that the Applicant's request for a variance is consistent with the variance criteria set forth in Section 158.295(B) of the Zoning Code and the performance standards set forth in section VI of the City of Port St. Lucie Conversion Manual.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF PORT ST. LUCIE, FLORIDA:**

Section 1. Ratification of Recitals. The foregoing recitals are hereby ratified and confirmed as true and correct and are hereby made a part of this Resolution.

Section 2. Approval of Application for Variance. The City Council of the City of Port St. Lucie, Florida hereby grants the variance requested by the Applicant (P22-197).

Section 3. Conflict. If any resolutions, or parts of resolutions, are in conflict herewith, this Resolution shall control to the extent of the conflicting provisions.

Section 4. Severability. The provisions of this Resolution are intended to be severable. If any part of this Resolution is determined to be void or is declared illegal, invalid, or unconstitutional by a Court of competent jurisdiction, the remainder of this Resolution shall remain in full force and effect.

Section 5. Effective Date. This Resolution shall become effective immediately upon adoption.

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**PASSED AND ADOPTED** by the City Council of the City of Port St. Lucie, Florida,  
this 24<sup>th</sup> day of July, 2023.

CITY COUNCIL  
CITY OF PORT ST. LUCIE

By: \_\_\_\_\_  
Shannon Martin, Mayor

ATTEST:

\_\_\_\_\_  
Sally Walsh, City Clerk

APPROVED AS TO FORM:

By: \_\_\_\_\_  
James D. Stokes, City Attorney