

ORDINANCE 26-53

AN ORDINANCE OF THE CITY OF PORT ST. LUCIE, FLORIDA AMENDING THE COMPREHENSIVE PLAN OF THE CITY OF PORT ST. LUCIE TO PROVIDE A LARGE-SCALE AMENDMENT TO THE FUTURE LAND USE MAP AT THE REQUEST OF FOUNDER’S CROSSING, LLC AS FOLLOWS:

(1) CHANGE THE FUTURE LAND USE DESIGNATION FOR PROPERTY LOCATED SOUTH OF MIDWAY ROAD AND WEST OF MCCARTY ROAD FROM APPROXIMATELY 30 ACRES OF RL (LOW DENSITY RESIDENTIAL) TO APPROXIMATELY 18 ACRES OF CG (COMMERCIAL GENERAL) AND APPROXIMATELY 12 ACRES OF ROI (RESIDENTIAL, OFFICE, INSTITUTIONAL);

(2) CHANGE THE FUTURE LAND USE FOR APPROXIMATELY 18 ACRES OF PROPERTY LOCATED SOUTH OF MIDWAY ROAD AND EAST OF MCCARTY ROAD FROM CG (COMMERCIAL GENERAL) TO RL (LOW DENSITY RESIDENTIAL); AND

(3) TO CHANGE THE FUTURE LAND USE FOR APPROXIMATELY 12 ACRES OF LAND LOCATED SOUTH OF MIDWAY ROAD AND EAST OF MCCARTY ROAD FROM ROI (RESIDENTIAL, OFFICE, INSTITUTIONAL) TO RL (LOW DENSITY RESIDENTIAL);

AMENDING CONDITIONS OF APPROVAL SET FORTH IN SECTION 1.B OF ORDINANCE 03-169; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE (P25-113).

WHEREAS, the City of Port St. Lucie, Florida, has adopted a comprehensive plan known as the City of Port St. Lucie Comprehensive Plan adopted by Ordinance 97-50, and subsequently amended via Ordinance 12-19 and Ordinance 20-28; and

WHEREAS, the City is committed to planning and managing the growth of the City; and

WHEREAS, the City has the authority to amend its Comprehensive Plan pursuant to Chapter 163, Part II, Florida Statutes; and

WHEREAS, Founder’s Crossing, LLC, has applied for a large-scale future land use map amendment to amend the land use for the property legally described in **Exhibit “A”** as follows:

(1) changing the future land use for property located south of Midway Road and west of McCarty Road from approximately 30 acres of RL (Low Density Residential) to approximately 18 acres of CG (Commercial General) and approximately 12 acres pf ROI (Residential, Office, Institutional); and

(2) changing the future land use for approximately 18 acres of property located south of

Midway Road and east of McCarty Road from CG (Commercial General) to RL (Low Density Residential); and

(3) changing the future land use for approximately 12 acres of land located south of Midway Road and east of McCarty Road from ROI (Residential, Office, Institutional) to RL (Low Density Residential) (collectively the “2026 Amendment”); and

WHEREAS, the changes to the future land use map are shown with more particularity in attached **Exhibit “B”** hereto; and

WHEREAS, the property that is the subject of the 2026 Amendment is part of a larger 386 acre property known as Founders Crossing PUD located on land that was annexed into the City in 2004 and was the subject of a large scale comprehensive plan amendment adopted on July 19, 2004, Ordinance 03-169, that amended the future land use map from 386 acres of St Lucie County AG-5 and AG 2.5 land uses to 342.6 acres of RL (Low Density Residential) land use, 18 acres of CG (General Commercial) land use, 12 acres of ROI (Residential Office Institutional) land use, and 13.4 acres of OSC (Open Space Conservation) land use (“Initial FLUM Amendment”), subject to specified conditions in Section 1 of Ordinance 03-169 (“Conditions”); and

WHEREAS, the Conditions constitute data and analysis of the availability of facilities and services to support the Initial FLUM Amendment, pursuant to Section 163.3177 and to guide the development of the property; and

WHEREAS, the City and Founders Crossing, LLC, agree it is appropriate to amend the Conditions within Ordinance 03-169 to provide consistency with the modifications to the Future Land Use Map requested by the applicant through the 2026 Amendment that involve property within the area controlled by the Initial FLUM Amendment and its corresponding Conditions; and

WHEREAS, the City of Port St. Lucie Planning and Zoning Board has been duly designated as the local planning agency pursuant to Section 163.3174, et seq., Florida Statutes; and

WHEREAS, the Planning and Zoning Board met on June 2, 2026, at a duly noticed public meeting, and pursuant to the procedures of Chapter 163, Florida Statutes, Part II, reviewed and heard testimony concerning the proposed amendment (P25-113) to the City’s Comprehensive Plan, and submitted its recommendations thereon to the City Council; and

WHEREAS, the City Council held the first reading (Transmittal Hearing) of the Ordinance

at a public hearing on June 22, 2026; and

WHEREAS, the City Council held the second reading (Adoption Hearing) of the Ordinance at a public hearing on _____; and

WHEREAS, having considered the recommendations of the Planning and Zoning Board, the Port St. Lucie City Council has prepared this amendment to the City's Comprehensive Plan as a Large-Scale Amendment in accordance with Section 163.3184, Florida Statutes; and

WHEREAS, the amendment was submitted to and reviewed by the state land planning agency on _____; and

WHEREAS, the said public hearings were held with all required public notice for the purposes of hearing and considering the recommendations and comments of the public, the Local Planning Agency, other public agencies and other jurisdictions prior to final action on the Comprehensive Plan Amendment set forth herein; and

WHEREAS, the City Council of the City of Port St. Lucie desires to amend the Future Land Use Map portion of the Comprehensive Plan and amend the Conditions to guide and control the future development of the City and to preserve, promote and protect the public's health, safety and welfare; and

WHEREAS, the City Council has considered the testimony and evidence, as well as, the recommendations of staff and the Planning and Zoning Board, the City Council has determined that the proposed amendment is consistent with the intent and direction of the City's Comprehensive Plan and wishes to amend the Comprehensive Plan Future Land Use Map and Conditions as provided herein; and

WHEREAS, all conditions required for adoption of this large-scale Comprehensive Plan Amendment have been met, including the necessary hearings and public notices.

NOW, THEREFORE, THE CITY OF PORT ST. LUCIE HEREBY ORDAINS:

Section 1. Ratification of Recitals. The City Council of the City of Port St. Lucie, Florida, hereby adopts and ratifies those matters as set forth in the foregoing recitals.

Section 2. The Comprehensive Plan of the City of Port St. Lucie is hereby amended in the following respect:

A. The Future Land Use Map is hereby amended for the property legally described in attached

Exhibit “A” is hereby amended as follows, and as depicted in Exhibit “B”:

- (i) changing the future land use designation for property located south of Midway Road and west of McCarty Road from approximately 30 acres of RL (Low Density Residential) to approximately 18 acres of CG (Commercial General) and approximately 12 acres of ROI (Residential, Office, Institutional); and
- (ii) changing the future land use for approximately 18 acres of property located South of Midway Road and east of McCarty Road from CG (Commercial General) to RL (Low Density Residential); and
- (iii) changing the future land use for approximately 12 acres of land located south of Midway Road and east of McCarty Road from ROI (Residential, Office, Institutional) to RL (Low Density Residential); and

B. Section 1.B of Ordinance 03-169, involving the Conditions, shall be deleted and replaced with the following:

Development of the above-described property shall be subject to the following:

i. Mobility Requirements.

1. Midway Road Requirements.

- a. The obligations to the County with respect to traffic improvements for Midway Road are as set forth that certain Contribution Agreement entered into by Kenco and St. Lucie County on or about October 28, 2008 and recorded November 17, 2008 in Official Records Book 3033, Page 1644, of the Public Records of St. Lucie County, Florida (“Contribution Agreement”).
- b. A 20’ City Utility easement on the south side of Midway Road will be conveyed to the City in a form reasonably agreeable to the City of Port St. Lucie, if said easement has not already been conveyed to the City, within one hundred twenty (120) days following the issuance of any new PUD¹, or any amendment to the existing PUD, for the Property.

2. McCarty Road Requirements.

¹ For purposes of this Ordinance, new PUD or any amendment to the existing PUD, means any PUD or amendment that modifies, terminates, supersedes or otherwise alters the existing approved PUD memorialized in City Ordinance

- a. To facilitate a better regional network, McCarty Road will be improved from Midway Road approximately one (1) mile south to Newell Road.
 - b. Within thirty-six (36) months following the issuance of any new PUD, or any amendment to the existing PUD, for the Property, commence improvements to McCarty Road from Midway Road approximately one (1) mile immediately south to Newell Road for a two (2) lane roadway, in accordance with standard County road design specifications (“McCarty Road Segment”).
 - c. The McCarty Road Segment must be complete, including but not limited to intersection improvements, including signalization if required by a traffic study, within thirty-six (36) months after the approval of the first residential final plat for the Property, or by the 250th residential building permit, whichever is sooner. For purposes of this section, complete shall mean open to the public for use.
 - d. A 20’ City utility easement on the east side of McCarty Road will be conveyed to the City in a form reasonably agreeable to the City, if said easement has not already been conveyed to the City, within one hundred twenty days (120) following the issuance of any new PUD, or any amendment to the existing PUD, for the Property.
 - e. Use commercially reasonable efforts to secure and convey a 20’ City Utility easement on the west side of the McCarty Road Segment to the City, in a form reasonably agreeable to the City, within one hundred twenty (120) days following the issuance of any new PUD, or any amendment to the existing PUD, for the Property.
 - f. The obligations set forth herein with respect to McCarty Road Segment are in addition to, not in place of, those obligations in favor of the County contained in the Contribution Agreement.
3. Newell Road Requirements.

- a. The right-of-way for Newell Road from the east boundary of the Property to McCarty Road must be conveyed to the City in fee simple no later than one hundred twenty (120) days from approval of any new PUD or any amendment to the existing PUD for the Property.
 - b. Cause the conveyance of the right-of-way segment for Newell Road from the east boundary of the Property east to Wylder Parkway no later than one hundred twenty (120) days from approval of any new PUD or any amendment to the existing PUD for the Property.
 - c. Prior to issuance of any residential building permits (excluding residential building permits issued per the City’s builders’ at-risk policy), the segment of Newell Road from the east Newell Road entrance to the Property, east to Wylder Parkway shall be platted and open to the public as a two (2) lane roadway.
 - d. The segment of Newell Road from the east Newell Road entrance of the Property west to McCarty Road must be open to the public for use as a two (2) lane roadway prior to the issuance of the 250th residential building permit or within 36 months of the approval of the first residential plat within the Property, whichever is earlier.
 - e. Convey a 10’ public utility easement on the north side of the right-of-way of Newell Road to public utilities in a form reasonably agreeable to the City of Port St. Lucie no later than one hundred twenty (120) days from approval of any new PUD or any amendment to the existing PUD for the Property.
4. Mobility System. A comprehensive pedestrian and bicycle system will be provided connecting neighborhoods, commercial, institutional and recreational uses.
5. Public Transit. Transit stop location(s) shall be provided within or adjacent to commercial and institutional land uses.
- ii. Muti-family residential uses (townhomes, apartments or condominiums) shall be located adjacent to commercial uses.

iii. Development located within the OSC (Open Space Conservation) land use area shall be limited to passive recreational uses, and will not negatively impact the creek located within the property. A minimum buffer of 50 feet from the jurisdictional line of the creek will be provided. A community recreation area will be provided adjacent to the creek and the corresponding buffer area.

iv. A 15-acre site for elementary school purposes will be dedicated on the plat to the City of Port St. Lucie, subject to St. Lucie County School District siting criteria. This condition is intended to be addressed by the Second Amendment to Annexation Agreement for the West Creek PUD, dated August 10, 2009, recorded in Official Records Book 3124, Page 549 and the Agreement for Contribution of School Site dated May 26, 2009, recorded in Official Records Book 3096, Page 535, as amended by the First Amendment to Agreement for Contribution of School Site, dated November 17, 2009, recorded in Official Records Book 3152, Page 2000, all of the Public Records of St. Lucie County, Florida. However, to date the conveyance has not occurred consistent with the Agreement and thus the condition has not yet been satisfied.

v. Nothing herein is intended to determine entitlement to impact fee or mobility fee credits. These types of determinations shall be made separately by the City in accordance with the City's Code and applicable Florida law. Notwithstanding the foregoing, the McCarty Road Segment shall not be eligible for credits against mobility fees and no application for credits shall be submitted to the City.

Section 4. Conflict. If any ordinances, or parts of ordinances, or if any sections, or parts of sections, of the ordinances of the City of Port St. Lucie, Florida, are in conflict herewith, this Ordinance shall control to the extent of the conflicting provisions.

Section 5. Severability. The provisions of this Ordinance are intended to be severable. If any provision of this Ordinance is determined to be void or is declared illegal, invalid, or unconstitutional by a Court of competent jurisdiction, the remainder of this Ordinance shall remain in full force and effect.

Section 6. Effective Date. The effective date of this plan amendment shall be as provided by law.

PASSED AND APPROVED by the City Council of the City of Port St. Lucie, Florida, this

_____ day of _____, 2026.

CITY COUNCIL

CITY OF PORT ST. LUCIE, FLORIDA

BY: _____
Shannon M. Martin, Mayor

ATTEST:

Sally Walsh, City Clerk

APPROVED AS TO FORM:

Richard Berrios, Interim City Attorney