

RESOLUTION NO. 23-

A RESOLUTION APPROVING THE PRELIMINARY AND FINAL PLAT FOR WAWA BECKER WITHIN THE CITY OF PORT ST. LUCIE, FLORIDA ON THE REQUEST OF BECKER, LLC, AND WAWA FLORIDA, LLC; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE (P23-082).

WHEREAS, the City of Port St. Lucie, Florida has been requested by Engineering, Design and Construction, Inc., acting as the agent for Becker, LLC and Wawa Florida, LLC (owners) to approve the preliminary and final plat for Wawa Becker within the City of Port St. Lucie, Florida; and

WHEREAS, there are no required improvements, i.e., roads, drainage, and utility facilities, to be constructed within the platted area by the developer; and

WHEREAS, Wawa Becker plat is a portion of Tract L, Port St. Lucie Section 33 that was created when the parent parcel, Tract L, Port St. Lucie Section 33 was subdivided by the General Development Corporation as the original developer of the City of Port St Lucie, to create three contiguous parcels via metes and bounds lot splits. The lot splits created a .07 acre parcel at the southwest corner of Tract L, Port St. Lucie Section 33 that was deeded to Southern Bell for the location of telecommunications equipment (Parcel ID: 3420-660-0012-010-7), a 3 acre parcel from the southern portion of Tract L, Port St. Lucie Section 33 that was deeded to the City of Port St. Lucie and developed as a stormwater management tract (Parcel ID: 3420-660-0012-020-0) and a 3.80 acre parcel from the northern portion of Tract L, Port St. Lucie Section 33 (Parcel ID: 3420-660-0012-000-4) of which 1.91 acres was acquired by Wawa Florida, LLC (Parcel ID: 3420-660-0012-030-3); and

WHEREAS, Section 156.022 (A) of the Subdivision Code requires the recording of a plat when the applicant or his representative wishes to subdivide land into two parcels; and

WHEREAS, Becker, LLC, and Wawa Florida, LLC, as the owners of the northern portion of Tract L, Port St. Lucie Section 33 (Parcel ID: 3420-660-0012-000-4 and Parcel ID: 3420-660-0012-030-3) wish to obtain site plan approval for development of the unimproved land and have submitted an application to subdivide the northern portion of Tract L, Port St. Lucie

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Section 33 in a manner consistent with the Subdivision Code; and

WHEREAS, Section 156.023 of the Subdivision Code provides for the City Council to grant exceptions from the requirements for subdivision plat approval; and

WHEREAS, Section 156.023 specifically provides that the City Council shall have the power to grant exceptions from the requirements for subdivision approval as may be reasonable and within the general purpose and intent of the provisions for subdivision review and approval of this chapter, if the literal enforcement of one (1) or more provisions of the chapter is impracticable or will exact undue hardship because of peculiar conditions pertaining to the land in question; and

WHEREAS, to require Becker, LLC, and Wawa Florida, LLC, as the owners of the northern portion of Tract L, Port St. Lucie Section (Parcel ID: 3420-660-0012-000-4 and Parcel ID: 3420-660-0012-030-3) to replat the adjacent parcels, Parcel ID: 3420-660-0012-020-0 and Parcel ID: 3420-660-0012-010-7 is impracticable and will create a hardship and serve as an impediment to the development of their parcel since the adjacent parcels are under separate ownership and already developed for stormwater and utility uses; and

WHEREAS, the City recognizes the benefit of development that conforms to City Code; and

WHEREAS, based on substantial and competent evidence, the City Council waives the requirement to replat all of Tract L, Port St. Lucie Section 33, to allow for the replatting of the northern portion of the parcel legally identified as parcels 3420-660-0012-000-4 and 3420-660-0012-030-3; and

WHEREAS, the plat conforms to Section 156, Port St. Lucie City Code, and meets all State requirements for such plats; and

WHEREAS, the Site Plan Review Committee, on May 24, 2023, recommended approval of the final plat (P23-082).

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. Waiver of Section 156.022(A)of the Code. The City Council waives the requirement contained in Section 156.008 of the Subdivision Code for an entire lot, tract, or parcel of land be subdivided and not a part of a lot, tract or parcel of land.

Section 3. That the City Council hereby approves the final plat for Wawa Becker, within the City of Port St. Lucie, Florida, said plat being offered by Becker, LLC, and Wawa Florida, LLC, as owners and title holders of said property and as prepared by Michael T. Owen, Engineering, Design, and Construction, Inc., as designated on the attached Plat.

Section 4. That the Mayor and City Clerk of the City of Port St. Lucie, Florida, are hereby authorized to countersign the said plat so it may be properly recorded in the public records of St. Lucie County, Florida.

Section 5. Conflict. If any resolutions, or parts of resolutions, are in conflict herewith, this Resolution shall control to the extent of the conflicting provisions.

Section 6. 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 7. 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 _____, 2023.

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