

RESOLUTION NO. 23-R125

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORT ST. LUCIE, FLORIDA, GRANTING A SPECIAL EXCEPTION USE TO ALLOW A 150 FOOT MONOPOLE TOWER IN THE MASTER PLANNED UNIT DEVELOPMENT (MPUD) ZONING DISTRICT PER SECTION 2.C.1 OF THE SOUTHERN GROVE MPUD REGULATION BOOK AND SECTION 158.213 OF THE CODE OF ORDINANCES FOR A PROJECT KNOWN AS SOUTHERN GROVE BARON SHOPPES TRADITION CELL TOWER (P23-194); PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Port St. Lucie, Florida, has been requested by Vlada Peterka, Redtail Design Group, Inc., on behalf of PCW Holdings, LLC, property owner(s), to grant a special exception use to allow a 150-foot-tall monopole tower in the Master Planned Unit Development (MPUD) Zoning District, within a Mixed Use Area designation, per Section 2.C.1. of the Southern Grove MPUD Regulation Book and Section 158.213 of the Zoning Code, in the City of Port St. Lucie and on property legally described as Southern Grove Plat No. 28, Parcel 3, according to the plat thereof as recorded in Plat Book 93, Page 22, of the Official Records of St. Lucie County, Florida; 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 May 7, 2024, to review the special exception use application (P23-194) 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 May 28, 2024, to consider the special exception use application (P23-194), advertising of the public hearing having been made; and

WHEREAS, the City Council has considered the special exception use application (P23-194) 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.

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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 a 150-foot-tall monopole tower in the Master Planned Unit Development (MPUD) Zoning District, within a Mixed Use Area designation, as set forth in Exhibit "A" Conceptual Site Plan attached hereto subject to the following conditions of approval:

1. In accordance with Section 158.214 of the Code of Ordinances, interference with the use of radio, television, or telephone broadcasting and reception, as a result of any approved tower or antennae, shall be considered a violation of the special exception approving the tower and may result in the revocation of the special exception. Such interference may further be considered a public nuisance, and the city may order abatement of the same including, but not limited to, requiring removal of the tower.
2. Any obsolete or unused tower shall be removed after twelve (12) months of non-use. A removal bond or irrevocable letter of credit equal to Fifteen thousand dollars (\$15,000.00) shall be required prior to obtaining final site development permits.

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.

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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 28th day of May 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

Exhibit “A”

