

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORT ST. LUCIE, FLORIDA GRANTING A SPECIAL EXCEPTION USE TO ALLOW A DRIVE-THROUGH, ASSOCIATED WITH A RESTAURANT, IN THE GENERAL COMMERCIAL (CG) ZONING DISTRICT PER SECTION 158.124(C)(13) OF THE PORT ST. LUCIE CODE OF ORDINANCES FOR A PROJECT KNOWN AS STARBUCKS CASHMERE (P23-188); PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Port St. Lucie, Florida, has been requested by Jessica Chan of Kimley-Horn & Associates, Inc., on behalf of Equity One (Florida Portfolio) LLC, the property owner, to grant a special exception to allow a drive-through, associated with a restaurant, in the General Commercial (CG) zoning district per Section 158.124(C)(13) of the Port St. Lucie Code of Ordinances, on property legally described as BankUnited at Cashmere Corners - St. Lucie West Plat No. 188 (PB 59-14), Lot 3A, Parcel 20 (the "Property"); and

WHEREAS, the subject application has been reviewed in accordance with Section 158.260, and meets the special exception use requirements as stipulated; and

WHEREAS, the Planning and Zoning Board held a public hearing on April 2, 2024, to review the special exception use application (P23-188) to determine the suitability of the proposed use at the Property and has submitted its recommendation to the City Council; and

WHEREAS, the City Council held a public hearing on April 22, 2024, to consider the special exception use application (P23-188), advertising of the public hearing having been made; and

WHEREAS, the City Council has considered the special exception use application (P23-188) and, based on substantial and competent evidence, has determined that all of the criteria set forth in Section 158.260 have been met.

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 Special Exception Use. The property owner's application for a special exception use is hereby approved to allow a drive-through, associated with a restaurant in the General Commercial (CG) Zoning District as set forth in Exhibit "A", Conceptual Site Plan, attached hereto with the following condition: 1. Approval of this special

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exception use is conditioned upon the evaluation of a traffic statement that shall be included with the site plan submittal and the enactment of minor modifications to the site plan to fully address any potential issues that may arise from the traffic review, as determined by the Public Works Department. Whether a modification is deemed major or minor shall be determined by the Director of Planning and Zoning. This special exception use shall be null and void in the event that a major modification to the site plan is required.

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.

PASSED AND ADOPTED by the City Council of the City of Port St. Lucie, Florida, this 22nd day of April, 2024.

CITY COUNCIL
CITY OF PORT ST. LUCIE

By: _____
Shannon M. Martin, Mayor

ATTEST:

Sally Walsh, City Clerk

APPROVED AS TO FORM:

By: _____
Richard Berrios, Acting City Attorney