

RESOLUTION NO. 19-R01

COUNCIL ITEM 11A
DATE 1-14-2019

A RESOLUTION GRANTING A SPECIAL EXCEPTION USE PROVIDED FOR IN SECTION 158.137(C)(3) OF THE CODE OF ORDINANCES, CITY OF PORT ST. LUCIE, TO ALLOW A WIRELESS COMMUNICATION TOWER IN THE UTILITY ZONING DISTRICT (U) FOR ROSSER LAKES, LLC, LEGAL DESCRIPTION A PORTION OF SECTION 26, TOWNSHIP 37 SOUTH, RANGE 39 EAST (P17-241); PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Port St. Lucie, Florida, has been requested by Rosser Lakes, LLC, to grant a special exception use for a wireless communication tower on property presently zoned U (Utility); and legally described as a portion of Section 26, Township 37 South, Range 39 East; and

WHEREAS, the Planning and Zoning Board held a public hearing on December 4, 2018 and made a recommendation on (P17-241); and

WHEREAS, the City Council held a public hearing on January 14, 2019, to consider the special use exception application (P17-241), advertising of the public hearing having been made; and

WHEREAS, the City Council has considered the testimony and evidence, and has determined based on substantial and competent evidence that the proposed special use exception application (P17-241) meets the special exception use requirements set forth in Section 158.260 of the Code, is authorized by Section 158.137(C)(3) of the Code, and that the granting of the special exception use will not adversely affect the public interest.

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

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Section 1. Ratification of Recitals. The Council hereby adopts and ratifies those matters set forth in the foregoing recitals.

Section 2. That the City of Port St. Lucie hereby grants a special exception use to Rosser Lakes, LLC (P17-241), to allow a wireless communication tower, pursuant to Sections 158.255 to 158.262, and Section 158.137(C)(3), Code of Ordinances, City of Port St. Lucie, said special exception use is depicted on the conceptual plan which is hereby formally adopted and attached as Exhibit 'A', to be located on property legally described as a portion of Section 26, Township 37 South, Range 39 East.

Section 3. Conflict. If any resolution, or parts of any resolution, 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 held to be illegal, by a Court of competent jurisdiction the remainder of this Resolution shall remain in full force and effect.

BE IT FURTHER RESOLVED that this Resolution shall become effective immediately upon its adoption.

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PASSED AND APPROVED by the City Council of the City of Port St.

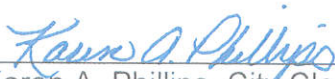
Lucie, Florida, this 14th day of January, 2019.




CITY COUNCIL
CITY OF PORT ST. LUCIE

BY:  _____
Gregory J. Oravec, Mayor

ATTEST:

 _____
Karen A. Phillips, City Clerk

APPROVED AS TO FORM:

 _____
James D. Stokes,
Interim City Attorney