

ORDINANCE 05-180

P05-326

COUNCIL ITEM 5-J
DATE 6/13/06

AN ORDINANCE OF THE CITY OF PORT ST. LUCIE, FLORIDA, AMENDING THE COMPREHENSIVE PLAN OF THE CITY OF PORT ST LUCIE TO INCLUDE A LARGE SCALE AMENDMENT TO THE FUTURE LAND USE MAP FOR MCCARTY ROAD, LLC (P05-326), TO CHANGE THE FUTURE LAND USE DESIGNATION FROM 71.532 ACRES OF AG-2.5 (ST. LUCIE COUNTY AGRICULTURAL 2.5) TO RM (CITY OF PORT ST. LUCIE MEDIUM DENSITY RESIDENTIAL) FOR A PARCEL LEGALLY DESCRIBED AS THE SOUTH 1,290.46 FEET OF THE SOUTHWEST 1/4 LYING SOUTH OF PONY PINES UNIT 1, SECTION 9, TOWNSHIP 36 SOUTH, RANGE 39 EAST, LESS THE EAST 46 FEET FOR CANAL RIGHT-OF-WAY AND LESS THE WEST 98 FEET FOR ROAD AND CANAL RIGHT-OF-WAY, ST. LUCIE COUNTY, FLORIDA, LOCATED SOUTH OF MIDWAY ROAD AND EAST OF MCCARTY ROAD BETWEEN PONY PINES AND THE LTC RANCH; PROVIDING THE INVALIDITY OF ANY PORTION SHALL NOT AFFECT THE REMAINING PORTIONS OF THIS ORDINANCE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Port St. Lucie, Florida, has adopted a comprehensive plan known as the City of Port St. Lucie Comprehensive Plan adopted by Ordinance 97-50, as subsequently amended; and

WHEREAS, the City of Port St. Lucie has received an application from G.T. Kelly (McCarty Road, LLC – P05-326) for a large scale amendment to amend the Future Land Use Map of the City of Port St. Lucie Comprehensive Plan, in accordance with Section 163.3187 (1) (c), Florida Statutes, to change approximately 71.532 acres from the future land use designation of AG-2.5 (St. Lucie County Agricultural 2.5) to the future land use classification of RM (City of Port St. Lucie Medium Density Residential), legally described in Exhibit "A" and located south of Midway Road and east of McCarty Road between Pony Pines and the LTC Ranch; and

STATE OF FLORIDA
ST. LUCIE COUNTY
CITY OF PORT ST. LUCIE
THIS IS TO CERTIFY THAT THIS IS A TRUE AND CORRECT COPY OF THE RECORDS ON FILE IN THIS OFFICE
CITY CLERK
DATE 6-22-06
CITY SEAL

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WHEREAS, the City of Port St. Lucie Planning and Zoning Board having been duly designated as the local planning agency pursuant to Section 163.3174 et. Seq., Florida Statutes, and having held a public hearing thereon, has considered this proposed amendment (P05-326) to the Comprehensive Plan and submitted its recommendations thereon to the City Council; and

WHEREAS, having considered the recommendations of the Planning and Zoning Board, The Port St. Lucie City Council has prepared this amendment to the City's Comprehensive Plan as a Large Scale Amendment in accordance with Section 163.3184, Florida Statutes, and the proposed amendment has been reviewed by the Department of Community Affairs; and

WHEREAS, two (2) public hearings with due notice have been held by the City Council to inform the public and receive comments and objections; and

WHEREAS, the Port St. Lucie City Council desires to hereby formally adopt this amendment P05-326 to the City's Comprehensive Plan.

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

Section 1. The Comprehensive Plan of the City of Port St. Lucie is hereby amended in the following respect:

The Future Land Use Map is hereby amended to designate approximately 71.532 acres of land located south of Midway Road and east of McCarty Road between Pony Pines and the LTC Ranch, and legally described in Exhibit "A" by changing the future land use designation from AG-2.5 (St. Lucie County Agricultural 2.5) to the future land use

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classification of RM (City of Port St. Lucie Medium Density Residential) subject to the following conditions:

1. McCarty Road LLC installs or causes to be installed, at its sole cost and expense, the on-site water and wastewater transmission facilities to service the property.
2. McCarty Road LLC agrees to participate in a special assessment district or other similar funding mechanism for the improvement of Midway Road from I-95 west to Okeechobee Road and to pay its fair share of the cost of such improvements.
3. McCarty Road LLC agrees to pay its fair share costs for the improvements to McCarty Road.
4. McCarty Road LLC agrees, if necessary, to dedicate additional right-of-way along McCarty Road.
5. McCarty Road LLC agrees to pay the city \$636,000 as consideration to insure that public facilities (excluding water, waste water and irrigation) exist to serve the property and to provide concurrency for development of the property pursuant to the proposed land use and potential for development of 530 residential units.
6. The payment of a fee to the City of Port St. Lucie, in an amount to be determined by the City of Port St. Lucie, to address the development's impact on the city's park and recreation system.
7. Dedication to the City of Port St. Lucie of 75 feet for a public right-of-way running along the southern boundary of the property where it borders the North Pointe Community (LTC Ranch) for a proposed roadway.

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Section 2. The provisions of the Ordinance are severable and, if any section, sentence, clause or phrase is for one reason held to be unconstitutional, invalid or ineffective, this holding shall not affect the validity of the remaining portions of this Ordinance, it being expressly declared to be the City Council's intent that it would have passed the valid portions of this Ordinance without inclusion of any invalid portion or portions.

Section 3. The effective date of this comprehensive plan amendment shall be the date a final order is issued by the Department of Community Affairs or Administration Commission finding the amendment in compliance in accordance with Section 163.3184, Florida Statutes, whichever occurs earlier. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before it has become effective. If a final order of noncompliance is issued by the Administration Commission, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status, a copy of which resolutions shall be sent to the Department of Community Affairs.

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PASSED AND APPROVED by the City Council of the City of Port St. Lucie, Florida,

this 13th day of June, 2006.



CITY COUNCIL

CITY OF PORT ST. LUCIE, FLORIDA

BY: 

Robert E. Minsky, Mayor

ATTEST:


Karen A. Phillips, City Clerk

APPROVED AS TO FORM: 

Roger G. Orr, City Attorney

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EXHIBIT "A"

LEGAL DESCRIPTION

The South 1290.46 feet of the Southwest 1/4 lying South of PONY PINES UNIT 1, Section 9, Township 36 South, Range 39 East LESS the East 46 feet for canal right-of-way and LESS the West 98 feet for road and canal right-of-way, St. Lucie County, Florida.

PROPERTY ACREAGE

71.532 Acres, more or less.