

RESOLUTION NO. 21-R70

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORT ST. LUCIE, FLORIDA APPROVING A SPECIAL EXCEPTION USE APPLICATION (P21-045) PURSUANT TO SECTION 158.124(C)(10) TO ALLOW FOR THE INSTALLATION AND SERVICING OF AUTOMOTIVE TIRES AND WHEELS IN A GENERAL COMMERCIAL ZONING (CG) DISTRICT; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Dale P. Coyne and Gayle A. Coyne are the Owners of the property known as 10180 S. U.S. Highway 1 in Port St. Lucie, Florida (the “Property”) which is located in a General Commercial Zoning District (CG) (the legal description of the Property is attached hereto as Exhibit “A”); and

WHEREAS, the Owners propose to use the Property to operate a Discount Tire business that sells, installs and services automotive tires and wheels; and

WHEREAS, the retail sale of tires and wheels is a permitted use pursuant to Section 158.124(B)(1) of the City’s Code of Ordinances but Section 158.124(C)(10) provides that the repair and maintenance of vehicles (which encompasses the installation and servicing of tires) is a special exception use that may be permitted only with the approval of City Council; and

WHEREAS, Matthew Johnson, of Halle Properties, LLC, on behalf of the Owners, has applied for a special exception use to allow for the installation and servicing of automotive tires and wheels; and

WHEREAS, the Planning and Zoning Board held a public hearing on June 1, 2021 to review the application to determine the suitability for development of the proposed use at the Property and has submitted its recommendation to City Council that the application be approved; and

WHEREAS, City Council held a public hearing on _____, 2021 to consider the special exception use application (P21-045), advertising of the public hearing having been made; and

WHEREAS, City Council has considered the special exception use application (P21-045) based on substantial and competent evidence and the recommendation of the Planning and Zoning Board, and 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.

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Section 2. Approval of Application for Special Exception Use. The Owners' application for a special exception use is hereby approved to allow for the repair and maintenance of vehicles and, more particularly, the installation and servicing of automotive tires and wheels, at the Property as depicted on the conceptual plan attached hereto as Exhibit "B."

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 ____ day of _____, 2021.

CITY COUNCIL
CITY OF PORT ST. LUCIE

By: _____
Gregory J. Oravec, Mayor

ATTEST:

Sally Walsh, City Clerk

APPROVED AS TO FORM:

James D. Stokes, City Attorney

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EXHIBIT A

LEGAL DESCRIPTION

All that portion of Lot 10, lying East of U.S. Highway No. 1, of Block 4, Section 1, Township 37 South, Range 40 East, St. Lucie County, Florida, of Plat No. 1, St. Lucie Gardens as recorded in Plat Book 1, Page 35 of the Public Records of St. Lucie County, Florida, LESS the North 473 feet and the East 54 feet of said Lot 10 and also LESS the South 40 feet of said Section 1.

