

RESOLUTION NO. 22-R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORT ST. LUCIE, FLORIDA GRANTING A SPECIAL EXCEPTION USE PROVIDED FOR IN SECTION 158.124(C)(13) TO ALLOW A DRIVE-THROUGH SERVICE WINDOW TO BE LOCATED IN THE CG (GENERAL COMMERCIAL) ZONING DISTRICT FOR YANI ENTERPRISES, LLC, LEGAL DESCRIPTION, PORT ST. LUCIE - SECTION 31 - BLK 1704 - LOTS 25, 26, AND 27 (P21-195); PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Port St. Lucie, Florida, has been requested by Stefan Matthes of Culpepper and Terpening, acting as agent for Yani Enterprises, LLC, to grant a special exception use to allow a drive-through service window on property presently zoned CG (General Commercial) pursuant to section 158.124(C)(13) of the Code of Ordinances, City of Port St. Lucie; and on property legally described as Port St. Lucie - Section 31 - Blk 1704 - Lots 25, 26, and 27; 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 December 7, 2021 to review P21-195 and made a recommendation on P21-195; and

WHEREAS, the City Council held a public hearing on January 10, 2022 to consider the special exception use application (P21-195), advertising of the public hearing having been made; and

WHEREAS, the City Council has considered the special exception use application (P21-195) based on substantial and competent evidence and the City Council has determined that the granting of this special exception use is authorized by Sections 158.255 through 158.262, and Section 158.124(C)(13), Code of Ordinances, City of Port St. Lucie, and further that the granting of this 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:

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.

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Section 2. That the City of Port St. Lucie hereby grants a special exception use to Yani Enterprises, LLC, to allow a drive-through service window, as depicted on the conceptual plan attached hereto as Exhibit “A”, and pursuant to Sections 158.255 through 158.262, and Section 158.124(C)(13), Code of Ordinances, City of Port St. Lucie, said special exception use legally described as Port St. Lucie - Section 31 - Blk 1704 - Lots 25, 26, and 27.

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 _____ day of _____, 2022.

CITY COUNCIL
CITY OF PORT ST. LUCIE

BY: _____
Shannon M. Martin, Mayor

ATTEST:

Sally Walsh, City Clerk

APPROVED AS TO FORM:

James D. Stokes,
City Attorney